

REFERENCE TITLE: uniform firearms transfer compact

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HB 2431

Introduced by
Representatives Thorpe, Barton: Borrelli, Bowers, Finchem, Lawrence,
Leach, Petersen, Rivero, Shope, Senators Burges, Lesko

AN ACT

AMENDING TITLE 13, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 31.1; RELATING
TO THE UNIFORM FIREARMS TRANSFER COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, Arizona Revised Statutes, is amended by adding
3 chapter 31.1, to read:

4 CHAPTER 31.1

5 UNIFORM FIREARMS TRANSFER COMPACT

6 13-3161. Adoption of compact; text of compact

7 THE STATE OF ARIZONA ADOPTS AND AGREES TO BE BOUND BY THE FOLLOWING
8 COMPACT:

9 ARTICLE I

10 FINDINGS AND DECLARATION OF POLICY

11 WHEREAS 4 UNITED STATES CODE SECTION 112 GIVES CONGRESSIONAL CONSENT
12 "TO ANY TWO OR MORE STATES TO ENTER INTO AGREEMENTS OR COMPACTS FOR
13 COOPERATIVE EFFORT AND MUTUAL ASSISTANCE IN THE PREVENTION OF CRIME AND IN
14 THE ENFORCEMENT OF THEIR RESPECTIVE CRIMINAL LAWS AND POLICIES, AND TO
15 ESTABLISH SUCH AGENCIES, JOINT OR OTHERWISE, AS THEY MAY DEEM DESIRABLE FOR
16 MAKING EFFECTIVE SUCH AGREEMENTS AND COMPACTS."

17 WHEREAS EVERY STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT,
18 EACH OF WHICH HAVE OR MAY ENACT RECIPROCAL RECOGNITION OF REGULATIONS
19 AFFECTING FIREARMS TRANSFERS, FINDS THAT MAINTAINING UNIFORMITY IN FIREARMS
20 TRANSFER LAWS AS PROVIDED HEREIN ADVANCES THEIR MUTUAL SOVEREIGN INTERESTS IN
21 PROTECTING THE REASONABLE EXPECTATIONS OF THEIR RESPECTIVE CITIZENS AND LAW
22 ENFORCEMENT COMMUNITY;

23 WHEREAS EVERY STATE ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT
24 PROMISES AND AGREES TO MAINTAIN RELIABLY UNIFORM FIREARMS TRANSFER LAWS AS
25 HEREIN PROVIDED TO ENSURE UNIFORMITY IN PUBLIC POLICY IN ORDER TO PROMOTE A
26 BETTER PUBLIC UNDERSTANDING OF THE LAW WHEN THEIR CITIZENS TRAVEL OR
27 ESTABLISH RESIDENCES OR DOMICILES AMONG MEMBER STATES, TO GOVERN, COORDINATE,
28 AND GUIDE CIVIL AND CRIMINAL LAW ENFORCEMENT PERSONNEL WHEN INTERACTING WITH
29 SUCH CITIZENS, AND TO AVOID UNDESIRABLE STATE BURDENS ON INTERSTATE COMMERCE
30 IN FIREARMS;

31 NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL PROMISES AND
32 OBLIGATIONS EXPRESSED IN THIS COMPACT, BE IT ENACTED BY EVERY STATE ENACTING,
33 ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT, THEIR AGREEMENT TO
34 EXERCISE HERewith ALL OF THEIR RESPECTIVE POWERS AS SET FORTH HEREIN
35 NOTWITHSTANDING ANY LAW, REGULATION OR POLICY, WHETHER BY LEGISLATIVE ACT OR
36 POPULAR INITIATIVE OR ADMINISTRATIVE ACTION, TO THE CONTRARY.

