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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3308

02/10/2022 Authored by Moller and Hollins
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
03/10/2022 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to corrections; combining Advisory Council on Interstate Adult Supervision
1.3 with Interstate Commission for Juveniles; amending Minnesota Statutes 2020,
1.4 sections 243.1606; 260.515.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 243.1606, is amended to read:

1.7 243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER
1.8 SUPERVISION.

1.9 Subdivision 1. Membership. The Advisory Council on Interstate Adult Offender
1.10 Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate
1.11 Compact for Juveniles established by section 260.515 and consist of the following individuals
1.12 or their designees:

- 1.13 (1) the governor;
1.14 (2) the chief justice of the supreme court;
1.15 (3) two senators, one from the majority and the other from the minority party, selected
1.16 by the Subcommittee on Committees of the senate Committee on Rules and Administration;
1.17 (4) two representatives, one from the majority and the other from the minority party,
1.18 selected by the house speaker;
1.19 (5) the compact administrator, selected as provided in section 243.1607;
1.20 (6) a representative from the Department of Human Services regarding the Interstate
1.21 Compact for the Placement of Children;

- 2.1 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of
 2.2 Public Safety; ~~and~~
- 2.3 (8) the deputy compact administrator as defined in section 260.515;
- 2.4 (9) a representative from the State Public Defender's Office;
- 2.5 (10) a representative from the Minnesota County Attorney's Association;
- 2.6 (11) a representative from the Minnesota Sheriff's Association;
- 2.7 (12) a representative from the Minnesota Association of County Probation Officers;
- 2.8 (13) a representative from the Minnesota Association of Community Corrections Act
 2.9 Counties;
- 2.10 (14) a representative from the community at large;
- 2.11 (15) a representative from a community organization working with victims of crimes;
- 2.12 and
- 2.13 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

2.14 The council may elect a chair from among its members.

2.15 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the~~
 2.16 ~~compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council
 2.17 shall appoint the compact administrator as the state's commissioner. In addition to these
 2.18 duties, the council shall develop a model policy concerning the operations and procedures
 2.19 of the compact within the state.

2.20 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor
 2.21 and the chairs and ranking minority members of the senate and house of representatives
 2.22 committees having jurisdiction over criminal justice policy on its activities along with
 2.23 providing a copy of the annual report published by the national commission that includes
 2.24 the activities of the interstate commission and executive committee as described in section
 2.25 243.1605 for the preceding year. The council's annual report will also include information
 2.26 required of the State Advisory Council for the Interstate Compact for Juveniles as described
 2.27 in Article IV in section 260.515.

2.28 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

3.1 Sec. 2. Minnesota Statutes 2020, section 260.515, is amended to read:

3.2 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

3.3 The Interstate Compact for Juveniles is enacted into law and entered into with all other
3.4 states legally joining in it in substantially the following form:

3.5 ARTICLE I

3.6 PURPOSE

3.7 The compacting states to this Interstate Compact recognize that each state is responsible
3.8 for the proper supervision or return of juveniles, delinquents, and status offenders who are
3.9 on probation or parole and who have absconded, escaped, or run away from supervision
3.10 and control and in so doing have endangered their own safety and the safety of others. The
3.11 compacting states also recognize that each state is responsible for the safe return of juveniles
3.12 who have run away from home and in doing so have left their state of residence. The
3.13 compacting states also recognize that Congress, by enacting the Crime Control Act, United
3.14 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for
3.15 cooperative efforts and mutual assistance in the prevention of crime.

3.16 It is the purpose of this compact, through means of joint and cooperative action among
3.17 the compacting states to:

3.18 (A) ensure that the adjudicated juveniles and status offenders subject to this compact
3.19 are provided adequate supervision and services in the receiving state as ordered by the
3.20 adjudicating judge or parole authority in the sending state;

3.21 (B) ensure that the public safety interests of the citizens, including the victims of juvenile
3.22 offenders, in both the sending and receiving states are adequately protected;

3.23 (C) return juveniles who have run away, absconded, or escaped from supervision or
3.24 control or have been accused of an offense to the state requesting their return;

3.25 (D) make contracts for the cooperative institutionalization in public facilities in member
3.26 states for delinquent youth needing special services;

3.27 (E) provide for the effective tracking and supervision of juveniles;

3.28 (F) equitably allocate the costs, benefits, and obligations of the compact states;

