

SENATE FILE NO. SF0105

Balanced budget compact and resolution-2.

Sponsored by: Senator(s) Boner, Barnard, Case, Christensen,
Driskill, Hicks and Peterson and
Representative(s) Allen, Barlow, Laursen,
Lindholm and Winters

A BILL

for

1 AN ACT relating to administration of government; adopting
2 the Compact for a Balanced Budget as provided; providing
3 for the proposal and ratification of a balanced budget
4 amendment to the constitution of the United States as
5 specified; providing for powers, duties and procedures
6 relative to the compact; making a continuing application
7 for a convention to propose a balanced federal budget
8 amendment; providing definitions; and providing for an
9 effective date.

10

11 *Be It Enacted by the Legislature of the State of Wyoming:*

12

13 **Section 1.** W.S. 9-21-101 and 9-21-102 are created to
14 read:

1

2

CHAPTER 21

3

COMPACT FOR A BALANCED BUDGET

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5

9-21-101. Short title.

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This act may be cited as the "Compact for a Balanced

8

Budget."

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10

9-21-102. Compact for a balanced budget.

11

12

The state of Wyoming enacts, adopts and agrees to be bound

13

by the following Compact:

14

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ARTICLE I

16

DECLARATION OF POLICY, PURPOSE AND INTENT

17

18

Whereas, every State enacting, adopting and agreeing

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to be bound by this Compact intends to ensure that their

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respective Legislature's use of the power to originate a

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Balanced Budget Amendment under Article V of the

22

Constitution of the United States will be exercised

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conveniently and with reasonable certainty as to the

1 consequences thereof.

2

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

10

11 ARTICLE II

12 DEFINITIONS

13

14 Section 1. "Compact" means this "Compact for a Balanced
15 Budget."

16

17 Section 2. "Convention" means the convention for proposing
18 amendments organized by this Compact under Article V of the
19 Constitution of the United States and, where contextually
20 appropriate to ensure the terms of this Compact are not
21 evaded, any other similar gathering or body, which might be
22 organized as a consequence of Congress receiving the
23 application set out in this Compact and claim authority to

1 propose or effectuate any amendment, alteration or revision
2 to the Constitution of the United States. This term does
3 not encompass a convention for proposing amendments under
4 Article V of the Constitution of the United States that is
5 organized independently of this Compact based on the
6 separate and distinct application of any State.

7

8 Section 3. "State" means one of the several State of the
9 United States. Where contextually appropriate, the term "
10 State " shall be construed to include all of its branches,
11 departments, agencies, political subdivisions, and officers
12 and representatives acting in their official capacity.

13

14 Section 4. "Member State " means a State that has enacted,
15 adopted and agreed to be bound to this Compact. For any
16 State to qualify as a Member State with respect to any
17 other State under this Compact, each such State must have
18 enacted, adopted and agreed to be bound by substantively
19 identical compact legislation.

20

21 Section 5. "Compact Notice Recipients" means the Archivist
22 of the United States, the President of the United States,
23 the President of the United States Senate, the Office of

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

7

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

12

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

14

15 "Article __

16

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

22

23 Section 2. Outstanding debt shall not exceed authorized

1 debt, which initially shall be an amount equal to 105
2 percent of the outstanding debt on the effective date of
3 this article. Authorized debt shall not be increased above
4 its aforesaid initial amount unless such increase is first
5 approved by the legislatures of the several states as
6 provided in Section 3.

7
8 Section 3. From time to time, Congress may increase
9 authorized debt to an amount in excess of its initial
10 amount set by Section 2 only if it first publicly refers to
11 the legislatures of the several states an unconditional,
12 single subject measure proposing the amount of such
13 increase, in such form as provided by law, and the measure
14 is thereafter publicly and unconditionally approved by a
15 simple majority of the legislatures of the several states,
16 in such form as provided respectively by state law;
17 provided that no inducement requiring an expenditure or tax
18 levy shall be demanded, offered or accepted as a quid pro
19 quo for such approval. If such approval is not obtained
20 within sixty (60) calendar days after referral then the
21 measure shall be deemed disapproved and the authorized debt
22 shall thereby remain unchanged.