37 ARTICLE II

38 DEFINITIONS

39 AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY INDICATES
40 OTHERWISE:

41 SECTION 1. "COMPACT" MEANS THE "UNIFORM FIREARMS TRANSFER COMPACT."

42 SECTION 2. "STATE" MEANS ONE OF THE SEVERAL STATES OF THE UNITED
43 STATES. THE TERM "STATE" SHALL BE CONSTRUED TO INCLUDE ALL OF ITS BRANCHES,
44 DEPARTMENTS, AGENCIES, INSTRUMENTALITIES, POLITICAL SUBDIVISIONS, AND
45 OFFICERS, EMPLOYEES AND REPRESENTATIVES ACTING IN THEIR OFFICIAL CAPACITY.

1 SECTION 3. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED LEGISLATION
2 THAT ADOPTS AND AGREES TO BE BOUND TO THIS COMPACT. FOR ANY STATE TO QUALIFY
3 AS A MEMBER STATE WITH RESPECT TO ANY OTHER STATE UNDER THIS COMPACT, EACH
4 SUCH STATE MUST HAVE ENACTED, ADOPTED AND AGREED TO BE BOUND BY SUBSTANTIVELY
5 IDENTICAL COMPACT LEGISLATION. LEGISLATION ADOPTING AND AGREEING TO BE BOUND
6 BY THE COMPACT SHALL BE DEEMED SUBSTANTIVELY IDENTICAL NOTWITHSTANDING THE
7 INCLUSION OF A SECTION IN SUCH LEGISLATION ENTITLED "ADDENDUM TO COMPACT,"
8 WHICH SPECIFIES LAWS, REGULATIONS, AND POLICIES, AND RELATED PROSECUTIONS OR
9 ADMINISTRATIVE OR ENFORCEMENT ACTIONS, EXISTING OR PENDING ON THE ENACTMENT
10 DATE OF SUCH LEGISLATION IN THE RESPECTIVE ENACTING STATE THAT ARE EXCLUDED
11 FROM THE SCOPE OF SECTION 1 OF ARTICLE IV OF THIS COMPACT AS PROVIDED BY
12 SECTION 2 OF ARTICLE IV OF THIS COMPACT, PROVIDED THAT SUCH LEGISLATION IS
13 OTHERWISE IDENTICAL IN ALL OPERATIVE TERMS.

14 SECTION 4. "NOTICE" ALL NOTICES REQUIRED BY THIS COMPACT SHALL BE BY
15 UNITED STATES CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN EQUIVALENT OR
16 SUPERIOR FORM OF NOTICE, SUCH AS PERSONAL DELIVERY DOCUMENTED BY EVIDENCE OF
17 ACTUAL RECEIPT.

18 SECTION 5. "FEDERAL LAW" EXCLUSIVELY MEANS DULY ENACTED,
19 CONSTITUTIONAL FEDERAL STATUTES AND LAWFULLY AND CONSTITUTIONALLY PROMULGATED
20 REGULATIONS PROMULGATED IN CONFORMITY WITH THE ADMINISTRATIVE PROCEDURE ACT,
21 AS AMENDED.

22 ARTICLE III
23 COMPACT MEMBERSHIP AND WITHDRAWAL

24 SECTION 1. THIS COMPACT GOVERNS EACH MEMBER STATE TO THE FULLEST
25 EXTENT PERMITTED BY THEIR RESPECTIVE CONSTITUTIONS, AS THEY EXIST AT THE TIME
26 OF ENTRY, SUPERSEDING AND REPEALING ANY CONFLICTING OR CONTRARY STATE LAW IN
27 ANY MEMBER STATE.