3.29 (G) establish procedures to manage the movement between states of juvenile offenders
3.30 released to the community under the jurisdiction of courts, juvenile departments, or any
3.31 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

4.1 (H) insure immediate notice to jurisdictions where defined juvenile offenders are
4.2 authorized to travel or to relocate across state lines;

4.3 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders
4.4 prior to transfer or release to the community under the terms of this compact;

4.5 (J) establish a system of uniform data collection on information pertaining to juveniles
4.6 subject to this compact that allows access by authorized juvenile justice and criminal justice
4.7 officials, and regular reporting of compact activities to heads of state; executive, judicial,
4.8 and legislative branches; and juvenile criminal justice administrators;

4.9 (K) monitor compliance with rules governing interstate movement of juveniles and
4.10 initiate interventions to address and correct noncompliance;

4.11 (L) coordinate training and education regarding the regulation of interstate movement
4.12 of juveniles for officials involved in such activity; and

4.13 (M) coordinate the implementation and operation of the compact with the Interstate
4.14 Compact for the Placement of Children, the Interstate Compact for Adult Offender
4.15 Supervision, and other compacts affecting juveniles particularly in those cases where
4.16 concurrent or overlapping supervision issues arise.

4.17 It is the policy of the compacting states that the activities conducted by the Interstate
4.18 Commission created herein are the information of public policies and therefore are public
4.19 business. Furthermore, the compacting states shall cooperate and observe their individual
4.20 and collective duties and responsibilities for the prompt return and acceptance of juveniles
4.21 subject to the provisions of this compact. The provisions of this compact shall be reasonably
4.22 and liberally construed to accomplish the purpose and policies of the compact.

4.23 ARTICLE II

4.24 DEFINITIONS

4.25 As used in this compact, unless the context clearly requires a different construction:

4.26 A. "Bylaws" means those bylaws established by the commission for its governance, or
4.27 for directing or controlling its actions or conduct.

4.28 B. "Compact administrator" means the individual in each compacting state appointed
4.29 pursuant to the terms of this compact responsible for the administration and management
4.30 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
4.31 rules adopted by the Interstate Commission, and policies adopted by the state council under
4.32 this compact.

5.1 C. "Compacting state" means any state which has enacted the enabling legislation for
5.2 this compact.

5.3 D. "Commissioner" means the voting representative of each compacting state appointed
5.4 pursuant to Article III of this compact.

5.5 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent
5.6 children.

5.7 F. "Deputy compact administrator" means the individual, if any, in each compacting
5.8 state appointed to act on behalf of a compact administrator pursuant to the terms of this
5.9 compact responsible for the administration and management of the state's supervision and
5.10 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
5.11 Commission, and policies adopted by the state council under this compact.

5.12 G. "Interstate Commission" means the Interstate Commission for Juveniles created by
5.13 Article III of this compact.

5.14 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules
5.15 of the Interstate Commission, including:

5.16 (1) accused delinquent - a person charged with an offense that, if committed by an adult,
5.17 would be a criminal offense;

5.18 (2) adjudicated delinquent - a person found to have committed an offense that, if
5.19 committed by an adult, would be a criminal offense;

5.20 (3) accused status offender - a person charged with an offense that would not be a criminal
5.21 offense if committed by an adult;

5.22 (4) adjudicated status offender - a person found to have committed an offense that would
5.23 not be a criminal offense if committed by an adult; and

5.24 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated
5.25 a status offender or delinquent.

5.26 I. "Noncompacting state" means any state which has not enacted the enabling legislation
5.27 for this compact.

5.28 J. "Probation" or "parole" means any kind of supervision or conditional release of
5.29 juveniles authorized under the laws of the compacting states.

5.30 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant
5.31 to Article VI of this compact that is of general applicability, implements, interprets, or
5.32 prescribes a policy or provision of the compact, or an organizational, procedural, or practice

6.1 requirement of the commission, and has the force and effect of statutory law in a compacting
6.2 state, and includes the amendment, repeal, or suspension of an existing rule.

6.3 L. "State" means a state of the United States, the District of Columbia (or its designee),
6.4 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
6.5 Samoa, and the Northern Marianas.

6.6 ARTICLE III

6.7 INTERSTATE COMMISSION FOR JUVENILES

6.8 A. The compacting states hereby create the "Interstate Commission for Juveniles." The
6.9 commission shall be a body corporate and joint agency of the compacting states. The
6.10 commission shall have all the responsibilities, powers, and duties set forth herein, and such
6.11 additional powers as may be conferred upon it by subsequent action of the respective
6.12 legislatures of the compacting states in accordance with the terms of this compact.

