

## 2005 ASSEMBLY BILL 41

1 AN ACT *to amend* 938.14; and *to create* 14.92, 15.145 (4), 20.410 (3) (d), 938.9985  
2 and 938.999 of the statutes; **relating to:** the Interstate Compact for Juveniles.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 14.92 of the statutes is created to read:

4 **14.92 Interstate Commission for Juveniles.** There is created an Interstate  
5 Commission for Juveniles as specified in s. 938.999 (3). The member of the  
6 commission representing this state shall be the compact administrator, as defined  
7 in s. 938.999 (2) (c), the deputy compact administrator, as defined in s. 938.999 (2)  
8 (f), or a designee, as specified in s. 938.999 (3) (b). The commission member shall  
9 serve without compensation but shall be reimbursed from the appropriation account  
10 under s. 20.410 (3) (a) for actual and necessary expenses incurred in the performance

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**SECTION 1**

1 of the commission member’s duties. The commission shall have the powers, duties,  
2 and responsibilities set forth in s. 938.999.

3 **SECTION 2.** 15.145 (4) of the statutes is created to read:

4 15.145 (4) STATE BOARD FOR INTERSTATE JUVENILE SUPERVISION. There is created  
5 a state board for interstate juvenile supervision, which is attached to the department  
6 of corrections under s. 15.03. The board shall consist of 5 members appointed for  
7 3–year terms. The governor shall comply with the requirements of s. 938.999 (9)  
8 when appointing members of the board. The board shall have the powers, duties, and  
9 responsibilities set forth under s. 938.999.

10 **SECTION 3.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
11 the following amounts for the purposes indicated:

	<b>2005–06</b>	<b>2006–07</b>
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13 **20.410 Corrections, department of**

14 (3) JUVENILE CORRECTIONAL SERVICES

15 (d) Interstate Compact for Juveniles

assessments	GPR	A	–0–	–0–
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17 **SECTION 4.** 20.410 (3) (d) of the statutes is created to read:

18 20.410 (3) (d) *Interstate Compact for Juveniles assessments.* The amounts in  
19 the schedule to pay assessments levied by the interstate commission for juveniles  
20 under s. 938.999 (8) (b).

21 **SECTION 5.** 938.14 of the statutes is amended to read:

22 **938.14 Jurisdiction over interstate compact proceedings.** The court has  
23 exclusive jurisdiction over proceedings under the ~~interstate compact for juveniles~~

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1 Interstate Compact on Juveniles under s. 938.991 and over proceedings under the  
2 Interstate Compact for Juveniles under s. 938.999.

3 **SECTION 6.** 938.9985 of the statutes is created to read:

4 **938.9985 Renunciation of Interstate Compact on Juveniles.** Sections  
5 938.991 to 938.998 do not apply to a juvenile from this state who is located in another  
6 state and who is a runaway, as described in s. 938.991 (4), an escapee or absconder,  
7 as described in s. 938.991 (5), a probationer, person on extended supervision, or  
8 parolee under the supervision of that other state, as described in s. 938.991 (7), or  
9 a juvenile charged as being a delinquent, as described in s. 938.998, or to a juvenile  
10 from another state who is located in this state and who is a runaway, as described  
11 in s. 938.991 (4), an escapee or absconder, as described in s. 938.991 (5), a probationer,  
12 person on extended supervision, or parolee under the supervision of this state, as  
13 described in s. 938.991 (7), or a juvenile charged as being a delinquent, as described  
14 in s. 938.998, if all of the following have occurred:

15 **(1)** The Interstate Compact for Juveniles under s. 938.999 is in effect as  
16 provided in s. 938.999 (10) (b).

17 **(2)** Both this state and the other state are parties to the Interstate Compact for  
18 Juveniles under s. 938.999.

19 **(3)** Both this state and the other state have renounced the Interstate Compact  
20 on Juveniles as provided under s. 938.991 (14).

21 **SECTION 7.** 938.999 of the statutes is created to read:

22 **938.999 Interstate Compact for Juveniles. (1) ARTICLE I – PURPOSE. (a)**  
23 The compacting states to this interstate compact recognize that each state is  
24 responsible for the proper supervision or return of juveniles, delinquents, and status  
25 offenders who are on probation or parole and who have absconded, escaped, or run

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1 away from supervision and control and in so doing have endangered their own safety  
2 and the safety of others. The compacting states also recognize that each state is  
3 responsible for the safe return of juveniles who have run away from home and in  
4 doing so have left their state of residence. The compacting states also recognize that  
5 the U.S. Congress, by enacting the Crime Control Act, 4 USC 112, has authorized and  
6 encouraged compacts for cooperative efforts and mutual assistance in the prevention  
7 of crime.

