

**SENATE BILL NO. 156**

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

BY SENATOR MCGUIRE

Introduced: 3/18/09

Referred: Health and Social Services, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Interstate Compact for Juveniles; relating to the State Council  
2 for Interstate Adult and Juvenile Offender Supervision; amending Rules 4 and 24(b),  
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.** AS 33.36.140(a) is amended to read:

6 (a) There is created the State Council for Interstate Adult **and Juvenile**  
7 Offender Supervision to implement the provisions of the compact set out in  
8 AS 33.36.110 **as the State Council for Interstate Adult Offender Supervision and**  
9 **the compact set out in AS 47.15.010 as the State Council for Interstate Juvenile**  
10 **Supervision.** The state council shall meet as frequently as necessary to carry out its  
11 responsibilities.

12 \* **Sec. 2.** AS 33.36.140(b) is amended to read:

13 (b) The state council consists of **nine** [SEVEN] members as follows:  
14 (1) the commissioner of corrections; the commissioner of corrections

1 may name a designee to serve in this capacity;

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

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

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

7 (5) one ex officio nonvoting member from the legislative branch  
8 selected by the legislature and one ex officio nonvoting member from the judicial  
9 branch selected by the judiciary;

10 **(6) the commissioner of health and social services; the**  
11 **commissioner of health and social services may name a designee to serve in this**  
12 **capacity;**

13 **(7) the compact administrator appointed under AS 47.15.020.**

14 \* **Sec. 3.** AS 44.21.410(a) is amended to read:

15 (a) The office of public advocacy shall

16 (1) perform the duties of the public guardian under AS 13.26.360 -  
17 13.26.410;

18 (2) provide visitors and experts in guardianship proceedings under  
19 AS 13.26.131;

20 (3) provide guardian ad litem services to children in child protection  
21 actions under AS 47.17.030(e) and to wards and respondents in guardianship  
22 proceedings who will suffer financial hardship or become dependent upon a  
23 government agency or a private person or agency if the services are not provided at  
24 state expense under AS 13.26.025;

25 (4) provide legal representation in cases involving judicial bypass  
26 procedures for minors seeking abortions under AS 18.16.030, in guardianship  
27 proceedings to respondents who are financially unable to employ attorneys under  
28 AS 13.26.106(b), to indigent parties in cases involving child custody in which the  
29 opposing party is represented by counsel provided by a public agency, to indigent  
30 parents or guardians of a minor respondent in a commitment proceeding concerning  
31 the minor under AS 47.30.775;

1 (5) provide legal representation and guardian ad litem services under  
2 AS 25.24.310; in cases arising under AS 47.15 ([UNIFORM] Interstate Compact **for**  
3 [ON] Juveniles); in cases involving petitions to adopt a minor under AS 25.23.125(b)  
4 or petitions for the termination of parental rights on grounds set out in  
5 AS 25.23.180(c)(3); in cases involving petitions to remove the disabilities of a minor  
6 under AS 09.55.590; in children's proceedings under AS 47.10.050(a) or under  
7 AS 47.12.090; in cases involving appointments under AS 18.66.100(a) in petitions for  
8 protective orders on behalf of a minor; and in cases involving indigent persons who  
9 are entitled to representation under AS 18.85.100 and who cannot be represented by  
10 the public defender agency because of a conflict of interests;

11 (6) develop and coordinate a program to recruit, select, train, assign,  
12 and supervise volunteer guardians ad litem from local communities to aid in delivering  
13 services in cases in which the office of public advocacy is appointed as guardian ad  
14 litem;

15 (7) provide guardian ad litem services in proceedings under  
16 AS 12.45.046 or AS 18.15.355 - 18.15.395;

17 (8) establish a fee schedule and collect fees for services provided by  
18 the office, except as provided in AS 18.85.120 or when imposition or collection of a  
19 fee is not in the public interest as defined under regulations adopted by the  
20 commissioner of administration;

21 (9) provide visitors and guardians ad litem in proceedings under  
22 AS 47.30.839;

23 (10) provide legal representation to an indigent parent of a child with a  
24 disability; in this paragraph, "child with a disability" has the meaning given in  
25 AS 14.30.350;

26 (11) investigate complaints and bring civil actions under  
27 AS 44.21.415(a) involving fraud committed against residents of the state who are 60  
28 years of age or older; in this paragraph, "fraud" has the meaning given in  
29 AS 44.21.415.

