

SENATE BILL NO. 43—SENATOR WASHINGTON

FEBRUARY 8, 2005

Referred to Committee on Judiciary

SUMMARY—Adopts revised Interstate Compact for Juveniles.
(BDR 5-81)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to juveniles; ratifying the revised Interstate Compact for Juveniles; renouncing the original Interstate Compact on Juveniles and repealing the provisions relating thereto; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for participation by the State of Nevada in the Interstate Compact on Juveniles. This Compact facilitates cooperation among states to track and supervise juveniles who move across state borders. (Chapter 62I of NRS)

This bill repeals the current Interstate Compact on Juveniles and adopts in its place a new Compact. This new Compact retains the cooperation in tracking and supervising juveniles who move across state borders and establishes an Interstate Commission to administer the Compact, create policies and rules, enforce compliance and institute a mandatory funding mechanism.

This bill also creates the Nevada State Council for Interstate Juvenile Supervision, which has policymaking and oversight authority concerning the operation of the Compact in Nevada.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 62I of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *The Interstate Compact for Juveniles is hereby ratified, enacted into law and entered into with all jurisdictions*



1 *legally joining the Compact, in substantially the form set forth in*
2 *this section:*

3
4 **ARTICLE I. PURPOSE**
5

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

19 *It is the purpose of this Compact, through means of joint and*
20 *cooperative action among the compacting states, to:*

21 *(1) Ensure that the adjudicated juveniles and status offenders*
22 *subject to this Compact are provided adequate supervision and*
23 *services in the receiving state as ordered by the adjudicating judge*
24 *or parole authority in the sending state.*

25 *(2) Ensure that the public safety interests of the citizens,*
26 *including the victims of juvenile offenders, in both the sending*
27 *and receiving states, are adequately protected.*

28 *(3) Return juveniles who have run away, absconded or*
29 *escaped from supervision or control or who have been accused of*
30 *an offense to the state requesting their return.*

31 *(4) Make contracts for the cooperative institutionalization in*
32 *public facilities in member states of delinquent youth needing*
33 *special services.*

34 *(5) Provide for the effective tracking and supervision of*
35 *juveniles.*

36 *(6) Equitably allocate the costs, benefits and obligations of*
37 *the compacting states.*

38 *(7) Establish procedures to manage the movement between*
39 *states of juvenile offenders released to the community under the*
40 *jurisdiction of courts, juvenile departments or any other criminal*
41 *or juvenile justice agency which has jurisdiction over juvenile*
42 *offenders.*

43 *(8) Ensure immediate notice to jurisdictions where defined*
44 *offenders are authorized to travel or to relocate across state lines.*



1 (9) *Establish procedures to resolve pending charges*
2 *(detainers) against juvenile offenders prior to transfer or release*
3 *to the community under the terms of this Compact.*

4 (10) *Establish a system of uniform data collection on*
5 *information pertaining to juveniles subject to this Compact that*
6 *allows access by authorized juvenile justice and criminal justice*
7 *officials, and regular reporting of the Compact's activities to*
8 *heads of state executive, judicial and legislative branches and*
9 *juvenile and criminal justice administrators.*

10 (11) *Monitor compliance with rules governing interstate*
11 *movement of juveniles and initiate interventions to address and*
12 *correct noncompliance.*

13 (12) *Coordinate training and education regarding the*
14 *regulation of interstate movement of juveniles for officials*
15 *involved in such activity.*

16 (13) *Coordinate the implementation and operation of the*
17 *Compact with the Interstate Compact on the Placement of*
18 *Children, the Interstate Compact for Adult Offender Supervision*
19 *and other compacts affecting juveniles, particularly in those cases*
20 *where concurrent or overlapping supervision issues arise.*

21 *It is the policy of the compacting states that the activities*
22 *conducted by the Interstate Commission created herein are the*
23 *formation of public policies and therefore are public business.*
24 *Furthermore, the compacting states shall cooperate and observe*
25 *their individual and collective duties and responsibilities for the*
26 *prompt return and acceptance of juveniles subject to the*
27 *provisions of this Compact. The provisions of this Compact shall*
28 *be reasonably and liberally construed to accomplish the purposes*
29 *and policies of the Compact.*

