

Text: [HF00286](#)Text: [HF00288](#)Text: [HF00200 - HF00299](#)Text: [HF Index](#)Bills and Amendments: [General Index](#)Bill History: [General Index](#)

House File 287

Partial Bill History

- Bill Introduced: [H.J. 423](#)
- Passed House: [H.J. 501](#)
- Passed Senate: [S.J. 681](#)
- Signed by Governor: [H.J. 931](#)
- [Complete Bill History](#)

Bill Text

PAG LIN

1 1 HOUSE FILE 287

1 2

1 3 AN ACT

1 4 ESTABLISHING THE INTERSTATE COMPACT FOR ADULT CRIMINAL

1 5 OFFENDER SUPERVISION AND PROVIDING A CONTINGENT EFFECTIVE

1 6 DATE.

1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8

1 9 Section 1. Section [422.7](#), subsection 12, paragraph c, Code

1 10 2001, is amended to read as follows:

1 11 c. An individual, whether or not domiciled in this state

1 12 at the time of the hiring, who is on parole or probation and

1 13 to whom the interstate ~~probation and parole~~ compact for adult

1 14 offenders under ~~section 907A.1~~ chapter 907B applies.

1 15 Sec. 2. Section [422.7](#), subsection 12A, paragraph b, Code

1 16 2001, is amended to read as follows:

1 17 b. An individual, whether or not domiciled in this state

1 18 at the time of the hiring, who is on parole or probation and

1 19 to whom the interstate ~~probation and parole~~ compact for adult

1 20 offenders under ~~section 907A.1~~ chapter 907B applies.

1 21 Sec. 3. Section [422.35](#), subsection 6, paragraph c, Code

1 22 2001, is amended to read as follows:

1 23 c. An individual, whether or not domiciled in this state

1 24 at the time of the hiring, who is on parole or probation and

1 25 to whom the interstate ~~probation and parole~~ compact for adult

1 26 offenders under ~~section 907A.1~~ chapter 907B applies.

1 27 Sec. 4. Section [422.35](#), subsection 6A, paragraph b, Code

1 28 2001, is amended to read as follows:

1 29 b. An individual, whether or not domiciled in this state

1 30 at the time of the hiring, who is on parole or probation and

1 31 to whom the interstate ~~probation and parole~~ compact for adult

1 32 offenders under ~~section 907A.1~~ chapter 907B applies.

1 33 Sec. 5. NEW SECTION. 907B.1 CITATION.

1 34 This chapter may be cited as the "Interstate Compact for
1 35 Adult Offender Supervision".

2 1 Sec. 6. NEW SECTION. 907B.2 INTERSTATE COMPACT FOR ADULT
2 2 OFFENDER SUPERVISION.

2 3 The national interstate compact for adult offender
2 4 supervision is enacted into law and entered into by this state
2 5 with any other state or jurisdiction legally joining the
2 6 compact in the form substantially as follows:

2 7 ARTICLE I

2 8 DEFINITIONS

2 9 As used in this compact, unless the context clearly
2 10 requires otherwise:

2 11 1. ADULT. "Adult" means both individuals legally
2 12 classified as adults and juveniles treated as adults by court
2 13 order, statute, or operation of law.

2 14 2. BYLAWS. "Bylaws" means those bylaws established by the
2 15 interstate commission for its governance, or for directing or
2 16 controlling the interstate commission's actions or conduct.

2 17 3. COMPACT ADMINISTRATOR. "Compact administrator" means
2 18 the individual in each compacting state appointed pursuant to
2 19 the terms of this compact responsible for the administration
2 20 and management of the state's supervision and transfer of
2 21 offenders subject to the terms of this compact, the rules
2 22 adopted by the interstate commission and policies adopted by
2 23 the state council under this compact.

2 24 4. COMPACTING STATE. "Compacting state" means any state
2 25 which has enacted the enabling legislation for this compact.

2 26 5. COMMISSIONER. "Commissioner" means the voting
2 27 representative of each compacting state appointed pursuant to
2 28 article II of this compact.

2 29 6. INTERSTATE COMMISSION. "Interstate commission" means
2 30 the interstate commission for adult offender supervision
2 31 established by this compact.

2 32 7. MEMBER. "Member" means the commissioner of a
2 33 compacting state or designee, who shall be a person officially
2 34 connected with the commissioner.

2 35 8. NONCOMPACTING STATE. "Noncompacting state" means any
3 1 state which has not enacted the enabling legislation for this
3 2 compact.

