

**SENATE . . . . . No. 2189**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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 Chapter 687 of the acts of 1955 is hereby repealed.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 shall execute a compact, on behalf of the commonwealth,  
3 with any other state or states legally joined therein in the form substantially set out in section 3;  
4 provided, however, that the commissioner of the department of youth services shall serve as the  
5 compact administrator; and provided further, that accused status offenders and non-offender  
6 juveniles shall not be detained in a secure detention facility or as otherwise prohibited by the  
7 purpose and intent of applicable state or federal laws.

8 SECTION 3. The General Laws are hereby amended by inserting after chapter  
9 120 the following chapter:-

10 CHAPTER 120A

11 INTERSTATE COMPACT ON JUVENILES

12 Section 1. The compacting states to this Interstate compact recognize that each  
13 state is responsible for the proper supervision or return of juveniles, delinquents and status

14 offenders who are on probation or parole and who have absconded, escaped or run away from  
15 supervision and control and, in so doing, have endangered their own safety and the safety of  
16 others. The compacting states also recognize that each state is responsible for the safe return of  
17 juveniles who have run away from home and, in so doing, have left their state of residence. The  
18 compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C.  
19 Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual  
20 assistance in the prevention of crime. It is the purpose of this compact, through means of  
21 joint and cooperative action among the compacting states to: (A) ensure that adjudicated  
22 juveniles and status offenders subject to this compact are provided adequate supervision and  
23 services in the receiving state as ordered by the adjudicating judge or parole authority in the  
24 sending state; (B) ensure that the public safety interests of citizens, including the victims of  
25 juvenile offenders, in both the sending and receiving states are adequately protected; (C) return  
26 juveniles who have run away, absconded or escaped from supervision or control or have been  
27 accused of an offense to the state requesting their return; (D) make contracts for the cooperative  
28 institutionalization in public facilities in member states for delinquent youth needing special  
29 services; (E) provide for the effective tracking and supervision of juveniles; (F) equitably  
30 allocate the costs, benefits and obligations of the compacting states; (G) establish procedures to  
31 manage the movement between states of juvenile offenders released to the community under the  
32 jurisdiction of courts, juvenile departments or any other criminal or juvenile justice agency  
33 which has jurisdiction over juvenile offenders; (H) insure immediate notice to jurisdictions  
34 where defined offenders are authorized to travel or to relocate across state lines; (I) establish  
35 procedures to resolve pending charges against juvenile offenders prior to transfer or release to  
36 the community under the terms of this compact; (J) establish a system of uniform data collection

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

52 Section 2. As used in sections 1 to 20, inclusive, unless the context clearly requires  
53 otherwise, the following words shall have the following meanings:- “By –laws”, those by-  
54 laws established by the interstate commission for its governance, or for directing or controlling  
55 its actions or conduct. “Compact administrator”, the individual in each compacting state  
56 responsible for the administration and management of the state's supervision and transfer of  
57 juveniles subject to the terms of this compact, the rules adopted by the interstate commission and  
58 policies adopted by the state council under this compact. “Compacting state”, any state which  
59 has enacted the enabling legislation for this compact. “Commissioner”, the voting

60 representative of each compacting state appointed pursuant to section 3. “Court”, any court  
61 having jurisdiction over delinquent, neglected or dependent children. “Deputy compact  
62 administrator”, the individual, if any, in each compacting state appointed to act on behalf of a  
63 compact administrator, pursuant to the terms of this compact, responsible for the administration  
64 and management of the state's supervision and transfer of juveniles subject to the terms of this  
65 compact, the rules adopted by the interstate commission and policies adopted by the state council  
66 under this compact. “Interstate commission”, the interstate commission for juveniles created  
67 by section 3. “Juvenile”, any person defined as a juvenile in any member state or by the rules of  
68 the interstate commission, including:

69 (1)“Accused delinquent”, a person charged with an offense that, if committed by an adult,  
70 would be a criminal offense; (2) “Adjudicated delinquent”, a person found to have committed an  
71 offense that, if committed by an adult, would be a criminal offense;(3)“Accused status offender”,  
72 a person charged with an offense that would not be a criminal offense if committed by an  
73 adult;(4)“Adjudicated status offender”, a person found to have committed an offense that would  
74 not be a criminal offense if committed by an adult; and(5)“Non-offender”, a person in need of  
75 supervision who has not been accused or adjudicated a status offender or a delinquent.

