

# SENATE . . . . . No. 53

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Nine  
\_\_\_\_\_

An Act establishing the interstate compact for juveniles..

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

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 Chapter 687 of the Acts of 1955 is hereby repealed.

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

5           SECTION 3. The General Laws are hereby amended by inserting after Chapter 120 the  
6      following new chapter:

7           Chapter 120A - Interstate Compact on Juveniles

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

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

37 juveniles and initiate interventions to address and correct non-compliance; (L) coordinate  
38 training and education regarding the regulation of interstate movement of juveniles for officials  
39 involved in such activity; and (M) coordinate the implementation and operation of the compact  
40 with the Interstate Compact for the Placement of Children, the Interstate Compact for Adult  
41 Offender Supervision and other compacts affecting juveniles particularly in those cases where  
42 concurrent or overlapping supervision issues arise. It is the policy of the compacting states that  
43 the activities conducted by the Interstate Commission created herein are the formation of public  
44 policies and therefore are public business. Furthermore, the compacting states shall cooperate  
45 and observe their individual and collective duties and responsibilities for the prompt return and  
46 acceptance of juveniles subject to the provisions of this compact. The provisions of this compact  
47 shall be reasonably and liberally construed to accomplish the purposes and policies of the  
48 compact. Section 2. Definitions. As used in sections 1 to 20 inclusive, unless the context clearly  
49 requires a different construction, the following words shall have the following meanings:- “By –  
50 laws”, those by-laws established by the Interstate Commission for its governance, or for  
51 directing or controlling its actions or conduct. “Compact Administrator”, the individual in each  
52 compacting state appointed pursuant to the terms of this compact, responsible for the  
53 administration and management of the state's supervision and transfer of juveniles subject to the  
54 terms of this compact, the rules adopted by the Interstate Commission and policies adopted by  
55 the State Council under this compact. “Compacting State”, any state which has enacted the  
56 enabling legislation for this compact. “Commissioner”, the voting representative of each  
57 compacting state appointed pursuant to section 3 of this compact. “Court”, any court having  
58 jurisdiction over delinquent, neglected, or dependent children. “Deputy Compact Administrator”,  
59 the individual, if any, in each compacting state appointed to act on behalf of a Compact

Administrator pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission and policies adopted by the State Council under this compact. "Interstate Commission", the Interstate Commission for Juveniles created by section 3 of this compact. "Juvenile", any person defined as a juvenile in any member state or by the rules of the Interstate Commission, including: (1) "Accused Delinquent", a person charged with an offense that, if committed by an adult, would be a criminal offense; (2) "Adjudicated Delinquent", a person found to have committed an offense that, if committed by an adult, would be a criminal offense; (3) "Accused Status Offender", a person charged with an offense that would not be a criminal offense if committed by an adult; (4) "Adjudicated Status Offender", a person found to have committed an offense that would not be a criminal offense if committed by an adult; and (5) "Non-Offender", a person in need of supervision who has not been accused or adjudicated a status offender or delinquent. "Non-Compacting state", any state which has not enacted the enabling legislation for this compact. "Probation or Parole", any kind of supervision or conditional release of juveniles authorized under the laws of the compacting states. "Rule", a written statement by the Interstate Commission promulgated pursuant to section 4 of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Commission, and has the force and effect of statutory law in a compacting state, and includes the amendment, repeal, or suspension of an existing rule. "State", a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands.

Section 3. The Compact Commission. (a) The compacting states

83 hereby create the “Interstate Commission for Juveniles.” The commission shall be a body  
84 corporate and joint agency of the compacting states. The commission shall have all the  
85 responsibilities, powers and duties set forth herein, and such additional powers as may be  
86 conferred upon it by subsequent action of the respective legislatures of the compacting states in  
87 accordance with the terms of this compact.(b) The Interstate Commission shall consist of  
88 commissioners appointed by the appropriate appointing authority in each state pursuant to the  
89 rules and requirements of each compacting state and in consultation with the State Council for  
90 Interstate Juvenile Supervision created hereunder. The commissioner shall be the compact  
91 administrator, deputy compact administrator or designee from that state who shall serve on the  
92 Interstate Commission in such capacity under or pursuant to the applicable law of the  
93 compacting state.(c) In addition to the commissioners who are the voting representatives of each  
94 state, the Interstate Commission shall include individuals who are not commissioners, but who  
95 are members of interested organizations. Such non-commissioner members must include a  
96 member of the national organizations of governors, legislators, state chief justices, attorneys  
97 general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the  
98 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All  
99 non-commissioner members of the Interstate Commission shall be ex-officio (non-voting)  
100 members. The Interstate Commission may provide in its by-laws for such additional ex-officio  
101 (non-voting) members, including members of other national organizations, in such numbers as  
102 shall be determined by the commission.(d) Each compacting state represented at any meeting of  
103 the commission is entitled to one vote. A majority of the compacting states shall constitute a  
104 quorum for the transaction of business, unless a larger quorum is required by the by-laws of the  
105 Interstate Commission.(e) The commission shall meet at least once each calendar year. The

