

Sovereign State Interstate Compact

1 REFERENCE TITLE: _____

2 State of _____
3 (Introducing _____)

4 _____ Legislature
5 _____ Session

6 20____
7 ____ B. ____

8 Be it enacted by the Legislature of the State of _____:

9 Section 1. Title ____, _____, is amended by adding chapter ____, to read:

10 CHAPTER ____

11 SOVEREIGN STATE COMPACT

12 _____ Adoption of compact; text of compact

13 THE STATE OF _____ AGREES
14 TO BE BOUND BY THE FOLLOWING COMPACT:

15 ARTICLE I

16 FINDINGS AND DECLARATION OF POLICY

17 A. Every state agreeing to be bound by this compact objects to the federal government
18 using conditional grants to exceed the enumerated powers specifically delegated to Congress
19 and to encourage states to relinquish core attributes of their sovereignty and to adopt one-size-
20 fits-all public policies in exchange for federal money.

21 B. In consideration of their mutual commitments, every state agreeing to be bound by
22 this compact agrees to prohibit permanently its acceptance of overreaching conditional federal
23 grants when at least three-fourths of the states of the United States are concurrently bound by
24 this compact.

25 C. Every state agreeing to be bound by this compact seeks to demonstrate that the
26 political will exists to amend the United States Constitution to prohibit overreaching conditional
27 federal grants.

28 ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly indicates otherwise:

A. "State" means a state of the United States.

1 B. "Party State" means a state that is bound by the terms of this compact.

2 C. "Conditional federal grant" means money promised to or received by any state, or
3 political subdivision thereof, from the United States government or any political subdivision
4 thereof, the acceptance, receipt or expenditure of which is conditioned on compliance with any
5 federal statutory or administrative directive that is not directly and exclusively related to
6 ministerial receipt, procurement, disbursement and accounting procedures.

6 D. "Political subdivision" means governmental branches, departments, agencies,
7 counties, municipalities, special districts, as well as other governmental entities and quasi-
8 governmental entities created by authorization of law.

8 E. "Covered enumerated power" means any of the following powers specifically
9 delegated to Congress under Article I, Section 8 of the United States Constitution: 1) to regulate
10 Commerce with foreign nations, and among the several states, and with the Indian Tribes; 2) to
11 establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies
12 throughout the United States; 3) to coin money, regulate the value thereof, and of foreign coin,
13 and fix the standard of weights and measures; 4) to provide for the punishment of counterfeiting
14 the securities and current coin of the United States; 5) to establish post offices and post roads; 6)
15 to promote the progress of science and useful arts, by securing for limited times to authors and
16 inventors the exclusive right to their respective writings and discoveries; 7) to constitute
17 tribunals inferior to the Supreme Court; 8) to define and punish piracies and felonies committed
18 on the high seas, and offences against the Law of Nations; 9) to declare war, grant letters of
19 marque and reprisal, and make rules concerning captures on land and water; 10) to raise and
20 support armies, but no appropriation of money to that use shall be for a longer term than two
21 years; 11) to provide and maintain a navy; 12) to make rules for the government and regulation
22 of the land and naval forces; 13) to provide for calling forth the militia to execute the laws of the
23 union, suppress insurrections and repel invasions; 14) to provide for organizing, arming, and
24 disciplining, the militia, and for governing such part of them as may be employed in the service
25 of the United States, reserving to the states respectively, the appointment of the officers, and the
26 authority of training the militia according to the discipline prescribed by Congress; and 15) to
27 exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles
28 square) as may, by cession of particular states, and the acceptance of Congress, become the seat
of the government of the United States, and to exercise like authority over all places purchased
by the consent of the legislature of the state in which the same shall be, for the erection of forts,
magazines, arsenals, dock-yards, and other needful buildings.

