

SECOND REGULAR SESSION

SENATE BILL NO. 662

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5047S.01I

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the compact for a balanced budget, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.600, to read as follows:

1.600. The State of Missouri enacts, adopts and agrees to be bound by the following compact:

COMPACT FOR A BALANCED BUDGET

ARTICLE I

DECLARATION OF POLICY, PURPOSE AND INTENT

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

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

ARTICLE II

DEFINITIONS

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

59 at any point in time unless the excess of outlays over receipts is
60 financed exclusively by debt issued in strict conformity with this
61 article.

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

68 Section 3. From time to time, Congress may increase authorized
69 debt to an amount in excess of its initial amount set by Section 2 only
70 if it first publicly refers to the legislatures of the several states an
71 unconditional, single subject measure proposing the amount of such
72 increase, in such form as provided by law, and the measure is
73 thereafter publicly and unconditionally approved by a simple majority
74 of the legislatures of the several states, in such form as provided
75 respectively by state law; provided that no inducement requiring an
76 expenditure or tax levy shall be demanded, offered or accepted as a
77 quid pro quo for such approval. If such approval is not obtained within
78 sixty (60) calendar days after referral then the measure shall be
79 deemed disapproved and the authorized debt shall thereby remain
80 unchanged.

81 Section 4. Whenever the outstanding debt exceeds 98 percent of
82 the debt limit set by Section 2, the President shall enforce said limit by
83 publicly designating specific expenditures for impoundment in an
84 amount sufficient to ensure outstanding debt shall not exceed the
85 authorized debt. Said impoundment shall become effective thirty (30)
86 days thereafter, unless Congress first designates an alternate
87 impoundment of the same or greater amount by concurrent resolution,
88 which shall become immediately effective. The failure of the President
89 to designate or enforce the required impoundment is an impeachable
90 misdemeanor. Any purported issuance or incurrence of any debt in
91 excess of the debt limit set by Section 2 is void.

92 Section 5. No bill that provides for a new or increased general
93 revenue tax shall become law unless approved by a two-thirds roll call
94 vote of the whole number of each House of Congress. However, this
95 requirement shall not apply to any bill that provides for a new end user

96 sales tax which would completely replace every existing income tax
97 levied by the government of the United States; or for the reduction or
98 elimination of an exemption, deduction, or credit allowed under an
99 existing general revenue tax.

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

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

118 ARTICLE III

119 COMPACT MEMBERSHIP AND WITHDRAWAL

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

123 Section 2. By becoming a Member State, each such State offers,
124 promises and agrees to perform and comply strictly in accordance with
125 the terms and conditions of this Compact, and has made such offer,
126 promise and agreement in anticipation and consideration of, and in
127 substantial reliance upon, such mutual and reciprocal performance and
128 compliance by each other current and future Member State, if
129 any. Accordingly, in addition to having the force of law in each
130 Member State upon its respective effective date, this Compact and each
131 of its Articles shall also be construed as contractually binding each
132 Member State when: (a) at least one other State has likewise become a

133 Member State by enacting substantively identical legislation adopting
134 and agreeing to be bound by this Compact; and (b) notice of such
135 State's Member State status is or has been seasonably received by the
136 Compact Administrator, if any, or otherwise by the chief executive
137 officer of each other Member State.

138 Section 3. For purposes of determining Member State status
139 under this Compact, as long as all other provisions of the Compact
140 remain identical and operative on the same terms, legislation enacting,
141 adopting and agreeing to be bound by this Compact shall be deemed
142 and regarded as "substantively identical" with respect to such other
143 legislation enacted by another State notwithstanding: (a) any difference
144 in section 2 of Article IV with specific regard to the respectively
145 enacting State's own method of appointing its member to the
146 Commission; (b) any difference in section 5 of Article IV with specific
147 regard to the respectively enacting State's own obligation to fund the
148 Commission; (c) any difference in sections 1 and 2 of Article VI with
149 specific regard to the number and identity of each delegate respectively
150 appointed on behalf of the enacting State, provided that no more than
151 three delegates may attend and participate in the Convention on behalf
152 of any State; or (d) any difference in section 7 of Article X with specific
153 regard to the respectively enacting State as to whether section 1 of
154 Article V of this Compact shall survive termination of the Compact, and
155 thereafter become a continuing resolution of the Legislature of such
156 State applying to Congress for the calling of a convention of the states
157 under Article V of the Constitution of the United States, under such
158 terms and limitations as may be specified by such State.

