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HOUSE BILL 264

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Yvette Herrell

AN ACT

RELATING TO BUDGETS; ENACTING THE COMPACT FOR A BALANCED  
BUDGET; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. The State of New Mexico enacts, adopts and  
agrees to be bound by the following compact:

"COMPACT FOR A BALANCED BUDGET

ARTICLE I

DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

8 ARTICLE II

9 DEFINITIONS

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

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

25 Section 3. "State" means one of the several States of the

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1 United States. Where contextually appropriate, the term  
2 "State" shall be construed to include all of its branches,  
3 departments, agencies, political subdivisions, and officers and  
4 representatives acting in their official capacity.

5 Section 4. "Member State" means a State that has enacted,  
6 adopted and agreed to be bound to this Compact. For any State  
7 to qualify as a Member State with respect to any other State  
8 under this Compact, each such State must have enacted, adopted  
9 and agreed to be bound by substantively identical compact  
10 legislation.

11 Section 5. "Compact Notice Recipients" means the  
12 Archivist of the United States, the President of the United  
13 States, the President of the United States Senate, the Office  
14 of the Secretary of the United States Senate, the Speaker of  
15 the United States House of Representatives, the Office of the  
16 Clerk of the United States House of Representatives, the chief  
17 executive officer of each State, and the presiding officer(s)  
18 of each house of the Legislatures of the several States.

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

23 Section 7. "Balanced Budget Amendment" means the  
24 following:

25 "Article \_\_\_\_\_

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1           Section 1. Total outlays of the government of the United  
2 States shall not exceed total receipts of the government of the  
3 United States at any point in time unless the excess of outlays  
4 over receipts is financed exclusively by debt issued in strict  
5 conformity with this article.

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

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

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

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

23           Section 6. For purposes of this article, "debt" means any  
24 obligation backed by the full faith and credit of the  
25 government of the United States; "outstanding debt" means all

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

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

### 18 ARTICLE III

#### 19 COMPACT MEMBERSHIP AND WITHDRAWAL

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

23 Section 2. By becoming a Member State, each such State  
24 offers, promises and agrees to perform and comply strictly in  
25 accordance with the terms and conditions of this Compact, and

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1 has made such offer, promise and agreement in anticipation and  
2 consideration of, and in substantial reliance upon, such mutual  
3 and reciprocal performance and compliance by each other current  
4 and future Member State, if any. Accordingly, in addition to  
5 having the force of law in each Member State upon its  
6 respective effective date, this Compact and each of its  
7 Articles shall also be construed as contractually binding each  
8 Member State when: (a) at least one other State has likewise  
9 become a Member State by enacting substantively identical  
10 legislation adopting and agreeing to be bound by this Compact;  
11 and (b) notice of such State's Member State status is or has  
12 been seasonably received by the Compact Administrator, if any,  
13 or otherwise by the chief executive officer of each other  
14 Member State.

15 Section 3. For purposes of determining Member State  
16 status under this Compact, as long as all other provisions of  
17 the Compact remain identical and operative on the same terms,  
18 legislation enacting, adopting and agreeing to be bound by this  
19 Compact shall be deemed and regarded as "substantively  
20 identical" with respect to such other legislation enacted by  
21 another State notwithstanding: (a) any difference in Section 2  
22 of Article IV with specific regard to the respectively enacting  
23 State's own method of appointing its member to the Commission;  
24 (b) any difference in Section 5 of Article IV with specific  
25 regard to the respectively enacting State's own obligation to

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

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

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ARTICLE IV

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

Section 2. Commission Membership. The Commission initially consists of three unpaid members. Each Member State

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

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

16 Section 4. First Order of Business. The Commission shall  
17 at the earliest possible time elect from among its membership a  
18 Chairperson, determine a primary place of doing business, and  
19 appoint a Compact Administrator.

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

24 Section 6. Compact Administrator. The Compact  
25 Administrator has the power and duty: (a) to timely notify the

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

20 Section 7. Notice of Key Events. Upon the occurrence of  
21 each of the following described events, or otherwise as soon as  
22 possible, the Compact Administrator shall immediately send the  
23 following notices to all Compact Notice Recipients, together  
24 with certified conforming copies of the chaptered version of  
25 this Compact as maintained in the statutes of each Member

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

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1 given together with a statement declaring such ratification and  
2 further requesting cooperation in ensuring that the official  
3 record confirms and reflects the effective corresponding  
4 amendment to the Constitution of the United States. However,  
5 whenever any Member State enacts appropriate legislation, as  
6 determined by the laws of the respective state, withdrawing  
7 from this Compact, the Compact Administrator shall immediately  
8 send certified conforming copies of the chaptered version of  
9 such withdrawal legislation as maintained in the statutes of  
10 each such withdrawing Member State, solely to each chief  
11 executive officer of each remaining Member State, giving notice  
12 of such withdrawal.

