

1 State of Arkansas
2 89th General Assembly
3 Fiscal Session, 2014

SR 5

4
5 By: Senator Rapert

6
7 **SENATE RESOLUTION**

8 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
9 BILL CONCERNING THE COMPACT FOR A BALANCED BUDGET
10 AMENDMENT.

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12
13 **Subtitle**

14 TO AUTHORIZE THE INTRODUCTION OF A
15 NONAPPROPRIATION BILL CONCERNING THE
16 COMPACT FOR A BALANCED BUDGET AMENDMENT.

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19 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE
20 STATE OF ARKANSAS:

21
22 THAT Representative Bell is authorized to introduce a bill, which as
23 introduced will read substantially as follows:

24
25 "For An Act To Be Entitled
26 AN ACT TO ADOPT THE COMPACT FOR A BALANCED BUDGET; AND FOR OTHER PURPOSES.

27
28 Subtitle
29 TO ADOPT THE COMPACT FOR A BALANCED BUDGET.

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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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



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

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

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

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

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

"Article __

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

Section 2. Outstanding debt shall not exceed authorized debt, which initially shall be an amount equal to 105 percent of the outstanding

1 debt on the effective date of this article. Authorized debt shall not be
2 increased above its aforesaid initial amount unless such increase is first
3 approved by the legislatures of the several states as provided in Section 3.
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5 Section 3. From time to time, Congress may increase authorized
6 debt to an amount in excess of its initial amount set by Section 2 only if it
7 first publicly refers to the legislatures of the several states an
8 unconditional, single subject measure proposing the amount of such increase,
9 in such form as provided by law, and the measure is thereafter publicly and
10 unconditionally approved by a simple majority of the legislatures of the
11 several states, in such form as provided respectively by state law; provided
12 that no inducement requiring an expenditure or tax levy shall be demanded,
13 offered or accepted as a quid pro quo for such approval. If such approval is
14 not obtained within sixty (60) calendar days after referral then the measure
15 shall be deemed disapproved and the authorized debt shall thereby remain
16 unchanged.
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18 Section 4. Whenever the outstanding debt exceeds 98 percent of
19 the debt limit set by Section 2, the President shall enforce said limit by
20 publicly designating specific expenditures for impoundment in an amount
21 sufficient to ensure outstanding debt shall not exceed the authorized debt.
22 Said impoundment shall become effective thirty (30) days thereafter, unless
23 Congress first designates an alternate impoundment of the same or greater
24 amount by concurrent resolution, which shall become immediately effective.
25 The failure of the President to designate or enforce the required impoundment
26 is an impeachable misdemeanor. Any purported issuance or incurrence of any
27 debt in excess of the debt limit set by Section 2 is void.
28

29 Section 5. No bill that provides for a new or increased general
30 revenue tax shall become law unless approved by a two-thirds roll call vote
31 of the whole number of each House of Congress. However, this requirement
32 shall not apply to any bill that provides for a new end user sales tax which
33 would completely replace every existing income tax levied by the government
34 of the United States; or for the reduction or elimination of an exemption,
35 deduction, or credit allowed under an existing general revenue tax.
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1 to be bound by this Compact; and (b) notice of such State's Member State
2 status is or has been seasonably received by the Compact Administrator, if
3 any, or otherwise by the chief executive officer of each other Member State.
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5 Section 3. For purposes of determining Member State status under this
6 Compact, as long as all other provisions of the Compact remain identical and
7 operative on the same terms, legislation enacting, adopting and agreeing to
8 be bound by this Compact shall be deemed and regarded as "substantively
9 identical" with respect to such other legislation enacted by another State
10 notwithstanding: (a) any difference in section 2 of Article IV with specific
11 regard to the respectively enacting State's own method of appointing its
12 member to the Commission; (b) any difference in section 5 of Article IV with
13 specific regard to the respectively enacting State's own obligation to fund
14 the Commission; (c) any difference in sections 1 and 2 of Article VI with
15 specific regard to the number and identity of each delegate respectively
16 appointed on behalf of the enacting State, provided that no more than three
17 delegates may attend and participate in the Convention on behalf of any
18 State; or (d) any difference in section 7 of Article X with specific regard
19 to the respectively enacting State as to whether section 1 of Article V of
20 this Compact shall survive termination of the Compact, and thereafter become
21 a continuing resolution of the Legislature of such State applying to Congress
22 for the calling of a convention of the states under Article V of the
23 Constitution of the United States, under such terms and limitations as may be
24 specified by such State.
25