8 (b) It is the purpose of this compact, through means of joint and cooperative  
9 action among the compacting states, to do all of the following:

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

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

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

18 4. Make contracts for the cooperative institutionalization in public facilities in  
19 member states of delinquent youth needing special services.

20 5. Provide for the effective tracking and supervision of juveniles.

21 6. Equitably allocate the costs, benefits, and obligations of the compact among  
22 the compacting states.

23 7. Establish procedures to manage the movement between states of juvenile  
24 offenders who are released to the community under the jurisdiction of courts,

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1 juvenile departments, or other criminal or juvenile justice agencies that have  
2 jurisdiction over juvenile offenders.

3 8. Ensure that immediate notice is given to jurisdictions where defined  
4 offenders are authorized to travel or to relocate across state lines.

5 9. Establish procedures to resolve pending charges or detainers against  
6 juvenile offenders before transfer or release to the community under this compact.

7 10. Establish a system of uniform data collection of information pertaining to  
8 juveniles who are subject to this compact that allows access by authorized juvenile  
9 justice and criminal justice officials and a system of regular reporting of compact  
10 activities to heads of state executive, judicial, and legislative branches and juvenile  
11 and criminal justice administrators.

12 11. Monitor compliance with the rules governing the interstate movement of  
13 juveniles and intervene to address and correct any noncompliance with those rules.

14 12. Coordinate training and education regarding the regulation of the  
15 interstate movement of juveniles for officials who are involved in that activity.

16 13. Coordinate the implementation and operation of this compact with the  
17 Interstate Compact on the Placement of Children under ss. 48.988 and 48.989, the  
18 Interstate Compact for Adult Offender Supervision under s. 304.16, and other  
19 compacts affecting juveniles, particularly in those cases in which concurrent or  
20 overlapping supervision issues arise.

21 (c) It is the policy of the compacting states that the activities conducted by the  
22 interstate commission are the formation of public policies and, therefore, are public  
23 business. Furthermore, the compacting states shall cooperate with each other and  
24 observe their individual and collective duties and responsibilities for the prompt  
25 return and acceptance of juveniles who are subject to this compact.

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1 (d) The compact shall be reasonably and liberally construed to accomplish the  
2 purposes and policies of the compact.

3 **(2) ARTICLE II – DEFINITIONS.** In this section:

4 (a) “Bylaws” means the bylaws established by the interstate commission for its  
5 governance or for directing or controlling its actions or conduct.

6 (b) “Commissioner” means the voting representative of each compacting state  
7 appointed under sub. (3) (b).

8 (c) “Compact administrator” means the person appointed under this compact  
9 in each compacting state who is responsible for the administration and management  
10 of the state’s supervision and transfer of juveniles who are subject to this compact,  
11 the rules, and the policies adopted by the state board under this compact.

12 (d) “Compacting state” means a state that has enacted the enabling legislation  
13 for this compact.

14 (e) “Court” means a court having jurisdiction over delinquent, neglected, or  
15 dependent juveniles.

16 (f) “Deputy compact administrator” means the person, if any, appointed in each  
17 compacting state to act on behalf of a compact administrator in the administration  
18 and management of the state’s supervision and transfer of juveniles who are subject  
19 to this compact, the rules, and the policies adopted by the state board under this  
20 compact.

21 (g) “Interstate commission” means the interstate commission for juveniles  
22 established under sub. (3) (a).

23 (h) “Juvenile” means a person who is defined as a juvenile under the law of any  
24 compacting state or by the rules, including all of the following:

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1           1. An accused delinquent. For purposes of this subdivision, “accused  
2 delinquent” means a person who is charged with an offense that, if committed by an  
3 adult, would be a criminal offense.

4           2. An adjudicated delinquent. For purposes of this subdivision, “adjudicated  
5 delinquent” means a person who has been found to have committed an offense that,  
6 if committed by an adult, would be a criminal offense.

7           3. An accused status offender. For purposes of this subdivision, “accused status  
8 offender” means a person who is charged with an offense that would not be a criminal  
9 offense if committed by an adult.

10          4. An adjudicated status offender. For purposes of this subdivision,  
11 “adjudicated status offender” means a person who has been found to have committed  
12 an offense that would not be a criminal offense if committed by an adult.

13          5. A nonoffender. For purposes of this subdivision, “nonoffender” means a  
14 person who is in need of supervision, but who has not been charged with or found to  
15 have committed an offense.

16           (i) “Noncompacting state” means a state that has not enacted the enabling  
17 legislation for this compact.

18           (j) “Probation or parole” means any kind of supervision or conditional release  
19 of a juvenile that is authorized under the laws of a compacting state.