30 \* **Sec. 4.** AS 47.15.010 is repealed and reenacted to read:

31 **Sec. 47.15.010. Execution of interstate compact.** The governor shall execute

1 a compact on the behalf of the state with any other state or states legally joining in it in  
2 substantially the following form:

3 INTERSTATE COMPACT FOR JUVENILES

4 ARTICLE I

5 PURPOSE

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

17 (1) ensure that the adjudicated juveniles and status offenders subject to  
18 this compact are provided adequate supervision and services in the receiving state as  
19 ordered by the adjudicating judge or parole authority in the sending state;

20 (2) ensure that the public safety interests of the citizens, including the  
21 victims of juvenile offenders, in both the sending and receiving states are adequately  
22 protected;

23 (3) return juveniles who have run away, absconded, or escaped from  
24 supervision or control or have been accused of an offense to the state requesting their  
25 return;

26 (4) make contracts for the cooperative institutionalization in public  
27 facilities in member states for delinquent youth needing special services;

28 (5) provide for the effective tracking and supervision of juveniles;

29 (6) equitably allocate the costs, benefits, and obligations of the  
30 compacting states;

31 (7) establish procedures to manage the movement between states of

1 juvenile offenders released to the community under the jurisdiction of courts, juvenile  
2 departments, or any other criminal or juvenile justice agency that has jurisdiction over  
3 juvenile offenders;

4 (8) ensure immediate notice to jurisdictions where defined offenders  
5 are authorized to travel or to relocate across state lines;

6 (9) establish procedures to resolve pending charges, including  
7 detainers, against juvenile offenders before transfer or release to the community under  
8 the terms of this compact;

9 (10) establish a system of uniform data collection on information  
10 pertaining to juveniles subject to this compact that allows access by authorized  
11 juvenile justice and criminal justice officials, and regular reporting of compact  
12 activities to heads of state executive, judicial, and legislative branches and juvenile  
13 and criminal justice administrators;

14 (11) monitor compliance with rules governing interstate movement of  
15 juveniles and initiate interventions to address and correct noncompliance;

16 (12) coordinate training and education regarding the regulation of  
17 interstate movement of juveniles for officials involved in such activity; and

18 (13) coordinate the implementation and operation of the compact with  
19 the Interstate Compact for the Placement of Children, the Interstate Compact for Adult  
20 Offender Supervision, and other compacts affecting juveniles particularly in those  
21 cases where concurrent or overlapping supervision issues arise; it is the policy of the  
22 compacting states that the activities conducted by the Interstate Commission created in  
23 this section are the formation of public policies and therefore are public business;  
24 furthermore, the compacting states shall cooperate and observe their individual and  
25 collective duties and responsibilities for the prompt return and acceptance of juveniles  
26 subject to the provisions of this compact. The provisions of this compact shall be  
27 reasonably and liberally construed to accomplish the purposes and policies of the  
28 compact.

## 29 ARTICLE II

### 30 DEFINITIONS

31 As used in this compact, unless the context clearly requires a different

1 construction:

2 (1) "by-laws" means those by-laws established by the Interstate  
3 Commission for its governance, or for directing or controlling its actions or conduct;

4 (2) "commissioner" means the voting representative of each  
5 compacting state appointed under art. III of this compact;

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

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

13 (5) "court" means any court having jurisdiction over delinquent,  
14 neglected, or dependent children;

15 (6) "deputy compact administrator" means the individual, if any, in  
16 each compacting state appointed to act on behalf of a compact administrator under the  
17 terms of this compact responsible for the administration and management of the state's  
18 supervision and transfer of juveniles subject to the terms of this compact, the rules  
19 adopted by the Interstate Commission, and policies adopted by the state council under  
20 this compact;

21 (7) "Interstate Commission" means the Interstate Commission for  
22 Juveniles created by art. III of this compact;

23 (8) "juvenile" means any person defined as a juvenile in any member  
24 state or by the rules of the Interstate Commission, including

25 (A) accused delinquent, a person charged with an offense that,  
26 if committed by an adult, would be a criminal offense;

27 (B) adjudicated delinquent, a person found to have committed  
28 an offense that, if committed by an adult, would be a criminal offense;

29 (C) accused status offender, a person charged with an offense  
30 that would not be a criminal offense if committed by an adult;

31 (D) adjudicated status offender, a person found to have

1 committed an offense that would not be a criminal offense if committed by an  
2 adult; and

3 (E) non-offender, a person in need of supervision who has not  
4 been accused or adjudicated a status offender or delinquent.

