

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2021

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SENATE BILL 414

Short Title: Compact for Balanced Budget.

(Public)

Sponsors: Senators Edwards, Sanderson, and Burgin (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 31, 2021

1 A BILL TO BE ENTITLED

2 AN ACT TO ADOPT THE COMPACT FOR A BALANCED BUDGET.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** The General States of North Carolina are amended by adding a new
5 Chapter to read:

6 " Chapter 143F.

7 "Compact for a Balanced Budget.

8 "§ 143F-1. Compact for balanced budget.

9 The State of North Carolina enacts, adopts and agrees to be bound by the following compact.

10 COMPACT FOR BALANCED BUDGET

11 ARTICLE I

12 Declaration of Policy, Purpose and Intent

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

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

21 ARTICLE II

22 Definitions.

23 (1) "Compact" means this "Compact for a Balanced Budget."

24 (2) "Convention" means the convention for proposing amendments organized by
25 this Compact under Article V of the Constitution of the United States and,
26 where contextually appropriate to ensure the terms of this Compact are not
27 evaded, any other similar gathering or body, which might be organized as a
28 consequence of Congress receiving the application set out in this Compact and
29 claim authority to propose or effectuate any amendment, alteration or revision
30 to the Constitution of the United States. This term does not encompass a
31 convention for proposing amendments under Article V of the Constitution of
32 the United States."



- 1 the United States that is organized independently of this Compact based on
2 the separate and distinct application of any State.
3 (3) "State" means one of the several States of the United States. Where
4 contextually appropriate, the term "State" shall be construed to include all of
5 its branches, departments, agencies, political subdivisions, and officers and
6 representatives acting in their official capacity.
7 (4) "Member State" means a State that has enacted, adopted and agreed to be
8 bound to this Compact. For any State to qualify as a Member State with
9 respect to any other State under this Compact, each such State must have
10 enacted, adopted and agreed to be bound by substantively identical compact
11 legislation.
12 (5) "Compact Notice Recipients" means the Archivist of the United States, the
13 President of the United States, the President of the United States Senate, the
14 Office of the Secretary of the United States Senate, the Speaker of the United
15 States House of Representatives, the Office of the Clerk of the United States
16 House of Representatives, the chief executive officer of each State, and the
17 presiding officer(s) of each house of the Legislatures of the several States.
18 (6) "Notice" All notices required by this Compact shall be by U.S. Certified Mail,
19 return receipt requested, or an equivalent or superior form of notice, such as
20 personal delivery documented by evidence of actual receipt.
21 (7) "Balanced Budget Amendment" means the following:

22 "Article

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

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

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

43 Section 4. Whenever the outstanding debt exceeds 98 percent of the debt limit set by
44 Section 2, the President shall enforce said limit by publicly designating
45 specific expenditures for impoundment in an amount sufficient to ensure
46 outstanding debt shall not exceed the authorized debt. Said impoundment shall

become effective thirty (30) days thereafter, unless Congress first designates an alternate impoundment of the same or greater amount by concurrent resolution, which shall become immediately effective. The failure of the President to designate or enforce the required impoundment is an impeachable misdemeanor. Any purported issuance or incurrence of any debt in excess of the debt limit set by Section 2 is void.

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

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

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

ARTICLE III

(a) This Compact governs each Member State to the fullest extent permitted by their respective constitutions, superseding and repealing any conflicting or contrary law.

(b) By becoming a Member State, each such State offers, promises and agrees to perform and comply strictly in accordance with the terms and conditions of this Compact, and has made such offer, promise and agreement in anticipation and consideration of, and in substantial reliance upon, such mutual and reciprocal performance and compliance by each other current and future Member State, if any. Accordingly, in addition to having the force of law in each Member State upon its respective effective date, this Compact and each of its Articles shall also be construed as contractually binding each Member State when:

- (1) at least one other State has likewise become a Member State by enacting substantively identical legislation adopting and agreeing to be bound by this Compact; and

(2) notice of such State's Member State status is or has been seasonably received by the compact Administrator, if any, or by the executive officer of each other Member State.

1 (c) For purposes of determining Member State status under this Compact, as long as all
2 other provisions of the Compact remain identical and operative on the same terms, legislation
3 enacting, adopting and agreeing to be bound by this Compact shall be deemed and regarded as
4 "substantively identical" with respect to such other legislation enacted by another State
5 notwithstanding:

- 6 (1) Any difference in section 2 of Article IV with specific regard to the
7 respectively enacting State's own method of appointing its member to the
8 Commission;
- 9 (2) Any difference in section 5 of Article IV with specific regard to the
10 respectively enacting State's own obligation to fund the Commission;
- 11 (3) Any difference in sections 1 and 2 of Article VI with specific regard to the
12 number and identity of each delegate respectively appointed on behalf of the
13 enacting State, provided that no more than three delegates may attend and
14 participate in the Convention on behalf of any State;
- 15 (4) Any difference in section 7 of Article X with specific regard to the
16 respectively enacting State as to whether section 1 of Article V of this
17 Compact shall survive termination of the Compact and thereafter become a
18 continuing resolution of the Legislature of such State applying to Congress
19 for the calling of a convention of the states under Article V of the Constitution
20 of the United States, under such terms and limitations as may be specified by
21 such State.