30 31 **ARTICLE II. DEFINITIONS**

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33 *As used in this Compact, unless the context clearly requires a*
34 *different construction:*

35 (1) *"Bylaws" means those bylaws established by the Interstate*
36 *Commission for its governance or for directing or controlling its*
37 *actions or conduct.*

38 (2) *"Commissioner" means the voting representative of each*
39 *compacting state appointed pursuant to Article III of this*
40 *Compact.*

41 (3) *"Compact Administrator" means the individual in each*
42 *compacting state appointed pursuant to the terms of this Compact,*
43 *responsible for the administration and management of the state's*
44 *supervision and transfer of juveniles subject to the terms of this*



1 *Compact, the rules adopted by the Interstate Commission and*
2 *policies adopted by the State Council under this Compact.*

3 (4) *“Compacting state” means any state which has enacted*
4 *the enabling legislation for this Compact.*

5 (5) *“Court” means any court having jurisdiction over*
6 *delinquent, neglected or dependent children.*

7 (6) *“Deputy Compact Administrator” means the individual, if*
8 *any, in each compacting state appointed to act on behalf of a*
9 *Compact Administrator pursuant to the terms of this Compact*
10 *responsible for the administration and management of the state’s*
11 *supervision and transfer of juveniles subject to the terms of this*
12 *Compact, the rules adopted by the Interstate Commission and*
13 *policies adopted by the State Council under this Compact.*

14 (7) *“Interstate Commission” means the Interstate*
15 *Commission for Juveniles created by Article III of this Compact.*

16 (8) *“Juvenile” means any person defined as a juvenile in any*
17 *member state or by the rules of the Interstate Commission,*
18 *including:*

19 (a) *Accused Delinquent—a person charged with an offense*
20 *that, if committed by an adult, would be a criminal offense;*

21 (b) *Adjudicated Delinquent—a person found to have*
22 *committed an offense that, if committed by an adult, would be a*
23 *criminal offense;*

24 (c) *Accused Status Offender—a person charged with an*
25 *offense that would not be a criminal offense if committed by an*
26 *adult;*

27 (d) *Adjudicated Status Offender—a person found to have*
28 *committed an offense that would not be a criminal offense if*
29 *committed by an adult; and*

30 (e) *Nonoffender—a person in need of supervision who has*
31 *not been accused or adjudicated a status offender or delinquent.*

32 (9) *“Noncompacting state” means any state which has not*
33 *enacted the enabling legislation for this Compact.*

34 (10) *“Probation or parole” means any kind of supervision or*
35 *conditional release of juveniles authorized under the laws of the*
36 *compacting states.*

37 (11) *“Rule” means a written statement by the Interstate*
38 *Commission promulgated pursuant to Article VI of this Compact*
39 *that is of general applicability, implements, interprets or prescribes*
40 *a policy or provision of the Compact or an organizational,*
41 *procedural or practice requirement of the Interstate Commission,*
42 *and has the force and effect of statutory law in a compacting state,*
43 *and includes the amendment, repeal or suspension of an existing*
44 *rule.*



(12) "State" means a state of the United States, the District of Columbia (or its designee), the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Northern Marianas Islands.

(13) "State Council" means the resident members of the State Council for Interstate Juvenile Supervision created by each state under Article IX of this Compact.

ARTICLE III. INTERSTATE COMMISSION FOR JUVENILES

(1) The compacting states hereby create the Interstate Commission for Juveniles. The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this Compact.

(2) The Interstate Commission shall consist of Commissioners appointed by the appropriate appointing authority in each state pursuant to the rules and requirements of each compacting state and in consultation with the State Council created hereunder. The Commissioner shall be the Compact Administrator, Deputy Compact Administrator or designee from that state who shall serve on the Interstate Commission in such capacity under or pursuant to the applicable law of the compacting state.

(3) In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not Commissioners, but who are members of interested organizations. Such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All noncommissioner members of the Interstate Commission shall be *ex officio*, nonvoting members. The Interstate Commission may provide in its bylaws for such additional *ex officio*, nonvoting members, including members of other national organizations, in such numbers as shall be determined by the Interstate Commission.