23

1 Section 4. Whenever the outstanding debt exceeds 98 percent
2 of the debt limit set by Section 2, the President shall
3 enforce said limit by publicly designating specific
4 expenditures for impoundment in an amount sufficient to
5 ensure outstanding debt shall not exceed the authorized
6 debt. Said impoundment shall become effective thirty (30)
7 days thereafter, unless Congress first designates an
8 alternate impoundment of the same or greater amount by
9 concurrent resolution, which shall become immediately
10 effective. The failure of the President to designate or
11 enforce the required impoundment is an impeachable
12 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
16 general revenue tax shall become law unless approved by a
17 two-thirds roll call vote of the whole number of each House
18 of Congress. However, this requirement shall not apply to
19 any bill that provides for a new end user sales tax which
20 would completely replace every existing income tax levied
21 by the government of the United States; or for the
22 reduction or elimination of an exemption, deduction, or
23 credit allowed under an existing general revenue tax.

1

2 Section 6. For purposes of this article, "debt" means any
3 obligation backed by the full faith and credit of the
4 government of the United States; "outstanding debt" means
5 all debt held in any account and by any entity at a given
6 point in time; "authorized debt" means the maximum total
7 amount of debt that may be lawfully issued and outstanding
8 at any single point in time under this article; "total
9 outlays of the government of the United States" means all
10 expenditures of the government of the United States from
11 any source; "total receipts of the government of the United
12 States" means all tax receipts and other income of the
13 government of the United States, excluding proceeds from
14 its issuance or incurrence of debt or any type of
15 liability; "impoundment" means a proposal not to spend all
16 or part of a sum of money appropriated by Congress; and
17 "general revenue tax" means any income tax, sales tax, or
18 value-added tax levied by the government of the United
19 States excluding imposts and duties.

20

21 Section 7. This article is immediately operative upon
22 ratification, self-enforcing, and Congress may enact
23 conforming legislation to facilitate enforcement."

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ARTICLE III

3

COMPACT MEMBERSHIP AND WITHDRAWAL

4

5 Section 1. This Compact governs each Member State to the
6 fullest extent permitted by their respective constitutions,
7 superseding and repealing any conflicting or contrary law.

8

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

1 is or has been seasonably received by the Compact
2 Administrator, if any, or otherwise by the chief executive
3 officer of each other Member State.

4

5 Section 3. For purposes of determining Member
6 State status under this Compact, as long as all other
7 provisions of the Compact remain identical and operative on
8 the same terms, legislation enacting, adopting and agreeing
9 to be bound by this Compact shall be deemed and regarded as
10 "substantively identical" with respect to such other
11 legislation enacted by another State notwithstanding: (a)
12 any difference in section 2 of Article IV with specific
13 regard to the respectively enacting State's own method of
14 appointing its member to the Commission; (b) any difference
15 in section 5 of Article IV with specific regard to the
16 respectively enacting State's own obligation to fund the
17 Commission; (c) any difference in sections 1 and 2 of
18 Article VI with specific regard to the number and identity
19 of each delegate respectively appointed on behalf of the
20 enacting State, provided that no more than three delegates
21 may attend and participate in the Convention on behalf of
22 any State; or (d) any difference in section 7 of Article X
23 with specific regard to the respectively enacting State as

1 to whether section 1 of Article V of this Compact shall
2 survive termination of the Compact, and thereafter become a
3 continuing resolution of the Legislature of such State
4 applying to Congress for the calling of a convention of the
5 states under Article V of the Constitution of the United
6 States, under such terms and limitations as may be
7 specified by such State.