26 Section 4. When fewer than three-fourths of the States are Member
27 States, any Member State may withdraw from this Compact by enacting
28 appropriate legislation, as determined by state law, and giving notice of
29 such withdrawal to the Compact Administrator, if any, or otherwise to the
30 chief executive officer of each other Member State. A withdrawal shall not
31 affect the validity or applicability of the compact with respect to remaining
32 Member States, provided that there remain at least two such States. However,
33 once at least three-fourths of the States are Member States, then no Member
34 State may withdraw from the Compact prior to its termination absent unanimous
35 consent of all Member States.
36

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

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

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

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

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

29
30 Section 7. Notice of Key Events. Upon the occurrence of each of the
31 following described events, or otherwise as soon as possible, the Compact
32 Administrator shall immediately send the following notices to all Compact
33 Notice Recipients, together with certified conforming copies of the chaptered
34 version of this Compact as maintained in the statutes of each Member State:
35 (a) whenever any State becomes a Member State, notice of that fact shall be
36 given; (b) once at least three-fourths of the States are Member States,

1 notice of that fact shall be given together with a statement declaring that
2 the Legislatures of at least two-thirds of the several States have applied
3 for a convention for proposing amendments under Article V of the Constitution
4 of the United States, petitioning Congress to call the Convention
5 contemplated by this Compact, and further requesting cooperation in
6 organizing the same in accordance with this Compact; (c) once Congress has
7 called the Convention contemplated by this Compact, and whenever the date,
8 time and location of the Convention has been determined, notice of that fact
9 shall be given together with the date, time and location of the Convention
10 and other essential logistical matters; (d) upon approval of the Balanced
11 Budget Amendment by the Convention, notice of that fact shall be given
12 together with the transmission of certified copies of such approved proposed
13 amendment and a statement requesting Congress to refer the same for
14 ratification by three-fourths of the Legislatures of the several States under
15 Article V of the Constitution of the United States (however, in no event
16 shall any proposed amendment other than the Balanced Budget Amendment be
17 transmitted); and (e) when any Article of this Compact prospectively
18 ratifying the Balanced Budget Amendment is effective in any Member State,
19 notice of the same shall be given together with a statement declaring such
20 ratification and further requesting cooperation in ensuring that the official
21 record confirms and reflects the effective corresponding amendment to the
22 Constitution of the United States. However, whenever any Member State enacts
23 appropriate legislation, as determined by the laws of the respective state,
24 withdrawing from this Compact, the Compact Administrator shall immediately
25 send certified conforming copies of the chaptered version of such withdrawal
26 legislation as maintained in the statutes of each such withdrawing Member
27 State, solely to each chief executive officer of each remaining Member State,
28 giving notice of such withdrawal.

29
30 Section 8. Cooperation. The Commission, Member States and Compact
31 Administrator shall cooperate with each other and give each other mutual
32 assistance in enforcing this Compact and shall give the chief law enforcement
33 officer of each other Member State any information or documents that are
34 reasonably necessary to facilitate the enforcement of this Compact.

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36 Section 9. This Article does not take effect until there are at least

1 two Member States.

