

SENATE No. 56

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. McGee

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the interstate compact for juveniles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas M. McGee</i>	<i>Third Essex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Robert F. Fennell</i>	<i>10th Essex</i>
<i>Patricia D. Jehlen</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>
<i>Karen E. Spilka</i>	

SENATE No. 56

By Mr. McGee, a petition (accompanied by bill, Senate, No. 56) of Thomas M. McGee, Cory Atkins, Robert F. Fennell, Patricia D. Jehlen and other members of the General Court for legislation to establish the interstate compact for juveniles. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2189 OF 2009-2010.]

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Eleven
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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 Chapter 687 of the acts of 1955 is hereby repealed.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 120 the
9 following chapter: CHAPTER 120A INTERSTATE COMPACT ON JUVENILES

10 Section 1. The compacting states to this Interstate compact recognize that each state is
11 responsible for the proper supervision or return of juveniles, delinquents and status offenders
12 who are on probation or parole and who have absconded, escaped or run away from supervision
13 and control and, in so doing, have endangered their own safety and the safety of others. The
14 compacting states also recognize that each state is responsible for the safe return of juveniles
15 who have run away from home and, in so doing, have left their state of residence. The
16 compacting states also recognize that Congress, by enacting the Crime Control Act, 4 U.S.C.
17 Section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual
18 assistance in the prevention of crime.

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

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

51 Section 2. As used in sections 1 to 20, inclusive, unless the context clearly requires
52 otherwise, the following words shall have the following meanings:- “By –laws”, those by-laws
53 established by the interstate commission for its governance, or for directing or controlling its
54 actions or conduct.

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

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

77 “Non-compacting state”, any state which has not enacted the enabling legislation for this
78 compact. “Probation or parole”, any kind of supervision or conditional release of juveniles
79 authorized under the laws of the compacting states. “Rule”, a written statement by the interstate
80 commission adopted pursuant to section 4 that is of general applicability, implements, interprets
81 or prescribes a policy or provision of the compact, or an organizational, procedural or practice
82 requirement of the commission, and has the force and effect of statutory law in a compacting
83 state, and includes the amendment, repeal or suspension of an existing rule. “State”, a state of the
84 United States, the District of Columbia, or its designee, the Commonwealth of Puerto Rico, the
85 United States Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

86 Section 3. (a) The compacting states hereby create the interstate commission for juveniles. The
87 commission shall be a body corporate and joint agency of the compacting states. The
88 commission shall have all the responsibilities, powers and duties set forth herein, and such
89 additional powers as may be conferred upon it by subsequent action of the respective legislatures
90 of the compacting states in accordance with the terms of this compact. (b) The interstate
91 commission shall consist of commissioners appointed by the appropriate appointing authority in
92 each state pursuant to the rules and requirements of each compacting state and in consultation
93 with the state council for interstate juvenile supervision created hereunder. The commissioner
94 shall be the compact administrator, deputy compact administrator or designee from a state who
95 shall serve on the interstate commission in such capacity pursuant to the applicable law of such
96 compacting state. (c) In addition to the commissioners, who shall be the voting representatives of
97 each state, the interstate commission shall include individuals who are not commissioners, but
98 who are members of interested organizations. Such non-commissioner members shall include a
99 member of the national organizations of governors, legislators, state chief justices, attorneys

100 general, interstate compact for adult offender supervision, interstate compact for the placement
101 of children, juvenile justice and juvenile corrections officials and crime victims. All non-
102 commissioner members of the interstate commission shall be ex-officio members. The interstate
103 commission may provide in its by-laws for such additional ex-officio members, including
104 members of other national organizations, in such numbers as shall be determined by the
105 commission. (d) Each compacting state represented at any meeting of the commission shall be
106 entitled to 1 vote. A majority of the compacting states shall constitute a quorum for the
107 transaction of business, unless a larger quorum is required by the by-laws of the interstate
108 commission. (e) The commission shall meet at least once each calendar year. The chairperson
109 may call additional meetings and, upon the request of a simple majority of the compacting states,
110 shall call additional meetings. Public notice shall be given of all meetings and meetings shall be
111 open to the public. (f) The interstate commission shall establish an executive committee, which
112 shall include commission officers, members and others as determined by the by-laws. The
113 executive committee shall have the power to act on behalf of the interstate commission during
114 periods when the interstate commission is not in session, with the exception of rulemaking power
115 or power to amend the compact. The executive committee shall oversee the day-to-day activities
116 of the administration of the compact managed by an executive director and interstate commission
117 staff; administer enforcement and compliance with the compact, its by-laws and rules; and
118 perform such other duties as directed by the interstate commission or set forth in the by-laws. (g)
119 Each member of the interstate commission shall have the right and power to cast a vote to which
120 that compacting state is entitled and to participate in the business and affairs of the interstate
121 commission. A member shall vote in person and shall not delegate a vote to another compacting
122 state. However, a commissioner, in consultation with the state council, shall appoint another