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

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

## 21 ARTICLE V

### 22 RESOLUTION APPLYING FOR CONVENTION

23 Section 1. Be it resolved, as provided for in Article V  
24 of the Constitution of the United States, the Legislature of  
25 each Member State herewith applies to Congress for the calling

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1 of a convention for proposing amendments limited to the subject  
2 matter of proposing for ratification the Balanced Budget  
3 Amendment.

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

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

9 ARTICLE VI

10 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

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

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

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

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1           Section 4. Oath. The power and authority of a delegate  
2 under this Article may only be exercised after the Convention  
3 is first called by Congress in accordance with this Compact and  
4 such appointment is duly accepted by such appointee publicly  
5 taking the following oath or affirmation: "I do solemnly swear  
6 (or affirm) that I accept this appointment and will act  
7 strictly in accordance with the terms and conditions of the  
8 Compact for a Balanced Budget, the Constitution of the State I  
9 represent, and the Constitution of the United States. I  
10 understand that violating this oath (or affirmation) forfeits  
11 my appointment and may subject me to other penalties as  
12 provided by law."

13           Section 5. Term. The term of a delegate hereunder  
14 commences upon acceptance of appointment and terminates upon  
15 the permanent adjournment of the Convention, unless shortened  
16 by recall, replacement or forfeiture under this Article. Upon  
17 expiration of such term, any person formerly serving as a  
18 delegate must immediately withdraw from and cease participation  
19 at the Convention, if any is proceeding.

20           Section 6. Delegate Authority. The power and authority  
21 of any delegate appointed hereunder is strictly limited: (a)  
22 to introducing, debating, voting upon, proposing and enforcing  
23 the Convention Rules specified in this Compact, as needed to  
24 ensure those rules govern the Convention; and (b) to  
25 introducing, debating, voting upon, and rejecting or proposing

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1 for ratification the Balanced Budget Amendment. All actions  
2 taken by any delegate in violation of this section are void ab  
3 initio.

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

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

21 Section 9. Order of Business. Before introducing,  
22 debating, voting upon, rejecting or proposing for ratification  
23 any constitutional amendment at the Convention, each delegate  
24 of every Member State must first ensure the Convention Rules in  
25 this Compact govern the Convention and their actions. Every

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

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

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

## 17 ARTICLE VII

### 18 CONVENTION RULES

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

22 Section 2. Agenda of the Convention. The agenda of the  
23 Convention shall be entirely focused upon and exclusively  
24 limited to introducing, debating, voting upon, and rejecting or  
25 proposing for ratification the Balanced Budget Amendment under

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1 the Convention Rules specified in this Article and in  
2 accordance with the Compact. It shall not be in order for the  
3 Convention to consider any matter that is outside the scope of  
4 this agenda.

5 Section 3. Delegate Identity and Procedure. States shall  
6 be represented at the Convention through duly appointed  
7 delegates. The number, identity and authority of delegates  
8 assigned to each State shall be determined by this Compact in  
9 the case of Member States or, in the case of States that are  
10 not Member States, by their respective state laws. However, to  
11 prevent disruption of proceedings, no more than three delegates  
12 may attend and participate in the Convention on behalf of any  
13 State. A certified chaptered conforming copy of this Compact,  
14 together with government-issued photographic proof of  
15 identification, shall suffice as credentials for delegates of  
16 Member States. Any commission for delegates of States that are  
17 not Member States shall be based on their respective state  
18 laws, but it shall furnish credentials that are at least as  
19 reliable as those required of Member States.

20 Section 4. Voting. Each State represented at the  
21 Convention shall have one vote, exercised by the vote of that  
22 State's delegate in the case of States represented by one  
23 delegate, or, in the case of any State that is represented by  
24 more than one delegate, by the majority vote of that State's  
25 respective delegates.

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1           Section 5. Quorum. A majority of the several States of  
2 the United States, each present through its respective delegate  
3 in the case of any State that is represented by one delegate,  
4 or through a majority of its respective delegates, in the case  
5 of any State that is represented by more than one delegate,  
6 shall constitute a quorum for the transaction of any business  
7 on behalf of the Convention.

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

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

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1 Commission shall subsequently relocate or reschedule the  
2 Convention to resume proceedings in an orderly fashion in  
3 accordance with the terms and conditions of this Compact with  
4 prior notice given to the Compact Notice Recipients.

