

By: Clardy

H.B. No. 3711

A BILL TO BE ENTITLED

AN ACT

relating to an interstate compact on border security and refugee resettlement; authorizing fines, fees, and assessments.

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

SECTION 1. Title 7, Government Code, is amended by adding Chapter 794 to read as follows:

CHAPTER 794. INTERSTATE COMPACT FOR BORDER SECURITY AND REFUGEE
RESETTLEMENT

Sec. 794.001. DEFINITIONS. In this chapter:

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

(2) "Border security" means the security of a border at which only those authorized to cross the border can do so and at which every illegal crossing event between the legal ports of entry is detected and stopped.

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

(4) "Commission" means the Interstate Border Security and Refugee Resettlement Commission.

(5) "Commissioner" means the voting representative of each compacting state appointed under the compact.

(6) "Compact" means the Interstate Compact for Border Security and Refugee Resettlement executed under Section 794.002.

1 (7) "Compacting state" means any state that has
2 enacted the enabling legislation for this interstate compact.

3 (8) "Illegal alien" means an alien located in a
4 compacting state who is deportable under Clause 4, Section 8,
5 Article I, United States Constitution, and who has entered the
6 United States illegally or who entered the United States legally,
7 but who remains in the United States without authorization.

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

11 Sec. 794.002. EXECUTION OF COMPACT. This state enacts the
12 Interstate Compact for Border Security and Refugee Resettlement and
13 enters into the compact with all other states legally joining in the
14 compact in substantially the following form:

15 INTERSTATE COMPACT FOR BORDER SECURITY AND REFUGEE RESETTLEMENT

16 ARTICLE I. PURPOSE

17 (a) The compacting states recognize that each state is
18 responsible for the monitoring, detection, apprehension, and
19 detainment of unauthorized border crossers to enforce existing
20 federal immigration law.

21 (b) The compacting states are authorized to form a dedicated
22 border security force with each state having an appropriate command
23 structure. Each compacting state's border security force shall be
24 administered by state law enforcement functions.

25 (c) The compacting states are authorized to prosecute
26 illegal alien criminal activity through the state attorneys general
27 of the compacting states and incarcerate those convicted in prisons

1 operated by the compacting states.

2 (d) The border security forces from any compacting state may
3 operate in any other compacting state's territory when requested by
4 that state. Interstate sharing of state resources extends to both
5 personnel and equipment resources. Cross-state operations and
6 support are authorized for state militias, organized and
7 unorganized as defined by 10 U.S.C. Section 311, employed in a state
8 border security role.

9 (e) The compacting states will immediately invalidate any
10 restrictions placed on border enforcement activities under federal
11 regulations administered by the United States Environmental
12 Protection Agency, the Bureau of Land Management, the United States
13 Fish and Wildlife Service, the Federal Aviation Administration, and
14 any other federal agencies with the purpose of restricting land and
15 airspace access to compacting state officials and their law
16 enforcement agencies.

17 (f) The border security forces of each compacting state
18 while bound by the laws of that state are vested with broad law
19 enforcement powers necessary to track down illegal border crossers
20 and criminals and to enforce existing federal immigration laws. If
21 a majority of the governors of the compacting states have declared
22 an invasion under Section 10, Article I, United States
23 Constitution, the border security forces of the compacting states
24 may take any action necessary to repel an individual attempting to
25 make an unlawful entry into a compacting state.

26 (g) A compacting state's border security forces are
27 granted, in accordance with the state's law, the authority to open

1 and operate as many checkpoints, including floating checkpoints,
2 along identified choke points with access to the interior of the
3 United States as are needed to identify and apprehend illegal
4 aliens.

