

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015

A Bill

HOUSE BILL 1006

4
5 By: Representative Bell

For An Act To Be Entitled

8 AN ACT TO ADOPT THE COMPACT FOR A BALANCED BUDGET;
9 AND FOR OTHER PURPOSES.

Subtitle

12 TO ADOPT THE COMPACT FOR A BALANCED
14 BUDGET.

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. DO NOT CODIFY. The Compact for a Balanced Budget is
20 enacted into law and entered into with all other jurisdictions legally
21 joining in this compact in the form substantially as follows:

"COMPACT FOR A BALANCED BUDGET

23
24
25 THE STATE OF ARKANSAS ENACTS, ADOPTS AND AGREES
26 TO BE BOUND BY THE FOLLOWING COMPACT:

ARTICLE I

DECLARATION OF POLICY, PURPOSE AND INTENT

27
28
29
30
31 Whereas, every State enacting, adopting and agreeing to be bound by this
32 Compact intends to ensure that their respective Legislature's use of the
33 power to originate a Balanced Budget Amendment under Article V of the
34 Constitution of the United States will be exercised conveniently and with
35 reasonable certainty as to the consequences thereof.



1 Now, therefore, in consideration of their expressed mutual promises and
2 obligations, be it enacted by every State enacting, adopting and agreeing to
3 be bound by this Compact, and resolved by each of their respective
4 Legislatures, as the case may be, to exercise herewith all of their
5 respective powers as set forth herein notwithstanding any law to the
6 contrary.

7
8 ARTICLE II
9 DEFINITIONS

10
11 Section 1. "Compact" means this "Compact for a Balanced Budget."
12

13 Section 2. "Convention" means the convention for proposing amendments
14 organized by this Compact under Article V of the Constitution of the United
15 States and, where contextually appropriate to ensure the terms of this
16 Compact are not evaded, any other similar gathering or body, which might be
17 organized as a consequence of Congress receiving the application set out in
18 this Compact and claim authority to propose or effectuate any amendment,
19 alteration or revision to the Constitution of the United States. This term
20 does not encompass a convention for proposing amendments under Article V of
21 the Constitution of the United States that is organized independently of this
22 Compact based on the separate and distinct application of any State.

23
24 Section 3. "State" means one of the several States of the United
25 States. Where contextually appropriate, the term "State" shall be construed
26 to include all of its branches, departments, agencies, political
27 subdivisions, and officers and representatives acting in their official
28 capacity.

29
30 Section 4. "Member State" means a State that has enacted, adopted and
31 agreed to be bound to this Compact. For any State to qualify as a Member
32 State with respect to any other State under this Compact, each such State
33 must have enacted, adopted and agreed to be bound by substantively identical
34 compact legislation.

35
36 Section 5. "Compact Notice Recipients" means the Archivist of the

1 United States, the President of the United States, the President of the
2 United States Senate, the Office of the Secretary of the United States
3 Senate, the Speaker of the United States House of Representatives, the Office
4 of the Clerk of the United States House of Representatives, the chief
5 executive officer of each State, and the presiding officer(s) of each house
6 of the Legislatures of the several States.

7
8 Section 6. Notice. All notices required by this Compact shall be by
9 U.S. Certified Mail, return receipt requested, or an equivalent or superior
10 form of notice, such as personal delivery documented by evidence of actual
11 receipt.

12
13 Section 7. "Balanced Budget Amendment" means the following:

14 "Article ___

15
16 Section 1. Total outlays of the government of the United States
17 shall not exceed total receipts of the government of the United States at any
18 point in time unless the excess of outlays over receipts is financed
19 exclusively by debt issued in strict conformity with this article.

20
21 Section 2. Outstanding debt shall not exceed authorized debt,
22 which initially shall be an amount equal to 105 percent of the outstanding
23 debt on the effective date of this article. Authorized debt shall not be
24 increased above its aforesaid initial amount unless such increase is first
25 approved by the legislatures of the several states as provided in Section 3.