6.13 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
6.14 appointing authority in each state pursuant to the rules and requirements of each compacting
6.15 state and in consultation with the State Advisory Council for Interstate Supervision of
6.16 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact
6.17 administrator. The commissioner of corrections or the commissioner's designee shall serve
6.18 as the compact administrator, who shall serve on the Interstate Commission in such capacity
6.19 under or pursuant to the applicable law of the compacting state.

6.20 C. In addition to the commissioners who are the voting representatives of each state, the
6.21 Interstate Commission shall include individuals who are not commissioners but who are
6.22 members of interested organizations. Such noncommissioner members must include a
6.23 member of the national organizations of governors, legislators, state chief justices, attorneys
6.24 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the
6.25 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.
6.26 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)
6.27 members. The Interstate Commission may provide in its bylaws for such additional ex-officio
6.28 (nonvoting) members, including members of other national organizations, in such numbers
6.29 as shall be determined by the commission.

6.30 D. Each compacting state represented at any meeting of the commission is entitled to
6.31 one vote. A majority of the compacting states shall constitute a quorum for the transaction
6.32 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

6.33 E. The commission shall meet at least once each calendar year. The chair may call
6.34 additional meetings and, upon the request of a simple majority of the compacting states,

7.1 shall call additional meetings. Public notice shall be given of all meetings and meetings
7.2 shall be open to the public.

7.3 F. The Interstate Commission shall establish an executive committee, which shall include
7.4 commission officers, members, and others as determined by the bylaws. The executive
7.5 committee shall have the power to act on behalf of the Interstate Commission during periods
7.6 when the Interstate Commission is not in session, with the exception of rulemaking and/or
7.7 amendment to the compact. The executive committee shall oversee the day-to-day activities
7.8 of the administration of the compact managed by an executive director and Interstate
7.9 Commission staff; administer enforcement and compliance with the provisions of the
7.10 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate
7.11 Commission or set forth in the bylaws.

7.12 G. Each member of the Interstate Commission shall have the right and power to cast a
7.13 vote to which that compacting state is entitled and to participate in the business and affairs
7.14 of the Interstate Commission. A member shall vote in person and shall not delegate a vote
7.15 to another compacting state. However, a commissioner, in consultation with the state council,
7.16 shall appoint another authorized representative, in the absence of the commissioner from
7.17 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws
7.18 may provide for members' participation in meetings by telephone or other means of
7.19 telecommunication or electronic communication.

7.20 H. The Interstate Commission's bylaws shall establish conditions and procedures under
7.21 which the Interstate Commission shall make its information and official records available
7.22 to the public for inspection or copying. The Interstate Commission may exempt from
7.23 disclosure any information or official records to the extent they would adversely affect
7.24 personal privacy rights or proprietary interests.

7.25 I. Public notice shall be given of all meetings and all meetings shall be open to the public,
7.26 except as set forth in the rules or as otherwise provided in the compact. The Interstate
7.27 Commission and any of its committees may close a meeting to the public where it determines
7.28 by two-thirds vote that an open meeting would be likely to:

- 7.29 1. relate solely to the Interstate Commission's internal personnel practices and procedures;
- 7.30 2. disclose matters specifically exempted from disclosure by statute;
- 7.31 3. disclose trade secrets or commercial or financial information which is privileged or
7.32 confidential;
- 7.33 4. involve accusing any person of a crime or formally censuring any person;

8.1 5. disclose information of a personal nature where disclosure would constitute a clearly
8.2 unwarranted invasion of personal privacy;

8.3 6. disclose investigative records compiled for law enforcement purposes;

8.4 7. disclose information contained in or related to examination, operating or condition
8.5 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect
8.6 to a regulated person or entity for the purpose of regulation or supervision of such person
8.7 or entity;

8.8 8. disclose information, the premature disclosure of which would significantly endanger
8.9 the stability of a regulated person or entity;

8.10 9. specifically relate to the Interstate Commission's issuance of a subpoena or its
8.11 participation in a civil action or other legal proceeding.

