

By: Representative McBride

To: Interstate Cooperation;
Penitentiary

HOUSE BILL NO. 636

1 AN ACT TO AUTHORIZE THE GOVERNOR TO EXECUTE THE INTERSTATE
2 COMPACT FOR ADULT OFFENDER SUPERVISION; TO PRESCRIBE ITS PURPOSE;
3 TO DEFINE CERTAIN TERMS; TO ESTABLISH THE COMPACT COMMISSION AND
4 PRESCRIBE ITS POWERS AND DUTIES; TO CREATE A STATE COUNCIL FOR
5 INTERSTATE ADULT OFFENDER SUPERVISION AND PRESCRIBE ITS POWERS AND
6 DUTIES; TO PROVIDE FOR THE ORGANIZATION AND OPERATION OF THE
7 INTERSTATE COMMISSION; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** The Governor on behalf of this state is hereby
10 authorized to execute a compact, in substantially the following
11 form, and the Legislature hereby signifies in advance its approval
12 and ratification of such compact:

13 **THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION**

14 **ARTICLE I**

15 **PURPOSE**

16 The compacting states to this interstate compact recognize
17 that each state is responsible for the supervision of adult
18 offenders in the community who are authorized pursuant to the
19 bylaws and rules of this compact to travel across state lines both
20 to and from each compacting state in such a manner as to: track
21 the location of offenders, transfer supervision authority in an
22 orderly and efficient manner, and when necessary return offenders
23 to the originating jurisdictions.

24 The compacting states also recognize that Congress, by
25 enacting the Crime Control Act, 4 USCS Section 112 (1965), has
26 authorized and encouraged compacts for cooperative efforts and
27 mutual assistance in the prevention of crime.

28 It is the purpose of this compact and the interstate
29 commission created hereunder, through means of joint and



30 cooperative action among the compacting states: to provide the
31 framework for the promotion of public safety and protect the
32 rights of victims through the control and regulation of the
33 interstate movement of offenders in the community; to provide for
34 the effective tracking, supervision, and rehabilitation of these
35 offenders by the sending and receiving states; and to equitably
36 distribute the costs, benefits and obligations of the compact
37 among the compacting states.

38 In addition, this compact will: create an interstate
39 commission which will establish uniform procedures to manage the
40 movement between states of adults placed under community
41 supervision and released to the community under the jurisdiction
42 of courts, paroling authorities, corrections or other criminal
43 justice agencies which will promulgate rules to achieve the
44 purpose of this compact; ensure an opportunity for input and
45 timely notice to victims and to jurisdictions where defined
46 offenders are authorized to travel or to relocate across state
47 lines; establish a system of uniform data collection, access to
48 information on active cases by authorized criminal justice
49 officials, and regular reporting of compact activities to heads of
50 state councils, state executive, judicial, and legislative
51 branches and criminal justice administrators; monitor compliance
52 with rules governing interstate movement of offenders and initiate
53 interventions to address and correct noncompliance; and coordinate
54 training and education regarding regulations of interstate
55 movement of offenders for officials involved in such activity.

56 The compacting states recognize that there is no "right" of
57 any offender to live in another state and that duly accredited
58 officers of a sending state may at all times enter a receiving
59 state and there apprehend and retake any offender under
60 supervision subject to the provisions of this compact and bylaws
61 and rules promulgated hereunder.



94 (I) "Offender" means an adult placed under, or subject, to
95 supervision as the result of the commission of a criminal offense
96 and released to the community under the jurisdiction of courts,
97 paroling authorities, corrections, or other criminal justice
98 agencies.

99 (J) "Person" means any individual, corporation, business
100 enterprise, or other legal entity, either public or private.

101 (K) "Rules" mean acts of the interstate commission, duly
102 promulgated pursuant to Article VII of this compact, substantially
103 affecting interested parties in addition to the interstate
104 commission, which shall have the force and effect of law in the
105 compacting states.

106 (L) "State" means a state of the United States, the District
107 of Columbia and any other territorial possessions of the United
108 States.

109 (M) "State council" means the resident members of the
110 respective state council for interstate adult offender supervision
111 created by each state under Article III of this compact.