26
27 Section 3. From time to time, Congress may increase authorized
28 debt to an amount in excess of its initial amount set by Section 2 only if it
29 first publicly refers to the legislatures of the several states an
30 unconditional, single subject measure proposing the amount of such increase,
31 in such form as provided by law, and the measure is thereafter publicly and
32 unconditionally approved by a simple majority of the legislatures of the
33 several states, in such form as provided respectively by state law; provided
34 that no inducement requiring an expenditure or tax levy shall be demanded,
35 offered or accepted as a quid pro quo for such approval. If such approval is
36 not obtained within sixty (60) calendar days after referral then the measure

1 shall be deemed disapproved and the authorized debt shall thereby remain
2 unchanged.

3
4 Section 4. Whenever the outstanding debt exceeds 98 percent of
5 the debt limit set by Section 2, the President shall enforce said limit by
6 publicly designating specific expenditures for impoundment in an amount
7 sufficient to ensure outstanding debt shall not exceed the authorized debt.
8 Said impoundment shall become effective thirty (30) days thereafter, unless
9 Congress first designates an alternate impoundment of the same or greater
10 amount by concurrent resolution, which shall become immediately effective.
11 The failure of the President to designate or enforce the required impoundment
12 is an impeachable misdemeanor. Any purported issuance or incurrence of any
13 debt in excess of the debt limit set by Section 2 is void.

14
15 Section 5. No bill that provides for a new or increased general
16 revenue tax shall become law unless approved by a two-thirds roll call vote
17 of the whole number of each House of Congress. However, this requirement
18 shall not apply to any bill that provides for a new end user sales tax which
19 would completely replace every existing income tax levied by the government
20 of the United States; or for the reduction or elimination of an exemption,
21 deduction, or credit allowed under an existing general revenue tax.

22
23 Section 6. For purposes of this article, “debt” means any
24 obligation backed by the full faith and credit of the government of the
25 United States; “outstanding debt” means all debt held in any account and by
26 any entity at a given point in time; “authorized debt” means the maximum
27 total amount of debt that may be lawfully issued and outstanding at any
28 single point in time under this article; “total outlays of the government of
29 the United States” means all expenditures of the government of the United
30 States from any source; “total receipts of the government of the United
31 States” means all tax receipts and other income of the government of the
32 United States, excluding proceeds from its issuance or incurrence of debt or
33 any type of liability; “impoundment” means a proposal not to spend all or
34 part of a sum of money appropriated by Congress; and “general revenue tax”
35 means any income tax, sales tax, or value-added tax levied by the government
36 of the United States excluding imposts and duties.

1
2 Section 7. This article is immediately operative upon
3 ratification, self-enforcing, and Congress may enact conforming legislation
4 to facilitate enforcement.”

5
6 ARTICLE III

7 COMPACT MEMBERSHIP AND WITHDRAWAL
8

9 Section 1. This Compact governs each Member State to the fullest extent
10 permitted by their respective constitutions, superseding and repealing any
11 conflicting or contrary law.
12

13 Section 2. By becoming a Member State, each such State offers, promises
14 and agrees to perform and comply strictly in accordance with the terms and
15 conditions of this Compact, and has made such offer, promise and agreement in
16 anticipation and consideration of, and in substantial reliance upon, such
17 mutual and reciprocal performance and compliance by each other current and
18 future Member State, if any. Accordingly, in addition to having the force of
19 law in each Member State upon its respective effective date, this Compact and
20 each of its Articles shall also be construed as contractually binding each
21 Member State when: (a) at least one other State has likewise become a Member
22 State by enacting substantively identical legislation adopting and agreeing
23 to be bound by this Compact; and (b) notice of such State’s Member State
24 status is or has been seasonably received by the Compact Administrator, if
25 any, or otherwise by the chief executive officer of each other Member State.
26