20           (k) Except as provided in sub. (6) (f), “rule” means a written statement by the  
21 interstate commission promulgated under sub. (6) that is of general applicability;  
22 that implements, interprets, or prescribes a policy or provision of the compact or an  
23 organizational, procedural, or practice requirement of the interstate commission;  
24 and that has the force of statutory law in a compacting state. “Rule” includes the  
25 amendment, repeal, or suspension of an existing rule.

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1 (L) “State” means a state of the United States, the District of Columbia, the  
2 Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American  
3 Samoa, or the Northern Marianas Islands.

4 (m) “State board” means the state board for interstate juvenile supervision  
5 created by each compacting state under sub. (9).

6 **(3) ARTICLE III – INTERSTATE COMMISSION FOR JUVENILES.** (a) There is created  
7 the interstate commission for juveniles. The interstate commission shall be a body  
8 corporate and joint agency of the compacting states. The interstate commission shall  
9 have all of the responsibilities, powers, and duties specified in this section and such  
10 additional powers as may be conferred upon the interstate commission by  
11 subsequent action of the respective legislatures of the compacting states exercised  
12 in accordance with this compact.

13 (b) The interstate commission shall consist of commissioners appointed by the  
14 appropriate appointing authority in each compacting state under the requirements  
15 of the compacting state and in consultation with the state board of the compacting  
16 state. The commissioner shall be the compact administrator, deputy compact  
17 administrator, or designee from the compacting state and shall serve on the  
18 interstate commission in that capacity under the applicable law of the compacting  
19 state.

20 (c) In addition to the commissioners who are the voting representatives of each  
21 compacting state, the interstate commission shall include, as nonvoting members,  
22 persons who are members of interested organizations. Those nonvoting members  
23 shall include members of the national organizations of governors, legislators, state  
24 supreme court chief justices, attorneys general, juvenile justice and juvenile  
25 corrections officials, and crime victims and members of the Interstate Compact on



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1 the Placement of Children and the Interstate Compact for Adult Offender  
2 Supervision. The interstate commission may provide in the bylaws for the inclusion  
3 of additional nonvoting members, including members of other national  
4 organizations, in such numbers as may be determined by the interstate commission.

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

9 (e) The interstate commission shall meet at least once each year. The  
10 chairperson may call additional meetings and, upon the request of a simple majority  
11 of the compacting states, shall call additional meetings. Public notice shall be given  
12 of all meetings and, except as provided in par. (i), meetings shall be open to the public.

13 (f) The interstate commission shall establish an executive committee, which  
14 shall include officers and members of the interstate commission and others as  
15 determined by the bylaws. The executive committee may act on behalf of the  
16 interstate commission during periods when the interstate commission is not in  
17 session, with the exception of rule making and amending the compact. The executive  
18 committee shall oversee the day-to-day activities of the administration of the  
19 compact that are managed by an executive director and interstate commission staff;  
20 administer enforcement of and compliance with the compact, the bylaws, and the  
21 rules; and perform such other duties as directed by the interstate commission or as  
22 specified in the bylaws.

23 (g) Each commissioner is entitled to cast the vote to which the compacting state  
24 represented by the commissioner is entitled and to participate in the business and  
25 affairs of the interstate commission. A commissioner shall vote in person and may

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1 not delegate a vote to another compacting state, except that a commissioner, in  
2 consultation with the state board of the commissioner's state, may appoint another  
3 authorized representative, in the absence of the commissioner, to cast a vote on  
4 behalf of the compacting state at a specified meeting. The bylaws may provide for  
5 members' participation in meetings by telephone or by other means of  
6 telecommunication or electronic communication.

7 (h) The bylaws shall establish conditions and procedures under which the  
8 interstate commission shall make its information and official records available to the  
9 public for inspection or copying. The interstate commission may exempt from  
10 disclosure any information or official records to the extent that the information or  
11 records would adversely affect personal privacy rights or proprietary interests.

12 (i) Public notice shall be given of all meetings, and all meetings shall be open  
13 to the public, except as specified in the rules or as otherwise provided in the compact.  
14 The interstate commission and any of its committees may close a meeting to the  
15 public if the interstate commission or committee determines by a two-thirds vote  
16 that an open meeting would be likely to do any of the following:

17 1. Relate solely to the interstate commission's internal personnel practices and  
18 procedures.

19 2. Disclose matters that are specifically exempted from disclosure by statute.

20 3. Disclose trade secrets or commercial or financial information that is  
21 privileged or confidential.

22 4. Involve accusing any person of a crime or formally censuring any person.

23 5. Disclose information that is of a personal nature, if disclosure of the  
24 information would constitute a clearly unwarranted invasion of personal privacy.