112 **ARTICLE III**

113 **THE COMPACT COMMISSION**

114 (A) The compacting states hereby create the "Interstate
115 Commission for Adult Offender Supervision." The interstate
116 commission shall be a body corporate and joint agency of the
117 compacting states. The interstate commission shall have all the
118 responsibilities, powers and duties set forth herein, including
119 the power to sue and be sued, and such additional powers as may be
120 conferred upon it by subsequent action of the respective
121 legislatures of the compacting states in accordance with the terms
122 of this compact.

123 (B) The interstate commission shall consist of commissioners
124 selected and appointed by resident members of a state council for
125 interstate adult offender supervision for each state. While each
126 member state may determine the membership of its own state



127 council, its membership must include at least one (1)
128 representative from the legislative, judicial, and executive
129 branches of government, victims groups and compact administrators.
130 Each state council shall appoint as its commissioner the compact
131 administrator from that state to serve on the interstate
132 commission in such capacity under or pursuant to applicable law of
133 the member state. Each compacting state retains the right to
134 determine the qualifications of the compact administrator who
135 shall be appointed by the state council or by the governor in
136 consultation with the legislature and the judiciary.

137 In addition to appointment of its commissioner to the
138 National Interstate Commission, each state council shall exercise
139 oversight and advocacy concerning its participation in interstate
140 commission activities and other duties as may be determined by
141 each member state, including, but not limited to, development of
142 policy concerning operations and procedures of the compact within
143 that state.

144 (C) In addition to the commissioners who are the voting
145 representatives of each state, the interstate commission shall
146 include individuals who are not commissioners, but who are members
147 of interested organizations; such noncommissioner members must
148 include a member of the national organizations of governors,
149 legislators, state chief justices, attorneys general and crime
150 victims. All noncommissioner members of the interstate commission
151 shall be ex officio (nonvoting) members. The interstate
152 commission may provide in its bylaws for such additional, ex
153 officio (nonvoting) members as it deems necessary.

154 (D) Each compacting state represented at any meeting of the
155 interstate commission is entitled to one (1) vote. A majority of
156 the compacting states shall constitute a quorum for the
157 transaction of business, unless a larger quorum is required by the
158 bylaws of the interstate commission.



159 (E) The interstate commission shall meet at least once each
160 calendar year. The chairperson may call additional meetings and,
161 upon the request of twenty-seven (27) or more compacting states,
162 shall call additional meetings. Public notice shall be given of
163 all meetings and meetings shall be open to the public.

164 (F) The interstate commission shall establish an executive
165 committee which shall include commission officers, members and
166 others as shall be determined by the bylaws. The executive
167 committee shall have the power to act on behalf of the interstate
168 commission during periods when the interstate commission is not in
169 session, with the exception of rule-making and/or amendment to the
170 compact. The executive committee oversees the day-to-day
171 activities managed by the executive director and interstate
172 commission staff; administers enforcement and compliance with the
173 provisions of the compact, its bylaws and as directed by the
174 interstate commission; and performs other duties as directed by
175 commission or set forth in the bylaws.

176 **ARTICLE IV**

177 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

178 The interstate commission shall have the following powers:

179 (1) To adopt a seal and suitable bylaws governing the
180 management and operation of the interstate commission.

181 (2) To promulgate rules which shall have the force and
182 effect of statutory law and shall be binding in the compacting
183 states to the extent and in the manner provided in this compact.

184 (3) To oversee, supervise and coordinate the interstate
185 movement of offenders subject to the terms of this compact and any
186 bylaws adopted and rules promulgated by the compact commission.

187 (4) To enforce compliance with compact provisions,
188 interstate commission rules, and bylaws, using all necessary and
189 proper means, including, but not limited to, the use of judicial
190 process.

191 (5) To establish and maintain offices.



192 (6) To purchase and maintain insurance and bonds.

193 (7) To borrow, accept, or contract for services of
194 personnel, including, but not limited to, members and their
195 staffs.

196 (8) To establish and appoint committees and hire staff
197 which it deems necessary for the carrying out of its functions
198 including, but not limited to, an executive committee as required
199 by Article III which shall have the power to act on behalf of the
200 interstate commission in carrying out its powers and duties
201 hereunder.

202 (9) To elect or appoint such officers, attorneys,
203 employees, agents, or consultants, and to fix their compensation,
204 define their duties and determine their qualifications; and to
205 establish the interstate commission's personnel policies and
206 programs relating to, among other things, conflicts of interest,
207 rates of compensation, and qualifications of personnel.