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

7 (10) "probation or parole" means any kind of supervision or  
8 conditional release of juveniles authorized under the laws of the compacting states;

9 (11) "rule"

10 (A) means a written statement by the Interstate Commission  
11 promulgated under art. VI of this compact that is of general applicability,  
12 implements, interprets, or prescribes a policy or provision of the compact, or  
13 an organizational, procedural, or practice requirement of the commission, and  
14 has the force and effect of statutory law in a compacting state;

15 (B) includes the amendment, repeal, or suspension of an  
16 existing rule;

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

### 20 ARTICLE III

#### 21 INTERSTATE COMMISSION FOR JUVENILES

22 (a) The compacting states hereby create the "Interstate Commission for  
23 Juveniles." The commission shall be a body corporate and joint agency of the  
24 compacting states. The commission shall have all the responsibilities, powers, and  
25 duties set out in this section, and such additional powers as may be conferred upon it  
26 by subsequent action of the respective legislatures of the compacting states in  
27 accordance with the terms of this compact.

28 (b) The Interstate Commission shall consist of commissioners appointed by  
29 the appropriate appointing authority in each state under the rules and requirements of  
30 each compacting state and in consultation with the State Council for Interstate  
31 Juvenile Supervision created under this section. The commissioner shall be the

1 compact administrator, deputy compact administrator, or designee from that state who  
2 shall serve on the Interstate Commission in such capacity under the applicable law of  
3 the compacting state.

4 (c) In addition to the commissioners who are the voting representatives of  
5 each state, the Interstate Commission shall include individuals who are not  
6 commissioners, but who are members of interested organizations. Such non-  
7 commissioner members must include a member of the national organizations of  
8 governors, legislators, state chief justices, attorneys general, Interstate Compact for  
9 Adult Offender Supervision, Interstate Compact for the Placement of Children,  
10 juvenile justice and juvenile corrections officials, and crime victims. All non-  
11 commissioner members of the Interstate Commission shall be ex-officio, non-voting,  
12 members. The Interstate Commission may provide in its by-laws for such additional  
13 ex-officio, non-voting, members, including members of other national organizations,  
14 in such numbers as shall be determined by the commission.

15 (d) Each compacting state represented at any meeting of the commission is  
16 entitled to one vote. A majority of the compacting states constitutes a quorum for the  
17 transaction of business, unless a larger quorum is required by the by-laws of the  
18 Interstate Commission.

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

23 (f) The Interstate Commission shall establish an executive committee, which  
24 shall include commission officers, members, and others as determined by the by-laws.  
25 The executive committee shall have the power to act on behalf of the Interstate  
26 Commission during periods when the Interstate Commission is not in session, with the  
27 exception of rulemaking, amendment to the compact, or both. The executive  
28 committee shall oversee the day-to-day activities of the administration of the compact  
29 managed by an executive director and Interstate Commission staff; administer  
30 enforcement and compliance with the provisions of the compact and its by-laws and  
31 rules; and perform such other duties as directed by the Interstate Commission or set

1 out in the by-laws.

2 (g) Each member of the Interstate Commission shall have the right and power  
3 to cast a vote to which that compacting state is entitled and to participate in the  
4 business and affairs of the Interstate Commission. A member shall vote in person and  
5 may not delegate a vote to another compacting state. However, a commissioner, in  
6 consultation with the state council, shall appoint another authorized representative, in  
7 the absence of the commissioner from that state, to cast a vote on behalf of the  
8 compacting state at a specified meeting. The by-laws may provide for members'  
9 participation in meetings by telephone or other means of telecommunication or  
10 electronic communication.

11 (h) The Interstate Commission's by-laws shall establish conditions and  
12 procedures under which the Interstate Commission shall make its information and  
13 official records available to the public for inspection or copying. The Interstate  
14 Commission may exempt from disclosure any information or official records to the  
15 extent they would adversely affect personal privacy rights or proprietary interests.

16 (i) Public notice shall be given of all meetings. All meetings shall be open to  
17 the public, except as set out in the rules or as otherwise provided in the compact. The  
18 Interstate Commission and any of its committees may close a meeting to the public if  
19 it determines by two-thirds vote that an open meeting would be likely to

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

22 (2) disclose matters specifically exempted from disclosure by law;

23 (3) disclose trade secrets or commercial or financial information that is  
24 privileged or confidential;

25 (4) involve accusing any person of a crime, or formally censuring any  
26 person;

27 (5) disclose information of a personal nature if the disclosure would  
28 constitute a clearly unwarranted invasion of personal privacy;

29 (6) disclose investigative records compiled for law enforcement  
30 purposes;

31 (7) disclose information contained in or related to examination,

1 operating, or condition reports prepared by, or on behalf of or for the use of, the  
 2 Interstate Commission with respect to a regulated person or entity for the purpose of  
 3 regulation or supervision of such person or entity;

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

6 (9) specifically relate to the Interstate Commission's issuance of a  
 7 subpoena, or its participation in a civil action or other legal proceeding.