27 Section 3. For purposes of determining Member State status under this
28 Compact, as long as all other provisions of the Compact remain identical and
29 operative on the same terms, legislation enacting, adopting and agreeing to
30 be bound by this Compact shall be deemed and regarded as “substantively
31 identical” with respect to such other legislation enacted by another State
32 notwithstanding: (a) any difference in section 2 of Article IV with specific
33 regard to the respectively enacting State’s own method of appointing its
34 member to the Commission; (b) any difference in section 5 of Article IV with
35 specific regard to the respectively enacting State’s own obligation to fund
36 the Commission; (c) any difference in sections 1 and 2 of Article VI with

1 specific regard to the number and identity of each delegate respectively
2 appointed on behalf of the enacting State, provided that no more than three
3 delegates may attend and participate in the Convention on behalf of any
4 State; or (d) any difference in section 7 of Article X with specific regard
5 to the respectively enacting State as to whether section 1 of Article V of
6 this Compact shall survive termination of the Compact, and thereafter become
7 a continuing resolution of the Legislature of such State applying to Congress
8 for the calling of a convention of the states under Article V of the
9 Constitution of the United States, under such terms and limitations as may be
10 specified by such State.

11
12 Section 4. When fewer than three-fourths of the States are Member
13 States, any Member State may withdraw from this Compact by enacting
14 appropriate legislation, as determined by state law, and giving notice of
15 such withdrawal to the Compact Administrator, if any, or otherwise to the
16 chief executive officer of each other Member State. A withdrawal shall not
17 affect the validity or applicability of the compact with respect to remaining
18 Member States, provided that there remain at least two such States. However,
19 once at least three-fourths of the States are Member States, then no Member
20 State may withdraw from the Compact prior to its termination absent unanimous
21 consent of all Member States.

22 23 ARTICLE IV

24 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

25
26 Section 1. Nature of the Compact Commission. The Compact Commission
27 ("Commission") is hereby established. It has the power and duty: (a) to
28 appoint and oversee a Compact Administrator; (b) to encourage States to join
29 the Compact and Congress to call the Convention in accordance with this
30 Compact; (c) to coordinate the performance of obligations under the Compact;
31 (d) to oversee the Convention's logistical operations as appropriate to
32 ensure this Compact governs its proceedings; (e) to oversee the defense and
33 enforcement of the Compact in appropriate legal venues; (f) to request funds
34 and to disburse those funds to support the operations of the Commission,
35 Compact Administrator, and Convention; and (g) to cooperate with any entity
36 that shares a common interest with the Commission and engages in policy

1 research, public interest litigation or lobbying in support of the purposes
2 of the Compact. The Commission shall only have such implied powers as are
3 essential to carrying out these express powers and duties. It shall take no
4 action that contravenes or is inconsistent with this Compact or any law of
5 any State that is not superseded by this Compact. It may adopt and publish
6 corresponding bylaws and policies.

7
8 Section 2. Commission Membership. The Commission initially consists of
9 three unpaid members. Each Member State may appoint one member to the
10 Commission through an appointment process to be determined by their
11 respective chief executive officer until all positions on the Commission are
12 filled. Positions shall be assigned to appointees in the order in which their
13 respective appointing States became Member States. The bylaws of the
14 Commission may expand its membership to include representatives of additional
15 Member States and to allow for modest salaries and reimbursement of expenses
16 if adequate funding exists.

17
18 Section 3. Commission Action. Each Commission member is entitled to one
19 vote. The Commission shall not act unless a majority of its appointed
20 membership is present, and no action shall be binding unless approved by a
21 majority of the Commission's appointed membership. The Commission shall meet
22 at least once a year, and may meet more frequently.

23
24 Section 4. First Order of Business. The Commission shall at the
25 earliest possible time elect from among its membership a Chairperson,
26 determine a primary place of doing business, and appoint a Compact
27 Administrator.

28
29 Section 5. Funding. The Commission and the Compact Administrator's
30 activities shall be funded exclusively by each Member State, as determined by
31 their respective state law, or by voluntary donations.