(4) Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the



1 *compacting states shall constitute a quorum for the transaction of*
2 *business, unless a larger quorum is required by the bylaws of the*
3 *Interstate Commission.*

4 (5) *The Interstate Commission shall meet at least once each*
5 *calendar year. The Chairperson may call additional meetings and,*
6 *upon the request of a simple majority of the compacting states,*
7 *shall call additional meetings. Public notice shall be given of all*
8 *meetings and meetings shall be open to the public.*

9 (6) *The Interstate Commission shall establish an Executive*
10 *Committee, which shall include Interstate Commission officers,*
11 *members and others as determined by the bylaws. The Executive*
12 *Committee shall have the power to act on behalf of the Interstate*
13 *Commission during periods when the Interstate Commission is not*
14 *in session, with the exception of rulemaking and/or amendment to*
15 *the Compact. The Executive Committee shall oversee the day-to-*
16 *day activities of the administration of the Compact managed by an*
17 *Executive Director and Interstate Commission staff, administer*
18 *enforcement and compliance with the provisions of the Compact,*
19 *its bylaws and rules, and perform such other duties as directed by*
20 *the Interstate Commission or set forth in the bylaws.*

21 (7) *Each member of the Interstate Commission shall have the*
22 *right and power to cast a vote to which that compacting state is*
23 *entitled and to participate in the business and affairs of the*
24 *Interstate Commission. A member shall vote in person and shall*
25 *not delegate a vote to another compacting state. However, a*
26 *Commissioner, in consultation with the State Council, shall*
27 *appoint another authorized representative, in the absence of the*
28 *Commissioner from that state, to cast a vote on behalf of the*
29 *compacting state at a specified meeting. The bylaws may provide*
30 *for members' participation in meetings by telephone or other*
31 *means of telecommunication or electronic communication.*

32 (8) *The Interstate Commission's bylaws shall establish*
33 *conditions and procedures under which the Interstate Commission*
34 *shall make its information and official records available to the*
35 *public for inspection or copying. The Interstate Commission may*
36 *exempt from disclosure any information or official records to the*
37 *extent they would adversely affect personal privacy rights or*
38 *proprietary interests.*

39 (9) *Public notice shall be given of all meetings and all*
40 *meetings shall be open to the public, except as set forth in the*
41 *rules or as otherwise provided in the Compact. The Interstate*
42 *Commission and any of its committees may close a meeting to the*
43 *public where it determines by two-thirds vote that an open meeting*
44 *would be likely to:*



1 (a) *Relate solely to the Interstate Commission's internal*
2 *personnel practices and procedures;*

3 (b) *Disclose matters specifically exempted from disclosure*
4 *by statute;*

5 (c) *Disclose trade secrets or commercial or financial*
6 *information which is privileged or confidential;*

7 (d) *Involve accusing any person of a crime or formally*
8 *censuring any person;*

9 (e) *Disclose information of a personal nature where*
10 *disclosure would constitute a clearly unwarranted invasion of*
11 *personal privacy;*

12 (f) *Disclose investigative records compiled for law*
13 *enforcement purposes;*

14 (g) *Disclose information contained in or related to*
15 *examination, operating or condition reports prepared by, or on*
16 *behalf of or for the use of, the Interstate Commission with respect*
17 *to a regulated person or entity for the purpose of regulation or*
18 *supervision of such person or entity;*

19 (h) *Disclose information, the premature disclosure of*
20 *which would significantly endanger the stability of a regulated*
21 *person or entity; or*

22 (i) *Specifically relate to the Interstate Commission's*
23 *issuance of a subpoena or its participation in a civil action or*
24 *other legal proceeding.*

25 (10) *For every meeting closed pursuant to this provision, the*
26 *Interstate Commission's legal counsel shall publicly certify that,*
27 *in the legal counsel's opinion, the meeting may be closed to the*
28 *public, and shall reference each relevant exemptive provision. The*
29 *Interstate Commission shall keep minutes which shall fully and*
30 *clearly describe all matters discussed in any meeting and shall*
31 *provide a full and accurate summary of any actions taken, and the*
32 *reasons therefore, including a description of each of the views*
33 *expressed on any item and the record of any roll call vote*
34 *(reflected in the vote of each member on the question). All*
35 *documents considered in connection with any action shall be*
36 *identified in such minutes.*

