

REFERENCE TITLE: interstate compact; annual assessment

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2109

Introduced by
Representative Yarbrough, Senator Miranda: Representatives Driggs,
Gallardo, Senator Johnson

AN ACT

AMENDING SECTIONS 12-267 AND 31-467, ARIZONA REVISED STATUTES; RELATING TO
THE INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-267, Arizona Revised Statutes, is amended to
3 read:
4 12-267. Adult probation services fund; accounts; expenditure
5 plan; use
6 A. The board of supervisors shall designate a chief fiscal officer who
7 shall establish and administer an adult probation services fund consisting
8 of:
9 1. County general fund appropriations for adult probation.
10 2. State appropriations for adult probation including:
11 (a) Monies for adult probation officers authorized by article 6 of
12 this chapter.
13 (b) Monies for state aid for adult probation services authorized by
14 this article.
15 (c) Monies for adult community punishment programs established
16 pursuant to article 11 of this chapter.
17 (d) Monies for adult intensive probation pursuant to title 13,
18 chapter 9.
19 3. Probation fees collected pursuant to section 13-901.
20 4. Federal monies provided for adult probation.
21 5. Adult probation monies from any other source.
22 B. The chief fiscal officer shall establish and maintain separate
23 accounts in the fund showing receipts and expenditures of monies from each
24 source listed in subsection A of this section. The presiding judge of the
25 superior court shall annually present to the board of supervisors for
26 approval a detailed expenditure plan for the adult probation services fund
27 accounts. Any modifications to the expenditure plan affecting state
28 appropriations shall be made in accordance with the rules and procedures
29 established by the supreme court. Any modifications to the expenditure plan
30 affecting county appropriated funds shall be made in accordance with the
31 policies established by the county. The chief fiscal officer shall disburse
32 monies from the fund accounts only at the direction of the presiding judge of
33 the superior court. The chief fiscal officer of each county ~~shall~~, on or
34 before August 31 of each year for the preceding fiscal year, **SHALL** submit an
35 annual report to the supreme court showing the total amount of receipts and
36 expenditures in each account of the adult probation services fund.
37 C. The state monies in the adult probation services fund shall be used
38 in accordance with guidelines established by the supreme court or the
39 granting authority.
40 D. State monies expended from the adult probation services fund shall
41 be used to supplement, not supplant, county appropriations for the superior
42 court adult probation department.
43 E. ~~Up to twenty-five thousand dollars annually deposited~~ **MONIES** in the
44 adult probation services fund shall be used to pay the annual assessment on

1 member states of the interstate compact for the supervision of adult
2 offenders established in section 31-467, [ARTICLE X](#), subsection B.

3 F. County monies in the adult probation services fund shall be used in
4 accordance with the fiscal policies and procedures established by the board
5 of supervisors.

6 Sec. 2. Section 31-467, Arizona Revised Statutes, is amended to read:
7 [31-467. Adoption of interstate compact for the supervision of](#)
8 [adult offenders](#)

9 The governor is authorized and directed to enter into a compact on
10 behalf of the state of Arizona with any of the United States lawfully joined
11 in the compact in a form substantially as follows:

12 ARTICLE I

13 PURPOSE

14 A. Arizona and the compacting states to this interstate compact
15 recognize that each state is responsible for the supervision of adult
16 offenders in the community who are authorized pursuant to the bylaws and
17 rules of this compact to travel across state lines both to and from each
18 compacting state in such a manner as to track the location of offenders,
19 transfer supervision authority in an orderly and efficient manner and when
20 necessary return offenders to the originating jurisdictions. The compacting
21 states also recognize that Congress, by enacting the crime control act, 4
22 United States Code section 112 (1965), has authorized and encouraged compacts
23 for cooperative efforts and mutual assistance in the prevention of crime.

24 B. It is the purpose of this compact and the interstate commission
25 created under this compact, through means of joint and cooperative action
26 among the compacting states, to do all of the following:

27 1. Provide the framework for the promotion of public safety and
28 protect the rights of victims through the control and regulation of the
29 interstate movement of offenders in the community.

30 2. Provide for the effective tracking, supervision and rehabilitation
31 of these offenders by the sending and receiving states.