208 (10) To accept any and all donations and grants of
209 money, equipment, supplies, materials, and services, and to
210 receive, utilize, and dispose of same.

211 (11) To lease, purchase, accept contributions or
212 donations of, or otherwise to own, hold, improve or use any
213 property, real, personal or mixed.

214 (12) To sell, convey, mortgage, pledge, lease,
215 exchange, abandon, or otherwise dispose of any property, real,
216 personal or mixed.

217 (13) To establish a budget and make expenditures and
218 levy dues as provided in Article IX of this compact.

219 (14) To sue and be sued.

220 (15) To provide for dispute resolution among compacting
221 states.

222 (16) To perform such functions as may be necessary or
223 appropriate to achieve the purposes of this compact.



257 interstate commission. Notwithstanding any civil service or other
258 similar laws of any compacting state, the bylaws shall exclusively
259 govern the personnel policies and programs of the interstate
260 commission;

261 (g) Providing a mechanism for concluding the operations
262 of the interstate commission and the equitable return of any
263 surplus funds that may exist upon the termination of the compact
264 after the payment and/or reserving of all of its debts and
265 obligations;

266 (h) Providing transition rules for "start up"
267 administration of the compact; and

268 (i) Establishing standards and procedures for
269 compliance and technical assistance in carrying out the compact.

270 **Section B. Officers and Staff**

271 (1) The interstate commission shall, by a majority of the
272 members, elect from among its members a chairperson and a vice
273 chairperson, each of whom shall have such authorities and duties
274 as may be specified in the bylaws. The chairperson or, in his or
275 her absence or disability, the vice chairperson, shall preside at
276 all meetings of the interstate commission. The officers so
277 elected shall serve without compensation or remuneration from the
278 interstate commission; provided that, subject to the availability
279 of budgeted funds, the officers shall be reimbursed for any actual
280 and necessary costs and expenses incurred by them in the
281 performance of their duties and responsibilities as officers of
282 the interstate commission.

283 (2) The interstate commission shall, through its executive
284 committee, appoint or retain an executive director for such
285 period, upon such terms and conditions and for such compensation
286 as the interstate commission may deem appropriate. The executive
287 director shall serve as secretary to the interstate commission,
288 and hire and supervise such other staff as may be authorized by
289 the interstate commission, but shall not be a member.



290 **Section C. Corporate Records of the Interstate Commission**

291 The interstate commission shall maintain its corporate books
292 and records in accordance with the bylaws.

293 **Section D. Qualified Immunity, Defense and Indemnification**

294 (1) The members, officers, executive director and employees
295 of the interstate commission shall be immune from suit and
296 liability, either personally or in their official capacity, for
297 any claim for damage to or loss of property or personal injury or
298 other civil liability caused or arising out of any actual or
299 alleged act, error or omission that occurred within the scope of
300 interstate commission employment, duties or responsibilities;
301 provided, that nothing in this paragraph shall be construed to
302 protect any such person from suit and/or liability for any damage,
303 loss, injury or liability caused by the intentional or willful and
304 wanton misconduct of any such person.

305 (2) The interstate commission shall defend the commissioner
306 of a compacting state, or his or her representatives or employees,
307 or the interstate commission's representatives or employees, in
308 any civil action seeking to impose liability, arising out of any
309 actual or alleged act, error or omission that occurred within the
310 scope of interstate commission employment, duties or
311 responsibilities, or that the defendant had a reasonable basis for
312 believing occurred within the scope of interstate commission
313 employment, duties or responsibilities; provided, that the actual
314 or alleged act, error or omission did not result from intentional
315 wrongdoing on the part of such person.

316 (3) The interstate commission shall indemnify and hold the
317 commissioner of a compacting state, the appointed designee or
318 employees, or the interstate commission's representatives or
319 employees, harmless in the amount of any settlement or judgement
320 obtained against such persons arising out of any actual or alleged
321 act, error or omission that occurred within the scope of
322 interstate commission employment, duties or responsibilities, or



323 that such persons had a reasonable basis for believing occurred
324 within the scope of interstate commission employment, duties or
325 responsibilities, provided, that the actual or alleged act, error
326 or omission did not result from gross negligence or intentional
327 wrongdoing on the part of such person.