37 (11) *The Interstate Commission shall collect standardized*
38 *data concerning the interstate movement of juveniles as directed*
39 *through its rules which shall specify the data to be collected, the*
40 *means of collection and data exchange and reporting*
41 *requirements. Such methods of data collection, exchange and*
42 *reporting shall, insofar as is reasonably possible, conform to up-*
43 *to-date technology and coordinate its information functions with*
44 *the appropriate repository of records.*



**ARTICLE IV. POWERS AND DUTIES OF
THE INTERSTATE COMMISSION**

The Interstate Commission shall have the following powers and duties:

(1) To provide for dispute resolution among compacting states.

(2) To promulgate rules to effect the purposes and obligations as enumerated in this Compact, which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this Compact.

(3) To oversee, supervise and coordinate the interstate movement of juveniles subject to the terms of this Compact and any bylaws adopted and rules promulgated by the Interstate Commission.

(4) To enforce compliance with the provisions of the Compact, the rules promulgated by the Interstate Commission and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.

(5) To establish and maintain offices which shall be located within one or more of the compacting states.

(6) To purchase and maintain insurance and bonds.

(7) To borrow, accept, hire or contract for services of personnel.

(8) To establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions, including, but not limited to, an Executive Committee as required by Article III which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

(9) To elect or appoint such officers, attorneys, employees, agents or consultants, and to fix their compensation, define their duties and determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts of interest, rates of compensation and qualifications of personnel.

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

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

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



1 (13) *To establish a budget and make expenditures and levy*
2 *dues as provided in Article VIII of this Compact.*

3 (14) *To sue and be sued.*

4 (15) *To adopt a seal and bylaws governing the management*
5 *and operation of the Interstate Commission.*

6 (16) *To perform such functions as may be necessary or*
7 *appropriate to achieve the purposes of this Compact.*

8 (17) *To report annually to the legislatures, governors,*
9 *judiciary and State Councils of the compacting states concerning*
10 *the activities of the Interstate Commission during the preceding*
11 *year. Such reports shall also include any recommendations that*
12 *may have been adopted by the Interstate Commission.*

13 (18) *To coordinate education, training and public awareness*
14 *regarding the interstate movement of juveniles for officials*
15 *involved in such activity.*

16 (19) *To establish uniform standards of the reporting,*
17 *collecting and exchanging of data.*

18 (20) *To maintain the Interstate Commission's corporate*
19 *books and records in accordance with the bylaws.*

20
21 **ARTICLE V. ORGANIZATION AND OPERATION OF**
22 **THE INTERSTATE COMMISSION**

23
24 **Section A. Bylaws**
25

26 *The Interstate Commission shall, by a majority of the members*
27 *present and voting, within 12 months after the first Interstate*
28 *Commission meeting, adopt bylaws to govern its conduct as may*
29 *be necessary or appropriate to carry out the purposes of the*
30 *Compact, including, but not limited to:*

31 (1) *Establishing the fiscal year of the Interstate Commission;*

32 (2) *Establishing an Executive Committee and such other*
33 *committees as may be necessary;*

34 (3) *Providing for the establishment of committees governing*
35 *any general or specific delegation of any authority or function of*
36 *the Interstate Commission;*

37 (4) *Providing reasonable procedures for calling and*
38 *conducting meetings of the Interstate Commission, and ensuring*
39 *reasonable notice of each such meeting;*

40 (5) *Establishing the titles and responsibilities of the officers*
41 *of the Interstate Commission;*

42 (6) *Providing a mechanism for concluding the operations of*
43 *the Interstate Commission and the return of any surplus funds*
44 *that may exist upon the termination of the Compact after the*
45 *payment and/or reserving of all of its debts and obligations;*



(7) *Providing “start-up” rules for the initial administration of the Compact; and*

(8) *Establishing standards and procedures for compliance and technical assistance in carrying out the Compact.*