3 3 9. OFFENDER. "Offender" means an adult placed under, or
3 4 subject to supervision as the result of the commission of a
3 5 criminal offense and released to the community under the
3 6 jurisdiction of courts, paroling authorities, corrections, or
3 7 other criminal justice agencies.

3 8 10. PERSON. "Person" means any individual, corporation,
3 9 business enterprise, or other legal entity, either public or
3 10 private.

3 11 11. RULES. "Rules" means acts of the interstate
3 12 commission, duly promulgated pursuant to article VII of this
3 13 compact, substantially affecting interested parties in
3 14 addition to the interstate commission, which shall have the
3 15 force and effect of law in the compacting states.

3 16 12. STATE. "State" means a state of the United States,
3 17 the District of Columbia and any other territorial possessions
3 18 of the United States.

3 19 13. STATE COUNCIL. "State council" means the resident
3 20 members of the state council for interstate adult offender
3 21 supervision created by each state under article III of this
3 22 compact.

3 23

ARTICLE II

3 24

THE COMPACT COMMISSION

3 25

1. The compacting states hereby create the interstate commission for adult offender supervision. The interstate commission shall be a body corporate and joint agency of the compacting states. The interstate commission shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such 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.

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2. The interstate commission shall consist of commissioners selected and appointed by resident members of a state council for interstate adult offender supervision for each state. The commission shall include at least one commissioner from a minority group.

4 4

3. In addition to the commissioners who are the voting representatives of each state, the interstate commission shall include individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the interstate commission shall be ex officio members. The interstate commission may provide in its bylaws for such additional, ex officio, nonvoting members as it deems necessary.

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

4 20

5. The interstate commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of twenty-seven or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

4 26

6. The interstate commission shall establish an executive committee which shall include commission officers, members and others as shall be determined by the bylaws. The executive committee shall have 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 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, its bylaws and as directed by the interstate commission and performs other duties as directed by commission or set forth in the bylaws.

5 4

ARTICLE III

5 5

THE STATE COUNCIL

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Each member state shall create a state council for interstate adult offender supervision which shall be responsible for the appointment of the commissioner who shall serve on the interstate commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the interstate commission in such capacity under or pursuant to applicable

5 13 law of the member state. While each member state may
5 14 determine the membership of its own state council, its
5 15 membership must include at least one representative from the
5 16 legislative, judicial, and executive branches of government,
5 17 victims groups and compact administrators. Each compacting
5 18 state retains the right to determine the qualifications of the
5 19 compact administrator who shall be appointed by the state
5 20 council or by the governor in consultation with the
5 21 legislature and the judiciary. In addition to appointment of
5 22 its commissioner to the interstate commission, each state
5 23 council shall exercise oversight and advocacy concerning its
5 24 participation in interstate commission activities and other
5 25 duties as may be determined by each member state including but
5 26 not limited to, development of policy concerning operations
5 27 and procedures of the compact within that state.

5 28 ARTICLE IV

5 29 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

5 30 The interstate commission shall have the following powers:
5 31 1. To adopt a seal and suitable bylaws governing the
5 32 management and operation of the interstate commission.
5 33 2. To promulgate rules which shall have the force and
5 34 effect of statutory law and shall be binding in the compacting
5 35 states to the extent and in the manner provided in this
6 1 compact.
6 2 3. To oversee, supervise and coordinate the interstate
6 3 movement of offenders subject to the terms of this compact and
6 4 any bylaws adopted and rules promulgated by the interstate
6 5 commission.
6 6 4. To enforce compliance with compact provisions,
6 7 interstate commission rules, and bylaws, using all necessary
6 8 and proper means, including but not limited to, the use of
6 9 judicial process.
6 10 5. To establish and maintain offices.
6 11 6. To purchase and maintain insurance and bonds.
6 12 7. To borrow, accept, or contract for services of
6 13 personnel, including, but not limited to, members and their
6 14 staffs.
6 15 8. To establish and appoint committees and hire staff
6 16 which it deems necessary for the carrying out of its functions
6 17 including, but not limited to, an executive committee as
6 18 required by article II which shall have the power to act on
6 19 behalf of the interstate commission in carrying out its powers
6 20 and duties hereunder.
6 21 9. To elect or appoint such officers, attorneys,
6 22 employees, agents, or consultants, and to fix their
6 23 compensation, define their duties and determine their
6 24 qualifications; and to establish the interstate commission's
6 25 personnel policies and programs relating to, among other
6 26 things, conflicts of interest, rates of compensation, and
6 27 qualifications of personnel.
6 28 10. To accept any and all donations and grants of money,
6 29 equipment, supplies, materials, and services, and to receive,
6 30 utilize, and dispose of same.
6 31 11. To lease, purchase, accept contributions or donations
6 32 of, or otherwise to own, hold, improve or use any property,
6 33 real, personal, or mixed.
6 34 12. To sell, convey, mortgage, pledge, lease, exchange,
6 35 abandon, or otherwise dispose of any property, real, personal
7 1 or mixed.
7 2 13. To establish a budget and make expenditures and levy

7 3 dues as provided in article IX of this compact.

