

SENATE BILL NO. 25

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/10/01

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Interstate Compact for Adult Offender Supervision and the**
2 **State Council for Interstate Adult Offender Supervision; amending Rules 4 and 24,**
3 **Alaska Rules of Civil Procedure; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 FINDINGS. The legislature finds that

8 (1) the Interstate Compact for the Supervision of Parolees and Probationers
9 (ICSPP) was established in 1937; the ICSPP is the earliest corrections "compact" established
10 among the states and has not been amended since its adoption over 62 years ago; this state
11 enacted that compact in 1957;

12 (2) the ICSPP is the only vehicle for the controlled movement of adult
13 parolees and probationers across state lines and the ICSPP currently has jurisdiction over
14 more than a quarter of a million offenders; the complexities of the ICSPP have become more

1 difficult to administer and many jurisdictions have expanded supervision expectations to
 2 include currently unregulated practices such as victim input, victim notification requirements,
 3 and sex offender registration;

4 (3) after hearings, national surveys, and a detailed study by a task force
 5 appointed by the National Institute of Corrections, the overwhelming recommendation has
 6 been to change the ICSPP to bring about an effective management capacity that addresses
 7 public safety concerns and offender accountability.

8 * **Sec. 2.** AS 33.36.110 is repealed and reenacted to read:

9 **Sec. 33.36.110. Authorizing governor to execute interstate compact.** The
 10 governor of this state is authorized and directed to execute a compact on behalf of this
 11 state with any of the United States legally joining in the compact in the form
 12 substantially as follows:

13 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

14 ARTICLE I

15 PURPOSE AND POLICY

16 The compacting states to this Interstate Compact for Adult Offender
 17 Supervision recognize that each state is responsible for the supervision of adult
 18 offenders in the community who are authorized in accordance with the by-laws and
 19 rules of this compact to travel across state lines both to and from each compacting
 20 state in such a manner as to track the location of offenders, transfer supervision
 21 authority in an orderly and efficient manner, and when necessary return offenders to
 22 the originating jurisdictions.

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

26 It is the purpose of this compact and the Interstate Commission created under
 27 this compact, through means of joint and cooperative action among the compacting
 28 states, to provide the framework for the promotion of public safety and protect the
 29 rights of victims through the control and regulation of the interstate movement of
 30 offenders in the community; to provide for the effective tracking, supervision, and
 31 rehabilitation of these offenders by the sending and receiving states; and to equitably

1 distribute the costs, benefits, and obligations of the compact among the compacting
2 states.

3 In addition, this compact will create an Interstate Commission that will
4 establish uniform procedures to manage the movement between states of adults placed
5 under community supervision and released to the community under the jurisdiction of
6 courts, paroling authorities, corrections, or other criminal justice agencies that will
7 adopt rules to achieve the purpose of this compact; ensure an opportunity for input and
8 timely notice to victims and to jurisdictions where defined offenders are authorized to
9 travel or to relocate across state lines; establish a system of uniform data collection,
10 access to information on active cases by authorized criminal justice officials, and
11 regular reporting of compact activities to heads of state councils, state executive,
12 judicial, and legislative branches and criminal justice administrators; monitor
13 compliance with rules governing interstate movement of offenders and initiate
14 interventions to address and correct non-compliance; and coordinate training and
15 education regarding regulations of interstate movement of offenders for officials
16 involved in that activity.

17 The compacting states recognize that there is no right of any offender to live in
18 another state and that duly accredited officers of a sending state may at all times enter
19 a receiving state and there apprehend and retake any offender under supervision
20 subject to the provisions of this compact and by-laws and rules adopted under the
21 compact.

22 It is the policy of the compacting states that the activities conducted by the
23 Interstate Commission created in this compact are the formation of public policies and
24 are, as a result, public business.

25 ARTICLE II

26 DEFINITIONS

27 As used in this compact, unless the context clearly requires a different
28 construction,

29 (1) "adult" means both individuals legally classified as adults and
30 juveniles treated as adults by court order, statute, or operation of law;

31 (2) "by-laws" means the by-laws established by the Interstate

1 Commission for its governance, or for directing or controlling the Interstate
2 Commission's actions or conduct;

3 (3) "compact" means the Interstate Compact for Adult Offender
4 Supervision;

5 (4) "compact administrator" means the individual in each compacting
6 state, appointed in accordance with the terms of this compact, who is responsible for
7 the administration and management of the state's supervision and transfer of offenders
8 subject to the terms of this compact, the rules adopted by the Interstate Commission,
9 and policies adopted by the state council under this compact;

10 (5) "compacting state" means any state that has enacted the enabling
11 legislation for this compact;

12 (6) "commissioner" means the voting representative of each
13 compacting state appointed in accordance with art. III of this compact;

