

1.1 A bill for an act

1.2 relating to corrections; adopting the Interstate Compact for Juveniles; proposing
1.3 coding for new law in Minnesota Statutes, chapter 260.

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

1.5 Section 1. [260.515] INTERSTATE COMPACT FOR JUVENILES.

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

1.8 ARTICLE I
1.9 PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.35 ARTICLE II
2.36 DEFINITIONS

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

S.F. No. 2891, as introduced - 86th Legislative Session (2009-2010) [10-4206]

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

3.3 B. "Compact administrator" means the individual in each compacting state appointed
3.4 pursuant to the terms of this compact responsible for the administration and management
3.5 of the state's supervision and transfer of juveniles subject to the terms of this compact,
3.6 the rules adopted by the Interstate Commission, and policies adopted by the state council
3.7 under this compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

4.1 K. "Rule" means a written statement by the Interstate Commission promulgated
4.2 pursuant to Article VI of this compact that is of general applicability, implements,
4.3 interprets, or prescribes a policy or provision of the compact, or an organizational,
4.4 procedural, or practice requirement of the commission, and has the force and effect of
4.5 statutory law in a compacting state, and includes the amendment, repeal, or suspension
4.6 of an existing rule.

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

4.10 ARTICLE III
4.11 INTERSTATE COMMISSION FOR JUVENILES

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

4.17 B. The Interstate Commission shall consist of commissioners appointed by the
4.18 appropriate appointing authority in each state pursuant to the rules and requirements
4.19 of each compacting state and in consultation with the State Advisory Council for
4.20 Interstate Supervision of Juvenile Offenders and Runaways created hereunder. The
4.21 commissioner shall be the compact administrator. The commissioner of corrections or
4.22 the commissioner's designee shall serve as the compact administrator, who shall serve
4.23 on the Interstate Commission in such capacity under or pursuant to the applicable law
4.24 of the compacting state.

4.25 C. In addition to the commissioners who are the voting representatives of each state,
4.26 the Interstate Commission shall include individuals who are not commissioners but who
4.27 are members of interested organizations. Such noncommissioner members must include
4.28 a member of the national organizations of governors, legislators, state chief justices,
4.29 attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact
4.30 on the Placement of Children, juvenile justice and juvenile corrections officials, and
4.31 crime victims. All noncommissioner members of the Interstate Commission shall be
4.32 ex-officio (nonvoting) members. The Interstate Commission may provide in its bylaws
4.33 for such additional ex-officio (nonvoting) members, including members of other national
4.34 organizations, in such numbers as shall be determined by the commission.

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

5.1 E. The commission shall meet at least once each calendar year. The chair may call
5.2 additional meetings and, upon the request of a simple majority of the compacting states,
5.3 shall call additional meetings. Public notice shall be given of all meetings and meetings
5.4 shall be open to the public.

5.5 F. The Interstate Commission shall establish an executive committee, which shall
5.6 include commission officers, members, and others as determined by the bylaws. The
5.7 executive committee shall have the power to act on behalf of the Interstate Commission
5.8 during periods when the Interstate Commission is not in session, with the exception of
5.9 rulemaking and/or amendment to the compact. The executive committee shall oversee
5.10 the day-to-day activities of the administration of the compact managed by an executive
5.11 director and Interstate Commission staff; administer enforcement and compliance with the
5.12 provisions of the compact, its bylaws, and rules; and perform such other duties as directed
5.13 by the Interstate Commission or set forth in the bylaws.

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

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

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

5.31 1. relate solely to the Interstate Commission's internal personnel practices and
5.32 procedures;

5.33 2. disclose matters specifically exempted from disclosure by statute;

5.34 3. disclose trade secrets or commercial or financial information which is privileged
5.35 or confidential;

5.36 4. involve accusing any person of a crime or formally censuring any person;

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

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

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

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

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

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

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

6.26 ARTICLE IV

6.27 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

6.28 The commission shall have the following powers and duties:

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

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

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

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

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

7.6 6. To purchase and maintain insurance and bonds.

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

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

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

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

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

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

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

7.24 14. To sue and be sued.