8

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

22

23

ARTICLE IV

1 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

2

3 Section 1. Nature of the Compact Commission. The Compact
4 Commission ("Commission") is hereby established. It has the
5 power and duty: (a) to appoint and oversee a Compact
6 Administrator; (b) to encourage States to join the Compact
7 and Congress to call the Convention in accordance with this
8 Compact; (c) to coordinate the performance of obligations
9 under the Compact; (d) to oversee the Convention's logistical
10 operations as appropriate to ensure this Compact governs
11 its proceedings; (e) to oversee the defense and enforcement
12 of the Compact in appropriate legal venues; (f) to request
13 funds and to disburse those funds to support the operations
14 of the Commission, Compact Administrator, and Convention;
15 and (g) to cooperate with any entity that shares a common
16 interest with the Commission and engages in policy
17 research, public interest litigation or lobbying in support
18 of the purposes of the Compact. The Commission shall only
19 have such implied powers as are essential to carrying out
20 these express powers and duties. It shall take no action
21 that contravenes or is inconsistent with this Compact or
22 any law of any State that is not superseded by this
23 Compact. It may adopt and publish corresponding bylaws and

1 policies.

2

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

14

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

21

22 Section 4. First Order of Business. The Commission shall at
23 the earliest possible time elect from among its membership

1 a Chairperson, determine a primary place of doing business,
2 and appoint a Compact Administrator.

3

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

8

9 Section 6. Compact Administrator. The Compact Administrator
10 has the power and duty: (a) to timely notify the States of
11 the date, time and location of the Convention; (b) to
12 organize and direct the logistical operations of the
13 Convention; (c) to maintain an accurate list of all Member
14 States, their appointed delegates, including contact
15 information; and (d) to formulate, transmit, and maintain
16 all official notices, records, and communications relating
17 to this Compact. The Compact Administrator shall only have
18 such implied powers as are essential to carrying out these
19 express powers and duties; and shall take no action that
20 contravenes or is inconsistent with this Compact or any law
21 of any State that is not superseded by this Compact. The
22 Compact Administrator serves at the pleasure of the
23 Commission and must keep the Commission seasonably apprised

1 of the performance or nonperformance of the terms and
2 conditions of this Compact. Any notice sent by a Member
3 State to the Compact Administrator concerning this Compact
4 shall be adequate notice to each other Member State
5 provided that a copy of said notice is seasonably delivered
6 by the Compact Administrator to each other Member State's
7 respective chief executive officer.

8

9 Section 7. Notice of Key Events. Upon the occurrence of
10 each of the following described events, or otherwise as
11 soon as possible, the Compact Administrator shall
12 immediately send the following notices to all Compact
13 Notice Recipients, together with certified conforming
14 copies of the chaptered version of this Compact as
15 maintained in the statutes of each Member State: (a)
16 whenever any State becomes a Member State, notice of that
17 fact shall be given; (b) once at least three-fourths of the
18 States are Member States, notice of that fact shall be
19 given together with a statement declaring that the
20 Legislatures of at least two-thirds of the several States
21 have applied for a convention for proposing amendments
22 under Article V of the Constitution of the United States,
23 petitioning Congress to call the Convention contemplated by

1 this Compact, and further requesting cooperation in
2 organizing the same in accordance with this Compact; (c)
3 once Congress has called the Convention contemplated by
4 this Compact, and whenever the date, time and location of
5 the Convention has been determined, notice of that fact
6 shall be given together with the date, time and location of
7 the Convention and other essential logistical matters; (d)
8 upon approval of the Balanced Budget Amendment by the
9 Convention, notice of that fact shall be given together
10 with the transmission of certified copies of such approved
11 proposed amendment and a statement requesting Congress to
12 refer the same for ratification by three-fourths of the
13 Legislatures of the several States under Article V of the
14 Constitution of the United States (however, in no event
15 shall any proposed amendment other than the Balanced Budget
16 Amendment be transmitted); and (e) when any Article of this
17 Compact prospectively ratifying the Balanced Budget
18 Amendment is effective in any Member State, notice of the
19 same shall be given together with a statement declaring
20 such ratification and further requesting cooperation in
21 ensuring that the official record confirms and reflects the
22 effective corresponding amendment to the Constitution of
23 the United States. However, whenever any Member State

1 enacts appropriate legislation, as determined by the laws
2 of the respective state, withdrawing from this Compact, the
3 Compact Administrator shall immediately send certified
4 conforming copies of the chaptered version of such
5 withdrawal legislation as maintained in the statutes of
6 each such withdrawing Member State, solely to each chief
7 executive officer of each remaining Member State, giving
8 notice of such withdrawal.