123 authorized representative, in the absence of such commissioner from that state, to cast a vote on
124 behalf of 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 meetings
131 and all meetings shall be open to the public, except as set forth in the rules or as otherwise
132 provided in the compact. The interstate commission and any of its committees may close a
133 meeting to the public if it determines, by two-thirds vote, that an open meeting would be likely
134 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;

141 (5) disclose information of a personal nature if disclosure would constitute a clearly
142 unwarranted invasion of personal privacy;

143 (6) disclose investigative records compiled for law enforcement purposes;

144 (7)disclose information contained in, or related to, examination, operating or condition
145 reports prepared by, or on behalf of or for the use of, the interstate commission relative to a
146 regulated person or entity for the purpose of regulation or supervision of such person or entity;

147 (8)disclose information, the premature disclosure of which would significantly endanger
148 the stability of a regulated person or entity; or

149 (9)specifically relate to the interstate commission's issuance of a subpoena, or its
150 participation in a civil action or other legal proceeding.

151 (j)For every meeting closed pursuant to this section, the interstate commission's legal
152 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to
153 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.

159 (k)The interstate commission shall collect standardized data relative to the interstate
160 movement of juveniles as directed through its rules which shall specify the data to be collected,
161 the means of collection and data exchange and reporting requirements. Such methods of data
162 collection, exchange and reporting shall, insofar as is reasonably possible, conform to up-to-date
163 technology and coordinate its information functions with the appropriate repository of records.

164 Section 4.The commission shall have the following powers and duties:

165 (1)to provide for dispute resolution among compacting states;

166 (2)to promulgate rules to effect the purposes and obligations as enumerated in this
167 compact, which shall have the force and effect of statutory law and shall be binding in the
168 compacting states to the extent and in the manner provided in this compact;

169 (3)to oversee, supervise and coordinate the interstate movement of juveniles subject to
170 the terms of this compact and any by-laws adopted and rules adopted by the interstate
171 commission;

172 (4)to enforce compliance with the compact provisions, the rules adopted by the interstate
173 commission and the by-laws, using all necessary and proper means including, but not limited to,
174 the use of judicial process;

175 (5)to establish and maintain offices which shall be located within 1 or more of the
176 compacting states;

177 (6)to purchase and maintain insurance and bonds;

178 (7)to borrow, accept, hire or contract for services of personnel;

179 (8)to establish and appoint committees and hire staff which it deems necessary for the
180 carrying out of its functions including, but not limited to, an executive committee, as required by
181 section 3, which shall have the power to act on behalf of the interstate commission in carrying
182 out its powers and duties hereunder;

183 (9)to elect or appoint such officers, attorneys, employees, agents or consultants and to fix
184 their compensation, define their duties and determine their qualifications and to establish the

185 interstate commission's personnel policies and programs relating to, inter alia, conflicts of
186 interest, rates of compensation and qualifications of personnel;

187 (10)to accept any and all donations and grants of money, equipment, supplies, materials
188 and services and to receive, utilize and dispose of same;

189 (11)to lease, purchase, accept contributions or donations of, or otherwise to own, hold,
190 improve or use any property, real, personal or mixed;

191 (12)to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of
192 any property, real, personal or mixed;

193 (13)to establish a budget and make expenditures and levy dues as provided in section 11;

194 (14)to sue and be sued;

195 (15)to adopt a seal and by-laws governing the management and operation of the interstate
196 commission;

197 (16)to perform such functions as may be necessary or appropriate to achieve the purposes
198 of this compact;

199 (17)to report annually to the legislatures, governors, judiciary, and state councils of the
200 compacting states relative to the activities of the interstate commission during the preceding
201 year, including any recommendations that may have been adopted by the interstate commission;

202 (18)to coordinate education, training and public awareness relative to the interstate
203 movement of juveniles for officials involved in such activity; and

204 (19)to establish uniform standards of the reporting, collecting and exchanging of data.the
205 interstate commission shall maintain its corporate books and records in accordance with the by-
206 laws.