159 Section 4. When fewer than three-fourths of the States are
160 Member States, any Member State may withdraw from this Compact by
161 enacting appropriate legislation, as determined by state law, and giving
162 notice of such withdrawal to the Compact Administrator, if any, or
163 otherwise to the chief executive officer of each other Member State. A
164 withdrawal shall not affect the validity or applicability of the compact
165 with respect to remaining Member States, provided that there remain
166 at least two such States. However, once at least three-fourths of the
167 States are Member States, then no Member State may withdraw from
168 the Compact prior to its termination absent unanimous consent of all
169 Member States.

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ARTICLE IV

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COMPACT COMMISSION AND COMPACT ADMINISTRATOR

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

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192 **Section 2. Commission Membership. The Commission initially**
193 **consists of three unpaid members. Each Member State may appoint one**
194 **member to the Commission until all positions on the Commission are**
195 **filled. Positions shall be assigned to appointees in the order in which**
196 **their respective appointing States became Member States. The bylaws**
197 **of the Commission may expand its membership to include**
198 **representatives of additional Member States and to allow for modest**
199 **salaries and reimbursement of expenses if adequate funding**
200 **exists. Any member to the Commission appointed by this Member State**
201 **shall be appointed by the Governor with the advice and consent of the**
202 **Senate.**

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

207 meet more frequently.

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

212 **Section 5. Funding.** The Commission and the Compact
213 Administrator's activities shall be funded exclusively by each Member
214 State, as determined by their respective state law, or by voluntary
215 donations.

216 **Section 6. Compact Administrator.** The Compact Administrator
217 has the power and duty: (a) to timely notify the States of the date, time
218 and location of the Convention; (b) to organize and direct the logistical
219 operations of the Convention; (c) to maintain an accurate list of all
220 Member States, their appointed delegates, including contact
221 information; and (d) to formulate, transmit, and maintain all official
222 notices, records, and communications relating to this Compact. The
223 Compact Administrator shall only have such implied powers as are
224 essential to carrying out these express powers and duties; and shall
225 take no action that contravenes or is inconsistent with this Compact or
226 any law of any State that is not superseded by this Compact. The
227 Compact Administrator serves at the pleasure of the Commission and
228 must keep the Commission seasonably apprised of the performance or
229 nonperformance of the terms and conditions of this Compact. Any
230 notice sent by a Member State to the Compact Administrator
231 concerning this Compact shall be adequate notice to each other
232 Member State provided that a copy of said notice is seasonably
233 delivered by the Compact Administrator to each other Member State's
234 respective chief executive officer.

235 **Section 7. Notice of Key Events.** Upon the occurrence of each of
236 the following described events, or otherwise as soon as possible, the
237 Compact Administrator shall immediately send the following notices to
238 all Compact Notice Recipients, together with certified conforming
239 copies of the chaptered version of this Compact as maintained in the
240 statutes of each Member State: (a) whenever any State becomes a
241 Member State, notice of that fact shall be given; (b) once at least three-
242 fourths of the States are Member States, notice of that fact shall be
243 given together with a statement declaring that the Legislatures of at