9

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

17

18 Section 9. This Article does not take effect until there
19 are at least two Member States.

20

21

ARTICLE V

22

RESOLUTION APPLYING FOR CONVENTION

23

1 Section 1. Be it resolved, as provided for in Article V of
2 the Constitution of the United States, the Legislature of
3 each Member State herewith applies to Congress for the
4 calling of a convention for proposing amendments limited to
5 the subject matter of proposing for ratification the
6 Balanced Budget Amendment.

7

8 Section 2. Congress is further petitioned to refer the
9 Balanced Budget Amendment to the States for ratification by
10 three-fourths of their respective Legislatures.

11

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

14

15 ARTICLE VI

16 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

17

18 Section 1. Number of Delegates. Each Member State shall be
19 entitled to one delegate as its sole and exclusive
20 representative at the Convention as set forth in this
21 Article.

22

23 Section 2. Identity of Delegates. Each Member State's chief

1 executive officer, who is serving on the enactment date of
2 this Compact, is appointed in an individual capacity to
3 represent his or her respective State at the Convention as
4 its sole and exclusive delegate.

5

6 Section 3. Replacement or Recall of Delegates. A delegate
7 appointed hereunder may be replaced or recalled by the
8 Legislature of his or her respective State at any time for
9 good cause, such as criminal misconduct or the violation of
10 this Compact. If replaced or recalled, any delegate
11 previously appointed hereunder must immediately vacate the
12 Convention and return to their respective State's capitol.

13

14 Section 4. Oath. The power and authority of a delegate
15 under this Article may only be exercised after the
16 Convention is first called by Congress in accordance with
17 this Compact and such appointment is duly accepted by such
18 appointee publicly taking the following oath or
19 affirmation: "I do solemnly swear (or affirm) that I accept
20 this appointment and will act strictly in accordance with
21 the terms and conditions of the Compact for a Balanced
22 Budget, the Constitution of the State I represent, and the
23 Constitution of the United States. I understand that

1 violating this oath (or affirmation) forfeits my
2 appointment and may subject me to other penalties as
3 provided by law."

4

5 Section 5. Term. The term of a delegate hereunder commences
6 upon acceptance of appointment and terminates upon the
7 permanent adjournment of the Convention, unless shortened
8 by recall, replacement or forfeiture under this Article.
9 Upon expiration of such term, any person formerly serving
10 as a delegate must immediately withdraw from and cease
11 participation at the Convention, if any is proceeding.

12

13 Section 6. Delegate Authority. The power and
14 authority of any delegate appointed hereunder is strictly
15 limited: (a) to introducing, debating, voting upon,
16 proposing and enforcing the Convention Rules specified in
17 this Compact, as needed to ensure those rules govern the
18 Convention; and (b) to introducing, debating, voting upon,
19 and rejecting or proposing for ratification the Balanced
20 Budget Amendment. All actions taken by any delegate in
21 violation of this section are void ab initio.

22

23 Section 7. Delegate Authority. No delegate of any

1 Member State may introduce, debate, vote upon, reject or
2 propose for ratification any constitutional amendment at
3 the Convention unless: (a) the Convention Rules specified
4 in this Compact govern the Convention and their actions;
5 and (b) the constitutional amendment is the Balanced Budget
6 Amendment.

7

8 Section 8. Delegate Authority. The power and authority of
9 any delegate at the Convention does not include any power
10 or authority associated with any other public office held
11 by the delegate. Any person appointed to serve as a
12 delegate shall take a temporary leave of absence, or
13 otherwise shall be deemed temporarily disabled, from any
14 other public office held by the delegate while attending
15 the Convention, and may not exercise any power or authority
16 associated with any other public office held by the
17 delegate, while attending the Convention. All actions taken
18 by any delegate in violation of this section are void ab
19 initio.