32
33 Section 6. Compact Administrator. The Compact Administrator has the
34 power and duty: (a) to timely notify the States of the date, time and
35 location of the Convention; (b) to organize and direct the logistical
36 operations of the Convention; (c) to maintain an accurate list of all Member

1 States, their appointed delegates, including contact information; and (d) to
2 formulate, transmit, and maintain all official notices, records, and
3 communications relating to this Compact. The Compact Administrator shall only
4 have such implied powers as are essential to carrying out these express
5 powers and duties; and shall take no action that contravenes or is
6 inconsistent with this Compact or any law of any State that is not superseded
7 by this Compact. The Compact Administrator serves at the pleasure of the
8 Commission and must keep the Commission seasonably apprised of the
9 performance or nonperformance of the terms and conditions of this Compact.
10 Any notice sent by a Member State to the Compact Administrator concerning
11 this Compact shall be adequate notice to each other Member State provided
12 that a copy of said notice is seasonably delivered by the Compact
13 Administrator to each other Member State's respective chief executive
14 officer.

15
16 Section 7. Notice of Key Events. Upon the occurrence of each of the
17 following described events, or otherwise as soon as possible, the Compact
18 Administrator shall immediately send the following notices to all Compact
19 Notice Recipients, together with certified conforming copies of the chartered
20 version of this Compact as maintained in the statutes of each Member State:
21 (a) whenever any State becomes a Member State, notice of that fact shall be
22 given; (b) once at least three-fourths of the States are Member States,
23 notice of that fact shall be given together with a statement declaring that
24 the Legislatures of at least two-thirds of the several States have applied
25 for a convention for proposing amendments under Article V of the Constitution
26 of the United States, petitioning Congress to call the Convention
27 contemplated by this Compact, and further requesting cooperation in
28 organizing the same in accordance with this Compact; (c) once Congress has
29 called the Convention contemplated by this Compact, and whenever the date,
30 time and location of the Convention has been determined, notice of that fact
31 shall be given together with the date, time and location of the Convention
32 and other essential logistical matters; (d) upon approval of the Balanced
33 Budget Amendment by the Convention, notice of that fact shall be given
34 together with the transmission of certified copies of such approved proposed
35 amendment and a statement requesting Congress to refer the same for
36 ratification by three-fourths of the Legislatures of the several States under

1 Article V of the Constitution of the United States (however, in no event
2 shall any proposed amendment other than the Balanced Budget Amendment be
3 transmitted); and (e) when any Article of this Compact prospectively
4 ratifying the Balanced Budget Amendment is effective in any Member State,
5 notice of the same shall be given together with a statement declaring such
6 ratification and further requesting cooperation in ensuring that the official
7 record confirms and reflects the effective corresponding amendment to the
8 Constitution of the United States. However, whenever any Member State enacts
9 appropriate legislation, as determined by the laws of the respective state,
10 withdrawing from this Compact, the Compact Administrator shall immediately
11 send certified conforming copies of the chaptered version of such withdrawal
12 legislation as maintained in the statutes of each such withdrawing Member
13 State, solely to each chief executive officer of each remaining Member State,
14 giving notice of such withdrawal.

15
16 Section 8. Cooperation. The Commission, Member States and Compact
17 Administrator shall cooperate with each other and give each other mutual
18 assistance in enforcing this Compact and shall give the chief law enforcement
19 officer of each other Member State any information or documents that are
20 reasonably necessary to facilitate the enforcement of this Compact.

21
22 Section 9. This Article does not take effect until there are at least
23 two Member States.

24 25 ARTICLE V

26 RESOLUTION APPLYING FOR CONVENTION

27
28 Section 1. Be it resolved, as provided for in Article V of the
29 Constitution of the United States, the Legislature of each Member State
30 herewith applies to Congress for the calling of a convention for proposing
31 amendments limited to the subject matter of proposing for ratification the
32 Balanced Budget Amendment.

33
34 Section 2. Congress is further petitioned to refer the Balanced Budget
35 Amendment to the States for ratification by three-fourths of their respective
36 Legislatures.