28 SECTION 2. BY BECOMING A MEMBER STATE, EACH SUCH STATE OFFERS,
29 PROMISES AND AGREES TO PERFORM AND COMPLY STRICTLY IN ACCORDANCE WITH THE
30 TERMS AND CONDITIONS OF THIS COMPACT, AND HAS MADE SUCH OFFER, PROMISE AND
31 AGREEMENT IN ANTICIPATION AND CONSIDERATION OF, AND IN SUBSTANTIAL RELIANCE
32 UPON, SUCH MUTUAL AND RECIPROCAL PERFORMANCE AND COMPLIANCE BY EACH OTHER
33 CURRENT AND FUTURE MEMBER STATE, IF ANY. ACCORDINGLY, IN ADDITION TO HAVING
34 THE FORCE OF LAW IN EACH MEMBER STATE UPON ITS RESPECTIVE EFFECTIVE DATE,
35 THIS COMPACT AND EACH OF ITS ARTICLES SHALL ALSO BE CONSTRUED AS
36 CONTRACTUALLY BINDING EACH MEMBER STATE WHEN: (a) AT LEAST ONE OTHER STATE
37 HAS LIKewise BECOME A MEMBER STATE BY ENACTING SUBSTANTIVELY IDENTICAL
38 LEGISLATION ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT; AND (b) NOTICE
39 OF SUCH STATE'S MEMBER STATE STATUS IS OR HAS BEEN SEASONABLY RECEIVED BY THE
40 GOVERNOR OR OTHER ACTING CHIEF EXECUTIVE OFFICER, IF ANY, OF EACH OTHER
41 MEMBER STATE.

42 SECTION 3. ONCE THERE ARE AT LEAST TWO MEMBER STATES, A MEMBER STATE
43 MAY NOT WITHDRAW FROM OR MODIFY THIS COMPACT EXCEPT UPON THE UNANIMOUS
44 CONSENT OF ALL OTHER MEMBER STATES, AS EVIDENCED BY AN EXECUTIVE ORDER DULY
45 SIGNED BY THEIR RESPECTIVE GOVERNOR OR OTHER ACTING CHIEF EXECUTIVE OFFICER,

1 IF ANY, AND THEN ONLY BY ENACTING APPROPRIATE CONFORMING LEGISLATION, AS
2 DETERMINED BY STATE LAW, AND GIVING NOTICE OF SUCH WITHDRAWAL OR MODIFICATION
3 UPON THE EFFECTIVE DATE OF SUCH LEGISLATION TO THE GOVERNOR OR OTHER ACTING
4 CHIEF EXECUTIVE OFFICER, IF ANY, OF EACH OTHER MEMBER STATE. HOWEVER, A
5 MEMBER STATE MAY AT ANY TIME BY ORDINARY LEGISLATION REPEAL ANY OR ALL
6 PROVISIONS OF AN "ADDENDUM TO COMPACT," FOR WHICH IT IS RESPONSIBLE, AS
7 CONTEMPLATED IN SECTION 2 OF ARTICLE IV OF THIS COMPACT, AS WELL AS ANY LAW,
8 REGULATION OR POLICY SPECIFIED THEREIN, THAT IS INCLUDED AS A SECTION WITHIN
9 ITS RESPECTIVE LEGISLATION ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT;
10 WITH THE REMAINDER OF THE COMPACT REMAINING IN FULL FORCE AND EFFECT. A
11 WITHDRAWAL, OR MODIFICATION INTENDED TO AFFECT ONLY A PARTICULAR MEMBER
12 STATE, SHALL NOT AFFECT THE VALIDITY OR APPLICABILITY OF THE COMPACT WITH
13 RESPECT TO REMAINING MEMBER STATES, PROVIDED THAT THERE REMAIN AT LEAST TWO
14 SUCH STATES.

15 ARTICLE IV

16 UNIFORMITY REQUIREMENT

17 SECTION 1. UNLESS THE TRANSFER OF FIREARMS IS AN ELEMENT OF A CRIMINAL
18 OR CIVIL CAUSE OF ACTION INVOLVING VIOLENCE, ATTEMPTED OR THREATENED
19 VIOLENCE, CONTROLLED SUBSTANCES, ACTUAL FRAUD, BREACH OF CONTRACT, OR
20 INTENTIONAL OR NEGLIGENT MISCONDUCT ACTUALLY CAUSING OR IMMINENTLY
21 THREATENING PERSONAL OR ECONOMIC INJURY, NO MEMBER STATE SHALL ENACT,
22 PROMULGATE, OR ENFORCE ANY LAW, REGULATION OR POLICY, WHETHER BY LEGISLATIVE
23 ACT, POPULAR INITIATIVE, PROSECUTION, ADMINISTRATIVE ACTION OR OTHERWISE,
24 THAT WOULD: (a) IMPOSE ANY FEE, TAX, PENALTY, MANDATE OR REGULATION
25 GOVERNING, PUNISHING, RESTRICTING, CONDITIONING OR OTHERWISE BURDENING IN ANY
26 RESPECT OR AT ANY TIME THE TRANSFER OF FIREARMS BY ANY PERSON, IF SUCH FEE,
27 TAX, PENALTY, MANDATE OR REGULATION WOULD BE IN ADDITION TO ANY SUCH FEE,
28 TAX, PENALTY, MANDATE OR REGULATION IMPOSED BY THEN-EXISTING FEDERAL LAW; OR
29 (B) CREATE OR IMPOSE ANY CRIMINAL OR CIVIL LIABILITY NOT CREATED OR IMPOSED
30 UNDER THEN-EXISTING FEDERAL LAW IN CONNECTION WITH THE TRANSFER OF FIREARMS
31 BY ANY PERSON.