Section B. Officers and Staff

(1) *The Interstate Commission shall, by a majority of the members, elect annually from among its members a Chairman and a Vice Chairman, each of whom shall have such authority and duties as may be specified in the bylaws. The Chairman or, in the Chairman’s absence or disability, the Vice Chairman shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission, provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.*

(2) *The Interstate Commission shall, through its Executive Committee, appoint or retain an Executive Director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The Executive Director shall serve as Secretary to the Interstate Commission, but shall not be a member and shall hire and supervise such other staff as may be authorized by the Interstate Commission.*

Section C. Qualified Immunity, Defense and Indemnification

(1) *The Interstate Commission’s Executive Director and employees shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or for any personal injury or other civil liability caused by or arising out of or relating to any actual or alleged act, error or omission that occurred, or that such person had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties or responsibilities, provided that any such person shall not be protected from suit or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of any such person.*

(2) *The liability of any Commissioner, or the employee or agent of a Commissioner, acting within the scope of such person’s employment or duties for acts, errors or omissions occurring within such person’s state may not exceed the limits of liability set*



1 *forth under the constitution and laws of that state for state*
2 *officials, employees and agents. Nothing in this subsection shall*
3 *be construed to protect any such person from suit or liability for*
4 *any damage, loss, injury or liability caused by the intentional or*
5 *willful and wanton misconduct of any such person.*

6 (3) *The Interstate Commission shall defend the Executive*
7 *Director or the employees or representatives of the Interstate*
8 *Commission and, subject to the approval of the Attorney General*
9 *of the state represented by any Commissioner of a compacting*
10 *state, shall defend such Commissioner or the Commissioner's*
11 *representatives or employees in any civil action seeking to impose*
12 *liability arising out of any actual or alleged act, error or omission*
13 *that occurred within the scope of Interstate Commission*
14 *employment, duties or responsibilities, or that the defendant had a*
15 *reasonable basis for believing occurred within the scope of*
16 *Interstate Commission employment, duties or responsibilities,*
17 *provided that the actual or alleged act, error or omission did not*
18 *result from intentional or willful and wanton misconduct on the*
19 *part of such person.*

20 (4) *The Interstate Commission shall indemnify and hold the*
21 *Commissioner of a compacting state, or the Commissioner's*
22 *representatives or employees, or the Interstate Commission's*
23 *representatives or employees, harmless in the amount of any*
24 *settlement or judgment obtained against such persons arising out*
25 *of any actual or alleged act, error or omission that occurred within*
26 *the scope of Interstate Commission employment, duties or*
27 *responsibilities, or that such persons had a reasonable basis for*
28 *believing occurred within the scope of Interstate Commission*
29 *employment, duties or responsibilities, provided that the actual or*
30 *alleged act, error or omission did not result from intentional or*
31 *willful and wanton misconduct on the part of such persons.*

32 33 **ARTICLE VI. RULEMAKING FUNCTIONS OF** 34 **THE INTERSTATE COMMISSION**

35
36 (1) *The Interstate Commission shall promulgate and publish*
37 *rules in order to effectively and efficiently achieve the purposes of*
38 *the Compact.*

39 (2) *Rulemaking shall occur pursuant to the criteria set forth*
40 *in this article and the bylaws and rules adopted pursuant thereto.*
41 *Such rulemaking shall substantially conform to the principles of*
42 *the Model State Administrative Procedure Act, 1981 Act, Uniform*
43 *Laws Annotated, Vol. 15, p. 1 (2000), or such other administrative*
44 *procedures act as the Interstate Commission deems appropriate*
45 *and consistent with due process requirements under the United*



1 *States Constitution as now or hereafter interpreted by the United*
2 *States Supreme Court. All rules and amendments shall become*
3 *binding as of the date specified, as published with the final version*
4 *of the rule as approved by the Interstate Commission.*

5 (3) *When promulgating a rule, the Interstate Commission*
6 *shall, at a minimum:*

7 (a) *Publish the proposed rule's entire text stating the*
8 *reasons for that proposed rule;*

9 (b) *Allow and invite any and all persons to submit written*
10 *data, facts, opinions and arguments, which information shall be*
11 *added to the record and be made publicly available;*

12 (c) *Provide an opportunity for an informal hearing if*
13 *petitioned by 10 or more persons; and*