76 “Non-compacting state”, any state which has not enacted the enabling legislation  
77 for this compact. “Probation or parole”, any kind of supervision or conditional release of  
78 juveniles authorized under the laws of the compacting states. “Rule”, a written statement  
79 by the interstate commission adopted pursuant to section 4 that is of general applicability,  
80 implements, interprets or prescribes a policy or provision of the compact, or an organizational,  
81 procedural or practice requirement of the commission, and has the force and effect of statutory  
82 law in a compacting state, and includes the amendment, repeal or suspension of an existing rule.

83 “State”, a state of the United States, the District of Columbia, or its designee, the  
84 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and  
85 the Northern Marianas Islands. Section 3. (a) The compacting states hereby create the  
86 interstate commission for juveniles. The commission shall be a body corporate and joint agency  
87 of the compacting states. The commission shall have all the responsibilities, powers and duties  
88 set forth herein, and such additional powers as may be conferred upon it by subsequent action of  
89 the respective legislatures of the compacting states in accordance with the terms of this compact.

90 (b) The interstate commission shall consist of commissioners appointed by the  
91 appropriate appointing authority in each state pursuant to the rules and requirements of each  
92 compacting state and in consultation with the state council for interstate juvenile supervision  
93 created hereunder. The commissioner shall be the compact administrator, deputy compact  
94 administrator or designee from a state who shall serve on the interstate commission in such  
95 capacity pursuant to the applicable law of such compacting state. (c) In addition to the  
96 commissioners, who shall be the voting representatives of each state, the interstate commission  
97 shall include individuals who are not commissioners, but who are members of interested  
98 organizations. Such non-commissioner members shall include a member of the national  
99 organizations of governors, legislators, state chief justices, attorneys general, interstate compact  
100 for adult offender supervision, interstate compact for the placement of children, juvenile justice  
101 and juvenile corrections officials and crime victims. All non-commissioner members of the  
102 interstate commission shall be ex-officio members. The interstate commission may provide in its  
103 by-laws for such additional ex-officio members, including members of other national  
104 organizations, in such numbers as shall be determined by the commission. (d) Each compacting  
105 state represented at any meeting of the commission shall be entitled to 1 vote. A majority of the

106 compacting states shall constitute a quorum for the transaction of business, unless a larger  
107 quorum is required by the by-laws of the interstate commission. (e) The commission shall  
108 meet at least once each calendar year. The chairperson may call additional meetings and, upon  
109 the request of a simple majority of the compacting states, shall call additional meetings. Public  
110 notice shall be given of all meetings and meetings shall be open to the public. (f) The  
111 interstate commission shall establish an executive committee, which shall include commission  
112 officers, members and others as determined by the by-laws. The executive committee shall have  
113 the power to act on behalf of the interstate commission during periods when the interstate  
114 commission is not in session, with the exception of rulemaking power or power to amend the  
115 compact. The executive committee shall oversee the day-to-day activities of the administration  
116 of the compact managed by an executive director and interstate commission staff; administer  
117 enforcement and compliance with the compact, its by-laws and rules; and perform such other  
118 duties as directed by the interstate commission or set forth in the by-laws. (g) Each member of  
119 the interstate commission shall have the right and power to cast a vote to which that compacting  
120 state is entitled and to participate in the business and affairs of the interstate commission. A  
121 member shall vote in person and shall not delegate a vote to another compacting state. However,  
122 a commissioner, in consultation with the state council, shall appoint another authorized  
123 representative, in the absence of such commissioner from that state, to cast a vote on behalf of  
124 such compacting state at a specified meeting. The by-laws may provide for members'  
125 participation in meetings by telephone or other means of telecommunication or electronic  
126 communication. (h) The interstate commission's by-laws shall establish conditions and  
127 procedures under which the interstate commission shall make its information and official records  
128 available to the public for inspection or copying. The interstate commission may exempt from