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

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ARTICLE IV

Compact Commission and Compact Administrator.

31 (a) Nature of the Compact Commission. The Compact Commission ("Commission") is
32 hereby established. It has the power and duty:

- 33 (1) To appoint and oversee a Compact Administrator;
- 34 (2) To encourage States to join the Compact and Congress to call the Convention
35 in accordance with this Compact;
- 36 (3) To coordinate the performance of obligations under the Compact;
- 37 (4) To oversee the Convention's logistical operations as appropriate to ensure this
38 Compact governs its proceedings;
- 39 (5) To oversee the defense and enforcement of the Compact in appropriate legal
40 venues;
- 41 (6) To request funds and to disburse those funds to support the operations of the
42 Commission, Compact Administrator, and Convention; and
- 43 (7) To cooperate with any entity that shares a common interest with the
44 Commission and engages in policy research, public interest litigation or
45 lobbying in support of the purposes of the Compact.

46 The Commission shall only have such implied powers as are essential to carrying out these
47 express powers and duties. It shall take no action that contravenes or is inconsistent with this

1 Compact or any law of any State that is not superseded by this Compact. It may adopt and publish
2 corresponding bylaws and policies.

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

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

14 (d) First Order of Business. The Commission shall at the earliest possible time elect from
15 among its membership a Chairperson, determine a primary place of doing business, and appoint
16 a Compact Administrator.

17 (e) Funding. The Commission and the Compact Administrator's activities shall be funded
18 exclusively by each Member State, as determined by their respective state law, or by voluntary
19 donations.

20 (f) Compact Administrator. The Compact Administrator has the power and duty:

- 21 (1) To timely notify the States of the date, time and location of the Convention;
- 22 (2) To organize and direct the logistical operations of the Convention;
- 23 (3) To maintain an accurate list of all Member States, their appointed delegates,
24 including contact information; and
- 25 (4) To formulate, transmit, and maintain all official notices, records, and
26 communications relating to this Compact.

27 The Compact Administrator shall only have such implied powers as are essential to carrying
28 out these express powers and duties; and shall take no action that contravenes or is inconsistent
29 with this Compact or any law of any State that is not superseded by this Compact. The Compact
30 Administrator serves at the pleasure of the Commission and must keep the Commission
31 seasonably apprised of the performance or nonperformance of the terms and conditions of this
32 Compact. Any notice sent by a Member State to the Compact Administrator concerning this
33 Compact shall be adequate notice to each other Member State provided that a copy of said notice
34 is seasonably delivered by the Compact Administrator to each other Member State's respective
35 chief executive officer.

36 (g) Notice of Key Events. Upon the occurrence of each of the following described events,
37 or otherwise as soon as possible, the Compact Administrator shall immediately send the
38 following notices to all Compact Notice Recipients, together with certified conforming copies of
39 the chaptered version of this Compact as maintained in the statutes of each Member State:

- 40 (1) Whenever any State becomes a Member State, notice of that fact shall be
41 given;
- 42 (2) Once at least three-fourths of the States are Member States, notice of that fact
43 shall be given together with a statement declaring that the Legislatures of at
44 least two-thirds of the several States have applied for a convention for
45 proposing amendments under Article V of the Constitution of the United
46 States, petitioning Congress to call the Convention contemplated by this
47 Compact, and further requesting cooperation in organizing the same in
48 accordance with this Compact;
- 49 (3) Once Congress has called the Convention contemplated by this Compact, and
50 whenever the date, time and location of the Convention has been determined,

- notice of that fact shall be given together with the date, time and location of the Convention and other essential logistical matters;

(4) Upon approval of the Balanced Budget Amendment by the Convention, notice of that fact shall be given together with the transmission of certified copies of such approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths of the Legislatures of the several States under Article V of the Constitution of the United States (however, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted); and

(5) When any Article of this Compact prospectively ratifying the Balanced Budget Amendment is effective in any Member State, notice of the same shall be given together with a statement declaring such ratification and further requesting cooperation in ensuring that the official record confirms and reflects the effective corresponding amendment to the Constitution of the United States.

However, whenever any Member State enacts appropriate legislation, as determined by the laws of the respective state, withdrawing from this Compact, the Compact Administrator shall immediately send certified conforming copies of the chaptered version of such withdrawal legislation as maintained in the statutes of each such withdrawing Member State, solely to each chief executive officer of each remaining Member State, giving notice of such withdrawal.