328 **ARTICLE VI**

329 **ACTIVITIES OF THE INTERSTATE COMMISSION**

330 (1) The interstate commission shall meet and take such
331 actions as are consistent with the provisions of this compact.

332 (2) Except as otherwise provided in this compact and unless
333 a greater percentage is required by the bylaws, in order to
334 constitute an act of the interstate commission, such act shall
335 have been taken at a meeting of the interstate commission and
336 shall have received an affirmative vote of a majority of the
337 members present.

338 (3) Each member of the interstate commission shall have the
339 right and power to cast a vote to which that compacting state is
340 entitled and to participate in the business and affairs of the
341 interstate commission. A member shall vote in person on behalf of
342 the state and shall not delegate a vote to another member state.
343 However, a state council shall appoint another authorized
344 representative, in the absence of the commissioner from that
345 state, to cast a vote on behalf of the member state at a specified
346 meeting. The bylaws may provide for members' participation in
347 meetings by telephone or other means of telecommunication or
348 electronic communication. Any voting conducted by telephone, or
349 other means of telecommunication or electronic communication shall
350 be subject to the same quorum requirements of meetings where
351 members are present in person.

352 (4) The interstate commission shall meet at least once
353 during each calendar year. The chairperson of the interstate
354 commission may call additional meetings at any time and, upon the



355 request of a majority of the members, shall call additional
356 meetings.

357 (5) The interstate commission's bylaws shall establish
358 conditions and procedures under which the interstate commission
359 shall make its information and official records available to the
360 public for inspection or copying. The interstate commission may
361 exempt from disclosure any information or official records to the
362 extent they would adversely affect personal privacy rights or
363 proprietary interests. In promulgating such rules, the interstate
364 commission may make available to law enforcement agencies records
365 and information otherwise exempt from disclosure, and may enter
366 into agreements with law enforcement agencies to receive or
367 exchange information or records subject to nondisclosure and
368 confidentiality provisions.

369 (6) Public notice shall be given of all meetings and all
370 meetings shall be open to the public, except as set forth in the
371 rules or as otherwise provided in the compact. The interstate
372 commission shall promulgate rules consistent with the principles
373 contained in the "Government in Sunshine Act," 5 USCS Section
374 552(b), as may be amended. The interstate commission and any of
375 its committees may close a meeting to the public where it
376 determines by two-thirds (2/3) vote that an open meeting would be
377 likely to: (a) relate solely to the interstate commission's
378 internal personnel practices and procedures; (b) disclose matters
379 specifically exempted from disclosure by statute; (c) disclosure
380 trade secrets or commercial or financial information which is
381 privileged or confidential; (d) involve accusing any person of a
382 crime, or formally censuring any person; (e) disclose information
383 of a personal nature where disclosure would constitute a clearly
384 unwarranted invasion of personal privacy; (f) disclose
385 investigatory records compiled for law enforcement purposes; (g)
386 disclose information contained in or related to examination,
387 operating or condition reports prepared by, or on behalf of or for



388 the use of, the interstate commission with respect to a regulated
389 entity for the purpose of regulation or supervision of such
390 entity; (h) disclose information, the premature disclosure of
391 which would significantly endanger the life of a person or the
392 stability of a regulated entity; (i) specifically relate to the
393 interstate commission's issuance of a subpoena, or its
394 participation in a civil action or proceeding.

395 (7) For every meeting closed pursuant to this provision, the
396 interstate commission's chief legal officer shall publicly certify
397 that, in his or her opinion, the meeting may be closed to the
398 public, and shall reference each relevant exemptive provision.
399 The interstate commission shall keep minutes which shall fully and
400 clearly describe all matters discussed in any meeting and shall
401 provide a full and accurate summary of any actions taken, and the
402 reasons therefor, including, a description of each of the views
403 expressed on any item and the record of any roll call vote
404 (reflected in the vote of each member on the question). All
405 documents considered in connection with any action shall be
406 identified in such minutes.

407 (8) The interstate commission shall collect standardized
408 data concerning the interstate movement of offenders as directed
409 through its bylaws and rules which shall specify the data to be
410 collected, the means of collection and data exchange and reporting
411 requirements.