32 3. Equitably distribute the costs, benefits and obligations of the
33 compact among the compacting states.

34 C. In addition, this compact will do all of the following:

35 1. Create an interstate commission that will establish uniform
36 procedures to manage the movement between states of adults placed under
37 community supervision and released to the community under the jurisdiction of
38 courts, paroling authorities, corrections or other criminal justice agencies
39 that will promulgate rules to achieve the purpose of this compact.

40 2. Ensure an opportunity for input and timely notice to victims and to
41 jurisdictions where defined offenders are authorized to travel or to relocate
42 across state lines.

43 3. Establish a system of uniform data collection, access to
44 information on active cases by authorized criminal justice officials and
45 regular reporting of compact activities to heads of state councils, state

1 executive, judicial and legislative branches and criminal justice
2 administrators.

3 4. Monitor compliance with rules governing interstate movement of
4 offenders and initiate interventions to address and correct noncompliance.

5 5. Coordinate training and education regarding regulations of
6 interstate movement of offenders for officials involved in such activity.

7 D. The compacting states recognize that there is no right of any
8 offender to live in another state and that duly accredited officers of a
9 sending state may at all times enter a receiving state and apprehend and
10 retake any offender under supervision subject to the provisions of this
11 compact and bylaws and rules promulgated under this compact.

12 E. Compacting states recognize no offender may live in another state
13 when acceptance criteria that has been established or adopted by the
14 compacting state has not been met. It is the policy of the compacting states
15 that the activities conducted by the interstate commission created in this
16 compact are the formation of public policies and are therefore public
17 business.

18 ARTICLE II
19 DEFINITIONS

20 As used in this compact, unless the context otherwise requires:

21 1. "Adult" means both individuals legally classified as adults and
22 juveniles treated as adults by court order, statute or operation of law.

23 2. "Bylaws" means those bylaws established by the interstate
24 commission for its governance, or for directing or controlling the interstate
25 commission's actions or conduct.

26 3. "Commissioner" means the voting representative of each compacting
27 state appointed pursuant to article IV of this compact.

28 4. "Compact administrator" means the director of the Arizona
29 department of corrections, who is responsible for the administration and
30 management of Arizona's supervision and transfer of offenders subject to the
31 terms of this compact, the rules adopted by the interstate commission and
32 policies adopted by the state council under this compact.

33 5. "Compacting state" means any state that has enacted the enabling
34 legislation for this compact.

35 6. "Interstate commission" means the interstate commission for adult
36 offender supervision established by this compact.

37 7. "Member" means the commissioner of a compacting state or the
38 commissioner's designee, who shall be a person officially connected with the
39 commissioner.

40 8. "Noncompacting state" means any state that has not enacted the
41 enabling legislation for this compact.

42 9. "Offender" means an adult placed under, or subject to, supervision
43 as the result of the commission of a criminal offense and released to the
44 community under the jurisdiction of courts, paroling authorities, corrections
45 or other criminal justice agencies.

1 10. "Person" means any individual, corporation, business enterprise, or
2 other legal entity, either public or private.

3 11. "Rules" means acts of the interstate commission, duly promulgated
4 pursuant to article VIII of this compact, substantially affecting interested
5 parties in addition to the interstate commission, which shall have the force
6 and effect of law in the compacting states.

7 12. "State" means a state of the United States, the District of
8 Columbia and any other territorial possessions of the United States.

9 13. "State council" means the resident members of the state council for
10 interstate adult offender supervision created by each state under article IV
11 of this compact.

12 ARTICLE III
13 THE COMPACT COMMISSION

14 A. This compact creates the interstate commission for adult offender
15 supervision. The interstate commission shall be a body corporate and joint
16 agency of the compacting states. The interstate commission shall have all
17 the responsibilities, powers and duties set forth in the compact, including
18 the power to sue and be sued, and additional powers conferred on it by
19 subsequent action of the respective legislatures of the compacting states in
20 accordance with the terms of this compact. The interstate commission shall
21 consist of commissioners selected and appointed by resident members of a
22 state council for interstate adult offender supervision for each state. In
23 addition to the commissioners who are the voting representatives of each
24 state, the interstate commission shall include individuals who are not
25 commissioners but who are members of interested organizations. The
26 noncommissioner members must include a member of the national organizations
27 of governors, legislators, state chief justices, attorneys general and crime
28 victims. All noncommissioner members of the interstate commission shall be
29 ex officio, nonvoting members. The interstate commission may provide in its
30 bylaws for any additional, ex officio, nonvoting members it deems necessary.