5 (h) It is the purpose of this compact and the commission
6 created under this compact, through means of joint and cooperative
7 action among the compacting states to:

8 (1) provide operational control and border security
9 for international United States borders and coastlines adjacent to
10 compacting state borders;

11 (2) provide internal immigration enforcement within
12 the compacting states' borders;

13 (3) provide support to other compacting states if
14 illegal alien activity evolves into a specific threat to one or more
15 compacting states;

16 (4) equitably distribute the costs, benefits, and
17 obligations of the compact among the compacting states;

18 (5) ensure notification from the federal government at
19 least 60 days before the date refugees are resettled in a compacting
20 state, including access by a compacting state to vetting
21 information, security screening, in-person interviews, and health
22 assessments of refugees;

23 (6) establish a compacting state's right to refuse a
24 refugee offered by the federal government for resettlement in the
25 state;

26 (7) establish a refugee resettlement tracking program
27 among compacting states that:

1 (A) collects information on resettled refugees,
2 including the refugees' country of origin, historical and family
3 information, crime history, entry routes, fingerprints, and DNA
4 samples; and

5 (B) contains the information collected by
6 screening processes before a refugee arrives in the compacting
7 state at least 60 days before the refugee's arrival;

8 (8) establish the compacting state's authority to
9 revoke refugee status from a refugee:

10 (A) who is convicted of a felony and, after the
11 appropriate sentence is served, hold the former refugee for
12 immediate return to the former refugee's country of origin; or

13 (B) who does not seek naturalization as provided
14 by Subdivision (12);

15 (9) establish a comprehensive assimilation education
16 program that tracks the assimilation of refugees in accordance with
17 United States laws, history, and culture;

18 (10) abolish the private agencies, operations, and
19 authorities in the compacting states performing refugee
20 resettlement functions and reappropriate the federal contract funds
21 provided to those entities to the compacting states assuming those
22 functions;

23 (11) establish standing for any legal action or brief
24 submitted to a federal court demanding injunctive relief from
25 federal executive orders that:

26 (A) are not in the best interests of the
27 compacting states; or

1 (B) do not comply with Clause 4, Section 8,
2 Article I, or Clause 2, Article VI, United States Constitution; and
3 (12) establish a uniform time frame for revoking
4 refugee status from a refugee in a compacting state who does not
5 seek naturalization.

6 (i) In addition, this compact is intended to create a
7 commission that will establish uniform procedures to manage joint
8 activities of the compacting states and the execution of support
9 activities and resources between and among the compacting states,
10 to establish a system of uniform tracking and data collection, to
11 provide intelligence to other compacting states regarding illegal
12 immigration activity within each state, to access information on
13 active cases by authorized criminal justice officials, and to
14 provide regular reporting to governors of the compacting states,
15 state legislatures, and the Secretary of the United States
16 Department of Homeland Security.

17 (j) It is the policy of the compacting states that the
18 activities of the commission are intended to foster public safety
19 and formulate public policy. Therefore, the commission is subject
20 to public sunshine laws in each compacting state.

21 ARTICLE II. INTERSTATE BORDER SECURITY AND REFUGEE RESETTLEMENT

22 COMMISSION

23 (a) The compacting states hereby create the Interstate
24 Border Security and Refugee Resettlement Commission. The
25 commission is a body corporate and joint agency of the compacting
26 states. The commission has all the responsibilities, powers, and
27 duties set forth in this compact, including the authority to sue and

1 be sued and additional powers as may be conferred on it by
2 subsequent action of the respective legislatures of the compacting
3 states in accordance with the terms of this compact.

4 (b) The commission consists of commissioners selected and
5 appointed by each compacting state with qualifications, terms, and
6 conditions for removal determined by the appointing state. The
7 commission's bylaws may provide for additional nonvoting members as
8 it considers necessary.

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

13 (d) The commission shall meet at least once each calendar
14 year. The chair may call additional meetings and, on the request of
15 a majority of compacting states, shall call additional meetings.
16 Public notice must be given of all meetings, and meetings are open
17 to the public, except as provided in Article V of the compact.
18 Public notice of meetings must include posting of meeting details
19 on the commission's website and the websites of compacting states.

