

REFERENCE TITLE: compact; convention; balanced budget

State of Arizona
House of Representatives
Fifty-first Legislature
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2013

HB 2328

Introduced by
Representatives Kwasman, Borrelli, Gowan, Livingston, Montenegro,
Petersen, Stevens, Townsend: Thorpe

AN ACT

AMENDING TITLE 41, CHAPTER 2.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO THE COMPACT REGARDING A BALANCED BUDGET AMENDMENT UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 2.1, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. COMPACT; CONVENTION FOR PROPOSING AMENDMENTS;
5 BALANCED BUDGET

6 41-451. Enactment of compact; compact for America

7 THE COMPACT FOR AMERICA IS ENACTED INTO LAW AS FOLLOWS:

8 COMPACT FOR AMERICA

9 THE STATE OF ARIZONA ENACTS, ADOPTS AND AGREES TO BE BOUND BY THE
10 FOLLOWING COMPACT:

11 ARTICLE I

12 DECLARATION OF POLICY, PURPOSE AND INTENT

13 WHEREAS, EVERY STATE ENACTING, ADOPTING AND AGREEING TO BE BOUND BY
14 THIS COMPACT INTENDS TO ENSURE THAT THEIR RESPECTIVE LEGISLATURE'S USE OF THE
15 POWER TO ORIGINATE A BALANCED BUDGET AMENDMENT UNDER ARTICLE V OF THE UNITED
16 STATES CONSTITUTION WILL BE EXERCISED CONVENIENTLY AND WITH REASONABLE
17 CERTAINTY AS TO THE CONSEQUENCES THEREOF.

18 NOW, THEREFORE, IN CONSIDERATION OF THEIR EXPRESSED MUTUAL PROMISES AND
19 OBLIGATIONS, BE IT ENACTED BY EVERY STATE ENACTING, ADOPTING AND AGREEING TO
20 BE BOUND BY THIS COMPACT, AND RESOLVED BY EACH OF THEIR RESPECTIVE
21 LEGISLATURES, AS THE CASE MAY BE, TO EXERCISE HEREWITH ALL OF THEIR
22 RESPECTIVE POWERS AS SET FORTH HEREIN NOTWITHSTANDING ANY LAW TO THE
23 CONTRARY.

24 ARTICLE II

25 DEFINITIONS

26 SECTION 1. "COMPACT" MEANS THIS "COMPACT FOR AMERICA."

27 SECTION 2. "CONVENTION" MEANS THE CONVENTION FOR PROPOSING AMENDMENTS
28 ORGANIZED BY THIS COMPACT UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION
29 AND, WHERE CONTEXTUALLY APPROPRIATE TO ENSURE THE TERMS OF THIS COMPACT ARE
30 NOT EVADED, ANY OTHER SIMILAR GATHERING OR BODY, WHICH MIGHT BE ORGANIZED AS
31 A CONSEQUENCE OF CONGRESS RECEIVING THE APPLICATION SET OUT IN THIS COMPACT
32 AND CLAIM AUTHORITY TO PROPOSE OR EFFECTUATE ANY AMENDMENT, ALTERATION OR
33 REVISION TO THE UNITED STATES CONSTITUTION.

34 SECTION 3. "STATE" MEANS A STATE OF THE UNITED STATES. WHERE
35 CONTEXTUALLY APPROPRIATE, THE TERM "STATE" SHALL BE CONSTRUED TO INCLUDE ALL
36 OF ITS BRANCHES, DEPARTMENTS, AGENCIES, POLITICAL SUBDIVISIONS, AND OFFICERS
37 AND REPRESENTATIVES ACTING IN THEIR OFFICIAL CAPACITY.

38 SECTION 4. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED, ADOPTED AND
39 AGREED TO BE BOUND TO THIS COMPACT. FOR ANY STATE TO QUALIFY AS A MEMBER
40 STATE WITH RESPECT TO ANY OTHER STATE UNDER THIS COMPACT, EACH SUCH STATE
41 MUST HAVE ENACTED, ADOPTED AND AGREED TO BE BOUND BY SUBSTANTIVELY IDENTICAL
42 COMPACT LEGISLATION.

43 SECTION 5. "COMPACT NOTICE RECIPIENTS" MEANS THE ARCHIVIST OF THE
44 UNITED STATES, THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE
45 UNITED STATES SENATE, THE OFFICE OF THE SECRETARY OF THE UNITED STATES

1 SENATE, THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE OFFICE
2 OF THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE CHIEF
3 EXECUTIVE OFFICER OF EACH STATE, AND THE PRESIDING OFFICER(S) OF EACH HOUSE
4 OF THE LEGISLATURES OF THE SEVERAL STATES.

5 SECTION 6. NOTICE. ALL NOTICES REQUIRED BY THIS COMPACT SHALL BE BY
6 U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN EQUIVALENT OR SUPERIOR
7 FORM OF NOTICE, SUCH AS PERSONAL DELIVERY DOCUMENTED BY EVIDENCE OF ACTUAL
8 RECEIPT.

9 SECTION 7. "BALANCED BUDGET AMENDMENT" MEANS THE FOLLOWING MODEL
10 LEGISLATION:

11 "ARTICLE ___

12 SECTION 1. TOTAL OUTLAYS OF THE GOVERNMENT OF THE UNITED STATES SHALL
13 NOT EXCEED TOTAL RECEIPTS OF THE GOVERNMENT OF THE UNITED STATES AT ANY POINT
14 IN TIME UNLESS THE EXCESS OF OUTLAYS OVER RECEIPTS IS FINANCED EXCLUSIVELY BY
15 DEBT ISSUED IN STRICT CONFORMITY WITH THIS ARTICLE.

16 SECTION 2. OUTSTANDING DEBT SHALL NOT EXCEED AUTHORIZED DEBT, WHICH
17 INITIALLY SHALL BE AN AMOUNT EQUAL TO 105 PERCENT OF THE OUTSTANDING DEBT ON
18 THE EFFECTIVE DATE OF THIS ARTICLE. AUTHORIZED DEBT SHALL NOT BE INCREASED
19 ABOVE ITS AFORESAID INITIAL AMOUNT UNLESS SUCH INCREASE IS FIRST APPROVED BY
20 THE LEGISLATURES OF THE SEVERAL STATES AS PROVIDED IN SECTION 3.