31 B. Each compacting state represented at any meeting of the interstate
32 commission is entitled to one vote. A majority of the compacting states
33 shall constitute a quorum for the transaction of business, unless a larger
34 quorum is required by the bylaws of the interstate commission. The
35 interstate commission shall meet at least once each calendar year. The
36 chairperson may call additional meetings and, on the request of twenty-seven
37 or more compacting states, shall call additional meetings. Public notice
38 shall be given of all meetings and meetings shall be open to the public.

39 C. The interstate commission shall establish an executive committee
40 that includes commission officers, members and others that are determined by
41 the bylaws. The executive committee may act on behalf of the interstate
42 commission during periods when the interstate commission is not in session,
43 with the exception of rule making or amendment to the compact. The executive
44 committee oversees the day-to-day activities managed by the executive
45 director and interstate commission staff, administers enforcement and

1 compliance with the provisions of the compact, its bylaws and as directed by
2 the interstate commission and performs other duties as directed by the
3 commission or set forth in the bylaws.

4 ARTICLE IV

5 THE STATE COUNCIL

6 A. Arizona shall create a state council for interstate adult offender
7 supervision that is responsible for the appointment of the commissioner who
8 shall serve on the interstate commission from Arizona. The commissioner
9 shall be the compact administrator or designee.

10 B. The membership of the state council shall include one legislator
11 who is appointed by the speaker of the house of representatives, one
12 legislator who is appointed by the president of the senate, one victim's
13 advocate who is appointed by the governor, the deputy compact administrator
14 of the state department of corrections who is appointed by the director of
15 the state department of corrections, the deputy compact administrator of the
16 administrative office of the courts who is appointed by the director of the
17 administrative office of the courts, one judge who is appointed by the chief
18 justice of the supreme court, one sheriff WHO IS appointed by the Arizona
19 sheriff's association and any other members determined by the state council.

20 C. The state council shall exercise oversight and advocacy concerning
21 Arizona's participation in interstate commission activities and other duties
22 as determined by the council's members including the development of policy
23 concerning operations and procedures of the compact within Arizona.

24 ARTICLE V

25 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

26 The interstate commission shall have the following powers and duties:

27 1. To adopt a seal and suitable bylaws governing the management and
28 operation of the interstate commission.

29 2. To promulgate rules and take action consistent with this compact.

30 3. To oversee, supervise and coordinate the interstate movement of
31 offenders subject to the terms of this compact and any bylaws adopted and
32 rules promulgated by the interstate commission.

33 4. To enforce compliance with compact provisions, interstate
34 commission rules and bylaws, using all necessary and proper means, including
35 judicial process.

36 5. To establish and maintain offices.

37 6. To purchase and maintain insurance and bonds.

38 7. To borrow, accept or contract for services of personnel, including
39 members and members' staffs.

40 8. To establish and appoint committees and hire staff it deems
41 necessary to carry out its functions, including an executive committee as
42 required by article III that may act on behalf of the interstate commission
43 in carrying out its powers and duties under this compact.