244 least two-thirds of the several States have applied for a convention for
245 proposing amendments under Article V of the Constitution of the
246 United States, petitioning Congress to call the Convention
247 contemplated by this Compact, and further requesting cooperation in
248 organizing the same in accordance with this Compact; (c) once
249 Congress has called the Convention contemplated by this Compact, and
250 whenever the date, time and location of the Convention has been
251 determined, notice of that fact shall be given together with the date,
252 time and location of the Convention and other essential logistical
253 matters; (d) upon approval of the Balanced Budget Amendment by the
254 Convention, notice of that fact shall be given together with the
255 transmission of certified copies of such approved proposed amendment
256 and a statement requesting Congress to refer the same for ratification
257 by three-fourths of the Legislatures of the several States under Article
258 V of the Constitution of the United States (however, in no event shall
259 any proposed amendment other than the Balanced Budget Amendment
260 be transmitted); and (e) when any Article of this Compact prospectively
261 ratifying the Balanced Budget Amendment is effective in any Member
262 State, notice of the same shall be given together with a statement
263 declaring such ratification and further requesting cooperation in
264 ensuring that the official record confirms and reflects the effective
265 corresponding amendment to the Constitution of the United
266 States. However, whenever any Member State enacts appropriate
267 legislation, as determined by the laws of the respective state,
268 withdrawing from this Compact, the Compact Administrator shall
269 immediately send certified conforming copies of the chaptered version
270 of such withdrawal legislation as maintained in the statutes of each
271 such withdrawing Member State, solely to each chief executive officer
272 of each remaining Member State, giving notice of such withdrawal.

273 Section 8. Cooperation. The Commission, Member States and
274 Compact Administrator shall cooperate with each other and give each
275 other mutual assistance in enforcing this Compact and shall give the
276 chief law enforcement officer of each other Member State any
277 information or documents that are reasonably necessary to facilitate
278 the enforcement of this Compact.

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

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ARTICLE V

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RESOLUTION APPLYING FOR CONVENTION

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Section 1. 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 the Balanced Budget Amendment.

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

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

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ARTICLE VI

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DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

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Section 1. Number of Delegates. This Member State shall be entitled to three delegates as its sole and exclusive representatives at the Convention as set forth in this Article.

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Section 2. Identity of Delegates. The Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor, who are serving in this Member State on the enactment date of the legislation by which this Member State joins this Compact, or, alternatively, their respective designee, are each hereby appointed to serve respectively as a delegate in an individual capacity among the three delegates who shall represent this Member State at the Convention. Said alternate delegate designation, if any, shall be made by way of public written declaration and no later than the conclusion of the respective officer's term in office. Said three delegates shall represent this Member State at the Convention as its sole and exclusive delegates. A majority vote of this delegation shall serve to decide any issue at the Convention on behalf of this Member State.

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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.

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Section 4. Oath. The power and authority of a delegate under

318 this Article may only be exercised after the Convention is first called
319 by Congress in accordance with this Compact and such appointment is
320 duly accepted by such appointee publicly taking the following oath or
321 affirmation: "I do solemnly swear (or affirm) that I accept this
322 appointment and will act strictly in accordance with the terms and
323 conditions of the Compact for a Balanced Budget, the Constitution of
324 the State I represent, and the Constitution of the United States. I
325 understand that violating this oath (or affirmation) forfeits my
326 appointment and may subject me to other penalties as provided by law."

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

333 Section 6. Delegate Authority. The power and authority of any
334 delegate appointed hereunder is strictly limited: (a) to introducing,
335 debating, voting upon, proposing and enforcing the Convention Rules
336 specified in this Compact, as needed to ensure those rules govern the
337 Convention; and (b) to introducing, debating, voting upon, and rejecting
338 or proposing for ratification the Balanced Budget Amendment. All
339 actions taken by any delegate in violation of this section are void ab
340 initio.

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

347 Section 8. Delegate Authority. The power and authority of any
348 delegate at the Convention does not include any power or authority
349 associated with any other public office held by the delegate. Any
350 person appointed to serve as a delegate shall take a temporary leave of
351 absence, or otherwise shall be deemed temporarily disabled, from any
352 other public office held by the delegate while attending the Convention,
353 and may not exercise any power or authority associated with any other
354 public office held by the delegate, while attending the Convention. All

392 case of States that are not Member States, by their respective state
393 laws. However, to prevent disruption of proceedings, no more than
394 three delegates may attend and participate in the Convention on behalf
395 of any State. A certified chaptered conforming copy of this Compact,
396 together with government-issued photographic proof of identification,
397 shall suffice as credentials for delegates of Member States. Any
398 commission for delegates of States that are not Member States shall be
399 based on their respective state laws, but it shall furnish credentials
400 that are at least as reliable as those required of Member States.

