

SENATE, No. 2178

The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT ESTABLISHING THE INTERSTATE COMPACT FOR JUVENILES

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 687 of the Acts of 1955 is hereby repealed.

2 SECTION 2. The governor is hereby authorized and directed to execute a compact on
3 behalf of this commonwealth with any other state or states legally joined therein in the
4 form substantially set out in Section 3 of this act. The commissioner of the department
5 youth services shall serve as the compact administrator.

6 SECTION 3. The General Laws are hereby amended by inserting after Chapter 120 the
7 following new chapter: Chapter 120A - Interstate Compact on Juveniles

8 Section 1. Purpose. The compacting states to this Interstate Compact recognize that each
9 state is responsible for the proper supervision or return of juveniles, delinquents and
10 status offenders who are on probation or parole and who have absconded, escaped or run
11 away from supervision and control and in so doing have endangered their own safety and
12 the safety of others. The compacting states also recognize that each state is responsible

13 for the safe return of juveniles who have run away from home and in doing so have left
14 their state of residence. The compacting states also recognize that Congress, by enacting
15 the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged
16 compacts for cooperative efforts and mutual assistance in the prevention of crime.

17 It is the purpose of this compact, through means of joint and cooperative action among
18 the compacting states to: (A) ensure that the adjudicated juveniles and status offenders
19 subject to this compact are provided adequate supervision and services in the receiving
20 state as ordered by the adjudicating judge or parole authority in the sending state; (B)
21 ensure that the public safety interests of the citizens, including the victims of juvenile
22 offenders, in both the sending and receiving states are adequately protected; (C) return
23 juveniles who have run away, absconded or escaped from supervision or control or have
24 been accused of an offense to the state requesting their return; (D) make contracts for the
25 cooperative institutionalization in public facilities in member states for delinquent youth
26 needing special services; (E) provide for the effective tracking and supervision of
27 juveniles; (F) equitably allocate the costs, benefits and obligations of the compacting
28 states; (G) establish procedures to manage the movement between states of juvenile
29 offenders released to the community under the jurisdiction of courts, juvenile
30 departments, or any other criminal or juvenile justice agency which has jurisdiction over
31 juvenile offenders; (H) insure immediate notice to jurisdictions where defined offenders
32 are authorized to travel or to relocate across state lines; (I) establish procedures to resolve
33 pending charges (detainers) against juvenile offenders prior to transfer or release to the
34 community under the terms of this compact; (J) establish a system of uniform data
35 collection on information pertaining to juveniles subject to this compact that allows

36 access by authorized juvenile justice and criminal justice officials, and regular reporting
37 of compact activities to heads of state executive, judicial, and legislative branches and
38 juvenile and criminal justice administrators; (K) monitor compliance with rules
39 governing interstate movement of juveniles and initiate interventions to address and
40 correct non-compliance; (L) coordinate training and education regarding the regulation of
41 interstate movement of juveniles for officials involved in such activity; and (M)
42 coordinate the implementation and operation of the compact with the Interstate Compact
43 for the Placement of Children, the Interstate Compact for Adult Offender Supervision and
44 other compacts affecting juveniles particularly in those cases where concurrent or
45 overlapping supervision issues arise. It is the policy of the compacting states that the
46 activities conducted by the Interstate Commission created herein are the formation of
47 public policies and therefore are public business. Furthermore, the compacting states
48 shall cooperate and observe their individual and collective duties and responsibilities for
49 the prompt return and acceptance of juveniles subject to the provisions of this compact.
50 The provisions of this compact shall be reasonably and liberally construed to accomplish
51 the purposes and policies of the compact.

52 Section 2. Definitions. As used in sections 1 to 20 inclusive, unless the context clearly
53 requires a different construction, the following words shall have the following meanings:-

54 “By –laws”, those by-laws established by the Interstate Commission for its governance,
55 or for directing or controlling its actions or conduct.