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1           6. Disclose investigative records that have been compiled for law enforcement  
2 purposes.

3           7. Disclose information that is contained in or related to an examination,  
4 operating, or condition report prepared by, on behalf of, or for the use of the interstate  
5 commission with respect to a regulated person for the purpose of regulation or  
6 supervision of that person.

7           8. Disclose information, the premature disclosure of which would significantly  
8 endanger the stability of a regulated person.

9           9. Specifically relate to the interstate commission's issuance of a subpoena or  
10 the participation of the interstate commission in a civil action or other legal  
11 proceeding.

12           (j) For every meeting that is closed under par. (i), the interstate commission's  
13 legal counsel shall publicly certify that, in the opinion of the legal counsel, the  
14 meeting may be closed to the public and shall reference each provision under par. (i)  
15 authorizing closure of the meeting. The interstate commission shall keep minutes  
16 that shall fully and clearly describe all matters discussed in any meeting and shall  
17 provide a full and accurate summary of any actions taken, and the reasons for those  
18 actions, including a description of each of the views expressed on any item and the  
19 record of any roll call vote reflecting the vote of each commissioner on the question.  
20 All documents considered in connection with any action shall be identified in the  
21 minutes.

22           (k) The interstate commission shall collect standardized data concerning the  
23 interstate movement of juveniles as directed by the rules. The rules shall specify the  
24 date to be collected and the means of collection and shall specify data exchange and  
25 reporting requirements. Those methods of data collection, exchange, and reporting

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1 shall, insofar as is reasonably possible, conform to up-to-date technology and shall  
2 coordinate the interstate commission's information functions with the appropriate  
3 repository of records.

4 **(4) ARTICLE IV – POWERS AND DUTIES OF THE INTERSTATE COMMISSION.** The  
5 interstate commission shall have the power and duty to do all of the following:

6 (a) Provide for dispute resolution among compacting states.

7 (b) Promulgate rules to effect the purposes and obligations enumerated in this  
8 compact, which rules shall have the effect of statutory law and shall be binding in  
9 the compacting states to the extent and in the manner provided in this compact.

10 (c) Oversee, supervise, and coordinate the interstate movement of juveniles  
11 who are subject to this compact, the bylaws, and the rules.

12 (d) Enforce compliance with the compact, the bylaws, and the rules, using all  
13 necessary and proper means, including the use of judicial process.

14 (e) Establish and maintain offices that shall be located within one or more of  
15 the compacting states.

16 (f) Purchase and maintain insurance and bonds.

17 (g) Borrow, accept, hire, or contract for the services of personnel.

18 (h) Establish and appoint committees and hire staff that the interstate  
19 commission considers necessary for carrying out its functions, including an executive  
20 committee as required by sub. (3) (f), which shall have the power to act on behalf of  
21 the interstate commission in carrying out the powers and duties of the interstate  
22 commission under this compact.

23 (i) Elect or appoint officers, attorneys, employees, agents, or consultants; fix  
24 their compensation, define their duties, and determine their qualifications; and  
25 establish the personnel policies and programs of the interstate commission relating

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1 to, among other things, conflicts of interest, rates of compensation, and qualifications  
2 of personnel.

3 (j) Accept, receive, utilize, and dispose of donations and grants of money,  
4 equipment, supplies, materials, and services.

5 (k) Lease, purchase, accept contributions or donations of, or otherwise own,  
6 hold, improve, or use any property, real, personal, or mixed.

7 (L) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
8 dispose of any property, real, personal, or mixed.

9 (m) Establish a budget and make expenditures and levy assessments as  
10 provided in sub. (8).

11 (n) Sue and be sued.

12 (o) Adopt a seal and bylaws governing the management and operation of the  
13 interstate commission.

14 (p) Perform such functions as may be necessary to achieve the purposes of this  
15 compact.

16 (q) Report annually to the legislatures, governors, judiciary, and state boards  
17 of the compacting states concerning the activities of the interstate commission  
18 during the preceding year. Those reports shall also include any recommendations  
19 that have been adopted by the interstate commission.

20 (r) Coordinate education, training, and public awareness regarding the  
21 interstate movement of juveniles for officials who are involved in that activity.

22 (s) Establish uniform standards for reporting, collecting, and exchanging data.

23 (t) Maintain the corporate books and records of the interstate commission in  
24 accordance with the bylaws.

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1           **(5) ARTICLE V — ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.**

2           (a) *Bylaws.* Within 12 months after the first meeting of the interstate commission,  
3 the interstate commission shall, by a majority vote of the members present and  
4 voting, adopt bylaws to govern the conduct of the interstate commission as may be  
5 necessary to carry out the purposes of the compact, including bylaws that do all of  
6 the following:

7                 1. Establish the fiscal year of the interstate commission.

