

Introduced by

Representatives DeKrey, Delmore, Grande

Senators Lyson, Nelson, Traynor

1 A BILL for an Act to adopt the interstate compact for juveniles.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Compact for juveniles.** This interstate compact for juveniles is entered
4 with all jurisdictions legally joining the compact in the form substantially as follows:

5 **Article 1. Purpose**

6 The compacting states to this interstate compact recognize that each state is
7 responsible for the proper supervision or return of juveniles, delinquents, and status offenders
8 who are on probation or parole and who have absconded, escaped, or run away from
9 supervision and control and in so doing have endangered their own safety and the safety of
10 others. The compacting states also recognize that each state is responsible for the safe return
11 of juveniles who have run away from home and in doing so have left their state of residence.
12 The compacting states also recognize that the United States Congress, by enacting the Crime
13 Control Act [Pub. L. 89-554; 80 Stat. 608; 4 U.S.C. 112] has authorized and encouraged
14 compacts for cooperative efforts and mutual assistance in the prevention of crime.

15 It is the purpose of this compact, through means of joint and cooperative action among
16 the compacting states to:

- 17 1. Ensure that the adjudicated juveniles and status offenders subject to this compact
18 are provided adequate supervision and services in the receiving state as ordered
19 by the adjudicating judge or parole authority in the sending state;
- 20 2. Ensure that the public safety interests of the citizens, including the victims of
21 juvenile offenders, in both the sending and receiving states are adequately
22 protected;
- 23 3. Return juveniles who have run away, absconded, or escaped from supervision or
24 control or have been accused of an offense to the state requesting their return;

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- 1 4. Make contracts for the cooperative institutionalization in public facilities in member
- 2 states for delinquent youth needing special services;
- 3 5. Provide for the effective tracking and supervision of juveniles;
- 4 6. Equitably allocate the costs, benefits, and obligations of the compacting states;
- 5 7. Establish procedures to manage the movement between states of juvenile
- 6 offenders released to the community under the jurisdiction of courts, juvenile
- 7 departments, or any other criminal or juvenile justice agency that has jurisdiction
- 8 over juvenile offenders;
- 9 8. Ensure immediate notice to jurisdictions where defined offenders are authorized to
- 10 travel or to relocate across state lines;
- 11 9. Establish procedures to resolve pending charges against juvenile offenders before
- 12 transfer or release to the community under the terms of this compact;
- 13 10. Establish a system of uniform data collection on information pertaining to juveniles
- 14 subject to this compact that allows access by authorized juvenile justice and
- 15 criminal justice officials, and regular reporting of compact activities to heads of
- 16 state executive, judicial, and legislative branches and juvenile and criminal justice
- 17 administrators;
- 18 11. Monitor compliance with rules governing interstate movement of juveniles and
- 19 initiate interventions to address and correct noncompliance;
- 20 12. Coordinate training and education regarding the regulation of interstate movement
- 21 of juveniles for officials involved in such activity; and
- 22 13. Coordinate the implementation and operation of the compact with the interstate
- 23 compact for the placement of children, the interstate compact for adult offender
- 24 supervision, and other compacts affecting juveniles particularly in those cases
- 25 where concurrent or overlapping supervision issues arise. It is the policy of the
- 26 compacting states that the activities conducted by the interstate commission are
- 27 the formation of public policies and therefore are public business, and the
- 28 compacting states shall cooperate and observe their individual and collective
- 29 duties and responsibilities for the prompt return and acceptance of juveniles
- 30 subject to the provisions of this compact. The provisions of this compact must be

1 reasonably and liberally construed to accomplish the purposes and policies of the
2 compact.

