

By: Hall

S. B. No. 1252

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an interstate compact on border security and
3 immigration enforcement; authorizing fines and fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Title 7, Government Code, is amended by adding
6 Chapter 793 to read as follows:

CHAPTER 793. INTERSTATE COMPACT FOR BORDER SECURITY

Sec. 793.001. DEFINITIONS. In this chapter:

15 Sec. 793.002. EXECUTION OF COMPACT. This state enacts the
16 Interstate Compact for Border Security and enters into the compact
17 with all other states legally joining in the compact in
18 substantially the following form:

INTERSTATE COMPACT FOR BORDER SECURITY

ARTICLE I. PURPOSE

21 (a) The compacting member states recognize that each state
22 is responsible for monitoring, detection, apprehension, and
23 detainment of unauthorized border crossers to enforce existing
24 federal immigration law.

1 (b) The compacting member states are authorized to form a
2 dedicated border security force with each state having an
3 appropriate command structure. Each compacting member state's
4 border security force shall be administered by the state law
5 enforcement functions.

6 (c) The compacting member states are authorized to
7 prosecute illegal alien criminal activity through the state
8 attorneys general of the compacting states and incarcerate those
9 convicted in prisons operated by the compacting member states.

10 (d) The border security forces from any compacting member
11 state may operate in any other compact state's territory when
12 requested by that state. Interstate sharing of state resources
13 extends to both personnel and equipment resources. Cross-state
14 operations and support are authorized for state militias, organized
15 and unorganized as defined by 10 U.S.C. Section 311, employed in a
16 state border security role.

17 (e) The compacting member states will immediately
18 invalidate any restrictions placed on border enforcement
19 activities under federal regulations administered by the United
20 States Environmental Protection Agency, the Bureau of Land
21 Management, the United States Fish and Wildlife Service, and any
22 other federal agencies with the purpose of restricting land and
23 airspace access to compacting state officials and their law
24 enforcement agencies.

25 (f) The border security forces of the compacting member
26 states shall be vested with broad law enforcement powers necessary
27 to track down illegal border crossers, criminals, and human

1 smugglers and traffickers and to enforce existing federal
2 immigration laws.

3 (g) The compacting member states' border security forces
4 are granted the authority to open and operate as many checkpoints
5 along identified choke-points with access to the interior of the
6 United States as are needed to interdict human smugglers and
7 traffickers, transnational gang members, and illegal drug
8 shipments. These should be floating checkpoints based on specific
9 intelligence in order to restrict cartel and transnational gang
10 ability to adapt to permanent checkpoint locations.

11 (h) It is the purpose of this compact and the commission
12 created under this compact, through means of joint and cooperative
13 action among the compacting states, to provide operational control
14 and border security of international United States borders and
15 coastlines adjacent to compacting member state borders, to provide
16 internal immigration enforcement within the compacting member
17 states' territories, to provide support to other compacting member
18 states should criminal and terrorist strategies and tactics evolve
19 into a specific threat to one or more compacting member states, and
20 to equitably distribute the costs, benefits, and obligations of the
21 compact among the compacting member states.

22 (i) In addition, this compact is intended to create a
23 commission that will establish uniform procedures to manage joint
24 activities of the compacting states and the execution of support
25 activities and resources between and among the compacting member
26 states, to establish a system of uniform tracking and data
27 collection, to provide intelligence to other compacting states

1 regarding illegal immigration activity within each state, to access
2 information on active cases by authorized criminal justice
3 officials, and to provide regular reporting to governors of the
4 compacting member states, state legislatures, and the Secretary of
5 the United States Department of Homeland Security.

6 (j) It is the policy of the compacting member states that
7 the activities of the commission are intended to foster public
8 safety and formulate public policy. Therefore, the commission is
9 subject to public sunshine laws in each compacting member state.

10 ARTICLE II. DEFINITIONS

11 As used in this compact, unless the context clearly requires
12 a different construction:

13 (a) "A secure border" is defined as when only those
14 authorized to cross the border can do so, and every smuggling event
15 between the legal ports of entry is detected and stopped.