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

17 Section 9. Transmittal. Upon approval of the Balanced  
18 Budget Amendment by the Convention to propose for ratification,  
19 the Chair of the Convention shall immediately transmit  
20 certified copies of such approved proposed amendment to the  
21 Compact Administrator and all Compact Notice Recipients,  
22 notifying them respectively of such approval and requesting  
23 Congress to refer the same for ratification by the States under  
24 Article V of the Constitution of the United States. However,  
25 in no event shall any proposed amendment other than the

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1 Balanced Budget Amendment be transmitted as aforesaid.

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

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

14 ARTICLE VIII

15 PROHIBITION ON ULTRA VIRES CONVENTION

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

21 Section 2. Any proposal or action of the Convention is  
22 void ab initio and issued by a body that is conducting itself  
23 in an unlawful and ultra vires fashion if that proposal or  
24 action: (a) violates or was approved in violation of the  
25 Convention Rules or the delegate instructions and limitations

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1 on delegate authority specified in this Compact; (b) purports  
2 to propose or effectuate a mode of ratification that is not  
3 specified in Article V of the Constitution of the United  
4 States; or (c) purports to propose or effectuate the formation  
5 of a new government. All Member States are prohibited from  
6 advancing or assisting in the advancement of any such proposal  
7 or action.

8 Section 3. Member States shall not ratify or otherwise  
9 approve any proposed amendment, alteration or revision to the  
10 Constitution of the United States, which originates from the  
11 Convention, other than the Balanced Budget Amendment.

12 ARTICLE IX

13 RESOLUTION PROSPECTIVELY RATIFYING THE  
14 BALANCED BUDGET AMENDMENT

15 Section 1. Each Member State, by and through its  
16 respective Legislature, hereby adopts and ratifies the Balanced  
17 Budget Amendment.

18 Section 2. This Article does not take effect until  
19 Congress effectively refers the Balanced Budget Amendment to  
20 the States for ratification by three-fourths of the  
21 Legislatures of the several States under Article V of the  
22 Constitution of the United States.

23 ARTICLE X

24 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

25 Section 1. To the extent that the effectiveness of this

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

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

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

24 Section 4. The exclusive venue for all actions in any way  
25 arising under this Compact shall be in the United States

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

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

20 Section 6. Article VIII of this Compact is hereby deemed  
21 non-severable prior to termination of the Compact. However, if  
22 any other phrase, clause, sentence or provision of this  
23 Compact, or the applicability of any other phrase, clause,  
24 sentence or provision of this Compact to any government,  
25 agency, person or circumstance, is declared in a final judgment

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

20 Section 7. Termination. This Compact shall terminate and  
21 be held for naught when the Compact is fully performed and the  
22 Constitution of the United States is amended by the Balanced  
23 Budget Amendment. However, notwithstanding anything to the  
24 contrary set forth in this Compact, in the event such amendment  
25 does not occur within seven (7) years after the first State

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1 passes legislation enacting, adopting and agreeing to be bound  
2 to this Compact, the Compact shall terminate as follows: (a)  
3 the Commission shall dissolve and wind up its operations within  
4 ninety (90) days thereafter, with the Compact Administrator  
5 giving notice of such dissolution and the operative effect of  
6 this section to the Compact Notice Recipients; and (b) upon the  
7 completed dissolution of the Commission, this Compact shall be  
8 deemed terminated, repealed, void ab initio, and held for  
9 naught."

10 SECTION 2. EMERGENCY CLAUSE.--It is found and determined  
11 by the Legislature of the State of New Mexico that it is in the  
12 best interests of the state that the Governor be able to  
13 appoint a member of the Compact Commission so that the state  
14 has a pivotal role in overseeing the constitutional amendment  
15 process initiated by the Compact for a Balanced Budget and  
16 working with the United States Congress in supporting the  
17 passage of a resolution to activate the amendment process; that  
18 only the first three Member States are allowed to appoint a  
19 member of the Compact Commission; that there are already two  
20 Member States; that New Mexico must adopt the Compact for a  
21 Balanced Budget to become a Member State and be eligible to  
22 appoint a member to the Compact Commission; that Congress is  
23 expected to vote on a resolution to activate the Compact for a  
24 Balanced Budget between January 2015 and May 2015, and it is  
25 anticipated that numerous states will quickly join the Compact

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1 for a Balanced Budget as a result; and that this act is  
2 immediately necessary because New Mexico must act quickly to  
3 ensure it becomes the third and final Member State to be able  
4 to appoint a member of the Compact Commission. Therefore, an  
5 emergency is declared to exist, and this act being immediately  
6 necessary for the preservation of the public peace, health, and  
7 safety shall become effective on:

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

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

13 (3) If the bill is vetoed by the  
14 Governor and the veto is overridden, the date the last house  
15 overrides the veto.

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