21 SECTION 3. FROM TIME TO TIME, CONGRESS MAY INCREASE AUTHORIZED DEBT TO
22 AN AMOUNT IN EXCESS OF ITS INITIAL AMOUNT SET BY SECTION 2 ONLY IF IT FIRST
23 PUBLICLY REFERS TO THE LEGISLATURES OF THE SEVERAL STATES AN UNCONDITIONAL,
24 SINGLE SUBJECT MEASURE PROPOSING THE AMOUNT OF SUCH INCREASE, IN SUCH FORM AS
25 PROVIDED BY LAW, AND THE MEASURE IS THEREAFTER PUBLICLY AND UNCONDITIONALLY
26 APPROVED BY A SIMPLE MAJORITY OF THE LEGISLATURES OF THE SEVERAL STATES, IN
27 SUCH FORM AS PROVIDED RESPECTIVELY BY STATE LAW; PROVIDED THAT NO INDUCEMENT
28 REQUIRING AN EXPENDITURE OR TAX LEVY SHALL BE DEMANDED, OFFERED OR ACCEPTED
29 AS A QUID PRO QUO FOR SUCH APPROVAL. IF SUCH APPROVAL IS NOT OBTAINED WITHIN
30 SIXTY (60) CALENDAR DAYS AFTER REFERRAL THEN THE MEASURE SHALL BE DEEMED
31 DISAPPROVED AND THE AUTHORIZED DEBT SHALL THEREBY REMAIN UNCHANGED.

32 SECTION 4. WHENEVER THE OUTSTANDING DEBT EXCEEDS 98 PERCENT OF THE
33 DEBT LIMIT SET BY SECTION 2, THE PRESIDENT SHALL ENFORCE SAID LIMIT BY
34 PUBLICLY DESIGNATING SPECIFIC EXPENDITURES FOR IMPOUNDMENT IN AN AMOUNT
35 SUFFICIENT TO ENSURE OUTSTANDING DEBT SHALL NOT EXCEED THE AUTHORIZED
36 DEBT. SAID IMPOUNDMENT SHALL BECOME EFFECTIVE THIRTY (30) DAYS THEREAFTER,
37 UNLESS CONGRESS FIRST DESIGNATES AN ALTERNATE IMPOUNDMENT OF THE SAME OR
38 GREATER AMOUNT BY CONCURRENT RESOLUTION, WHICH SHALL BECOME IMMEDIATELY
39 EFFECTIVE. THE FAILURE OF THE PRESIDENT TO DESIGNATE OR ENFORCE THE REQUIRED
40 IMPOUNDMENT IS AN IMPEACHABLE MISDEMEANOR. ANY PURPORTED ISSUANCE OR
41 INCURRENCE OF ANY DEBT IN EXCESS OF THE DEBT LIMIT SET BY SECTION 2 IS VOID.

42 SECTION 5. NO BILL THAT PROVIDES FOR A NEW OR INCREASED GENERAL
43 REVENUE TAX SHALL BECOME LAW UNLESS APPROVED BY A TWO-THIRDS ROLL CALL VOTE
44 OF THE WHOLE NUMBER OF EACH HOUSE OF CONGRESS. HOWEVER, THIS REQUIREMENT
45 SHALL NOT APPLY TO ANY BILL THAT PROVIDES FOR A NEW END USER SALES TAX WHICH

1 WOULD COMPLETELY REPLACE EVERY EXISTING INCOME TAX LEVIED BY THE GOVERNMENT
2 OF THE UNITED STATES; OR FOR THE REDUCTION OR ELIMINATION OF AN EXEMPTION,
3 DEDUCTION, OR CREDIT ALLOWED UNDER AN EXISTING GENERAL REVENUE TAX.

4 SECTION 6. FOR PURPOSES OF THIS ARTICLE, "DEBT" MEANS ANY OBLIGATION
5 BACKED BY THE FULL FAITH AND CREDIT OF THE GOVERNMENT OF THE UNITED STATES;
6 "OUTSTANDING DEBT" MEANS ALL DEBT HELD IN ANY ACCOUNT AND BY ANY ENTITY AT A
7 GIVEN POINT IN TIME; "AUTHORIZED DEBT" MEANS THE MAXIMUM TOTAL AMOUNT OF DEBT
8 THAT MAY BE LAWFULLY ISSUED AND OUTSTANDING AT ANY SINGLE POINT IN TIME UNDER
9 THIS ARTICLE; "TOTAL OUTLAYS OF THE GOVERNMENT OF THE UNITED STATES" MEANS
10 ALL EXPENDITURES OF THE GOVERNMENT OF THE UNITED STATES FROM ANY SOURCE;
11 "TOTAL RECEIPTS OF THE GOVERNMENT OF THE UNITED STATES" MEANS ALL TAX
12 RECEIPTS AND OTHER INCOME OF THE GOVERNMENT OF THE UNITED STATES, EXCLUDING
13 PROCEEDS FROM ITS ISSUANCE OR INCURRENCE OF DEBT OR ANY TYPE OF LIABILITY;
14 AND "GENERAL REVENUE TAX" MEANS ANY INCOME TAX, SALES TAX, OR VALUE-ADDED TAX
15 LEVIED BY THE GOVERNMENT OF THE UNITED STATES EXCLUDING IMPOSTS AND DUTIES.

16 SECTION 7. THIS ARTICLE IS IMMEDIATELY OPERATIVE UPON RATIFICATION,
17 SELF-ENFORCING, AND CONGRESS MAY ENACT CONFORMING LEGISLATION TO FACILITATE
18 ENFORCEMENT."

19 ARTICLE III

20 COMPACT MEMBERSHIP AND WITHDRAWAL

21 SECTION 1. THIS COMPACT GOVERNS EACH MEMBER STATE TO THE FULLEST
22 EXTENT PERMITTED BY THEIR RESPECTIVE CONSTITUTIONS, SUPERSEDING AND REPEALING
23 ANY CONFLICTING OR CONTRARY LAW.