8                 2. Establish an executive committee and such other committees as may be  
9 necessary.

10                3. Provide for the establishment of committees governing any general or  
11 specific delegation of any authority or function of the interstate commission.

12                4. Provide reasonable procedures for calling and conducting meetings of the  
13 interstate commission and for ensuring reasonable notice of each meeting.

14                5. Establish the titles and responsibilities of the officers of the interstate  
15 commission.

16                6. Provide a mechanism for concluding the operations of the interstate  
17 commission and for returning any surplus funds that may exist upon the termination  
18 of the compact after the payment or reserving of all of the debts and obligations of  
19 the interstate commission.

20                7. Provide rules for the initial administration of the compact.

21                8. Establish standards and procedures for compliance and technical assistance  
22 in carrying out the compact.

23                (b) *Officers and staff.* 1. The interstate commission shall, by a majority of the  
24 members, elect annually from among its members a chairperson and a vice  
25 chairperson, each of whom shall have such authority and duties as may be specified

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1 in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice  
2 chairperson shall preside at all meetings of the interstate commission. The officers  
3 so elected shall serve without compensation or remuneration from the interstate  
4 commission, except that, subject to the availability of budgeted funds, the officers  
5 shall be reimbursed for any ordinary and necessary costs and expenses incurred by  
6 them in the performance of their duties and responsibilities as officers of the  
7 interstate commission.

8 2. The interstate commission shall, through its executive committee, appoint  
9 or retain an executive director for such period, upon such terms and conditions, and  
10 for such compensation as the interstate commission may consider appropriate. The  
11 executive director shall serve as secretary to the interstate commission, but may not  
12 be a member of the interstate commission, and shall hire and supervise such other  
13 staff as may be authorized by the interstate commission.

14 (c) *Qualified immunity, defense, and indemnification.* 1. The executive  
15 director, employees, and representatives of the interstate commission shall be  
16 immune from suit and liability, either personally or in their official capacity, for any  
17 claim for damage to or loss of property, personal injury, or other civil liability caused  
18 by, arising out of, or relating to any actual or alleged act, error, or omission that  
19 occurred within the scope of interstate commission employment, duties, or  
20 responsibilities, or that the person had a reasonable basis for believing occurred  
21 within the scope of interstate commission employment, duties, or responsibilities,  
22 except that this subdivision does not protect any person from suit or liability for any  
23 damage, loss, injury, or liability that is caused by the intentional or willful and  
24 wanton misconduct of that person.

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1           2. The liability of any commissioner, or the employee or agent of a  
2 commissioner, acting within the scope of that person's employment or duties for any  
3 act, error, or omission occurring within that person's state may not exceed the limits  
4 of liability specified under the constitution and laws of that state for state officials,  
5 employees, and agents, except that this subdivision does not protect any person from  
6 suit or liability for any damage, loss, injury, or liability that is caused by the  
7 intentional or willful and wanton misconduct of that person.

8           3. The interstate commission shall defend the executive director, employees,  
9 and representatives of the interstate commission, and, subject to the approval of the  
10 attorney general of the state represented by any commissioner of a compacting state,  
11 shall defend a commissioner and a commissioner's employees and agents, in any civil  
12 action seeking to impose liability arising out of any actual or alleged act, error, or  
13 omission that occurred within the scope of interstate commission employment,  
14 duties, or responsibilities, or that the person had a reasonable basis for believing  
15 occurred within the scope of interstate commission employment, duties, or  
16 responsibilities, if the actual or alleged act, error, or omission did not result from the  
17 intentional or willful and wanton misconduct of that person.

18           4. The interstate commission shall indemnify and hold harmless the  
19 commissioner of a compacting state, the commissioner's employees and agents, and  
20 the interstate commission's executive director, employees, and representatives in the  
21 amount of any settlement or judgment obtained against those persons arising out of  
22 any actual or alleged act, error, or omission that occurred within the scope of  
23 interstate commission employment, duties, or responsibilities, or that the person  
24 had a reasonable basis for believing occurred within the scope of interstate  
25 commission employment, duties, or responsibilities, if the actual or alleged act, error,



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1 or omission did not result from the intentional or willful and wanton misconduct of  
2 that person.

3 **(6) ARTICLE VI – RULE-MAKING FUNCTION OF THE INTERSTATE COMMISSION.** (a)  
4 The interstate commission shall promulgate and publish rules in order to effectively  
5 and efficiently achieve the purposes of the compact.