56 “Compact Administrator”, the individual in each compacting state appointed pursuant to
57 the terms of this compact, responsible for the administration and management of the

58 state's supervision and transfer of juveniles subject to the terms of this compact, the rules
59 adopted by the Interstate Commission and policies adopted by the State Council under
60 this compact.

61 “Compacting State”, any state which has enacted the enabling legislation for this
62 compact.

63 “Commissioner”, the voting representative of each compacting state appointed pursuant
64 to section 3 of this compact.

65 “Court”, any court having jurisdiction over delinquent, neglected, or dependent children.

66 “Deputy Compact Administrator”, the individual, if any, in each compacting state
67 appointed to act on behalf of a Compact Administrator pursuant to the terms of this
68 compact responsible for the administration and management of the state's supervision and
69 transfer of juveniles subject to the terms of this compact, the rules adopted by the
70 Interstate Commission and policies adopted by the State Council under this compact.

71 “Interstate Commission”, the Interstate Commission for Juveniles created by section 3 of
72 this compact.

73 “Juvenile”, any person defined as a juvenile in any member state or by the rules of the
74 Interstate Commission, including:

75 (1) “Accused Delinquent”, a person charged with an offense that, if
76 committed by an adult, would be a criminal offense;

77 (2) “Adjudicated Delinquent”, a person found to have committed an offense
78 that, if committed by an adult, would be a criminal offense;

79 (3) “Accused Status Offender”, a person charged with an offense that would
80 not be a criminal offense if committed by an adult;

81 (4) “Adjudicated Status Offender”, a person found to have committed an
82 offense that would not be a criminal offense if committed by an adult; and

83 (5) “Non-Offender”, a person in need of supervision who has not been
84 accused or adjudicated a status offender or delinquent.

85 “Non-Compacting state”, any state which has not enacted the enabling legislation for this
86 compact.

87 “Probation or Parole”, any kind of supervision or conditional release of juveniles
88 authorized under the laws of the compacting states.

89 “Rule”, a written statement by the Interstate Commission promulgated pursuant to section
90 4 of this compact that is of general applicability, implements, interprets or prescribes a
91 policy or provision of the compact, or an organizational, procedural, or practice
92 requirement of the Commission, and has the force and effect of statutory law in a
93 compacting state, and includes the amendment, repeal, or suspension of an existing rule.

94 “State”, a state of the United States, the District of Columbia (or its designee), the
95 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the
96 Northern Marianas Islands.

97 Section 3. The Compact Commission.

98 (a) The compacting states hereby create the “Interstate Commission for Juveniles.” The
99 commission shall be a body corporate and joint agency of the compacting states. The
100 commission shall have all the responsibilities, powers and duties set forth herein, and
101 such additional powers as may be conferred upon it by subsequent action of the
102 respective legislatures of the compacting states in accordance with the terms of this
103 compact.

104 (b) The Interstate Commission shall consist of commissioners appointed by the
105 appropriate appointing authority in each state pursuant to the rules and requirements of
106 each compacting state and in consultation with the State Council for Interstate Juvenile
107 Supervision created hereunder. The commissioner shall be the compact administrator,
108 deputy compact administrator or designee from that state who shall serve on the Interstate
109 Commission in such capacity under or pursuant to the applicable law of the compacting
110 state.

111 (c) In addition to the commissioners who are the voting representatives of each state, the
112 Interstate Commission shall include individuals who are not commissioners, but who are
113 members of interested organizations. Such non-commissioner members must include a
114 member of the national organizations of governors, legislators, state chief justices,
115 attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact
116 for the Placement of Children, juvenile justice and juvenile corrections officials, and
117 crime victims. All non-commissioner members of the Interstate Commission shall be ex-
118 officio (non-voting) members. The Interstate Commission may provide in its by-laws for

119 such additional ex-officio (non-voting) members, including members of other national
120 organizations, in such numbers as shall be determined by the commission.