8.12 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal
8.13 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed
8.14 to the public, and shall reference each relevant exemptive provision. The Interstate
8.15 Commission shall keep minutes which shall fully and clearly describe all matters discussed
8.16 in any meeting and shall provide a full and accurate summary of any actions taken, and the
8.17 reasons therefore, including a description of each of the views expressed on any item and
8.18 the record of any roll call vote (reflected in the vote of each member on the question). All
8.19 documents considered in connection with any action shall be identified in such minutes.

8.20 K. The Interstate Commission shall collect standardized data concerning the interstate
8.21 movement of juveniles as directed through its rules which shall specify the data to be
8.22 collected, the means of collection, and data exchange and reporting requirements. Such
8.23 methods of data collection, exchange, and reporting shall insofar as is reasonably possible
8.24 conform to up-to-date technology and coordinate its information functions with the
8.25 appropriate repository of records.

8.26 ARTICLE IV

8.27 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

8.28 The commission shall have the following powers and duties:

8.29 1. To provide for dispute resolution among compacting states.

8.30 2. To promulgate rules to affect the purposes and obligations as enumerated in this
8.31 compact, which shall have the force and effect of statutory law and shall be binding in the
8.32 compact states to the extent and in the manner provided in this compact.

9.1 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to
9.2 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate
9.3 Commission.

9.4 4. To enforce compliance with the compact provisions, the rules promulgated by the
9.5 Interstate Commission, and the bylaws, using all necessary and proper means, including
9.6 but not limited to the use of judicial process.

9.7 5. To establish and maintain offices which shall be located within one or more of the
9.8 compacting states.

9.9 6. To purchase and maintain insurance and bonds.

9.10 7. To borrow, accept, hire, or contract for services of personnel.

9.11 8. To establish and appoint committees and hire staff which it deems necessary for the
9.12 carrying out of its functions including, but not limited to, an executive committee as required
9.13 by Article III, which shall have the power to act on behalf of the Interstate Commission in
9.14 carrying out its powers and duties hereunder.

9.15 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
9.16 fix their compensation, define their duties, and determine their qualifications; and to establish
9.17 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
9.18 of interest, rates of compensation, and qualifications of personnel.

9.19 10. To accept any and all donations and grants of money, equipment, supplies, materials,
9.20 and services, and to receive, utilize, and dispose of it.

9.21 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
9.22 improve, or use any property, real, personal, or mixed.

9.23 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
9.24 of any property, real, personal, or mixed.

9.25 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII
9.26 of this compact.

9.27 14. To sue and be sued.

9.28 15. To adopt a seal and bylaws governing the management and operation of the Interstate
9.29 Commission.

9.30 16. To perform such functions as may be necessary or appropriate to achieve the purposes
9.31 of this compact.

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

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

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

10.8 20. The Interstate Commission shall maintain its corporate books and records in
10.9 accordance with the bylaws.

10.10 ARTICLE V

10.11 ORGANIZATION AND OPERATION 10.12 OF THE INTERSTATE COMMISSION

10.13 Section A. Bylaws.

10.14 1. The Interstate Commission shall, by a majority of the members present and voting,
10.15 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
10.16 conduct as may be necessary or appropriate to carry out the purposes of the compact,
10.17 including, but not limited to:

10.18 a. establishing the fiscal year of the Interstate Commission;

10.19 b. establishing an executive committee and such other committees as may be necessary;

10.20 c. provide: (i) for the establishment of committees, and (ii) governing any general or
10.21 specific delegation of any authority or function of the Interstate Commission;

10.22 d. providing reasonable procedures for calling and conducting meetings of the Interstate
10.23 Commission and ensuring reasonable notice of each such meeting;

10.24 e. establishing the titles and responsibilities of the officers of the Interstate Commission;

10.25 f. providing a mechanism for concluding the operations of the Interstate Commission
10.26 and the return of any surplus funds that may exist upon the termination of the compact after
10.27 the payment and/or reserving of all of its debts and obligations;

10.28 g. providing "start-up" rules for initial administration of the compact;

10.29 h. establishing standards and procedures for compliance and technical assistance in
10.30 carrying out the compact.

10.31 Section B. Officers and staff.

11.1 1. The Interstate Commission shall, by a majority of the members, elect annually from
11.2 among its members a chair and a vice-chair, each of whom shall have such authority and
11.3 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,
11.4 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so
11.5 elected shall serve without compensation or remuneration from the Interstate Commission;
11.6 provided that, subject to the availability of budget funds, the officers shall be reimbursed
11.7 for any ordinary and necessary costs and expenses incurred by them in the performance of
11.8 their responsibilities as officers of the Interstate Commission.