- 1 9. To elect or appoint such officers, attorneys, employees, agents or
2 consultants, and to fix their compensation, define their duties and determine
3 their qualifications and to establish the interstate commission's personnel
4 policies and programs relating to, among other things, conflicts of interest,
5 rates of compensation and qualifications of personnel.
- 6 10. To accept any and all donations and grants of money, equipment,
7 supplies, materials and services and to receive, utilize and dispose of them.
- 8 11. To lease, purchase, accept contributions or donations of, or
9 otherwise to own, hold, improve or use any property, real, personal or mixed.
- 10 12. To sell, convey, mortgage, pledge, lease, exchange, abandon or
11 otherwise dispose of any property, real, personal or mixed.
- 12 13. To establish a budget and make expenditures and levy dues as
13 provided in article X of this compact.
- 14 14. To sue and be sued.
- 15 15. To provide for dispute resolution among compacting states.
- 16 16. To perform functions necessary or appropriate to achieve the
17 purposes of this compact.
- 18 17. To report annually to the legislatures, governors, judiciary and
19 state councils of the compacting states concerning the activities of the
20 interstate commission during the preceding year. The reports shall also
21 include any recommendations that may have been adopted by the interstate
22 commission.
- 23 18. To coordinate education, training and public awareness regarding
24 the interstate movement of offenders for officials involved in such activity.
- 25 19. To establish uniform standards for the reporting, collecting and
26 exchanging of data.

27 ARTICLE VI

28 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

- 29 A. The interstate commission shall, by a majority vote of the members,
30 within twelve months of the first interstate commission meeting, adopt bylaws
31 to govern its conduct necessary or appropriate to carry out the purposes of
32 the compact, including:
- 33 1. Establishing the fiscal year of the interstate commission.
- 34 2. Establishing an executive committee and other necessary committees.
- 35 3. Providing reasonable standards and procedures:
- 36 (a) For the establishment of committees, and
- 37 (b) Governing any general or specific delegation of any authority or
38 function of the interstate commission.
- 39 4. Providing reasonable procedures for calling and conducting meetings
40 of the interstate commission and ensuring reasonable notice of each meeting.
- 41 5. Establishing the titles and responsibilities of the officers of the
42 interstate commission.
- 43 6. Providing reasonable standards and procedures for the establishment
44 of the personnel policies and programs of the interstate commission.
- 45 Notwithstanding any civil service or other similar laws of any compacting

1 state, the bylaws shall exclusively govern the personnel policies and
2 programs of the interstate commission.

3 7. Providing a mechanism for winding up the operations of the
4 interstate commission and the equitable return of any surplus funds that
5 exist on the termination of the compact after paying or reserving all of its
6 debts and obligations.

7 8. Providing transition rules for start up administration of the
8 compact.

9 9. Establishing standards and procedures for compliance and technical
10 assistance in carrying out the compact.

11 B. The interstate commission shall, by a majority vote of the members,
12 elect from among its members a chairperson and a vice-chairperson, each of
13 whom shall have the powers and duties specified in the bylaws. The
14 chairperson or, in the chairperson's absence or disability, the
15 vice-chairperson, shall preside at all meetings of the interstate commission.
16 The officers elected shall serve without compensation or remuneration from
17 the interstate commission. Subject to the availability of budgeted funds,
18 the officers shall be reimbursed for any actual and necessary costs and
19 expenses incurred by them in the performance of their duties and
20 responsibilities as officers of the interstate commission. The interstate
21 commission, through its executive committee, shall appoint or retain an
22 executive director for such period, on terms and conditions and for
23 compensation the interstate commission deems appropriate. The executive
24 director shall serve as secretary to the interstate commission, and hire and
25 supervise other staff authorized by the interstate commission, but shall not
26 be a member.

27 C. The interstate commission shall maintain its corporate books and
28 records in accordance with the bylaws.

29 D. The members, officers, executive director and employees of the
30 interstate commission shall be immune from suit and liability, either
31 personally or in their official capacity, for any claim for damage to or loss
32 of property or personal injury or other civil liability caused BY or arising
33 out of any actual or alleged act, error or omission that occurred within the
34 scope of interstate commission employment, duties or responsibilities. This
35 subsection shall not be construed to protect any person from suit or
36 liability for any damage, loss, injury or liability caused by the intentional
37 or willful and wanton misconduct of any person. The interstate commission
38 shall defend the commissioner of a compacting state, or his or her
39 representatives or employees, or the interstate commission's representatives
40 or employees, in any civil action seeking to impose liability, arising out of
41 any actual or alleged act, error or omission that occurred within the scope
42 of interstate commission employment, duties or responsibilities, or that the
43 defendant had a reasonable basis for believing occurred within the scope of
44 interstate commission employment, duties or responsibilities, if the actual
45 or alleged act, error or omission did not result from intentional wrongdoing

1 on the part of the person. The interstate commission shall indemnify and
2 hold the commissioner of a compacting state, the appointed designee or
3 employees, or the interstate commission's representatives or employees,
4 harmless in the amount of any settlement or judgment obtained against such
5 persons arising out of any actual or alleged act, error or omission that
6 occurred within the scope of interstate commission employment, duties or
7 responsibilities, or that such persons had a reasonable basis for believing
8 occurred within the scope of interstate commission employment, duties or
9 responsibilities, provided that the actual or alleged act, error or omission
10 did not result from gross negligence or intentional wrongdoing on the part of
11 the person.