401 Section 4. Voting. Each State represented at the Convention
402 shall have one vote, exercised by the vote of that State's delegate in the
403 case of States represented by one delegate, or, in the case of any State
404 that is represented by more than one delegate, by the majority vote of
405 that State's respective delegates.

406 Section 5. Quorum. A majority of the several States of the United
407 States, each present through its respective delegate in the case of any
408 State that is represented by one delegate, or through a majority of its
409 respective delegates, in the case of any State that is represented by
410 more than one delegate, shall constitute a quorum for the transaction
411 of any business on behalf of the Convention.

412 Section 6. Action by the Convention. The Convention shall only
413 act as a committee of the whole, chaired by the delegate representing
414 the first State to have become a Member State, if that State is
415 represented by one delegate, or otherwise by the delegate chosen by the
416 majority vote of that State's respective delegates. The transaction of
417 any business on behalf of the Convention, including the designation of
418 a Secretary, the adoption of parliamentary procedures and the
419 rejection or proposal of any constitutional amendment, requires a
420 quorum to be present and a majority affirmative vote of those States
421 constituting the quorum.

422 Section 7. Emergency Suspension and Relocation of the
423 Convention. In the event that the Chair of the Convention declares an
424 emergency due to disorder or an imminent threat to public health and
425 safety prior to the completion of the business on the Agenda, and a
426 majority of the States present at the Convention do not object to such
427 declaration, further Convention proceedings shall be temporarily
428 suspended, and the Commission shall subsequently relocate or

429 reschedule the Convention to resume proceedings in an orderly fashion
430 in accordance with the terms and conditions of this Compact with prior
431 notice given to the Compact Notice Recipients.

432 **Section 8. Parliamentary Procedure.** In adopting, applying and
433 formulating parliamentary procedure, the Convention shall exclusively
434 adopt, apply or appropriately adapt provisions of the most recent
435 editions of Robert's Rules of Order and the American Institute of
436 Parliamentarians Standard Code of Parliamentary Procedure. In
437 adopting, applying or adapting parliamentary procedure, the
438 Convention shall exclusively consider analogous precedent arising
439 within the jurisdiction of the United States. Parliamentary procedures
440 adopted, applied or adapted pursuant to this section shall not obstruct,
441 override or otherwise conflict with this Compact.

442 **Section 9. Transmittal.** Upon approval of the Balanced Budget
443 Amendment by the Convention to propose for ratification, the Chair of
444 the Convention shall immediately transmit certified copies of such
445 approved proposed amendment to the Compact Administrator and all
446 Compact Notice Recipients, notifying them respectively of such
447 approval and requesting Congress to refer the same for ratification by
448 the States under Article V of the Constitution of the United
449 States. However, in no event shall any proposed amendment other than
450 the Balanced Budget Amendment be transmitted as aforesaid.

451 **Section 10. Transparency.** Records of the Convention, including
452 the identities of all attendees and detailed minutes of all proceedings,
453 shall be kept by the Chair of the Convention or Secretary designated
454 by the Convention. All proceedings and records of the Convention shall
455 be open to the public upon request subject to reasonable regulations
456 adopted by the Convention that are closely tailored to preventing
457 disruption of proceedings under this Article.

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

462 **ARTICLE VIII**

463 **PROHIBITION ON ULTRA VIRES CONVENTION**

464 **Section 1.** Member States shall not participate in the Convention
465 unless: (a) Congress first calls the Convention in accordance with this

466 Compact; and (b) the Convention Rules of this Compact are adopted by
467 the Convention as its first order of business.

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

478 Section 3. Member States shall not ratify or otherwise approve
479 any proposed amendment, alteration or revision to the Constitution of
480 the United States, which originates from the Convention, other than the
481 Balanced Budget Amendment.

482 ARTICLE IX

483 RESOLUTION PROSPECTIVELY RATIFYING THE 484 BALANCED BUDGET AMENDMENT

485 Section 1. Each Member State, by and through its respective
486 Legislature, hereby adopts and ratifies the Balanced Budget
487 Amendment.