14 (7) "Interstate Commission" means the Interstate Commission for
15 Adult Offender Supervision established by this compact;

16 (8) "member" means the commissioner of a compacting state or a
17 designee, who shall be a person officially connected with the commissioner;

18 (9) "non-compacting state" means any state that has not enacted the
19 enabling legislation for this compact;

20 (10) "offender" means an adult placed under, or subject to, supervision
21 as the result of the commission of a criminal offense and released to the community
22 under the jurisdiction of courts, paroling authorities, corrections, or other criminal
23 justice agencies;

24 (11) "person" means any individual, corporation, business enterprise,
25 or other legal entity, either public or private;

26 (12) "rules" means acts of the Interstate Commission, duly adopted in
27 accordance with art. VII of this compact, substantially affecting interested parties in
28 addition to the Interstate Commission; the rules shall have the force and effect of law
29 in the compacting states;

30 (13) "state" means a state of the United States, the District of
31 Columbia and any other territorial possessions of the United States;

1 (14) "state council" means the resident members of the State Council
 2 for Interstate Adult Offender Supervision created by each state under art. III of this
 3 compact.

4 ARTICLE III

5 THE INTERSTATE COMMISSION FOR THE COMPACT

6 (a) The compacting states create the "Interstate Commission for Adult
 7 Offender Supervision." The Interstate Commission shall be a body corporate and joint
 8 agency of the compacting states. The Interstate Commission shall have all the
 9 responsibilities, powers, and duties set out in this compact, including the power to sue
 10 and be sued, and the additional powers as may be conferred upon it by subsequent
 11 action of the respective legislatures of the compacting states in accordance with the
 12 terms of this compact.

13 (b) The Interstate Commission consists of commissioners selected and
 14 appointed by resident members of a State Council for Interstate Adult Offender
 15 Supervision for each state. While each member state may determine the membership
 16 of its own state council, its membership must include at least one representative from
 17 the legislative, judicial, and executive branches of government, victims groups, and
 18 compact administrators. Each state council shall appoint as its commissioner the
 19 compact administrator from that state, to serve on the Interstate Commission in that
 20 capacity under or in accordance with applicable law of the member state. Each
 21 compacting state retains the right to determine the qualifications of the compact
 22 administrator, who shall be appointed by the state council or by the governor in
 23 consultation with the legislature and the judiciary. In addition to appointment of its
 24 commissioner to the national Interstate Commission, each state council shall exercise
 25 oversight and advocacy concerning its participation in Interstate Commission activities
 26 and other duties as may be determined by each member state, including development
 27 of policy concerning operations and procedures of this compact within that state.

28 (c) In addition to the commissioners who are the voting representatives of
 29 each state, the Interstate Commission shall include individuals who are not
 30 commissioners but who are members of interested organizations; non-commissioner
 31 members must include a member of the national organizations of governors,

1 legislators, state chief justices, attorneys general, and crime victims. All non-
 2 commissioner members of the Interstate Commission shall be ex-officio, nonvoting
 3 members. The Interstate Commission may provide in its by-laws for such additional,
 4 ex officio, nonvoting members as it deems necessary.

5 (d) Each compacting state represented at any meeting of the Interstate
 6 Commission is entitled to one vote. A majority of the compacting states shall
 7 constitute a quorum for the transaction of business, unless a larger quorum is required
 8 by the by-laws of the Interstate Commission.

9 (e) The Interstate Commission shall meet at least once each calendar year.
 10 The chairperson may call additional meetings and, upon the request of 27 or more
 11 compacting states, shall call additional meetings. Public notice shall be given of all
 12 meetings and meetings shall be open to the public.

13 (f) The Interstate Commission shall establish an executive committee that
 14 shall include commission officers, members, and others as shall be determined by the
 15 by-laws. The executive committee shall have the power to act on behalf of the
 16 Interstate Commission during periods when the Interstate Commission is not in
 17 session, with the exception of rulemaking or amendment to the compact, or both. The
 18 executive committee oversees the day-to-day activities managed by the executive
 19 director and Interstate Commission staff, administers enforcement and compliance
 20 with the provisions of this compact, its by-laws, and as directed by the Interstate
 21 Commission, and performs other duties as directed by commission or set out in the by-
 22 laws.