129 disclosure any information or official records to the extent that they would adversely affect  
130 personal privacy rights or proprietary interests. (i) Public notice shall be given of all  
131 meetings and all meetings shall be open to the public, except as set forth in the rules or as  
132 otherwise provided in the compact. The interstate commission and any of its committees may  
133 close a meeting to the public if it determines, by two-thirds vote, that an open meeting would be  
134 likely to:

135 (1) relate solely to the interstate commission's internal personnel practices and  
136 procedures;

137 (2) disclose matters specifically exempted from disclosure by statute;

138 (3) disclose trade secrets or commercial or financial information which is privileged or  
139 confidential;

140 (4) involve accusing any person of a crime or formally censuring any person;(5)  
141 disclose information of a personal nature if disclosure would constitute a clearly unwarranted  
142 invasion of personal privacy;(6) disclose investigative records compiled for law enforcement  
143 purposes;

144 (7) disclose information contained in, or related to, examination, operating or  
145 condition reports prepared by, or on behalf of or for the use of, the interstate commission relative  
146 to a regulated person or entity for the purpose of regulation or supervision of such person or  
147 entity;(8) disclose information, the premature disclosure of which would significantly  
148 endanger the stability of a regulated person or entity; or(9) specifically relate to the interstate  
149 commission's issuance of a subpoena, or its participation in a civil action or other legal  
150 proceeding.

151 (j) For every meeting closed pursuant to this section, the interstate commission's  
152 legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed  
153 to the public, and shall reference each relevant exemption. The interstate commission shall keep  
154 minutes which shall fully and clearly describe all matters discussed in any meeting and shall  
155 provide a full and accurate summary of any actions taken, and the reasons therefore, including a  
156 description of each of the views expressed on any item and the record of any roll call vote  
157 reflected in the vote of each member on the question. All documents considered in connection  
158 with any action shall be identified in the minutes. (k) The interstate commission shall collect  
159 standardized data relative to the interstate movement of juveniles as directed through its rules  
160 which shall specify the data to be collected, the means of collection and data exchange and  
161 reporting requirements. Such methods of data collection, exchange and reporting shall, insofar as  
162 is reasonably possible, conform to up-to-date technology and coordinate its information  
163 functions with the appropriate repository of records. Section 4. The commission shall  
164 have the following powers and duties:

165 (1) to provide for dispute resolution among compacting states;(2) to promulgate  
166 rules to effect the purposes and obligations as enumerated in this compact, which shall have the  
167 force and effect of statutory law and shall be binding in the compacting states to the extent and in  
168 the manner provided in this compact;(3) to oversee, supervise and coordinate the interstate  
169 movement of juveniles subject to the terms of this compact and any by-laws adopted and rules  
170 adopted by the interstate commission;(4) to enforce compliance with the compact provisions,  
171 the rules adopted by the interstate commission and the by-laws, using all necessary and proper  
172 means including, but not limited to, the use of judicial process;(5) to establish and maintain  
173 offices which shall be located within 1 or more of the compacting states;(6) to purchase and



174 maintain insurance and bonds;(7) to borrow, accept, hire or contract for services of  
175 personnel;(8) to establish and appoint committees and hire staff which it deems necessary for  
176 the carrying out of its functions including, but not limited to, an executive committee, as required  
177 by section 3, which shall have the power to act on behalf of the interstate commission in carrying  
178 out its powers and duties hereunder;(9) to elect or appoint such officers, attorneys, employees,  
179 agents or consultants and to fix their compensation, define their duties and determine their  
180 qualifications and to establish the interstate commission's personnel policies and programs  
181 relating to, inter alia, conflicts of interest, rates of compensation and qualifications of  
182 personnel;(10) to accept any and all donations and grants of money, equipment, supplies,  
183 materials and services and to receive, utilize and dispose of same;(11) to lease, purchase, accept  
184 contributions or donations of, or otherwise to own, hold, improve or use any property, real,  
185 personal or mixed;(12) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise  
186 dispose of any property, real, personal or mixed;(13) to establish a budget and make  
187 expenditures and levy dues as provided in section 11;(14) to sue and be sued;(15) to adopt a  
188 seal and by-laws governing the management and operation of the interstate commission;(16) to  
189 perform such functions as may be necessary or appropriate to achieve the purposes of this  
190 compact;(17) to report annually to the legislatures, governors, judiciary, and state councils of the  
191 compacting states relative to the activities of the interstate commission during the preceding  
192 year, including any recommendations that may have been adopted by the interstate  
193 commission;(18) to coordinate education, training and public awareness relative to the interstate  
194 movement of juveniles for officials involved in such activity; and(19) to establish uniform  
195 standards of the reporting, collecting and exchanging of data.

