

Laws of Puerto Rico Annotated
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TITLE FOUR Judiciary
PART V. Correction and Parole
Chapter 83A. Interstate Compact for Adult Offender Supervision

4 L.P.R.A. § 1433 (2017)

§ 1433. Public policy and purpose

It is the interest of the Commonwealth of Puerto Rico to accept and adopt, through the present legislation, the clauses and conditions established in the Interstate Compact for Adult Offender Supervision, which reads as follows:

The Compacting States in this Interstate Compact recognize that each state is responsible for the supervision of adult offenders in the community. Each compacting state is authorized pursuant to the Bylaws and rules of this Compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner and, when necessary, return offenders to the originating jurisdictions. The Compacting States also recognize that the United States Congress, by enacting the Crime Control Act, 4 U.S.C. Section 112 (1965), has authorized and encouraged Compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this Compact and the Interstate Commission created under this Compact, through means of joint and cooperative action among the Compacting States to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the Interstate movement of offenders in the community, provide for the effective tracking, supervision and rehabilitation of these offenders by the sending and receiving states, and to equitably distribute the costs, benefits and obligations of the Compact among the Compacting States. In addition this Compact shall create an Interstate Commission that will establish uniform procedures to manage the movement between states of adult offenders placed under community supervision and released to the community under the jurisdiction of courts, paroling programs or corrections administration or other corresponding agencies that will promulgate rules to achieve the purpose of this Compact; ensure an opportunity for providing information and due notice to victims and to jurisdictions where offenders, defined as such, are authorized to travel or to relocate across state lines; establish a system of uniform data collection, access to information on active criminal cases by authorized officials and regular reporting of Compact activities to the heads of state council, the state executive, legislative and judicial branches and the criminal justice administrators; monitor compliance with rules governing Interstate movement of offenders and initiate interventions to address and correct noncompliance; and coordinate training and education on the regulation of Interstate movement of offenders for officials involved in that activity. The Compacting States recognize that there is no right of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision, subject to the provisions of this Compact and the Bylaws and rules promulgated under this Compact. It is the policy of the Compacting States that the activities

conducted by the Interstate Commission hereby created are intended to formulate public policy and are therefore public business.

§ 1434. Definitions

For the purposes of this chapter, the following terms and phrases shall have the meaning expressed below:

(a) Adult. -- Means those persons who are classified by law as adults and minors treated as adults by statute or court order, or by effect of law.

(b) Bylaws. -- Means those bylaws established by the Interstate Commission for its governance or for directing or controlling the Interstate Commission's actions or conduct.

(c) Compact administrator. -- Means the individual in each compacting state appointed under the terms of this Compact, responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this Compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this Compact.

(d) Compacting state. -- Means any state that has enacted the enabling legislation for this Compact.

(e) Commissioner. -- Means the voting representative of each compacting state, designated pursuant to § 1435 of this title.

(f) Interstate Commission. -- Means the Interstate Commission for Adult Offender Supervision established by this Compact.

(g) Member. -- Means the Commissioner of a compacting state or the Commissioner's designee who is an individual officially connected with the Commissioner.

(h) Non-compacting state. -- Means any state that has not enacted the enabling legislation for this Compact.

(i) Offender. -- Means an adult placed under or subject to supervision as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling or probation authorities, or other criminal justice agencies.

(j) Person. -- Means any individual, corporation, business or other public or private legal entity.

(k) Rules. -- Means edicts of the Interstate Commission, duly promulgated pursuant to § 1440 of this title and substantially affecting interested parties in addition to the Interstate Commission, which have the force and effect of law in the Compacting States.

(l) State. -- Means a state of the United States, the District of Columbia, or any other territorial possession of the United States.

(m) State Council. -- Means the resident members of the State Council for Interstate Adult Offender Supervision created by each state under Article III of this Compact.

§ 1435. Compact Commission

The Compacting States hereby create the Interstate Commission for Adult Offender Supervision. The Interstate Commission is a body corporate and joint agency of the Compacting States. The Interstate Commission has all the responsibilities, powers, and duties set forth in this Compact, including the power to sue and be sued and any additional powers as may be conferred upon it by subsequent action of the respective legislatures of the Compacting States in accordance with the terms of this Compact.

The Interstate Commission consists of Commissioners selected and appointed by the resident members of the State Council for Interstate Supervision of Adult Offenders of each state.