16 (b) "Alien" means an individual who is not a United States
17 citizen or United States national.

18 (c) "Bylaws" means those bylaws established by the
19 commission for its governance or those rules constructed for
20 directing or controlling the commission's actions or conduct.

21 (d) "Compacting state" or "compacting member state" means
22 any state that has enacted the enabling legislation for this
23 interstate compact.

24 (e) "Commissioner" means the voting representative of each
25 compacting state appointed under Article III of this compact.

26 (f) "Illegal alien" means an alien who has entered the
27 United States illegally and is deportable if apprehended, or an

1 alien who entered the United States legally, but who has fallen "out
2 of status" and is deportable.

3 (g) "Member" means the commissioner of a compacting member
4 state or the commissioner's designee.

5 (h) "Non-compacting states" means any state that has not
6 enacted enabling legislation for this compact.

7 (i) "Rules" means acts of the commission adopted under
8 Article VII of this compact and substantially affecting interested
9 parties that have the force of law in the compacting member states.

10 ARTICLE III. INTERSTATE BORDER SECURITY COMMISSION

11 (a) The compacting states hereby create the Interstate
12 Border Security Commission. The commission is a body corporate and
13 joint agency of the compacting member states. The commission has
14 all the responsibilities, powers, and duties set forth in this
15 compact, including the power to sue and be sued and such additional
16 powers as may be conferred on it by subsequent action of the
17 respective legislatures of the compacting member states in
18 accordance with the terms of this compact.

19 (b) The commission consists of commissioners selected and
20 appointed by each state. The commission's bylaws may provide for
21 additional nonvoting members as it considers necessary.

22 (c) Each compacting state represented at any meeting of the
23 commission is entitled to one vote. A majority of the compacting
24 states shall constitute a quorum for the transaction of business,
25 unless a larger quorum is required by the bylaws of the commission.

26 (d) The commission shall meet at least once each calendar
27 year. The chair may call additional meetings and, on the request of

1 a majority of compacting states, shall call additional meetings.
2 Public notice must be given of all meetings, and meetings are open
3 to the public, except as provided in Article VII of this compact.
4 Public notice of meetings must include posting of meeting details
5 on the commission's website and the websites of compacting member
6 states.

7 (e) The commission shall establish an executive committee
8 that shall include commission officers, members, and others as
9 determined by the bylaws. The executive committee shall have the
10 power to act on behalf of the commission during periods when the
11 commission is not in session, with the exception of rulemaking or
12 amendment to the compact. The executive committee oversees the
13 day-to-day activities managed by the executive director.
14 Commission staff administers enforcement and compliance with the
15 compact and its bylaws and rules and performs other duties, as
16 directed by the commission or set forth in the bylaws and rules.

17 ARTICLE IV. POWERS AND DUTIES OF THE INTERSTATE BORDER SECURITY
18 COMMISSION

19 The commission shall have the following powers:

20 (a) To adopt a seal and suitable bylaws governing the
21 management and operation of the commission.

22 (b) To adopt rules that have the force and effect of
23 statutory law and are binding in the compacting states to the extent
24 and in the manner provided in this compact.

25 (c) To enforce compliance with the compact and the rules and
26 bylaws of the commission, using all necessary and proper means,
27 including the use of judicial process.

1 (d) To establish and maintain offices.

2 (e) To purchase and maintain insurance and bonds.

3 (f) To borrow, accept, or contract for the services of
4 personnel, including members and their staffs.

5 (g) To establish and appoint committees and hire staff that
6 it considers necessary to carry out its functions, including an
7 executive committee as required by Article III of this compact,
8 that has the power to act on behalf of the commission in carrying
9 out its powers and duties under this compact.

10 (h) To elect or appoint officers, attorneys, employees,
11 agents, or consultants, and to fix their compensation, define their
12 duties, and determine their qualifications, and to establish the
13 commission's personnel policies and programs relating to, among
14 other things, conflicts of interest, rates of compensation, and
15 qualifications of personnel.

16 (i) To accept any and all donations and grants of money,
17 equipment, supplies, materials, and services and to receive, use,
18 and dispose of same.