12 ARTICLE VII

13 ACTIVITIES OF THE INTERSTATE COMMISSION

14 A. The interstate commission shall meet and take actions consistent
15 with the provisions of this compact.

16 B. Except as otherwise provided in this compact and unless a greater
17 percentage is required by the bylaws, in order to constitute an act of the
18 interstate commission, the act must be taken at a meeting of the interstate
19 commission and must receive an affirmative vote of a majority of the members
20 present.

21 C. Each member of the interstate commission has the right and power to
22 cast a vote to which that compacting state is entitled and to participate in
23 the business and affairs of the interstate commission. A member shall vote
24 in person on behalf of the state and shall not delegate a vote to another
25 member state. However, a state council shall appoint another authorized
26 representative, in the absence of the commissioner from that state, to cast a
27 vote on behalf of the member state at a specified meeting. The bylaws may
28 provide for members' participation in meetings by telephone or other means of
29 telecommunication or electronic communication. Any voting conducted by
30 telephone, or other means of telecommunication or electronic communication,
31 is subject to the same quorum requirements of meetings at which members are
32 present in person.

33 D. The interstate commission shall meet at least once during each
34 calendar year. The chairperson of the interstate commission may call
35 additional meetings at any time and, on the request of a majority of the
36 members, shall call additional meetings.

37 E. The interstate commission's bylaws shall establish conditions and
38 procedures under which the interstate commission shall make its information
39 and official records available to the public for inspection or copying. The
40 interstate commission may exempt from disclosure any information or official
41 records to the extent they would adversely affect personal privacy rights or
42 proprietary interests. In promulgating the rules, the interstate commission
43 may make available to law enforcement agencies records and information
44 otherwise exempt from disclosure, and may enter into agreements with law

1 enforcement agencies to receive or exchange information or records subject to
2 nondisclosure and confidentiality provisions.

3 F. Public notice shall be given of all meetings and all meetings shall
4 be open to the public, except as set forth in the rules or as otherwise
5 provided in the compact. The interstate commission shall promulgate rules
6 consistent with the principles contained in the government in the sunshine
7 act (5 United States Code section 552b). The interstate commission and any
8 of its committees may close a meeting to the public if it determines by
9 two-thirds vote that an open meeting would be likely to:

10 1. Relate solely to the interstate commission's internal personnel
11 practices and procedures.

12 2. Disclose matters specifically exempted from disclosure by statute.

13 3. Disclose trade secrets or commercial or financial information that
14 is privileged or confidential.

15 4. Involve accusing any person of a crime, or formally censuring any
16 person.

17 5. Disclose information of a personal nature if disclosure would
18 constitute a clearly unwarranted invasion of personal privacy.

19 6. Disclose investigatory records compiled for law enforcement
20 purposes.

21 7. Disclose information contained in or related to examination,
22 operating or condition reports prepared by, or on behalf of or for the use
23 of, the interstate commission with respect to a regulated entity for the
24 purpose of regulation or supervision of the entity.

25 8. Disclose information, the premature disclosure of which would
26 significantly endanger the life of a person or the stability of a regulated
27 entity.

28 9. Specifically relate to the interstate commission's issuance of a
29 subpoena or its participation in a civil action or proceeding.