In addition to the Commissioners who are the voting representatives of each state, the Interstate Commission includes individuals who are not Commissioners but who are members of interested organizations. The non-commissioner members include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All non-commissioner members of the Interstate Commission are ex-officio (nonvoting) members. The Interstate Commission may provide in its bylaws for additional ex-officio nonvoting members as it deems necessary.

Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the Compacting States constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty-seven (27) or more Compacting States, shall call additional meetings. Public notice must be given of all meetings and meetings are open to the public.

The Interstate Commission shall establish an Executive Committee that includes Commission officers, members, and others as determined by the bylaws. The Executive Committee has the power to act on behalf of the Interstate Commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the Compact. The Executive Committee oversees the day-to-day activities managed by the Executive Director and Interstate Commission staff, administers enforcement and compliance with the provisions of the Compact, and its bylaws and as directed by the Interstate Commission and performs other duties as directed by the Commission or as set forth in the bylaws.

§ 1436. State Council

Each compacting state shall create a State Council for the Interstate Supervision of Adult Offenders, which shall be responsible for appointing the Commissioner who shall serve in the Interstate Commission representing said state. Each state council shall appoint as Commissioner the Compact Administrator of its state to serve in the Interstate Commission in said capacity or pursuant to the applicable laws of the compacting state. Even though each compacting state may determine the number of members of its own state council, the latter shall include at least one representative of the legislative, judicial and executive branch of the government, victim's organizations and Compact Administrators. Each compacting state reserves the right to determine the qualifications of the Compact Administrator who shall be appointed by the state council or by the governor in consultation with the Legislature and the Judicial Branch. In addition to appointing its Commissioner to the Interstate Commission, each state council shall supervise and defend its participation in the activities of the Interstate Commission and any other duties as determined by

each compacting state including, but not limited to, the development of the policy related to the operations and procedures of the Compact in said state.

§ 1437. Interstate Commission--Powers and duties

The Interstate Commission has the following powers:

(a) To adopt a seal and the pertinent bylaws for governing the administration and operation of the Interstate Commission.

(b) To promulgate rules that have the force and effect of law and are binding in the Compacting States to the extent and in the manner provided in this Compact.

(c) To oversee, supervise, and coordinate the Interstate movement of adult offenders subject to the terms of this Compact and any bylaws and rules adopted by the Compact Commission.

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

(e) To establish and maintain offices.

(f) To acquire and maintain insurance and bonds.

(g) To borrow, accept, or contract for the services of human resources, including, but not limited to, members and their staffs.

(h) To establish and appoint committees and hire staff it deems necessary to carry out its functions, including, but not limited to, an Executive Committee as required by § 1435 of this title, which has the power to act on behalf of the Interstate Commission in carrying out its powers and duties established under this Compact.

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

(j) To accept any and all donations and grants of money, equipment, supplies, materials, and services and receive, use and dispose of the same.

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

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

(m) To establish a budget, incur expenditures and levy fees as provided in § 1442 of this title.

(n) To sue and be sued.

(o) To provide for dispute resolution among Compacting States.

(p) To perform functions as may be necessary or appropriate to achieve the purposes of this Compact.

(q) To report annually to the legislatures, governors, judiciary, and state councils of the Compacting States concerning the activities of the Interstate Commission during the preceding year. Reports must also include any recommendations that may have been adopted by the Interstate Commission.

(r) To coordinate education, training, and public awareness regarding the Interstate movement of offenders for officials involved in such activity.

(s) To establish uniform standards for the reporting, collecting, and exchanging of data.

§ 1438. Interstate Commission--Organization and operation

(a) **Bylaws.** -- Within twelve months following the first Interstate Commission meeting, the Interstate Commission, by a majority of the members, shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of this Compact, including, but not limited to:

(1) Establishing the fiscal year of the Interstate Commission.

(2) Establishing an Executive Committee and other committees as may be necessary.

(3) Providing reasonable standards and procedures for:

(A) Establishing committees, and

(B) governing any general or specific delegation of any authority or function of the Interstate Commission.

(4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission and ensuring reasonable notice of each meeting.

(5) Establishing the titles and responsibilities of the officers of the Interstate Commission.

(6) Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any personnel laws or other similar laws of any compacting state, the bylaws exclusively govern the personnel policies and programs of the Interstate Commission.

(7) Providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the Compact after the payment or reserving of all of the Interstate Commission's debts and obligations.

(8) Providing transition rules for startup administration of the Compact.