19 (j) To lease, purchase, accept contributions or donations
20 of any property, or otherwise own, hold, improve, or use any
21 property, whether real, personal, or mixed.

22 (k) To sell, convey, mortgage, pledge, lease, exchange,
23 abandon, or otherwise dispose of any property, whether real,
24 personal, or mixed.

25 (l) To establish a budget and make expenditures and impose
26 dues as provided in Article IX of this compact.

27 (m) To sue and be sued.

1 (n) To provide for dispute resolution among compacting
2 member states.

3 (o) To perform such functions as may be necessary or
4 appropriate to achieve the purposes of this compact.

5 (p) To report annually to the compacting member states'
6 governors, legislatures, and the Secretary of the United States
7 Department of Homeland Security concerning the activities of the
8 commission during the preceding year. The reports shall also
9 include any recommendations that may have been adopted by the
10 commission.

11 (q) To coordinate education, training, and public awareness
12 regarding border security and immigration enforcement for
13 officials involved in such activity.

14 (r) To establish uniform standards for the reporting,
15 collecting, and exchanging of data.

16 ARTICLE V. ORGANIZATION AND OPERATION OF THE INTERSTATE BORDER

17 SECURITY COMMISSION

18 (a) The commission shall, by a majority of its members, not
19 later than a year after the first commission meeting, adopt bylaws
20 to govern its conduct as may be necessary or appropriate to carry
21 out the purposes of the compact, including:

22 (1) establishing the fiscal year of the commission;

23 (2) establishing an executive committee and other
24 committees as may be necessary;

25 (3) providing reasonable standards and procedures:

26 (i) for the establishment of committees; and

27 (ii) governing any general or specific

1 delegation of any authority or function of the commission;
2 (4) providing reasonable procedures for calling and
3 conducting meetings of the commission and ensuring reasonable
4 notice of each meeting;
5 (5) establishing the titles and responsibilities of
6 the officers of the commission;
7 (6) providing reasonable standards and procedures for
8 the establishment of the personnel policies and programs of the
9 commission. Notwithstanding any civil service laws, or other
10 similar laws of any compacting member state, the bylaws shall
11 exclusively govern the personnel policies and programs of the
12 commission;
13 (7) providing a mechanism for decommissioning the
14 operations of the commission and the equitable return of any
15 surplus funds that may exist on the termination of the compact,
16 after the payment or reserve of funds needed to retire all of the
17 commission's debts and obligations;
18 (8) providing transition rules for start-up
19 administration of the compact; and
20 (9) establishing standards and procedures for
21 compliance and technical assistance in carrying out the compact.
22 (b)(1) The commission shall, by a majority of the members,
23 elect from among its members a chair and a vice-chair, each of whom
24 shall have the authorities and duties as may be specified in the
25 bylaws. The chair, or in the chair's absence or disability, the
26 vice-chair, shall preside at all meetings of the commission. The
27 officers so elected shall serve without compensation or

1 remuneration from the commission, provided that, subject to the
2 availability of budgeted funds, the officers shall be reimbursed
3 for any actual and necessary costs and expenses incurred by them in
4 the performance of their duties and responsibilities as officers of
5 the commission.

6 (2) The commission shall, through its executive
7 committee, appoint or retain an executive director for the period,
8 on terms and conditions, and for the compensation as the commission
9 considers appropriate. The executive director shall serve as
10 secretary to the commission and shall hire and supervise other
11 staff as may be authorized by the commission, but may not be a
12 member of the commission.

13 (c) The commission shall maintain its corporate books and
14 records in accordance with the bylaws.

15 (d)(1) The commission shall defend the commissioner of a
16 compacting member state, the commissioner's representatives or
17 employees, or the commission's representatives or employees in any
18 civil action seeking to impose liability arising out of any actual
19 or alleged act, error, or omission that occurred within the scope of
20 commission employment, duties, or responsibilities, or that the
21 defendant had a reasonable basis for believing occurred within the
22 scope of commission employment, duties, or responsibilities,
23 provided that the actual or alleged act, error, or omission did not
24 result from intentional wrongdoing on the part of such person.