207 Section 5. The interstate commission shall, by a majority of the members present and
208 voting, within 12 months after the first interstate commission meeting, adopt by-laws to govern
209 its conduct as may be necessary or appropriate to carry out the purposes of the compact
210 including, but not limited to:

211 (1)establishing the fiscal year of the interstate commission;

212 (2)establishing an executive committee and such other committees as may be necessary;

213 (3)providing for the establishment of committees governing any general or specific
214 delegation of any authority or function of the interstate commission;

215 (4)providing reasonable procedures for calling and conducting meetings of the interstate
216 commission and ensuring reasonable notice of each such meeting;

217 (5)establishing the titles and responsibilities of the officers of the interstate commission;

218 (6)providing a mechanism for concluding the operations of the interstate commission and
219 the return of any surplus funds that may exist upon the termination of the compact after the
220 payment or reserving of all of its debts and obligations.

221 (7)providing “start-up” rules for initial administration of the compact; and

222 (8)establishing standards and procedures for compliance and technical assistance in
223 carrying out the compact.

224 Section 6. (a) The interstate commission shall, by a majority of the members, elect
225 annually from among its members a chairperson and a vice chairperson, each of whom shall have
226 such authority and duties as may be specified in the by-laws. The chairperson or, in the
227 chairperson's absence or disability, the vice-chairperson shall preside at all meetings of the
228 interstate commission. The officers so elected shall serve without compensation or remuneration
229 from the interstate commission but, subject to the availability of budgeted funds, the officers
230 shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the
231 performance of their duties and responsibilities as officers of the interstate commission.

232 (b)The interstate commission shall, through its executive committee, appoint or retain an
233 executive director for such period, upon such terms and conditions and for such compensation as
234 the interstate commission may deem appropriate. The executive director shall serve as secretary
235 to the interstate commission, but shall not be a member and shall hire and supervise such other
236 staff as may be authorized by the interstate commission.

237 Section 7. (a) The commission's executive director and employees shall be immune from
238 suit and liability, either personally or in their official capacity, for any claim for damage to or
239 loss of property or personal injury or other civil liability caused or arising out of or relating to
240 any actual or alleged act, error or omission that occurred, or that such person had a reasonable
241 basis for believing occurred within the scope of commission employment, duties or
242 responsibilities except that any such person shall not be protected from suit or liability for any
243 damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of
244 any such person.

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

251 (c)The interstate commission shall defend the executive director or the employees or
252 representatives of the interstate commission and, subject to the approval of the attorney general
253 of the state represented by any commissioner of a compacting state, shall defend such
254 commissioner or the commissioner's representatives or employees in any civil action seeking to
255 impose liability arising out of any actual or alleged act, error or omission that occurred within the
256 scope of interstate commission employment, duties or responsibilities, or that the defendant had
257 a reasonable basis for believing occurred within the scope of interstate commission employment,
258 duties or responsibilities, unless the actual or alleged act, error or omission did not result from
259 intentional or willful and wanton misconduct on the part of such person.

260 (d)The interstate commission shall indemnify and hold the commissioner of a compacting
261 state or the commissioner's representatives or employees and the interstate commission's
262 representatives or employees harmless in the amount of any settlement or judgment obtained
263 against such persons arising out of any actual or alleged act, error or omission that occurred
264 within the scope of interstate commission employment, duties or responsibilities, or that such
265 persons had a reasonable basis for believing occurred within the scope of interstate commission
266 employment, duties or responsibilities, if the actual or alleged act, error or omission did not
267 result from intentional or willful and wanton misconduct on the part of such persons.

268 Section 8. (a) The interstate commission shall promulgate and publish rules in order to
269 effectively and efficiently achieve the purposes of the compact.

270 (b)Rulemaking shall occur pursuant to the criteria set forth in this section and the by-laws
271 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
272 principles of the “Model State Administrative Procedures Act,” 1981 Act, Uniform Laws
273 Annotated, Vol. 15, p.1 (2000), or such other administrative procedures act, as the interstate
274 commission deems appropriate, consistent with due process requirements under the United States
275 Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and
276 amendments shall become binding, as of the date specified, as published with the final version of
277 the rule as approved by the commission.

278 (c)When promulgating a rule, the interstate commission shall, at a minimum:

279 (1)publish the proposed rule's entire text, stating the reasons for such proposed rule;

280 (2)allow and invite any and all persons to submit written data, facts, opinions and
281 arguments, which information shall be added to the record and be made publicly available;

282 (3)provide an opportunity for an informal hearing if petitioned by 10 or more persons;

283 and

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

286 (d)Allow, not later than 60 days after a rule is promulgated, any interested person to file a
287 petition in the United States District Court for the District of Columbia or in the Federal District
288 Court where the interstate commission’s principal office is located for judicial review of such

289 rule. If the court finds that the interstate commission's action is not supported by substantial
290 evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. For
291 purposes of this section, evidence is substantial if it would be considered substantial evidence
292 under the Model State Administrative Procedures Act.

