

11 INTERSTATE COMPACT ON JUVENILES

12 Section 1. The compacting states to this Interstate compact recognize that each state is
13 responsible for the proper supervision or return of juveniles, delinquents and status offenders
14 who are on probation or parole and who have absconded, escaped or run away from supervision
15 and control and, in so doing, have endangered their own safety and the safety of others. The
16 compacting states also recognize that each state is responsible for the safe return of juveniles
17 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.

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

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

53 Section 2. As used in sections 1 to 20, inclusive, unless the context clearly requires
54 otherwise, the following words shall have the following meanings:-

55 “By –laws”, those by-laws established by the interstate commission for its governance, or
56 for directing or controlling its actions or conduct.

57 “Compact administrator”, the individual in each compacting state responsible for the
58 administration and management of the state's supervision and transfer of juveniles subject to the
59 terms of this compact, the rules adopted by the interstate commission and policies adopted by the
60 state council under this compact.

61 “Compacting state”, any state which has enacted the enabling legislation for this
62 compact.

63 “Commissioner”, the voting representative of each compacting state appointed pursuant
64 to section 3.

65 “Court”, any court having jurisdiction over delinquent, neglected or dependent children.

66 “Deputy compact administrator”, the individual, if any, in each compacting state
67 appointed to act on behalf of a compact administrator, pursuant to the terms of this compact,
68 responsible for the administration and management of the state's supervision and transfer of
69 juveniles subject to the terms of this compact, the rules adopted by the interstate commission and
70 policies adopted by the state council under this compact.

71 “Interstate commission”, the interstate commission for juveniles created by section 3.

72 “Juvenile”, any person defined as a juvenile in any member state or by the rules of the
73 interstate commission, including:

74 (1) “Accused delinquent”, a person charged with an offense that, if committed by an adult, would
75 be a criminal offense;

76 (2) “Adjudicated delinquent”, a person found to have committed an offense that, if committed
77 by an adult, would be a criminal offense;

78 (3) “Accused status offender”, a person charged with an offense that would not be a criminal
79 offense if committed by an adult;

80 (4)“Adjudicated status offender”, a person found to have committed an offense that would not be
81 a criminal offense if committed by an adult; and

82 (5)“Non-offender”, a person in need of supervision who has not been
83 accused or adjudicated a status offender or a delinquent.

84 “Non-compacting state”, any state which has not enacted the enabling legislation for this
85 compact.

86 “Probation or parole”, any kind of supervision or conditional release of juveniles
87 authorized under the laws of the compacting states.

88 “Rule”, a written statement by the interstate commission adopted pursuant to section 4
89 that is of general applicability, implements, interprets or prescribes a policy or provision of the
90 compact, or an organizational, procedural or practice requirement of the commission, and has the
91 force and effect of statutory law in a compacting state, and includes the amendment, repeal or
92 suspension of an existing rule.

93 “State”, a state of the United States, the District of Columbia, or its designee, the
94 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and
95 the Northern Marianas Islands.

96 Section 3. (a) The compacting states hereby create the interstate commission for
97 juveniles. The commission shall be a body corporate and joint agency of the compacting states.
98 The commission shall have all the responsibilities, powers and duties set forth herein, and such
99 additional powers as may be conferred upon it by subsequent action of the respective legislatures
100 of the compacting states in accordance with the terms of this compact.

101 (b) The interstate commission shall consist of commissioners appointed by the
102 appropriate appointing authority in each state pursuant to the rules and requirements of each

103 compacting state and in consultation with the state council for interstate juvenile supervision
104 created hereunder. The commissioner shall be the compact administrator, deputy compact
105 administrator or designee from a state who shall serve on the interstate commission in such
106 capacity pursuant to the applicable law of such compacting state.

107 (c) In addition to the commissioners, who shall be the voting representatives of each
108 state, the interstate commission shall include individuals who are not commissioners, but who
109 are members of interested organizations. Such non-commissioner members shall include a
110 member of the national organizations of governors, legislators, state chief justices, attorneys
111 general, interstate compact for adult offender supervision, interstate compact for the placement
112 of children, juvenile justice and juvenile corrections officials and crime victims. All non-
113 commissioner members of the interstate commission shall be ex-officio members. The interstate
114 commission may provide in its by-laws for such additional ex-officio members, including
115 members of other national organizations, in such numbers as shall be determined by the
116 commission.