121 (d) Each compacting state represented at any meeting of the commission is entitled to one
122 vote. A majority of the compacting states shall constitute a quorum for the transaction of
123 business, unless a larger quorum is required by the by-laws of the Interstate Commission.

124 (e) The commission shall meet at least once each calendar year. The chairperson may call
125 additional meetings and, upon the request of a simple majority of the compacting states,
126 shall call additional meetings. Public notice shall be given of all meetings and meetings
127 shall be open to the public.

128 (f) The Interstate Commission shall establish an executive committee, which shall include
129 commission officers, members, and others as determined by the by-laws. The executive
130 committee shall have the power to act on behalf of the Interstate Commission during
131 periods when the Interstate Commission is not in session, with the exception of
132 rulemaking and/or amendment to the compact. The executive committee shall oversee the
133 day-to-day activities of the administration of the compact managed by an executive
134 director and Interstate Commission staff; administers enforcement and compliance with
135 the provisions of the compact, its by-laws and rules, and performs such other duties as
136 directed by the Interstate Commission or set forth in the by-laws.

137 (g) Each member of the Interstate Commission shall have the right and power to cast a
138 vote to which that compacting state is entitled and to participate in the business and
139 affairs of the Interstate Commission. A member shall vote in person and shall not

140 delegate a vote to another compacting state. However, a commissioner, in consultation
141 with the state council, shall appoint another authorized representative, in the absence of
142 the commissioner from that state, to cast a vote on behalf of the compacting state at a
143 specified meeting. The by-laws may provide for members' participation in meetings by
144 telephone or other means of telecommunication or electronic communication.

145 (h) The Interstate Commission's by-laws shall establish conditions and procedures under
146 which the Interstate Commission shall make its information and official records available
147 to the public for inspection or copying. The Interstate Commission may exempt from
148 disclosure any information or official records to the extent they would adversely affect
149 personal privacy rights or proprietary interests.

150 (i) Public notice shall be given of all meetings and all meetings shall be open to the
151 public, except as set forth in the Rules or as otherwise provided in the compact. The
152 Interstate Commission and any of its committees may close a meeting to the public where
153 it determines by two-thirds vote that an open meeting would be likely to:

154 1) Relate solely to the Interstate Commission's internal personnel practices and
155 procedures;

156 2) Disclose matters specifically exempted from disclosure by statute;

157 3) Disclose trade secrets or commercial or financial information which is privileged or
158 confidential;

159 4) Involve accusing any person of a crime, or formally censuring any person;

160 5) Disclose information of a personal nature where disclosure would constitute a clearly
161 unwarranted invasion of personal privacy;

162 6) Disclose investigative records compiled for law enforcement purposes;

163 7) Disclose information contained in or related to examination, operating or condition
164 reports prepared by, or on behalf of or for the use of, the Interstate Commission with
165 respect to a regulated person or entity for the purpose of regulation or supervision of such
166 person or entity;

167 8) Disclose information, the premature disclosure of which would significantly
168 endanger the stability of a regulated person or entity; or

169 9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its
170 participation in a civil action or other legal proceeding.

171 (j) For every meeting closed pursuant to this provision, the Interstate Commission's legal
172 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be
173 closed to the public, and shall reference each relevant exemptive provision. The Interstate
174 Commission shall keep minutes which shall fully and clearly describe all matters
175 discussed in any meeting and shall provide a full and accurate summary of any actions
176 taken, and the reasons therefore, including a description of each of the views expressed
177 on any item and the record of any roll call vote (reflected in the vote of each member on
178 the question). All documents considered in connection with any action shall be identified
179 in such minutes.

180 (k) The Interstate Commission shall collect standardized data concerning the interstate
181 movement of juveniles as directed through its rules which shall specify the data to be
182 collected, the means of collection and data exchange and reporting requirements. Such
183 methods of data collection, exchange and reporting shall insofar as is reasonably possible
184 conform to up-to-date technology and coordinate its information functions with the
185 appropriate repository of records.

