

SENATE BILL NO. 242—COMMITTEE ON JUDICIARY

MARCH 7, 2003

Referred to Committee on Judiciary

SUMMARY—Makes changes pertaining to Interstate Compact on Juveniles. (BDR 5-1198)

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

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

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

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

1 **Section 1.** Title 5 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 and 3 of this act.

4 **Sec. 2.** *The Interstate Compact for Juveniles is hereby*
5 *ratified, enacted into law and entered into with all jurisdictions*
6 *legally joining the Compact, in substantially the form set forth in*
7 *this section:*

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9

ARTICLE I. PURPOSE

10

11 *The compacting states to the Interstate Compact for Juveniles*
12 *recognize that each state is responsible for the proper supervision*
13 *or return of juveniles, delinquents and status offenders who are on*
14 *probation or parole and who have absconded, escaped or run*
15 *away from supervision and control and in so doing have*
16 *endangered their own safety and the safety of others. The*
17 *compacting states also recognize that each state is responsible for*



1 *the safe return of juveniles who have run away from home and in*
2 *doing so have left their state of residence. The compacting states*
3 *also recognize that Congress, by enacting the Crime Control Act, 4*
4 *U.S.C. § 112 (1965), has authorized and encouraged compacts for*
5 *cooperative efforts and mutual assistance in the prevention of*
6 *crime.*

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

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

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

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

19 (4) *Make contracts for the cooperative institutionalization in*
20 *public facilities in member states for delinquent youth needing*
21 *special services.*

22 (5) *Provide for the effective tracking and supervision of*
23 *juveniles.*

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

26 (7) *Establish procedures to manage the movement between*
27 *states of juvenile offenders released to the community under the*
28 *jurisdiction of courts, juvenile departments, or any other criminal*
29 *or juvenile justice agency which has jurisdiction over juvenile*
30 *offenders.*

31 (8) *Insure immediate notice to jurisdictions where defined*
32 *offenders are authorized to travel or to relocate across state lines.*

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

36 (10) *Establish a system of uniform data collection on*
37 *information pertaining to juveniles subject to this Compact that*
38 *allows access by authorized juvenile justice and criminal justice*
39 *officials, and regular reporting of the Compact's activities to*
40 *heads of state executive, judicial, and legislative branches and*
41 *juvenile and criminal justice administrators.*

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



1 (12) Coordinate training and education regarding the
2 regulation of interstate movement of juveniles for officials
3 involved in such activity.
4 (13) Coordinate the implementation and operation of the
5 Compact with the Interstate Compact for the Placement of
6 Children, the Interstate Compact for Adult Offender Supervision
7 and other compacts affecting juveniles, particularly in those cases
8 where concurrent or overlapping supervision issues arise.
9 It is the policy of the compacting states that the activities
10 conducted by the Interstate Commission created herein are the
11 formation of public policies and therefore are public business.
12 Furthermore, the compacting states shall cooperate and observe
13 their individual and collective duties and responsibilities for the
14 prompt return and acceptance of juveniles subject to the
15 provisions of this Compact. The provisions of this Compact shall
16 be reasonably and liberally construed to accomplish the purposes
17 and policies of the Compact.

18
19 **ARTICLE II. DEFINITIONS**
20

21 As used in this Compact, unless the context clearly requires a
22 different construction:

23 (1) "Bylaws" means those bylaws established by the Interstate
24 Commission for its governance, or for directing or controlling its
25 actions or conduct.

26 (2) "Compact Administrator" means the individual in each
27 compacting state appointed pursuant to the terms of this Compact,
28 responsible for the administration and management of the state's
29 supervision and transfer of juveniles subject to the terms of this
30 Compact, the rules adopted by the Interstate Commission and
31 policies adopted by the State Council under this Compact.

32 (3) "Compacting State" means any state which has enacted
33 the enabling legislation for this Compact.

34 (4) "Commissioner" means the voting representative of each
35 compacting state appointed pursuant to Article III of this
36 Compact.

37 (5) "Court" means any court having jurisdiction over
38 delinquent, neglected or dependent children.