(h) Cooperation. The Commission, Member States and Compact Administrator shall cooperate with each other and give each other mutual assistance in enforcing this Compact and shall give the chief law enforcement officer of each other Member State any information or documents that are reasonably necessary to facilitate the enforcement of this Compact.

(i) This Article does not take effect until there are at least two Member States.

ARTICLE V

Resolution Applying for Convention.

(a) Be it resolved, as provided for in Article V of the Constitution of the United States, the Legislature of each Member State herewith applies to Congress for the calling of a convention for proposing amendments limited to the subject matter of proposing for ratification 23 the Balanced Budget Amendment.

(b) Congress is further petitioned to refer the Balanced Budget Amendment to the States for ratification by three-fourths of their respective Legislatures.

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

ARTICLE V.

Delegate Appointment, Limitations, and Instructions.

(a) 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.

(b) 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.

(c) 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.

(d) Oath. The power and authority of a delegate under this Article may only be exercised after the Convention is first called by Congress in accordance with this Compact and such 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 a Balanced Budget, the Constitution of the State I represent, and the Constitution of the United States. I understand that violating this oath (or affirmation) forfeits my appointment and may subject me to other penalties as provided by law."

(e) Term. The term of a delegate hereunder commences upon acceptance of appointment and terminates upon the permanent 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.

(f) Delegate Authority. The power and authority of any delegate appointed hereunder is strictly limited:

- (1) 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

(2) To introducing, debating, voting upon, and rejecting or proposing for ratification the Balanced Budget Amendment. All actions taken by any delegate in violation of this section are void ab initio.

(g) Delegate Authority. No delegate of any Member State may introduce, debate, vote upon, reject or propose for ratification any constitutional amendment at the Convention unless:

- (1) The Convention Rules specified in this Compact govern the Convention and their actions; and

(2) The constitutional amendment is the Balanced Budget Amendment.

(h) Delegate Authority. 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 a temporary leave of absence, or otherwise shall be deemed temporarily disabled, from any other public office held by the delegate while attending the Convention, and may not exercise any power or authority associated with any other public office held by the delegate, while attending the Convention. All actions taken by any delegate in violation of this section are void ab initio.

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

(j) Forfeiture of Appointment. If any Member State or delegate violates any provision of this Compact, then every delegate of that Member State immediately forfeits his or her appointment, and shall immediately cease participation at the Convention, vacate the Convention, and return to his or her respective State's capitol.

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

ARTICLE VII

Convention Rules.

1 (a) Nature of the Convention. The Convention shall be organized, construed and
2 conducted as a body exclusively representing and constituted by the several States.

3 (b) Agenda of the Convention. The agenda of the Convention shall be entirely focused
4 upon and exclusively limited to introducing, debating, voting upon, and rejecting or proposing
5 for ratification the Balanced Budget Amendment under the Convention Rules specified in this
6 Article and in accordance with the Compact. It shall not be in order for the Convention to consider
7 any matter that is outside the scope of this agenda.

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

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

22 (e) Quorum. A majority of the several States of the United States, each present through
23 its respective delegate in the case of any State that is represented by one delegate, or through a
24 majority of its respective delegates, in the case of any State that is represented by more than one
25 delegate, shall constitute a quorum for the transaction of any business on behalf of the
26 Convention.

27 (f) Action by the Convention. The Convention shall only act as a committee of the whole,
28 chaired by the delegate representing the first State to have become a Member State, if that State
29 is represented by one delegate, or otherwise by the delegate chosen by the majority vote of that
30 State's respective delegates. The transaction of any business on behalf of the Convention,
31 including the designation of a Secretary, the adoption of parliamentary procedures and the
32 rejection or proposal of any constitutional amendment, requires a quorum to be present and a
33 majority affirmative vote of those States constituting the quorum.

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

41 (h) Parliamentary Procedure. In adopting, applying and formulating parliamentary
42 procedure, the Convention shall exclusively adopt, apply or appropriately adapt provisions of the
43 most recent editions of Robert's Rules of Order and the American Institute of Parliamentarians
44 Standard Code of Parliamentary Procedure. In adopting, applying or adapting parliamentary
45 procedure, the Convention shall exclusively consider analogous precedent arising within the
46 jurisdiction of the United States. Parliamentary procedures adopted, applied or adapted pursuant
47 to this section shall not obstruct, override or otherwise conflict with this Compact.

48 (i) Transmittal. Upon approval of the Balanced Budget Amendment by the Convention
49 to propose for ratification, the Chair of the Convention shall immediately transmit certified copies
50 of such approved proposed amendment to the Compact Administrator and all Compact Notice
51 Recipients, notifying them respectively of such approval and requesting Congress to refer the

same for ratification by the States under Article V of the Constitution of the United States. However, in no event shall any proposed amendment other than the Balanced Budget Amendment be transmitted as aforesaid.