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

(b) **Officials and personnel.** -- The Interstate Commission, by a majority of the members, shall elect from among its members a chairman and vice chairman, each of whom has the authority and

duties as may be specified in the bylaws. The chairman, or in the chairman's absence or disability, the vice chairman shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; Provided, That subject to the availability of budgeted funds, the officers are reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

The Interstate Commission shall, through its Executive Committee, appoint or contract an Executive Director for said period, upon the terms and conditions and for the compensation as the Interstate Commission may deem appropriate. The Executive Director shall serve as secretary to the Interstate Commission and shall contract and supervise other staff as may be authorized by the Interstate Commission, but shall not be a member of the Interstate Commission.

(c) Corporate records of the Interstate Commission. -- The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

(d) Qualified immunity, defense and compensation. -- The members, officers, the Executive Director and the employees of the Interstate Commission shall have immunity in relation to any suit or liability, be it in their personal or official capacity, for any claim for damages to or loss of property or personal damages or other civil liability caused or arising from an action taken or alleged, error or omission occurring within the scope of their work, duties or responsibilities in the Interstate Commission. Provided, That none of what has been established in this paragraph shall be construed as protecting any person from suit and/or liability for any damage, loss, or bodily injury, caused by the crass, intentional or willful and wanton action of that person.

The Interstate Commission shall defend the Commissioner of a compacting state, the Commissioner's representatives or employees, or the Interstate Commission's representatives or employees in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred as a result of their employment, duties or responsibilities in the Interstate Commission, or in those cases that the defendant had a reasonable basis for believing that they occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided that the actual or alleged act, error, or omission did not occur as a result of crass negligence or intentional act on the part of such persons.

The Interstate Commission shall indemnify and hold harmless the Commissioner of a compacting state, the appointed representatives, or employees, or the Interstate Commission's representatives or employees, for the amount of any settlement or judgment obtained against those persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the persons had a reasonable basis for believing they occurred within the scope of Interstate Commission employment, duties, or responsibilities; Provided, That the actual or alleged act, error, or omission did not result from crass negligence or intentional improper conduct on the part of such persons.

§ 1439. Interstate Commission--Activities

The Interstate Commission shall meet and take those actions consistent with the provisions of this Compact.

Except as otherwise provided in this Compact and unless a greater percentage is required under the bylaws, in order to constitute an act of the Interstate Commission, the act must have been approved at a meeting of the Interstate Commission and must have received an affirmative vote of a majority of the members present.

Each member of the Interstate Commission has the right and power to cast the vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate

Commission. A member must vote in person on behalf of the compacting state and may not delegate a vote to another compacting state. However, the state council shall designate another authorized representative, in the absence of the Commissioner of said state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws may provide for the participation of members in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone or other means of telecommunication or electronic communication is subject to the same quorum requirements provided for meetings where members are present in person.

The Interstate Commission shall meet at least once during every calendar year. The president of the Interstate Commission may call for additional meetings at any time and at the request of the majority of the members may call for additional meetings.

The Interstate Commission's bylaws shall establish the conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any official information or records to the extent the information or records would adversely affect personal privacy rights or proprietary interests. In adopting said bylaws, the Interstate Commission may make available to law enforcement agencies those records and information otherwise exempt from disclosure and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings must be open to the public, except as set forth in the bylaws or as otherwise provided in the Compact. The Interstate Commission shall adopt rules consistent with the principles contained in the Government in Sunshine Act (5 U.S.C. Section 552(b)), as amended. The Interstate Commission and any of its committees may close a meeting to the public when the Interstate Commission determines by two-thirds (2/3) vote that an open meeting would be likely to:

- (a)** Relate solely to the Interstate Commission's internal personnel practices and procedures.
- (b)** Disclose matters specifically exempted from disclosure by statute.
- (c)** Disclose trade secrets or commercial or financial information that is privileged or confidential.
- (d)** Involve accusing any person of a crime or formally censuring any person.
- (e)** Disclose information of a personal nature when the disclosure would constitute a clearly unwarranted invasion of personal privacy.
- (f)** Disclose investigatory records compiled for law enforcement purposes.
- (g)** Disclose information contained in or related to examination, operating, or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to an entity subject to regulations for the purpose of regulating or supervising the entity.
- (h)** Disclose information when the premature disclosure would significantly endanger the life of a person or the stability of a regulated entity.
- (i)** Specifically related to the Interstate Commission's issuance of a subpoena or its participation in a civil action or proceeding.

For every closed meeting carried out pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in the officer's opinion, the meeting may be closed to the public and shall make reference to each relevant provision authorizing closure of the meeting. The Interstate Commission shall keep minutes that fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any action taken, and the reasons for the same, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member in question). All documents considered in connection with any action must be identified in said minutes.