25 (2) The commission shall indemnify and hold the
26 commissioner of a compacting member state, the appointed
27 representatives or employees, or the commission's representatives

1 or employees, harmless in the amount of any settlement or judgment
2 obtained against those persons arising out of any actual or alleged
3 act, error, or omission that occurred within the scope of
4 commission employment, duties, or responsibilities, or that those
5 persons had a reasonable basis for believing occurred within the
6 scope of commission employment, duties, or responsibilities,
7 provided that the actual or alleged act, error, or omission did not
8 result from intentional wrongdoing on the part of those persons.

9 ARTICLE VI. ACTIVITIES OF THE INTERSTATE BORDER SECURITY

10 COMMISSION

11 (a) The commission shall meet and take actions as are
12 consistent with the provisions of this compact.

13 (b) Except as otherwise provided in this compact and unless
14 a greater percentage is required under the bylaws, in order to
15 constitute an act of the commission, the act must have been taken at
16 a meeting of the commission and must have received an affirmative
17 vote of a majority of the members present.

18 (c) Each member of the commission shall have the right and
19 power to cast a vote to which that compacting state is entitled and
20 to participate in the business and affairs of the commission. A
21 member shall vote in person on behalf of the compacting state and
22 may not delegate a vote to another compacting state. However, a
23 member may designate another individual, in the absence of the
24 member, to cast a vote on behalf of the member at a specified
25 meeting. The bylaws may provide for members' participation in
26 meetings by telephone or other means of telecommunication or
27 electronic communication. Any voting conducted by telephone or

1 other means of telecommunication or electronic communication shall
2 be subject to the same quorum requirements of meetings where
3 members are present in person and to the same requirements of open
4 meetings as determined by Subsection (e) of this article.

5 (d) The commission's bylaws shall establish conditions and
6 procedures under which the commission shall make its information
7 and official records available to the public for inspection or
8 copying. The commission may exempt from disclosure any information
9 or official records to the extent the information or records would
10 adversely affect personal privacy rights or proprietary interests.
11 In adopting those rules, the commission may make available to law
12 enforcement agencies records and information otherwise exempt from
13 disclosure, and may enter into agreements with law enforcement
14 agencies to receive or exchange information or records subject to
15 nondisclosure and confidentiality provisions.

16 (e) The commission shall adopt rules consistent with the
17 principles contained in the Government in the Sunshine Act, 5
18 U.S.C. Section 552b. The commission and any of its committees may
19 close a meeting to the public when the commission determines by
20 two-thirds vote that an open meeting would be likely to:

21 (1) relate solely to the commission's internal
22 personnel practices and procedures;

23 (2) disclose matters specifically exempted from
24 disclosure by statute;

25 (3) disclose trade secrets or commercial or financial
26 information that is privileged or confidential;

27 (4) involve accusing any person of a crime or formally

1 censuring any person;

2 (5) disclose information of a personal nature when the

3 disclosure would constitute a clearly unwarranted invasion of

4 personal privacy;

5 (6) disclose investigatory records compiled for law

6 enforcement purposes;

7 (7) disclose information contained in or related to

8 examination, operating, or condition reports prepared by, or on

9 behalf of or for the use of, the commission with respect to a

10 regulated entity for the purpose of regulation or supervision of

11 such entity;

12 (8) disclose information when the premature

13 disclosure would significantly endanger the life of a person or the

14 stability of a regulated entity; or

15 (9) specifically relate to the commission's issuance

16 of a subpoena or its participation in a civil action or proceeding.

17 (f) For every meeting closed under Subsection (e) of this

18 article, the commission's chief legal officer shall publicly

19 certify that, in the officer's opinion, the meeting may be closed to

20 the public and shall make reference to each relevant provision

21 authorizing closure of the meeting. The commission shall keep

22 minutes that fully and clearly describe all matters discussed in

23 any meeting and shall provide a full and accurate summary of any

24 action taken, and the reasons for the action, including a

25 description of each of the views expressed on any item and the

26 record of any roll call vote. All documents considered in

27 connection with any action shall be identified in such minutes.