20

21 Section 9. Order of Business. Before introducing, debating,
22 voting upon, rejecting or proposing for ratification any
23 constitutional amendment at the Convention, each delegate

1 of every Member State must first ensure the Convention
2 Rules in this Compact govern the Convention and their
3 actions. Every delegate and each Member State must
4 immediately vacate the Convention and notify the Compact
5 Administrator by the most effective and expeditious means
6 if the Convention Rules in this Compact are not adopted to
7 govern the Convention and their actions.

8

9 Section 10. Forfeiture of Appointment. If any Member State
10 or delegate violates any provision of this Compact, then
11 every delegate of that Member State immediately forfeits
12 his or her appointment, and shall immediately cease
13 participation at the Convention, vacate the Convention, and
14 return to his or her respective State's capitol.

15

16 Section 11. Expenses. A delegate appointed hereunder is
17 entitled to reimbursement of reasonable expenses for
18 attending the Convention from his or her respective Member
19 State. No delegate may accept any other form of
20 remuneration or compensation for service under this
21 Compact.

22

23

ARTICLE VII

1 CONVENTION RULES

2

3 Section 1. Nature of the Convention. The Convention shall
4 be organized, construed and conducted as a body exclusively
5 representing and constituted by the several States.

6

7 Section 2. Agenda of the Convention. The agenda of the
8 Convention shall be entirely focused upon and exclusively
9 limited to introducing, debating, voting upon, and
10 rejecting or proposing for ratification the Balanced Budget
11 Amendment under the Convention Rules specified in this
12 Article and in accordance with the Compact. It shall not be
13 in order for the Convention to consider any matter that is
14 outside the scope of this agenda.

15

16 Section 3. Delegate Identity and Procedure. States shall be
17 represented at the Convention through duly appointed
18 delegates. The number, identity and authority of delegates
19 assigned to each State shall be determined by this Compact
20 in the case of Member States or, in the case of States that
21 are not Member States, by their respective state laws.
22 However, to prevent disruption of proceedings, no more than
23 three delegates may attend and participate in the

1 Convention on behalf of any State. A certified chaptered
2 conforming copy of this Compact, together with government-
3 issued photographic proof of identification, shall suffice
4 as credentials for delegates of Member States. Any
5 commission for delegates of States that are not Member
6 States shall be based on their respective state laws, but
7 it shall furnish credentials that are at least as reliable
8 as those required of Member States.

9

10 Section 4. Voting. Each State represented at the Convention
11 shall have one vote, exercised by the vote of that State's
12 delegate in the case of States represented by one delegate,
13 or, in the case of any State that is represented by more
14 than one delegate, by the majority vote of that State's
15 respective delegates.

16

17 Section 5. Quorum. A majority of the several States of the
18 United States, each present through its respective delegate
19 in the case of any State that is represented by one
20 delegate, or through a majority of its respective
21 delegates, in the case of any State that is represented by
22 more than one delegate, shall constitute a quorum for the
23 transaction of any business on behalf of the Convention.

1

2 Section 6. Action by the Convention. The Convention shall
3 only act as a committee of the whole, chaired by the
4 delegate representing the first State to have become a
5 Member State, if that State is represented by one delegate,
6 or otherwise by the delegate chosen by the majority vote of
7 that State's respective delegates. The transaction of any
8 business on behalf of the Convention, including the
9 designation of a Secretary, the adoption of parliamentary
10 procedures and the rejection or proposal of any
11 constitutional amendment, requires a quorum to be present
12 and a majority affirmative vote of those States
13 constituting the quorum.

14

15 Section 7. Emergency Suspension and Relocation of the
16 Convention. In the event that the Chair of the Convention
17 declares an emergency due to disorder or an imminent threat
18 to public health and safety prior to the completion of the
19 business on the Agenda, and a majority of the States
20 present at the Convention do not object to such
21 declaration, further Convention proceedings shall be
22 temporarily suspended, and the Commission shall
23 subsequently relocate or reschedule the Convention to

1 resume proceedings in an orderly fashion in accordance with
2 the terms and conditions of this Compact with prior notice
3 given to the Compact Notice Recipients.