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

296 (f) The existing rules governing the operation of the interstate compact on juveniles
297 superseded by this act shall be null and void 12 months after the first meeting of the interstate
298 commission.

299 (g) Upon determination by the interstate commission that a state-of-emergency exists, it
300 may promulgate an emergency rule which shall become effective immediately upon adoption,
301 but the rulemaking procedures provided hereunder shall be retroactively applied to such rule as
302 soon as reasonably possible, but not later than 90 days after the effective date of the emergency
303 rule.

304 Section 9.(a) The interstate commission shall oversee the administration and operations
305 of the interstate movement of juveniles subject to this compact in the compacting states and shall
306 monitor such activities being administered in non-compacting states which may significantly
307 affect compacting states.

308 (b) The courts and executive agencies in each compacting state shall enforce this compact
309 and shall take all actions necessary and appropriate to effectuate the compact's purposes and
310 intent. This compact, and the rules adopted thereby, shall be received by all the judges, public

311 officers, commissions and departments of the state government as evidence of the authorized
312 statute and administrative rules. All courts shall take judicial notice of the compact and the rules.
313 In any judicial or administrative proceeding in a compacting state relative to the subject matter of
314 this compact which may affect the powers, responsibilities or actions of the interstate
315 commission, it shall be entitled to receive all service of process in any such proceeding, and shall
316 have standing to intervene in the proceeding for all purposes.

317 Section 10.(a) The compacting states shall report to the interstate commission on all
318 issues and activities necessary for the administration of the compact as well as issues and
319 activities relative to compliance with the compact and its by-laws and rules.

320 (b)The interstate commission shall attempt, upon the request of a compacting state, to
321 resolve any disputes or other issues which are subject to the compact and which may arise among
322 compacting states and between compacting and non-compacting states. The commission shall
323 promulgate a rule providing for both mediation and binding dispute resolution for disputes
324 among the compacting states.

325 (c)The interstate commission, in the reasonable exercise of its discretion, shall enforce
326 the provisions and rules of this compact using any or all means set forth in section 16.

327 Section 11.(a) The interstate commission shall pay or provide for the payment of the
328 reasonable expenses of its establishment, organization and ongoing activities.

329 (b)The interstate commission shall levy on and collect an annual assessment from each
330 compacting state to cover the cost of the internal operations and activities of the interstate
331 commission and its staff which must be in a total amount sufficient to cover the interstate
332 commission's annual budget as approved each year. The aggregate annual assessment amount

333 shall be allocated based upon a formula to be determined by the interstate commission, taking
334 into consideration the population of each compacting state and the volume of interstate
335 movement of juveniles in each compacting state and shall promulgate a rule binding upon all
336 compacting states which governs such assessment.

337 (c)The interstate commission shall not incur any obligations of any kind prior to securing
338 the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any
339 of the compacting states, except by and with the authority of the compacting state.

340 (d)The interstate commission shall keep accurate accounts of all receipts and
341 disbursements. The receipts and disbursements of the interstate commission shall be subject to
342 the audit and accounting procedures established under its by-laws. However, all receipts and
343 disbursements of funds handled by the interstate commission shall be audited yearly by a
344 certified or licensed public accountant and the report of the audit shall be included in and become
345 part of the annual report of the interstate commission.

346 Section 12. Each member state shall create a state council for interstate juvenile
347 supervision. While each state may determine the membership of its own state council, its
348 membership must include at least 1 representative from the legislative, judicial, and executive
349 branches of government, victims groups, and the compact administrator, deputy compact
350 administrator or designee. Each compacting state shall retain the right to determine the
351 qualifications of the compact administrator or deputy compact administrator. Each state council
352 shall advise and may exercise oversight and advocacy relative to such state's participation in
353 interstate commission activities and other duties as may be determined by such state including,

354 but not limited to, development of policy relative to operations and procedures of the compact
355 within such state.

356 Section 13. (a) Any state, the District of Columbia, or its designee, the Commonwealth of
357 Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern
358 Marianas Islands as defined in section 2 shall be eligible to become a compacting state.

359 (b)The compact shall become effective and binding upon legislative enactment of the
360 compact into law by not less than 35 of the states. The initial effective date shall be the later of
361 July 1, 2004 or upon enactment into law by the thirty-fifth jurisdiction. Thereafter, it shall
362 become effective and binding as to any other compacting state upon enactment of the compact
363 into law by such state. The governors of non-member states or their designees shall be invited to
364 participate in the activities of the interstate commission, on a non-voting basis, prior to adoption
365 of the compact by all states and territories of the United States.