The Interstate Commission shall collect standardized data concerning the Interstate movement of offenders as established in its bylaws and rules that specify the data to be collected, the means of collection and data exchange and reporting requirements.

§ 1440. Interstate Commission--Regulatory functions

The Interstate Commission shall adopt rules in order to effectively and efficiently achieve the purposes of the Compact, including transition rules to, govern the administration of the Compact during the period in which it is being considered and enacted by the states.

Rulemaking must occur pursuant to the criteria set forth in this Article and the bylaws and rules adopted pursuant to the same. The rulemaking must substantially conform to the standards of the Federal Administrative Procedure Act, 5 U.S.C.S. section 551 et seq. and of the Federal Advisory Committee Act, 5 U.S.C.S. Appendix 2, section 1 et seq., as amended (henceforth, APA). Every rule and amendment shall be binding as of the date specified in each rule or amendment.

If a majority of the legislatures of the Compacting States reject a rule, by enactment of a statute or adoption of a resolution in the same manner used to adopt the Compact, the rule shall have no further force and effect in any of the Compacting States.

When adopting a rule, the Interstate Commission shall:

(a) Publish the proposed rule, specifically indicating the text of the rule that is proposed and the reason for the proposed rule.

(b) Allow persons to submit written data, facts, opinions, and arguments, which information must be publicly available.

(c) Provide an opportunity for an informal hearing.

(d) Adopt a final rule and its effective date, if appropriate, based on the rulemaking record.

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

The subjects to be addressed during the twelve (12) months following the first meeting shall include as a minimum:

(a) Notice to victims and opportunity to be heard.

- (b) Offender registration and compliance.
- (c) Violations and returns.
- (d) Transfer procedures and forms.
- (e) Eligibility for transfer.
- (f) Collection of restitution and fees from offenders.
- (g) Data collection and reports.
- (h) Level of supervision to be provided by the receiving state.
- (i) Transition rules governing the operation of the Compact and the Interstate Commission during all or part of the period between the effective date of the Compact and the date on which the last eligible state adopts the Compact.

- (j) Mediation, arbitration, and dispute resolution.

The existing rules governing the operation of the previous Compact repealed by this chapter shall be null and void twelve (12) months after the first meeting of the Interstate Commission created by virtue of this Compact.

Upon determination by the Interstate Commission that an emergency exists, the Interstate Commission may adopt an emergency rule that becomes effective immediately upon approval; Provided, That the usual rulemaking procedures provided in this section shall be retroactively applied to said rule as soon as reasonably possible, but in no case shall it be later than ninety (90) days after the effective date of the rule.

§ 1441. Interstate Commission--Oversight, enforcement, and dispute resolution

(a) Oversight. -- The Interstate Commission shall oversee the interstate movement of adult offenders in the Compacting States and shall monitor those activities being administered in Non-Compacting States which may significantly affect Compacting States.

The courts and executive agencies in each compacting state shall enforce this Compact and shall take all actions necessary and appropriate to effectuate the Compact's purposes and intent. In any judicial or administrative proceeding conducted in a compacting state pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Interstate Commission, the Interstate Commission is entitled to receive all service of process in any such proceeding and has standing to intervene in the proceeding for all purposes.

(b) Resolution of disputes. -- The Compacting States shall report to the Interstate Commission on issues or activities of concern to them and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any dispute or other issues concerning the Compact and which may arise among compacting states and non-compacting states.

The Interstate Commission shall adopt bylaws or a rule for establishing a mediation and final and binding dispute resolution process among the compacting states.

(c) Compliance. -- The Interstate Commission, in the reasonable exercise of its discretion, shall

enforce compliance with the provisions of this Compact using any or all means set forth in § 1444(b) of this title.

§ 1442. Interstate Commission--Finance

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

The Interstate Commission shall levy and collect an annual fee from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The amount of the aggregate annual fee shall be allocated on the basis of a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of Interstate movement of offenders in each compacting state. The Interstate Commission shall adopt a rule binding upon all Compacting States to govern said fee.

The Interstate Commission may not incur any obligation of any kind before securing the funds needed to meet the obligation, nor may the Interstate Commission pledge the credit of any of the Compacting States, except by and with the authority of the compacting state.