3 ARTICLE V

4 RESOLUTION APPLYING FOR CONVENTION

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

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

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

19 ARTICLE VI

20 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

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

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

31 Section 3. Replacement or Recall of Delegates. A delegate appointed
32 hereunder may be replaced or recalled by the Legislature of his or her
33 respective State at any time for good cause, such as criminal misconduct or
34 the violation of this Compact. If replaced or recalled, any delegate
35 previously appointed hereunder must immediately vacate the Convention and
36 return to their respective State's capitol.

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

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

20 Section 6. Delegate Authority. The power and authority of any delegate
21 appointed hereunder is strictly limited: (a) to introducing, debating, voting
22 upon, proposing and enforcing the Convention Rules specified in this Compact,
23 as needed to ensure those rules govern the Convention; and (b) to
24 introducing, debating, voting upon, and rejecting or proposing for
25 ratification the Balanced Budget Amendment. All actions taken by any
26 delegate in violation of this section are void ab initio.
27

28 Section 7. Delegate Authority. No delegate of any Member State may
29 introduce, debate, vote upon, reject or propose for ratification any
30 constitutional amendment at the Convention unless: (a) the Convention Rules
31 specified in this Compact govern the Convention and their actions; and (b)
32 the constitutional amendment is the Balanced Budget Amendment.
33

34 Section 8. Delegate Authority. The power and authority of any delegate
35 at the Convention does not include any power or authority associated with any
36 other public office held by the delegate. Any person appointed to serve as a

1 delegate shall take a temporary leave of absence, or otherwise shall be
2 deemed temporarily disabled, from any other public office held by the
3 delegate while attending the Convention, and may not exercise any power or
4 authority associated with any other public office held by the delegate, while
5 attending the Convention. All actions taken by any delegate in violation of
6 this section are void ab initio.

7
8 Section 9. Order of Business. Before introducing, debating, voting
9 upon, rejecting or proposing for ratification any constitutional amendment at
10 the Convention, each delegate of every Member State must first ensure the
11 Convention Rules in this Compact govern the Convention and their actions.
12 Every delegate and each Member State must immediately vacate the Convention
13 and notify the Compact Administrator by the most effective and expeditious
14 means if the Convention Rules in this Compact are not adopted to govern the
15 Convention and their actions.

16
17 Section 10. Forfeiture of Appointment. If any Member State or delegate
18 violates any provision of this Compact, then every delegate of that Member
19 State immediately forfeits his or her appointment, and shall immediately
20 cease participation at the Convention, vacate the Convention, and return to
21 his or her respective State’s capitol.

22
23 Section 11. Expenses. A delegate appointed hereunder is entitled to
24 reimbursement of reasonable expenses for attending the Convention from his or
25 her respective Member State. No delegate may accept any other form of
26 remuneration or compensation for service under this Compact.

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28 ARTICLE VII
29 CONVENTION RULES
30

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

34
35 Section 2. Agenda of the Convention. The agenda of the Convention shall
36 be entirely focused upon and exclusively limited to introducing, debating,

1 voting upon, and rejecting or proposing for ratification the Balanced Budget
2 Amendment under the Convention Rules specified in this Article and in
3 accordance with the Compact. It shall not be in order for the Convention to
4 consider any matter that is outside the scope of this agenda.

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

18
19 Section 4. Voting. Each State represented at the Convention shall have
20 one vote, exercised by the vote of that State's delegate in the case of
21 States represented by one delegate, or, in the case of any State that is
22 represented by more than one delegate, by the majority vote of that State's
23 respective delegates.

24
25 Section 5. Quorum. A majority of the several States of the United
26 States, each present through its respective delegate in the case of any State
27 that is represented by one delegate, or through a majority of its respective
28 delegates, in the case of any State that is represented by more than one
29 delegate, shall constitute a quorum for the transaction of any business on
30 behalf of the Convention.