24 SECTION 2. BY BECOMING A MEMBER STATE, EACH SUCH STATE OFFERS,
25 PROMISES AND AGREES TO PERFORM AND COMPLY STRICTLY IN ACCORDANCE WITH THE
26 TERMS AND CONDITIONS OF THIS COMPACT, AND HAS MADE SUCH OFFER, PROMISE AND
27 AGREEMENT IN ANTICIPATION AND CONSIDERATION OF, AND IN SUBSTANTIAL RELIANCE
28 UPON, SUCH MUTUAL AND RECIPROCAL PERFORMANCE AND COMPLIANCE BY EACH OTHER
29 CURRENT AND FUTURE MEMBER STATE, IF ANY. ACCORDINGLY, IN ADDITION TO HAVING
30 THE FORCE OF LAW IN EACH MEMBER STATE UPON ITS RESPECTIVE EFFECTIVE DATE,
31 THIS COMPACT AND EACH OF ITS ARTICLES SHALL ALSO BE CONSTRUED AS
32 CONTRACTUALLY BINDING EACH MEMBER STATE WHEN:

33 (a) AT LEAST ONE OTHER STATE HAS LIKEWISE BECOME A MEMBER STATE BY
34 ENACTING SUBSTANTIVELY IDENTICAL LEGISLATION ADOPTING AND AGREEING TO BE
35 BOUND BY THIS COMPACT; AND

36 (b) NOTICE OF SUCH STATE'S MEMBER STATE STATUS IS OR HAS BEEN
37 SEASONABLY RECEIVED BY THE COMPACT ADMINISTRATOR, IF ANY, OR OTHERWISE BY THE
38 CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE.

39 SECTION 3. WHEN FEWER THAN THREE-FOURTHS OF THE STATES ARE MEMBER
40 STATES, ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING
41 APPROPRIATE LEGISLATION, AS DETERMINED BY STATE LAW, AND GIVING NOTICE OF
42 SUCH WITHDRAWAL TO THE COMPACT ADMINISTRATOR, IF ANY, OR OTHERWISE TO THE
43 CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE. A WITHDRAWAL SHALL NOT
44 AFFECT THE VALIDITY OR APPLICABILITY OF THE COMPACT WITH RESPECT TO REMAINING
45 MEMBER STATES, PROVIDED THAT THERE REMAIN AT LEAST TWO SUCH STATES. HOWEVER,

1 ONCE AT LEAST THREE-FOURTHS OF THE STATES ARE MEMBER STATES, THEN NO MEMBER
2 STATE MAY WITHDRAW FROM THE COMPACT ABSENT UNANIMOUS CONSENT OF ALL MEMBER
3 STATES.

4 ARTICLE IV

5 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

6 SECTION 1. NATURE OF THE COMPACT COMMISSION. THE COMPACT COMMISSION
7 ("COMMISSION") IS HEREBY ESTABLISHED. IT HAS THE POWER AND DUTY:

8 (a) TO APPOINT AND OVERSEE A COMPACT ADMINISTRATOR;

9 (b) TO ENCOURAGE STATES TO JOIN THE COMPACT AND CONGRESS TO CONSENT TO
10 THE COMPACT THROUGH EDUCATIONAL EFFORTS;

11 (c) TO COORDINATE THE PERFORMANCE OF OBLIGATIONS UNDER THE COMPACT;

12 (d) TO DETERMINE THE DATE, TIME AND LOCATION OF THE CONVENTION AND
13 OVERSEE ITS LOGISTICAL OPERATIONS, AS APPROPRIATE TO ENSURE THIS COMPACT
14 GOVERNS ITS PROCEEDINGS;

15 (e) TO OVERSEE THE DEFENSE AND ENFORCEMENT OF THE COMPACT IN
16 APPROPRIATE LEGAL VENUES;

17 (f) TO REQUEST FUNDS AND TO DISBURSE THOSE FUNDS TO SUPPORT THE
18 OPERATIONS OF THE COMMISSION, COMPACT ADMINISTRATOR, AND CONVENTION; AND

19 (g) TO COOPERATE WITH ANY ENTITY THAT SHARES A COMMON INTEREST WITH
20 THE COMMISSION AND ENGAGES IN POLICY RESEARCH, PUBLIC INTEREST LITIGATION OR
21 LOBBYING IN SUPPORT OF THE PURPOSES OF THE COMPACT.

22 THE COMMISSION SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE ESSENTIAL TO
23 CARRYING OUT THESE EXPRESS POWERS AND DUTIES. IT SHALL TAKE NO ACTION THAT
24 CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF ANY STATE THAT
25 IS NOT SUPERSEDED BY THIS COMPACT. IT MAY ADOPT AND PUBLISH CORRESPONDING
26 BYLAWS AND POLICIES.

27 SECTION 2. COMMISSION MEMBERSHIP. THE COMMISSION INITIALLY CONSISTS
28 OF THREE UNPAID MEMBERS. EACH MEMBER STATE MAY APPOINT ONE MEMBER TO THE
29 COMMISSION THROUGH AN APPOINTMENT PROCESS TO BE DETERMINED BY THEIR
30 RESPECTIVE CHIEF EXECUTIVE OFFICER UNTIL ALL POSITIONS ON THE COMMISSION ARE
31 FILLED. POSITIONS SHALL BE ASSIGNED TO APPOINTEES IN THE ORDER IN WHICH
32 THEIR RESPECTIVE APPOINTING STATES BECAME MEMBER STATES. THE BYLAWS OF THE
33 COMMISSION MAY EXPAND ITS MEMBERSHIP TO INCLUDE REPRESENTATIVES OF ADDITIONAL
34 MEMBER STATES AND TO ALLOW FOR MODEST SALARIES AND REIMBURSEMENT OF EXPENSES
35 IF ADEQUATE FUNDING EXISTS.

36 SECTION 3. COMMISSION ACTION. EACH COMMISSION MEMBER IS ENTITLED TO
37 ONE VOTE. THE COMMISSION SHALL NOT ACT UNLESS A MAJORITY OF ITS APPOINTED
38 MEMBERSHIP IS PRESENT, AND NO ACTION SHALL BE BINDING UNLESS APPROVED BY A
39 MAJORITY OF THE COMMISSION'S APPOINTED MEMBERSHIP. THE COMMISSION SHALL MEET
40 AT LEAST ONCE A YEAR, AND MAY MEET MORE FREQUENTLY.

41 SECTION 4. FIRST ORDER OF BUSINESS. THE COMMISSION SHALL AT THE
42 EARLIEST POSSIBLE TIME ELECT FROM AMONG ITS MEMBERSHIP A CHAIRPERSON,
43 DETERMINE A PRIMARY PLACE OF DOING BUSINESS, AND APPOINT A COMPACT
44 ADMINISTRATOR.