23 ARTICLE IV

24 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

25 The Interstate Commission shall have the following powers:

26 (1) to adopt a seal and suitable by-laws governing the management and
 27 operation of the Interstate Commission;

28 (2) to adopt rules that shall have the force and effect of statutory law
 29 and shall be binding in the compacting states to the extent and in the manner provided
 30 in this compact;

31 (3) to oversee, supervise, and coordinate the interstate movement of

1 offenders subject to the terms of this compact and any by-laws and rules adopted by
2 the Interstate Commission;

3 (4) to enforce compliance with compact provisions and Interstate
4 Commission rules and by-laws, using all necessary and proper means, including the
5 use of judicial process;

6 (5) to establish and maintain offices;

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

8 (7) to borrow, accept, or contract for services of personnel, including
9 members and their staffs;

10 (8) to establish and appoint committees and hire staff that it deems
11 necessary for the carrying out of its functions, including an executive committee as
12 required by art. III of this compact that shall have the power to act on behalf of the
13 Interstate Commission in carrying out its powers and duties under this compact;

14 (9) to elect or appoint officers, attorneys, employees, agents, or
15 consultants, and to fix their compensation, define their duties, and determine their
16 qualifications, and to establish the Interstate Commission's personnel policies and
17 programs relating to, among other things, conflicts of interest, rates of compensation,
18 and qualifications of personnel;

19 (10) to accept any and all donations and grants of money, equipment,
20 supplies, materials, and services, and to receive, utilize, and dispose of them;

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

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

25 (13) to establish a budget and make expenditures and levy dues as
26 provided in art. IX of this compact;

27 (14) to sue and be sued;

28 (15) to provide for dispute resolution among the compacting states;

29 (16) to perform the functions as may be necessary or appropriate to
30 achieve the purposes of this compact;

31 (17) to report annually to the legislatures, governors, judiciary, and

1 state councils of the compacting states concerning the activities of the Interstate
 2 Commission during the preceding year; the reports also shall include any
 3 recommendations that may have been adopted by the Interstate Commission;

4 (18) to coordinate education, training, and public awareness regarding
 5 the interstate movement of offenders for officials involved in that activity;

6 (19) to establish uniform standards for the reporting, collecting, and
 7 exchanging of data.

8 ARTICLE V

9 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

10 (a) The Interstate Commission shall, by a majority of its members, within 12
 11 months of the first Interstate Commission meeting, adopt by-laws to govern its
 12 conduct as may be necessary or appropriate to carry out the purposes of this compact,
 13 including

14 (1) establishing the fiscal year of the Interstate Commission;

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

17 (3) providing reasonable standards and procedures

18 (A) for the establishment of committees; and

19 (B) governing any general or specific delegation of any
 20 authority or function of the Interstate Commission;

21 (4) providing reasonable procedures for calling and conducting
 22 meetings of the Interstate Commission, and ensuring reasonable notice of each
 23 meeting;

24 (5) establishing the titles and responsibilities of the officers of the
 25 Interstate Commission;

26 (6) providing reasonable standards and procedures for the
 27 establishment of the personnel policies and programs of the Interstate Commission;
 28 notwithstanding any civil service or other similar laws of any compacting state, the
 29 by-laws shall exclusively govern the personnel policies and programs of the Interstate
 30 Commission;

31 (7) providing a mechanism for winding up the operations of the

1 Interstate Commission and the equitable return of any surplus money that may exist
2 upon the termination of this compact after the payment or reserving, or both, of all of
3 its debts and obligations;

4 (8) providing transition rules for start-up administration of the
5 compact;

6 (9) establishing standards and procedures for compliance and technical
7 assistance in carrying out this compact.

8 (b) The Interstate Commission shall, by a majority of the members, elect from
9 among its members a chairperson and a vice chairperson, each of whom shall have the
10 authorities and duties as may be specified in the by-laws. The chairperson or, in the
11 chairperson's absence or disability, the vice chairperson, shall preside at all meetings
12 of the Interstate Commission. The officers so elected shall serve without
13 compensation or remuneration from the Interstate Commission except that, subject to
14 the availability of budgeted money, the officers shall be reimbursed for any actual and
15 necessary costs and expenses incurred by them in the performance of their duties and
16 responsibilities as officers of the Interstate Commission. The Interstate Commission
17 shall, through its executive committee, appoint or retain an executive director for the
18 period, upon the terms and conditions, and for the compensation as the Interstate
19 Commission may deem appropriate. The executive director shall serve as secretary to
20 the Interstate Commission, and hire and supervise other staff as may be authorized by
21 the Interstate Commission, but is not a member.

22 (c) The Interstate Commission shall maintain its corporate books and records
23 in accordance with the by-laws.