1
2 Section 3. This Article does not take effect until at least three-
3 fourths of the several States are Member States.

4
5 ARTICLE VI

6 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

7
8 Section 1. Number of Delegates. Each Member State shall be entitled to
9 one delegate as its sole and exclusive representative at the Convention as
10 set forth in this Article.

11
12 Section 2. Identity of Delegates. Each Member State's chief executive
13 officer, who is serving on the enactment date of this Compact, is appointed
14 in an individual capacity to represent his or her respective State at the
15 Convention as its sole and exclusive delegate.

16
17 Section 3. Replacement or Recall of Delegates. A delegate appointed
18 hereunder may be replaced or recalled by the Legislature of his or her
19 respective State at any time for good cause, such as criminal misconduct or
20 the violation of this Compact. If replaced or recalled, any delegate
21 previously appointed hereunder must immediately vacate the Convention and
22 return to their respective State's capitol.

23
24 Section 4. Oath. The power and authority of a delegate under this
25 Article may only be exercised after the Convention is first called by
26 Congress in accordance with this Compact and such appointment is duly
27 accepted by such appointee publicly taking the following oath or affirmation:
28 "I do solemnly swear (or affirm) that I accept this appointment and will act
29 strictly in accordance with the terms and conditions of the Compact for a
30 Balanced Budget, the Constitution of the State I represent, and the
31 Constitution of the United States. I understand that violating this oath (or
32 affirmation) forfeits my appointment and may subject me to other penalties as
33 provided by law."

34
35 Section 5. Term. The term of a delegate hereunder commences upon
36 acceptance of appointment and terminates upon the permanent adjournment of

1 the Convention, unless shortened by recall, replacement or forfeiture under
2 this Article. Upon expiration of such term, any person formerly serving as a
3 delegate must immediately withdraw from and cease participation at the
4 Convention, if any is proceeding.

5
6 Section 6. Delegate Authority. The power and authority of any delegate
7 appointed hereunder is strictly limited: (a) to introducing, debating, voting
8 upon, proposing and enforcing the Convention Rules specified in this Compact,
9 as needed to ensure those rules govern the Convention; and (b) to
10 introducing, debating, voting upon, and rejecting or proposing for
11 ratification the Balanced Budget Amendment. All actions taken by any
12 delegate in violation of this section are void ab initio.

13
14 Section 7. Delegate Authority. No delegate of any Member State may
15 introduce, debate, vote upon, reject or propose for ratification any
16 constitutional amendment at the Convention unless: (a) the Convention Rules
17 specified in this Compact govern the Convention and their actions; and (b)
18 the constitutional amendment is the Balanced Budget Amendment.

19
20 Section 8. Delegate Authority. The power and authority of any delegate
21 at the Convention does not include any power or authority associated with any
22 other public office held by the delegate. Any person appointed to serve as a
23 delegate shall take a temporary leave of absence, or otherwise shall be
24 deemed temporarily disabled, from any other public office held by the
25 delegate while attending the Convention, and may not exercise any power or
26 authority associated with any other public office held by the delegate, while
27 attending the Convention. All actions taken by any delegate in violation of
28 this section are void ab initio.

29
30 Section 9. Order of Business. Before introducing, debating, voting
31 upon, rejecting or proposing for ratification any constitutional amendment at
32 the Convention, each delegate of every Member State must first ensure the
33 Convention Rules in this Compact govern the Convention and their actions.
34 Every delegate and each Member State must immediately vacate the Convention
35 and notify the Compact Administrator by the most effective and expeditious
36 means if the Convention Rules in this Compact are not adopted to govern the

1 Convention and their actions.

2
3 Section 10. Forfeiture of Appointment. If any Member State or delegate
4 violates any provision of this Compact, then every delegate of that Member
5 State immediately forfeits his or her appointment, and shall immediately
6 cease participation at the Convention, vacate the Convention, and return to
7 his or her respective State's capitol.