1 SECTION 5. FUNDING. THE COMMISSION AND THE COMPACT ADMINISTRATOR'S
2 ACTIVITIES SHALL BE FUNDED EXCLUSIVELY BY EACH MEMBER STATE, AS DETERMINED BY
3 THEIR RESPECTIVE STATE LAW, OR BY VOLUNTARY DONATIONS.

4 SECTION 6. COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR HAS THE
5 POWER AND DUTY:

6 (a) TO TIMELY NOTIFY THE STATES OF THE DATE, TIME AND LOCATION OF THE
7 CONVENTION;

8 (b) TO ORGANIZE AND DIRECT THE LOGISTICAL OPERATIONS OF THE
9 CONVENTION;

10 (c) TO MAINTAIN AN ACCURATE LIST OF ALL MEMBER STATES, THEIR APPOINTED
11 DELEGATES, INCLUDING CONTACT INFORMATION; AND

12 (d) TO FORMULATE, TRANSMIT, AND MAINTAIN ALL OFFICIAL NOTICES,
13 RECORDS, AND COMMUNICATIONS RELATING TO THIS COMPACT.

14 THE COMPACT ADMINISTRATOR SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE
15 ESSENTIAL TO CARRYING OUT THESE EXPRESS POWERS AND DUTIES; AND SHALL TAKE NO
16 ACTION THAT CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF
17 ANY STATE THAT IS NOT SUPERSEDED BY THIS COMPACT. THE COMPACT ADMINISTRATOR
18 SERVES AT THE PLEASURE OF THE COMMISSION AND MUST KEEP THE COMMISSION
19 SEASONABLY APPRISED OF THE PERFORMANCE OR NONPERFORMANCE OF THE TERMS AND
20 CONDITIONS OF THIS COMPACT. ANY NOTICE SENT BY A MEMBER STATE TO THE COMPACT
21 ADMINISTRATOR CONCERNING THIS COMPACT SHALL BE ADEQUATE NOTICE TO EACH OTHER
22 MEMBER STATE PROVIDED THAT A COPY OF SAID NOTICE IS SEASONABLY DELIVERED BY
23 THE COMPACT ADMINISTRATOR TO EACH OTHER MEMBER STATE'S RESPECTIVE CHIEF
24 EXECUTIVE OFFICER.

25 SECTION 7. NOTICE OF KEY EVENTS. UPON THE OCCURRENCE OF EACH OF THE
26 FOLLOWING DESCRIBED EVENTS, OR OTHERWISE AS SOON AS POSSIBLE, THE COMPACT
27 ADMINISTRATOR SHALL IMMEDIATELY SEND THE FOLLOWING NOTICES TO ALL COMPACT
28 NOTICE RECIPIENTS, TOGETHER WITH CERTIFIED CONFORMING COPIES OF THE CHARTERED
29 VERSION OF THIS COMPACT AS MAINTAINED IN THE STATUTES OF EACH MEMBER STATE:

30 (a) WHENEVER ANY STATE BECOMES A MEMBER STATE, NOTICE OF THAT FACT
31 SHALL BE GIVEN;

32 (b) ONCE AT LEAST THREE-FOURTHS OF THE STATES ARE MEMBER STATES,
33 NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH A STATEMENT DECLARING THAT
34 THE LEGISLATURES OF AT LEAST TWO-THIRDS OF THE SEVERAL STATES HAVE APPLIED
35 FOR A CONVENTION FOR PROPOSING AMENDMENTS UNDER ARTICLE V OF THE UNITED
36 STATES CONSTITUTION, PETITIONING CONGRESS TO CALL THE CONVENTION CONTEMPLATED
37 BY THIS COMPACT, AND FURTHER REQUESTING COOPERATION IN ORGANIZING THE SAME IN
38 ACCORDANCE WITH THIS COMPACT;

39 (c) ONCE CONGRESS HAS CALLED THE CONVENTION CONTEMPLATED BY THIS
40 COMPACT, AND WHENEVER THE DATE, TIME AND LOCATION OF THE CONVENTION HAS BEEN
41 DETERMINED, NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH THE DATE, TIME
42 AND LOCATION OF THE CONVENTION AND OTHER ESSENTIAL LOGISTICAL MATTERS;

43 (d) UPON APPROVAL OF THE BALANCED BUDGET AMENDMENT BY THE CONVENTION,
44 NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH THE TRANSMISSION OF
45 CERTIFIED COPIES OF SUCH APPROVED PROPOSED AMENDMENT AND A STATEMENT

1 REQUESTING CONGRESS TO REFER THE SAME FOR RATIFICATION BY THREE-FOURTHS OF
2 THE LEGISLATURES OF THE SEVERAL STATES UNDER ARTICLE V OF THE UNITED STATES
3 CONSTITUTION. HOWEVER, IN NO EVENT SHALL ANY PROPOSED AMENDMENT OTHER THAN
4 THE BALANCED BUDGET AMENDMENT BE TRANSMITTED; AND

5 (e) WHEN ANY ARTICLE OF THIS COMPACT PROSPECTIVELY RATIFYING THE
6 BALANCED BUDGET AMENDMENT IS EFFECTIVE IN ANY MEMBER STATE, NOTICE OF THE
7 SAME SHALL BE GIVEN TOGETHER WITH A STATEMENT DECLARING SUCH RATIFICATION AND
8 FURTHER REQUESTING COOPERATION IN ENSURING THAT THE OFFICIAL RECORD CONFIRMS
9 AND REFLECTS THE EFFECTIVE CORRESPONDING AMENDMENT TO THE UNITED STATES
10 CONSTITUTION.

11 HOWEVER, WHENEVER ANY MEMBER STATE ENACTS APPROPRIATE LEGISLATION, AS
12 DETERMINED BY THE LAWS OF THE RESPECTIVE STATE, WITHDRAWING FROM THIS
13 COMPACT, THE COMPACT ADMINISTRATOR SHALL IMMEDIATELY SEND CERTIFIED
14 CONFORMING COPIES OF THE CHAPTERED VERSION OF SUCH WITHDRAWAL LEGISLATION AS
15 MAINTAINED IN THE STATUTES OF EACH SUCH WITHDRAWING MEMBER STATE, SOLELY TO
16 EACH CHIEF EXECUTIVE OFFICER OF EACH REMAINING MEMBER STATE, GIVING NOTICE OF
17 SUCH WITHDRAWAL.