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

§ 1443. Compacting States, effective date and amendment

Any state, as defined in § 1434 of this title, is eligible to become a compacting state. The Compact shall become effective and binding upon the legislative approval of the same by at least thirty-five (35) states. The initial effective date shall be July 1, 2001, or upon enactment into law by the thirty-fifth (35th) state. Thereafter, the Compact becomes effective and binding, in relation to any other compacting state, upon enactment of the Compact into law by that state. The governors of Non-Compacting States or their designees shall be invited to participate in Interstate Commission activities on a nonvoting basis before adoption of the Compact by all states and territories of the United States.

Amendments to the Compact may be proposed by the Interstate Commission for enactment by the Compacting States. No amendment becomes effective and binding upon the Interstate Commission and the Compacting States unless and until it is enacted into law by unanimous consent of the Compacting States.

§ 1444. Withdrawal, default, termination, and judicial enforcement

(a) *Withdrawal.* -- Once effective, the Compact continues in force and remains binding upon every compacting state; Provided, That a compacting state may withdraw from the Compact (withdrawing state) by approving a statute that specifically repeals the statute that enacted the Compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairman of the Interstate Commission in writing about the introduction of legislation repealing this Compact in the withdrawing state.

The Interstate Commission shall notify the other Compacting States of the withdrawing state's

intent to withdraw within sixty (60) days of receipt of the notice.

The withdrawing state shall be responsible for all fees, obligations, and liabilities of that state incurred through the effective date of withdrawal, including any obligation whose execution extends beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur when the withdrawing state reenacts the Compact or upon a later date as determined by the Interstate Commission.

(b) Noncompliance. -- If the Interstate Commission determines that any compacting state has failed to comply (noncompliance state) with any of its obligations or responsibilities under this Compact or with the bylaws or with any of the duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

(1) Fines, fees, and costs in amounts deemed to be reasonable as established by the Interstate Commission.

(2) Remedial training and technical assistance as directed by the Interstate Commission.

(3) Suspension and termination of membership in the Compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. The Interstate Commission shall give immediate notice of suspension to the governor, the chief justice, or chief judicial officer of the defaulting state, the majority and minority leaders of the legislature of the defaulting state and the state council.

The grounds for determining noncompliance include, but are not limited to, failure of a compacting state to meet the obligations or responsibilities imposed upon it by this Compact or the bylaws and the duly promulgated rules of the Interstate Commission. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure for noncompliance. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must remedy its default. If the defaulting state fails to remedy the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed hereby, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compacting States and all rights, privileges, and benefits conferred by this Compact must be terminated from the effective date of suspension. Within sixty (60) days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice, or chief judicial officer of the defaulting state, the majority and minority leaders of the legislature of the defaulting state, and the state council of the termination.

The defaulting state is responsible for all fees, obligations, and liabilities of that state incurred through the effective date of termination, including any obligations, the execution of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state.

Reinstatement following termination of any compacting state requires both a reenactment of the Compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

(c) Legal action. -- The Interstate Commission, by majority vote of its members, may initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the Federal District Court where the Interstate Commission has its main office to enforce compliance with the Compact, its duly promulgated rules, or bylaws against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees.

The Compact dissolves effective upon the date of the withdrawal or default of the compacting

state which reduces membership in the Compact to a single compacting state.

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

§ 1445. Severability and construction

The provisions of this Compact shall be separable and if it is determined that any phrase, clause, sentence or provision is unenforceable or is declared unconstitutional by any compacting state or territory or by the United States, the validity of the remainder of this Compact and its applicability to any government, agency, person or circumstance shall not be affected. The Compact shall remain in effect regarding other states and territories and in relation to the affected state or territory all remaining parts shall have full force and effect.

The provisions of this Compact shall be liberally construed so that its purposes may be achieved.

§ 1446. Binding effect of the Compact and other laws

(a) Other laws. -- Nothing of what has been herein established shall prevent compliance with any other law of a compacting state which is consistent with this Compact.

Any law of the Compacting States in conflict with this Compact shall be superseded to the extent of the conflict.

(b) Binding effect of the Compact. -- All lawful actions of the Interstate Commission, including all Rules and bylaws adopted by the Interstate Commission, are binding upon the Compacting States.

All agreements between the Interstate Commission and the Compacting States are binding in accordance with their terms.

At the request of a party to a conflict over the meaning or interpretation of Interstate Commission actions, and with the majority vote of the Compacting States, the Interstate Commission may issue advisory opinions regarding said meaning or interpretation.

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 the provision upon the Interstate Commission shall be ineffective and said obligations, duties, powers, or jurisdiction shall remain in the compacting state and must be exercised by the agency to which the obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this Compact becomes effective.