8
9 Section 11. Expenses. A delegate appointed hereunder is entitled to
10 reimbursement of reasonable expenses for attending the Convention from his or
11 her respective Member State. No delegate may accept any other form of
12 remuneration or compensation for service under this Compact.

13
14 ARTICLE VII
15 CONVENTION RULES

16
17 Section 1. Nature of the Convention. The Convention shall be organized,
18 construed and conducted as a body exclusively representing and constituted by
19 the several States.

20
21 Section 2. Agenda of the Convention. The agenda of the Convention shall
22 be entirely focused upon and exclusively limited to introducing, debating,
23 voting upon, and rejecting or proposing for ratification the Balanced Budget
24 Amendment under the Convention Rules specified in this Article and in
25 accordance with the Compact. It shall not be in order for the Convention to
26 consider any matter that is outside the scope of this agenda.

27
28 Section 3. Delegate Identity and Procedure. States shall be represented
29 at the Convention through duly appointed delegates. The number, identity and
30 authority of delegates assigned to each State shall be determined by this
31 Compact in the case of Member States or, in the case of States that are not
32 Member States, by their respective state laws. However, to prevent disruption
33 of proceedings, no more than three delegates may attend and participate in
34 the Convention on behalf of any State. A certified chaptered conforming copy
35 of this Compact, together with government-issued photographic proof of
36 identification, shall suffice as credentials for delegates of Member States.

1 Any commission for delegates of States that are not Member States shall be
2 based on their respective state laws, but it shall furnish credentials that
3 are at least as reliable as those required of Member States.
4

5 Section 4. Voting. Each State represented at the Convention shall have
6 one vote, exercised by the vote of that State's delegate in the case of
7 States represented by one delegate, or, in the case of any State that is
8 represented by more than one delegate, by the majority vote of that State's
9 respective delegates.
10

11 Section 5. Quorum. A majority of the several States of the United
12 States, each present through its respective delegate in the case of any State
13 that is represented by one delegate, or through a majority of its respective
14 delegates, in the case of any State that is represented by more than one
15 delegate, shall constitute a quorum for the transaction of any business on
16 behalf of the Convention.
17

18 Section 6. Action by the Convention. The Convention shall only act as a
19 committee of the whole, chaired by the delegate representing the first State
20 to have become a Member State, if that State is represented by one delegate,
21 or otherwise by the delegate chosen by the majority vote of that State's
22 respective delegates. The transaction of any business on behalf of the
23 Convention, including the designation of a Secretary, the adoption of
24 parliamentary procedures and the rejection or proposal of any constitutional
25 amendment, requires a quorum to be present and a majority affirmative vote of
26 those States constituting the quorum.
27

28 Section 7. Emergency Suspension and Relocation of the Convention. In
29 the event that the Chair of the Convention declares an emergency due to
30 disorder or an imminent threat to public health and safety prior to the
31 completion of the business on the Agenda, and a majority of the States
32 present at the Convention do not object to such declaration, further
33 Convention proceedings shall be temporarily suspended, and the Commission
34 shall subsequently relocate or reschedule the Convention to resume
35 proceedings in an orderly fashion in accordance with the terms and conditions
36 of this Compact with prior notice given to the Compact Notice Recipients.

1
2 Section 8. Parliamentary Procedure. In adopting, applying and
3 formulating parliamentary procedure, the Convention shall exclusively adopt,
4 apply or appropriately adapt provisions of the most recent editions of
5 Robert's Rules of Order and the American Institute of Parliamentarians
6 Standard Code of Parliamentary Procedure. In adopting, applying or adapting
7 parliamentary procedure, the Convention shall exclusively consider analogous
8 precedent arising within the jurisdiction of the United States. Parliamentary
9 procedures adopted, applied or adapted pursuant to this section shall not
10 obstruct, override or otherwise conflict with this Compact.

