

Department of Planning and Budget 2013 Fiscal Impact Statement

1. Bill Number: SB 818

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Puckett

3. Committee: Senate Privileges and Elections

4. Title: Interstate compact

5. Summary:

The proposed legislation would authorize the Governor to enter into a compact with one or more other states, the District of Columbia, a U.S. territory or possession, or the Commonwealth of Puerto Rico to facilitate the provision of medical, dental, and psychiatric care to prisoners in local correctional facilities. Each member of the compact would be agreeing to “extend all necessary authority to law-enforcement or corrections officers” from another member state for the purpose of escorting offenders from local correctional facilities within that other member state to and from a medical, dental, or psychiatric facility located within the first member’s boundaries.

6. Budget Amendment Necessary: None.

7. Fiscal Impact Estimates: Indeterminate. See Item 8 below.

8. Fiscal Implications:

Because the purpose of the proposed compact seems to be limited to a state agreeing to extend law-enforcement authority to law-enforcement or corrections officers from another state in limited circumstances, there should be no fiscal impact. It is presumed that any expenses incurred by the law-enforcement or corrections officers from the other state will be the responsibility of their home state, as will be any travel and medical expenses incurred by the offenders who were being escorted to the medical facilities.

There is no mention in the proposed legislation of any administrative structure needed to oversee the compact or any compact dues that would have to be paid as a condition of membership.

9. Specific Agency or Political Subdivisions Affected: Local and regional jails.

10. Technical Amendment Necessary: None.

11. Other Comments:

1. It might be well to specify, either in the compact itself or in separate legislation, exactly what “necessary authority” a state joining the compact agrees to extend to law-enforcement or corrections officers from other states who are escorting prisoners to medical facilities within its boundaries. For example, what limitations, if any, would there be on this authority?
2. The U.S. Constitution stipulates that any compact between states must be approved by Congress. However, the U.S. Supreme Court has ruled Congress does not have to explicitly approve an interstate compact unless it (i) alters the balance of power between the state and federal governments or (ii) intrudes on a power reserved to Congress (see *Virginia v. Tennessee*, 148 U.S. 452 and *U.S. Steel Corp. v. Multistate Tax Commission* 434 U.S. 452.) The proposed compact does not seem to meet either of those tests.
3. If enacted into law, the proposed compact would not be effective until also adopted by at least one other state.

Date: 1/3/2013

Document: G:\LEGIS\fis-13\sb818.docx Dick Hall-Sizemore