186 Section 4. The Powers and Duties of the Interstate Commission. The commission shall
187 have the following powers and duties:

- 188 1) To provide for dispute resolution among compacting states.
- 189 2) To promulgate rules to effect the purposes and obligations as enumerated in this
190 compact, which shall have the force and effect of statutory law and shall be binding in the
191 compacting states to the extent and in the manner provided in this compact.
- 192 3) To oversee, supervise and coordinate the interstate movement of juveniles subject to
193 the terms of this compact and any by-laws adopted and rules promulgated by the
194 Interstate Commission.
- 195 4) To enforce compliance with the compact provisions, the rules promulgated by the
196 Interstate Commission, and the by-laws, using all necessary and proper means, including
197 but not limited to the use of judicial process.
- 198 5) To establish and maintain offices which shall be located within one or more of the
199 compacting states.

- 200 6) To purchase and maintain insurance and bonds.
- 201 7) To borrow, accept, hire or contract for services of personnel.
- 202 8) To establish and appoint committees and hire staff which it deems necessary for the
203 carrying out of its functions including, but not limited to, an executive committee as
204 required by section 3 which shall have the power to act on behalf of the Interstate
205 Commission in carrying out its powers and duties hereunder.
- 206 9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
207 fix their compensation, define their duties and determine their qualifications; and to
208 establish the Interstate Commission's personnel policies and programs relating to, inter
209 alia, conflicts of interest, rates of compensation, and qualifications of personnel.
- 210 10) To accept any and all donations and grants of money, equipment, supplies, materials,
211 and services, and to receive, utilize, and dispose of it.
- 212 11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
213 improve or use any property, real, personal, or mixed.
- 214 12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
215 any property, real, personal or mixed.
- 216 13) To establish a budget and make expenditures and levy dues as provided in Article
217 VIII of this compact.
- 218 14) To sue and be sued.

219 15) To adopt a seal and by-laws governing the management and operation of the
220 Interstate Commission.

221 16) To perform such functions as may be necessary or appropriate to achieve the
222 purposes of this compact.

223 17) To report annually to the legislatures, governors, judiciary, and state councils of the
224 compacting states concerning the activities of the Interstate Commission during the
225 preceding year. Such reports shall also include any recommendations that may have been
226 adopted by the Interstate Commission.

227 18) To coordinate education, training and public awareness regarding the interstate
228 movement of juveniles for officials involved in such activity.

229 19) To establish uniform standards of the reporting, collecting and exchanging of data.

230 20) The Interstate Commission shall maintain its corporate books and records in
231 accordance with the By-laws.

232 Section 5. By-Laws of the Interstate Commission

233 The Interstate Commission shall, by a majority of the members present and voting, within
234 twelve months after the first Interstate Commission meeting, adopt by-laws to govern its
235 conduct as may be necessary or appropriate to carry out the purposes of the compact,
236 including, but not limited to:

237 1) Establishing the fiscal year of the Interstate Commission;

- 238 2) Establishing an executive committee and such other committees as may be
239 necessary;
- 240 3) Provide for the establishment of committees governing any general or specific
241 delegation of any authority or function of the Interstate Commission;
- 242 4) Providing reasonable procedures for calling and conducting meetings of the Interstate
243 Commission, and ensuring reasonable notice of each such meeting;
- 244 5) Establishing the titles and responsibilities of the officers of the Interstate
245 Commission;
- 246 6) Providing a mechanism for concluding the operations of the Interstate Commission
247 and the return of any surplus funds that may exist upon the termination of the compact
248 after the payment and/or reserving of all of its debts and obligations.
- 249 7) Providing “start-up” rules for initial administration of the compact; and
- 250 8) Establishing standards and procedures for compliance and technical assistance in
251 carrying out the compact.