6 (b) Rule making shall occur under the criteria specified in this subsection and  
7 the bylaws and rules adopted under this subsection. Rule making shall substantially  
8 conform to the principles of the Model State Administrative Procedure Act, 1981 Act,  
9 Uniform Laws Annotated, volume 15, page 1, (2000), or any other administrative  
10 procedure act that the interstate commission considers appropriate, consistent with  
11 the due process requirements under the U.S. Constitution. All rules and  
12 amendments to the rules shall become binding as of the date specified in the final  
13 rule or amendment.

14 (c) When promulgating a rule, the interstate commission shall do all of the  
15 following:

16 1. Publish the entire text of the proposed rule and state the reason for the  
17 proposed rule.

18 2. Allow and invite persons to submit written data, facts, opinions, and  
19 arguments, which shall be added to the rule-making record and be made publicly  
20 available.

21 3. Provide an opportunity for an informal hearing, if petitioned by 10 or more  
22 persons.

23 4. Promulgate a final rule and its effective date, if appropriate, based on the  
24 rule-making record, including input from state or local officials and other interested  
25 parties.

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1 (d) Not later than 60 days after a rule is promulgated, any interested person  
2 may file a petition in the U. S. district court for the District of Columbia or in the  
3 federal district court for the district in which the interstate commission's principal  
4 office is located for judicial review of that rule. If the court finds that the interstate  
5 commission's action is not supported by substantial evidence in the rule-making  
6 record, the court shall hold the rule unlawful and set the rule aside. For purposes  
7 of this paragraph, evidence is substantial if the evidence would be considered  
8 substantial evidence under the Model State Administrative Procedure Act.

9 (e) If a majority of the legislatures of the compacting states reject a rule by  
10 enactment of a statute or resolution in the same manner used to adopt the compact,  
11 the rule shall have no further effect in any compacting state.

12 (f) The rules governing the operation of the Interstate Compact on Juveniles  
13 under ss. 938.991 to 938.998 shall be void 12 months after the first meeting of the  
14 interstate commission.

15 (g) If the interstate commission determines that an emergency exists, the  
16 interstate commission may promulgate an emergency rule that shall become  
17 effective immediately upon promulgation, except that the usual rule-making  
18 procedures provided under this subsection shall be retroactively applied to the rule  
19 as soon as is reasonably possible, but no later than 90 days after the effective date  
20 of the emergency rule.

21 **(7) ARTICLE VII — OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION BY THE**  
22 **INTERSTATE COMMISSION.** (a) *Oversight and enforcement.* 1. The interstate  
23 commission shall oversee the administration and operations of the interstate  
24 movement of juveniles who are subject to this compact in the compacting states and

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1 shall monitor those activities being administered in noncompacting states that may  
2 significantly affect compacting states.

3 2. The courts and executive agencies in each compacting state shall enforce this  
4 compact and shall take all actions that are necessary to effectuate the purposes and  
5 intent of the compact. This compact and the rules shall be received by all of the  
6 judges, public officers, commissions, and departments of each compacting state as  
7 evidence of the authorized statute and administrative rules. All courts shall take  
8 judicial notice of the compact and rules. In any judicial or administrative proceeding  
9 in a compacting state pertaining to the subject matter of this compact that may affect  
10 the powers, responsibilities, or actions of the interstate commission, the interstate  
11 commission shall be entitled to receive all service of process in the proceeding and  
12 shall have standing to intervene in the proceeding for all purposes.

13 (b) *Dispute resolution.* 1. The compacting states shall report to the interstate  
14 commission on all issues and activities that are necessary for the administration of  
15 the compact and on all issues and activities that pertain to compliance with this  
16 compact, the bylaws, and the rules.

17 2. The interstate commission shall attempt, upon the request of a compacting  
18 state, to resolve any dispute or other issue that is subject to the compact and that may  
19 arise among compacting states or between compacting states and noncompacting  
20 states. The commission shall promulgate a rule providing for both mediation and  
21 binding dispute resolution for disputes among the compacting states.

22 3. The interstate commission, in the reasonable exercise of its discretion, shall  
23 enforce this compact and the rules, using any or all of the means specified in sub. (11)  
24 (b) and (c).

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1           **(8) FINANCE.** (a) The interstate commission shall pay or provide for the  
2 payment of the reasonable expenses of its establishment, organization, and ongoing  
3 activities.

4           (b) The interstate commission shall levy on and collect from each compacting  
5 state an annual assessment to cover the cost of the internal operations and activities  
6 of the interstate commission and its staff. The aggregate amount of the annual  
7 assessment shall be in an amount that is sufficient to cover the annual budget of the  
8 interstate commission as approved each year and shall be allocated among the  
9 compacting states based upon a formula to be determined by the interstate  
10 commission, taking into consideration the population of each compacting state and  
11 the volume of interstate movement of juveniles in each compacting state. The  
12 interstate commission shall promulgate a rule binding on all compacting states that  
13 governs the assessment.