18 SECTION 8. COOPERATION. THE COMMISSION, MEMBER STATES AND COMPACT
19 ADMINISTRATOR SHALL COOPERATE WITH EACH OTHER AND GIVE EACH OTHER MUTUAL
20 ASSISTANCE IN ENFORCING THIS COMPACT AND SHALL GIVE THE CHIEF LAW ENFORCEMENT
21 OFFICER OF EACH OTHER MEMBER STATE ANY INFORMATION OR DOCUMENTS THAT ARE
22 REASONABLY NECESSARY TO FACILITATE THE ENFORCEMENT OF THIS COMPACT.

23 SECTION 9. DISSOLUTION. THE COMMISSION SHALL BE DEEMED DISSOLVED, ALL
24 OF ITS MEMBERS AND THE COMPACT ADMINISTRATOR SHALL BE DISCHARGED, AND ALL
25 RIGHTS AND OBLIGATIONS OF MEMBER STATES UNDER THIS ARTICLE SHALL BE DEEMED
26 NULL AND VOID, WHEN THE UNITED STATES CONSTITUTION IS AMENDED BY THE BALANCED
27 BUDGET AMENDMENT.

28 SECTION 10. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL THERE ARE AT LEAST
29 TWO MEMBER STATES.

30 ARTICLE V
31 RESOLUTION APPLYING FOR CONVENTION

32 SECTION 1. BE IT RESOLVED, AS PROVIDED FOR IN ARTICLE V OF THE
33 CONSTITUTION OF THE UNITED STATES, THE LEGISLATURE OF EACH MEMBER STATE
34 HEREWITH APPLIES TO CONGRESS FOR A CONVENTION FOR PROPOSING AMENDMENTS.

35 SECTION 2. TO THE FURTHEST EXTENT PERMITTED BY LAW, THE CONVENTION
36 SHALL BE ENTIRELY FOCUSED UPON AND EXCLUSIVELY LIMITED TO THE SUBJECT MATTER
37 OF INTRODUCING, DEBATING, VOTING UPON, AND REJECTING OR PROPOSING FOR
38 RATIFICATION THE BALANCED BUDGET AMENDMENT.

39 SECTION 3. CONGRESS IS FURTHER PETITIONED TO REFER THE BALANCED BUDGET
40 AMENDMENT TO THE STATES FOR RATIFICATION BY THREE-FOURTHS OF THEIR RESPECTIVE
41 LEGISLATURES.

42 SECTION 4. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL AT LEAST THREE-
43 FOURTHS OF THE SEVERAL STATES ARE MEMBER STATES.

ARTICLE VI

DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

SECTION 1. NUMBER OF DELEGATES. EACH MEMBER STATE SHALL BE ENTITLED TO ONE DELEGATE AS ITS SOLE AND EXCLUSIVE REPRESENTATIVE AT THE CONVENTION AS SET FORTH IN THIS ARTICLE.

SECTION 2. IDENTITY OF DELEGATES. EACH MEMBER STATE'S CHIEF EXECUTIVE OFFICER, WHO IS SERVING ON THE ENACTMENT DATE OF THIS COMPACT, IS APPOINTED IN AN INDIVIDUAL CAPACITY TO REPRESENT HIS OR HER RESPECTIVE STATE AT THE CONVENTION AS ITS SOLE AND EXCLUSIVE DELEGATE.

SECTION 3. REPLACEMENT OR RECALL OF DELEGATES. A DELEGATE APPOINTED HEREUNDER MAY BE REPLACED OR RECALLED BY THE LEGISLATURE OF HIS OR HER RESPECTIVE STATE AT ANY TIME FOR GOOD CAUSE, SUCH AS CRIMINAL MISCONDUCT OR THE VIOLATION OF THIS COMPACT. IF REPLACED OR RECALLED, ANY DELEGATE PREVIOUSLY APPOINTED HEREUNDER MUST IMMEDIATELY VACATE THE CONVENTION AND RETURN TO THEIR RESPECTIVE STATE'S CAPITOL.

SECTION 4. OATH. THE POWER AND AUTHORITY OF A DELEGATE UNDER THIS ARTICLE MAY ONLY BE EXERCISED AFTER APPOINTMENT IS DULY ACCEPTED BY SUCH APPOINTEE PUBLICLY TAKING THE FOLLOWING OATH OR AFFIRMATION: "I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I ACCEPT THIS APPOINTMENT AND WILL ACT STRICTLY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE COMPACT FOR AMERICA, THE CONSTITUTION OF THE STATE I REPRESENT, AND THE UNITED STATES CONSTITUTION. I UNDERSTAND THAT VIOLATING THIS OATH (OR AFFIRMATION) FORFEITS MY APPOINTMENT AND MAY SUBJECT ME TO OTHER PENALTIES AS PROVIDED BY LAW."

SECTION 5. TERM. THE TERM OF A DELEGATE HEREUNDER TERMINATES UPON THE EARLIER OF EITHER ONE CALENDAR YEAR FROM THE DATE OF ACCEPTING THE APPOINTMENT OR THE ADJOURNMENT OF THE CONVENTION, UNLESS SHORTENED BY RECALL, REPLACEMENT OR FORFEITURE UNDER THIS ARTICLE. UPON EXPIRATION OF SUCH TERM, ANY PERSON FORMERLY SERVING AS A DELEGATE MUST IMMEDIATELY WITHDRAW FROM AND CEASE PARTICIPATION AT THE CONVENTION, IF ANY IS PROCEEDING.

SECTION 6. DELEGATE AUTHORITY. THE POWER AND AUTHORITY OF ANY DELEGATE APPOINTED HEREUNDER IS STRICTLY LIMITED:

(a) TO INTRODUCING, DEBATING, VOTING UPON, PROPOSING AND ENFORCING THE CONVENTION RULES SPECIFIED IN THIS COMPACT, AS NEEDED TO ENSURE THOSE RULES GOVERN THE CONVENTION; AND

(b) TO INTRODUCING, DEBATING, VOTING UPON, AND REJECTING OR PROPOSING FOR RATIFICATION THE BALANCED BUDGET AMENDMENT.