24 (d) The members, officers, executive director, and employees of the Interstate
25 Commission shall be immune from suit and liability, either personally or in their
26 official capacity, for any claim for damage to or loss of property or personal injury or
27 other civil liability caused by or arising out of any actual or alleged act, error, or
28 omission that occurred within the scope of Interstate Commission employment, duties,
29 or responsibilities; however, nothing in this subsection shall be construed to protect
30 any such person from suit or liability, or both, for any damage, loss, injury, or liability
31 caused by the intentional, or wilful and wanton, misconduct of any such person. The

1 Interstate Commission shall defend the commissioner of a compacting state, or the
 2 commissioner's representatives or employees, or the Interstate Commission's
 3 representatives or employees, in any civil action seeking to impose liability, arising
 4 out of any actual or alleged act, error, or omission that occurred within the scope of
 5 Interstate Commission employment, duties, or responsibilities, or that the defendant
 6 had a reasonable basis for believing occurred within the scope of Interstate
 7 Commission employment, duties, or responsibilities, as long as the actual or alleged
 8 act, error, or omission did not result from intentional wrongdoing on the part of that
 9 person. The Interstate Commission shall indemnify and hold the commissioner of a
 10 compacting state, the appointed designee or employees, or the Interstate Commission's
 11 representatives or employees, harmless in the amount of any settlement or judgment
 12 obtained against those persons arising out of any actual or alleged act, error, or
 13 omission that occurred within the scope of Interstate Commission employment, duties,
 14 or responsibilities, or that those persons had a reasonable basis for believing occurred
 15 within the scope of Interstate Commission employment, duties, or responsibilities, as
 16 long as the actual or alleged act, error, or omission did not result from gross
 17 negligence or intentional wrongdoing on the part of the person.

18 ARTICLE VI

19 ACTIVITIES OF THE INTERSTATE COMMISSION

20 (a) The Interstate Commission shall meet and take such actions as are
 21 consistent with the provisions of this compact.

22 (b) Except as otherwise provided in this compact and unless a greater
 23 percentage is required by the by-laws, in order to constitute an act of the Interstate
 24 Commission, the act shall have been taken at a meeting of the Interstate Commission
 25 and shall have received an affirmative vote of a majority of the members present.

26 (c) Each member of the Interstate Commission shall have the right and power
 27 to cast a vote to which that compacting state is entitled and to participate in the
 28 business and affairs of the Interstate Commission. A member shall vote in person on
 29 behalf of the state and shall not delegate a vote to another member state. However, a
 30 state council shall appoint another authorized representative, in the absence of the
 31 commissioner from that state, to cast a vote on behalf of the member state at a

1 specified meeting. The by-laws may provide for members' participation in meetings
2 by telephone or other means of telecommunication or electronic communication. Any
3 voting conducted by telephone, or other means of telecommunication or electronic
4 communication shall be subject to the same quorum requirements of meetings where
5 members are present in person.

6 (d) The Interstate Commission shall meet at least once during each calendar
7 year. The chairperson of the Interstate Commission may call additional meetings at
8 any time and, upon the request of a majority of the members, shall call additional
9 meetings.

10 (e) The Interstate Commission's by-laws shall establish conditions and
11 procedures under which the Interstate Commission shall make its information and
12 official records available to the public for inspection or copying. The Interstate
13 Commission may exempt from disclosure any information or official records to the
14 extent they would adversely affect personal privacy rights or proprietary interests. In
15 adopting such rules, the Interstate Commission may make available to law
16 enforcement agencies records and information otherwise exempt from disclosure, and
17 may enter into agreements with law enforcement agencies to receive or exchange
18 information or records subject to non-disclosure and confidentiality provisions.

19 (f) Public notice shall be given of all meetings and all meetings shall be open
20 to the public, except as set out in the rules or as otherwise provided in this compact.
21 The Interstate Commission shall adopt rules consistent with the principles contained in
22 the Government in Sunshine Act, 5 U.S.C. 552(b), as may be amended. The Interstate
23 Commission and any of its committees may close a meeting to the public if it
24 determines by two-thirds vote that an open meeting would be likely to

25 (1) relate solely to the Interstate Commission's internal personnel
26 practices and procedures;

27 (2) disclose matters specifically exempted from disclosure by statute;

28 (3) disclose trade secrets or commercial or financial information that is
29 privileged or confidential;

30 (4) involve accusing any person of a crime, or formally censuring any
31 person;

1 (5) disclose information of a personal nature when disclosure would
2 constitute a clearly unwarranted invasion of personal privacy;

3 (6) disclose investigatory records compiled for law enforcement
4 purposes;

5 (7) disclose information contained in or related to examination,
6 operating, or condition reports prepared by, or on behalf of or for the use of, the
7 Interstate Commission with respect to a regulated entity for the purpose of regulation
8 or supervision of the entity;

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

11 (9) specifically relate to the Interstate Commission's issuance of a
12 subpoena or its participation in a civil action or proceeding.