412 **ARTICLE VII**

413 **RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

414 (1) The interstate commission shall promulgate rules in
415 order to effectively and efficiently achieve the purposes of the
416 compact including transition rules governing administration of the
417 compact during the period in which it is being considered and
418 enacted by the states;

419 (2) Rule-making shall occur pursuant to the criteria set
420 forth in this article and the bylaws and rules adopted pursuant



421 thereto. Such rule-making shall substantially conform to the
422 principles of the federal Administrative Procedure Act, 5 USCS
423 Section 551 et seq., and the Federal Advisory Committee Act, 5
424 USCS App. 2, Section 1 et seq., as may be amended (hereinafter
425 "APA").

426 (3) All rules and amendments shall become binding as of the
427 date specified in each rule or amendment.

428 (4) If a majority of the legislatures of the compacting
429 states rejects a rule, by enactment of a statute or resolution in
430 the same manner used to adopt the compact, then such rule shall
431 have no further force and effect in any compacting state.

432 (5) When promulgating a rule, the interstate commission
433 shall: (a) publish the proposed rule stating with particularity
434 the text of the rule which is proposed and the reason for the
435 proposed rule; (b) allow persons to submit written data, facts,
436 opinions and arguments, which information shall be publicly
437 available; (c) provide an opportunity for an informal hearing; and
438 (d) promulgate a final rule and its effective date, if
439 appropriate, based on the rule-making record.

440 (6) Not later than sixty (60) days after a rule is
441 promulgated, any interested person may file a petition in the
442 United States District Court for the District of Columbia or in
443 the Federal District Court where the interstate commission's
444 principal office is located for judicial review of such rule. If
445 the court finds that the interstate commission's action is not
446 supported by substantial evidence, (as defined in the APA), in the
447 rule-making record, the court shall hold the rule unlawful and set
448 it aside.

449 (7) Subjects to be addressed within twelve (12) months after
450 the first meeting must at a minimum include: (a) notice to
451 victims and opportunity to be heard; (b) offender registration and
452 compliance; (c) violations/returns; (d) transfer procedures and
453 forms; (e) eligibility for transfer; (f) collection of restitution



454 and fees from offenders; (g) data collection and reporting; (h)
455 the level of supervision to be provided by the receiving state;
456 (i) transition rules governing the operation of the compact and
457 the interstate commission during all or part of the period between
458 the effective date of the compact and the date on which the last
459 eligible state adopts the compact; (j) mediation, arbitration and
460 dispute resolution.

461 The existing rules governing the operation of the previous
462 compact superceded by this act shall be null and void twelve (12)
463 months after the first meeting of the interstate commission
464 created hereunder.

465 (8) Upon determination by the interstate commission that an
466 emergency exists, it may promulgate an emergency rule which shall
467 become effective immediately upon adoption, provided that the
468 usual rule-making procedures provided hereunder shall be
469 retroactively applied to said rule as soon as reasonably possible,
470 in no event later than ninety (90) days after the effective date
471 of the rule.

472 **ARTICLE VIII**

473 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE**

474 **INTERSTATE COMMISSION**

475 **Section A. Oversight**

476 (1) The interstate commission shall oversee the interstate
477 movement of adult offenders in the compacting states and shall
478 monitor such activities being administered in noncompacting states
479 which may significantly affect compacting states.

480 (2) The courts and executive agencies in each compacting
481 state shall enforce this compact and shall take all actions
482 necessary and appropriate to effectuate the compact's purposes and
483 intent. In any judicial or administrative proceeding in a
484 compacting state pertaining to the subject matter of this compact
485 which may affect the powers, responsibilities or actions of the
486 interstate commission, the interstate commission shall be entitled



487 to receive all service of process in any such proceeding, and
488 shall have standing to intervene in the proceeding for all
489 purposes.

490 **Section B. Dispute Resolution**

491 (1) The compacting states shall report to the interstate
492 commission on issues or activities of concern to them, and
493 cooperate with and support the interstate commission in the
494 discharge of its duties and responsibilities.

495 (2) The interstate commission shall attempt to resolve any
496 disputes or other issues which are subject to the compact and
497 which may arise among compacting states and noncompacting states.

498 (3) The interstate commission shall enact a bylaw or
499 promulgate a rule providing for both mediation and binding dispute
500 resolution for disputes among the compacting states.

501 **Section C. Enforcement**

502 The interstate commission, in the reasonable exercise of its
503 discretion, shall enforce the provisions of this compact using any
504 or all means set forth in Article XI, Section B, of this compact.