14 (d) *Promulgate a final rule and its effective date, if*
15 *appropriate, based on input from state or local officials, or*
16 *interested parties.*

17 (4) *Allow, not later than 60 days after a rule is promulgated,*
18 *any interested person to file a petition in the United States District*
19 *Court for the District of Columbia or in the federal district court*
20 *where the Interstate Commission's principal office is located for*
21 *judicial review of such rule. If the court finds that the Interstate*
22 *Commission's action is not supported by substantial evidence in*
23 *the rulemaking record, the court shall hold the rule unlawful and*
24 *set it aside. For purposes of this subsection, evidence is substantial*
25 *if it would be considered substantial evidence under the Model*
26 *State Administrative Procedure Act.*

27 (5) *If a majority of the legislatures of the compacting states*
28 *rejects a rule, by enactment of a statute or resolution in the same*
29 *manner used to adopt the Compact, then such rule shall have no*
30 *further force and effect in any compacting state.*

31 (6) *The existing rules governing the operation of the*
32 *Interstate Compact on Juveniles superceded by this act shall be*
33 *null and void 12 months after the first meeting of the Interstate*
34 *Commission created hereunder.*

35 (7) *Upon determination by the Interstate Commission that an*
36 *emergency exists, it may promulgate an emergency rule which*
37 *shall become effective immediately upon adoption, provided that*
38 *the usual rulemaking procedures provided hereunder shall be*
39 *retroactively applied to said rule as soon as reasonably possible,*
40 *but no later than 90 days after the effective date of the emergency*
41 *rule.*



**ARTICLE VII. OVERSIGHT, ENFORCEMENT AND
DISPUTE RESOLUTION BY THE
INTERSTATE COMMISSION**

Section A. Oversight

(1) *The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this Compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.*

(2) *The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall be received by all the judges, public officers, commissions and departments of the state government as evidence of the authorized statute and administrative rules. All courts shall take judicial notice of the Compact and the rules. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Interstate Commission, it shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.*

Section B. Dispute Resolution

(1) *The compacting states shall report to the Interstate Commission on all issues and activities necessary for the administration of the Compact as well as issues and activities pertaining to compliance with the provisions of the Compact and its bylaws and rules.*

(2) *The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the Compact and which may arise among compacting states and between compacting and noncompacting states. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.*

(3) *The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact using any or all means set forth in Article XI of this Compact.*



ARTICLE VIII. FINANCE

(1) *The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.*

(2) *The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of each compacting state and the volume of interstate movement of juveniles in each compacting state and shall promulgate a rule binding upon all compacting states which governs said assessment.*

(3) *The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.*

(4) *The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.*

ARTICLE IX. THE STATE COUNCIL

(1) *The Nevada State Council for Interstate Juvenile Supervision is hereby created. The Nevada State Council for Interstate Juvenile Supervision consists of the following seven members:*

(a) *The Compact Administrator, appointed by the Governor, who shall serve as Chairman and as Commissioner to the Interstate Commission for this State;*

(b) *Three members appointed by the Governor, one of whom must be a representative of an organization supporting the rights of victims of crime;*

(c) *One member of the Senate, appointed by the Majority Leader of the Senate;*



1 (d) One member of the Assembly, appointed by the Speaker
2 of the Assembly; and

3 (e) One member who is a district judge, appointed by the
4 Chief Justice of the Supreme Court of Nevada.

5 (2) The members of the Nevada State Council for Interstate
6 Juvenile Supervision serve at the pleasure of the persons who
7 appointed them.

8 (3) The Legislators who are members of the Nevada State
9 Council for Interstate Juvenile Supervision are entitled to receive
10 the salary provided for a majority of the members of the
11 Legislature during the first 60 days of the preceding session for
12 each day's attendance at a meeting of the Nevada State Council
13 for Interstate Juvenile Supervision.

14 (4) While engaged in the business of the Interstate
15 Commission, each member of the Nevada State Council for
16 Interstate Juvenile Supervision is entitled to receive the per diem
17 allowance and travel expenses provided for state officers and
18 employees generally.