1 (g) The commission shall collect standardized data
2 concerning the interstate movement and activity of illegal aliens
3 within the compacting member states as directed through its bylaws
4 and rules, which specify the data to be collected, the means of
5 collection, data exchange, and reporting requirements.

6 ARTICLE VII. RULEMAKING FUNCTIONS OF THE INTERSTATE BORDER

7 SECURITY COMMISSION

8 (a) The commission shall adopt rules in order to effectively
9 and efficiently achieve the purposes of the compact, including
10 transition rules governing administration of the compact during the
11 period in which it is being considered and enacted by the states.

12 (b) Rulemaking shall occur under criteria set forth in this
13 article and the bylaws and rules adopted under this article.
14 Rulemaking shall substantially conform to the principles of the
15 federal Administrative Procedure Act, 5 U.S.C. Section 551 et seq.,
16 and the federal Advisory Committee Act, 5 U.S.C. Appendix 2,
17 Section 1 et seq. All rules and amendments shall become binding as
18 of the date specified in each rule or amendment.

19 (c) If a majority of the legislatures of the compacting
20 member states rejects a rule, by enactment of a statute or
21 resolution in the same manner used to adopt the compact, then such
22 rule shall have no further force and effect in any compacting state.

23 (d) When adopting a rule, the commission shall:

24 (1) publish the proposed rule, stating with
25 particularity the text of the rule that is proposed and the reason
26 for the proposed rule;

27 (2) allow persons to submit written data, facts,

1 opinions, and arguments that will be publicly available;
2 (3) provide an opportunity for an informal hearing;
3 and
4 (4) adopt a final rule and its effective date, if
5 appropriate, based on the rulemaking record. Not later than 60 days
6 after a rule is adopted, any interested person may file a petition
7 in the United States District Court of the District of Columbia or
8 in the federal district court where the commission's principal
9 office is located for judicial review of the rule. If the court
10 finds that the commission's action is not supported by substantial
11 evidence in the rulemaking record, the court shall hold the rule
12 unlawful and set it aside. For purposes of this subsection,
13 evidence is substantial if it would be considered substantial
14 evidence under the federal Administrative Procedure Act, 5 U.S.C.
15 Section 551 et seq., and the federal Advisory Committee Act, 5
16 U.S.C. Appendix 2, Section 1 et seq.

17 (e) On determination by the commission that an emergency
18 exists, the commission may adopt an emergency rule that is
19 effective immediately on adoption, provided that the usual
20 rulemaking procedures provided in this article shall be
21 retroactively applied to said rule as soon as reasonably possible,
22 but not later than the 90th day after the effective date of the
23 rule.

24 ARTICLE VIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY
25 THE INTERSTATE BORDER SECURITY COMMISSION
26 (a) (1) The commission shall oversee the interstate movement
27 of illegal aliens in the compacting states and shall monitor those

1 activities being administered in non-compacting states that may
2 significantly affect compacting member states.

3 (2) The courts and executive agencies in each
4 compacting state shall enforce this compact and shall take all
5 actions necessary and appropriate to effectuate the compact's
6 purposes and intent. In any judicial or administrative proceeding
7 in a compacting state pertaining to the subject matter of this
8 compact that may affect the powers, responsibilities, or actions of
9 the commission, the commission is entitled to receive all service
10 of process in any of those proceedings and has standing to intervene
11 in those proceedings for all purposes.

12 (b)(1) The compacting states shall report to the commission
13 on issues or activities of concern to them and cooperate with and
14 support the commission in the discharge of its duties and
15 responsibilities.

16 (2) The commission shall attempt to resolve any
17 disputes or other issues that are subject to the compact and that
18 may arise among compacting states and non-compacting states. The
19 commission shall enact a bylaw or adopt a rule providing for both
20 mediation and binding dispute resolution for disputes among the
21 compacting states.

22 (c) The commission, in the reasonable exercise of its
23 discretion, shall enforce the provisions of this compact using any
24 or all means set forth in Subsection (b) of Article XI of this
25 compact.