196                   The interstate commission shall maintain its corporate books and records in  
197 accordance with the by-laws. Section 5. The interstate commission shall, by a majority of the  
198 members present and voting, within 12 months after the first interstate commission meeting,  
199 adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes  
200 of the compact including, but not limited to:

201                   (1) establishing the fiscal year of the interstate commission; (2) establishing an  
202 executive committee and such other committees as may be necessary;(3) providing for the  
203 establishment of committees governing any general or specific delegation of any authority or  
204 function of the interstate commission;(4) providing reasonable procedures for calling and  
205 conducting meetings of the interstate commission and ensuring reasonable notice of each such  
206 meeting;(5) establishing the titles and responsibilities of the officers of the interstate  
207 commission;(6) providing a mechanism for concluding the operations of the interstate  
208 commission and the return of any surplus funds that may exist upon the termination of the  
209 compact after the payment or reserving of all of its debts and obligations.(7) providing “start-  
210 up” rules for initial administration of the compact; and(8) establishing standards and procedures  
211 for compliance and technical assistance in carrying out the compact.

212                   Section 6. (a) The interstate commission shall, by a majority of the members, elect  
213 annually from among its members a chairperson and a vice chairperson, each of whom shall have  
214 such authority and duties as may be specified in the by-laws. The chairperson or, in the  
215 chairperson’s absence or disability, the vice-chairperson shall preside at all meetings of the  
216 interstate commission. The officers so elected shall serve without compensation or remuneration  
217 from the interstate commission but, subject to the availability of budgeted funds, the officers  
218 shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the

219 performance of their duties and responsibilities as officers of the interstate commission. (b) The  
220 interstate commission shall, through its executive committee, appoint or retain an executive  
221 director for such period, upon such terms and conditions and for such compensation as the  
222 interstate commission may deem appropriate. The executive director shall serve as secretary to  
223 the interstate commission, but shall not be a member and shall hire and supervise such other staff  
224 as may be authorized by the interstate commission. Section 7. (a) The commission's executive  
225 director and employees shall be immune from suit and liability, either personally or in their  
226 official capacity, for any claim for damage to or loss of property or personal injury or other civil  
227 liability caused or arising out of or relating to any actual or alleged act, error or omission that  
228 occurred, or that such person had a reasonable basis for believing occurred within the scope of  
229 commission employment, duties or responsibilities except that any such person shall not be  
230 protected from suit or liability for any damage, loss, injury or liability caused by the intentional  
231 or willful and wanton misconduct of any such

232 person. (b) The liability of any  
233 commissioner, or the employee or agent of a commissioner, acting within the scope of such  
234 person's employment or duties for acts, errors or omissions occurring within such person's state  
235 may not exceed the limits of liability set forth under the Constitution and laws of that state for  
236 state officials, employees and agents. Nothing in this section shall be construed to protect any  
237 such person from suit or liability for any damage, loss, injury or liability caused by the  
238 intentional or willful and wanton misconduct of such person. (c) The interstate commission

239 shall defend the executive director or the employees or representatives of the interstate  
240 commission and, subject to the approval of the attorney general of the state represented by any  
241 commissioner of a compacting state, shall defend such commissioner or the commissioner's