252 Section 6. Officers and Staff of the Interstate Commission

- 253 (a) The Interstate Commission shall, by a majority of the members, elect annually from
254 among its members a chairperson and a vice chairperson, each of whom shall have such
255 authority and duties as may be specified in the by-laws. The chairperson or, in the
256 chairperson’s absence or disability, the vice-chairperson shall preside at all meetings of

257 the Interstate Commission. The officers so elected shall serve without compensation or
258 remuneration from the Interstate Commission; provided that, subject to the availability of
259 budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and
260 expenses incurred by them in the performance of their duties and responsibilities as
261 officers of the Interstate Commission.

262 (b) The Interstate Commission shall, through its executive committee, appoint or retain
263 an executive director for such period, upon such terms and conditions and for such
264 compensation as the Interstate Commission may deem appropriate. The executive
265 director shall serve as secretary to the Interstate Commission, but shall not be a Member
266 and shall hire and supervise such other staff as may be authorized by the Interstate
267 Commission.

268 Section 7. Qualified Immunity, Defense and Indemnification.

269 (a) The Commission's executive director and employees shall be immune from suit and
270 liability, either personally or in their official capacity, for any claim for damage to or loss
271 of property or personal injury or other civil liability caused or arising out of or relating to
272 any actual or alleged act, error, or omission that occurred, or that such person had a
273 reasonable basis for believing occurred within the scope of Commission employment,
274 duties, or responsibilities; provided, that any such person shall not be protected from suit
275 or liability for any damage, loss, injury, or liability caused by the intentional or willful
276 and wanton misconduct of any such
277 person.

278 (b) The liability of any commissioner, or the employee or agent of a commissioner, acting
279 within the scope of such person's employment or duties for acts, errors, or omissions
280 occurring within such person's state may not exceed the limits of liability set forth under
281 the Constitution and laws of that state for state officials, employees, and agents. Nothing
282 in this subsection shall be construed to protect any such person from suit or liability for
283 any damage, loss, injury, or liability caused by the intentional or willful and wanton
284 misconduct of any such person.

285 (c) The Interstate Commission shall defend the executive director or the employees or
286 representatives of the Interstate Commission and, subject to the approval of the Attorney
287 General of the state represented by any commissioner of a compacting state, shall defend
288 such commissioner or the commissioner's representatives or employees in any civil action
289 seeking to impose liability arising out of any actual or alleged act, error or omission that
290 occurred within the scope of Interstate Commission employment, duties or
291 responsibilities, or that the defendant had a reasonable basis for believing occurred within
292 the scope of Interstate Commission employment, duties, or responsibilities, provided that
293 the actual or alleged act, error, or omission did not result from intentional or willful and
294 wanton misconduct on the part of such person.

295 (d) The Interstate Commission shall indemnify and hold the commissioner of a
296 compacting state, or the commissioner's representatives or employees, or the Interstate
297 Commission's representatives or employees, harmless in the amount of any settlement or
298 judgment obtained against such persons arising out of any actual or alleged act, error, or
299 omission that occurred within the scope of Interstate Commission employment, duties, or

300 responsibilities, or that such persons had a reasonable basis for believing occurred within
301 the scope of Interstate Commission employment, duties, or responsibilities, provided that
302 the actual or alleged act, error, or omission did not result from intentional or willful and
303 wanton misconduct on the part of such persons.

304 Section 8. Rulemaking Function of the Interstate Commission.

305 (a) The Interstate Commission shall promulgate and publish rules in order to effectively
306 and efficiently achieve the purposes of the compact.

307 (b) Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws
308 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
309 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
310 Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the
311 Interstate Commission deems appropriate consistent with due process requirements under
312 the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All
313 rules and amendments shall become binding as of the date specified, as published with
314 the final version of the rule as approved by the Commission.