3 **Article 2. Definitions**

4 As used in this compact, unless the context requires otherwise:

- 5 1. "Bylaws" means those bylaws established by the commission for its governance, or
6 for directing or controlling its actions or conduct.
- 7 2. "Compact administrator" means the individual in each compacting state appointed
8 pursuant to the terms of this compact, responsible for the administration and
9 management of the state's supervision and transfer of juveniles subject to the
10 terms of this compact, the rules adopted by the commission, and policies adopted
11 by the state council under this compact.
- 12 3. "Compacting state" means any state that has enacted the enabling legislation for
13 this compact.
- 14 4. "Commission" means the interstate commission for juveniles created by article 3 of
15 this compact.
- 16 5. "Commissioner" means the voting representative of each compacting state
17 appointed pursuant to article 3 of this compact.
- 18 6. "Court" means any court having jurisdiction over delinquent, neglected, or
19 dependent children.
- 20 7. "Deputy compact administrator" means the individual, if any, in each compacting
21 state appointed to act on behalf of a compact administrator.
- 22 8. "Juvenile" means any individual defined as a juvenile in any member state or by
23 the rules of the interstate commission, including:
 - 24 a. An accused delinquent, who is an individual charged with an offense that, if
25 committed by an adult, would be a criminal offense;
 - 26 b. An adjudicated delinquent, who is an individual found to have committed an
27 offense that, if committed by an adult, would be a criminal offense;
 - 28 c. An accused status offender, who is an individual charged with an offense that
29 would not be a criminal offense if committed by an adult;
 - 30 d. An adjudicated status offender, who is an individual found to have committed
31 an offense that would not be a criminal offense if committed by an adult; and

1 e. A nonoffender, who is an individual in need of supervision who has not been
2 accused or adjudicated a status offender or delinquent.

3 9. "Noncompacting state" means any state that has not enacted the enabling
4 legislation for this compact.

5 10. "Probation or parole" means any kind of supervision or conditional release of
6 juveniles authorized under the laws of the compacting states.

7 11. "State" means a state of the United States, the District of Columbia, or its
8 designee, the Commonwealth of Puerto Rico, the United States Virgin Islands,
9 Guam, American Samoa, and the Northern Marianas Islands.

10 **Article 3. Interstate Commission for Juveniles**

11 1. The compacting states create the interstate commission for juveniles. The
12 commission is a body corporate and joint agency of the compacting states. The
13 commission has all the responsibilities, powers, and duties set forth in this
14 compact, and any additional powers as may be conferred upon it by subsequent
15 action of the respective legislatures of the compacting states in accordance with
16 the terms of this compact.

17 2. The commission consists of commissioners appointed by the appropriate
18 appointing authority in each state pursuant to the rules and requirements of each
19 compacting state and in consultation with the state council for interstate juvenile
20 supervision. The commissioner is the compact administrator, deputy compact
21 administrator, or designee from that state who serves on the commission in that
22 capacity under or pursuant to the applicable law of the compacting state.

23 3. In addition to the commissioners who are the voting representatives of each state,
24 the commission must include individuals who are not commissioners, but who are
25 members of interested organizations. The noncommissioner members include a
26 member of the national organizations of governors, legislators, state chief justices,
27 attorneys general, interstate compact for adult offender supervision, interstate
28 compact for the placement of children, juvenile justice and juvenile corrections
29 officials, and crime victims. All noncommissioner members of the commission are
30 nonvoting members. The commission may provide in its bylaws for other

- 1 additional nonvoting members, including members of other national organizations,
2 in those numbers as determined by the commission.
- 3 4. Each compacting state represented at any meeting of the commission is entitled to
4 one vote. A majority of the compacting states constitutes a quorum for the
5 transaction of business, unless a larger quorum is required by the bylaws of the
6 commission.
- 7 5. The commission shall meet at least once each calendar year. The chairman may
8 call additional meetings and, upon the request of a simple majority of the
9 compacting states, shall call additional meetings. Public notice must be given of all
10 meetings and meetings must be open to the public.
- 11 6. The commission shall establish an executive committee that includes commission
12 officers, members, and others as determined by the bylaws. The executive
13 committee shall act on behalf of the commission during periods when the
14 commission is not in session, with the exception of rulemaking or amendment to
15 the compact. The executive committee oversees the day-to-day activities of the
16 administration of the compact managed by an executive director and commission
17 staff; administers enforcement and compliance with the provisions of the compact,
18 its bylaws and rules, and performs any other duties as directed by the commission
19 or set forth in the bylaws.
- 20 7. Each member of the commission is entitled to cast a vote to which that compacting
21 state is entitled and to participate in the business and affairs of the interstate
22 commission. A member shall vote in person and may not delegate a vote to
23 another compacting state. However, a commissioner, in consultation with the state
24 council, shall appoint another authorized representative, in the absence of the
25 commissioner from that state, to cast a vote on behalf of the compacting state at a
26 specified meeting. The bylaws may provide for members' participation in meetings
27 by telephone or other means of telecommunication or electronic communication.
- 28 8. The commission's bylaws must establish conditions and procedures under which
29 the commission makes its information and official records available to the public for
30 inspection or copying. The commission may exempt from disclosure any