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

129 forth in the Rules or as otherwise provided in the compact. The Interstate Commission and any  
130 of its committees may close a meeting to the public where it determines by two-thirds vote that  
131 an open meeting would be likely to:1) Relate solely to the Interstate Commission's internal  
132 personnel practices and procedures;2) Disclose matters specifically exempted from disclosure  
133 by statute;3) Disclose trade secrets or commercial or financial information which is privileged  
134 or confidential;4) Involve accusing any person of a crime, or formally censuring any  
135 person;5) Disclose information of a personal nature where disclosure would constitute a  
136 clearly unwarranted invasion of personal privacy;6) Disclose investigative records compiled  
137 for law enforcement purposes;7) Disclose information contained in or related to examination,  
138 operating or condition reports prepared by, or on behalf of or for the use of, the Interstate  
139 Commission with respect to a regulated person or entity for the purpose of regulation or  
140 supervision of such person or entity;8) Disclose information, the premature disclosure of  
141 which would significantly endanger the stability of a regulated person or entity; or9)  
142 Specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a  
143 civil action or other legal proceeding.(j) For every meeting closed pursuant to this provision, the  
144 Interstate Commission's legal counsel shall publicly certify that, in the legal counsel's opinion,  
145 the meeting may be closed to the public, and shall reference each relevant exemptive provision.  
146 The Interstate Commission shall keep minutes which shall fully and clearly describe all matters  
147 discussed in any meeting and shall provide a full and accurate summary of any actions taken, and  
148 the reasons therefore, including a description of each of the views expressed on any item and the  
149 record of any roll call vote (reflected in the vote of each member on the question). All documents  
150 considered in connection with any action shall be identified in such minutes.(k) The Interstate  
151 Commission shall collect standardized data concerning the interstate movement of juveniles as

152 directed through its rules which shall specify the data to be collected, the means of collection and  
153 data exchange and reporting requirements. Such methods of data collection, exchange and  
154 reporting shall insofar as is reasonably possible conform to up-to-date technology and coordinate  
155 its information functions with the appropriate repository of records. Section 4. The Powers and  
156 Duties of the Interstate Commission. The commission shall have the following powers and  
157 duties: 1) To provide for dispute resolution among compacting states. 2) To promulgate  
158 rules to effect the purposes and obligations as enumerated in this compact, which shall have the  
159 force and effect of statutory law and shall be binding in the compacting states to the extent and in  
160 the manner provided in this compact. 3) To oversee, supervise and coordinate the interstate  
161 movement of juveniles subject to the terms of this compact and any by-laws adopted and rules  
162 promulgated by the Interstate Commission. 4) To enforce compliance with the compact  
163 provisions, the rules promulgated by the Interstate Commission, and the by-laws, using all  
164 necessary and proper means, including but not limited to the use of judicial process. 5) To  
165 establish and maintain offices which shall be located within one or more of the compacting  
166 states. 6) To purchase and maintain insurance and bonds. 7) To borrow, accept, hire or  
167 contract for services of personnel. 8) To establish and appoint committees and hire staff which  
168 it deems necessary for the carrying out of its functions including, but not limited to, an executive  
169 committee as required by section 3 which shall have the power to act on behalf of the Interstate  
170 Commission in carrying out its powers and duties hereunder. 9) To elect or appoint such  
171 officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their  
172 duties and determine their qualifications; and to establish the Interstate Commission's personnel  
173 policies and programs relating to, inter alia, conflicts of interest, rates of compensation, and  
174 qualifications of personnel. 10) To accept any and all donations and grants of money, equipment,



