



LEGISLATIVE BUDGET BOARD

Overview of Texas Interstate Compacts

**PRESENTED TO SENATE COMMITTEE ON VETERAN AFFAIRS & MILITARY
INSTALLATIONS – SUBCOMMITTEE ON BORDER SECURITY**

LEGISLATIVE BUDGET BOARD STAFF

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What is an Interstate Compact?

An agreement between two or more states to address a shared issue or problem in a coordinated and consistent way

- Require state statutory authorization
 - Substantially similar language adopted as legislation in member states
 - Specific state officials/agencies identified as compact administrator
- Contractual in nature
 - Terms cannot be changed unilaterally by a state
 - Compact may include process for dispute resolution; congressionally approved compacts have status as federal law

Creates an intermediate level of governance or regulation between uncoordinated state action and federal intervention

Consent of Congress

Congressional consent required by the Compact Clause of the U.S. Constitution (Article I, Section, 10, Clause 3):

“No state shall, without the Consent of Congress...enter into any Agreement Compact with another State...”

Questions surround issue of congressional consent, as “consent” is undefined

- Supreme Court has determined that the requirement for consent is activated only when the compact would alter the balance of political power between states and the federal government, or intrude on a power reserved for Congress
- For compacts requiring consent, consent is usually conveyed via formal legislation or resolution, and subject to presidential approval/disapproval

Interstate Compacts – Nationally and Texas

- Nationwide, there are 215 active compacts, several that include all 50 states
- Each state is a member of 25 compacts on average
- Council of State Governments maintains a National Center for Interstate Compacts

Texas has approximately 26 active compacts

- Diverse policy areas; natural resources, child welfare, education, corrections, law enforcement, regulation, disaster response
- Compacts generally address state border issues, or to standardize rules and regulations across states to better serve mobile populations in policy areas where Congress/federal government has not stepped in
- Oldest – Rio Grande Compact, began in 1938
- Newest – Health Care Compact, passed in Texas in 2011 (has not received congressional consent)

Types of Texas Interstate Compacts

(number of member states)

Shared Resources / Conservation

River Compacts: Canadian (3), Red River (4), Rio Grande (3), Pecos (2), Sabine (2)
Low Level Radioactive Waste Disposal Compact (2)
South Central Interstate Forest Fire Protection Compact (5)
Gulf States Marine Fisheries Compact (5)

Regulatory and Licensure

Nurse Licensure Compact (25)
Interstate Insurance Product Regulation Compact (44)
Driver License Compact (44)

Law Enforcement and Corrections

Interstate Compact for Adult Offender Supervision (50)
Interstate Compact on Juveniles (50)
Interstate Corrections Compact (38)
Non-resident Violator Compact (44)
Interstate Wildlife Violator Compact (45)

Types of Texas Interstate Compacts (number of member states)

Cooperation on Mobile / Vulnerable Populations

- Interstate Compact on Placement of Children (50)
- Interstate Compact on Adoption and Medical Assistance (49)
- Compact for Education Opportunity for Military Children (44)
- Compact on Mental Health (45)

Emergency Response

- Emergency Management Assistance Compact (50)
- Interstate Pest Control Compact (39)

Policy Advisory

- Compact for Education (Education Commission of the States) (50)
- Southern States Energy Compact (16)
- Multistate Tax Compact (7)
- Health Care Compact (9)

Interstate Compact – Governance Structure and Financing

Structure. Typically, an interstate commission is established

- Comprised of voting representatives from each member state
- Forms standing committees, and an executive committee for day-to-day committee, with authority to hire staff

Financing. Member states dedicate resources/funds per compact terms, for:

- Annual business meetings
- Staff, including research and legal counsel
- Infrastructure and communications (website, data system)
- Some compacts have other financial components: for ex., insurance fund (Pest Control Compact) or system of disaster response assistance and reimbursement (Emergency Management Response Assistance Compact)

State Cost of Interstate Compacts

Compact-related Item (Agency)	2016-17 Appropriation
Canadian River Compact (TCEQ)	< \$0.1
Pecos River Compact (TCEQ)	\$0.3
Red River Compact (TCEQ)	\$0.1
Rio Grande Compact - includes \$5 million in litigation expenses (TCEQ)	\$5.4
Sabine River Compact (TCEQ)	\$0.1
Low Level Radioactive Waste - administration (LLRWDCC)	\$1.2
Low Level Radioactive Waste - review & monitoring (TCEQ)	\$3.0
Offender Supervision Compacts (TDCJ)	\$1.3
<u>Juvenile Supervision Compact (TJJD)</u>	<u>\$0.5</u>
TOTAL, State Support of Interstate Compacts	\$11.9



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Contact the LBB

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