7 4 14. To sue and be sued.

7 5 15. To provide for dispute resolution among compacting
7 6 states.

7 7 16. To perform such functions as may be necessary or
7 8 appropriate to achieve the purposes of this compact.

7 9 17. To report annually to the legislatures, governors,
7 10 judiciary, and state councils of the compacting states
7 11 concerning the activities of the interstate commission during
7 12 the preceding year. Such reports shall also include any
7 13 recommendations that may have been adopted by the interstate
7 14 commission.

7 15 18. To coordinate education, training and public awareness
7 16 regarding the interstate movement of offenders for officials
7 17 involved in such activity.

7 18 19. To establish uniform standards for the reporting,
7 19 collecting, and exchanging of data.

7 20 ARTICLE V

7 21 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

7 22 1. BYLAWS. The interstate commission shall, by a majority
7 23 of the members, within twelve months of the first interstate
7 24 commission meeting, adopt bylaws to govern its conduct as may
7 25 be necessary or appropriate to carry out the purposes of the
7 26 compact, including, but not limited to:

7 27 a. Establishing the fiscal year of the interstate
7 28 commission.

7 29 b. Establishing an executive committee and such other
7 30 committees as may be necessary.

7 31 c. Providing reasonable standards and procedures:

7 32 (1) For the establishment of committees.

7 33 (2) Governing any general or specific delegation of any
7 34 authority or function of the interstate commission;

7 35 d. Providing reasonable procedures for calling and
8 1 conducting meetings of the interstate commission, and ensuring
8 2 reasonable notice of each such meeting.

8 3 e. Establishing the titles and responsibilities of the
8 4 officers of the interstate commission.

8 5 f. Providing reasonable standards and procedures for the
8 6 establishment of the personnel policies and programs of the
8 7 interstate commission. Notwithstanding any civil service or
8 8 other similar laws of any compacting state, the bylaws shall
8 9 exclusively govern the personnel policies and programs of the
8 10 interstate commission.

8 11 g. Providing a mechanism for winding up the operations of
8 12 the interstate commission and the equitable return of any
8 13 surplus funds that may exist upon the termination of the
8 14 compact after the payment or reserving of all of its debts and
8 15 obligations.

8 16 h. Providing transition rules for startup administration
8 17 of the compact.

8 18 i. Establishing standards and procedures for compliance
8 19 and technical assistance in carrying out the compact.

8 20 2. OFFICERS AND STAFF.

8 21 a. The interstate commission shall, by a majority of the
8 22 members, elect from among its members a chairperson and a vice
8 23 chairperson, each of whom shall have such authorities and
8 24 duties as may be specified in the bylaws. The chairperson or,
8 25 in the chairperson's absence or disability, the vice
8 26 chairperson, shall preside at all meetings of the interstate
8 27 commission. The officers so elected shall serve without

8 28 compensation or remuneration from the interstate commission;
8 29 provided that, subject to the availability of budgeted funds,
8 30 the officers shall be reimbursed for any actual and necessary
8 31 costs and expenses incurred by them in the performance of
8 32 their duties and responsibilities as officers of the
8 33 interstate commission.

8 34 b. The interstate commission shall, through its executive
8 35 committee, appoint or retain an executive director for such
9 1 period, upon such terms and conditions and for such
9 2 compensation as the interstate commission may deem
9 3 appropriate. The executive director shall serve as secretary
9 4 to the interstate commission, and hire and supervise such
9 5 other staff as may be authorized by the interstate commission,
9 6 but shall not be a member.

9 7 3. CORPORATE RECORDS OF THE INTERSTATE COMMISSION. The
9 8 interstate commission shall maintain its corporate books and
9 9 records in accordance with the bylaws.

9 10 4. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION.

9 11 a. The members, officers, executive director and employees
9 12 of the interstate commission shall be immune from suit and
9 13 liability, either personally or in their official capacity,
9 14 for any claim for damage to or loss of property or personal
9 15 injury or other civil liability caused or arising out of any
9 16 actual or alleged act, error or omission that occurred within
9 17 the scope of interstate commission employment, duties or
9 18 responsibilities; provided, that nothing in this paragraph
9 19 shall be construed to protect any such person from suit and
9 20 liability for any damage, loss, injury or liability caused by
9 21 the intentional or willful and wanton misconduct of any such
9 22 person.