505 **ARTICLE IX**

506 **FINANCE**

507 (1) The interstate commission shall pay or provide for the
508 payment of the reasonable expenses of its establishment,
509 organization and ongoing activities.

510 (2) The interstate commission shall levy on and collect an
511 annual assessment from each compacting state to cover the cost of
512 the internal operations and activities of the interstate
513 commission and its staff which must be in a total amount
514 sufficient to cover the interstate commission's annual budget as
515 approved each year. The aggregate annual assessment amount shall
516 be allocated based upon a formula to be determined by the
517 interstate commission, taking into consideration the population of
518 the state and the volume of interstate movement of offenders in



519 each compacting state and shall promulgate a rule binding upon all
520 compacting states which governs said assessment.

521 (3) The interstate commission shall not incur any
522 obligations of any kind prior to securing the funds adequate to
523 meet the same; nor shall the interstate commission pledge the
524 credit of any of the compacting states, except by and with the
525 authority of the compacting state.

526 (4) The interstate commission shall keep accurate accounts
527 of all receipts and disbursements. The receipts and disbursements
528 of the interstate commission shall be subject to the audit and
529 accounting procedures established under its bylaws. However, all
530 receipts and disbursements of funds handled by the interstate
531 commission shall be audited yearly by a certified or licensed
532 public accountant and the report of the audit shall be included in
533 and become part of the annual report of the interstate commission.

534 **ARTICLE X**

535 **COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT**

536 (1) Any state, as defined in Article II of this compact, is
537 eligible to become a compacting state.

538 (2) The compact shall become effective and binding upon
539 legislative enactment of the compact into law by no less than
540 thirty-five (35) of the states. The initial effective date shall
541 be the later of July 1, 2002, or upon enactment into law by the
542 thirty-fifth jurisdiction. Thereafter it shall become effective
543 and binding, as to any other compacting state, upon enactment of
544 the compact into law by that state. The governors of nonmember
545 states or their designees will be invited to participate in
546 interstate commission activities on a nonvoting basis prior to
547 adoption of the compact by all states and territories of the
548 United States.

549 (3) Amendments to the compact may be proposed by the
550 interstate commission for enactment by the compacting states. No
551 amendment shall become effective and binding upon the interstate



552 commission and the compacting states unless and until it is
553 enacted into law by unanimous consent of the compacting states.

554 **ARTICLE XI**

555 **WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT**

556 **Section A. Withdrawal**

557 (1) Once effective, the compact shall continue in force and
558 remain binding upon each and every compacting state; provided,
559 that a compacting state may withdraw from the compact
560 ("withdrawing state") by enacting a statute specifically repealing
561 the statute which enacted the compact into law.

562 (2) The effective date of withdrawal is the effective date
563 of the repeal.

564 (3) The withdrawing state shall immediately notify the
565 chairperson of the interstate commission in writing upon the
566 introduction of legislation repealing this compact in the
567 withdrawing state.

568 (4) The interstate commission shall notify the other
569 compacting states of the withdrawing state's intent to withdraw
570 within sixty (60) days of its receipt thereof.

571 (5) The withdrawing state is responsible for all
572 assessments, obligations and liabilities incurred through the
573 effective date of withdrawal, including any obligations, the
574 performance of which extend beyond the effective date of
575 withdrawal.

576 (6) Reinstatement following withdrawal of any compacting
577 state shall occur upon the withdrawing state reenacting the
578 compact or upon such later date as determined by the interstate
579 commission.

580 **Section B. Default**

581 (1) If the interstate commission determines that any
582 compacting state has at any time defaulted ("defaulting state") in
583 the performance of any of its obligations or responsibilities
584 under this compact, the bylaws or any duly promulgated rules, the



585 interstate commission may impose any or all of the following
586 penalties:

587 (a) Fines, fees and costs in such amounts as are deemed
588 to be reasonable as fixed by the interstate commission;

589 (b) Remedial training and technical assistance as
590 directed by the interstate commission;