488 Section 2. This Article does not take effect until Congress
489 effectively refers the Balanced Budget Amendment to the States for
490 ratification by three-fourths of the Legislatures of the several States
491 under Article V of the Constitution of the United States.

492 ARTICLE X

493 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

494 Section 1. To the extent that the effectiveness of this Compact or
495 any of its Articles or provisions requires the alteration of local
496 legislative rules, drafting policies, or procedure to be effective, the
497 enactment of legislation enacting, adopting and agreeing to be bound
498 by this Compact shall be deemed to waive, repeal, supersede, or
499 otherwise amend and conform all such rules, policies or procedures to
500 allow for the effectiveness of this Compact to the fullest extent
501 permitted by the constitution of any affected Member State.

502 Section 2. Date and Location of the Convention. Unless

503 otherwise specified by Congress in its call, the Convention shall be held
504 in Dallas, Texas and commence proceedings at 9:00 a.m. Central
505 Standard Time on the sixth Wednesday after the latter of the effective
506 date of Article V of this Compact or the enactment date of the
507 Congressional resolution calling the Convention.

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

515 Section 4. The exclusive venue for all actions in any way arising
516 under this Compact shall be in the United States District Court for the
517 Northern District of Texas or the courts of the State of Texas within the
518 jurisdictional boundaries of the foregoing district court. Each Member
519 State shall submit to the jurisdiction of said courts with respect to such
520 actions. However, upon written request by the chief law enforcement
521 officer of any Member State, the Commission may elect to waive this
522 provision for the purpose of ensuring an action proceeds in the venue
523 that allows for the most convenient and effective enforcement or
524 defense of this Compact. Any such waiver shall be limited to the
525 particular action to which it is applied and not construed or relied
526 upon as a general waiver of this provision. The waiver decisions of the
527 Commission under this provision shall be final and binding on each
528 Member State.

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

533 Section 6. Article VIII of this Compact is hereby deemed non-
534 severable prior to termination of the Compact. However, if any other
535 phrase, clause, sentence or provision of this Compact, or the
536 applicability of any other phrase, clause, sentence or provision of this
537 Compact to any government, agency, person or circumstance, is
538 declared in a final judgment to be contrary to the Constitution of the
539 United States, contrary to the state constitution of any Member State,

540 or is otherwise held invalid by a court of competent jurisdiction, such
541 phrase, clause, sentence or provision shall be severed and held for
542 naught, and the validity of the remainder of this Compact and the
543 applicability of the remainder of this Compact to any government,
544 agency, person or circumstance shall not be affected. Furthermore, if
545 this Compact is declared in a final judgment by a court of competent
546 jurisdiction to be entirely contrary to the state constitution of any
547 Member State or otherwise entirely invalid as to any Member State,
548 such Member State shall be deemed to have withdrawn from the
549 Compact, and the Compact shall remain in full force and effect as to
550 any remaining Member State. Finally, if this Compact is declared in a
551 final judgment by a court of competent jurisdiction to be wholly or
552 substantially in violation of Article I, Section 10, of the Constitution of
553 the United States, then it shall be construed and enforced solely as
554 reciprocal legislation enacted by the affected Member State(s).

555 **Section 7. Termination.** This Compact shall terminate and be
556 held for naught when the Compact is fully performed and the
557 Constitution of the United States is amended by the Balanced Budget
558 Amendment. However, notwithstanding anything to the contrary set
559 forth in this Compact, in the event such amendment does not occur
560 within seven (7) years after the first State passes legislation enacting,
561 adopting and agreeing to be bound to this Compact, the Compact shall
562 terminate as follows: (a) the Commission shall dissolve and wind up its
563 operations within ninety (90) days thereafter, with the Compact
564 Administrator giving notice of such dissolution and the operative effect
565 of this section to the Compact Notice Recipients; and (b) upon the
566 completed dissolution of the Commission, this Compact shall be deemed
567 terminated, repealed, void ab initio, and held for naught.

Section B. Because only the first three member states to the compact may
2 appoint a member of the compact commission, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

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