4

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

17

18 Section 9. Transmittal. Upon approval of the Balanced
19 Budget Amendment by the Convention to propose for
20 ratification, the Chair of the Convention shall immediately
21 transmit certified copies of such approved proposed
22 amendment to the Compact Administrator and all Compact
23 Notice Recipients, notifying them respectively of such

1 approval and requesting Congress to refer the same for
2 ratification by the States under Article V of the
3 Constitution of the United States. However, in no event
4 shall any proposed amendment other than the Balanced Budget
5 Amendment be transmitted as aforesaid.

6
7 Section 10. Transparency. Records of the Convention,
8 including the identities of all attendees and detailed
9 minutes of all proceedings, shall be kept by the Chair of
10 the Convention or Secretary designated by the Convention.
11 All proceedings and records of the Convention shall be open
12 to the public upon request subject to reasonable
13 regulations adopted by the Convention that are closely
14 tailored to preventing disruption of proceedings under this
15 Article.

16
17 Section 11. Adjournment of the Convention. The Convention
18 shall permanently adjourn upon the earlier of twenty-four
19 (24) hours after commencing proceedings under this Article
20 or the completion of the business on its Agenda.

21
22 ARTICLE VIII

23 PROHIBITION ON ULTRA VIRES CONVENTION

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

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

Section 3. Member States shall not ratify or otherwise approve any proposed amendment, alteration or revision to

1 the Constitution of the United States, which originates
2 from the Convention, other than the Balanced Budget
3 Amendment.

4

5

ARTICLE IX

6

RESOLUTION PROSPECTIVELY RATIFYING THE

7

BALANCED BUDGET AMENDMENT

8

9 Section 1. Each Member State, by and through its respective
10 Legislature, hereby adopts and ratifies the Balanced Budget
11 Amendment.

12

13 Section 2. This Article does not take effect until Congress
14 effectively refers the Balanced Budget Amendment to the
15 States for ratification by three-fourths of the
16 Legislatures of the several States under Article V of the
17 Constitution of the United States.

18

19

ARTICLE X

20

CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

21

22 Section 1. To the extent that the effectiveness of this
23 Compact or any of its Articles or provisions requires the

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

9

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

17

18 Section 3. In addition to all other powers and duties
19 conferred by state law which are consistent with the terms
20 and conditions of this Compact, the chief law enforcement
21 officer of each Member State is empowered to defend the
22 Compact from any legal challenge, as well as to seek civil
23 mandatory and prohibitory injunctive relief to enforce this

1 Compact; and shall take such action whenever the Compact is
2 challenged or violated.

3

4 Section 4. The exclusive venue for all actions in any way
5 arising under this Compact shall be in the United States
6 District Court for the Northern District of Texas or the
7 courts of the State of Texas within the jurisdictional
8 boundaries of the foregoing district court. Each Member
9 State shall submit to the jurisdiction of said courts with
10 respect to such actions. However, upon written request by
11 the chief law enforcement officer of any Member State, the
12 Commission may elect to waive this provision for the
13 purpose of ensuring an action proceeds in the venue that
14 allows for the most convenient and effective enforcement or
15 defense of this Compact. Any such waiver shall be limited
16 to the particular action to which it is applied and not
17 construed or relied upon as a general waiver of this
18 provision. The waiver decisions of the Commission under
19 this provision shall be final and binding on each Member
20 State.

21

22 Section 5. The effective date of this Compact and
23 any of its Articles is the latter of: (a) the date of any

1 event rendering the same effective according to its
2 respective terms and conditions; or (b) the earliest date
3 otherwise permitted by law.