- 1 information or official records to the extent the information or records would
2 adversely affect personal privacy rights or proprietary interests.
- 3 9. Public notice must be given of all meetings and all meetings are open to the public,
4 except as set forth in the rules or as otherwise provided in the compact. The
5 commission and any of its committees may close a meeting to the public when it
6 determines by two-thirds vote that an open meeting would be likely to:
- 7 a. Relate solely to the commission's internal personnel practices and
8 procedures;
- 9 b. Disclose matters specifically exempted from disclosure by statute;
- 10 c. Disclose trade secrets or commercial or financial information that is privileged
11 or confidential;
- 12 d. Involve accusing any person of a crime or formally censuring any person;
- 13 e. Disclose information of a personal nature where disclosure would constitute a
14 clearly unwarranted invasion of personal privacy;
- 15 f. Disclose investigative records compiled for law enforcement purposes;
- 16 g. Disclose information contained in or related to examination, operating or
17 condition reports prepared by, or on behalf of or for the use of, the
18 commission with respect to a regulated person for the purpose of regulation or
19 supervision of that person;
- 20 h. Disclose information, the premature disclosure of which would significantly
21 endanger the stability of a regulated person; or
- 22 i. Specifically relate to the commission's issuance of a subpoena or its
23 participation in a legal proceeding.
- 24 10. For every meeting closed pursuant to this provision, the commission's legal
25 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may
26 be closed to the public and shall reference each relevant exemptive provision. The
27 commission shall keep minutes that fully and clearly describe all matters discussed
28 in any meeting and shall provide a full and accurate summary of any actions taken
29 and the reasons therefor, including a description of each of the views expressed on
30 any item and the record of any roll call vote. All documents considered in
31 connection with any action must be identified in the minutes.

- 1 11. The commission shall collect standardized data concerning the interstate
2 movement of juveniles as directed through its rules which shall specify the data to
3 be collected, the means of collection and data exchange, and reporting
4 requirements. The methods of data collection, exchange, and reporting, insofar as
5 is reasonably possible, must conform to up-to-date technology and coordinate its
6 information functions with the appropriate repository of records.

7 **Article 4. Powers and Duties of the Commission**

8 The commission has the following powers and duties:

- 9 1. To provide for dispute resolution among compacting states.
- 10 2. To adopt rules to effect the purposes and obligations as enumerated in this
11 compact, which have the force and effect of law and are binding in the compacting
12 states to the extent and in the manner provided in this compact.
- 13 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject
14 to the terms of this compact and any bylaws adopted and rules adopted by the
15 commission.
- 16 4. To enforce compliance with the compact provisions, the rules adopted by the
17 commission, and the bylaws, using all necessary and proper means, including the
18 use of judicial process.
- 19 5. To establish and maintain offices located within one or more of the compacting
20 states.
- 21 6. To purchase and maintain insurance and bonds.
- 22 7. To borrow, accept, hire, or contract for services of personnel.
- 23 8. To establish and appoint committees and hire staff it determines necessary for the
24 carrying out of its functions, including an executive committee as required by
25 article 3, which has the power to act on behalf of the commission in carrying out its
26 powers and duties under this compact.
- 27 9. To elect or appoint officers, attorneys, employees, agents, or consultants, and to fix
28 their compensation, define their duties, and determine their qualifications, and to
29 establish the commission's personnel policies and programs relating to conflicts of
30 interest, rates of compensation, and qualifications of personnel.

