

BILL ANALYSIS

Senate Research Center
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S.B. 1252
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Veteran Affairs & Military Installations-S/C Border Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

To stop illegal alien-criminals at the border, Texas must have jurisdiction to enforce federal laws. Texas can obtain this authority through an interstate compact with at least one other state and the approval of the United States (U.S.) Congress. Article 1, Section 10 of the U.S. Constitution recognizes the authority of the states to create an interstate compact to be validated by Congress, done so without the president. With Congress' consent, the compact will become federal law and grant participating states the right of relevant federal jurisdiction.

This right will empower participating states to enforce federal laws. Interstate compacts are not new. The states have created hundreds of interstate compacts since the founding of our nation. It is time for the Texas Legislature to accept its responsibility of protecting Texas' citizens from the illegal alien-criminals and pass S.B. 1252, which will give the governor the authority to develop and enter into a Border Security Interstate Compact.

As proposed, S.B. 1252 amends current law relating to an interstate compact on border security and immigration enforcement and authorizes fines and fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Interstate Border Security Commission in SECTION 1 (Section 793.002, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7, Government Code, by adding Chapter 793, as follows:

CHAPTER 793. INTERSTATE COMPACT FOR BORDER SECURITY

Sec. 793.001. DEFINITIONS. Defines "commission," "commissioner," and "compact."

Sec. 793.002. EXECUTION OF COMPACT. Provides that this state enacts the Interstate Compact for Border Security and enters into the compact with all other states legally joining in the compact in substantially a certain form. Sets forth the language to be used in the form.

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

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

(b) Requires the governor to delegate voting authority for that meeting to another individual from this state if the commissioner is unable to attend a specific meeting of the commission created under the compact.

(c) Provides that the commissioner serves at the will of the governor.

SECTION 2. Effective date: upon passage or September 1, 2015.