13 (g) For every meeting closed under (f) of this provision, the Interstate
14 Commission's chief legal officer shall publicly certify that, in the legal officer's
15 opinion, the meeting may be closed to the public, and shall reference each relevant
16 exemptive provision. The Interstate Commission shall keep minutes that shall fully
17 and clearly describe all matters discussed in any meeting and shall provide a full and
18 accurate summary of any actions taken, and the reasons for the action, including a
19 description of each of the views expressed on any item and the record of any roll call
20 vote as reflected in the vote of each member on the question. All documents
21 considered in connection with any action shall be identified in the minutes.

22 (h) The Interstate Commission shall collect standardized data concerning the
23 interstate movement of offenders as directed through its by-laws and rules, which shall
24 specify the data to be collected, the means of collection and data exchange, and
25 reporting requirements.

26 ARTICLE VII

27 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

28 (a) The Interstate Commission shall adopt rules in order to effectively and
29 efficiently achieve the purposes of this compact, including transition rules governing
30 administration of this compact during the period in which it is being considered and
31 enacted by the states.

1 (b) Rulemaking shall occur in accordance with the criteria set out in this
2 article and the by-laws and rules adopted under it. The rulemaking shall substantially
3 conform to the principles of the federal Administrative Procedure Act, 5 U.S.C.S. 551
4 et seq., and the Federal Advisory Committee Act, 5 U.S.C.S. app.2, sec. 1 et seq., as
5 may be amended (APA).

6 (c) All rules and amendments shall become binding as of the date specified in
7 each rule or amendment.

8 (d) If a majority of the legislatures of the compacting states rejects a rule, by
9 enactment of a statute or resolution in the same manner used to adopt this compact,
10 then the rule shall have no further force and effect in any compacting state.

11 (e) When adopting a rule, the Interstate Commission shall

12 (1) publish the proposed rule, stating with particularity the text of the
13 rule that is proposed and the reason for the proposed rule;

14 (2) allow persons to submit written data, facts, opinions, and
15 arguments, which shall be publicly available;

16 (3) provide an opportunity for an informal hearing; and

17 (4) adopt a final rule and its effective date, if appropriate, based on the
18 rulemaking record.

19 (f) Not later than 60 days after a rule is adopted, any interested person may file
20 a petition in the United States District Court for the District of Columbia or in the
21 federal District Court where the Interstate Commission's principal office is located for
22 judicial review of the rule. If the court finds that the Interstate Commission's action is
23 not supported by substantial evidence, as defined in the APA, in the rulemaking
24 record, the court shall hold the rule unlawful and set it aside.

25 (g) Subjects to be addressed within 12 months after the first meeting must at a
26 minimum include the following:

27 (1) notice to victims and opportunity to be heard;

28 (2) offender registration and compliance;

29 (3) violations or returns, or both;

30 (4) transfer procedures and forms;

31 (5) eligibility for transfer;

- 1 (6) collection of restitution and fees from offenders;
 2 (7) data collection and reporting;
 3 (8) the level of supervision to be provided by the receiving state;
 4 (9) transition rules governing the operation of this compact and the
 5 Interstate Commission during all or part of the period between the effective date of
 6 this compact and the date on which the last eligible state adopts this compact;
 7 (10) mediation, arbitration, and dispute resolution.

8 (h) The existing rules governing the operation of the previous compact
 9 superseded by this Act shall be void 12 months after the first meeting of the Interstate
 10 Commission created under this compact.

11 (i) Upon determination by the Interstate Commission that an emergency
 12 exists, the Interstate Commission may adopt an emergency rule, which becomes
 13 effective immediately upon adoption; however, the usual rulemaking procedures
 14 provided in this compact shall be retroactively applied to the rule as soon as is
 15 reasonably possible, but in no event later than 90 days after the effective date of the
 16 rule.

17 ARTICLE VIII

18 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

19 BY THE INTERSTATE COMMISSION

20 (a) The Interstate Commission shall conduct oversight as follows:

21 (1) the Interstate Commission shall oversee the interstate movement of
 22 adult offenders in the compacting states and shall monitor such activities being
 23 administered in non-compacting states that may significantly affect compacting states;

24 (2) the courts and executive agencies in each compacting state shall
 25 enforce this compact and shall take all actions necessary and appropriate to effectuate
 26 this compact's purposes and intent; in any judicial or administrative proceeding in a
 27 compacting state that pertains to the subject matter of this compact and that may affect
 28 the powers, responsibilities, or actions of the Interstate Commission, the Interstate
 29 Commission shall be entitled to receive all service of process in the proceeding, and
 30 shall have standing to intervene in the proceeding for all purposes.

31 (b) The Interstate Commission shall conduct dispute resolution as follows:

1 (1) the compacting states shall report to the Interstate Commission on
2 issues or activities of concern to them, and cooperate with and support the Interstate
3 Commission in the discharge of its duties and responsibilities;

4 (2) the Interstate Commission shall attempt to resolve any disputes or
5 other issues that are subject to this compact and that may arise among compacting
6 states and non-compacting states;

7 (3) the Interstate Commission shall enact a by-law or adopt a rule
8 providing for both mediation and binding dispute resolution for disputes among the
9 compacting states.