32 SECTION 2. NOTWITHSTANDING ANYTHING TO THE CONTRARY SET FORTH HEREIN,
33 SECTION 1 OF THIS ARTICLE SHALL NOT APPLY TO ANY LAW, REGULATION OR POLICY,
34 OR RELATED PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT ACTION THAT IS
35 SPECIFIED BY A MEMBER STATE IN A SECTION ENTITLED "ADDENDUM TO COMPACT" AND
36 INCLUDED WITHIN ITS RESPECTIVE LEGISLATION ADOPTING AND AGREEING TO BE BOUND
37 BY THIS COMPACT, PROVIDED THAT THE SPECIFIED LAW, REGULATION OR POLICY IS
38 EXISTING AND EFFECTIVE, OR THE PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT
39 IS PENDING, IN THE MEMBER STATE ON THE ENACTMENT DATE OF THE LEGISLATION
40 ADOPTING AND AGREEING TO BE BOUND TO THIS COMPACT. SAID ADDENDUM TO COMPACT,
41 IF ANY, SHALL BE REGARDED AS PART OF THIS COMPACT WITH RESPECT TO THE
42 RESPECTIVELY ENACTING MEMBER STATE, AND, EXCEPT AS IT QUALIFIES SECTION 1 OF
43 THIS ARTICLE, SHALL OTHERWISE BE CONSTRUED AS SUBJECT TO THE COMPACT'S TERMS.

44 SECTION 3. SUBJECT TO SECTION 2 OF THIS ARTICLE, PRIMA FACIE EVIDENCE
45 THAT A LAW, REGULATION OR POLICY, WHETHER BY LEGISLATIVE ACT, POPULAR

1 INITIATIVE, OR ADMINISTRATIVE ACT, OR RELATED PROSECUTION, OR ADMINISTRATIVE
2 OR ENFORCEMENT ACTION, VIOLATES SECTION 1 OF THIS ARTICLE SHALL BE A COMPLETE
3 DEFENSE IN ALL MEMBER STATES TO ANY CIVIL OR CRIMINAL PROCEEDING AGAINST ANY
4 PERSON IN RELATION TO THE TRANSFER OF A FIREARM TO THE EXTENT THAT THE
5 PROCEEDING ARISES FROM THE AUTHORITY OF SUCH LAW, REGULATION OR POLICY. SUCH
6 PRIMA FACIE EVIDENCE MAY BE REBUTTED ONLY BY REFERENCE TO A SPECIFIED LAW,
7 REGULATION OR POLICY, OR RELATED PROSECUTION OR ADMINISTRATIVE OR ENFORCEMENT
8 ACTION, LISTED IN THE "ADDENDUM TO COMPACT," IF ANY, THAT IS INCLUDED AS A
9 SECTION WITHIN THE RELEVANT MEMBER STATE'S RESPECTIVE LEGISLATION ADOPTING
10 AND AGREEING TO BE BOUND TO THIS COMPACT AS PROVIDED IN SECTION 2 OF THIS
11 ARTICLE. ANY PARTY PREVAILING IN THE DEFENSE AFFORDED BY THIS SECTION SHALL
12 BE ENTITLED TO RECOVER IN THE SAME PROCEEDING ALL LEGAL EXPENSES, INCLUDING
13 REASONABLE ATTORNEYS' FEES, FROM ANY PARTY SEEKING TO ENFORCE ANY SUCH
14 CONFLICTING LAW, REGULATION OR POLICY. EVERY PERSON QUALIFYING FOR THE
15 DEFENSE AFFORDED BY THIS SECTION IS GRANTED A VESTED RIGHT THERETO AS AN
16 INTENDED THIRD PARTY BENEFICIARY OF THIS COMPACT.