39 (6) "Deputy Compact Administrator" means the individual, if
40 any, in each compacting state appointed to act on behalf of a
41 Compact Administrator pursuant to the terms of this Compact
42 responsible for the administration and management of the state's
43 supervision and transfer of juveniles subject to the terms of this
44 Compact, the rules adopted by the Interstate Commission and
45 policies adopted by the State Council under this Compact.



- 1 (7) *“Interstate Commission” means the Interstate*
2 *Commission for Juveniles created by Article III of this Compact.*
3 (8) *“Juvenile” means any person defined as a juvenile in any*
4 *member state or by the rules of the Interstate Commission,*
5 *including:*
6 (a) *Accused Delinquent—a person charged with an offense*
7 *that, if committed by an adult, would be a criminal offense;*
8 (b) *Adjudicated Delinquent—a person found to have*
9 *committed an offense that, if committed by an adult, would be a*
10 *criminal offense;*
11 (c) *Accused Status Offender—a person charged with an*
12 *offense that would not be a criminal offense if committed by an*
13 *adult;*
14 (d) *Adjudicated Status Offender—a person found to have*
15 *committed an offense that would not be a criminal offense if*
16 *committed by an adult; and*
17 (e) *Nonoffender—a person in need of supervision who has not*
18 *been accused or adjudicated a status offender or delinquent.*
19 (9) *“Noncompacting state” means any state which has not*
20 *enacted the enabling legislation for this Compact.*
21 (10) *“Probation or parole” means any kind of supervision or*
22 *conditional release of juveniles authorized under the laws of the*
23 *compacting states.*
24 (11) *“Rule” means a written statement by the Interstate*
25 *Commission promulgated pursuant to Article VI of this Compact*
26 *that is of general applicability, implements, interprets or prescribes*
27 *a policy or provision of the Compact, or an organizational,*
28 *procedural, or practice requirement of the Interstate Commission,*
29 *and has the force and effect of statutory law in a compacting state,*
30 *and includes the amendment, repeal, or suspension of an existing*
31 *rule.*
32 (12) *“State” means a state of the United States, the District of*
33 *Columbia (or its designee), the Commonwealth of Puerto Rico, the*
34 *U.S. Virgin Islands, Guam, American Samoa and the Northern*
35 *Marianas Islands.*
36 (13) *“State Council” means the resident members of the State*
37 *Council for Interstate Juvenile Supervision created by each state*
38 *under Article IX of this Compact.*
39

40 **ARTICLE III. INTERSTATE COMMISSION**
41 **FOR JUVENILES**

- 42
43 (1) *The compacting states hereby create the Interstate*
44 *Commission for Juveniles. The Interstate Commission shall be a*
45 *body corporate and joint agency of the compacting states. The*



1 *Interstate Commission shall have all the responsibilities, powers*
2 *and duties set forth herein, and such additional powers as may be*
3 *conferred upon it by subsequent action of the respective*
4 *legislatures of the compacting states in accordance with the terms*
5 *of this Compact.*

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

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

30 (4) *Each compacting state represented at any meeting of the*
31 *Interstate Commission is entitled to one vote. A majority of the*
32 *compacting states shall constitute a quorum for the transaction of*
33 *business, unless a larger quorum is required by the bylaws of the*
34 *Interstate Commission.*

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

40 (6) *The Interstate Commission shall establish an Executive*
41 *Committee, which shall include Interstate Commission officers,*
42 *members and others as determined by the bylaws. The Executive*
43 *Committee shall have the power to act on behalf of the Interstate*
44 *Commission during periods when the Interstate Commission is not*
45 *in session, with the exception of rulemaking and/or amendment to*



1 *the Compact. The Executive Committee shall oversee the day-to-*
2 *day activities of the administration of the Compact managed by an*
3 *Executive Director and Interstate Commission staff, administer*
4 *enforcement and compliance with the provisions of the Compact,*
5 *its bylaws and rules, and perform such other duties as directed by*
6 *the Interstate Commission or set forth in the bylaws.*