11
12 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment
13 by the Convention to propose for ratification, the Chair of the Convention
14 shall immediately transmit certified copies of such approved proposed
15 amendment to the Compact Administrator and all Compact Notice Recipients,
16 notifying them respectively of such approval and requesting Congress to refer
17 the same for ratification by the States under Article V of the Constitution
18 of the United States. However, in no event shall any proposed amendment other
19 than the Balanced Budget Amendment be transmitted as aforesaid.

20
21 Section 10. Transparency. Records of the Convention, including the
22 identities of all attendees and detailed minutes of all proceedings, shall be
23 kept by the Chair of the Convention or Secretary designated by the
24 Convention. All proceedings and records of the Convention shall be open to
25 the public upon request subject to reasonable regulations adopted by the
26 Convention that are closely tailored to preventing disruption of proceedings
27 under this Article.

28
29 Section 11. Adjournment of the Convention. The Convention shall
30 permanently adjourn upon the earlier of twenty-four (24) hours after
31 commencing proceedings under this Article or the completion of the business
32 on its Agenda.

33
34 ARTICLE VIII

35 PROHIBITION ON ULTRA VIRES CONVENTION

36

1 Section 1. Member States shall not participate in the Convention
 2 unless: (a) Congress first calls the Convention in accordance with this
 3 Compact; and (b) the Convention Rules of this Compact are adopted by the
 4 Convention as its first order of business.

5
 6 Section 2. Any proposal or action of the Convention is void ab initio
 7 and issued by a body that is conducting itself in an unlawful and ultra vires
 8 fashion if that proposal or action: (a) violates or was approved in violation
 9 of the Convention Rules or the delegate instructions and limitations on
 10 delegate authority specified in this Compact; (b) purports to propose or
 11 effectuate a mode of ratification that is not specified in Article V of the
 12 Constitution of the United States; or (c) purports to propose or effectuate
 13 the formation of a new government. All Member States are prohibited from
 14 advancing or assisting in the advancement of any such proposal or action.

15
 16 Section 3. Member States shall not ratify or otherwise approve any
 17 proposed amendment, alteration or revision to the Constitution of the United
 18 States, which originates from the Convention, other than the Balanced Budget
 19 Amendment.

20
 21 ARTICLE IX
 22 RESOLUTION PROSPECTIVELY RATIFYING THE
 23 BALANCED BUDGET AMENDMENT

24
 25 Section 1. Each Member State, by and through its respective
 26 Legislature, hereby adopts and ratifies the Balanced Budget Amendment.

27
 28 Section 2. This Article does not take effect until Congress effectively
 29 refers the Balanced Budget Amendment to the States for ratification by three-
 30 fourths of the Legislatures of the several States under Article V of the
 31 Constitution of the United States.

32
 33 ARTICLE X
 34 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

35
 36 Section 1. To the extent that the effectiveness of this Compact or any

1 of its Articles or provisions requires the alteration of local legislative
2 rules, drafting policies, or procedure to be effective, the enactment of
3 legislation enacting, adopting and agreeing to be bound by this Compact shall
4 be deemed to waive, repeal, supersede, or otherwise amend and conform all
5 such rules, policies or procedures to allow for the effectiveness of this
6 Compact to the fullest extent permitted by the constitution of any affected
7 Member State.

8
9 Section 2. Date and Location of the Convention. Unless otherwise
10 specified by Congress in its call, the Convention shall be held in Dallas,
11 Texas and commence proceedings at 9:00 a.m. Central Standard Time on the
12 sixth Wednesday after the latter of the effective date of Article V of this
13 Compact or the enactment date of the Congressional resolution calling the
14 Convention.

15
16 Section 3. In addition to all other powers and duties conferred by
17 state law which are consistent with the terms and conditions of this Compact,
18 the chief law enforcement officer of each Member State is empowered to defend
19 the Compact from any legal challenge, as well as to seek civil mandatory and
20 prohibitory injunctive relief to enforce this Compact; and shall take such
21 action whenever the Compact is challenged or violated.