- 1 10. To accept, use, and dispose of donations and grants of money, equipment,
2 supplies, materials, and services.
- 3 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
4 improve, or use any property.
- 5 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
6 dispose of any property.
- 7 13. To establish a budget and make expenditures and levy dues as provided in
8 article 8 of this compact.
- 9 14. To sue and be sued.
- 10 15. To adopt a seal and bylaws governing the management and operation of the
11 commission.
- 12 16. To perform such functions as may be necessary or appropriate to achieve the
13 purposes of this compact.
- 14 17. To report annually to the legislatures, governors, judiciary, and state councils of the
15 compacting states concerning the activities of the commission during the preceding
16 year. Reports must include any recommendations that may have been adopted by
17 the commission.
- 18 18. To coordinate education, training, and public awareness regarding the interstate
19 movement of juveniles for officials involved in that activity.
- 20 19. To establish uniform standards of the reporting, collecting, and exchanging of data.
- 21 20. To maintain its corporate books and records in accordance with the bylaws.

Article 5. Organization and Operation of the Commission

- 23 1. The commission, by a majority of the members present and voting, within twelve
24 months after the first commission meeting, shall adopt bylaws to govern its conduct
25 as may be necessary or appropriate to carry out the purposes of the compact,
26 including:
 - 27 a. Establishing the fiscal year of the commission;
 - 28 b. Establishing an executive committee and any other committee as may be
29 necessary;
 - 30 c. Providing for the establishment of committees governing any general or
31 specific delegation of any authority or function of the interstate commission;

- 1 d. Providing reasonable procedures for calling and conducting meetings of the
- 2 commission and ensuring reasonable notice of each meeting;
- 3 e. Establishing the titles and responsibilities of the officers of the commission;
- 4 f. Providing a mechanism for concluding the operations of the commission and
- 5 the return of any surplus funds that may exist upon the termination of the
- 6 compact after the payment or reserving of all of its debts and obligations;
- 7 g. Providing startup rules for initial administration of the compact; and
- 8 h. Establishing standards and procedures for compliance and technical
- 9 assistance in carrying out the compact.
- 10 2. The commission, by a majority of the members, shall elect annually from among its
- 11 members a chairman and a vice chairman, each of whom has the authority and
- 12 duties as may be specified in the bylaws. The chairman or, in the chairman's
- 13 absence or disability, the vice chairman shall preside at all meetings of the
- 14 commission. The officers so elected serve without compensation or remuneration
- 15 from the commission, provided that, subject to the availability of budgeted funds,
- 16 the officers are reimbursed for any ordinary and necessary costs and expenses
- 17 incurred by them in the performance of their duties and responsibilities as officers
- 18 of the interstate commission.
- 19 3. The commission, through its executive committee, shall appoint or retain an
- 20 executive director for a period, upon the terms and conditions, and for the
- 21 compensation as the commission determines appropriate. The executive director
- 22 shall serve as secretary to the commission, but may not be a member, and shall
- 23 hire and supervise any other staff as may be authorized by the commission.
- 24 4. a. The commission's executive director and employees are immune from suit
- 25 and liability, either personally or in their official capacity, for any claim for
- 26 damage to or loss of property or personal injury or other civil liability caused or
- 27 arising out of or relating to any actual or alleged act, error, or omission that
- 28 occurred, or that the person had a reasonable basis for believing occurred
- 29 within the scope of commission employment, duties, or responsibilities;
- 30 provided, that the individual is not protected from suit or liability for any