14           (c) The interstate commission may not incur any obligations of any kind before  
15 securing funds adequate to meet those obligations; nor may the interstate  
16 commission pledge the credit of any compacting state, except by and with the  
17 authority of the compacting state.

18           (d) The interstate commission shall keep accurate accounts of all receipts and  
19 disbursements. The receipts and disbursements of the interstate commission shall  
20 be subject to the audit and accounting procedures established under the bylaws. All  
21 receipts and disbursements of funds handled by the interstate commission shall be  
22 audited yearly by a certified or licensed public accountant, and the report of the audit  
23 shall be included in and become part of the annual report of the interstate  
24 commission.

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1           **(9) ARTICLE IX – THE STATE BOARD.** Each compacting state shall create a state  
2 board. Although each compacting state may determine the membership of its own  
3 state board, the membership of the state board of each compacting state shall include  
4 the compact administrator, the deputy compact administrator, or a designee, at least  
5 one representative from the legislative, judicial, and executive branches of  
6 government, and one representative of victims groups. Each compacting state  
7 retains the right to determine the qualifications of the compact administrator and  
8 deputy compact administrator. Each state board shall advise and may exercise  
9 oversight and advocacy concerning that state’s participation in interstate  
10 commission activities and may exercise any other duties as may be determined by  
11 that state, including the development of policy concerning the operations and  
12 procedures of the compact within that state.

13           **(10) ARTICLE X – COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.** (a) Any  
14 state is eligible to become a compacting state.

15           (b) The compact shall become effective and binding upon legislative enactment  
16 of the compact into law by no less than 35 of the states. The initial effective date of  
17 the compact shall be July 1, 2005, or upon enactment into law by the 35th state,  
18 whichever is later. After that initial effective date, the compact shall become  
19 effective and binding as to any other compacting state upon enactment of the  
20 compact into law by that compacting state. The governors of noncompacting states  
21 or their designees shall be invited to participate in the activities of the interstate  
22 commission on a nonvoting basis before adoption of the compact by all states.

23           (c) The interstate commission may propose amendments to the compact for  
24 enactment by the compacting states. An amendment does not become effective and

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1 binding upon the interstate commission and the compacting states until the  
2 amendment is enacted into law by the unanimous consent of the compacting states.

3 **(11)** ARTICLE XI — WITHDRAWAL, DEFAULT, JUDICIAL ENFORCEMENT, AND  
4 DISSOLUTION. (a) *Withdrawal*. 1. Once effective, the compact shall continue in effect  
5 and remain binding upon each compacting state, except that a compacting state may  
6 withdraw from the compact by specifically repealing the statute that enacted the  
7 compact into law in that state and a compacting state's membership in the compact  
8 may be suspended or terminated as provided in par. (b) 1. d. and 3. The effective date  
9 of a withdrawal by a compacting state is the effective date of the repeal of the statute  
10 that enacted the compact into law in that state.

11 2. A withdrawing state shall immediately notify the chairperson of the  
12 interstate commission in writing upon the introduction of legislation repealing the  
13 compact in the withdrawing state. The interstate commission shall notify the other  
14 compacting states of the withdrawing state's intent to withdraw within 60 days after  
15 receiving the written notice of intent to withdraw.

16 3. A withdrawing state is responsible for all assessments, obligations, and  
17 liabilities incurred through the effective date of withdrawal, including any  
18 obligations the performance of which extend beyond the effective date of the  
19 withdrawal.

20 4. Reinstatement in the compact following the withdrawal of any compacting  
21 state shall occur upon the withdrawing state reenacting the compact or upon such  
22 later date as determined by the interstate commission.

23 (b) *Default*. 1. If the interstate commission determines that any compacting  
24 state has at any time defaulted in the performance of any of its obligations or

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1 responsibilities under this compact, the bylaws, or the rules, the interstate  
2 commission may impose on the compacting state any or all of the following penalties:

3 a. Remedial training and technical assistance as directed by the interstate  
4 commission.

5 b. Alternate dispute resolution.

6 c. Forfeitures, fees, and costs in such amounts as are considered to be  
7 reasonable and as are fixed by the interstate commission.

8 d. Suspension or termination of membership in the compact, which may be  
9 imposed only after all other reasonable means of securing compliance under the  
10 bylaws and rules have been exhausted and the interstate commission has  
11 determined that the offending state is in default. Immediate notice of suspension  
12 shall be given by the interstate commission to the governor of the defaulting state,  
13 the chief justice of the supreme court or the chief judicial officer of that state, the  
14 majority and minority leaders of the legislature of that state, and the state board of  
15 that state.