7 (7) *Each member of the Interstate Commission shall have the*
8 *right and power to cast a vote to which that compacting state is*
9 *entitled and to participate in the business and affairs of the*
10 *Interstate Commission. A member shall vote in person and shall*
11 *not delegate a vote to another compacting state. However, a*
12 *Commissioner, in consultation with the State Council, shall*
13 *appoint another authorized representative, in the absence of the*
14 *Commissioner from that state, to cast a vote on behalf of the*
15 *compacting state at a specified meeting. The bylaws may provide*
16 *for members' participation in meetings by telephone or other*
17 *means of telecommunication or electronic communication.*

18 (8) *The Interstate Commission's bylaws shall establish*
19 *conditions and procedures under which the Interstate Commission*
20 *shall make its information and official records available to the*
21 *public for inspection or copying. The Interstate Commission may*
22 *exempt from disclosure any information or official records to the*
23 *extent they would adversely affect personal privacy rights or*
24 *proprietary interests.*

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

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

33 (b) *Disclose matters specifically exempted from disclosure by*
34 *statute;*

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

37 (d) *Involve accusing any person of a crime, or formally*
38 *censuring any person;*

39 (e) *Disclose information of a personal nature where disclosure*
40 *would constitute a clearly unwarranted invasion of personal*
41 *privacy;*

42 (f) *Disclose investigative records compiled for law enforcement*
43 *purposes;*

44 (g) *Disclose information contained in or related to*
45 *examination, operating or condition reports prepared by, or on*



1 *behalf of or for the use of, the Interstate Commission with respect*
2 *to a regulated person or entity for the purpose of regulation or*
3 *supervision of such person or entity;*

4 *(h) Disclose information, the premature disclosure of which*
5 *would significantly endanger the stability of a regulated person or*
6 *entity; or*

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

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

22 *(11) The Interstate Commission shall collect standardized*
23 *data concerning the interstate movement of juveniles as directed*
24 *through its rules which shall specify the data to be collected, the*
25 *means of collection and data exchange and reporting*
26 *requirements. Such methods of data collection, exchange and*
27 *reporting shall insofar as is reasonably possible conform to up-to-*
28 *date technology and coordinate its information functions with the*
29 *appropriate repository of records.*

30
31 **ARTICLE IV. POWERS AND DUTIES OF**
32 **THE INTERSTATE COMMISSION**

33
34 *The Interstate Commission shall have the following powers*
35 *and duties:*

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

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

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



- 1 (4) *To enforce compliance with the provisions of the*
2 *Compact, the rules promulgated by the Interstate Commission,*
3 *and the bylaws, using all necessary and proper means, including,*
4 *but not limited to, the use of judicial process.*
- 5 (5) *To establish and maintain offices which shall be located*
6 *within one or more of the compacting states.*
- 7 (6) *To purchase and maintain insurance and bonds.*
- 8 (7) *To borrow, accept, hire or contract for services of*
9 *personnel.*
- 10 (8) *To establish and appoint committees and hire staff which*
11 *it deems necessary for the carrying out of its functions including,*
12 *but not limited to, an Executive Committee as required by Article*
13 *III which shall have the power to act on behalf of the Interstate*
14 *Commission in carrying out its powers and duties hereunder.*
- 15 (9) *To elect or appoint such officers, attorneys, employees,*
16 *agents or consultants, and to fix their compensation, define their*
17 *duties and determine their qualifications, and to establish the*
18 *Interstate Commission's personnel policies and programs relating*
19 *to, inter alia, conflicts of interest, rates of compensation, and*
20 *qualifications of personnel.*
- 21 (10) *To accept any and all donations and grants of money,*
22 *equipment, supplies, materials, and services, and to receive, utilize,*
23 *and dispose of it.*
- 24 (11) *To lease, purchase, accept contributions or donations of,*
25 *or otherwise to own, hold, improve or use any property, real,*
26 *personal, or mixed.*
- 27 (12) *To sell, convey, mortgage, pledge, lease, exchange,*
28 *abandon or otherwise dispose of any property, real, personal or*
29 *mixed.*
- 30 (13) *To establish a budget and make expenditures and levy*
31 *dues as provided in Article VIII of this Compact.*
- 32 (14) *To sue and be sued.*
- 33 (15) *To adopt a seal and bylaws governing the management*
34 *and operation of the Interstate Commission.*
- 35 (16) *To perform such functions as may be necessary or*
36 *appropriate to achieve the purposes of this Compact.*
- 37 (17) *To report annually to the legislatures, governors,*
38 *judiciary and State Councils of the compacting states concerning*
39 *the activities of the Interstate Commission during the preceding*
40 *year. Such reports shall also include any recommendations that*
41 *may have been adopted by the Interstate Commission.*
- 42 (18) *To coordinate education, training and public awareness*
43 *regarding the interstate movement of juveniles for officials*
44 *involved in such activity.*