17 SECTION 4. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY LAW, REGULATION
18 OR POLICY EXISTING ON THE EFFECTIVE DATE OF THIS COMPACT, WHICH IS IN
19 CONFLICT WITH SECTION 1 OF THIS ARTICLE, SHALL HEREBY BE REPEALED AND HELD
20 FOR NAUGHT TO THE EXTENT OF SUCH CONFLICT.

21 SECTION 5. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY LAW, REGULATION
22 OR POLICY, WHETHER BY LEGISLATIVE ACT, POPULAR INITIATIVE, OR ADMINISTRATIVE
23 ACT, OR RELATED PROSECUTION, ADMINISTRATIVE OR ENFORCEMENT ACTION, WHICH IS
24 IN VIOLATION OF SECTION 1 OF THIS ARTICLE IS AND SHALL HENCEFORTH BE REGARDED
25 BY ALL MEMBER STATES AS ULTRA VIRES AND VOID AS A SUBSTANTIAL IMPAIRMENT OF
26 THE OBLIGATION OF A SOLEMN CONTRACT BETWEEN SOVEREIGNS, IN VIOLATION OF
27 UNITED STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1.

28 SECTION 6. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY AMENDMENT TO THE
29 STATE CONSTITUTION OF ANY MEMBER STATE, WHICH IS ADOPTED AFTER THAT MEMBER
30 STATE'S AGREEMENT TO THIS COMPACT AND THEN IN VIOLATION OF SECTION 1 OF THIS
31 ARTICLE, SHALL BE REGARDED BY ALL MEMBER STATES AS ULTRA VIRES AND VOID AS A
32 SUBSTANTIAL IMPAIRMENT OF THE OBLIGATION OF A SOLEMN CONTRACT BETWEEN
33 SOVEREIGNS, IN VIOLATION OF UNITED STATES CONSTITUTION, ARTICLE I, SECTION
34 10, CLAUSE 1.

35 SECTION 7. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY CRIMINAL LAW,
36 WHETHER BY LEGISLATIVE ACT OR POPULAR INITIATIVE, OR RELATED CRIMINAL
37 INVESTIGATION OR PROSECUTION, WHICH IS IN VIOLATION OF SECTION 1 OF THIS
38 ARTICLE IS AND SHALL HENCEFORTH BE REGARDED BY ALL MEMBER STATES AS ULTRA
39 VIRES AND VOID AS A VIOLATION OF UNITED STATES CONSTITUTION, ARTICLE VI,
40 CLAUSE 2, DUE TO THE EXISTENCE OF ADVANCE STATUTORY CONGRESSIONAL CONSENT
41 UNDER 4 UNITED STATES CODE SECTION 112 FOR THE CRIMINAL LAW ENFORCEMENT
42 COORDINATION REQUIRED BY THIS COMPACT.

43 SECTION 8. SUBJECT TO SECTION 2 OF THIS ARTICLE, ANY AMENDMENT TO THE
44 STATE CONSTITUTION OF ANY MEMBER STATE, WHICH IS ADOPTED AFTER THAT MEMBER
45 STATE'S AGREEMENT TO THIS COMPACT AND THEN IMPOSES A CRIMINAL LAW IN

1 VIOLATION OF SECTION 1 OF THIS ARTICLE, SHALL BE REGARDED BY ALL MEMBER
2 STATES AS ULTRA VIRES AND VOID AS A VIOLATION OF UNITED STATES CONSTITUTION,
3 ARTICLE VI, CLAUSE 2, DUE TO THE EXISTENCE OF ADVANCE STATUTORY CONGRESSIONAL
4 CONSENT UNDER 4 UNITED STATES CODE SECTION 112 FOR THE CRIMINAL LAW
5 ENFORCEMENT COORDINATION REQUIRED BY THIS COMPACT.