8 (j) For every meeting closed under (i) of this section, the Interstate  
 9 Commission's legal counsel shall publicly certify that, in the legal counsel's opinion,  
 10 the meeting may be closed to the public, and shall reference each relevant exemptive  
 11 provision. The Interstate Commission shall keep minutes that shall fully and clearly  
 12 describe all matters discussed in any meeting and shall provide a full and accurate  
 13 summary of any actions taken, and the reasons therefore, including a description of  
 14 each of the views expressed on any item and the record of any roll call vote, as  
 15 reflected in the vote of each member on the question. All documents considered in  
 16 connection with any action shall be identified in such minutes.

17 (k) The Interstate Commission shall collect standardized data concerning the  
 18 interstate movement of juveniles as directed through its rules, which shall specify the  
 19 data to be collected, the means of collection and data exchange, and reporting  
 20 requirements. Such methods of data collection, exchange, and reporting shall insofar  
 21 as is reasonably possible conform to up-to-date technology and coordinate its  
 22 information functions with the appropriate repository of records.

#### 23 ARTICLE IV

#### 24 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

25 The commission shall have the following powers and duties:

26 (1) to provide for dispute resolution among compacting states;

27 (2) to promulgate rules to effect the purposes and obligations as  
 28 enumerated in this compact, which shall have the force and effect of statutory law and  
 29 shall be binding in the compacting states to the extent and in the manner provided in  
 30 this compact;

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

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

3 (4) to enforce compliance with the compact provisions, the rules  
4 promulgated by the Interstate Commission, and the by-laws, using all necessary and  
5 proper means, including but not limited to the use of judicial process;

6 (5) to establish and maintain offices that shall be located within one or  
7 more of the compacting states;

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

9 (7) to borrow, accept, hire, or contract for services of personnel;

10 (8) to establish and appoint committees and hire staff that it considers  
11 necessary for the carrying out of its functions including, but not limited to, an  
12 executive committee as required by art. III of the compact which shall have the power  
13 to act on behalf of the Interstate Commission in carrying out its powers and duties;

14 (9) to elect or appoint such 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, inter alia, conflicts of interest, rates of compensation, and  
18 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 it;

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, whether real, personal, or mixed;

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

27 (14) to sue and be sued;

28 (15) to adopt a seal and by-laws governing the management and  
29 operation of the Interstate Commission;

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

1 (17) to report annually to the legislatures, governors, judiciary, and  
 2 state councils of the compacting states concerning the activities of the Interstate  
 3 Commission during the preceding year; such reports shall also include any  
 4 recommendations that may have been adopted by the Interstate Commission;

5 (18) to coordinate education, training, and public awareness regarding  
 6 the interstate movement of juveniles for officials involved in such activity;

7 (19) to establish uniform standards of the reporting, collecting, and  
 8 exchanging of data;

9 (20) the Interstate Commission shall maintain its corporate books and  
 10 records in accordance with the by-laws.

## 11 ARTICLE V

### 12 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### 13 (a) By-laws

14 (1) The Interstate Commission shall, by a majority of the members  
 15 present and voting, within 12 months after the first Interstate Commission meeting,  
 16 adopt by-laws to govern its conduct as may be necessary or appropriate to carry out  
 17 the purposes of the compact, including, but not limited to

18 (A) establishing the fiscal year of the Interstate Commission;

19 (B) establishing an executive committee and such other  
 20 committees as may be necessary;

21 (C) provide for the establishment of committees governing any  
 22 general or specific delegation of any authority or function of the Interstate  
 23 Commission;

24 (D) providing reasonable procedures for calling and conducting  
 25 meetings of the Interstate Commission, and ensuring reasonable notice of each  
 26 such meeting;

27 (E) establishing the titles and responsibilities of the officers of  
 28 the Interstate Commission;

29 (F) providing a mechanism for concluding the operations of the  
 30 Interstate Commission and the return of any surplus funds that may exist upon  
 31 the termination of the compact after the payment, reserving, or both, of all of

1 its debts and obligations;

2 (G) providing start-up rules for initial administration of the  
3 compact; and

4 (H) establishing standards and procedures for compliance and  
5 technical assistance in carrying out the compact.