19 (5) The Nevada State Council for Interstate Juvenile
20 Supervision shall develop policies concerning the operation of the
21 Compact within this State and shall exercise oversight and
22 advocacy concerning its participation in activities of the Interstate
23 Commission.

24
25 **ARTICLE X. COMPACTING STATES, EFFECTIVE**
26 **DATE AND AMENDMENT**
27

28 (1) Any state, as defined in Article II of this Compact, is
29 eligible to become a compacting state.

30 (2) The Compact shall become effective and binding upon
31 legislative enactment of the Compact into law by no less than 35 of
32 the states. The initial effective date shall be the later of July 1,
33 2006, or upon enactment into law by the 35th jurisdiction.
34 Thereafter it shall become effective and binding as to any other
35 compacting state upon enactment of the Compact into law by that
36 state. The governors of nonmember states or their designees shall
37 be invited to participate in the activities of the Interstate
38 Commission on a nonvoting basis prior to adoption of the
39 Compact by all states and territories of the United States.

40 (3) The Interstate Commission may propose amendments to
41 the Compact for enactment by the compacting states. No
42 amendment shall become effective and binding upon the Interstate
43 Commission and the compacting states unless and until it is
44 enacted into law by unanimous consent of the compacting states.



**ARTICLE XI. WITHDRAWAL, DEFAULT, TERMINATION
AND JUDICIAL ENFORCEMENT**

Section A. Withdrawal

(1) *Once effective, the Compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from the Compact by specifically repealing the statute which enacted the Compact into law.*

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

(3) *The withdrawing state shall immediately notify the Chairman of the Interstate Commission in writing upon the introduction of legislation repealing this Compact in the withdrawing state. The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days after its receipt thereof.*

(4) *The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations the performance of which extend beyond the effective date of withdrawal.*

(5) *Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the Compact or upon such later date as determined by the Interstate Commission.*

**Section B. Technical Assistance, Fines, Suspension,
Termination and Default**

(1) *If the Interstate Commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under this Compact, or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:*

(a) *Remedial training and technical assistance as directed by the Interstate Commission;*

(b) *Alternative dispute resolution;*

(c) *Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission; and*

(d) *Suspension or termination of membership in the Compact, which shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted and the Interstate Commission has therefore determined that the offending state is in default. Immediate notice*



1 of suspension shall be given by the Interstate Commission to the
2 Governor, the Chief Justice or the Chief Judicial Officer of the
3 state, the Majority and Minority Leaders of the defaulting state's
4 legislature and the State Council. The grounds for default include,
5 but are not limited to, failure of a compacting state to perform
6 such obligations or responsibilities imposed upon it by this
7 Compact, the bylaws or duly promulgated rules and any other
8 grounds designated in the Interstate Commission's bylaws and
9 rules. The Interstate Commission shall immediately notify the
10 defaulting state in writing of the penalty imposed by the Interstate
11 Commission and of the default pending a cure of the default. The
12 Interstate Commission shall stipulate the conditions and the time
13 period within which the defaulting state must cure its default. If
14 the defaulting state fails to cure the default within the time period
15 specified by the Interstate Commission, the defaulting state shall
16 be terminated from the Compact upon an affirmative vote of a
17 majority of the compacting states and all rights, privileges and
18 benefits conferred by this Compact shall be terminated from the
19 effective date of termination.

20 (2) Within 60 days after the effective date of termination of a
21 defaulting state, the Interstate Commission shall notify the
22 Governor, the Chief Justice or Chief Judicial Officer, the Majority
23 and Minority Leaders of the defaulting state's legislature and the
24 State Council of such termination.

25 (3) The defaulting state is responsible for all assessments,
26 obligations and liabilities incurred through the effective date of
27 termination, including any obligations, the performance of which
28 extends beyond the effective date of termination.

29 (4) The Interstate Commission shall not bear any costs
30 relating to the defaulting state unless otherwise mutually agreed
31 upon in writing between the Interstate Commission and the
32 defaulting state.

33 (5) Reinstatement following termination of any compacting
34 state requires both a reenactment of the Compact by the defaulting
35 state and the approval of the Interstate Commission pursuant to
36 the rules.