242 representatives or employees in any civil action seeking to impose liability arising out of any  
243 actual or alleged act, error or omission that occurred within the scope of interstate commission  
244 employment, duties or responsibilities, or that the defendant had a reasonable basis for believing  
245 occurred within the scope of interstate commission employment, duties or responsibilities, unless  
246 the actual or alleged act, error or omission did not result from intentional or willful and wanton  
247 misconduct on the part of such person. (d) The interstate commission shall indemnify and  
248 hold the commissioner of a compacting state or the commissioner's representatives or employees  
249 and the interstate commission's representatives or employees harmless in the amount of any  
250 settlement or judgment obtained against such persons arising out of any actual or alleged act,  
251 error or omission that occurred within the scope of interstate commission employment, duties or  
252 responsibilities, or that such persons had a reasonable basis for believing occurred within the  
253 scope of interstate commission employment, duties or responsibilities, if the actual or alleged act,  
254 error or omission did not result from intentional or willful and wanton misconduct on the part of  
255 such persons. Section 8. (a) The interstate commission shall promulgate and publish rules in  
256 order to effectively and efficiently achieve the purposes of the compact. (b) Rulemaking shall  
257 occur pursuant to the criteria set forth in this section and the by-laws and rules adopted pursuant  
258 thereto. Such rulemaking shall substantially conform to the principles of the "Model State  
259 Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or  
260 such other administrative procedures act, as the interstate commission deems appropriate,  
261 consistent with due process requirements under the United States Constitution as now or  
262 hereafter interpreted by the United States Supreme Court. All rules and amendments shall  
263 become binding, as of the date specified, as published with the final version of the rule as

264 approved by the commission. (c) When promulgating a rule, the interstate commission  
265 shall, at a minimum:

266 (1) publish the proposed rule's entire text, stating the reasons for such proposed rule;(2)  
267 allow and invite any and all persons to submit written data, facts, opinions and arguments, which  
268 information shall be added to the record and be made publicly available;(3) provide an  
269 opportunity for an informal hearing if petitioned by 10 or more persons; and(4) promulgate a  
270 final rule and its effective date, if appropriate, based on input from state or local officials or  
271 interested parties.

272 (d) Allow, not later than 60 days after a rule is promulgated, any interested person  
273 to file a petition in the United States District Court for the District of Columbia or in the Federal  
274 District Court where the interstate commission's principal office is located for judicial review of  
275 such rule. If the court finds that the interstate commission's action is not supported by  
276 substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it  
277 aside. For purposes of this section, evidence is substantial if it would be considered substantial  
278 evidence under the Model State Administrative Procedures Act. (e) If a majority of the

279 legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or  
280 resolution in the same manner used to adopt the compact, cause that such rule shall have no  
281 further force and effect in any compacting state. (f) The existing rules governing the

282 operation of the interstate compact on juveniles superseded by this act shall be null and void 12  
283 months after the first meeting of the interstate commission. (g) Upon determination by the

284 interstate commission that a state-of-emergency exists, it may promulgate an emergency rule  
285 which shall become effective immediately upon adoption, but the rulemaking procedures

286 provided hereunder shall be retroactively applied to such rule as soon as reasonably possible, but

287 not later than 90 days after the effective date of the emergency rule. Section 9. (a) The  
288 interstate commission shall oversee the administration and operations of the interstate movement  
289 of juveniles subject to this compact in the compacting states and shall monitor such activities  
290 being administered in non-compacting states which may significantly affect compacting states.

291 (b) The courts and executive agencies in each compacting state shall enforce this compact  
292 and shall take all actions necessary and appropriate to effectuate the compact's purposes and  
293 intent. This compact, and the rules adopted thereby, shall be received by all the judges, public  
294 officers, commissions and departments of the state government as evidence of the authorized  
295 statute and administrative rules. All courts shall take judicial notice of the compact and the  
296 rules. In any judicial or administrative proceeding in a compacting state relative to the subject  
297 matter of this compact which may affect the powers, responsibilities or actions of the interstate  
298 commission, it shall be entitled to receive all service of process in any such proceeding, and shall  
299 have standing to intervene in the proceeding for all purposes. Section 10. (a) The

300 compacting states shall report to the interstate commission on all issues and activities necessary  
301 for the administration of the compact as well as issues and activities relative to compliance with  
302 the compact and its by-laws and rules. (b) The interstate commission shall attempt, upon

303 the request of a compacting state, to resolve any disputes or other issues which are subject to the  
304 compact and which may arise among compacting states and between compacting and non-  
305 compacting states. The commission shall promulgate a rule providing for both mediation and  
306 binding dispute resolution for disputes among the compacting states. (c) The interstate