30 G. For every meeting closed pursuant to subsection F, the interstate
31 commission's chief legal officer shall publicly certify that, in the legal
32 officer's opinion, the meeting may be closed to the public and shall
33 reference each relevant exemptive provision. The interstate commission shall
34 keep minutes that shall fully and clearly describe all matters discussed in
35 any meeting and shall provide a full and accurate summary of any actions
36 taken, and the reasons for the actions taken, including a description of each
37 of the views expressed on any item and the record of any roll call vote,
38 reflected in the vote of each member on the question. All documents
39 considered in connection with any action shall be identified in the minutes.
40 The interstate commission shall collect standardized data concerning the
41 interstate movement of offenders as directed through its bylaws and rules
42 that specify the data to be collected, the means of collection and data
43 exchange and reporting requirements.

ARTICLE VIII

RULE MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

1
2
3 A. The interstate commission shall promulgate rules to effectively and
4 efficiently achieve the purposes of the compact including transition rules
5 governing administration of the compact during the period in which it is
6 being considered and enacted by the states. Rule making shall occur pursuant
7 to the criteria set forth in this article and the bylaws and rules adopted
8 pursuant to this article. The rule making shall substantially conform to the
9 principles of the federal administrative procedure act, 5 U.S.C.S. section
10 551 et seq., and the federal advisory committee act, 5 U.S.C.S. App. 2,
11 section 1 et seq., as may be amended. All rules and amendments are binding
12 on the date specified in each rule or amendment.

13 B. If a majority of the legislatures of the compacting states rejects
14 a rule, by enactment of a statute or resolution in the same manner used to
15 adopt the compact, then the rule has no further force and effect in any
16 compacting state.

17 C. When promulgating a rule, the interstate commission shall:

18 1. Publish the proposed rule stating with particularity the text of
19 the rule that is proposed and the reason for the proposed rule.

20 2. Allow persons to submit written data, facts, opinions and
21 arguments, which shall be publicly available.

22 3. Provide an opportunity for an informal hearing.

23 4. Promulgate a final rule and its effective date, if appropriate,
24 based on the rule making record.

25 D. Not later than sixty days after a rule is promulgated, any
26 interested person may file a petition in the United States district court for
27 the District of Columbia or in the federal district court where the
28 interstate commission's principal office is located for judicial review of
29 the rule. If the court finds that the interstate commission's action is not
30 supported by substantial evidence as defined in the federal administrative
31 procedure act, in the rule making record, the court shall hold the rule
32 unlawful and set it aside. Subjects to be addressed within twelve months
33 after the first meeting must at a minimum include:

34 1. Notice to victims and opportunity to be heard.

35 2. Offender registration and compliance.

36 3. Violations and returns.

37 4. Transfer procedures and forms.

38 5. Eligibility for transfer.

39 6. Collection of restitution and fees from offenders.

40 7. Data collection and reporting.

41 8. The level of supervision to be provided by the receiving state.

42 9. Transition rules governing the operation of the compact and the
43 interstate commission during all or part of the period between the effective
44 date of the compact and the date on which the last eligible state adopts the
45 compact.

1 10. Mediation, arbitration and dispute resolution.

2 E. The existing rules governing the operation of the previous compact
3 superseded by this act shall be null and void twelve months after the first
4 meeting of the interstate commission created under this compact.

5 F. On determination by the interstate commission that an emergency
6 exists, it may promulgate an emergency rule that is effective immediately on
7 adoption, provided that the usual rule making procedures provided hereunder
8 shall be retroactively applied to said rule as soon as reasonably possible,
9 in no event later than ninety days after the effective date of the rule.

10 ARTICLE IX

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

13 A. The interstate commission shall oversee the interstate movement of
14 adult offenders in the compacting states and shall monitor such activities
15 being administered in noncompacting states that significantly affect
16 compacting states. The courts and executive agencies in each compacting
17 state shall enforce this compact and shall take all actions necessary and
18 appropriate to effectuate the compact's purposes and intent. In any judicial
19 or administrative proceeding in a compacting state pertaining to the subject
20 matter of this compact that may affect the powers, responsibilities or
21 actions of the interstate commission, the interstate commission is entitled
22 to receive all service of process in any such proceeding, and shall have
23 standing to intervene in the proceeding for all purposes.