20 (e) The commission shall establish and provide procedures
21 for the appointment of an executive committee that includes
22 commission officers, members, and others as determined by the
23 bylaws. The procedures must address qualifications and terms for
24 the executive committee. The executive committee has the power to
25 act on behalf of the commission during periods when the commission
26 is not in session, with the exception of rulemaking or amendment to
27 the compact. The executive committee oversees the day-to-day

1 activities managed by the executive director. Commission staff
2 administers enforcement and compliance with the compact and its
3 bylaws and rules and performs other duties, as directed by the
4 commission or set forth in the bylaws and rules.

5 ARTICLE III. POWERS AND DUTIES OF THE INTERSTATE BORDER SECURITY
6 AND REFUGEE RESETTLEMENT COMMISSION

7 The commission has the following powers:

8 (1) to adopt a seal and suitable bylaws governing the
9 management and operation of the commission;

10 (2) to adopt rules in compliance with the compacting
11 states' laws that have the force and effect of statutory law and are
12 binding in the compacting states to the extent and in the manner
13 provided in this compact;

14 (3) to enforce compliance with the compact and the
15 rules and bylaws of the commission, using all necessary and proper
16 means, including the use of judicial process;

17 (4) to establish and maintain offices;

18 (5) to purchase and maintain insurance and bonds;

19 (6) to borrow, accept, or contract for the services of
20 personnel, including members and their staffs;

21 (7) to establish and appoint committees and hire staff
22 that it considers necessary to carry out its functions, including
23 an executive committee as required by Article II of the compact;

24 (8) to elect or appoint officers, attorneys,
25 employees, agents, or consultants, and to fix their compensation,
26 define their duties, and determine their qualifications, and to
27 establish the commission's personnel policies and programs,

1 including policies and programs relating to conflicts of interest,
2 rates of compensation, and qualifications of personnel;

3 (9) to accept, receive, use, and dispose of donations
4 and grants of money, equipment, supplies, materials, and services;

5 (10) to lease, purchase, or accept contributions or
6 donations of any property, or otherwise own, hold, improve, or use
7 any property, whether real, personal, or mixed;

8 (11) to sell, convey, mortgage, pledge, lease,
9 exchange, abandon, or otherwise dispose of any property, whether
10 real, personal, or mixed;

11 (12) to establish a budget and make expenditures and
12 impose assessments as provided in Article VIII of the compact;

13 (13) to sue and be sued;

14 (14) to provide for dispute resolution among
15 compacting states;

16 (15) to perform any function necessary or appropriate
17 to achieve the purposes of this compact;

18 (16) to report annually to the compacting states'
19 governors and legislatures and the Secretary of the United States
20 Department of Homeland Security concerning the activities of the
21 commission during the preceding year, including any
22 recommendations that may have been adopted by the commission;

23 (17) to coordinate education, training, and public
24 awareness regarding border security and immigration enforcement
25 for officials involved in that activity; and

26 (18) to establish uniform standards for the reporting,
27 collecting, and exchanging of data.

1 ARTICLE IV. ORGANIZATION AND OPERATION OF THE COMMISSION

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

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

7 (2) establishing an executive committee and other
8 committees as may be necessary;

9 (3) providing reasonable standards and procedures:

10 (A) for the establishment of committees; and

11 (B) governing any general or specific delegation
12 of any authority or function of the commission;

13 (4) providing reasonable procedures for calling and
14 conducting meetings of the commission and ensuring reasonable
15 notice of each meeting;

16 (5) establishing the titles and responsibilities of
17 the officers of the commission;

18 (6) providing reasonable standards and procedures for
19 the establishment of the personnel policies and programs of the
20 commission, notwithstanding any civil service laws or other similar
21 laws of any compacting state;

22 (7) providing a mechanism for decommissioning the
23 operations of the commission and the equitable return of any
24 surplus funds that may exist on the termination of the compact,
25 after the payment or reserve of funds needed to retire all of the
26 commission's debts and obligations;

27 (8) providing transition rules for establishing the

1 administration of the compact; and

2 (9) establishing standards and procedures for
3 compliance and technical assistance in carrying out the compact.