(j) Transparency. Records of the Convention, including the identities of all attendees and detailed minutes of all proceedings, shall be kept by the Chair of the Convention or Secretary designated by the Convention. All proceedings and records of the Convention shall be open to the public upon request subject to reasonable regulations adopted by the convention that are closely tailored to preventing disruption of proceedings under this Article.

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

ARTICLE VII Prohibition on Ultra Vires Convention

(a) Member States shall not participate in the Convention unless:

- (1) Congress first calls the Convention in accordance with this Compact; and
- (2) The Convention Rules of this Compact are adopted by the Convention as its first order of business.

(b) Any proposal or action of the Convention is void ab initio and issued by a body that is conducting itself in an unlawful and ultra vires fashion if that proposal or action:

- (1) Violates or was approved in violation of the Convention Rules or the delegate instructions and limitations on delegate authority specified in this Compact;
- (2) Purports to propose or effectuate a mode of ratification that is not specified in Article V of the Constitution of the United States; or
- (3) Purports to propose or effectuate the formation of a new government. All Member States are prohibited from advancing or assisting in the advancement of any such proposal or action.

(c) Member States shall not ratify or otherwise approve any proposed amendment, alteration or revision to the Constitution of the United States, which originates from the Convention, other than the Balanced Budget Amendment.

ARTICLE IX Resolution Prospectively Ratifying the Balanced Budget Amendment

(a) Each Member State, by and through its respective Legislature, hereby adopts and ratifies the Balanced Budget Amendment.

(b) This Article does not take effect until Congress effectively refers the Balanced Budget Amendment to the States for ratification by three-fourths of the Legislatures of the several States under Article V of the Constitution of the United States.

ARTICLE X Construction, Enforcement, Venue, and Severability

(a) To the extent that the effectiveness of this Compact or any of its Articles or provisions require 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.

1 (b) Date and Location of the Convention. Unless otherwise specified by Congress in its
2 call, the Convention shall be held in Dallas, Texas and commence proceedings at 9:00 a.m.
3 Central Standard Time on the sixth Wednesday after the latter of the effective date of Article V
4 of this Compact or the enactment date of the Congressional resolution calling the Convention.

5 (c) In addition to all other powers and duties conferred by state law which are consistent
6 with the terms and conditions of this Compact, the chief law enforcement officer of each Member
7 State is empowered to defend the Compact from any legal challenge, as well as to seek civil
8 mandatory and prohibitory injunctive relief to enforce this Compact; and shall take such action
9 whenever the Compact is challenged or violated.

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

20 (e) The effective date of this Compact and any of its Articles is the latter of:

- 21 (1) The date of any event rendering the same effective according to its respective
22 terms and conditions; or
23 (2) The earliest date otherwise permitted by law.

24 (f) Article VIII of this Compact is hereby deemed non-severable prior to termination of
25 the Compact. However, if any other phrase, clause, sentence or provision of this Compact, or the
26 applicability of any other phrase, clause, sentence or provision of this Compact to any
27 government, agency, person or circumstance, is declared in a final judgment to be contrary to the
28 Constitution of the United States, contrary to the state constitution of any Member State, or is
29 otherwise held invalid by a court of competent jurisdiction, such phrase, clause, sentence or
30 provision shall be severed and held for naught, and the validity of the remainder of this Compact
31 and the applicability of the remainder of this Compact to any government, agency, person or
32 circumstance shall not be affected. Furthermore, if this Compact is declared in a final judgment
33 by a court of competent jurisdiction to be entirely contrary to the state constitution of any Member
34 State or otherwise entirely invalid as to any Member State, such Member State shall be deemed
35 to have withdrawn from the Compact, and the Compact shall remain in full force and effect as to
36 any remaining Member State. Finally, if this Compact is declared in a final judgment by a court
37 of competent jurisdiction to be wholly or substantially in violation of Article I, Section 10, of the
38 Constitution of the United States, then it shall be construed and enforced solely as reciprocal
39 legislation enacted by the affected Member State(s).

40 (g) Termination. This Compact shall terminate and be held for naught when the Compact
41 is fully performed and the Constitution of the United States is amended by the Balanced Budget
42 Amendment. However, notwithstanding anything to the contrary set forth in this Compact, in the
43 event such amendment does not occur on or before April 12, 2031, the Compact shall terminate
44 as follows: (a) the Commission shall dissolve and wind up its operations within ninety (90) days
45 thereafter, with the Compact Administrator giving notice of such dissolution and the operative
46 effect of this section to the Compact Notice Recipients; and (b) upon the completed dissolution
47 of the Commission, this Compact shall be deemed terminated, repealed, void ab initio, and
48 held for naught."

49 **SECTION 2.** This act is effective when it becomes law.