10 (c) The Interstate Commission, in the reasonable exercise of its discretion,
11 shall enforce the provisions of this compact using any or all means set out in (b) of
12 art. XI of this compact.

13 ARTICLE IX

14 FINANCE

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

17 (b) The Interstate Commission shall levy on and collect an annual assessment
18 from each compacting state to cover the cost of the internal operations and activities of
19 the Interstate Commission and its staff; the assessment must be in a total amount
20 sufficient to cover the Interstate Commission's annual budget as approved each year.
21 The aggregate annual assessment amount shall be allocated based upon a formula to
22 be determined by the Interstate Commission, taking into consideration the population
23 of the state and the volume of interstate movement of offenders in each compacting
24 state, and shall adopt a rule binding upon all compacting states that governs the
25 assessment.

26 (c) The Interstate Commission shall not incur any obligations of any kind
27 before securing money adequate to meet the obligations; nor shall the Interstate
28 Commission pledge the credit of any of the compacting states, except by and with the
29 authority of the compacting state.

30 (d) The Interstate Commission shall keep accurate accounts of all receipts and
31 disbursements. The receipts and disbursements of the Interstate Commission shall be

1 subject to the audit and accounting procedures established under its by-laws.
 2 However, all receipts and disbursements of money handled by the Interstate
 3 Commission shall be audited yearly by a certified or licensed public accountant and
 4 the report of the audit shall be included in and become part of the annual report of the
 5 Interstate Commission.

6 ARTICLE X

7 COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

8 (a) Any state, as defined in art. II of this compact, is eligible to become a
 9 compacting state.

10 (b) This compact shall become effective and binding upon legislative
 11 enactment of this compact into law by no less than 35 of the states. The initial
 12 effective date shall be the later of July 1, 2001, or upon enactment into law by the 35th
 13 jurisdiction. Thereafter it shall become effective and binding, as to any other
 14 compacting state, upon enactment of this compact into law by that state. The
 15 governors of non-member states or their designees will be invited to participate in
 16 Interstate Commission activities on a non-voting basis before adoption of this compact
 17 by all states and territories of the United States.

18 (c) Amendments to this compact may be proposed by the Interstate
 19 Commission for enactment by the compacting states. No amendment shall become
 20 effective and binding upon the Interstate Commission and the compacting states unless
 21 and until it is enacted into law by unanimous consent of the compacting states.

22 ARTICLE XI

23 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

24 (a) The withdrawal of a compacting state from this compact is governed by
 25 the following:

26 (1) once effective, this compact shall continue in force and remain
 27 binding upon each and every compacting state except that a compacting state may
 28 withdraw from the compact by enacting a statute specifically repealing the statute that
 29 enacted this compact into law;

30 (2) the effective date of withdrawal is the effective date of the repeal of
 31 the statute;

1 (3) the withdrawing state shall immediately notify the chairperson of
2 the Interstate Commission in writing upon the introduction of legislation repealing this
3 compact in the withdrawing state;

4 (4) the Interstate Commission shall notify the other compacting states
5 of the withdrawing state's intent to withdraw within 60 days of its receipt of the
6 notification under (3) of this subsection;

7 (5) the withdrawing state is responsible for all assessments,
8 obligations, and liabilities incurred through the effective date of withdrawal, including
9 any obligations the performance of which extend beyond the effective date of
10 withdrawal;

11 (6) reinstatement following withdrawal of any compacting state shall
12 occur upon the withdrawing state reenacting this compact or upon a later date as
13 determined by the Interstate Commission.

14 (b) A default of a compacting state is governed by the following:

15 (1) if the Interstate Commission determines that any compacting state
16 has at any time defaulted in the performance of any of its obligations or
17 responsibilities under this compact, the by-laws, or any duly adopted rules, the
18 Interstate Commission may impose any or all of the following penalties:

19 (A) fines, fees, and costs in the amounts as are deemed to be
20 reasonable as fixed by the Interstate Commission;

21 (B) remedial training and technical assistance as directed by the
22 Interstate Commission;

23 (C) suspension and termination of membership in this compact;
24 suspension shall be imposed only after all other reasonable means of securing
25 compliance under the by-laws and rules have been exhausted; immediate
26 notice of suspension shall be given by the Interstate Commission to the
27 governor, the chief justice or chief judicial officer of the state, the majority and
28 minority leaders of the defaulting state's legislature, and the state council; the
29 grounds for default include failure of a compacting state to perform the
30 obligations or responsibilities imposed upon it by this compact, Interstate
31 Commission by-laws, or duly adopted rules; the Interstate Commission shall