4 (b) The commission shall, by a majority of the members,
5 elect from among its members a chair and a vice chair, each of whom
6 shall have the authorities and duties as may be specified in the
7 bylaws. The chair, or in the chair's absence or disability, the
8 vice chair, shall preside at all meetings of the commission. The
9 officers shall serve without compensation or remuneration from the
10 commission, provided that, subject to the availability of budgeted
11 funds, the officers shall be reimbursed for any actual and
12 necessary costs and expenses incurred by them in the performance of
13 their duties and responsibilities as officers of the commission.

14 (c) The commission shall, through its executive committee,
15 appoint or retain an executive director for the period, on the
16 terms, and for the compensation the commission considers
17 appropriate. The executive director shall serve as secretary to
18 the commission and shall hire and supervise other staff as may be
19 authorized by the commission, but may not be a member of the
20 commission.

21 (d) The commission shall maintain its corporate books and
22 records in accordance with the bylaws.

23 (e) The commission shall defend the commissioner of a
24 compacting state, the commissioner's representatives or employees,
25 or the commission's representatives or employees in any civil
26 action seeking to impose liability arising out of any actual or
27 alleged act, error, or omission that occurred within the scope of

1 commission employment, duties, or responsibilities, or that the
2 defendant had a reasonable basis for believing occurred within the
3 scope of commission employment, duties, or responsibilities,
4 provided that the actual or alleged act, error, or omission did not
5 result from intentional wrongdoing on the part of the person.

6 (f) The commission shall indemnify and hold the
7 commissioner of a compacting state, the appointed representatives
8 or employees, or the commission's representatives or employees
9 harmless in the amount of any settlement or judgment obtained
10 against those persons arising out of any actual or alleged act,
11 error, or omission that occurred within the scope of commission
12 employment, duties, or responsibilities, or that those persons had
13 a reasonable basis for believing occurred within the scope of
14 commission employment, duties, or responsibilities, provided that
15 the actual or alleged act, error, or omission did not result from
16 intentional wrongdoing on the part of those persons.

17 ARTICLE V. COMMISSION ACTIVITIES

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

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

25 (c) Each member of the commission shall have the authority
26 and power to cast a vote to which that compacting state is entitled
27 and to participate in the business and affairs of the commission. A

1 member shall vote in person on behalf of the compacting state and
2 may not delegate a vote to another compacting state. However, a
3 member may designate another individual, in the absence of the
4 member, to cast a vote on behalf of the member at a specified
5 meeting. The bylaws may provide for members' participation in
6 meetings by telephone or other means of telecommunication or
7 electronic communication. Any voting conducted by telephone or
8 other means of telecommunication or electronic communication shall
9 be subject to the same quorum requirements of meetings where
10 members are present in person and to the same requirements of open
11 meetings as determined by Subsection (e).

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

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

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

3 (2) disclose matters specifically exempted from
4 disclosure by statute;

5 (3) disclose trade secrets or commercial or financial
6 information that is privileged or confidential;

7 (4) involve accusing any person of a crime or formally
8 censuring any person;

9 (5) disclose information of a personal nature when the
10 disclosure would constitute a clearly unwarranted invasion of
11 personal privacy;

12 (6) disclose investigatory records compiled for law
13 enforcement purposes;

14 (7) disclose information contained in or related to
15 examination, operating, or condition reports prepared by, or on
16 behalf of or for the use of, the commission with respect to a
17 regulated entity for the purpose of regulation or supervision of
18 the entity;

19 (8) disclose information when the premature
20 disclosure would significantly endanger the life of a person or the
21 stability of a regulated entity; or

22 (9) specifically relate to the commission's issuance
23 of a subpoena or its participation in a civil action or proceeding.

24 (f) For every meeting closed under Subsection (e), the
25 commission's chief legal officer shall publicly certify that, in
26 the officer's opinion, the meeting may be closed to the public and
27 shall make reference to each relevant provision authorizing closure

1 of the meeting. The commission shall keep minutes that fully and
2 clearly describe all matters discussed in any meeting and shall
3 provide a full and accurate summary of any action taken and the
4 reasons for the action, including a description of each of the views
5 expressed on any item and the record of any roll call vote. All
6 documents considered in connection with any action shall be
7 identified in the minutes.