NO DELEGATE OF ANY MEMBER STATE MAY INTRODUCE, DEBATE, VOTE UPON, REJECT OR PROPOSE FOR RATIFICATION ANY CONSTITUTIONAL AMENDMENT AT THE CONVENTION UNLESS:

(a) THE CONVENTION RULES SPECIFIED IN THIS COMPACT GOVERN THE CONVENTION AND THEIR ACTIONS; AND

(b) THE CONSTITUTIONAL AMENDMENT IS THE BALANCED BUDGET AMENDMENT.

FURTHERMORE, THE POWER AND AUTHORITY OF ANY DELEGATE AT THE CONVENTION DOES NOT INCLUDE ANY POWER OR AUTHORITY ASSOCIATED WITH ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE. ANY PERSON APPOINTED TO SERVE AS A DELEGATE SHALL TAKE

1 A TEMPORARY LEAVE OF ABSENCE FROM ANY OTHER PUBLIC OFFICE HELD BY THE
2 DELEGATE WHILE ATTENDING THE CONVENTION, AND MAY NOT EXERCISE ANY POWER OR
3 AUTHORITY ASSOCIATED WITH ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE WHILE
4 ATTENDING THE CONVENTION. ALL ACTIONS TAKEN BY ANY DELEGATE IN VIOLATION OF
5 THIS SECTION ARE VOID AB INITIO.

6 SECTION 7. ORDER OF BUSINESS. BEFORE INTRODUCING, DEBATING, VOTING
7 UPON, REJECTING OR PROPOSING FOR RATIFICATION ANY CONSTITUTIONAL AMENDMENT AT
8 THE CONVENTION, EACH DELEGATE OF EVERY MEMBER STATE MUST FIRST ENSURE THE
9 CONVENTION RULES IN THIS COMPACT GOVERN THE CONVENTION AND THEIR ACTIONS.
10 EVERY DELEGATE AND EACH MEMBER STATE MUST IMMEDIATELY VACATE THE CONVENTION
11 AND NOTIFY THE COMPACT ADMINISTRATOR BY THE MOST EFFECTIVE AND EXPEDITIOUS
12 MEANS IF THE CONVENTION RULES IN THIS COMPACT ARE NOT ADOPTED TO GOVERN THE
13 CONVENTION AND THEIR ACTIONS.

14 SECTION 8. FORFEITURE OF APPOINTMENT. IF ANY MEMBER STATE OR DELEGATE
15 VIOLATES ANY PROVISION OF THIS COMPACT, THEN EVERY DELEGATE OF THAT MEMBER
16 STATE IMMEDIATELY FORFEITS HIS OR HER APPOINTMENT, AND SHALL IMMEDIATELY
17 CEASE PARTICIPATION AT THE CONVENTION, VACATE THE CONVENTION, AND RETURN TO
18 HIS OR HER RESPECTIVE STATE'S CAPITOL.

19 SECTION 9. EXPENSES. A DELEGATE APPOINTED HEREUNDER IS ENTITLED TO
20 REIMBURSEMENT OF REASONABLE EXPENSES FOR ATTENDING THE CONVENTION FROM HIS OR
21 HER RESPECTIVE MEMBER STATE. NO DELEGATE MAY ACCEPT ANY OTHER FORM OF
22 REMUNERATION OR COMPENSATION FOR SERVICE UNDER THIS COMPACT.

23 ARTICLE VII
24 CONVENTION RULES

25 SECTION 1. NATURE OF THE CONVENTION. THE CONVENTION SHALL BE
26 ORGANIZED, CONSTRUED AND CONDUCTED AS A BODY EXCLUSIVELY REPRESENTING AND
27 CONSTITUTED BY THE SEVERAL STATES.

28 SECTION 2. DATE AND LOCATION OF THE CONVENTION. THE CONVENTION SHALL
29 BE HELD IN DALLAS, TEXAS AND COMMENCE PROCEEDINGS WITHIN SIXTY DAYS OF THE
30 EFFECTIVE DATE OF THE CONGRESSIONAL RESOLUTION CALLING THE CONVENTION, ON A
31 SPECIFIC DATE AND A TIME TO BE DETERMINED BY THE COMMISSION. WITH PRIOR
32 NOTICE GIVEN TO ALL COMPACT NOTICE RECIPIENTS, THE COMMISSION MAY
33 SUBSEQUENTLY RELOCATE AND RESCHEDULE THE CONVENTION TO ENSURE IT PROCEEDS IN
34 AN ORDERLY MANNER IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS
35 COMPACT.

36 SECTION 3. AGENDA OF THE CONVENTION. THE AGENDA OF THE CONVENTION
37 SHALL BE ENTIRELY FOCUSED UPON AND EXCLUSIVELY LIMITED TO INTRODUCING,
38 DEBATING, VOTING UPON, AND REJECTING OR PROPOSING FOR RATIFICATION THE
39 BALANCED BUDGET AMENDMENT UNDER THE CONVENTION RULES SPECIFIED IN THIS
40 ARTICLE AND IN ACCORDANCE WITH THE COMPACT. IT SHALL NOT BE IN ORDER FOR THE
41 CONVENTION TO CONSIDER ANY MATTER THAT IS OUTSIDE THE SCOPE OF THIS AGENDA.

42 SECTION 4. DELEGATE IDENTITY AND PROCEDURE. STATES SHALL BE
43 REPRESENTED AT THE CONVENTION THROUGH DULY APPOINTED DELEGATES. THE NUMBER,
44 IDENTITY AND AUTHORITY OF DELEGATES ASSIGNED TO EACH STATE SHALL BE
45 DETERMINED BY THIS COMPACT IN THE CASE OF MEMBER STATES OR, IN THE CASE OF

1 STATES THAT ARE NOT MEMBER STATES, BY THEIR RESPECTIVE STATE LAWS. HOWEVER,
2 TO PREVENT DISRUPTION OF PROCEEDINGS, NO MORE THAN THREE DELEGATES MAY ATTEND
3 AND PARTICIPATE IN THE CONVENTION ON BEHALF OF ANY STATE THAT IS NOT A MEMBER
4 STATE. A CERTIFIED CHAPTERED CONFORMING COPY OF THIS COMPACT, TOGETHER WITH
5 GOVERNMENT-ISSUED PHOTOGRAPHIC PROOF OF IDENTIFICATION, SHALL SUFFICE AS
6 CREDENTIALS FOR DELEGATES OF MEMBER STATES. ANY COMMISSION FOR DELEGATES OF
7 STATES THAT ARE NOT MEMBER STATES SHALL BE BASED ON THEIR RESPECTIVE STATE
8 LAWS, BUT IT SHALL FURNISH CREDENTIALS THAT ARE AT LEAST AS RELIABLE AS THOSE
9 REQUIRED OF MEMBER STATES.