315 (c) When promulgating a rule, the Interstate Commission shall, at a minimum:

- 316 1) publish the proposed rule's entire text stating the reason(s) for that proposed rule;
- 317 2) allow and invite any and all persons to submit written data, facts, opinions and
318 arguments, which information shall be added to the record, and be made publicly
319 available;

320 3) provide an opportunity for an informal hearing if petitioned by ten (10) or more
321 persons; and

322 4) promulgate a final rule and its effective date, if appropriate, based on input from state
323 or local officials, or interested parties.

324 (d) Allow, not later than sixty days after a rule is promulgated, any interested person to
325 file a petition in the United States District Court for the District of Columbia or in the
326 Federal District Court where the Interstate Commission's principal office is located for
327 judicial review of such rule. If the court finds that the Interstate Commission's action is
328 not supported by substantial evidence in the rulemaking record, the court shall hold the
329 rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it
330 would be considered substantial evidence under the Model State Administrative
331 Procedures Act.

332 (e) If a majority of the legislatures of the compacting states rejects a rule, those states
333 may, by enactment of a statute or resolution in the same manner used to adopt the
334 compact, cause that such rule shall have no further force and effect in any compacting
335 state.

336 (f) The existing rules governing the operation of the Interstate Compact on Juveniles
337 superceded by this act shall be null and void twelve (12) months after the first meeting of
338 the Interstate Commission created hereunder.

339 (g) Upon determination by the Interstate Commission that a state-of-emergency exists, it
340 may promulgate an emergency rule which shall become effective immediately upon

341 adoption, provided that the usual rulemaking procedures provided hereunder shall be
342 retroactively applied to said rule as soon as reasonably possible, but no later than ninety
343 (90) days after the effective date of the emergency rule.

344 Section 9. Oversight and Enforcement by the Interstate Commission.

345 (a) The Interstate Commission shall oversee the administration and operations of the
346 interstate movement of juveniles subject to this compact in the compacting states and
347 shall monitor such activities being administered in non-compacting states which may
348 significantly affect compacting states.

349 (b) The courts and executive agencies in each compacting state shall enforce this compact
350 and shall take all actions necessary and appropriate to effectuate the compact's purposes
351 and intent. The provisions of this compact and the rules promulgated hereunder shall be
352 received by all the judges, public officers, commissions, and departments of the state
353 government as evidence of the authorized statute and administrative rules. All courts
354 shall take judicial notice of the compact and the rules. In any judicial or administrative
355 proceeding in a compacting state pertaining to the subject matter of this compact which
356 may affect the powers, responsibilities or actions of the Interstate Commission, it shall be
357 entitled to receive all service of process in any such proceeding, and shall have standing
358 to intervene in the proceeding for all purposes.

359 Section 10. Dispute Resolution by the Interstate Commission.

360 (a) The compacting states shall report to the Interstate Commission on all issues and
361 activities necessary for the administration of the compact as well as issues and activities
362 pertaining to compliance with the provisions of the compact and its bylaws and rules.

363 (b) The Interstate Commission shall attempt, upon the request of a compacting state, to
364 resolve any disputes or other issues which are subject to the compact and which may
365 arise among compacting states and between compacting and non-compacting states. The
366 commission shall promulgate a rule providing for both mediation and binding dispute
367 resolution for disputes among the compacting states.

368 (c) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
369 the provisions and rules of this compact using any or all means set forth in section 16 of
370 this compact.

371 Section 11. Finance of the Interstate Commission

372 (a) The Interstate Commission shall pay or provide for the payment of the reasonable
373 expenses of its establishment, organization and ongoing activities.

374 (b) The Interstate Commission shall levy on and collect an annual assessment from each
375 compacting state to cover the cost of the internal operations and activities of the Interstate
376 Commission and its staff which must be in a total amount sufficient to cover the
377 Interstate Commission's annual budget as approved each year. The aggregate annual
378 assessment amount shall be allocated based upon a formula to be determined by the
379 Interstate Commission, taking into consideration the population of each compacting state

380 and the volume of interstate movement of juveniles in each compacting state and shall
381 promulgate a rule binding upon all compacting states which governs said assessment.