22
23 Section 4. The exclusive venue for all actions in any way arising under
24 this Compact shall be in the United States District Court for the Northern
25 District of Texas or the courts of the State of Texas within the
26 jurisdictional boundaries of the foregoing district court. Each Member State
27 shall submit to the jurisdiction of said courts with respect to such actions.
28 However, upon written request by the chief law enforcement officer of any
29 Member State, the Commission may elect to waive this provision for the
30 purpose of ensuring an action proceeds in the venue that allows for the most
31 convenient and effective enforcement or defense of this Compact. Any such
32 waiver shall be limited to the particular action to which it is applied and
33 not construed or relied upon as a general waiver of this provision. The
34 waiver decisions of the Commission under this provision shall be final and
35 binding on each Member State.

36

1 Section 5. The effective date of this Compact and any of its Articles
2 is the latter of: (a) the date of any event rendering the same effective
3 according to its respective terms and conditions; or (b) the earliest date
4 otherwise permitted by law.

5
6 Section 6. Article VIII of this Compact is hereby deemed non-severable
7 prior to termination of the Compact. However, if any other phrase, clause,
8 sentence or provision of this Compact, or the applicability of any other
9 phrase, clause, sentence or provision of this Compact to any government,
10 agency, person or circumstance, is declared in a final judgment to be
11 contrary to the Constitution of the United States, contrary to the state
12 constitution of any Member State, or is otherwise held invalid by a court of
13 competent jurisdiction, such phrase, clause, sentence or provision shall be
14 severed and held for naught, and the validity of the remainder of this
15 Compact and the applicability of the remainder of this Compact to any
16 government, agency, person or circumstance shall not be affected.
17 Furthermore, if this Compact is declared in a final judgment by a court of
18 competent jurisdiction to be entirely contrary to the state constitution of
19 any Member State or otherwise entirely invalid as to any Member State, such
20 Member State shall be deemed to have withdrawn from the Compact, and the
21 Compact shall remain in full force and effect as to any remaining Member
22 State. Finally, if this Compact is declared in a final judgment by a court of
23 competent jurisdiction to be wholly or substantially in violation of Article
24 I, Section 10, of the Constitution of the United States, then it shall be
25 construed and enforced solely as reciprocal legislation enacted by the
26 affected Member State(s).

27
28 Section 7. Termination. This Compact shall terminate and be held for
29 naught when the Compact is fully performed and the Constitution of the United
30 States is amended by the Balanced Budget Amendment. However, notwithstanding
31 anything to the contrary set forth in this Compact, in the event such
32 amendment does not occur within seven (7) years after the first State passes
33 legislation enacting, adopting and agreeing to be bound to this Compact, the
34 Compact shall terminate as follows: (a) the Commission shall dissolve and
35 wind up its operations within ninety (90) days thereafter, with the Compact
36 Administrator giving notice of such dissolution and the operative effect of

1 this section to the Compact Notice Recipients; and (b) upon the completed
2 dissolution of the Commission, this Compact shall be deemed terminated,
3 repealed, void ab initio, and held for naught."

4
5 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that it is in the best interests of
7 the state that Arkansas be able to appoint a member of the Compact Commission
8 so that the state has a pivotal role in overseeing the constitutional
9 amendment process initiated by the Compact for a Balanced Budget and working
10 with the United States Congress in supporting the passage of a resolution to
11 activate the amendment process; that only the first three Member States are
12 allowed to appoint a member of the Compact Commission; that there are already
13 two Member States; that Arkansas must adopt the Compact for a Balanced Budget
14 to become a Member State and be eligible to appoint a member to the Compact
15 Commission; that Congress is expected to vote on a resolution to activate the
16 Compact for a Balanced Budget between January 2015 and May 2015, and it is
17 anticipated that numerous states will quickly join the Compact for a Balanced
18 Budget as a result; and that this act is immediately necessary because
19 Arkansas must act quickly to ensure it becomes the third and final Member
20 State to be able to appoint a member of the Compact Commission. Therefore, an
21 emergency is declared to exist, and this act being immediately necessary for
22 the preservation of the public peace, health, and safety shall become
23 effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.