- 1 damage, loss, injury, or liability caused by the intentional or willful and wanton
2 misconduct.
- 3 b. The liability of any commissioner, or the employee or agent of a
4 commissioner, acting within the scope of that individual's employment or
5 duties for acts, errors, or omissions occurring within that individual's state may
6 not exceed the limits of liability set forth under the constitution and laws of that
7 state for state officials, employees, and agents. This subdivision does not
8 protect any individual from suit or liability for any damage, loss, injury, or
9 liability caused by the intentional or willful and wanton misconduct of that
10 individual.
- 11 c. The commission shall defend the executive director or the employees or
12 representatives of the commission and, subject to the approval of the attorney
13 general of the state represented by any commissioner of a compacting state,
14 shall defend the commissioner or the commissioner's representatives or
15 employees in any civil action seeking to impose liability arising out of any
16 actual or alleged act, error or omission that occurred within the scope of
17 commission employment, duties, or responsibilities, or that the defendant had
18 a reasonable basis for believing occurred within the scope of commission
19 employment, duties, or responsibilities, provided that the actual or alleged act,
20 error, or omission did not result from intentional or willful and wanton
21 misconduct on the part of that individual.
- 22 d. The commission shall indemnify and hold the commissioner of a compacting
23 state, or the commissioner's representatives or employees, or the
24 commission's representatives or employees, harmless in the amount of any
25 settlement or judgment obtained against the individuals arising out of any
26 actual or alleged act, error, or omission that occurred within the scope of
27 commission employment, duties, or responsibilities, or that the individuals had
28 a reasonable basis for believing occurred within the scope of commission
29 employment, duties, or responsibilities, provided that the actual or alleged act,
30 error, or omission did not result from the intentional or willful and wanton
31 misconduct on the part of the individuals.

1 **Article 6. Rulemaking Functions of the Commission**

- 2 1. The commission shall adopt and publish rules to effectively and efficiently achieve
3 the purposes of the compact.
- 4 2. Rulemaking must occur pursuant to the criteria set forth in this article and the
5 bylaws and rules adopted pursuant to this article. The rulemaking must
6 substantially conform to the principles of the Model State Administrative
7 Procedures Act, 1981 Act, Uniform Laws Annotated, Vol. 15, p.1 (2000), or any
8 other administrative procedures act, as the interstate commission deems
9 appropriate consistent with due process requirements under the Constitution of the
10 United States. All rules and amendments become binding as of the date specified,
11 as published with the final version of the rule as approved by the commission.
- 12 3. When adopting a rule, the commission shall:
- 13 a. Publish the proposed rule's entire text stating the reason for that proposed
14 rule;
- 15 b. Allow and invite any person to submit written data, facts, opinions, and
16 arguments which must be added to the record, and be made publicly
17 available;
- 18 c. Provide an opportunity for an informal hearing if petitioned by ten or more
19 persons; and
- 20 d. Adopt a final rule and its effective date, if appropriate, based on comment
21 from interested parties or state or local officials.
- 22 4. Not later than sixty days after a rule is adopted, any interested person may file a
23 petition in the United States district court for the District of Columbia or in the
24 federal district court where the commission's principal office is located for judicial
25 review of the rule. If the court finds that the commission's action is not supported
26 by substantial evidence in the rulemaking record, the court shall hold the rule
27 unlawful and set it aside. For purposes of this subsection, evidence is substantial if
28 it would be considered substantial evidence under the Model State Administrative
29 Procedures Act.
- 30 5. If a majority of the legislatures of the compacting states rejects a rule, those states,
31 by enactment of a statute or resolution in the same manner used to adopt the

1 compact, may cause that the rule has no further force and effect in any compacting
2 state.

3 6. The existing rules governing the operation of the interstate compact on juveniles
4 superseded by this act are void twelve months after the first meeting of the
5 commission.

6 7. Upon determination by the commission that a state of emergency exists, the
7 commission may adopt an emergency rule that becomes effective immediately
8 upon adoption, provided that the usual rulemaking procedures provided in this
9 article are retroactively applied to the rule as soon as reasonably possible, but no
10 later than ninety days after the effective date of the emergency rule.