10 SECTION 5. VOTING. EACH STATE REPRESENTED AT THE CONVENTION SHALL
11 HAVE ONE VOTE, EXERCISED BY THE VOTE OF THAT STATE'S DELEGATE IN THE CASE OF
12 STATES REPRESENTED BY ONE DELEGATE, OR, IN THE CASE OF ANY STATE THAT IS NOT
13 A MEMBER STATE AND THAT IS REPRESENTED BY MORE THAN ONE DELEGATE, BY THE
14 MAJORITY VOTE OF THAT STATE'S RESPECTIVE DELEGATES.

15 SECTION 6. QUORUM. A MAJORITY OF THE SEVERAL STATES OF THE UNITED
16 STATES, EACH PRESENT THROUGH THEIR RESPECTIVE DELEGATE IN THE CASE OF STATES
17 REPRESENTED BY ONE DELEGATE, OR THROUGH A MAJORITY OF THEIR RESPECTIVE
18 DELEGATES, IN THE CASE OF ANY STATE THAT IS NOT A MEMBER STATE AND THAT IS
19 REPRESENTED BY MORE THAN ONE DELEGATE, SHALL CONSTITUTE A QUORUM FOR THE
20 TRANSACTION OF ANY BUSINESS ON BEHALF OF THE CONVENTION.

21 SECTION 7. ACTION BY THE CONVENTION. THE CONVENTION SHALL ONLY ACT AS
22 A COMMITTEE OF THE WHOLE CHAIRED BY THE DELEGATE REPRESENTING THE FIRST STATE
23 TO HAVE BECOME A MEMBER STATE. THE TRANSACTION OF ANY BUSINESS ON BEHALF OF
24 THE CONVENTION, INCLUDING THE DESIGNATION OF A SECRETARY, THE ADOPTION OF
25 PARLIAMENTARY PROCEDURES AND THE REJECTION OR PROPOSAL OF CONSTITUTIONAL
26 AMENDMENTS, REQUIRES A QUORUM TO BE PRESENT AND A MAJORITY AFFIRMATIVE VOTE
27 OF THOSE STATES CONSTITUTING THE QUORUM.

28 SECTION 8. PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING AND
29 FORMULATING PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY ADOPT,
30 APPLY OR APPROPRIATELY ADAPT PROVISIONS OF THE MOST RECENT EDITIONS OF
31 ROBERT'S RULES OF ORDER AND THE AMERICAN INSTITUTE OF PARLIAMENTARIANS
32 STANDARD CODE OF PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING OR ADAPTING
33 PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY CONSIDER ANALOGOUS
34 PRECEDENT ARISING WITHIN THE JURISDICTION OF THE UNITED STATES.
35 PARLIAMENTARY PROCEDURES ADOPTED, APPLIED OR ADAPTED PURSUANT TO THIS SECTION
36 SHALL NOT OVERRIDE OR OTHERWISE CONFLICT WITH THIS COMPACT.

37 SECTION 9. TRANSMITTAL. UPON APPROVAL OF THE BALANCED BUDGET
38 AMENDMENT BY THE CONVENTION TO PROPOSE FOR RATIFICATION, THE CHAIR OF THE
39 CONVENTION SHALL IMMEDIATELY TRANSMIT CERTIFIED COPIES OF SUCH APPROVED
40 PROPOSED AMENDMENT TO THE COMPACT ADMINISTRATOR AND ALL COMPACT NOTICE
41 RECIPIENTS, NOTIFYING THEM RESPECTIVELY OF SUCH APPROVAL AND REQUESTING
42 CONGRESS TO REFER THE SAME FOR RATIFICATION BY THE STATES UNDER ARTICLE V OF
43 THE UNITED STATES CONSTITUTION. HOWEVER, IN NO EVENT SHALL ANY PROPOSED
44 AMENDMENT OTHER THAN THE BALANCED BUDGET AMENDMENT BE TRANSMITTED AS
45 AFORESAID.

1 SECTION 10. TRANSPARENCY. RECORDS OF THE CONVENTION, INCLUDING THE
2 IDENTITIES OF ALL ATTENDEES AND DETAILED MINUTES OF ALL PROCEEDINGS, SHALL BE
3 KEPT BY THE CHAIR OF THE CONVENTION OR SECRETARY DESIGNATED BY THE
4 CONVENTION. ALL PROCEEDINGS AND RECORDS OF THE CONVENTION SHALL BE OPEN TO
5 THE PUBLIC UPON REQUEST SUBJECT TO REASONABLE REGULATIONS ADOPTED BY THE
6 CONVENTION THAT ARE CLOSELY TAILORED TO PREVENTING DISRUPTION OF PROCEEDINGS
7 UNDER THIS ARTICLE.

8 SECTION 11. ADJOURNMENT OF THE CONVENTION. THE CONVENTION SHALL
9 PERMANENTLY ADJOURN UPON THE EARLIER OF TWENTY-FOUR HOURS AFTER COMMENCING
10 PROCEEDINGS UNDER THIS ARTICLE OR THE COMPLETION OF THE BUSINESS ON ITS
11 AGENDA.

12 ARTICLE VIII

13 PROHIBITION ON ULTRA VIRES CONVENTION

14 SECTION 1. ANY PROPOSAL OR ACTION OF THE CONVENTION IS VOID AB INITIO
15 AND ISSUED BY A BODY THAT IS CONDUCTING ITSELF IN AN UNLAWFUL AND ULTRA VIRES
16 FASHION IF THAT PROPOSAL OR ACTION:

17 (a) VIOLATES OR WAS APPROVED IN VIOLATION OF THE CONVENTION RULES OR
18 THE LIMITATIONS ON DELEGATE AUTHORITY SPECIFIED IN THIS COMPACT;

19 (b) PURPORTS TO PROPOSE OR EFFECTUATE A MODE OF RATIFICATION THAT IS
20 NOT SPECIFIED IN ARTICLE V OF THE UNITED STATES CONSTITUTION; OR

21 (c) PURPORTS TO PROPOSE OR EFFECTUATE THE FORMATION OF A NEW
22 GOVERNMENT.