117 (d) Each compacting state represented at any meeting of the commission shall be entitled
118 to 1 vote. A majority of the compacting states shall constitute a quorum for the transaction of
119 business, unless a larger quorum is required by the by-laws of the interstate commission.

120 (e) The commission shall meet at least once each calendar year. The chairperson may call
121 additional meetings and, upon the request of a simple majority of the compacting states, shall
122 call additional meetings. Public notice shall be given of all meetings and meetings shall be open
123 to the public.

124 (f) The interstate commission shall establish an executive committee, which shall include
125 commission officers, members and others as determined by the by-laws. The executive

126 committee shall have the power to act on behalf of the interstate commission during periods
127 when the interstate commission is not in session, with the exception of rulemaking power or
128 power to amend the compact. The executive committee shall oversee the day-to-day activities of
129 the administration of the compact managed by an executive director and interstate commission
130 staff; administer enforcement and compliance with the compact, its by-laws and rules; and
131 perform such other duties as directed by the interstate commission or set forth in the by-laws.

132 (g) Each member of the interstate commission shall have the right and power to cast a
133 vote to which that compacting state is entitled and to participate in the business and affairs of the
134 interstate commission. A member shall vote in person and shall not delegate a vote to another
135 compacting state. However, a commissioner, in consultation with the state council, shall appoint
136 another authorized representative, in the absence of such commissioner from that state, to cast a
137 vote on behalf of such compacting state at a specified meeting. The by-laws may provide for
138 members' participation in meetings by telephone or other means of telecommunication or
139 electronic communication.

140 (h) The interstate commission's by-laws shall establish conditions and procedures under
141 which the interstate commission shall make its information and official records available to the
142 public for inspection or copying. The interstate commission may exempt from disclosure any
143 information or official records to the extent that they would adversely affect personal privacy
144 rights or proprietary interests.

145 (i) Public notice shall be given of all meetings and all meetings shall be open to the
146 public, except as set forth in the rules or as otherwise provided in the compact. The interstate
147 commission and any of its committees may close a meeting to the public if it determines, by two-
148 thirds vote, that an open meeting would be likely to:

- 149 (1) relate solely to the interstate commission's internal personnel practices and
150 procedures;
- 151 (2) disclose matters specifically exempted from disclosure by statute;
- 152 (3) disclose trade secrets or commercial or financial information which is privileged or
153 confidential;
- 154 (4) involve accusing any person of a crime or formally censuring any person;
- 155 (5) disclose information of a personal nature if disclosure would constitute a clearly
156 unwarranted invasion of personal privacy;
- 157 (6) disclose investigative records compiled for law enforcement purposes;
- 158 (7) disclose information contained in, or related to, examination, operating or
159 condition reports prepared by, or on behalf of or for the use of, the interstate commission
160 relative to a regulated person or entity for the purpose of regulation or supervision of
161 such person or entity;
- 162 (8) disclose information, the premature disclosure of which would significantly
163 endanger the stability of a regulated person or entity; or
- 164 (9) specifically relate to the interstate commission's issuance of a subpoena, or its
165 participation in a civil action or other legal proceeding.

166 (j) For every meeting closed pursuant to this section, the interstate commission's legal
167 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed to
168 the public, and shall reference each relevant exemption. The interstate commission shall keep
169 minutes which shall fully and clearly describe all matters discussed in any meeting and shall
170 provide a full and accurate summary of any actions taken, and the reasons therefore, including a

171 description of each of the views expressed on any item and the record of any roll call vote
172 reflected in the vote of each member on the question. All documents considered in connection
173 with any action shall be identified in the minutes.