11.9 2. The Interstate Commission shall, through its executive committee, appoint or retain
11.10 an executive director for such period, upon such terms and conditions, and for such
11.11 compensation as the Interstate Commission may deem appropriate. The executive director
11.12 shall serve as secretary to the Interstate Commission, but shall not be a member and shall
11.13 hire and supervise such other staff as may be authorized by the Interstate Commission.

11.14 Section C. Qualified immunity, defense, and indemnification.

11.15 1. The commission's executive director and employees shall be immune from suit and
11.16 liability, either personally or in their official capacity, for any claim for damage to or loss
11.17 of property or personal injury or other civil liability caused or arising out of or relating to
11.18 any actual or alleged act, error, or omission that occurred, or that such person had a
11.19 reasonable basis for believing occurred within the scope of commission employment, duties,
11.20 or responsibilities; provided, that any such person shall not be protected from suit or liability
11.21 for any damage, loss, injury, or liability caused by the intentional or willful and wanton
11.22 misconduct of any such person.

11.23 2. The liability of any commissioner, or the employee or agent of a commissioner, acting
11.24 within the scope of such person's employment or duties for acts, errors, or omissions
11.25 occurring within such person's state may not exceed the limits of liability set forth under
11.26 the Constitution and laws of that state for state officials, employees, and agents. Nothing
11.27 in this subsection shall be construed to protect any such person from suit or liability for any
11.28 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct
11.29 of any such person.

11.30 3. The Interstate Commission shall defend the executive director or the employees or
11.31 representatives of the Interstate Commission and, subject to the approval of the attorney
11.32 general of the state represented by any commissioner of a compacting state, shall defend
11.33 such commissioner or the commissioner's representatives or employees in any civil action
11.34 seeking to impose liability arising out of any actual or alleged act, error, or omission that

12.1 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
12.2 or that the defendant has a reasonable basis for believing occurred within the scope of
12.3 Interstate Commission employment, duties, or responsibilities, provided that the actual or
12.4 alleged act, error, or omission did not result from intentional or willful and wanton
12.5 misconduct on the part of such person.

12.6 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
12.7 state, or the commissioner's representatives or employees, or the Interstate Commission's
12.8 representatives or employees, harmless in the amount of any settlement or judgment obtained
12.9 against such persons arising out of any actual or alleged act, error, or omission that occurred
12.10 within the scope of Interstate Commission employment, duties, or responsibilities, or that
12.11 such persons had a reasonable basis for believing occurred within the scope of Interstate
12.12 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
12.13 error, or omission did not result from intentional or willful and wanton misconduct on the
12.14 part of such persons.

12.15 ARTICLE VI

12.16 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

12.17 1. The Interstate Commission shall promulgate and publish rules in order to effectively
12.18 and efficiently achieve the purposes of the compact.

12.19 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
12.20 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
12.21 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
12.22 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the
12.23 Interstate Commission deems appropriate consistent with due process requirements under
12.24 the United States Constitution as now or hereafter interpreted by the United States Supreme
12.25 Court. All rules and amendments shall become binding as of the date specified, as published
12.26 with the final version of the rule as approved by the commission.

12.27 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

12.28 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

12.29 b. allow and invite any and all persons to submit written data, facts, opinions, and
12.30 arguments, which information shall be added to the record, and be made publicly available;

12.31 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;

12.32 and

13.1 d. promulgate a final rule and its effective date, if appropriate, based on input from state
13.2 or local officials, or interested parties.

13.3 4. The Interstate Commission shall allow, not later than 60 days after a rule is
13.4 promulgated, any interested person to file a petition in the United States District Court for
13.5 the District of Columbia or in the federal District Court where the Interstate Commission's
13.6 principal office is located for judicial review of such rule. If the court finds that the Interstate
13.7 Commission's action is not supported by substantial evidence in the rulemaking record, the
13.8 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence
13.9 is substantial if it would be considered substantial evidence under the Model (State)
13.10 Administrative Procedures Act.

13.11 5. If a majority of the legislatures of the compacting states rejects a rule, those states
13.12 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
13.13 cause that such rule shall have no further force and effect in any compacting state.

13.14 6. The existing rules governing the operation of the Interstate Compact on Juveniles
13.15 superceded by this act shall be null and void 12 months after the first meeting of the Interstate
13.16 Commission created hereunder.