7.25 15. To adopt a seal and bylaws governing the management and operation of the
7.26 Interstate Commission.

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

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

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

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

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

8.3 ARTICLE V
8.4 ORGANIZATION AND OPERATION
8.5 OF THE INTERSTATE COMMISSION

8.5 Section A. Bylaws.

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

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

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

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

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

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

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

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

8.23 h. establishing standards and procedures for compliance and technical assistance in
8.24 carrying out the compact.

8.25 Section B. Officers and staff.

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

8.34 2. The Interstate Commission shall, through its executive committee, appoint or
8.35 retain an executive director for such period, upon such terms and conditions, and for such
8.36 compensation as the Interstate Commission may deem appropriate. The executive director

9.1 shall serve as secretary to the Interstate Commission, but shall not be a member and shall
9.2 hire and supervise such other staff as may be authorized by the Interstate Commission.

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

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

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

9.19 3. The Interstate Commission shall defend the executive director or the employees
9.20 or representatives of the Interstate Commission and, subject to the approval of the
9.21 attorney general of the state represented by any commissioner of a compacting state, shall
9.22 defend such commissioner or the commissioner's representatives or employees in any
9.23 civil action seeking to impose liability arising out of any actual or alleged act, error, or
9.24 omission that occurred within the scope of Interstate Commission employment, duties, or
9.25 responsibilities, or that the defendant has a reasonable basis for believing occurred within
9.26 the scope of Interstate Commission employment, duties, or responsibilities, provided that
9.27 the actual or alleged act, error, or omission did not result from intentional or willful and
9.28 wanton misconduct on the part of such person.

9.29 4. The Interstate Commission shall indemnify and hold the commissioner of a
9.30 compacting state, or the commissioner's representatives or employees, or the Interstate
9.31 Commission's representatives or employees, harmless in the amount of any settlement or
9.32 judgment obtained against such persons arising out of any actual or alleged act, error, or
9.33 omission that occurred within the scope of Interstate Commission employment, duties, or
9.34 responsibilities, or that such persons had a reasonable basis for believing occurred within
9.35 the scope of Interstate Commission employment, duties, or responsibilities, provided that

10.1 the actual or alleged act, error, or omission did not result from intentional or willful and
10.2 wanton misconduct on the part of such persons.

10.3 ARTICLE VI

10.4 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

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

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

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

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

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

11.6 ARTICLE VII
11.7 OVERSIGHT, ENFORCEMENT, AND DISPUTE
11.8 RESOLUTION BY
11.9 THE INTERSTATE COMMISSION

11.10 Section A. Oversight.

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

11.15 2. The courts and executive agencies in each compacting state shall enforce this
11.16 compact and shall take all actions necessary and appropriate to effectuate the compact's
11.17 purposes and intent. The provisions of this compact and the rules promulgated hereunder
11.18 shall be received by all the judges, public officers, commissions, and departments of the
11.19 state government as evidence of the authorized statute and administrative rules. All courts
11.20 shall take judicial notice of the compact and the rules. In any judicial or administrative
11.21 proceeding in a compacting state pertaining to the subject matter of this compact which
11.22 may affect the powers, responsibilities, or actions of the Interstate Commission, it shall be
11.23 entitled to receive all service of process in any such proceeding, and shall have standing to
11.24 intervene in the proceeding for all purposes.

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

11.28 Section B. Dispute resolution.

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

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

- 13.1 (1) the governor;
13.2 (2) the chief justice of the Supreme Court;
13.3 (3) two senators, one from the majority and the other from the minority party,
13.4 selected by the Subcommittee on Committees of the senate Committee on Rules and
13.5 Administration;
13.6 (4) two representatives, one from the majority and the other from the minority
13.7 party, selected by the house speaker;
13.8 (5) a representative from the Department of Human Services regarding the Interstate
13.9 Compact for the Placement of Children;
13.10 (6) the compact administrator, selected as provided in Article III;
13.11 (7) the executive director of the Office of Justice Programs or designee;
13.12 (8) the deputy compact administrator; and
13.13 (9) other members as appointed by the commissioner of corrections.
13.14 The council may elect a chair from among its members.
13.15 The council shall oversee and administer the state's participation in the compact as
13.16 described in Article III. The council shall appoint the compact administrator as the state's
13.17 commissioner.
13.18 The state advisory council will advise and exercise advocacy concerning that state's
13.19 participation in Interstate Commission activities and other duties as may be determined by
13.20 that state, including, but not limited to, development of policy concerning operations and
13.21 procedures of the compact within that state.
13.22 Expiration; expenses. The provisions of section 15.059 apply to the council except
13.23 that it does not expire.