11 **Article 7. Oversight, Enforcement, and Dispute Resolution by**
12 **the Commission**

13 1. The commission shall oversee the administration and operations of the interstate
14 movement of juveniles subject to this compact in the compacting states and shall
15 monitor those activities being administered in noncompacting states which may
16 significantly affect compacting states.

17 2. The courts and executive agencies in each compacting state shall enforce this
18 compact and shall take all actions necessary and appropriate to effectuate the
19 compact's purposes and intent. This compact and the rules adopted under this
20 compact must be received by all the judges, public officers, commissions, and
21 departments of the state government as evidence of the authorized statute and
22 administrative rules. All courts must take judicial notice of the compact and the
23 rules. In any judicial or administrative proceeding in a compacting state pertaining
24 to the subject matter of this compact which may affect the powers, responsibilities
25 or actions of the interstate commission, the commission is entitled to receive all
26 service of process in the proceeding, and has standing to intervene in the
27 proceeding for all purposes.

28 3. The compacting states shall report to the commission on all issues and activities
29 necessary for the administration of the compact as well as issues and activities
30 pertaining to compliance with the provisions of the compact and its bylaws and
31 rules.

- 1 1. The director of the department of corrections and rehabilitation, or the director's
2 designee, shall serve as the compact administrator for this state's commissioner to
3 the commission.
- 4 2. The North Dakota state council for interstate juvenile supervision is established,
5 consisting of seven members. The director of the department of corrections and
6 rehabilitation, or the director's designee, is a member of the state council and
7 serves as chairman. Of the remaining members of the state council:
 - 8 a. The governor shall appoint three members, one of whom must represent a
9 crime victim's organization; and
 - 10 b. The chief justice of the supreme court shall appoint one member and the
11 chairman of the legislative council shall appoint one member from the house
12 of representatives and one member from the senate.
- 13 3. The term of office of a member is four years.
- 14 4. The state council shall meet at least twice a year.
- 15 5. The state council may advise the compact administrator on participation in the
16 commission activities and administration of the compact.
- 17 6. Members of the state council are entitled to expenses as provided in sections
18 44-08-04 and 54-06-09. Legislative assembly members also are entitled to
19 compensation at the rate provided in section 54-35-10.

**Article 10. Compacting States, Effective Date, and
Amendment**

- 22 1. Any state is eligible to become a compacting state.
- 23 2. The compact becomes effective and binding upon legislative enactment of the
24 compact into law by no less than thirty-five states. The initial effective date is the
25 later of July 1, 2004, or upon enactment into law by the thirty-fifth jurisdiction.
26 Thereafter, the compact becomes effective and binding, as to any other
27 compacting state, upon enactment of the compact into law by that state. The
28 governors of nonmember states or their designees must be invited to participate in
29 the activities of the commission on a nonvoting basis before the adoption of the
30 compact by all states and territories of the United States.

- 1 3. The commission may propose amendments to the compact for enactment by the
2 compacting states. An amendment does not become effective and binding upon
3 the commission and the compacting states until it is enacted into law by unanimous
4 consent of the compacting states.

5 **Article 11. Withdrawal, Default, Termination, and Judicial**
6 **Enforcement**

- 7 1. Once effective, the compact continues in force and remains binding upon every
8 compacting state, but a compacting state may withdraw from the compact by
9 specifically repealing the statute that enacted the compact into law. The effective
10 date of withdrawal is the effective date of the repeal. The withdrawing state shall
11 notify the chairman of the commission in writing upon the introduction of legislation
12 repealing this compact in the withdrawing state. The commission shall notify the
13 other compacting states of the withdrawing state's intent to withdraw within sixty
14 days of receipt of the notice. The withdrawing state is responsible for all
15 assessments, obligations, and liabilities incurred through the effective date of
16 withdrawal, including any obligations the performance of which extend beyond the
17 effective date of withdrawal. Reinstatement following withdrawal of any
18 compacting state occurs upon the withdrawing state reenacting the compact or
19 upon a later date as determined by the interstate commission.
- 20 2. If the commission determines that any compacting state has at any time defaulted
21 in the performance of any of its obligations or responsibilities under this compact or
22 the bylaws or rules of the commission, the commission may impose any or all of
23 the following penalties:
- 24 a. Remedial training and technical assistance as directed by the commission;
 - 25 b. Alternative dispute resolution;
 - 26 c. Fines, fees, and costs in those amounts as are determined to be reasonable
27 as fixed by the commission; and
 - 28 d. Suspension or termination of membership in the compact, which may be
29 imposed only after all other reasonable means of securing compliance under
30 the bylaws and rules have been exhausted and the commission has
31 determined that the offending state is in default.