6 (b) Officers and Staff

7 (1) The Interstate Commission shall, by a majority of the members,  
8 elect annually from among its members a chairperson and a vice chairperson, each of  
9 whom shall have such authority and duties as may be specified in the by-laws; the  
10 chairperson or, in the chairperson's absence or disability, the vice-chairperson shall  
11 preside at all meetings of the Interstate Commission; the officers elected shall serve  
12 without compensation or remuneration from the Interstate Commission, provided that,  
13 subject to the availability of budgeted funds, the officers shall be reimbursed for any  
14 ordinary and necessary costs and expenses incurred by them in the performance of  
15 their duties and responsibilities as officers of the Interstate Commission;

16 (2) The Interstate Commission shall, through its executive committee,  
17 appoint or retain an executive director for such period, upon such terms and conditions  
18 and for such compensation as the Interstate Commission may consider appropriate; the  
19 executive director shall serve as secretary to the Interstate Commission, but may not  
20 be a member and shall hire and supervise such other staff as may be authorized by the  
21 Interstate Commission.

22 (c) Qualified Immunity, Defense, and Indemnification

23 (1) The commission's executive director and employees shall be  
24 immune from suit and liability, either personally or in their official capacity, for any  
25 claim for damage to or loss of property or personal injury or other civil liability caused  
26 or arising out of or relating to any actual or alleged act, error, or omission that  
27 occurred, or that such person had a reasonable basis for believing occurred within the  
28 scope of commission employment, duties, or responsibilities provided, that any such  
29 person may not be protected from suit or liability for any damage, loss, injury, or  
30 liability caused by the intentional or willful and wanton misconduct of any such  
31 person;



1 effectively and efficiently achieve the purposes of the compact.

2 (b) Rulemaking shall occur under the criteria set out in this article and the by-  
3 laws and rules adopted under this article. Such rulemaking shall substantially conform  
4 to the principles of the Model State Administrative Procedures Act, 1981 Act,  
5 Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such other administrative  
6 procedures act, as the Interstate Commission considers appropriate consistent with due  
7 process requirements under the United States Constitution as now or hereafter  
8 interpreted by the United States Supreme Court. All rules and amendments shall  
9 become binding as of the date specified, as published with the final version of the rule  
10 as approved by the Commission.

11 (c) When promulgating a rule, the Interstate Commission shall, at a minimum:

12 (1) Publish the proposed rule's entire text stating the reason or reasons  
13 for that proposed rule;

14 (2) Allow and invite any and all persons to submit written data, facts,  
15 opinions, and arguments, which information shall be added to the record, and be made  
16 publicly available;

17 (3) Provide an opportunity for an informal hearing if petitioned by 10  
18 or more persons; and

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

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

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

1 compacting state.

2 (f) The existing rules governing the operation of the Interstate Compact on  
3 Juveniles superseded by this Act shall be null and void 12 months after the first  
4 meeting of the Interstate Commission created under this compact.

5 (g) Upon determination by the Interstate Commission that a state-of-  
6 emergency exists, it may promulgate an emergency rule that shall become effective  
7 immediately upon adoption, provided that the usual rulemaking procedures provided  
8 under the compact shall be retroactively applied to the rule as soon as reasonably  
9 possible, but no later than 90 days after the effective date of the emergency rule.

## 10 ARTICLE VII

### 11 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY 12 THE INTERSTATE COMMISSION

#### 13 (a) Oversight

14 (1) The Interstate Commission shall oversee the administration and  
15 operations of the interstate movement of juveniles subject to this compact in the  
16 compacting states and shall monitor such activities being administered in non-  
17 compacting states that may significantly affect compacting states;

18 (2) The courts and executive agencies in each compacting state shall  
19 enforce this compact and shall take all actions necessary and appropriate to effectuate  
20 the compact's purposes and intent; the provisions of this compact and the rules  
21 promulgated under this compact shall be received by all the judges, public officers,  
22 commissions, and departments of the state government as evidence of the authorized  
23 statute and administrative rules; all courts shall take judicial notice of the compact and  
24 the rules; in any judicial or administrative proceeding in a compacting state pertaining  
25 to the subject matter of this compact that may affect the powers, responsibilities, or  
26 actions of the Interstate Commission, it shall be entitled to receive all service of  
27 process in any such proceeding, and shall have standing to intervene in the proceeding  
28 for all purposes;

#### 29 (b) Dispute Resolution

30 (1) The compacting states shall report to the Interstate Commission on  
31 all issues and activities necessary for the administration of the compact as well as

1 issues and activities pertaining to compliance with the provisions of the compact and  
2 its by-laws and rules;

3 (2) The Interstate Commission shall attempt, upon the request of a  
4 compacting state, to resolve any disputes or other issues which are subject to the  
5 compact and which may arise among compacting states and between compacting and  
6 non-compacting states; the commission shall promulgate a rule providing for both  
7 mediation and binding dispute resolution for disputes among the compacting states;

8 (3) The Interstate Commission, in the reasonable exercise of its  
9 discretion, shall enforce the provisions and rules of this compact using any or all  
10 means set out in art. XI of this compact.