307 commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of  
308 this compact using any or all means set forth in section 16. Section 11. (a) The interstate  
309 commission shall pay or provide for the payment of the reasonable expenses of its establishment,

310 organization and ongoing activities. (b) The interstate commission shall levy on and collect an  
311 annual assessment from each compacting state to cover the cost of the internal operations and  
312 activities of the interstate commission and its staff which must be in a total amount sufficient to  
313 cover the interstate commission's annual budget as approved each year. The aggregate annual  
314 assessment amount shall be allocated based upon a formula to be determined by the interstate  
315 commission, taking into consideration the population of each compacting state and the volume of  
316 interstate movement of juveniles in each compacting state and shall promulgate a rule binding  
317 upon all compacting states which governs such assessment. (c) The interstate commission  
318 shall not incur any obligations of any kind prior to securing the funds adequate to meet the same;  
319 nor shall the interstate commission pledge the credit of any of the compacting states, except by  
320 and with the authority of the compacting state. (d) The interstate commission shall keep  
321 accurate accounts of all receipts and disbursements. The receipts and disbursements of the  
322 interstate commission shall be subject to the audit and accounting procedures established under  
323 its by-laws. However, all receipts and disbursements of funds handled by the interstate  
324 commission shall be audited yearly by a certified or licensed public accountant and the report of  
325 the audit shall be included in and become part of the annual report of the interstate commission.

326 Section 12. Each member state shall create a state council for interstate juvenile  
327 supervision. While each state may determine the membership of its own state council, its  
328 membership must include at least 1 representative from the legislative, judicial, and executive  
329 branches of government, victims groups, and the compact administrator, deputy compact  
330 administrator or designee. Each compacting state shall retain the right to determine the  
331 qualifications of the compact administrator or deputy compact administrator. Each state council  
332 shall advise and may exercise oversight and advocacy relative to such state's participation in

333 interstate commission activities and other duties as may be determined by such state including,  
334 but not limited to, development of policy relative to operations and procedures of the compact  
335 within such state. Section 13. (a) Any state, the District of Columbia, or its designee, the  
336 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and  
337 the Northern Marianas Islands as defined in section 2 shall be eligible to become a compacting  
338 state. (b) The compact shall become effective and binding upon legislative enactment of the  
339 compact into law by not less than 35 of the states. The initial effective date shall be the later of  
340 July 1, 2004 or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall  
341 become effective and binding as to any other compacting state upon enactment of the compact  
342 into law by such state. The governors of non-member states or their designees shall be invited to  
343 participate in the activities of the interstate commission, on a non-voting basis, prior to adoption  
344 of the compact by all states and territories of the United States. (c) The interstate commission  
345 may propose amendments to the compact for enactment by the compacting states. No  
346 amendment shall become effective and binding upon the interstate commission and the  
347 compacting states unless and until it is enacted into law by unanimous consent of the compacting  
348 states. Section 14. (a) Once effective, the compact shall continue in force and remain binding  
349 upon each compacting state but a compacting state may withdraw from the compact by repealing  
350 the statute which enacted the compact into law in such state. (b) The effective date of  
351 withdrawal shall be the effective date of the repeal. (c) The withdrawing state shall immediately  
352 notify the chairperson of the interstate commission, in writing, upon the introduction of  
353 legislation repealing the compact in the withdrawing state. The interstate commission shall  
354 notify the other compacting states of the withdrawing state's intent to withdraw within 60 days  
355 of its receipt thereof.



356 (1) The withdrawing state shall be responsible for all assessments, obligations and  
357 liabilities incurred through the effective date of withdrawal, including any obligations, the  
358 performance of which extend beyond the effective date of withdrawal.(2) Reinstatement  
359 following withdrawal of any compacting state shall occur upon the withdrawing state reenacting  
360 the compact or upon such later date as determined by the interstate commission.