- 1 (19) *To establish uniform standards of the reporting,*
- 2 *collecting and exchanging of data.*
- 3 (20) *To maintain the Interstate Commission’s corporate*
- 4 *books and records in accordance with the bylaws.*

5

6 **ARTICLE V. ORGANIZATION AND OPERATION OF**

7 **THE INTERSTATE COMMISSION**

8

9 *Section A. Bylaws*

10

11 *The Interstate Commission shall, by a majority of the members*

12 *present and voting, within 12 months after the first Interstate*

13 *Commission meeting, adopt bylaws to govern its conduct as may*

14 *be necessary or appropriate to carry out the purposes of the*

15 *Compact, including, but not limited to:*

- 16 (1) *Establishing the fiscal year of the Interstate Commission;*
- 17 (2) *Establishing an Executive Committee and such other*
- 18 *committees as may be necessary;*
- 19 (3) *Providing for the establishment of committees governing*
- 20 *any general or specific delegation of any authority or function of*
- 21 *the Interstate Commission;*
- 22 (4) *Providing reasonable procedures for calling and*
- 23 *conducting meetings of the Interstate Commission, and ensuring*
- 24 *reasonable notice of each such meeting;*
- 25 (5) *Establishing the titles and responsibilities of the officers of*
- 26 *the Interstate Commission;*
- 27 (6) *Providing a mechanism for concluding the operations of*
- 28 *the Interstate Commission and the return of any surplus funds*
- 29 *that may exist upon the termination of the Compact after the*
- 30 *payment and/or reserving of all of its debts and obligations;*
- 31 (7) *Providing “start-up” rules for the initial administration of*
- 32 *the Compact; and*
- 33 (8) *Establishing standards and procedures for compliance and*
- 34 *technical assistance in carrying out the Compact.*

35

36 *Section B. Officers and Staff*

37

38 (1) *The Interstate Commission shall, by a majority of the*

39 *members, elect annually from among its members a Chairperson*

40 *and a Vice Chairperson, each of whom shall have such authority*

41 *and duties as may be specified in the bylaws. The Chairperson or,*

42 *in the Chairperson’s absence or disability, the Vice Chairperson*

43 *shall preside at all meetings of the Interstate Commission. The*

44 *officers so elected shall serve without compensation or*

45 *remuneration from the Interstate Commission, provided that,*



1 *subject to the availability of budgeted funds, the officers shall be*
2 *reimbursed for any ordinary and necessary costs and expenses*
3 *incurred by them in the performance of their duties and*
4 *responsibilities as officers of the Interstate Commission.*

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

13
14 *Section C. Qualified Immunity, Defense and Indemnification*
15

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

27 (2) *The liability of any Commissioner, or the employee or*
28 *agent of a Commissioner, acting within the scope of such person's*
29 *employment or duties for acts, errors, or omissions occurring*
30 *within such person's state may not exceed the limits of liability set*
31 *forth under the constitution and laws of that state for state*
32 *officials, employees and agents. Nothing in this subsection shall*
33 *be construed to protect any such person from suit or liability for*
34 *any damage, loss, injury or liability caused by the intentional or*
35 *willful and wanton misconduct of any such person.*