382 (c) The Interstate Commission shall not incur any obligations of any kind prior to
383 securing the funds adequate to meet the same; nor shall the Interstate Commission pledge
384 the credit of any of the compacting states, except by and with the authority of the
385 compacting state.

386 (d) The Interstate Commission shall keep accurate accounts of all receipts and
387 disbursements. The receipts and disbursements of the Interstate Commission shall be
388 subject to the audit and accounting procedures established under its by-laws. However,
389 all receipts and disbursements of funds handled by the Interstate Commission shall be
390 audited yearly by a certified or licensed public accountant and the report of the audit shall
391 be included in and become part of the annual report of the Interstate Commission.

392 Section 12. The State Council. Each member state shall create a State Council for
393 Interstate Juvenile Supervision. While each state may determine the membership of its
394 own state council, its membership must include at least one representative from the
395 legislative, judicial, and executive branches of government, victims groups, and the
396 compact administrator, deputy compact administrator or designee. Each compacting state
397 retains the right to determine the qualifications of the compact administrator or deputy
398 compact administrator. Each state council will advise and may exercise oversight and
399 advocacy concerning that state's participation in Interstate Commission activities and
400 other duties as may be determined by that state, including but not limited to, development
401 of policy concerning operations and procedures of the compact within that state.

402 Section 13. Compacting States, Effective Date and Amendment.

403 (a) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
404 Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas
405 Islands as defined in section 2 of this compact is eligible to become a compacting state.

406 (b) The compact shall become effective and binding upon legislative enactment of the
407 compact into law by no less than 35 of the states. The initial effective date shall be the
408 later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it
409 shall become effective and binding as to any other compacting state upon enactment of
410 the compact into law by that state. The governors of non-member states or their
411 designees shall be invited to participate in the activities of the Interstate Commission on a
412 non-voting basis prior to adoption of the compact by all states and territories of the
413 United States.

414 (c) The Interstate Commission may propose amendments to the compact for enactment
415 by the compacting states. No amendment shall become effective and binding upon the
416 Interstate Commission and the compacting states unless and until it is enacted into law by
417 unanimous consent of the compacting states.

418 Section 14. Withdrawal.

419 (a) Once effective, the compact shall continue in force and remain binding upon each and
420 every compacting state; provided that a compacting state may withdraw from the
421 compact by specifically repealing the statute which enacted the compact into law.

422 (b) The effective date of withdrawal is the effective date of the repeal.

423 (c) The withdrawing state shall immediately notify the chairperson of the Interstate
424 Commission in writing upon the introduction of legislation repealing this compact in the
425 withdrawing state. The Interstate Commission shall notify the other compacting states of
426 the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

427 1) The withdrawing state is responsible for all assessments, obligations and liabilities
428 incurred through the effective date of withdrawal, including any obligations, the
429 performance of which extend beyond the effective date of withdrawal.

430 2) Reinstatement following withdrawal of any compacting state shall occur upon the
431 withdrawing state reenacting the compact or upon such later date as determined by the
432 Interstate Commission.

433 Section 15. Technical Assistance, Fines, Suspension, Termination and Default.

434 (a) If the Interstate Commission determines that any compacting state has at any time
435 defaulted in the performance of any of its obligations or responsibilities under this
436 compact, or the by-laws or duly promulgated rules, the Interstate Commission may
437 impose any or all of the following penalties:

438 1) Remedial training and technical assistance as directed by the Interstate Commission;

439 2) Alternative Dispute Resolution;

440 3) Fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
441 Interstate Commission; and