24 B. The compacting states shall report to the interstate commission on
25 issues or activities of concern to them and cooperate with and support the
26 interstate commission in the discharge of its duties and responsibilities.
27 The interstate commission shall attempt to resolve any disputes or other
28 issues that are subject to the compact and that may arise among compacting
29 states and noncompacting states. The interstate commission shall enact
30 bylaws or promulgate a rule providing for both mediation and binding dispute
31 resolution for disputes among the compacting states.

32 C. The interstate commission, in the reasonable exercise of its
33 discretion, shall enforce the provisions of this compact using any or all
34 means set forth in article XII, subsection B of this compact.

35 ARTICLE X

36 FINANCE

37 A. The interstate commission shall pay or provide for the payment of
38 the reasonable expenses of its establishment, organization and ongoing
39 activities.

40 B. The interstate commission shall levy on and collect an annual
41 assessment from each compacting state to cover the cost of the internal
42 operations and activities of the interstate commission and its staff that
43 must be in a total amount sufficient to cover the interstate commission's
44 annual budget as approved each year. The aggregate annual assessment amount
45 shall be allocated based on a formula to be determined by the interstate

1 commission, taking into consideration the population of the state and the
2 volume of interstate movement of offenders in each compacting state and shall
3 promulgate a rule binding on all compacting states that governs the
4 assessment. ANY INCREASE IN Arizona's assessment shall ~~not exceed~~
5 ~~twenty five thousand five hundred dollars per year unless~~ BE approved by the
6 state council. ~~and appropriated by the legislature~~ THE STATE COUNCIL SHALL
7 NOTIFY THE JOINT LEGISLATIVE BUDGET COMMITTEE OF ANY INCREASE IN THE
8 ASSESSMENT.

9 C. The interstate commission shall not incur any obligations of any
10 kind before securing the funds adequate to meet the obligations and shall not
11 pledge the credit of any of the compacting states, except by and with the
12 authority of the compacting state.

13 D. The interstate commission shall keep accurate accounts of all
14 receipts and disbursements. The receipts and disbursements of the interstate
15 commission are subject to the audit and accounting procedures established
16 under its bylaws. However, all receipts and disbursements of funds handled
17 by the interstate commission shall be audited yearly by a certified or
18 licensed public accountant and the report of the audit shall be included in
19 and become part of the annual report of the interstate commission.

20 ARTICLE XI

21 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENTS

22 A. Any state, as defined in article II of this compact, is eligible to
23 become a compacting state. The compact shall become effective and binding on
24 legislative enactment of the compact into law by no less than thirty-five
25 states. The initial effective date shall be the later of July 1, 2001, or on
26 enactment into law by the thirty-fifth state. Thereafter it is effective and
27 binding, as to any other compacting state, on enactment of the compact into
28 law by that state. The governors of nonmember states or their designees
29 shall be invited to participate in interstate commission activities on a
30 nonvoting basis before adoption of the compact by all states and territories
31 of the United States.

32 B. Amendments to the compact may be proposed by the interstate
33 commission for enactment by the compacting states. No amendment is effective
34 and binding on the interstate commission and the compacting states unless and
35 until it is enacted into law by unanimous consent of the compacting states.

36 ARTICLE XII

37 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

38 A. Once effective, the compact shall continue in force and remain
39 binding on each compacting state. A compacting state may withdraw from the
40 compact by enacting a statute specifically repealing the statute that enacted
41 the compact. The effective date of withdrawal is the effective date of the
42 repeal. The withdrawing state shall immediately notify the chairperson of
43 the interstate commission in writing on the introduction of legislation
44 repealing this compact in the withdrawing state. The interstate commission
45 shall notify the other compacting states of the withdrawing state's intent to

1 withdraw within sixty days of its receipt thereof. The withdrawing state is
2 responsible for all assessments, obligations and liabilities incurred through
3 the effective date of withdrawal, including any obligations, the performance
4 of which extend beyond the effective date of withdrawal. Reinstatement
5 following withdrawal of any compacting state shall occur on the withdrawing
6 state reenacting the compact or on such later date determined by the
7 interstate commission.

8 B. If the interstate commission determines that any compacting state
9 has at any time defaulted in the performance of any of its obligations or
10 responsibilities under this compact, the bylaws or any duly promulgated rules
11 the interstate commission may impose any or all of the following penalties:

12 1. Fines, fees and costs in amounts deemed to be reasonable as fixed
13 by the interstate commission.