175 supplies, materials, and services, and to receive, utilize, and dispose of it.11) To lease, purchase,  
176 accept contributions or donations of, or otherwise to own, hold, improve or use any property,  
177 real, personal, or mixed.12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or  
178 otherwise dispose of any property, real, personal or mixed.13) To establish a budget and make  
179 expenditures and levy dues as provided in Article VIII of this compact.14) To sue and be  
180 sued.15) To adopt a seal and by-laws governing the management and operation of the Interstate  
181 Commission.16) To perform such functions as may be necessary or appropriate to achieve the  
182 purposes of this compact.17) To report annually to the legislatures, governors, judiciary, and  
183 state councils of the compacting states concerning the activities of the Interstate Commission  
184 during the preceding year. Such reports shall also include any recommendations that may have  
185 been adopted by the Interstate Commission.18) To coordinate education, training and public  
186 awareness regarding the interstate movement of juveniles for officials involved in such  
187 activity.19) To establish uniform standards of the reporting, collecting and exchanging of  
188 data.20) The Interstate Commission shall maintain its corporate books and records in accordance  
189 with the By-laws.  
Section 5. By-Laws of the Interstate Commission  
The Interstate Commission  
190 shall, by a majority of the members present and voting, within twelve months after the first  
191 Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or  
192 appropriate to carry out the purposes of the compact, including, but not limited to:1)  
193 Establishing the fiscal year of the Interstate Commission; 2) Establishing an executive  
194 committee and such other committees as may be necessary;3) Provide for the establishment of  
195 committees governing any general or specific delegation of any authority or function of the  
196 Interstate Commission;4) Providing reasonable procedures for calling and conducting  
197 meetings of the Interstate Commission, and ensuring reasonable notice of each such

198 meeting;5) Establishing the titles and responsibilities of the officers of the Interstate  
199 Commission;6) Providing a mechanism for concluding the operations of the Interstate  
200 Commission and the return of any surplus funds that may exist upon the termination of the  
201 compact after the payment and/or reserving of all of its debts and obligations.7) Providing  
202 “start-up” rules for initial administration of the compact; and8) Establishing standards and  
203 procedures for compliance and technical assistance in carrying out the compact.Section 6.  
204 Officers and Staff of the Interstate Commission(a) The Interstate Commission shall, by a  
205 majority of the members, elect annually from among its members a chairperson and a vice  
206 chairperson, each of whom shall have such authority and duties as may be specified in the by-  
207 laws. The chairperson or, in the chairperson’s absence or disability, the vice-chairperson shall  
208 preside at all meetings of the Interstate Commission. The officers so elected shall serve without  
209 compensation or remuneration from the Interstate Commission; provided that, subject to the  
210 availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary  
211 costs and expenses incurred by them in the performance of their duties and responsibilities as  
212 officers of the Interstate Commission.(b) The Interstate Commission shall, through its executive  
213 committee, appoint or retain an executive director for such period, upon such terms and  
214 conditions and for such compensation as the Interstate Commission may deem appropriate. The  
215 executive director shall serve as secretary to the Interstate Commission, but shall not be a  
216 Member and shall hire and supervise such other staff as may be authorized by the Interstate  
217 Commission.Section 7. Qualified Immunity, Defense and Indemnification.(a) The  
218 Commission’s executive director and employees shall be immune from suit and liability, either  
219 personally or in their official capacity, for any claim for damage to or loss of property or  
220 personal injury or other civil liability caused or arising out of or relating to any actual or alleged

act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided, that any such person shall not be protected from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

(b) The liability of any commissioner, or the employee or agent of a commissioner, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. Nothing in this subsection shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.(c) The Interstate Commission shall defend the executive director or the employees or representatives of the Interstate Commission and, subject to the approval of the Attorney General of the state represented by any commissioner of a compacting state, shall defend such commissioner or the commissioner's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Interstate Commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.(d) The Interstate Commission shall indemnify and hold the commissioner of a compacting state, or the commissioner's representatives or employees, or the Interstate Commission's representatives or employees, harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act,

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

**Section 8. Rulemaking Function of the Interstate Commission.** (a) The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.(b) Rulemaking shall occur pursuant to the criteria set forth in this article and the by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the “Model State Administrative Procedures Act,” 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the Interstate Commission deems appropriate consistent with due process requirements under the U.S. Constitution as now or hereafter interpreted by the U. S. Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Commission.(c) When promulgating a rule, the Interstate Commission shall, at a minimum:1) publish the proposed rule's entire text stating the reason(s) for that proposed rule;2) allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available;3) provide an opportunity for an informal hearing if petitioned by ten (10) or more persons; and4) promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.(d) Allow, not later than sixty days after a rule is promulgated, any interested person to file a petition in the United States District Court for the District of Columbia or in the Federal District Court where the Interstate Commission’s principal office is located for

judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence is substantial if it would be considered substantial evidence under the Model State Administrative Procedures Act.(e) If a majority of the legislatures of the compacting states rejects a rule, those states may, by enactment of a statute or resolution in the same manner used to adopt the compact, cause that such rule shall have no further force and effect in any compacting state.(f) The existing rules governing the operation of the Interstate Compact on Juveniles superceded by this act shall be null and void twelve (12) months after the first meeting of the Interstate Commission created hereunder.(g) Upon determination by the Interstate Commission that a state-of-emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than ninety (90) days after the effective date of the emergency rule.