1 immediately notify the defaulting state in writing of the penalty imposed by the
2 Interstate Commission on the defaulting state pending a cure of the default; the
3 Interstate Commission shall stipulate the conditions and the time period within
4 which the defaulting state must cure its default; if the defaulting state fails to
5 cure the default within the time period specified by the Interstate Commission,
6 in addition to any other penalties imposed in this compact the defaulting state
7 may be terminated from this compact upon an affirmative vote of a majority of
8 the compacting states and all rights, privileges, and benefits conferred by this
9 compact shall be terminated from the effective date of suspension;

10 (2) within 60 days of the effective date of termination of a defaulting
11 state, the Interstate Commission shall notify the governor, the chief justice or chief
12 judicial officer, the majority and minority leaders of the defaulting state's legislature,
13 and the state council of the termination;

14 (3) the defaulting state is responsible for all assessments, obligations,
15 and liabilities incurred through the effective date of termination, including any
16 obligations the performance of which extends beyond the effective date of
17 termination;

18 (4) the Interstate Commission shall not bear any costs relating to the
19 defaulting state unless otherwise mutually agreed upon between the Interstate
20 Commission and the defaulting state;

21 (5) reinstatement following termination of any compacting state
22 requires both a reenactment of this compact by the defaulting state and the approval of
23 the Interstate Commission in accordance with the rules.

24 (c) The Interstate Commission may, by majority vote of the members, initiate
25 legal action in the United States District Court for the District of Columbia or, at the
26 discretion of the Interstate Commission, in the federal district where the Interstate
27 Commission has its offices to enforce compliance with the provisions of this compact
28 and its duly adopted rules and by-laws against any compacting state in default. If
29 judicial enforcement is necessary, the prevailing party shall be awarded all costs of the
30 litigation, including reasonable attorney's fees.

31 (d) Dissolution of this compact is governed by the following:

1 (1) this compact dissolves effective upon the date of the withdrawal or
 2 default of the compacting state that reduces membership in this compact to one
 3 compacting state;

4 (2) upon the dissolution of this compact, it becomes void and shall be
 5 of no further force or effect, the business and affairs of the Interstate Commission shall
 6 be wound up, and any surplus money shall be distributed in accordance with the by-
 7 laws.

8 ARTICLE XII

9 SEVERABILITY AND CONSTRUCTION

10 (a) The provisions of this compact shall be severable, and if any phrase,
 11 clause, sentence, or provision is deemed unenforceable, the remaining provisions of
 12 this compact shall be enforceable.

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

15 ARTICLE XIII

16 BINDING EFFECT OF COMPACT AND OTHER LAWS

17 (a) Other laws' effects on this compact are as follows:

18 (1) nothing in this compact prevents the enforcement of any other law
 19 of a compacting state that is not inconsistent with this compact;

20 (2) all compacting states' laws conflicting with this compact are
 21 superseded to the extent of the conflict.

22 (b) Binding effect of this compact is as follows:

23 (1) all lawful actions of the Interstate Commission, including all rules
 24 and by-laws adopted by the Interstate Commission, are binding upon the compacting
 25 states;

26 (2) all agreements between the Interstate Commission and the
 27 compacting states are binding in accordance with their terms;

28 (3) upon the request of a party to a conflict over meaning or
 29 interpretation of Interstate Commission actions, and upon a majority vote of the
 30 compacting states, the Interstate Commission may issue advisory opinions regarding
 31 the meaning or interpretation;

1 (4) if any provision of this compact exceeds the constitutional limits
 2 imposed on the legislature of any compacting state, the obligations, duties, powers, or
 3 jurisdiction sought to be conferred by the provision upon the Interstate Commission
 4 shall be ineffective and the obligations, duties, powers, or jurisdiction shall remain in
 5 the compacting state and shall be exercised by the agency of the compacting states to
 6 which the obligations, duties, powers, or jurisdiction are delegated by law in effect at
 7 the time this compact becomes effective.

8 * **Sec. 3.** AS 33.36 is amended by adding new sections to read:

9 **Sec. 33.36.130. Compact administrator.** (a) The governor shall appoint the
 10 administrator for the compact set out in AS 33.36.110 in consultation with the
 11 legislature and judiciary. The compact administrator must have a background in
 12 criminal justice.

13 (b) The compact administrator is responsible for the administration and
 14 management of the state's supervision and transfer of offenders under AS 33.36.110,
 15 and shall report to the state council under AS 33.36.140.

16 (c) The compact administrator shall work within the Department of
 17 Corrections under the direction of the commissioner of corrections. The compact
 18 administrator serves at the pleasure of the governor.