16 2. The grounds for default include the failure of a compacting state to perform  
17 any obligations or responsibilities imposed upon the compacting state by this  
18 compact, the bylaws, or the rules and any other ground designated in the bylaws or  
19 rules.

20 3. If the interstate commission determines that a compacting state has  
21 defaulted, the interstate commission shall immediately notify the defaulting state  
22 in writing of the default and of the penalty imposed by the interstate commission  
23 pending a cure of the default. The interstate commission shall stipulate the  
24 conditions under which and the time period within which the defaulting state shall  
25 cure its default. If the defaulting state fails to cure the default within the time period

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1 specified by the interstate commission, the defaulting state shall be terminated from  
2 the compact upon an affirmative vote of a majority of the compacting states, and all  
3 rights, privileges, and benefits conferred by this compact shall be terminated  
4 beginning on the effective date of termination. Within 60 days after the effective date  
5 of termination of a defaulting state, the interstate commission shall notify the  
6 governor of the defaulting state, the chief justice of the supreme court or the chief  
7 judicial officer of that state, the majority and minority leaders of the legislature of  
8 that state, and the state board of that state of the termination.

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

13 5. The interstate commission shall not bear any costs relating to a defaulting  
14 state unless otherwise mutually agreed upon in writing between the interstate  
15 commission and the defaulting state.

16 6. Reinstatement following termination of any compacting state requires both  
17 a reenactment of the compact by the defaulting state and the approval of the  
18 interstate commission under the rules.

19 (c) *Judicial enforcement.* The interstate commission may, by a majority vote  
20 of the members, initiate legal action in the U.S. district court for the District of  
21 Columbia or, at the discretion of the interstate commission, in the federal district  
22 court for the district in which the interstate commission has its offices to enforce  
23 compliance with the compact, the bylaws, and the rules against any compacting state  
24 that is in default. If judicial enforcement is necessary, the prevailing party shall be  
25 awarded all costs of the litigation, including reasonable attorney fees.



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1           (d) *Dissolution.* The compact dissolves effective upon the date of a withdrawal  
2 or default of a compacting state that reduces membership in the compact to one  
3 compacting state. Upon dissolution of the compact, the compact becomes void and  
4 shall be of no further effect, the business and affairs of the interstate commission  
5 shall be concluded, and any surplus funds shall be distributed in accordance with the  
6 bylaws.

7           **(12)** ARTICLE XII – CONSTRUCTION. The provisions of this compact shall be  
8 liberally construed to effectuate the purposes of the compact.

9           **(13)** ARTICLE XIII – BINDING EFFECT OF COMPACT AND OTHER LAWS. (a) *Other*  
10 *laws.* This compact does not prevent the enforcement of any other law of a  
11 compacting state that is not inconsistent with this compact. All compacting states'  
12 laws, other than state constitutions and other interstate compacts, that conflict with  
13 this compact are superseded to the extent of the conflict.

14           (b) *Binding effect of the compact.* 1. All lawful actions of the interstate  
15 commission, including the bylaws and rules, are binding upon the compacting states.

16           2. All agreements between the interstate commission and the compacting  
17 states are binding in accordance with their terms.

18           3. Upon the request of a party to a conflict over the meaning or interpretation  
19 of an interstate commission action and upon a majority vote of the compacting states,  
20 the interstate commission may issue an advisory opinion regarding that meaning or  
21 interpretation.

22           4. If a provision of this compact exceeds the constitutional limits imposed on  
23 the legislature of any compacting state, the obligations, duties, powers, or  
24 jurisdiction sought to be conferred by that provision upon the interstate commission  
25 shall be ineffective, and those obligations, duties, powers, or jurisdiction shall

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1 remain in the compacting state and shall be exercised by the agency of the  
2 compacting state to which those obligations, duties, powers, or jurisdiction are  
3 delegated by the law that is in effect at the time that this compact becomes effective.

4 **SECTION 8. Nonstatutory provisions.**

5 (1) STATE BOARD FOR INTERSTATE JUVENILE SUPERVISION; INITIAL TERMS OF MEMBERS.

6 Notwithstanding the length of terms specified for the members of the state board for  
7 interstate juvenile supervision under section 15.145 (4) of the statutes, as created by  
8 this act, one of the initial members shall be appointed for a term expiring on May 1,  
9 2006, 2 of the initial members shall be appointed for a term expiring on May 1, 2007,  
10 and 2 of the initial members shall be appointed for a term expiring on May 1, 2008.

11 (END)