6 ARTICLE V

7 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

8 SECTION 1. INTENDED THIRD PARTY BENEFICIARIES. INTENDED THIRD PARTY
9 BENEFICIARIES OF THIS COMPACT INCLUDE, BUT ARE NOT LIMITED TO, RESIDENTS OF
10 MEMBER STATES WHO: (a) ENJOY THE RIGHT TO KEEP AND BEAR ARMS FOR
11 SELF-DEFENSE, DEFENSE OF HOME, OR DEFENSE OF COMMUNITY UNDER STATE OR FEDERAL
12 LAW OR THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED STATES CONSTITUTION;
13 (b) ENJOY A PROTECTED PROPERTY INTEREST IN ANY FIREARM UNDER STATE OR
14 FEDERAL LAW OR THEIR RESPECTIVE STATE CONSTITUTION OR THE UNITED STATES
15 CONSTITUTION; (c) ENJOY A PROTECTED CONTRACTUAL INTEREST IN THE TRANSFER OF
16 ANY FIREARM UNDER STATE OR FEDERAL LAW OR THEIR RESPECTIVE STATE CONSTITUTION
17 OR THE UNITED STATES CONSTITUTION; OR (d) ENJOY A PROTECTED LIBERTY INTEREST
18 IN THE TRANSFER OF ANY FIREARM UNDER STATE OR FEDERAL LAW OR THEIR RESPECTIVE
19 STATE CONSTITUTION OR THE UNITED STATES CONSTITUTION.

20 SECTION 2. ANY MEMBER STATE RESIDENT, WHO IS AN INTENDED THIRD PARTY
21 BENEFICIARY OF THIS COMPACT, SHALL HAVE STANDING IN THE COURTS OF ANY MEMBER
22 STATE TO SEEK DECLARATORY, INJUNCTIVE OR OTHER APPROPRIATE RELIEF TO ENFORCE
23 THIS COMPACT AS A DULY AUTHORIZED AGENT OF THE MEMBER STATE OF HIS OR HER
24 RESIDENCY PROVIDED THAT THE FOLLOWING CONDITIONS ARE FIRST MET: (a) SUCH
25 RESIDENT SHALL GIVE REASONABLE NOTICE OF THE ALLEGED NONCOMPLIANCE WITH THIS
26 COMPACT TO THE ENTITY DIRECTLY RESPONSIBLE FOR SUCH NONCOMPLIANCE AND ALSO TO
27 THE ATTORNEY GENERAL OR OTHER CHIEF LAW ENFORCEMENT OFFICER, IF ANY, OF THE
28 MEMBER STATE IN WHICH SUCH ENTITY IS DOMICILED, WITHIN SIXTY (60) DAYS OF
29 SAID RESIDENT'S ACTUAL DISCOVERY OF THE FIRST INSTANCE OF NONCOMPLIANCE;
30 (b) THE AFORESAID RESPONSIBLE ENTITY FAILS TO CURE SUCH NONCOMPLIANCE WITHIN
31 THIRTY (30) DAYS OF SUCH NOTICE; AND (c) THE ATTORNEY GENERAL OR OTHER CHIEF
32 LAW ENFORCEMENT OFFICER, IF ANY, OF THE MEMBER STATE IN WHICH SUCH ENTITY IS
33 DOMICILED SHALL FAIL TO ENFORCE THIS COMPACT BY FILING AN APPROPRIATE ACTION,
34 AS NECESSARY TO ENSURE COMPLIANCE WITHIN SIXTY (60) DAYS OF THE EXPIRATION OF
35 SUCH CURE PERIOD.