9 23 b. The interstate commission shall defend the commissioner
9 24 of a compacting state, or the commissioner's representatives
9 25 or employees, or the interstate commission's representatives
9 26 or employees, in any civil action seeking to impose liability,
9 27 arising out of any actual or alleged act, error or omission
9 28 that occurred within the scope of interstate commission
9 29 employment, duties or responsibilities, or that the defendant
9 30 had a reasonable basis for believing occurred within the scope
9 31 of interstate commission employment, duties or
9 32 responsibilities; provided, that the actual or alleged act,
9 33 error or omission did not result from intentional wrongdoing
9 34 on the part of such person.

9 35 c. The interstate commission shall indemnify and hold the
10 1 commissioner of a compacting state, the appointed designee or
10 2 employees, or the interstate commission's representatives or
10 3 employees, harmless in the amount of any settlement or
10 4 judgment obtained against such persons arising out of any
10 5 actual or alleged act, error or omission that occurred within
10 6 the scope of interstate commission employment, duties or
10 7 responsibilities, or that such persons had a reasonable basis
10 8 for believing occurred within the scope of interstate
10 9 commission employment, duties or responsibilities, provided,
10 10 that the actual or alleged act, error or omission did not
10 11 result from gross negligence or intentional wrongdoing on the
10 12 part of such person.

10 13 ARTICLE VI

10 14 ACTIVITIES OF THE INTERSTATE COMMISSION

10 15 1. The interstate commission shall meet and take such
10 16 actions as are consistent with the provisions of this compact.
10 17 2. Except as otherwise provided in this compact and unless

10 18 a greater percentage is required by the bylaws, in order to
10 19 constitute an act of the interstate commission, such act shall
10 20 have been taken at a meeting of the interstate commission and
10 21 shall have received an affirmative vote of a majority of the
10 22 members present.

10 23 3. Each member of the interstate commission shall have the
10 24 right and power to cast a vote to which that compacting state
10 25 is entitled and to participate in the business and affairs of
10 26 the interstate commission. A member shall vote in person on
10 27 behalf of the state and shall not delegate a vote to another
10 28 member state. However, a state council shall appoint another
10 29 authorized representative, in the absence of the commissioner
10 30 from that state, to cast a vote on behalf of the member state
10 31 at a specified meeting. The bylaws may provide for members'
10 32 participation in meetings by telephone or other means of
10 33 telecommunication or electronic communication. Any voting
10 34 conducted by telephone, or other means of telecommunication or
10 35 electronic communication shall be subject to the same quorum
11 1 requirements of meetings where members are present in person.

11 2 4. The interstate commission shall meet at least once
11 3 during each calendar year. The chairperson of the interstate
11 4 commission may call additional meetings at any time and, upon
11 5 the request of a majority of the members, shall call
11 6 additional meetings.

11 7 5. The interstate commission's bylaws shall establish
11 8 conditions and procedures under which the interstate
11 9 commission shall make its information and official records
11 10 available to the public for inspection or copying. The
11 11 interstate commission may exempt from disclosure any
11 12 information or official records to the extent they would
11 13 adversely affect personal privacy rights or proprietary
11 14 interests. In promulgating such rules, the interstate
11 15 commission may make available to law enforcement agencies
11 16 records and information otherwise exempt from disclosure, and
11 17 may enter into agreements with law enforcement agencies to
11 18 receive or exchange information or records subject to
11 19 nondisclosure and confidentiality provisions.

11 20 6. Public notice shall be given of all meetings and all
11 21 meetings shall be open to the public, except as set forth in
11 22 the rules or as otherwise provided in the compact. The
11 23 interstate commission shall promulgate rules consistent with
11 24 the principles contained in the federal Government in Sunshine
11 25 Act, 5 U.S.C. } 552(6), as may be amended. The interstate
11 26 commission and any of its committees may close a meeting to
11 27 the public where it determines by two-thirds vote that an open
11 28 meeting would be likely to:

11 29 a. Relate solely to the interstate commission's internal
11 30 personnel practices and procedures.

11 31 b. Disclose matters specifically exempted from disclosure
11 32 by statute.

11 33 c. Disclose trade secrets or commercial or financial
11 34 information which is privileged or confidential.

11 35 d. Involve accusing any person of a crime, or formally
12 1 censuring any person.