4

5 Section 6. Article VIII of this Compact is hereby deemed
6 non-severable prior to termination of the Compact. However,
7 if any other phrase, clause, sentence or provision of this
8 Compact, or the applicability of any other phrase, clause,
9 sentence or provision of this Compact to any government,
10 agency, person or circumstance, is declared in a final
11 judgment to be contrary to the Constitution of the United
12 States, contrary to the state constitution of any Member
13 State, or is otherwise held invalid by a court of competent
14 jurisdiction, such phrase, clause, sentence or provision
15 shall be severed and held for naught, and the validity of
16 the remainder of this Compact and the applicability of the
17 remainder of this Compact to any government, agency, person
18 or circumstance shall not be affected. Furthermore, if this
19 Compact is declared in a final judgment by a court of
20 competent jurisdiction to be entirely contrary to the state
21 constitution of any Member State or otherwise entirely
22 invalid as to any Member State, such Member State shall be
23 deemed to have withdrawn from the Compact, and the Compact

1 shall remain in full force and effect as to any remaining
2 Member State. Finally, if this Compact is declared in a
3 final judgment by a court of competent jurisdiction to be
4 wholly or substantially in violation of Article I, Section
5 10, of the Constitution of the United States, then it shall
6 be construed and enforced solely as reciprocal legislation
7 enacted by the affected Member State(s).

8

9 Section 7. Termination. This Compact shall
10 terminate and be held for naught when the Compact is fully
11 performed and the Constitution of the United States is
12 amended by the Balanced Budget Amendment. However,
13 notwithstanding anything to the contrary set forth in this
14 Compact, in the event such amendment does not occur within
15 seven (7) years after the first State passes legislation
16 enacting, adopting and agreeing to be bound to this
17 Compact, the Compact shall terminate as follows: (a) the
18 Commission shall dissolve and wind up its operations within
19 ninety (90) days thereafter, with the Compact Administrator
20 giving notice of such dissolution and the operative effect
21 of this section to the Compact Notice Recipients; and (b)
22 upon the completed dissolution of the Commission, this

1 Compact shall be deemed terminated, repealed, void ab
2 initio, and held for naught.

3

4 **Section 2.** Pursuant to Article V of the Constitution
5 of the United States, the legislature of the state of
6 Wyoming petitions the congress of the United States of
7 America, at its session, to call a convention of the states
8 limited to proposing an amendment to the Constitution of
9 the United States requiring that in the absence of a
10 national emergency, including, but not limited to, an
11 attack by a foreign nation or terrorist organization within
12 the United States of America, the total of all federal
13 appropriations made by the congress for any fiscal year may
14 not exceed the total of all estimated federal revenues for
15 that fiscal year, together with any related and appropriate
16 fiscal restraints.

17

18 **Section 3.** The legislature of the state of Wyoming
19 hereby resolves that the petition under section 2 of this
20 act is to be considered as covering the balanced budget
21 amendment language of the presently outstanding balanced
22 budget applications from other states, including, but not
23 limited to, previously adopted applications from Alabama,

1 Alaska, Arkansas, Colorado, Delaware, Florida, Georgia,
2 Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan,
3 Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New
4 Mexico, North Carolina, Ohio, Pennsylvania, Tennessee and
5 Texas. This application shall be aggregated with those
6 applications for the purpose of attaining the two-thirds
7 (2/3) of states necessary to require the calling of a
8 convention for proposing a balanced budget amendment, but
9 shall not be aggregated with any applications on any other
10 subject.

11

12 **Section 4.** The legislature of the state of Wyoming
13 hereby declares that the petition under section 2 of this
14 act constitutes a continuing application in accordance with
15 Article V of the Constitution of the United States until
16 the legislatures of at least two-thirds (2/3) of the
17 several states have made applications on the same subject.
18 This application supersedes all previous applications by
19 this legislature on the same subject.

20

21 **Section 5.** The Secretary of the State of Wyoming
22 shall transmit copies of sections 2, 3 and 4 of this act to
23 the President of the United States, to the President of the

1 Senate and the Speaker of the House of Representatives of
2 the United States Congress, to the Wyoming Congressional
3 Delegation and to the presiding officers of each of the
4 legislative houses in the several states, requesting their
5 cooperation.

6

7 **Section 6.** This act is effective immediately upon
8 completion of all acts necessary for a bill to become law
9 as provided by Article 4, Section 8 of the Wyoming
10 Constitution.

11

12

(END)