361 Section 15. (a) If the interstate commission determines that any compacting state  
362 has at any time defaulted in the performance of any of its obligations or responsibilities under  
363 this compact, or the by-laws or duly adopted rules, the interstate commission may impose any or  
364 all of the following penalties:

365 (1) remedial training and technical assistance as directed by the interstate  
366 commission;(2) alternative dispute resolution;(3) fines, fees and costs in such amounts as  
367 are deemed to be reasonable as fixed by the interstate commission; and(4) suspension or  
368 termination of membership in the compact, which shall be imposed only after all other  
369 reasonable means of securing compliance under the by-laws and rules have been exhausted and  
370 the interstate commission has therefore determined that the offending state is in default.  
371 Immediate notice of suspension shall be given by the interstate commission to the governor, the  
372 chief justice or the chief judicial officer of the state, the majority and minority leaders of the  
373 defaulting state's legislature and the state council. Grounds for default include, but are not  
374 limited to, failure of a compacting state to perform such obligations or responsibilities imposed  
375 upon it by this compact, the by-laws or duly adopted rules and any other grounds designated in  
376 interstate commission by-laws and rules. The interstate commission shall immediately notify the  
377 defaulting state, in writing, of the penalty imposed by the interstate commission and of the  
378 default, pending a cure of the default. The interstate commission shall stipulate the conditions

379 and the time period within which the defaulting state must cure the default. If the defaulting  
380 state fails to cure the default within the time period specified by the interstate commission, the  
381 defaulting state shall be terminated from the compact upon an affirmative vote of a majority of  
382 the compacting states and all rights, privileges and benefits conferred by this compact shall be  
383 terminated from the effective date of termination of membership.

384 (b) Within 60 days of the effective date of termination of a defaulting state, the  
385 commission shall notify the governor, the chief Justice or chief judicial officer, the majority and  
386 minority leaders of the defaulting state's legislature and the state council of such termination.

387 (c) The defaulting state shall be responsible for all assessments, obligations and liabilities  
388 incurred through the effective date of termination including any obligations, the performance of  
389 which extends beyond the effective date of termination. (d) The interstate commission shall

390 not bear any costs relating to the defaulting state unless otherwise mutually agreed upon, in  
391 writing, between the interstate commission and the defaulting state. (e) Reinstatement

392 following termination of any compacting state requires both a reenactment of the compact by the  
393 defaulting state and the approval of the interstate commission pursuant to the rules. Section

394 16. The interstate commission may, by majority vote of the members, initiate legal action in the  
395 United States District Court for the District of Columbia or, at the discretion of the interstate  
396 commission, in the federal district wherein the interstate commission offices are located, to  
397 enforce compliance with the compact, its duly adopted rules and by-laws, against any  
398 compacting state in default. In the event judicial enforcement is necessary, the prevailing party  
399 shall be awarded all costs of such litigation, including reasonable attorneys fees. Section 17.

400 (a) The compact shall dissolve effective on the date of the withdrawal or default of the  
401 compacting state, which reduces membership in the compact to 1 compacting state. (b)

402 Upon the dissolution of this compact, the compact shall become null and void and shall be of no  
403 further force or effect, and the business and affairs of the interstate commission shall be  
404 concluded. Any surplus funds of the interstate commission shall be distributed in accordance  
405 with the by-laws. Section 18. (a) The provisions of this compact shall be severable and, if  
406 any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of  
407 the compact shall be enforceable. (b) The provisions of this compact shall be liberally  
408 construed to effectuate its purposes. Section 19. (a) Nothing in this compact shall prevent the  
409 enforcement of any other law of a compacting state that is not inconsistent with this compact.  
410 (b) All compacting states' laws other than state Constitutions and other interstate  
411 compacts conflicting with this compact are superseded to the extent of the conflict.  
412 Section 20. (a) All lawful actions of the interstate commission, including all rules and  
413 by-laws adopted by the interstate commission, are binding upon the compacting states. (b) All  
414 agreements between the interstate commission and the compacting states are binding in  
415 accordance with their terms. (c) Upon the request of a party to a conflict over meaning or  
416 interpretation of interstate commission actions, and upon a majority vote of the compacting  
417 states, the interstate commission may issue advisory opinions regarding such meaning or  
418 interpretation. (d) In the event any provision of this compact exceeds the constitutional limits  
419 imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction  
420 sought to be conferred by such provision upon the interstate commission shall be ineffective and  
421 such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be  
422 exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are  
423 delegated by law in effect at the time this compact becomes effective.