19 **Sec. 33.36.140. State council.** (a) There is created the State Council for
 20 Interstate Adult Offender Supervision to implement the provisions of the compact set
 21 out in AS 33.36.110. The state council shall meet as frequently as necessary to carry
 22 out its responsibilities.

23 (b) The state council consists of seven members as follows:

24 (1) the commissioner of corrections; the commissioner of corrections
 25 may name a designee to serve in this capacity;

26 (2) the compact administrator appointed under AS 33.36.130;

27 (3) an attorney employed in the Department of Law, appointed by the
 28 governor;

29 (4) two members appointed by the governor from among the citizens
 30 of the state, at least one of whom must be a representative from victims' groups;

31 (5) one ex officio nonvoting member from the legislative branch

1 selected by the legislature and one ex officio nonvoting member from the judicial
2 branch selected by the judiciary.

3 (c) The commissioner of corrections or the commissioner's designee shall
4 serve as chair of the state council.

5 (d) The term of office of a member of the state council appointed under (b)(4)
6 of this section is three years. The members of the state council appointed under (b)(3)
7 and (4) of this section serve at the pleasure of the governor.

8 (e) Voting members of the state council who are not state employees receive
9 no salary for their work on the council, but are entitled to per diem and travel expenses
10 authorized for other boards and commissions.

11 (f) The state council shall

12 (1) designate the compact administrator, appointed under
13 AS 33.36.130, as its commissioner to the Interstate Commission under the Interstate
14 Compact for Adult Offender Supervision set out in AS 33.36.110; if the compact
15 administrator is unavailable to serve as commissioner at a meeting of the Interstate
16 Commission, the council shall designate another person to serve in place of the
17 compact administrator;

18 (2) exercise oversight and advocacy concerning the state's participation
19 in the Interstate Commission;

20 (3) subject to available appropriations and other legal obligations,
21 recommend policy development concerning the operations and procedures of the
22 compact within the state; and

23 (4) make recommendations to the legislature to facilitate the
24 implementation of the compact and the rules and bylaws adopted by the Interstate
25 Commission.

26 * **Sec. 4.** AS 39.25.120(c) is amended by adding a new paragraph to read:

27 (20) the compact administrator appointed under AS 33.36.130.

28 * **Sec. 5.** AS 33.36.120 is repealed.

29 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **INDIRECT COURT RULE AMENDMENT.** (a) Article VIII(a)(2), contained in

1 AS 33.36.110 as repealed and reenacted by sec. 2 of this Act, has the effect of amending
 2 Rule 4, Rules of Civil Procedure, by entitling the Interstate Commission for Adult Offender
 3 Supervision to receive service of process of a judicial proceeding in this state that pertains to
 4 the Interstate Compact for Adult Offender Supervision and that may affect the powers,
 5 responsibilities, or actions of that commission.

6 (b) Article VIII(a)(2), contained in AS 33.36.110 as repealed and reenacted by sec. 2
 7 of this Act, takes effect only if (a) of this section receives the two-thirds majority vote of each
 8 house required by art. IV, sec. 15, Constitution of the State of Alaska.

9 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
 10 read:

11 **INDIRECT COURT RULE AMENDMENT.** (a) Article VIII(a)(2), contained in
 12 AS 33.36.110 as repealed and reenacted by sec. 2 of this Act, has the effect of amending
 13 Rule 24, Rules of Civil Procedure, by entitling the Interstate Commission for Adult Offender
 14 Supervision to have standing to intervene in a judicial proceeding in this state that pertains to
 15 the Interstate Compact for Adult Offender Supervision and that may affect the powers,
 16 responsibilities, or actions of that commission.

17 (b) Article VIII(a)(2), contained in AS 33.36.110 as repealed and reenacted by sec. 2
 18 of this Act, takes effect only if (a) of this section receives the two-thirds majority vote of each
 19 house required by art. IV, sec. 15, Constitution of the State of Alaska.

20 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 **REVISOR INSTRUCTIONS.** The revisor of statutes is instructed to change the
 23 heading of Article 3 of AS 33.36 from "Interstate Compact on Probation and Parole" to
 24 "Interstate Compact for Adult Offender Supervision."

25 * **Sec. 9.** (a) This Act takes effect only if at least 34 other states have ratified the Interstate
 26 Compact for Adult Offender Supervision.

27 (b) If this Act takes effect under (a) of this section, it takes effect the day after the
 28 date on which the commissioner of corrections notifies the revisor of statutes that at least 34
 29 other states have ratified the Interstate Compact for Adult Offender Supervision or July 1,
 30 2001, whichever is later.

31 (c) The commissioner of corrections shall notify the lieutenant governor and the

- 1 revisor of statutes when at least 34 other states have ratified the Interstate Compact for Adult
- 2 Offender Supervision.