26 ARTICLE IX. FINANCE

27 (a) The commission shall pay or provide for the payment of

1 the reasonable expenses of its establishment, organization, and
2 ongoing activities.

3 (b) The commission shall impose and collect an annual
4 assessment from each compacting state to cover the cost of the
5 internal operations and activities of the commission and its staff,
6 in a total amount sufficient to cover the commission's annual
7 budget as approved each year. The aggregate annual assessment
8 amount shall be allocated based on a formula to be determined by the
9 commission, taking into consideration the population of illegal
10 aliens in the state, the magnitude of illegal alien smuggling and
11 criminal activity, and the miles of international border in each
12 compacting state. The commission shall adopt a rule that governs
13 the assessment and is binding on all compacting member states.

14 (c) The commission may not incur any obligations of any kind
15 before securing the funds adequate to meet the same, and the
16 commission may not pledge the credit of any of the compacting
17 states, except by and with the authority of the compacting state.

18 (d) The commission shall keep accurate accounts of all
19 receipts and disbursements. The receipts and disbursements of the
20 commission are subject to the audit and accounting procedures
21 established under its bylaws. However, all receipts and
22 disbursements of funds handled by the commission shall be audited
23 yearly by a certified or licensed public accountant, and the report
24 of the audit shall be included in and become part of the annual
25 report of the commission.

26 ARTICLE X. COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

27 (a) Any state is eligible to become a compacting member

1 state.

2 (b) The compact is effective and binding on legislative
3 enactment of the compact into law by not fewer than two of the 50
4 states. After enactment by two states, the compact is effective and
5 binding as to any other compacting state on enactment of the compact
6 into law by that state. The governors of non-compacting states or
7 their designees may be invited to participate in commission
8 activities on a nonvoting basis before adoption of the compact by
9 other states.

10 (c) Amendments to the compact may be proposed by the
11 commission for enactment by the compacting states. An amendment is
12 not effective and binding on the commission and the compacting
13 member states until it is enacted into law by unanimous consent of
14 the compacting states.

15 ARTICLE XI. WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
16 ENFORCEMENT

17 (a)(1) Once effective, the compact shall continue in force
18 and remain binding on each and every compacting member state,
19 provided that a compacting state may withdraw from the compact by
20 specifically repealing the statute that enacted the compact into
21 law.

22 (2) The effective date of withdrawal is the effective
23 date of the repeal of the statute that enacted the compact into law.

24 (3) The withdrawing state shall immediately notify in
25 writing the chair of the commission of the introduction of
26 legislation repealing this compact in the legislature of the
27 withdrawing state. The commission shall notify the other

1 compacting states of the withdrawing state's intent to withdraw
2 within 60 days of its receipt of the written notice.

3 (4) The withdrawing state is responsible for all
4 assessments, obligations, and liabilities incurred through the
5 effective date of withdrawal, including any obligations, the
6 performance of which extend beyond the effective date of
7 withdrawal.

8 (5) Reinstatement of a previously withdrawn
9 compacting state occurs on the withdrawing state reenacting the
10 compact or on a later date as determined by the commission.

11 (b)(1) If the commission determines that any compacting
12 state has at any time defaulted in the performance of any of its
13 obligations or responsibilities under this compact, or the bylaws
14 or rules of the commission, the commission may impose any or all of
15 the following penalties:

16 (i) fines, fees, and costs in amounts as are
17 considered reasonable as fixed by the commission;

18 (ii) remedial training and technical assistance
19 as directed by the commission; or

20 (iii) suspension and termination of membership
21 in the compact. Suspension shall be imposed only after all other
22 reasonable means of securing compliance under the bylaws and rules
23 have been exhausted. Immediate notice of suspension shall be given
24 by the commission to the governor, the chief justice or chief
25 judicial officer of the defaulting state, the presiding officers of
26 the defaulting state's legislature, and the defaulting state's
27 attorney general.