14 2. Remedial training and technical assistance as directed by the
15 interstate commission.

16 3. Suspension and termination of membership in the compact.
17 Suspension shall be imposed only after all other reasonable means of securing
18 compliance under the bylaws and rules have been exhausted. Immediate notice
19 of suspension shall be given by the interstate commission to the governor,
20 the chief justice or chief judicial officer of the state, the majority and
21 minority leaders of the defaulting state's legislature and the state council.
22 The grounds for default include failure of a compacting state to perform
23 obligations or responsibilities imposed on it by this compact, interstate
24 commission bylaws or duly promulgated rules. The interstate commission shall
25 immediately notify the defaulting state in writing of the penalty imposed by
26 the interstate commission on the defaulting state pending a cure of the
27 default. The interstate commission shall stipulate the conditions and the
28 time period within which the defaulting state must cure its default. If the
29 defaulting state fails to cure the default within the time period specified
30 by the interstate commission, in addition to any other penalties imposed in
31 this subsection, the defaulting state may be terminated from the compact on
32 an affirmative vote of a majority of the compacting states and all rights,
33 privileges and benefits conferred by this compact shall be terminated from
34 the effective date of suspension. Within sixty days of the effective date of
35 termination of a defaulting state, the interstate commission shall notify the
36 governor, the chief justice or chief judicial officer and the majority and
37 minority leaders of the defaulting state's legislature and the state council
38 of the termination. The defaulting state is responsible for all assessments,
39 obligations and liabilities incurred through the effective date of
40 termination including any obligations, the performance of which extends
41 beyond the effective date of termination. The interstate commission shall
42 not bear any costs relating to the defaulting state unless otherwise mutually
43 agreed on between the interstate commission and the defaulting state.
44 Reinstatement following termination of any compacting state requires both a

1 reenactment of the compact by the defaulting state and the approval of the
2 interstate commission pursuant to the rules.

3 C. The interstate commission, by majority vote of the members, may
4 initiate legal action in the United States district court for the District of
5 Columbia or, at the discretion of the interstate commission, in the federal
6 district where the interstate commission has its offices to enforce
7 compliance with the provisions of the compact or its duly promulgated rules
8 and bylaws, against any compacting state in default. If judicial enforcement
9 is necessary, the prevailing party shall be awarded all costs of the
10 litigation including reasonable attorney fees.

11 D. The compact dissolves effective on the date of the withdrawal or
12 default of the compacting state that reduces membership in the compact to one
13 compacting state. On the dissolution of this compact, the compact becomes
14 null and void and shall be of no further force or effect and the business and
15 affairs of the interstate commission shall be wound up and any surplus funds
16 shall be distributed in accordance with the bylaws.

17 ARTICLE XIII

18 SEVERABILITY AND CONSTRUCTION

19 A. The provisions of this compact shall be severable, and if any
20 phrase, clause, sentence or provision is deemed unenforceable, the remaining
21 provisions of the compact shall be enforceable.

22 B. The provisions of this compact shall be liberally constructed to
23 effectuate its purposes.

24 ARTICLE XIV

25 EFFECT OF COMPACT

26 A. This compact does not diminish the constitutional authority of the
27 Arizona legislature.

28 B. This compact is not contrary to any law of the state of Arizona.
29 Notwithstanding any other law of the state of Arizona, this compact shall
30 govern the interstate supervision of adult offenders.

31 C. The interstate commission shall promulgate rules and take action
32 consistent with this compact that are binding on the state of Arizona as to
33 the interstate supervision of adult offenders unless and to the extent the
34 rules or action conflict with Arizona statutes.

35 D. Nothing in this section prevents the enforcement of any other
36 Arizona law that is not inconsistent with this compact.

37 E. All agreements between the interstate commission and the compacting
38 states are binding in accordance with the terms of the agreement. On the
39 request of a party to a conflict over meaning or interpretation of interstate
40 commission actions, and on a majority vote of the compacting states, the
41 interstate commission may issue advisory opinions regarding such meaning or
42 interpretation.

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