31
32 Section 6. Action by the Convention. The Convention shall only act as a
33 committee of the whole, chaired by the delegate representing the first State
34 to have become a Member State, if that State is represented by one delegate,
35 or otherwise by the delegate chosen by the majority vote of that State's
36 respective delegates. The transaction of any business on behalf of the

1 Convention, including the designation of a Secretary, the adoption of
2 parliamentary procedures and the rejection or proposal of any constitutional
3 amendment, requires a quorum to be present and a majority affirmative vote of
4 those States constituting the quorum.

5
6 Section 7. Emergency Suspension and Relocation of the Convention. In
7 the event that the Chair of the Convention declares an emergency due to
8 disorder or an imminent threat to public health and safety prior to the
9 completion of the business on the Agenda, and a majority of the States
10 present at the Convention do not object to such declaration, further
11 Convention proceedings shall be temporarily suspended, and the Commission
12 shall subsequently relocate or reschedule the Convention to resume
13 proceedings in an orderly fashion in accordance with the terms and conditions
14 of this Compact with prior notice given to the Compact Notice Recipients.

15
16 Section 8. Parliamentary Procedure. In adopting, applying and
17 formulating parliamentary procedure, the Convention shall exclusively adopt,
18 apply or appropriately adapt provisions of the most recent editions of
19 Robert's Rules of Order and the American Institute of Parliamentarians
20 Standard Code of Parliamentary Procedure. In adopting, applying or adapting
21 parliamentary procedure, the Convention shall exclusively consider analogous
22 precedent arising within the jurisdiction of the United States. Parliamentary
23 procedures adopted, applied or adapted pursuant to this section shall not
24 obstruct, override or otherwise conflict with this Compact.

25
26 Section 9. Transmittal. Upon approval of the Balanced Budget Amendment
27 by the Convention to propose for ratification, the Chair of the Convention
28 shall immediately transmit certified copies of such approved proposed
29 amendment to the Compact Administrator and all Compact Notice Recipients,
30 notifying them respectively of such approval and requesting Congress to refer
31 the same for ratification by the States under Article V of the Constitution
32 of the United States. However, in no event shall any proposed amendment other
33 than the Balanced Budget Amendment be transmitted as aforesaid.

34
35 Section 10. Transparency. Records of the Convention, including the
36 identities of all attendees and detailed minutes of all proceedings, shall be

1 kept by the Chair of the Convention or Secretary designated by the
2 Convention. All proceedings and records of the Convention shall be open to
3 the public upon request subject to reasonable regulations adopted by the
4 Convention that are closely tailored to preventing disruption of proceedings
5 under this Article.

6
7 Section 11. Adjournment of the Convention. The Convention shall
8 permanently adjourn upon the earlier of twenty-four (24) hours after
9 commencing proceedings under this Article or the completion of the business
10 on its Agenda.

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12 ARTICLE VIII

13 PROHIBITION ON ULTRA VIRES CONVENTION

14
15 Section 1. Member States shall not participate in the Convention
16 unless: (a) Congress first calls the Convention in accordance with this
17 Compact; and (b) the Convention Rules of this Compact are adopted by the
18 Convention as its first order of business.

19
20 Section 2. Any proposal or action of the Convention is void ab initio
21 and issued by a body that is conducting itself in an unlawful and ultra vires
22 fashion if that proposal or action: (a) violates or was approved in violation
23 of the Convention Rules or the delegate instructions and limitations on
24 delegate authority specified in this Compact; (b) purports to propose or
25 effectuate a mode of ratification that is not specified in Article V of the
26 Constitution of the United States; or (c) purports to propose or effectuate
27 the formation of a new government. All Member States are prohibited from
28 advancing or assisting in the advancement of any such proposal or action.

29
30 Section 3. Member States shall not ratify or otherwise approve any
31 proposed amendment, alteration or revision to the Constitution of the United
32 States, which originates from the Convention, other than the Balanced Budget
33 Amendment.