13.17 7. Upon determination by the Interstate Commission that a state of emergency exists, it
13.18 may promulgate an emergency rule which shall become effective immediately upon adoption,
13.19 provided that the usual rulemaking procedures provided hereunder shall be retroactively
13.20 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective
13.21 date of the emergency rule.

13.22 ARTICLE VII

13.23 OVERSIGHT, ENFORCEMENT, AND DISPUTE 13.24 RESOLUTION BY THE INTERSTATE COMMISSION

13.25 Section A. Oversight.

13.26 1. The Interstate Commission shall oversee the administration and operations of the
13.27 interstate movement of juveniles subject to this compact in the compacting states and shall
13.28 monitor such activities being administered in noncompacting states which may significantly
13.29 affect compacting states.

13.30 2. The courts and executive agencies in each compacting state shall enforce this compact
13.31 and shall take all actions necessary and appropriate to effectuate the compact's purposes
13.32 and intent. The provisions of this compact and the rules promulgated hereunder shall be
13.33 received by all the judges, public officers, commissions, and departments of the state
13.34 government as evidence of the authorized statute and administrative rules. All courts shall

14.1 take judicial notice of the compact and the rules. In any judicial or administrative proceeding
14.2 in a compacting state pertaining to the subject matter of this compact which may affect the
14.3 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to
14.4 receive all service of process in any such proceeding, and shall have standing to intervene
14.5 in the proceeding for all purposes.

14.6 3. The compact administrator shall assess and collect fines, fees, and costs from any
14.7 state or local entity deemed responsible by the compact administrator for a default as
14.8 determined by the Interstate Commission under Article XI.

14.9 Section B. Dispute resolution.

14.10 1. The compacting states shall report to the Interstate Commission on all issues and
14.11 activities necessary for the administration of the compact as well as issues and activities
14.12 pertaining to compliance with the provisions of the compact and its bylaws and rules.

14.13 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
14.14 resolve any disputes or other issues which are subject to the compact and which may arise
14.15 among compacting states and between compacting and noncompacting states. The
14.16 commission shall promulgate a rule providing for both mediation and binding dispute
14.17 resolution for disputes among the compacting states.

14.18 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
14.19 the provisions and rules of this compact using any or all means set forth in Article XI of
14.20 this compact.

14.21 ARTICLE VIII

14.22 FINANCE

14.23 1. The Interstate Commission shall pay or provide for the payment of the reasonable
14.24 expenses of its establishment, organization, and ongoing activities.

14.25 2. The Interstate Commission shall levy on and collect an annual assessment from each
14.26 compacting state to cover the cost of the internal operations and activities of the Interstate
14.27 Commission and its staff which must be in a total amount sufficient to cover the Interstate
14.28 Commission's annual budget as approved each year. The aggregate annual assessment
14.29 amount shall be allocated based upon a formula to be determined by the Interstate
14.30 Commission, taking into consideration the population of each compacting state and the
14.31 volume of interstate movement of juveniles in each compacting state, and shall promulgate
14.32 a rule binding upon all compacting states which governs said assessment.

15.1 3. The Interstate Commission shall not incur any obligations of any kind prior to securing
15.2 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit
15.3 of any of the compacting states, except by and with the authority of the compacting state.

15.4 4. The Interstate Commission shall keep accurate accounts of all receipts and
15.5 disbursements. The receipts and disbursements of the Interstate Commission shall be subject
15.6 to the audit and accounting procedures established under its bylaws. However, all receipts
15.7 and disbursements of funds handled by the Interstate Commission shall be audited yearly
15.8 by a certified or licensed public accountant and the report of the audit shall be included in
15.9 and become part of the annual report of the Interstate Commission.

15.10 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for
15.11 Juveniles fund is established as a special fund in the Department of Corrections. The fund
15.12 consists of money appropriated for the purpose of meeting financial obligations imposed
15.13 on the state as a result of Minnesota's participation in this compact. An assessment levied
15.14 or any other financial obligation imposed under this compact is effective against the state
15.15 only to the extent that money to pay the assessment or meet the financial obligation has
15.16 been appropriated and deposited in the fund established in this paragraph.