## 11 ARTICLE VIII

### 12 FINANCE

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

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

24 (c) The Interstate Commission may not incur any obligations of any kind  
25 before securing the funds adequate to meet the same, nor shall the Interstate  
26 Commission pledge the credit of any of the compacting states, except by and with the  
27 authority of the compacting state.

28 (d) The Interstate Commission shall keep accurate accounts of all receipts and  
29 disbursements. The receipts and disbursements of the Interstate Commission shall be  
30 subject to the audit and accounting procedures established under its by-laws. However,  
31 all receipts and disbursements of funds handled by the Interstate Commission shall be

1 audited yearly by a certified or licensed public accountant and the report of the audit  
 2 shall be included in and become part of the annual report of the Interstate  
 3 Commission.

4 ARTICLE IX  
 5 THE STATE COUNCIL

6 Each member state shall create a State Council for Interstate Juvenile  
 7 Supervision. While each state may determine the membership of its own state council,  
 8 its membership must include at least one representative from the legislative, judicial,  
 9 and executive branches of government, victims groups, and the compact  
 10 administrator, deputy compact administrator or designee. Each compacting state  
 11 retains the right to determine the qualifications of the compact administrator or deputy  
 12 compact administrator. Each state council will advise and may exercise oversight and  
 13 advocacy concerning that state's participation in Interstate Commission activities and  
 14 other duties as may be determined by that state, including but not limited to,  
 15 development of policy concerning operations and procedures of the compact within  
 16 that state.

17 ARTICLE X  
 18 COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

19 (a) Any state, the District of Columbia, or its designee, the Commonwealth of  
 20 Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the  
 21 Northern Marianas Islands as defined in art. II of this compact is eligible to become a  
 22 compacting state.

23 (b) The compact shall become effective and binding upon legislative  
 24 enactment of the compact into law by no less than 35 of the states. The initial effective  
 25 date shall be the later of July 1, 2004 or upon enactment into law by the 35th  
 26 jurisdiction. Thereafter it shall become effective and binding as to any other  
 27 compacting state upon enactment of the compact into law by that state. The governors  
 28 of non-member states or their designees shall be invited to participate in the activities  
 29 of the Interstate Commission on a nonvoting basis before adoption of the compact by  
 30 all states and territories of the United States.

31 (c) The Interstate Commission may propose amendments to the compact for

1 enactment by the compacting states. No amendment shall become effective and  
2 binding upon the Interstate Commission and the compacting states unless and until it  
3 is enacted into law by unanimous consent of the compacting states.

#### 4 ARTICLE XI

#### 5 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

##### 6 (a) Withdrawal

7 (1) Once effective, the compact shall continue in force and remain  
8 binding upon each and every compacting state, provided that a compacting state may  
9 withdraw from the compact by specifically repealing the statute that enacted the  
10 compact into law;

11 (2) The effective date of withdrawal is the effective date of the repeal;

12 (3) The withdrawing state shall immediately notify the chairperson of  
13 the Interstate Commission in writing upon the introduction of legislation repealing this  
14 compact in the withdrawing state; the Interstate Commission shall notify the other  
15 compacting states of the withdrawing state's intent to withdraw within 60 days of its  
16 receipt;

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

21 (5) Reinstatement following withdrawal of any compacting state shall  
22 occur upon the withdrawing state reenacting the compact or upon such later date as  
23 determined by the Interstate Commission,

##### 24 (b) Technical Assistance, Fines, Suspension, Termination, and Default

25 (1) If the Interstate Commission determines that any compacting state  
26 has at any time defaulted in the performance of any of its obligations or  
27 responsibilities under this compact, or the by-laws or duly promulgated rules, the  
28 Interstate Commission may impose any or all of the following penalties;

29 (A) remedial training and technical assistance as directed by  
30 the Interstate Commission;

31 (B) alternative dispute resolution;