442 4) Suspension or termination of membership in the compact, which shall be imposed
443 only after all other reasonable means of securing compliance under the by-laws and rules
444 have been exhausted and the Interstate Commission has therefore determined that the
445 offending state is in default. Immediate notice of suspension shall be given by the
446 Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer of
447 the state, the majority and minority leaders of the defaulting state's legislature, and the
448 state council. The grounds for default include, but are not limited to, failure of a
449 compacting state to perform such obligations or responsibilities imposed upon it by this
450 compact, the by-laws, or duly promulgated rules and any other grounds designated in
451 commission by-laws and rules. The Interstate Commission shall immediately notify the
452 defaulting state in writing of the penalty imposed by the Interstate Commission and of the
453 default pending a cure of the default. The commission shall stipulate the conditions and
454 the time period within which the defaulting state must cure its default. If the defaulting
455 state fails to cure the default within the time period specified by the commission, the
456 defaulting state shall be terminated from the compact upon an affirmative vote of a
457 majority of the compacting states and all rights, privileges and benefits conferred by this
458 compact shall be terminated from the effective date of termination.

459 (b) Within sixty days of the effective date of termination of a defaulting state, the
460 Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the

461 Majority and Minority Leaders of the defaulting state's legislature, and the state council
462 of such termination.

463 (c) The defaulting state is responsible for all assessments, obligations and liabilities
464 incurred through the effective date of termination including any obligations, the
465 performance of which extends beyond the effective date of termination.

466 (d) The Interstate Commission shall not bear any costs relating to the defaulting state
467 unless otherwise mutually agreed upon in writing between the Interstate Commission and
468 the defaulting state.

469 (e) Reinstatement following termination of any compacting state requires both a
470 reenactment of the compact by the defaulting state and the approval of the Interstate
471 Commission pursuant to the rules.

472 Section 16. Judicial Enforcement. The Interstate Commission may, by majority vote of
473 the members, initiate legal action in the United States District Court for the District of
474 Columbia or, at the discretion of the Interstate Commission, in the federal district where
475 the Interstate Commission has its offices, to enforce compliance with the provisions of
476 the compact, its duly promulgated rules and by-laws, against any compacting state in
477 default. In the event judicial enforcement is necessary the prevailing party shall be
478 awarded all costs of such litigation including reasonable attorneys fees.

479 Section 17. Dissolution of the Compact

480 (a) The compact dissolves effective upon the date of the withdrawal or default of the
481 compacting state, which reduces membership in the compact to one compacting state.

482 (b) Upon the dissolution of this compact, the compact becomes null and void and shall be
483 of no further force or effect, and the business and affairs of the Interstate Commission
484 shall be concluded and any surplus funds shall be distributed in accordance with the by-
485 laws.

486 Section 18. Severability and Construction.

487 (a) The provisions of this compact shall be severable, and if any phrase, clause, sentence
488 or provision is deemed unenforceable, the remaining provisions of the compact shall be
489 enforceable.

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

491 Section 19. Effect of Compact on Other Laws.

492 (a) Nothing herein prevents the enforcement of any other law of a compacting state that is
493 not inconsistent with this compact.

494 (b) All compacting states' laws other than state Constitutions and other interstate
495 compacts conflicting with this compact are superseded to the extent of the conflict.

496 Section 20. Binding Effect of the Compact.

497 (a) All lawful actions of the Interstate Commission, including all rules and by-laws
498 promulgated by the Interstate Commission, are binding upon the compacting states.

499 (b) All agreements between the Interstate Commission and the compacting states are
500 binding in accordance with their terms.

501 (c) Upon the request of a party to a conflict over meaning or interpretation of Interstate
502 Commission actions, and upon a majority vote of the compacting states, the Interstate
503 Commission may issue advisory opinions regarding such meaning or interpretation.

504 (d) In the event any provision of this compact exceeds the constitutional limits imposed
505 on the legislature of any compacting state, the obligations, duties, powers or jurisdiction
506 sought to be conferred by such provision upon the Interstate Commission shall be
507 ineffective and such obligations, duties, powers or jurisdiction shall remain in the
508 compacting state and shall be exercised by the agency thereof to which such obligations,
509 duties, powers or jurisdiction are delegated by law in effect at the time this compact
510 becomes effective.