15.17 ARTICLE IX

15.18 THE STATE ADVISORY COUNCIL

15.19 Each member state shall create a State Advisory Council for the Interstate Compact for
15.20 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be
15.21 combined with the Advisory Council on Interstate Adult Offender Supervision established
15.22 by section 243.1606 and consist of the following individuals or their designees:

15.23 (1) the governor;

15.24 (2) the chief justice of the Supreme Court;

15.25 (3) two senators, one from the majority and the other from the minority party, selected
15.26 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

15.27 (4) two representatives, one from the majority and the other from the minority party,
15.28 selected by the house speaker;

15.29 (5) a representative from the Department of Human Services regarding the Interstate
15.30 Compact for the Placement of Children;

15.31 (6) the compact administrator, selected as provided in Article III;

15.32 (7) the executive director of the Office of Justice Programs or designee;

- 16.1 (8) the deputy compact administrator; ~~and~~
- 16.2 (9) a representative from the State Public Defender's Office;
- 16.3 (10) a representative from the Minnesota County Attorney's Association;
- 16.4 (11) a representative from the Minnesota Sheriff's Association;
- 16.5 (12) a representative from the Minnesota Association of County Probation Officers;
- 16.6 (13) a representative from the Minnesota Association of Community Corrections Act
- 16.7 Counties;
- 16.8 (14) a representative from the community at large;
- 16.9 (15) a representative from a community organization working with victims of crimes;
- 16.10 and
- 16.11 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

16.12 The council may elect a chair from among its members.

16.13 The council shall oversee and administer the state's participation in the compact as

16.14 described in Article III. The council shall appoint the compact administrator as the state's

16.15 commissioner.

16.16 The state advisory council will advise and exercise advocacy concerning that state's

16.17 participation in Interstate Commission activities and other duties as may be determined by

16.18 that state, including, but not limited to, development of policy concerning operations and

16.19 procedures of the compact within that state.

16.20 Expiration; expenses. The provisions of section 15.059 apply to the council except that

16.21 it does not expire.

16.22 ARTICLE X

16.23 COMPACTING STATES, EFFECTIVE DATE, 16.24 AND AMENDMENT

16.25 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto

16.26 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas

16.27 Islands as defined in Article II of this compact is eligible to become a compacting state.

16.28 2. The compact shall become effective and binding upon legislative enactment of the

16.29 compact into law by no less than 35 of the states. The initial effective date shall be the later

16.30 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall

16.31 become effective and binding as to any other compacting state upon enactment of the

16.32 compact into law by that state. The governors of nonmember states or their designees shall

17.1 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
17.2 prior to adoption of the compact by all states and territories of the United States.

17.3 3. The Interstate Commission may propose amendments to the compact for enactment
17.4 by the compacting states. No amendment shall become effective and binding upon the
17.5 Interstate Commission and the compacting states unless and until it is enacted into law by
17.6 unanimous consent of the compacting states.

17.7 ARTICLE XI

17.8 WITHDRAWAL, DEFAULT, TERMINATION,
17.9 AND JUDICIAL ENFORCEMENT

17.10 Section A. Withdrawal.

17.11 1. Once effective, the compact shall continue in force and remain binding upon each
17.12 and every compacting state; provided that a compacting state may withdraw from the
17.13 compact specifically repealing the statute, which enacted the compact into law.

17.14 2. The effective date of withdrawal is the effective date of the repeal.

17.15 3. The withdrawing state shall immediately notify the chair of the Interstate Commission
17.16 in writing upon the introduction of legislation repealing this compact in the withdrawing
17.17 state. The Interstate Commission shall notify the other compacting states of the withdrawing
17.18 state's intent to withdraw within 60 days of its receipt thereof.

17.19 4. The withdrawing state is responsible for all assessments, obligations, and liabilities
17.20 incurred through the effective date of withdrawal, including any obligations, the performance
17.21 of which extend beyond the effective date of withdrawal.

17.22 5. Reinstatement following withdrawal of any compacting state shall occur upon the
17.23 withdrawing state reenacting the compact or upon such later date as determined by the
17.24 Interstate Commission.