13.24 ARTICLE X
13.25 COMPACTING STATES, EFFECTIVE DATE,
13.26 AND AMENDMENT

- 13.26 1. Any state, the District of Columbia (or its designee), the Commonwealth
13.27 of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the
13.28 Northern Marianas Islands as defined in Article II of this compact is eligible to become
13.29 a compacting state.
13.30 2. The compact shall become effective and binding upon legislative enactment of
13.31 the compact into law by no less than 35 of the states. The initial effective date shall be the
13.32 later of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it
13.33 shall become effective and binding as to any other compacting state upon enactment of
13.34 the compact into law by that state. The governors of nonmember states or their designees
13.35 shall be invited to participate in the activities of the Interstate Commission on a nonvoting
13.36 basis prior to adoption of the compact by all states and territories of the United States.

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

14.5 ARTICLE XI
14.6 WITHDRAWAL, DEFAULT, TERMINATION,
14.7 AND JUDICIAL ENFORCEMENT

14.7 Section A. Withdrawal.

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

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

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

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

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

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

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

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

14.29 b. alternative dispute resolution;

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

14.32 d. suspension or termination of membership in the compact, which shall be imposed
14.33 only after all other reasonable means of securing compliance under the bylaws and
14.34 rules have been exhausted and the Interstate Commission has therefore determined that
14.35 the offending state is in default. Immediate notice of suspension shall be given by the
14.36 Interstate Commission to the governor, the chief justice, or the chief judicial officer of the

14.37 state; the majority and minority leaders of the defaulting state's legislature; and the state
15.1 council. The grounds for default include, but are not limited to, failure of a compacting
15.2 state to perform such obligations or responsibilities imposed upon it by this compact,
15.3 the bylaws, or duly promulgated rules and any other grounds designated in commission
15.4 bylaws and rules. The Interstate Commission shall immediately notify the defaulting state
15.5 in writing of the penalty imposed by the Interstate Commission and of the default pending
15.6 a cure of the default. The commission shall stipulate the conditions and the time period
15.7 within which the defaulting state must cure its default. If the defaulting state fails to cure
15.8 the default within the time period specified by the commission, the defaulting state shall
15.9 be terminated from the compact upon an affirmative vote of a majority of the compacting
15.10 states and all rights, privileges, and benefits conferred by this compact shall be terminated
15.11 from the effective date of termination.

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

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

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

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

15.25 Section C. Judicial enforcement.

15.26 The Interstate Commission may, by majority vote of the members, initiate legal
15.27 action in the United States District Court for the District of Columbia or, at the discretion
15.28 of the Interstate Commission, in the federal district where the Interstate Commission
15.29 has its offices, to enforce compliance with the provisions of the compact, its duly
15.30 promulgated rules and bylaws, against any compacting state in default. In the event
15.31 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such
15.32 litigation, including reasonable attorney fees.

15.33 Section D. Dissolution of compact.

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

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

16.5 ARTICLE XII
16.6 SEVERABILITY AND CONSTRUCTION

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

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

16.12 ARTICLE XIII
16.13 BINDING EFFECT OF COMPACT AND OTHER LAWS

16.14 Section A. Other laws.

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

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

16.19 Section B. Binding effect of the compact.

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

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

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

16.27 4. In the event any provision of this compact exceeds the constitutional limits
16.28 imposed on the legislature of any compacting state, the obligations, duties, powers, or
16.29 jurisdiction sought to be conferred by such provision upon the Interstate Commission shall
16.30 be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the
16.31 compacting state and shall be exercised by the agency thereof to which such obligations,
16.32 duties, powers, or jurisdiction are delegated by law in effect at the time this compact
16.33 becomes effective.