23 ALL MEMBER STATES AND THEIR RESIDENTS ARE PROHIBITED FROM ADVANCING OR
24 MATERIALLY ASSISTING IN THE ADVANCEMENT OF ANY SUCH PROPOSAL OR ACTION.

25 SECTION 2. MEMBER STATES SHALL NOT ATTEND OR PARTICIPATE IN THE
26 CONVENTION UNLESS:

27 (a) ITS AGENDA IS GOVERNED BY THE CONVENTION RULES OF THIS COMPACT;
28 AND

29 (b) CONGRESS FIRST CALLS THE CONVENTION IN ACCORDANCE WITH THIS
30 COMPACT AND PROSPECTIVELY DESIGNATES THE METHOD OF RATIFICATION FOR THE
31 BALANCED BUDGET AMENDMENT AS BEING BY THREE-FOURTHS OF THE LEGISLATURES OF
32 THE SEVERAL STATES.

33 SECTION 3. MEMBER STATES SHALL NOT RATIFY OR OTHERWISE APPROVE ANY
34 PROPOSED AMENDMENT, ALTERATION OR REVISION TO THE UNITED STATES CONSTITUTION,
35 WHICH ORIGINATES FROM THE CONVENTION, OTHER THAN THE BALANCED BUDGET
36 AMENDMENT.

37 ARTICLE IX

38 RESOLUTION PROSPECTIVELY RATIFYING THE
39 BALANCED BUDGET AMENDMENT

40 SECTION 1. EACH MEMBER STATE, BY AND THROUGH ITS RESPECTIVE
41 LEGISLATURE, HEREBY ADOPTS AND RATIFIES THE BALANCED BUDGET AMENDMENT.

42 SECTION 2. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL CONGRESS
43 EFFECTIVELY REFERS THE BALANCED BUDGET AMENDMENT TO THE STATES FOR
44 RATIFICATION BY THREE-FOURTHS OF THE LEGISLATURES OF THE SEVERAL STATES UNDER
45 ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.

ARTICLE X

CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

SECTION 1. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS COMPACT OR ANY OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF LOCAL LEGISLATIVE RULES, DRAFTING POLICIES, OR PROCEDURE TO BE EFFECTIVE, THE ENACTMENT OF LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT SHALL BE DEEMED TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE AMEND AND CONFORM ALL SUCH RULES, POLICIES OR PROCEDURES TO ALLOW FOR THE EFFECTIVENESS OF THIS COMPACT TO THE FULLEST EXTENT PERMITTED BY THE CONSTITUTION OF ANY AFFECTED MEMBER STATE.

SECTION 2. IN ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED BY STATE LAW WHICH ARE CONSISTENT WITH THE TERMS AND CONDITIONS OF THIS COMPACT, THE CHIEF LAW ENFORCEMENT OFFICER OF EACH MEMBER STATE IS EMPOWERED TO DEFEND THE COMPACT FROM ANY LEGAL CHALLENGE, AS WELL AS TO SEEK CIVIL MANDATORY AND PROHIBITORY INJUNCTIVE RELIEF TO ENFORCE THIS COMPACT; AND SHALL TAKE SUCH ACTION WHENEVER THE COMPACT IS CHALLENGED OR VIOLATED.

SECTION 3. THE EXCLUSIVE VENUE FOR ALL ACTIONS IN ANY WAY ARISING UNDER THIS COMPACT SHALL BE IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS OR THE COURTS OF THE STATE OF TEXAS WITHIN THE JURISDICTIONAL BOUNDARIES OF THE FOREGOING DISTRICT COURT. EACH MEMBER STATE SHALL SUBMIT TO THE JURISDICTION OF SAID COURTS WITH RESPECT TO SUCH ACTIONS. HOWEVER, UPON WRITTEN REQUEST BY THE CHIEF LAW ENFORCEMENT OFFICER OF ANY MEMBER STATE, THE COMPACT COMMISSION MAY ELECT TO WAIVE THIS PROVISION FOR THE PURPOSE OF ENSURING AN ACTION PROCEEDS IN THE VENUE THAT ALLOWS FOR THE MOST CONVENIENT AND EFFECTIVE ENFORCEMENT OR DEFENSE OF THIS COMPACT. ANY SUCH WAIVER SHALL BE LIMITED TO THE PARTICULAR ACTION TO WHICH IT IS APPLIED AND NOT CONSTRUED OR RELIED UPON AS A GENERAL WAIVER OF THIS PROVISION. THE WAIVER DECISIONS OF THE COMPACT COMMISSION UNDER THIS PROVISION SHALL BE FINAL AND BINDING ON EACH MEMBER STATE.

SECTION 4. THE EFFECTIVE DATE OF THIS COMPACT AND ANY OF ITS ARTICLES IS THE LATTER OF: (a) THE DATE OF ANY EVENT RENDERING THE SAME EFFECTIVE ACCORDING TO ITS RESPECTIVE TERMS AND CONDITIONS; OR (b) THE EARLIEST DATE OTHERWISE PERMITTED BY LAW.

SECTION 5. ARTICLE VIII OF THIS COMPACT IS HEREBY DEEMED NON-SEVERABLE. HOWEVER, IF ANY OTHER PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT, OR THE APPLICABILITY OF ANY OTHER PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE, IS DECLARED IN A FINAL JUDGMENT TO BE CONTRARY TO THE UNITED STATES CONSTITUTION, CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE, OR IS OTHERWISE HELD INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH PHRASE, CLAUSE, SENTENCE OR PROVISION SHALL BE SEVERED AND HELD FOR NAUGHT, AND THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE REMAINDER OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE AFFECTED. FURTHERMORE, IF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE ENTIRELY

1 CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE OR OTHERWISE ENTIRELY
2 INVALID AS TO ANY MEMBER STATE, SUCH MEMBER STATE SHALL BE DEEMED TO HAVE
3 WITHDRAWN FROM THE COMPACT, AND THE COMPACT SHALL REMAIN IN FULL FORCE AND
4 EFFECT AS TO ANY REMAINING MEMBER STATE. FINALLY, IF THIS COMPACT IS
5 DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE
6 WHOLLY OR SUBSTANTIALLY IN VIOLATION OF ARTICLE I, SECTION 10, OF THE UNITED
7 STATES CONSTITUTION, THEN IT SHALL BE CONSTRUED AND ENFORCED SOLELY AS
8 RECIPROCAL LEGISLATION ENACTED BY THE AFFECTED MEMBER STATES.