17.25 Section B. Technical assistance, fines, suspension, termination, and default.

17.26 1. If the Interstate Commission determines that any compacting state has at any time
17.27 defaulted in the performance of any of its obligations or responsibilities under this compact,
17.28 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all
17.29 of the following penalties:

17.30 a. remedial training and technical assistance as directed by the Interstate Commission;

17.31 b. alternative dispute resolution;

18.1 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
18.2 Interstate Commission;

18.3 d. suspension or termination of membership in the compact, which shall be imposed
18.4 only after all other reasonable means of securing compliance under the bylaws and rules
18.5 have been exhausted and the Interstate Commission has therefore determined that the
18.6 offending state is in default. Immediate notice of suspension shall be given by the Interstate
18.7 Commission to the governor, the chief justice, or the chief judicial officer of the state; the
18.8 majority and minority leaders of the defaulting state's legislature; and the state council. The
18.9 grounds for default include, but are not limited to, failure of a compacting state to perform
18.10 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly
18.11 promulgated rules and any other grounds designated in commission bylaws and rules. The
18.12 Interstate Commission shall immediately notify the defaulting state in writing of the penalty
18.13 imposed by the Interstate Commission and of the default pending a cure of the default. The
18.14 commission shall stipulate the conditions and the time period within which the defaulting
18.15 state must cure its default. If the defaulting state fails to cure the default within the time
18.16 period specified by the commission, the defaulting state shall be terminated from the compact
18.17 upon an affirmative vote of a majority of the compacting states and all rights, privileges,
18.18 and benefits conferred by this compact shall be terminated from the effective date of
18.19 termination.

18.20 2. Within 60 days of the effective date of termination of a defaulting state, the commission
18.21 shall notify the governor, the chief justice or chief judicial officer, the majority and minority
18.22 leaders of the defaulting state's legislature, and the state council of such termination.

18.23 3. The defaulting state is responsible for all assessments, obligations, and liabilities
18.24 incurred through the effective date of termination including any obligations, the performance
18.25 of which extends beyond the effective date of termination.

18.26 4. The Interstate Commission shall not bear any costs relating to the defaulting state
18.27 unless otherwise mutually agreed upon in writing between the Interstate Commission and
18.28 the defaulting state.

18.29 5. Reinstatement following termination of any compacting state requires both a
18.30 reenactment of the compact by the defaulting state and the approval of the Interstate
18.31 Commission pursuant to the rules.

18.32 Section C. Judicial enforcement.

18.33 The Interstate Commission may, by majority vote of the members, initiate legal action
18.34 in the United States District Court for the District of Columbia or, at the discretion of the

19.1 Interstate Commission, in the federal district where the Interstate Commission has its offices,
19.2 to enforce compliance with the provisions of the compact, its duly promulgated rules and
19.3 bylaws, against any compacting state in default. In the event judicial enforcement is
19.4 necessary, the prevailing party shall be awarded all costs of such litigation, including
19.5 reasonable attorney fees.

19.6 Section D. Dissolution of compact.

19.7 1. The compact dissolves effective upon the date of the withdrawal or default of the
19.8 compacting state, which reduces membership in the compact to one compacting state.

19.9 2. Upon the dissolution of this compact, the compact becomes null and void and shall
19.10 be of no further force or effect, and the business and affairs of the Interstate Commission
19.11 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

19.12 ARTICLE XII

19.13 SEVERABILITY AND CONSTRUCTION

19.14 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence,
19.15 or provision is deemed unenforceable, the remaining provisions of this compact shall be
19.16 enforceable.

19.17 2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

19.18 ARTICLE XIII

19.19 BINDING EFFECT OF COMPACT AND OTHER LAWS

19.20 Section A. Other laws.

19.21 1. Nothing herein prevents the enforcement of any other law of a compacting state that
19.22 is not inconsistent with this compact.

19.23 2. All compacting states' laws other than state constitutions and other interstate compacts
19.24 conflicting with this compact are superseded to the extent of the conflict.

19.25 Section B. Binding effect of the compact.

19.26 1. All lawful actions of the Interstate Commission, including all rules and bylaws
19.27 promulgated by the Interstate Commission, are binding upon the compacting state.

19.28 2. All agreements between the Interstate Commission and the compacting states are
19.29 binding in accordance with their terms.

20.1 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate
20.2 Commission actions, and upon a majority vote of the compacting states, the Interstate
20.3 Commission may issue advisory opinions regarding such meaning of interpretation.

20.4 4. In the event any provision of this compact exceeds the constitutional limits imposed
20.5 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction
20.6 sought to be conferred by such provision upon the Interstate Commission shall be ineffective
20.7 and such obligations, duties, powers, or jurisdiction shall remain in the compacting state
20.8 and shall be exercised by the agency thereof to which such obligations, duties, powers, or
20.9 jurisdiction are delegated by law in effect at the time this compact becomes effective.