36 SECTION 3. THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
37 EFFECTUATE ITS PURPOSES. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS
38 COMPACT OR ANY OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF LOCAL
39 LEGISLATIVE RULES, LEGISLATIVE DRAFTING POLICIES OR STATUTES, OR
40 PARLIAMANTARY PROCEDURE TO BE EFFECTIVE, THE ENACTMENT OF LEGISLATION
41 ENACTING, ADOPTING AND AGREEING TO BE BOUND BY THIS COMPACT SHALL BE DEEMED
42 TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE AMEND AND CONFORM ALL SUCH RULES,
43 POLICIES, STATUTES OR PROCEDURES TO ALLOW FOR THE EFFECTIVENESS OF ALL
44 PROVISIONS OF THIS COMPACT ACCORDING TO THEIR TERMS AND CONDITIONS TO THE
45 FULLEST EXTENT PERMITTED BY THE CONSTITUTION OF ANY AFFECTED MEMBER STATE,

1 CONSISTENT WITH THE PROHIBITION ON STATES IMPAIRING THE OBLIGATION OF
2 CONTRACT UNDER UNITED STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1.
3 IN THE EVENT THAT THE PURPOSES OF THIS COMPACT CANNOT BE FULFILLED DUE TO
4 DEFECTS IN FORM OR STYLE, EACH AFFECTED MEMBER STATE SHALL TAKE ALL
5 REASONABLE STEPS, BOTH LEGISLATIVE OR OTHERWISE, THAT WILL REMEDY SUCH
6 DEFECTS AND ENSURE THAT THE PURPOSES OF THIS COMPACT ARE NOT FRUSTRATED BY
7 FORMAL OR STYLISTIC DEFECTS. HOWEVER, THE DEFINITIONS SPECIFIED IN THIS
8 COMPACT SHALL GOVERN THIS COMPACT UNLESS THE CONTEXT CLEARLY AND
9 UNEQUIVOCALLY INDICATES OTHERWISE.

10 SECTION 4. IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS
11 COMPACT, OR THE APPLICABILITY OF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF
12 THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE, IS DECLARED
13 IN A FINAL JUDGMENT TO BE CONTRARY TO THE UNITED STATES CONSTITUTION,
14 CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE, SUBJECT TO THE
15 PROHIBITION ON STATES IMPAIRING THE OBLIGATION OF CONTRACT UNDER UNITED
16 STATES CONSTITUTION, ARTICLE I, SECTION 10, CLAUSE 1, OR IS OTHERWISE HELD
17 INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH PHRASE, CLAUSE, SENTENCE
18 OR PROVISION SHALL BE SEVERED AND HELD FOR NAUGHT, AND THE VALIDITY OF THE
19 REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE REMAINDER OF THIS
20 COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL NOT BE
21 AFFECTED. FURTHERMORE, IF THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A
22 COURT OF COMPETENT JURISDICTION TO BE ENTIRELY CONTRARY TO THE STATE
23 CONSTITUTION OF ANY MEMBER STATE, SUBJECT TO THE PROHIBITION ON STATES
24 IMPAIRING THE OBLIGATION OF CONTRACT UNDER UNITED STATES CONSTITUTION,
25 ARTICLE I, SECTION 10, CLAUSE 1, OR OTHERWISE ENTIRELY INVALID AS TO ANY
26 MEMBER STATE, SUCH MEMBER STATE SHALL BE DEEMED TO HAVE WITHDRAWN FROM THE
27 COMPACT, AND THE COMPACT SHALL REMAIN IN FULL FORCE AND EFFECT AS TO ANY
28 REMAINING MEMBER STATE. FINALLY, IF THIS COMPACT IS DECLARED IN A FINAL
29 JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE WHOLLY OR SUBSTANTIALLY
30 IN VIOLATION OF ARTICLE I, SECTION 10, OF THE UNITED STATES CONSTITUTION,
31 THEN IT SHALL BE CONSTRUED AND ENFORCED SOLELY AS RECIPROCAL LEGISLATION
32 ENACTED BY THE AFFECTED MEMBER STATE(S).

33 SECTION 5. THE EFFECTIVE DATE OF THIS COMPACT IS THE EARLIEST DATE
34 PERMITTED BY LAW.