36 (3) *The Interstate Commission shall defend the Executive*
37 *Director or the employees or representatives of the Interstate*
38 *Commission and, subject to the approval of the Attorney General*
39 *of the state represented by any Commissioner of a compacting*
40 *state, shall defend such Commissioner or the Commissioner's*
41 *representatives or employees in any civil action seeking to impose*
42 *liability arising out of any actual or alleged act, error or omission*
43 *that occurred within the scope of Interstate Commission*
44 *employment, duties or responsibilities, or that the defendant had a*
45 *reasonable basis for believing occurred within the scope of*



1 *Interstate Commission employment, duties or responsibilities,*
2 *provided that the actual or alleged act, error or omission did not*
3 *result from intentional or willful and wanton misconduct on the*
4 *part of such person.*

5 (4) *The Interstate Commission shall indemnify and hold the*
6 *Commissioner of a compacting state, or the Commissioner's*
7 *representatives or employees, or the Interstate Commission's*
8 *representatives or employees, harmless in the amount of any*
9 *settlement or judgment obtained against such persons arising out*
10 *of any actual or alleged act, error or omission that occurred within*
11 *the scope of Interstate Commission employment, duties or*
12 *responsibilities, or that such persons had a reasonable basis for*
13 *believing occurred within the scope of Interstate Commission*
14 *employment, duties or responsibilities, provided that the actual or*
15 *alleged act, error or omission did not result from intentional or*
16 *willful and wanton misconduct on the part of such persons.*

17
18 **ARTICLE VI. RULEMAKING FUNCTIONS OF**
19 **THE INTERSTATE COMMISSION**
20

21 (1) *The Interstate Commission shall promulgate and publish*
22 *rules in order to effectively and efficiently achieve the purposes of*
23 *the Compact.*

24 (2) *Rulemaking shall occur pursuant to the criteria set forth*
25 *in this article and the bylaws and rules adopted pursuant thereto.*
26 *Such rulemaking shall substantially conform to the principles of*
27 *the Model State Administrative Procedure Act, 1981 Act, Uniform*
28 *Laws Annotated, Vol. 15, p.1 (2000), or such other administrative*
29 *procedures act as the Interstate Commission deems appropriate*
30 *and consistent with due process requirements under the United*
31 *States Constitution as now or hereafter interpreted by the United*
32 *States Supreme Court. All rules and amendments shall become*
33 *binding as of the date specified, as published with the final version*
34 *of the rule as approved by the Interstate Commission.*

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

37 (a) *Publish the proposed rule's entire text stating the reason(s)*
38 *for that proposed rule;*

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

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



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

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

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

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

22 (7) *Upon determination by the Interstate Commission that an*
23 *emergency exists, it may promulgate an emergency rule which*
24 *shall become effective immediately upon adoption, provided that*
25 *the usual rulemaking procedures provided hereunder shall be*
26 *retroactively applied to said rule as soon as reasonably possible,*
27 *but no later than 90 days after the effective date of the emergency*
28 *rule.*

29
30 **ARTICLE VII. OVERSIGHT, ENFORCEMENT AND**
31 **DISPUTE RESOLUTION BY THE**
32 **INTERSTATE COMMISSION**

33
34 **Section A. Oversight**

35
36 (1) *The Interstate Commission shall oversee the*
37 *administration and operations of the interstate movement of*
38 *juveniles subject to this Compact in the compacting states and*
39 *shall monitor such activities being administered in noncompacting*
40 *states which may significantly affect compacting states.*

41 (2) *The courts and executive agencies in each compacting*
42 *state shall enforce this Compact and shall take all actions*
43 *necessary and appropriate to effectuate the Compact's purposes*
44 *and intent. The provisions of this Compact and the rules*
45 *promulgated hereunder shall be received by all the judges, public*