366 (c)The interstate commission may propose amendments to the compact for enactment by
367 the compacting states. No amendment shall become effective and binding upon the interstate
368 commission and the compacting states unless and until it is enacted into law by unanimous
369 consent of the compacting states.

370 Section 14. (a) Once effective, the compact shall continue in force and remain binding
371 upon each compacting state but a compacting state may withdraw from the compact by repealing
372 the statute which enacted the compact into law in such state.

373 (b)The effective date of withdrawal shall be the effective date of the repeal.

374 (c)The withdrawing state shall immediately notify the chairperson of the interstate
375 commission, in writing, upon the introduction of legislation repealing the compact in the
376 withdrawing state. The interstate commission shall notify the other compacting states of the
377 withdrawing state’s intent to withdraw within 60 days of its receipt thereof.

378 (1)The withdrawing state shall be responsible for all assessments, obligations and
379 liabilities incurred through the effective date of withdrawal, including any obligations, the
380 performance of which extend beyond the effective date of withdrawal.

381 (2)Reinstatement following withdrawal of any compacting state shall occur upon the
382 withdrawing state reenacting the compact or upon such later date as determined by the interstate
383 commission.

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

388 (1)remedial training and technical assistance as directed by the interstate commission;

389 (2)alternative dispute resolution;

390 (3)finances, fees and costs in such amounts as are deemed to be reasonable as fixed by the
391 interstate commission; and

392 (4) suspension or termination of membership in the compact, which shall be imposed
393 only after all other reasonable means of securing compliance under the by-laws and rules have
394 been exhausted and the interstate commission has therefore determined that the offending state is

395 in default. Immediate notice of suspension shall be given by the interstate commission to the
396 governor, the chief justice or the chief judicial officer of the state, the majority and minority
397 leaders of the defaulting state's legislature and the state council. Grounds for default include, but
398 are not limited to, failure of a compacting state to perform such obligations or responsibilities
399 imposed upon it by this compact, the by-laws or duly adopted rules and any other grounds
400 designated in interstate commission by-laws and rules. The interstate commission shall
401 immediately notify the defaulting state, in writing, of the penalty imposed by the interstate
402 commission and of the default, pending a cure of the default. The interstate commission shall
403 stipulate the conditions and the time period within which the defaulting state must cure the
404 default. If the defaulting state fails to cure the default within the time period specified by the
405 interstate commission, the defaulting state shall be terminated from the compact upon an
406 affirmative vote of a majority of the compacting states and all rights, privileges and benefits
407 conferred by this compact shall be terminated from the effective date of termination of
408 membership.

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

412 (c) The defaulting state shall be responsible for all assessments, obligations and liabilities
413 incurred through the effective date of termination including any obligations, the performance of
414 which extends beyond the effective date of termination.

415 (d)The interstate commission shall not bear any costs relating to the defaulting state
416 unless otherwise mutually agreed upon, in writing, between the interstate commission and the
417 defaulting state.

418 (e)Reinstatement following termination of any compacting state requires both a
419 reenactment of the compact by the defaulting state and the approval of the interstate commission
420 pursuant to the rules.

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

427 Section 17. (a) The compact shall dissolve effective on the date of the withdrawal or
428 default of the compacting state, which reduces membership in the compact to 1 compacting state.

429 (b)Upon the dissolution of this compact, the compact shall become null and void and
430 shall be of no further force or effect, and the business and affairs of the interstate commission
431 shall be concluded. Any surplus funds of the interstate commission shall be distributed in
432 accordance with the by-laws.

433 Section 18. (a) The provisions of this compact shall be severable and, if any phrase,
434 clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact
435 shall be enforceable.

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

437 Section 19. (a) Nothing in this compact shall prevent the enforcement of any other law of
438 a compacting state that is not inconsistent with this compact.

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

441 Section 20. (a) All lawful actions of the interstate commission, including all rules and
442 by-laws adopted by the interstate commission, are binding upon the compacting states.

443 (b) All agreements between the interstate commission and the compacting states are
444 binding in accordance with their terms.

445 (c) Upon the request of a party to a conflict over meaning or interpretation of interstate
446 commission actions, and upon a majority vote of the compacting states, the interstate
447 commission may issue advisory opinions regarding such meaning or interpretation.

448 (d) In the event any provision of this compact exceeds the constitutional limits imposed
449 on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought
450 to be conferred by such provision upon the interstate commission shall be ineffective and such
451 obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be
452 exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are
453 delegated by law in effect at the time this compact becomes effective.