37 38 Section C. Judicial Enforcement 39

40 The Interstate Commission may, by majority vote of the
41 members, initiate legal action in the United States District Court
42 for the District of Columbia or, at the discretion of the Interstate
43 Commission, in the federal district court where the Interstate
44 Commission has its offices, to enforce compliance with the
45 provisions of the Compact, its duly promulgated rules and its



1 *bylaws against any compacting state in default. In the event*
2 *judicial enforcement is necessary, the prevailing party shall be*
3 *awarded all costs of such litigation, including reasonable*
4 *attorneys' fees.*

5
6 *Section D. Dissolution of Compact*

7
8 *(1) The Compact dissolves effective upon the date of the*
9 *withdrawal or default of the compacting state which reduces*
10 *membership in the Compact to one compacting state.*

11 *(2) Upon the dissolution of this Compact, the Compact*
12 *becomes null and void and shall be of no further force or effect,*
13 *and the business and affairs of the Interstate Commission shall be*
14 *concluded and any surplus funds shall be distributed in*
15 *accordance with the bylaws.*

16
17 *ARTICLE XII. SEVERABILITY AND*
18 *CONSTRUCTION*

19
20 *(1) The provisions of this Compact shall be severable, and if*
21 *any phrase, clause, sentence or provision is deemed*
22 *unenforceable, the remaining provisions of the Compact shall be*
23 *enforceable.*

24 *(2) The provisions of this Compact shall be liberally*
25 *construed to effectuate its purposes.*

26
27 *ARTICLE XIII. BINDING EFFECT OF COMPACT*
28 *AND OTHER LAWS*

29
30 *Section A. Other Laws*

31
32 *(1) Nothing herein prevents the enforcement of any other law*
33 *of a compacting state that is not inconsistent with this Compact.*

34 *(2) All compacting states' laws other than state constitutions*
35 *and other interstate compacts conflicting with this Compact are*
36 *superseded to the extent of the conflict.*

37
38 *Section B. Binding Effect of the Compact*

39
40 *(1) All lawful actions of the Interstate Commission, including*
41 *all rules and bylaws promulgated by the Interstate Commission,*
42 *are binding upon the compacting states.*

43 *(2) All agreements between the Interstate Commission and*
44 *the compacting states are binding in accordance with their terms.*



(3) *Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.*

(4) *In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.*

Sec. 3. *All claims that arise pursuant to the provisions of this chapter must be paid from the Reserve for Statutory Contingency Account in the same manner as other claims against the State are paid, upon approval by the Compact Administrator appointed pursuant to section 2 of this act.*

Sec. 4. NRS 62F.020 is hereby amended to read as follows:

62F.020 If a child is adjudicated delinquent in another state for an act that, if committed by an adult, would be a sexual offense pursuant to the laws of the other state, the other state may send the child to this State to receive care, treatment or rehabilitation in any residential, group or institutional program only if the program in this State ensures that the other state has requested through the Interstate Compact ~~for~~ *for* Juveniles pursuant to chapter 62I of NRS or the Interstate Compact on the Placement of Children pursuant to NRS 127.320 to 127.350, inclusive, that courtesy supervision be provided for the child during the period that the child is in this State for care, treatment or rehabilitation.

Sec. 5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, ~~62I.050,~~ 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 ~~and~~ *and section 3 of this act;*

(b) The payment of claims which are obligations of the State pursuant to:



(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225, 213.153 and 293B.210,

↳ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims; and

(d) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board.

Sec. 6. NRS 62I.010, 62I.020, 62I.030, 62I.040, 62I.050, 62I.060 and 62I.070 are hereby repealed.

Sec. 7. This act becomes effective:

1. On July 1, 2006; or

2. Upon enactment of the Interstate Compact for Juveniles into law by the 35th jurisdiction,

↳ whichever is later.

LEADLINES OF REPEALED SECTIONS

62I.010 Execution of compact.

62I.020 Authorized amendment to compact.

62I.030 Administrator: Designation; powers and duties.

62I.040 Execution of supplementary agreements by administrator; limitations.

62I.050 Payment of claims from Reserve for Statutory Contingency Account.



62I.060 Payment of fees of attorneys and guardians ad litem.

62I.070 Responsibilities of state departments, agencies and officers.