23 F. "Covered reserved power" means any of the following powers of the states or their
24 political subdivisions: 1) control over the structure and mechanics of state government; 2) the
25 establishment and regulation of public schooling; 3) local criminal law enforcement; 4) the
26 regulation of health care; 5) the regulation of personal property outside of commerce, such as
27 firearms; 6) the regulation of domestic and family affairs, such as marriage and guardianship; 7)
28 the administration of civil justice (between citizens of the same state and outside of bankruptcy),
such as laws concerning personal injury torts, contracts, and nuisance laws; 8) control over
wages and qualifications of government employees who directly perform legislative, executive,
or judicial tasks for the state, state agencies or political subdivisions; 9) the establishment and

1 regulation of local government; 10) the regulation of real property, such as the regulation of
2 land title, land use, and land transfers; 11) the regulation of agriculture; and 12) the regulation
3 of nonagricultural businesses that do not engage in commerce across state lines.

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ARTICLE III

TERMS

Notwithstanding any state law to the contrary:

When at least three-fourths of the states of the United States are Party States, no Party State, or political subdivision thereof, shall thereafter accept any conditional federal grant, which is conditioned on compliance with any federal statutory or administrative directive that: 1) is not within the scope of any covered enumerated power; or 2) would burden the exercise of any covered reserved power.

ARTICLE IV

ENFORCEMENT

Notwithstanding any state law to the contrary:

A. The chief law enforcement officer of each Party State shall enforce this compact.

B. A taxpaying resident of any Party State has standing in the courts of any Party State to require the chief law enforcement officer of any Party State to enforce this compact.

ARTICLE V

COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION

A. The governor of each party state or the governor's designee is the compact administrator.

B. The compact administrator of each Party State shall maintain an accurate list of all Party States, as well as documentation of all notices relating to the compact.

C. The compact administrator of each Party State shall furnish to the compact administrator and chief law enforcement officer of each other Party State any information or documents that are reasonably necessary to facilitate the administration and enforcement of this compact.

ARTICLE VI

ENTRY INTO EFFECT AND WITHDRAWAL

1 A. This compact is effective and binding on any state that enacts appropriate legislation,
2 as determined by the laws of the respective state, agreeing to be bound to it, provided that: 1) at
3 least one other state has likewise enacted and is governed by legislation agreeing to be bound by
4 this compact; and 2) notice of such legislation is or has been seasonably received by the
5 governor of each state bound or to be bound by this compact.

6 B. Legislation whereby a state agrees to be bound to this compact shall be deemed
7 repealed and held for naught if, within two years after enactment, no other state has likewise
8 enacted or is governed by legislation agreeing to be bound by this compact.

9 C. So long as fewer than three-fourths of the states of the United States are Party States,
10 any Party State may withdraw from this compact by enacting appropriate legislation, as
11 determined by state law, and delivering written notice of such withdrawal to the governor of
12 each other Party State. A withdrawal shall not affect the validity or applicability of the compact
13 to states remaining party to the compact, provided that there remain at least two such states.
14 However, once at least three-fourths of the states of the United States are Party States, no Party
15 State may withdraw from this compact; and this compact shall be perpetual and inviolate both
16 as to existing Party States and as to any state that subsequently becomes a Party State.

12 ARTICLE VII

13 CONSTRUCTION AND SEVERABILITY

14 A. This compact shall be liberally construed so as to effectuate its purposes.

15 B. If any phrase, clause, sentence or provision of this compact, or the applicability of
16 any phrase, clause, sentence or provision of this compact to any government, agency, person or
17 circumstance, is declared in a final judgment by a court of competent jurisdiction to be contrary
18 to the United States Constitution or is otherwise held invalid, the validity of the remainder of
19 this compact and the applicability of the remainder of this compact to any government, agency,
20 person or circumstance shall not be affected.

21 C. If this compact is held to be contrary to the constitution of any Party State, the
22 compact shall remain in full force and effect as to the remaining Party States and in full force
23 and effect as to the affected party state as to all severable matters.
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