- 1 (1) Immediate notice of suspension must be given by the commission to
2 the governor, the chief justice or the chief judicial officer of the state, the
3 majority and minority leaders of the defaulting state's legislature, and
4 the state council. The grounds for default include failure of a
5 compacting state to perform the obligations or responsibilities imposed
6 upon the state by this compact, the bylaws, or rules and any other
7 grounds designated in commission bylaws and rules. The commission
8 shall notify the defaulting state in writing of the penalty imposed by the
9 commission and of the default pending a cure of the default. The
10 commission shall stipulate the conditions and the time period within
11 which the defaulting state must cure its default. If the defaulting state
12 fails to cure the default within the time period specified by the
13 commission, the defaulting state must be terminated from the compact
14 upon an affirmative vote of a majority of the compacting states and all
15 rights, privileges, and benefits conferred by this compact must be
16 terminated from the effective date of termination.
- 17 (2) Within sixty days of the effective date of termination of a defaulting
18 state, the commission shall notify the governor, the chief justice or chief
19 judicial officer, the majority and minority leaders of the defaulting state's
20 legislature, and the state council of the termination. The defaulting
21 state is responsible for all assessments, obligations, and liabilities
22 incurred through the effective date of termination, including any
23 obligations the performance of which extends beyond the effective date
24 of termination. The commission does not bear any costs relating to the
25 defaulting state unless otherwise mutually agreed upon in writing
26 between the commission and the defaulting state. Reinstatement
27 following termination of any compacting state requires both a
28 reenactment of the compact by the defaulting state and the approval of
29 the commission pursuant to the rules.
- 30 3. The commission, by majority vote of the members, may initiate legal action in the
31 United States district court for the District of Columbia or, at the discretion of the

1 commission, in the federal district where the commission has its offices, to enforce
2 compliance with the compact, its duly promulgated rules, and bylaws against any
3 compacting state in default. If judicial enforcement is necessary, the prevailing
4 party must be awarded all costs of the litigation, including reasonable attorney
5 fees.

6 4. The compact dissolves effective upon the date of the withdrawal or default of the
7 compacting state which reduces membership in the compact to one compacting
8 state. Upon the dissolution of this compact, the compact becomes void and the
9 business and affairs of the commission must be concluded and any surplus funds
10 must be distributed in accordance with the bylaws.

11 **Article 12. Binding Effect of Compact and Other Laws**

12 1. This compact does not prevent the enforcement of any other law of a compacting
13 state which is consistent with this compact. All compacting states' laws other than
14 the Constitution of North Dakota and other interstate compacts conflicting with this
15 compact are superseded to the extent of the conflict.

16 2. All lawful actions of the commission, including all rules and bylaws adopted by the
17 commission, are binding upon the compacting states.

18 3. All agreements between the commission and the compacting states are binding in
19 accordance with their terms.

20 4. Upon the request of a party to a conflict over meaning or interpretation of
21 commission actions, and upon a majority vote of the compacting states, the
22 commission may issue advisory opinions regarding the meaning or interpretation.

23 5. In the event any provision of this compact exceeds the constitutional limits imposed
24 on the legislature of any compacting state, the obligations, duties, powers, or
25 jurisdiction sought to be conferred by the provision upon the commission are
26 ineffective and the obligations, duties, powers, or jurisdiction remain in the
27 compacting state and must be exercised by the agency to which the obligations,
28 duties, powers, or jurisdiction are delegated by law in effect at the time this
29 compact becomes effective.