



The Council
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Governments

Interstate Compacts

The Council of State Governments

Nonpartisan, membership
organization for state
governments

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**National Center for
Interstate Compacts**
THE COUNCIL OF STATE GOVERNMENTS

National Center for Interstate Compacts (NCIC)

- CSG technical assistance center for states on interstate compacts and other multi-state solutions
- Legal, policy, convening, and meeting facilitation services



Multistate Problem Solving
with Interstate Compacts



What is an Interstate Compact?



Legislatively enacted agreement (contract) among states



Enables states to cooperatively address shared problems



Preserves state sovereignty over issues belonging to states

Interstate Compact Enactments

275+ compacts

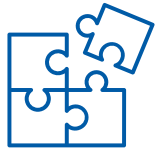
**Each state has
enacted
between 20-80
compacts**

**43 compact
enactments per
state on
average**

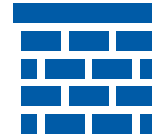
**2,200 total
compact
enactments**



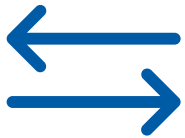
Benefits of Interstate Compacts



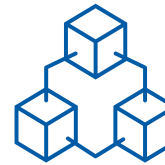
Collaborative



Durability



Adaptability



**Consistency and
Enforceability**



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The Federal Government and Interstate Compacts

Constitutionality

Article I, Section 10 of the US Constitution

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



Constitutionality

Virginia v Tennessee (1893)

U.S. Supreme Court concluded that compacts require congressional consent only when they could infringe upon federal authority or alter the federal balance of power.



Options for Federal Involvement in Interstate Compacts

- Congressional Consent (if needed)
- Financial Support
- Technical Expertise and Assistance
- Participation in Compact Commissions



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How Interstate Compacts Work

1. Compact legislation is developed specifically for a policy need
2. A state joins the compact by enacting the model legislation
3. The provisions of the compact take effect once the prerequisite number of states have joined



Common Components of Compact Legislation

Purpose
Statement

State
requirements to
participate

Establishment of
a commission

Rulemaking

Oversight,
dispute
resolution, and
enforcement

Effective date,
withdrawal and
amendments

Construction
and severability

Consistent
effect and
conflict with
other state laws





Features of Interstate Compacts

- **Mutuality of obligations**
- **Shared governance through compact commission**
- **Preservation of state sovereignty**
- **Voluntary participation**





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How Interstate Compacts Get Their Start

Components of an Interstate Comact Project



**Policy need for
multistate collaboration**



**Alignment of
stakeholders**



Funding availability

How Interstate Compacts Start

- **Policy Problem**

- Policy area that transcends state borders
- Patchwork of state laws and processes
- Inaction at the federal level

- **Policy Start**

- Interested policymaker(s)
- Interest from key policy stakeholder(s)
- Federal funding opportunity
- Federal consent

How Interstate Compacts Start

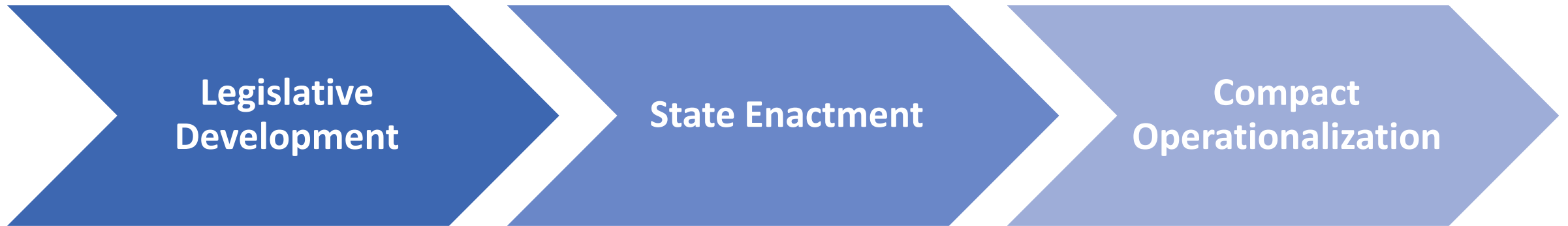
- **Project Research**
 - Viability of compact or other multistate solution
- **Stakeholder alignment**
 - Project supporters
 - Funding



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The Interstate Compact Development Process

Compact Timeline



Phase I Legislative Development

ADVISORY GROUP

- Composed of approx. 20 state officials, stakeholders and issue experts
- Examines issues, current policy, best practices and alternative structures
- Establishes recommendations as to the content of an interstate compact

DRAFTING TEAM

- Composed of 5 to 8 state officials, stakeholders, and issue experts
- Crafts compact based on recommendations
- Circulates draft compact to states and stakeholder groups for comment

FINAL PRODUCT

- Drafting team considers comments and incorporates into compact
- Final product sent to advisory group
- Released to states for consideration

Phase II Education and State Enactment

EDUCATION

- Develop comprehensive legislative resource kit
- Develop informational website with state-by-state tracking and support documents
- Convene “National Briefing” to educate legislators and key state officials

STATE SUPPORT

- Develop network of “champions”
- Provide on-site technical support and assistance
- Provide informational testimony to legislative committees

STATE ENACTMENTS

- Track and support state enactments
- Prepare for transition and implementation of compact
- Provide requested support as needed

Phase III Compact Operationalization

TRANSITION

- Enactment threshold met
- State notification
- Interim Executive Board appointed
- Interim Committee’s established
- Convene first Compact meeting
- Information system development (standards, security, vendors)

OPERATION

- Ongoing state control and governance
- Staff support
- Annual assessment, if necessary
- Annual business meeting
- Information system oversight (maintenance, security, training, etc.)
- Long-term enhancements / up-grades



Development of Compact Language



The **Technical Assistance Group** will make recommendations on compact language based on essential aspects of the policy area



The **Document Team** will create an initial draft based on recommendations from the Technical Assistance Group.



Stakeholder Review and Compact Finalization



- Once an initial draft of the language is complete it will be made public and distributed to key stakeholders
- The results of the stakeholder review are shared with the working groups for consideration
- Working groups then finalize model compact legislation

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NCIC Services

Policy Research and Analysis

- Background research on policy issue and current state policies
- Policy analysis through briefs and presentations
- Identification of policy components for interstate compact consideration



Legal Services

- Compact attorneys specialized in compact law
- Assistance during drafting, enactment, and operationalization phases of the compact



Convening and Facilitation

- As a non-partisan membership organization, CSG is a neutral facilitator
- Experience working across states on shared issues
- Defined development process



Compact Education and Technical Assistance

- Legislative testimony
- Legislation review
- Legislative summits, conference sessions, etc.
- Educational materials





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NCIC History with Line Siting Compact

Electric Transmission Line Siting Compact

- Energy Policy Act of 2005 authorized compact development
- Compact legislation completed in 2012 as a CSG member-driven initiative
- Compact legislation provides for uniform process for state project review and approval



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