8 (g) The commission shall collect standardized data
9 concerning the interstate movement and activity of illegal aliens
10 within the compacting states as directed through its bylaws and
11 rules, which specify the data to be collected, the means of
12 collection, data exchange, and reporting requirements.

13 ARTICLE VI. RULEMAKING FUNCTIONS OF COMMISSION

14 (a) The commission shall adopt rules:

15 (1) to effectively and efficiently achieve the
16 purposes of the compact, including transition rules governing
17 administration of the compact during the period in which it is being
18 considered and enacted by the states; and

19 (2) under criteria set forth in this article and the
20 bylaws and rules adopted under this article.

21 (b) Rulemaking must substantially conform to the principles
22 of the federal Administrative Procedure Act (5 U.S.C. Section 551
23 et seq.) and the Federal Advisory Committee Act (5 U.S.C. Appendix,
24 Section 1 et seq.). All rules and amendments shall become binding
25 as of the date specified in the rule or amendment.

26 (c) If a majority of the legislatures of the compacting
27 states rejects a rule, by enactment of a statute or resolution in

1 the same manner used to adopt the compact, the rule has no further
2 force and effect in any compacting state.

3 (c-1) If a compacting state rejects a rule by enacting a
4 statute or resolution, the rule has no further force and effect in
5 that compacting state.

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

7 (1) publish the proposed rule, stating with
8 particularity the text of the rule that is proposed and the reason
9 for the proposed rule;

10 (2) allow persons to submit written data, facts,
11 opinions, and arguments that will be publicly available;

12 (3) provide an opportunity for an informal hearing;
13 and

14 (4) adopt a final rule and its effective date, if
15 appropriate, based on the rulemaking record.

16 (e) Not later than the 60th day after the date a rule is
17 adopted, an interested person may file a petition in the United
18 States District Court for the District of Columbia or in the federal
19 district court where the commission's principal office is located
20 for judicial review of the rule. If the court finds that the
21 commission's action is not supported by substantial evidence in the
22 rulemaking record, the court shall hold the rule unlawful and set it
23 aside. For purposes of this subsection, evidence is substantial if
24 it would be considered substantial evidence under the federal
25 Administrative Procedure Act (5 U.S.C. Section 551 et seq.) and the
26 Federal Advisory Committee Act (5 U.S.C. Appendix, Section 1 et
27 seq.).

1 (f) On determination by the commission that an emergency
2 exists, the commission may adopt an emergency rule that is
3 effective immediately on adoption, provided that the usual
4 rulemaking procedures provided in this article shall be
5 retroactively applied to said rule as soon as reasonably possible,
6 but not later than the 90th day after the effective date of the
7 rule.

8 ARTICLE VII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

9 BY THE COMMISSION

10 (a) The commission shall oversee the interstate movement of
11 illegal aliens in compacting states and the resettlement of
12 refugees in compacting states and shall monitor those activities
13 being administered in non-compacting states that may significantly
14 affect compacting states.

15 (b) The courts and executive agencies in each compacting
16 state shall enforce this compact and shall take all action
17 necessary and appropriate to effectuate the compact's purposes and
18 intent. In any judicial or administrative proceeding in a
19 compacting state pertaining to the subject matter of this compact
20 that may affect the powers, responsibilities, or actions of the
21 commission, the commission is entitled to receive all service of
22 process in any of those proceedings and has standing to intervene in
23 those proceedings for all purposes.

24 (c) The compacting states shall report to the commission on
25 issues or activities of concern to them and cooperate with and
26 support the commission in the discharge of its duties and
27 responsibilities.

1 (d) The commission shall attempt to resolve any disputes or
2 other issues that are subject to the compact and that may arise
3 among compacting states and non-compacting states. The commission
4 shall enact a bylaw or adopt a rule providing for both mediation and
5 binding dispute resolution for disputes among the compacting
6 states.

7 (e) The commission, in the reasonable exercise of its
8 discretion, shall enforce the provisions of this compact using the
9 means set forth in Subsections (e), (f), (g), (h), (i), and (j) of
10 Article X of the compact.