1 (2) The grounds for default include failure of a
2 compacting state to perform obligations or responsibilities
3 imposed on it by this compact or the commission's bylaws or rules.
4 Pending a cure of the default, the commission shall immediately
5 notify in writing the defaulting member state of the penalty
6 imposed by the commission. The commission shall stipulate the
7 conditions and the time within which the defaulting state must cure
8 its default. If the defaulting state fails to cure the default
9 within the time specified by the commission, in addition to any
10 other penalties imposed, the defaulting state may be terminated
11 from the compact on an affirmative vote of a majority of the
12 compacting states, and all rights, privileges, and benefits
13 conferred by this compact shall be terminated from the effective
14 date of suspension. Within 60 days of the effective date of
15 termination of a defaulting state, the commission shall notify the
16 governor, the chief justice or chief judicial officer of the
17 defaulting state, and the presiding officers of the defaulting
18 state's legislature, and the defaulting state's attorney general.

19 (3) The defaulting state is responsible for all
20 assessments, obligations, and liabilities incurred through the
21 effective date of termination, including any obligations the
22 performance of which extend beyond the effective date of
23 termination.

24 (4) The commission shall not bear any costs relating
25 to the defaulting state unless otherwise mutually agreed on between
26 the commission and the defaulting state. Reinstate following
27 termination of any compacting state requires both a reenactment of

1 the compact by the defaulting state and the approval of the
2 commission under the rules.

3 (c) The commission may, by majority vote of the members,
4 initiate legal action in the United States District Court of the
5 District of Columbia or, at the discretion of the commission, in the
6 federal district court where the commission has its principal
7 office, to enforce compliance with the provisions of the compact or
8 its rules or bylaws against any compacting state in default. In the
9 event judicial enforcement is necessary, the prevailing party shall
10 be awarded all costs of litigation, including reasonable attorney's
11 fees.

12 (d)(1) The compact dissolves effective on the date of the
13 withdrawal or default of the compacting state that reduces
14 membership in the compact to one compacting state.

15 (2) On the dissolution of this compact, the compact
16 becomes void and is of no further force or effect, the business and
17 affairs of the commission are concluded, and any surplus funds
18 shall be distributed in accordance with the bylaws.

19 ARTICLE XII. SEVERABILITY AND CONSTRUCTION

20 (a) The provisions of this compact shall be severable, and
21 if any phrase, clause, sentence, or provision is considered
22 unenforceable, the remaining provisions of the compact shall be
23 enforceable.

24 (b) The provisions of this compact shall be liberally
25 construed to effectuate its purposes.

26 ARTICLE XIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

27 (a)(1) This compact does not prevent the enforcement of any

1 other law of a compacting state that is not inconsistent with this
2 compact.

3 (2) All agreements between the commission and the
4 compacting states are binding in accordance with their terms.

5 (3) On the request of a party to a conflict over the
6 meaning or interpretation of commission actions, and on a majority
7 vote of the compacting member states, the commission may issue
8 advisory opinions regarding the meaning or interpretation.

9 (4) In the event any provision of this compact exceeds
10 the constitutional limits imposed on the legislature of any
11 compacting state, the obligations, duties, powers, or jurisdiction
12 sought to be conferred by the provision on the commission is
13 ineffective and the obligations, duties, powers, or jurisdiction
14 remains in the compacting state and is exercised by the agency of
15 the compacting state to which the obligations, duties, powers, or
16 jurisdiction is delegated by law in effect at the time this compact
17 becomes effective.

18 Sec. 793.003. EFFECT ON TEXAS LAWS. If the laws of this
19 state conflict with the compact or a rule adopted under that
20 compact, the compact or rule controls, except that if a conflict
21 exists between the compact or rule and the Texas Constitution, as
22 determined by the courts of this state, the Texas Constitution
23 controls.

24 Sec. 793.004. COMMISSIONER. (a) The governor shall
25 appoint a commissioner to be responsible for administration and
26 management of this state's participation in the compact.

27 (b) If the commissioner is unable to attend a specific

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1 meeting of the commission created under the compact, the governor
2 shall delegate voting authority for that meeting to another
3 individual from this state.

4 (c) The commissioner serves at the will of the governor.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.