1 (C) fines, fees, and costs in amounts as are considered to be  
2 reasonable as fixed by the Interstate Commission; and

3 (D) suspension or termination of membership in the compact,  
4 which shall be imposed only after all other reasonable means of securing  
5 compliance under the by-laws and rules have been exhausted and the Interstate  
6 Commission has therefore determined that the offending state is in default;  
7 immediate notice of suspension shall be given by the Interstate Commission to  
8 the governor, the chief justice or the chief judicial officer of the state, the  
9 majority and minority leaders of the defaulting state's legislature, and the state  
10 council; the grounds for default include, but are not limited to, failure of a  
11 compacting state to perform such obligations or responsibilities imposed upon  
12 it by this compact, the by-laws, or duly promulgated rules and any other  
13 grounds designated in commission bylaws and rules; the Interstate  
14 Commission shall immediately notify the defaulting state in writing of the  
15 penalty imposed by the Interstate Commission and of the default pending a  
16 cure of the default; the commission shall stipulate the conditions and the time  
17 period within which the defaulting state must cure its default; if the defaulting  
18 state fails to cure the default within the time period specified by the  
19 commission, the defaulting state shall be terminated from the compact upon an  
20 affirmative vote of a majority of the compacting states and all rights,  
21 privileges, and benefits conferred by this compact shall be terminated from the  
22 effective date of termination;

23 (2) Within sixty days of the effective date of termination of a  
24 defaulting state, the commission shall notify the governor, the chief justice or chief  
25 judicial officer, the majority and minority leaders of the defaulting state's legislature,  
26 and the state council of the termination;

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

31 (4) The Interstate Commission may not bear any costs relating to the

1 defaulting state unless otherwise mutually agreed upon in writing between the  
2 Interstate Commission and the defaulting state;

3 (5) Reinstatement following termination of any compacting state  
4 requires both a reenactment of the compact by the defaulting state and the approval of  
5 the Interstate Commission under the rules.

6 (c) Judicial Enforcement: the Interstate Commission may, by majority vote of  
7 the members, initiate legal action in the United States District Court for the District of  
8 Columbia or, at the discretion of the Interstate Commission, in the federal district  
9 where the Interstate Commission has its offices, to enforce compliance with the  
10 provisions of the compact, its duly promulgated rules and by-laws, against any  
11 compacting state in default. In the event judicial enforcement is necessary the  
12 prevailing party shall be awarded all costs of such litigation including reasonable  
13 attorneys fees.

14 (d) Dissolution of Compact

15 (1) The compact dissolves effective upon the date of the withdrawal or  
16 default of the compacting state, which reduces membership in the compact to one  
17 compacting state;

18 (2) Upon the dissolution of this compact, the compact becomes null  
19 and void and shall be of no further force or effect, and the business and affairs of the  
20 Interstate Commission shall be concluded and any surplus funds shall be distributed in  
21 accordance with the by-laws.

22 ARTICLE XII

23 SEVERABILITY AND CONSTRUCTION

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

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

29 ARTICLE XIII

30 BINDING EFFECT OF COMPACT AND OTHER LAWS

31 (a) Other Laws

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

3 (2) All compacting states' laws other than state constitutions and other  
4 interstate compacts conflicting with this compact are superseded to the extent of the  
5 conflict.

6 (b) Binding Effect of the Compact

7 (1) All lawful actions of the Interstate Commission, including all rules  
8 and by-laws promulgated by the Interstate Commission, are binding upon the  
9 compacting states;

10 (2) All agreements between the Interstate Commission and the  
11 compacting states are binding in accordance with their terms;

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

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

23 \* **Sec. 5.** AS 47.15.020 is amended to read:

24 **Sec. 47.15.020. Juvenile compact administrator.** Under the compact  
25 **established under AS 47.15.010**, the **commissioner of health and social services**  
26 [GOVERNOR] may designate an officer as the compact administrator. [THE  
27 ADMINISTRATOR, ACTING JOINTLY WITH LIKE OFFICERS OF OTHER  
28 PARTY STATES, SHALL ADOPT REGULATIONS TO CARRY OUT MORE  
29 EFFECTIVELY THE TERMS OF THE COMPACT. THE COMPACT  
30 ADMINISTRATOR SERVES SUBJECT TO THE PLEASURE OF THE  
31 GOVERNOR.] The compact administrator shall cooperate with all departments,

1 agencies, and officers of and in the government of this state and its subdivisions in  
 2 facilitating the proper administration of the compact or of a supplementary agreement  
 3 entered into by this state.