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

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

- 180 (1) to provide for dispute resolution among compacting states;
- 181 (2) to promulgate rules to effect the purposes and obligations as enumerated in this
182 compact, which shall have the force and effect of statutory law and shall be binding in the
183 compacting states to the extent and in the manner provided in this compact;
- 184 (3) to oversee, supervise and coordinate the interstate movement of juveniles subject
185 to the terms of this compact and any by-laws adopted and rules adopted by the interstate
186 commission;
- 187 (4) to enforce compliance with the compact provisions, the rules adopted by the
188 interstate commission and the by-laws, using all necessary and proper means including,
189 but not limited to, the use of judicial process;
- 190 (5) to establish and maintain offices which shall be located within 1 or more of the
191 compacting states;
- 192 (6) to purchase and maintain insurance and bonds;
- 193 (7) to borrow, accept, hire or contract for services of personnel;

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

198 (9) to elect or appoint such officers, attorneys, employees, agents or consultants and to
199 fix their compensation, define their duties and determine their qualifications and to
200 establish the interstate commission's personnel policies and programs relating to, inter
201 alia, conflicts of interest, rates of compensation and qualifications of personnel;

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

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

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

208 (13) to establish a budget and make expenditures and levy dues as provided in section
209 11;

210 (14) to sue and be sued;

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

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

215 (17) to report annually to the legislatures, governors, judiciary, and state councils of the
216 compacting states relative to the activities of the interstate commission during the

217 preceding year, including any recommendations that may have been adopted by the
218 interstate commission;
219 (18) to coordinate education, training and public awareness relative to the interstate
220 movement of juveniles for officials involved in such activity; and
221 (19) to establish uniform standards of the reporting, collecting and exchanging of data.

222 The interstate commission shall maintain its corporate books and records in accordance
223 with the by-laws.

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

- 228 (1) establishing the fiscal year of the interstate commission;
- 229 (2) establishing an executive committee and such other committees as may be
230 necessary;
- 231 (3) providing for the establishment of committees governing any general or specific
232 delegation of any authority or function of the interstate commission;
- 233 (4) providing reasonable procedures for calling and conducting meetings of the
234 interstate commission and ensuring reasonable notice of each such meeting;
- 235 (5) establishing the titles and responsibilities of the officers of the interstate
236 commission;
- 237 (6) providing a mechanism for concluding the operations of the interstate commission
238 and the return of any surplus funds that may exist upon the termination of the compact
239 after the payment or reserving of all of its debts and obligations.

- 240 (7) providing “start-up” rules for initial administration of the compact; and
241 (8) establishing standards and procedures for compliance and technical assistance in
242 carrying out the compact.

243 Section 6. (a) The interstate commission shall, by a majority of the members, elect
244 annually from among its members a chairperson and a vice chairperson, each of whom shall have
245 such authority and duties as may be specified in the by-laws. The chairperson or, in the
246 chairperson’s absence or disability, the vice-chairperson shall preside at all meetings of the
247 interstate commission. The officers so elected shall serve without compensation or remuneration
248 from the interstate commission but, subject to the availability of budgeted funds, the officers
249 shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the
250 performance of their duties and responsibilities as officers of the interstate commission.

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

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

263 any such person.

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

270 (c) The interstate commission shall defend the executive director or the employees or
271 representatives of the interstate commission and, subject to the approval of the attorney general
272 of the state represented by any commissioner of a compacting state, shall defend such
273 commissioner or the commissioner's representatives or employees in any civil action seeking to
274 impose liability arising out of any actual or alleged act, error or omission that occurred within the
275 scope of interstate commission employment, duties or responsibilities, or that the defendant had
276 a reasonable basis for believing occurred within the scope of interstate commission employment,
277 duties or responsibilities, unless the actual or alleged act, error or omission did not result from
278 intentional or willful and wanton misconduct on the part of such person.

279 (d) The interstate commission shall indemnify and hold the commissioner of a
280 compacting state or the commissioner's representatives or employees and the interstate
281 commission's representatives or employees harmless in the amount of any settlement or
282 judgment obtained against such persons arising out of any actual or alleged act, error or omission
283 that occurred within the scope of interstate commission employment, duties or responsibilities, or
284 that such persons had a reasonable basis for believing occurred within the scope of interstate
285 commission employment, duties or responsibilities, if the actual or alleged act, error or omission

286 did not result from intentional or willful and wanton misconduct on the part of such persons.

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

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

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

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

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

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

303 and

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

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

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

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

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

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

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

328 (b) The courts and executive agencies in each compacting state shall enforce this compact
329 and shall take all actions necessary and appropriate to effectuate the compact's purposes and
330 intent. This compact, and the rules adopted thereby, shall be received by all the judges, public
331 officers, commissions and departments of the state government as evidence of the authorized

332 statute and administrative rules. All courts shall take judicial notice of the compact and the
333 rules. In any judicial or administrative proceeding in a compacting state relative to the subject
334 matter of this compact which may affect the powers, responsibilities or actions of the interstate
335 commission, it shall be entitled to receive all service of process in any such proceeding, and shall
336 have standing to intervene in the proceeding for all purposes.