11 ARTICLE VIII. FINANCE

12 (a) The commission shall pay or provide for the payment of
13 the reasonable expenses of its establishment, organization, and
14 ongoing activities.

15 (b) The commission shall impose and collect an annual
16 assessment from each compacting state to cover the cost of the
17 internal operations and activities of the commission and its staff,
18 in a total amount sufficient to cover the commission's annual
19 budget as approved each year. The aggregate annual assessment
20 amount shall be allocated based on a formula to be determined by the
21 commission, taking into consideration the population of illegal
22 aliens in the state, the magnitude of illegal alien smuggling and
23 criminal activity, the miles of international border in each
24 compacting state, and the number of refugees resettled in the
25 state. The commission shall adopt a rule that governs the
26 assessment and is binding on all compacting states.

27 (c) The commission may not incur any obligation of any kind

1 before securing the funds adequate to meet the same, and the
2 commission may not pledge the credit of a compacting state, except
3 by and with the authority of the compacting state.

4 (d) The commission shall keep accurate accounts of all
5 receipts and disbursements. The receipts and disbursements of the
6 commission are subject to the audit and accounting procedures
7 established under its bylaws. However, all receipts and
8 disbursements of funds handled by the commission shall be audited
9 yearly by a certified or licensed public accountant, and the report
10 of the audit shall be included in and become part of the annual
11 report of the commission.

12 ARTICLE IX. COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

13 (a) Any state is eligible to become a compacting state.

14 (b) The compact is effective and binding on legislative
15 enactment of the compact into law by not fewer than two of the 50
16 states. After enactment by two states, the compact is effective and
17 binding as to any additional compacting state on:

18 (1) approval of a majority of the compacting states;

19 and

20 (2) enactment of the compact into law by that state.

21 (c) The governors of non-compacting states or their
22 designees may be invited to participate in commission activities on
23 a nonvoting basis before adoption of the compact by other states.

24 (d) Amendments to the compact may be proposed by the
25 commission for enactment by the compacting states. An amendment is
26 not effective and binding on the commission and the compacting
27 states until it is enacted into law by unanimous consent of the

1 compacting states.

2 ARTICLE X. WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL
3 ENFORCEMENT

4 (a) Once effective, the compact shall continue in force and
5 remain binding on a compacting state, provided that a compacting
6 state may withdraw from the compact by specifically repealing the
7 statute that enacted the compact into law. The effective date of
8 withdrawal is the effective date of the repeal of the statute that
9 enacted the compact into law.

10 (b) The withdrawing state shall immediately notify in
11 writing the chair of the commission of the introduction of
12 legislation repealing this compact in the legislature of the
13 withdrawing state. The commission shall notify the other
14 compacting states of the withdrawing state's intent to withdraw not
15 later than the 60th day after the date of receipt of the written
16 notice.

17 (c) The withdrawing state is responsible for all
18 assessments, obligations, and liabilities incurred through the
19 effective date of withdrawal, including any obligation the
20 performance of which extends beyond the effective date of
21 withdrawal.

22 (d) Reinstatement of a previously withdrawn compacting
23 state occurs on the withdrawing state reenacting the compact or on a
24 later date as determined by the commission.

25 (e) If the commission determines that any compacting state
26 has at any time defaulted in the performance of any of its
27 obligations or responsibilities under this compact, or the bylaws

1 or rules of the commission, the commission may impose any or all of
2 the following penalties:

3 (1) fines, fees, and costs in amounts as are
4 considered reasonable as fixed by the commission;

5 (2) remedial training and technical assistance as
6 directed by the commission; or

7 (3) suspension and termination of membership in the
8 compact.

9 (f) Suspension of a compacting state may be imposed only
10 after all other reasonable means of securing compliance under the
11 bylaws and rules have been exhausted. Immediate notice of
12 suspension shall be given by the commission to the governor, the
13 chief justice or chief judicial officer of the defaulting state,
14 the presiding officers of the defaulting state's legislature, and
15 the defaulting state's attorney general.