34
35 ARTICLE IX

36 RESOLUTION PROSPECTIVELY RATIFYING THE

BALANCED BUDGET AMENDMENT

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2
3 Section 1. Each Member State, by and through its respective
4 Legislature, hereby adopts and ratifies the Balanced Budget Amendment.
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6 Section 2. This Article does not take effect until Congress effectively
7 refers the Balanced Budget Amendment to the States for ratification by three-
8 fourths of the Legislatures of the several States under Article V of the
9 Constitution of the United States.
10

11 ARTICLE X

12 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY
13

14 Section 1. To the extent that the effectiveness of this Compact or any
15 of its Articles or provisions requires the alteration of local legislative
16 rules, drafting policies, or procedure to be effective, the enactment of
17 legislation enacting, adopting and agreeing to be bound by this Compact shall
18 be deemed to waive, repeal, supersede, or otherwise amend and conform all
19 such rules, policies or procedures to allow for the effectiveness of this
20 Compact to the fullest extent permitted by the constitution of any affected
21 Member State.
22

23 Section 2. Date and Location of the Convention. Unless otherwise
24 specified by Congress in its call, the Convention shall be held in Dallas,
25 Texas and commence proceedings at 9:00 a.m. Central Standard Time on the
26 sixth Wednesday after the latter of the effective date of Article V of this
27 Compact or the enactment date of the Congressional resolution calling the
28 Convention.
29

30 Section 3. In addition to all other powers and duties conferred by
31 state law which are consistent with the terms and conditions of this Compact,
32 the chief law enforcement officer of each Member State is empowered to defend
33 the Compact from any legal challenge, as well as to seek civil mandatory and
34 prohibitory injunctive relief to enforce this Compact; and shall take such
35 action whenever the Compact is challenged or violated.
36

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

14
15 Section 5. The effective date of this Compact and any of its Articles
16 is the latter of: (a) the date of any event rendering the same effective
17 according to its respective terms and conditions; or (b) the earliest date
18 otherwise permitted by law.

19
20 Section 6. Article VIII of this Compact is hereby deemed non-severable
21 prior to termination of the Compact. However, if any other phrase, clause,
22 sentence or provision of this Compact, or the applicability of any other
23 phrase, clause, sentence or provision of this Compact to any government,
24 agency, person or circumstance, is declared in a final judgment to be
25 contrary to the Constitution of the United States, contrary to the state
26 constitution of any Member State, or is otherwise held invalid by a court of
27 competent jurisdiction, such phrase, clause, sentence or provision shall be
28 severed and held for naught, and the validity of the remainder of this
29 Compact and the applicability of the remainder of this Compact to any
30 government, agency, person or circumstance shall not be affected.
31 Furthermore, if this Compact is declared in a final judgment by a court of
32 competent jurisdiction to be entirely contrary to the state constitution of
33 any Member State or otherwise entirely invalid as to any Member State, such
34 Member State shall be deemed to have withdrawn from the Compact, and the
35 Compact shall remain in full force and effect as to any remaining Member
36 State. Finally, if this Compact is declared in a final judgment by a court of

1 competent jurisdiction to be wholly or substantially in violation of Article
2 I, Section 10, of the Constitution of the United States, then it shall be
3 construed and enforced solely as reciprocal legislation enacted by the
4 affected Member State(s).

5
6 Section 7. Termination. This Compact shall terminate and be held for
7 naught when the Compact is fully performed and the Constitution of the United
8 States is amended by the Balanced Budget Amendment. However, notwithstanding
9 anything to the contrary set forth in this Compact, in the event such
10 amendment does not occur within seven (7) years after the first State passes
11 legislation enacting, adopting and agreeing to be bound to this Compact, the
12 Compact shall terminate as follows: (a) the Commission shall dissolve and
13 wind up its operations within ninety (90) days thereafter, with the Compact
14 Administrator giving notice of such dissolution and the operative effect of
15 this section to the Compact Notice Recipients; and (b) upon the completed
16 dissolution of the Commission, this Compact shall be deemed terminated,
17 repealed, void ab initio, and held for naught."