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

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

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

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

349 (b) The interstate commission shall levy on and collect an annual assessment from each
350 compacting state to cover the cost of the internal operations and activities of the interstate
351 commission and its staff which must be in a total amount sufficient to cover the interstate
352 commission's annual budget as approved each year. The aggregate annual assessment amount
353 shall be allocated based upon a formula to be determined by the interstate commission, taking
354 into consideration the population of each compacting state and the volume of interstate

355 movement of juveniles in each compacting state and shall promulgate a rule binding upon all
356 compacting states which governs such assessment.

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

360 (d) The interstate commission shall keep accurate accounts of all receipts and
361 disbursements. The receipts and disbursements of the interstate commission shall be subject to
362 the audit and accounting procedures established under its by-laws. However, all receipts and
363 disbursements of funds handled by the interstate commission shall be audited yearly by a
364 certified or licensed public accountant and the report of the audit shall be included in and become
365 part of the annual report of the interstate commission.

366 Section 12. Each member state shall create a state council for interstate juvenile
367 supervision. While each state may determine the membership of its own state council, its
368 membership must include at least 1 representative from the legislative, judicial, and executive
369 branches of government, victims groups, and the compact administrator, deputy compact
370 administrator or designee. Each compacting state shall retain the right to determine the
371 qualifications of the compact administrator or deputy compact administrator. Each state council
372 shall advise and may exercise oversight and advocacy relative to such state's participation in
373 interstate commission activities and other duties as may be determined by such state including,
374 but not limited to, development of policy relative to operations and procedures of the compact
375 within such state.

376 Section 13. (a) Any state, the District of Columbia, or its designee, the Commonwealth
377 of Puerto Rico, the United States Virgin Islands, Guam, American Samoa and the Northern

378 Marianas Islands as defined in section 2 shall be eligible to become a compacting state.

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

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

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

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

394 (c) The withdrawing state shall immediately notify the chairperson of the interstate
395 commission, in writing, upon the introduction of legislation repealing the compact in the
396 withdrawing state. The interstate commission shall notify the other compacting states of the
397 withdrawing state's intent to withdraw within 60 days of its receipt thereof.

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

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

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

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

409 (2) alternative dispute resolution;

410 (3) fines, fees and costs in such amounts as are deemed to be reasonable as fixed by
411 the interstate commission; and

412 (4) suspension or termination of membership in the compact, which shall be imposed
413 only after all other reasonable means of securing compliance under the by-laws and rules
414 have been exhausted and the interstate commission has therefore determined that the
415 offending state is in default. Immediate notice of suspension shall be given by the
416 interstate commission to the governor, the chief justice or the chief judicial officer of the
417 state, the majority and minority leaders of the defaulting state's legislature and the state
418 council. Grounds for default include, but are not limited to, failure of a compacting state
419 to perform such obligations or responsibilities imposed upon it by this compact, the by-
420 laws or duly adopted rules and any other grounds designated in interstate commission by-
421 laws and rules. The interstate commission shall immediately notify the defaulting state,
422 in writing, of the penalty imposed by the interstate commission and of the default,
423 pending a cure of the default. The interstate commission shall stipulate the conditions

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

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

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

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

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

442 Section 16. The interstate commission may, by majority vote of the members, initiate
443 legal action in the United States District Court for the District of Columbia or, at the discretion of
444 the interstate commission, in the federal district wherein the interstate commission offices are
445 located, to enforce compliance with the compact, its duly adopted rules and by-laws, against any
446 compacting state in default. In the event judicial enforcement is necessary, the prevailing party

447 shall be awarded all costs of such litigation, including reasonable attorneys fees.

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

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

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

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

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

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

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

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

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

469 (d) In the event any provision of this compact exceeds the constitutional limits imposed

470 on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought
471 to be conferred by such provision upon the interstate commission shall be ineffective and such
472 obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be
473 exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are
474 delegated by law in effect at the time this compact becomes effective.