16 (g) The grounds for default include failure of a compacting
17 state to perform obligations or responsibilities imposed on it by
18 this compact or the commission's bylaws or rules. Pending a cure of
19 the default, the commission shall immediately notify in writing the
20 defaulting state of the penalty imposed by the commission. The
21 commission shall stipulate the conditions and the time within which
22 the defaulting state must cure its default. If the defaulting state
23 fails to cure the default within the time specified by the
24 commission, in addition to any other penalties imposed, the
25 defaulting state may be terminated from the compact on an
26 affirmative vote of a majority of the compacting states, and all
27 rights, privileges, and benefits conferred by this compact shall be

1 terminated from the effective date of suspension. Not later than
2 the 60th day after the effective date of termination of a defaulting
3 state, the commission shall notify the governor, the chief justice
4 or chief judicial officer of the defaulting state, the presiding
5 officers of the defaulting state's legislature, and the defaulting
6 state's attorney general.

7 (h) The defaulting state is responsible for all
8 assessments, obligations, and liabilities incurred through the
9 effective date of termination, including any obligation the
10 performance of which extends beyond the effective date of
11 termination.

12 (i) The commission may not bear any cost relating to the
13 defaulting state unless otherwise mutually agreed on between the
14 commission and the defaulting state. Reinstatement following
15 termination of any compacting state requires both a reenactment of
16 the compact by the defaulting state and the approval of the
17 commission under the rules.

18 (j) The commission may, by majority vote of the members,
19 initiate legal action in the United States District Court for the
20 District of Columbia or, at the discretion of the commission, in the
21 federal district court where the commission has its principal
22 office, to enforce compliance with the provisions of the compact or
23 its rules or bylaws against any compacting state in default. In the
24 event judicial enforcement is necessary, the prevailing party shall
25 be awarded all costs of litigation, including reasonable attorney's
26 fees.

27 (k) The compact dissolves effective on the date of the

1 withdrawal or default of the compacting state that reduces
2 membership in the compact to one compacting state.

3 (1) On the dissolution of the compact, the compact becomes
4 void and is of no further force or effect, the business and affairs
5 of the commission are concluded, and any surplus funds shall be
6 distributed in accordance with the bylaws.

7 ARTICLE XI. SEVERABILITY AND CONSTRUCTION

8 (a) The provisions of this compact shall be severable, and
9 if any phrase, clause, sentence, or provision is considered
10 unenforceable, the remaining provisions of the compact shall be
11 enforceable.

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

14 ARTICLE XII. BINDING EFFECT OF COMPACT AND OTHER LAWS

15 (a) This compact does not prevent the enforcement of any
16 other law of a compacting state that is not inconsistent with this
17 compact.

18 (b) All agreements between the commission and the
19 compacting states are binding in accordance with their terms.

20 (c) On the request of a party to a conflict over the meaning
21 or interpretation of a commission action, and on a majority vote of
22 the compacting states, the commission may issue an advisory opinion
23 regarding the meaning or interpretation.

24 (d) In the event any provision of this compact exceeds the
25 constitutional limits imposed on the legislature of any compacting
26 state, the obligations, duties, powers, or jurisdiction sought to
27 be conferred by the provision on the commission is ineffective and

1 the obligations, duties, powers, or jurisdiction remains in the
2 compacting state and is exercised by the agency of the compacting
3 state to which the obligations, duties, powers, or jurisdiction is
4 delegated by law in effect at the time this compact becomes
5 effective.

6 Sec. 794.003. EFFECT ON STATE LAWS. If the laws of this
7 state conflict with the compact or a rule adopted under the compact,
8 the compact or rule controls, except that if a conflict exists
9 between the compact or rule and the state constitution, as
10 determined by the courts of this state, the state constitution
11 controls.

12 Sec. 794.004. COMMISSIONER. (a) The governor shall
13 appoint a commissioner to be responsible for administration and
14 management of this state's participation in the compact.

15 (b) If the commissioner is unable to attend a specific
16 meeting of the commission, the governor shall delegate voting
17 authority for that meeting to another individual from this state.

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

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2023.