591 (c) Suspension and termination of membership in the
592 compact. Suspension shall be imposed only after all other
593 reasonable means of securing compliance under the bylaws and rules
594 have been exhausted. Immediate notice of suspension shall be
595 given by the interstate commission to the governor, the chief
596 justice or chief judicial officer of the state; the majority and
597 minority leaders of the defaulting state's legislature, and the
598 state council. The grounds for default include, but are not
599 limited to, failure of a compacting state to perform such
600 obligations or responsibilities imposed upon it by this compact,
601 interstate commission bylaws, or duly promulgated rules. The
602 interstate commission shall immediately notify the defaulting
603 state in writing of the penalty imposed by the interstate
604 commission on the defaulting state pending a cure of the default.
605 The interstate commission shall stipulate the conditions and the
606 time period within which the defaulting state must cure its
607 default. If the defaulting state fails to cure the default within
608 the time period specified by the interstate commission, in
609 addition to any other penalties imposed herein, the defaulting
610 state may be terminated from the compact upon an affirmative vote
611 of a majority of the compacting states and all rights, privileges
612 and benefits conferred by this compact shall be terminated from
613 the effective date of suspension.

614 (2) Within sixty (60) days of the effective date of
615 termination of a defaulting state, the interstate commission shall
616 notify the governor, the chief justice or chief judicial officer



617 and the majority and minority leaders of the defaulting state's
618 legislature and the state council of such termination.

619 (3) The defaulting state is responsible for all assessments,
620 obligations and liabilities incurred through the effective date of
621 termination including any obligations, the performance of which
622 extends beyond the effective date of termination.

623 (4) The interstate commission shall not bear any costs
624 relating to the defaulting state unless otherwise mutually agreed
625 upon between the interstate commission and the defaulting state.

626 (5) Reinstatement following termination of any compacting
627 state requires both a reenactment of the compact by the defaulting
628 state and the approval of the interstate commission pursuant to
629 the rules.

630 **Section C. Judicial Enforcement**

631 The interstate commission may, by majority vote of the
632 members, initiate legal action in the United States District Court
633 for the District of Columbia or, at the discretion of the
634 interstate commission, in the federal district where the
635 interstate commission has its offices to enforce compliance with
636 the provisions of the compact, its duly promulgated rules and
637 bylaws, against any compacting state in default. In the event
638 judicial enforcement is necessary the prevailing party shall be
639 awarded all costs of such litigation including reasonable
640 attorneys fees.

641 **Section D. Dissolution of Compact**

642 (1) The compact dissolves effective upon the date of the
643 withdrawal or default of the compacting state which reduces
644 membership in the compact to one (1) compacting state.

645 (2) Upon the dissolution of this compact, the compact
646 becomes null and void and shall be of no further force or effect,
647 and the business and affairs of the interstate commission shall be
648 concluded and any surplus funds shall be distributed in accordance
649 with the bylaws.



650 **ARTICLE XII**

651 **SEVERABILITY AND CONSTRUCTION**

652 (1) The provisions of this compact shall be severable, and
653 if any phrase, clause, sentence or provision is deemed
654 unenforceable, the remaining provisions of the compact shall be
655 enforceable.

656 (2) The provisions of this compact shall be liberally
657 constructed to effectuate its purposes.

658 **ARTICLE XIII**

659 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

660 **Section A. Other Laws**

661 (1) Nothing herein prevents the enforcement of any other law
662 of a compacting state that is not inconsistent with this compact.

663 (2) All compacting states' laws conflicting with this
664 compact are superseded to the extent of the conflict.

665 **Section B. Binding Effect of the Compact**

666 (1) All lawful actions of the interstate commission,
667 including all rules and bylaws promulgated by the interstate
668 commission, are binding upon the compacting states.

669 (2) All agreements between the interstate commission and the
670 compacting states are binding in accordance with their terms.

671 (3) Upon the request of a party to a conflict over meaning
672 or interpretation of interstate commission actions, and upon a
673 majority vote of the compacting states, the interstate commission
674 may issue advisory opinions regarding such meaning or
675 interpretation.

676 (4) In the event any provision of this compact exceeds the
677 constitutional limits imposed on the legislature of any compacting
678 state, the obligations, duties, powers or jurisdiction sought to
679 be conferred by such provision upon the interstate commission
680 shall be ineffective and such obligations, duties, powers or
681 jurisdiction shall remain in the compacting state and shall be
682 exercised by the agency thereof to which such obligations, duties,



683 powers or jurisdiction are delegated by law in effect at the time
684 this compact becomes effective.

685 **SECTION 2.** This act shall take effect and be in force from
686 and after July 1, 2002.