Section 9. Oversight and Enforcement by the Interstate Commission.(a) The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in non-compacting states which may significantly affect compacting states.(b) The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions, and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the compact and the rules. In any judicial or administrative proceeding in a

compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section 10. Dispute Resolution by the Interstate Commission.(a) The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the compact as well as issues and activities pertaining to compliance with the provisions of the compact and its bylaws and rules.(b) The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and non-compacting states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.(c) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact using any or all means set forth in section 16 of this compact.

Section 11. Finance of the Interstate Commission(a) The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.(b) The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.(c) The Interstate Commission shall not incur any obligations of any kind prior

to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.(d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its by-laws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

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

Section 13. Compacting States, Effective Date and Amendment. (a) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands as defined in section 2 of this compact is eligible to become a compacting state.(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it shall

become effective and binding as to any other compacting state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a non-voting basis prior to adoption of the compact by all states and territories of the United States.(c) The Interstate Commission may propose amendments to the compact for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

Section 14. Withdrawal. (a) Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided that a compacting state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.(b) The effective date of withdrawal is the effective date of the repeal. (c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.1) The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.2) Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section 15. Technical Assistance, Fines, Suspension, Termination and Default.(a) If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this compact, or the by-laws or duly promulgated rules, the Interstate Commission may impose any or all of the



359 following penalties:1) Remedial training and technical assistance as directed by the Interstate  
360 Commission;2) Alternative Dispute Resolution;3) Fines, fees, and costs in such amounts  
361 as are deemed to be reasonable as fixed by the Interstate Commission; and4) Suspension or  
362 termination of membership in the compact, which shall be imposed only after all other  
363 reasonable means of securing compliance under the by-laws and rules have been exhausted and  
364 the Interstate Commission has therefore determined that the offending state is in default.  
365 Immediate notice of suspension shall be given by the Interstate Commission to the Governor, the  
366 Chief Justice or the Chief Judicial Officer of the state, the majority and minority leaders of the  
367 defaulting state's legislature, and the state council. The grounds for default include, but are not  
368 limited to, failure of a compacting state to perform such obligations or responsibilities imposed  
369 upon it by this compact, the by-laws, or duly promulgated rules and any other grounds  
370 designated in commission by-laws and rules. The Interstate Commission shall immediately  
371 notify the defaulting state in writing of the penalty imposed by the Interstate Commission and of  
372 the default pending a cure of the default. The commission shall stipulate the conditions and the  
373 time period within which the defaulting state must cure its default. If the defaulting state fails to  
374 cure the default within the time period specified by the commission, the defaulting state shall be  
375 terminated from the compact upon an affirmative vote of a majority of the compacting states and  
376 all rights, privileges and benefits conferred by this compact shall be terminated from the  
377 effective date of termination.(b) Within sixty days of the effective date of termination of a  
378 defaulting state, the Commission shall notify the Governor, the Chief Justice or Chief Judicial  
379 Officer, the Majority and Minority Leaders of the defaulting state's legislature, and the state  
380 council of such termination.(c) The defaulting state is responsible for all assessments, obligations  
381 and liabilities incurred through the effective date of termination including any obligations, the

performance of which extends beyond the effective date of termination. (d) The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.(e) Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

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

Section 17. Dissolution of the Compact(a) The compact dissolves effective upon the date of the withdrawal or default of the compacting state, which reduces membership in the compact to one compacting state. (b) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and any surplus funds shall be distributed in accordance with the by-laws.

Section 18. Severability and Construction.(a) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.(b) The provisions of this compact shall be liberally construed to effectuate its purposes.

Section 19. Effect of Compact on Other Laws.(a) Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.(b) All compacting states' laws other than state Constitutions and other interstate compacts conflicting with this compact are

405 superseded to the extent of the conflict. Section 20. Binding Effect of the Compact. (a) All  
406 lawful actions of the Interstate Commission, including all rules and by-laws promulgated by the  
407 Interstate Commission, are binding upon the compacting states. (b) All agreements between the  
408 Interstate Commission and the compacting states are binding in accordance with their terms. (c)  
409 Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission  
410 actions, and upon a majority vote of the compacting states, the Interstate Commission may issue  
411 advisory opinions regarding such meaning or interpretation. (d) In the event any provision of this  
412 compact exceeds the constitutional limits imposed on the legislature of any compacting state, the  
413 obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the  
414 Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction  
415 shall remain in the compacting state and shall be exercised by the agency thereof to which such  
416 obligations, duties, powers or jurisdiction are delegated by law in effect at the time this compact  
417 becomes effective.