4 \* **Sec. 6.** AS 47.15 is amended by adding a new section to read:

5 **Sec. 47.15.025. State council.** The State Council for Interstate Adult and  
 6 Juvenile Offender Supervision created in AS 33.36.140 shall serve as the state council  
 7 under AS 47.15.010.

8 \* **Sec. 7.** AS 47.15 is amended by adding a new section to read:

9 **Sec. 47.15.035. Regulations.** The Department of Health and Social Services  
 10 may adopt regulations to implement the provisions of this chapter.

11 \* **Sec. 8.** AS 47.15.070 is amended to read:

12 **Sec. 47.15.070. Additional procedures not precluded.** In addition to the  
 13 procedures provided under AS 47.15.010 [IN ARTICLES IV AND VI OF THE  
 14 COMPACT] for the return of a runaway juvenile, the [PARTICULAR] states **that are**  
 15 **participants to the compact**, the juvenile, [OR] the juvenile's parents [, THE  
 16 COURTS,] or other legal custodian, **or the courts of the participating states**  
 17 [INVOLVED] may agree upon and adopt any plan or procedure legally authorized  
 18 under the laws of this state and the other respective party states for the return of the  
 19 runaway juvenile.

20 \* **Sec. 9.** AS 47.15.080 is amended to read:

21 **Sec. 47.15.080. Short title.** This chapter may be cited as the [UNIFORM]  
 22 Interstate Compact **for** [ON] Juveniles.

23 \* **Sec. 10.** AS 47.15.050 is repealed.

24 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
 25 read:

26 **INDIRECT COURT RULE AMENDMENTS.** The changes made by sec. 4 of this Act  
 27 have the effect of changing

28 (1) Rule 4, Alaska Rules of Civil Procedure, by entitling the Interstate  
 29 Commission for Juveniles to receive service of process of a judicial proceeding in this state  
 30 that pertains to the Interstate Compact for Juveniles set out in AS 47.15.010, as repealed and  
 31 reenacted by sec. 4 of this Act, and in which the validity of a compact provision or rule is an

1 issue for which a judicial determination has been sought;

2 (2) Rule 24(b), Alaska Rules of Civil Procedure, by entitling the Interstate  
3 Commission for Juveniles to have standing to intervene in a judicial proceeding in this state  
4 that pertains to the Interstate Compact for Juveniles set out in AS 47.15.010, as repealed and  
5 reenacted by sec. 4 of this Act, and in which the validity of a compact provision or rule is an  
6 issue for which judicial determination has been sought.

7 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 TRANSITION: ACTIONS CONCERNING CERTAIN STATES. The Department of  
10 Health and Social Services may continue to implement the provisions of former  
11 AS 47.15.010, as it read on the day before the effective date of this Act, to certain states that  
12 are compacting states to the Uniform Interstate Compact on Juveniles, but have not yet  
13 enacted the Interstate Compact for Juveniles, set out in AS 47.15.010, as repealed and  
14 reenacted by sec. 4 of this Act, or a substantially similar form of that compact.

15 \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
16 read:

17 CONDITIONAL EFFECT OF CERTAIN PROVISIONS. The provisions of art.  
18 VII(a)(2) of the Interstate Compact for Juveniles set out in AS 47.15.010, as repealed and  
19 reenacted by sec. 4 of this Act, concerning service of process and standing to intervene, take  
20 effect only if sec. 11 of this Act receives the two-thirds majority vote of each house required  
21 by art. IV, sec. 15, Constitution of the State of Alaska.

22 \* **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to  
23 read:

24 CONDITIONAL EFFECT OF ACT; COMMISSIONER'S DUTY TO NOTIFY. (a)  
25 secs. 1 - 12 of this Act take effect only if at least 34 states other than this state ratify the  
26 Interstate Compact for Juveniles.

27 (b) The commissioner of health and social services or the commissioner's designee  
28 shall notify the lieutenant governor and the revisor of statutes when at least 34 states other  
29 than this state have ratified the Interstate Compact for Juveniles.

30 \* **Sec. 15.** If secs. 1 - 12 of this Act take effect under sec. 14 of this Act, they take effect the  
31 day after the date on which the commissioner of health and social services or the

1 commissioner's designee notifies the revisor of statutes that at least 34 states other than this  
2 state have ratified the Interstate Compact for Juveniles, set out in AS 47.15.010, as repealed  
3 and reenacted by sec. 4 of this Act, or in a substantially similar form, or July 1, 2009,  
4 whichever is later.