1 *officers, commissions and departments of the state government as*
2 *evidence of the authorized statute and administrative rules. All*
3 *courts shall take judicial notice of the Compact and the rules. In*
4 *any judicial or administrative proceeding in a compacting state*
5 *pertaining to the subject matter of this Compact which may affect*
6 *the powers, responsibilities or actions of the Interstate*
7 *Commission, it shall be entitled to receive all service of process in*
8 *any such proceeding, and shall have standing to intervene in the*
9 *proceeding for all purposes.*

10

11 *Section B. Dispute Resolution*

12

13

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

19

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

27

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

32

33 *ARTICLE VIII. FINANCE*

34

35

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

39

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



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

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

15
16 **ARTICLE IX. THE STATE COUNCIL**

17
18 (1) *The Nevada State Council for Interstate Juvenile*
19 *Supervision is hereby created. The Nevada State Council for*
20 *Interstate Juvenile Supervision consists of the following seven*
21 *members:*

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

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

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

30 (d) *One member of the Assembly, appointed by the Speaker of*
31 *the Assembly; and*

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

34 (2) *The members of the Nevada State Council for Interstate*
35 *Juvenile Supervision serve at the pleasure of the persons who*
36 *appointed them.*

37 (3) *The Legislators who are members of the Nevada State*
38 *Council for Interstate Juvenile Supervision are entitled to receive*
39 *the salary provided for a majority of the members of the*
40 *Legislature during the first 60 days of the preceding session for*
41 *each day's attendance at a meeting of the Nevada State Council*
42 *for Interstate Juvenile Supervision.*

43 (4) *While engaged in the business of the Interstate*
44 *Commission, each member of the Nevada State Council for*
45 *Interstate Juvenile Supervision is entitled to receive the per diem*



1 allowance and travel expenses provided for state officers and
2 employees generally.

3 (5) The Nevada State Council for Interstate Juvenile
4 Supervision shall develop policies concerning the operation of the
5 Compact within this state and shall exercise oversight and
6 advocacy concerning its participation in activities of the Interstate
7 Commission.

8
9 **ARTICLE X. COMPACTING STATES, EFFECTIVE**
10 **DATE AND AMENDMENT**

11
12 (1) Any state, as defined in Article II of this Compact, is
13 eligible to become a compacting state.

14 (2) The Compact shall become effective and binding upon
15 legislative enactment of the Compact into law by no less than 35 of
16 the states. The initial effective date shall be the later of July 1,
17 2004, or upon enactment into law by the 35th jurisdiction.
18 Thereafter it shall become effective and binding as to any other
19 compacting state upon enactment of the Compact into law by that
20 state. The governors of nonmember states or their designees shall
21 be invited to participate in the activities of the Interstate
22 Commission on a nonvoting basis prior to adoption of the
23 Compact by all states and territories of the United States.

24 (3) The Interstate Commission may propose amendments to
25 the Compact for enactment by the compacting states. No
26 amendment shall become effective and binding upon the Interstate
27 Commission and the compacting states unless and until it is
28 enacted into law by unanimous consent of the compacting states.

29
30 **ARTICLE XI. WITHDRAWAL, DEFAULT, TERMINATION**
31 **AND JUDICIAL ENFORCEMENT**

32
33 **Section A. Withdrawal**

34
35 (1) Once effective, the Compact shall continue in force and
36 remain binding upon each and every compacting state, provided
37 that a compacting state may withdraw from the Compact by
38 specifically repealing the statute which enacted the Compact into
39 law.

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

42 (3) The withdrawing state shall immediately notify the
43 Chairperson of the Interstate Commission in writing upon the
44 introduction of legislation repealing this Compact in
45 the withdrawing state. The Interstate Commission shall notify the



1 *other compacting states of the withdrawing state's intent to*
2 *withdraw within 60 days of its receipt thereof.*

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

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

11
12 **Section B. Technical Assistance, Fines, Suspension,**
13 **Termination and Default**
14

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

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

22 (b) *Alternative dispute resolution;*

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

25 (d) *Suspension or termination of membership in the Compact,*
26 *which shall be imposed only after all other reasonable means of*
27 *securing compliance under the bylaws and rules have been*
28 *exhausted and the Interstate Commission has therefore*
29 *determined that the offending state is in default. Immediate notice*
30 *of suspension shall be given by the Interstate Commission to the*
31 *Governor, the Chief Justice or the Chief Judicial Officer of the*
32 *state, the Majority and Minority Leaders of the defaulting state's*
33 *legislature, and the State Council. The grounds for default*
34 *include, but are not limited to, failure of a compacting state to*
35 *perform such obligations or responsibilities imposed upon it by*
36 *this Compact, the bylaws or duly promulgated rules and any other*
37 *grounds designated in the Interstate Commission's bylaws and*
38 *rules. The Interstate Commission shall immediately notify the*
39 *defaulting state in writing of the penalty imposed by the Interstate*
40 *Commission and of the default pending a cure of the default. The*
41 *Interstate Commission shall stipulate the conditions and the time*
42 *period within which the defaulting state must cure its default. If*
43 *the defaulting state fails to cure the default within the time period*
44 *specified by the Interstate Commission, the defaulting state shall*
45 *be terminated from the Compact upon an affirmative vote of a*



1 majority of the compacting states and all rights, privileges and
2 benefits conferred by this Compact shall be terminated from the
3 effective date of termination.

4 (2) Within 60 days of the effective date of termination of a
5 defaulting state, the Interstate Commission shall notify the
6 Governor, the Chief Justice or Chief Judicial Officer, the Majority
7 and Minority Leaders of the defaulting state's legislature, and the
8 State Council of such termination.

9 (3) The defaulting state is responsible for all assessments,
10 obligations and liabilities incurred through the effective date of
11 termination including any obligations, the performance of which
12 extends beyond the effective date of termination.

13 (4) The Interstate Commission shall not bear any costs
14 relating to the defaulting state unless otherwise mutually agreed
15 upon in writing between the Interstate Commission and the
16 defaulting state.

17 (5) Reinstatement following termination of any compacting
18 state requires both a reenactment of the Compact by the defaulting
19 state and the approval of the Interstate Commission pursuant to
20 the rules.

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Section C. Judicial Enforcement

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Section D. Dissolution of Compact

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

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



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**ARTICLE XII. SEVERABILITY AND
CONSTRUCTION**

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

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

**ARTICLE XIII. BINDING EFFECT OF COMPACT
AND OTHER LAWS**

Section A. Other Laws

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

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

Section B. Binding Effect of the Compact

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

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

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

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

Sec. 3. *All claims that arise pursuant to the provisions of this chapter must be paid from the Reserve for Statutory Contingency*



1 *Account upon approval by the Compact Administrator appointed*
2 *pursuant to section 2 of this act.*

3 **Sec. 4.** NRS 353.264 is hereby amended to read as follows:
4 353.264 1. The Reserve for Statutory Contingency Account
5 is hereby created in the State General Fund.

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

9 (a) The payment of claims which are obligations of the State
10 pursuant to *section 3 of this act and* NRS 41.03435, 41.0347,
11 176.485, 179.310, 212.040, 212.050, 212.070, ~~214.040,~~ 281.174,
12 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262,
13 412.154 and 475.235;

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

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

20 (2) NRS 7.155, 34.750, 176A.640, 179.225, 213.153 and
21 293B.210,

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

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

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

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

41 **Sec. 5.** NRS 214.010, 214.015, 214.020, 214.030, 214.040,
42 214.050 and 214.060 are hereby repealed.

43 **Sec. 6.** This act becomes effective:

44 1. On July 1, 2004; or



- 1 2. Upon enactment of the Interstate Compact for Juveniles into
- 2 law by the 35th jurisdiction,
- 3 whichever is later.

LEADLINES OF REPEALED SECTIONS

214.010 Execution of compact.

214.015 Authorized amendment to compact.

214.020 Administrator: Designation; powers and duties.

214.030 Execution of supplementary agreements by administrator; limitations.

214.040 Payment of claims from Reserve for Statutory Contingency Account.

214.050 Payment of fees of attorneys and guardians ad litem.

214.060 Responsibilities of state departments, agencies and officers.