12 2 e. Disclose information of a personal nature where
12 3 disclosure would constitute a clearly unwarranted invasion of
12 4 personal privacy.

12 5 f. Disclose investigatory records compiled for law
12 6 enforcement purposes.

12 7 g. Disclose information contained in or related to

12 8 examination, operating or condition reports prepared by, or on
12 9 behalf of or for the use of, the interstate commission with
12 10 respect to a regulated entity for the purpose of regulation or
12 11 supervision of such entity.

12 12 h. Disclose information, the premature disclosure of which
12 13 would significantly endanger the life of a person or the
12 14 stability of a regulated entity.

12 15 i. Specifically relate to the interstate commission's
12 16 issuance of a subpoena, or its participation in a civil action
12 17 or proceeding.

12 18 7. For every meeting closed pursuant to this provision,
12 19 the interstate commission's chief legal officer shall publicly
12 20 certify that, in the officer's opinion, the meeting may be
12 21 closed to the public, and shall reference each relevant
12 22 exemptive provision. The interstate commission shall keep
12 23 minutes which shall fully and clearly describe all matters
12 24 discussed in any meeting and shall provide a full and accurate
12 25 summary of any actions taken, and the reasons therefor,
12 26 including a description of each of the views expressed on any
12 27 item and the record of any roll call vote, reflected in the
12 28 vote of each member on the question. All documents considered
12 29 in connection with any action shall be identified in such
12 30 minutes.

12 31 8. The interstate commission shall collect standardized
12 32 data concerning the interstate movement of offenders as
12 33 directed through its bylaws and rules which shall specify the
12 34 data to be collected, the means of collection and data
12 35 exchange and reporting requirements.

13 1 ARTICLE VII

13 2 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

13 3 1. The interstate commission shall promulgate rules in
13 4 order to effectively and efficiently achieve the purposes of
13 5 the compact including transition rules governing
13 6 administration of the compact during the period in which it is
13 7 being considered and enacted by the states.

13 8 2. Rulemaking shall occur pursuant to the criteria set
13 9 forth in this article and the bylaws and rules adopted
13 10 pursuant thereto. Such rulemaking shall substantially conform
13 11 to the principles of the federal Administrative Procedure Act,
13 12 5 U.S.C. } 551 et seq., and the federal Advisory Committee
13 13 Act, 5 U.S.C. app. 2, } 1 et seq., as may be amended.

13 14 3. All rules and amendments shall become binding as of the
13 15 date specified in each rule or amendment.

13 16 4. If a majority of the legislatures of the compacting
13 17 states rejects a rule, by enactment of a statute or resolution
13 18 in the same manner used to adopt the compact, then such rule
13 19 shall have no further force and effect in any compacting
13 20 state.

13 21 5. When promulgating a rule, the interstate commission
13 22 shall do all of the following:

13 23 a. Publish the proposed rule stating with particularity
13 24 the text of the rule which is proposed and the reason for the
13 25 proposed rule.

13 26 b. Allow persons to submit written data, facts, opinions
13 27 and arguments, which information shall be publicly available.

13 28 c. Provide an opportunity for an informal hearing.

13 29 d. Promulgate a final rule and its effective date, if
13 30 appropriate, based on the rulemaking record.

13 31 6. Not later than sixty days after a rule is promulgated,
13 32 any interested person may file a petition in the United States

13 33 district court for the District of Columbia or in the United
13 34 States district court where the interstate commission's
13 35 principal office is located for judicial review of such rule.
14 1 If the court finds that the interstate commission's action is
14 2 not supported by substantial evidence, as defined in the
14 3 federal Administrative Procedure Act, in the rulemaking
14 4 record, the court shall hold the rule unlawful and set it
14 5 aside.

14 6 7. Subjects to be addressed within twelve months after the
14 7 first meeting must at a minimum include:

14 8 a. Notice to victims and opportunity to be heard.
14 9 b. Offender registration and compliance.
14 10 c. Violations and returns.
14 11 d. Transfer procedures and forms.
14 12 e. Eligibility for transfer.
14 13 f. Collection of restitution and fees from offenders.
14 14 g. Data collection and reporting.
14 15 h. The level of supervision to be provided by the
14 16 receiving state.

14 17 i. Transition rules governing the operation of the compact
14 18 and the interstate commission during all or part of the period
14 19 between the effective date of the compact and the date on
14 20 which the last eligible state adopts the compact.

14 21 j. Mediation, arbitration and dispute resolution. The
14 22 existing rules governing the operation of the previous compact
14 23 superceded by this Act shall be null and void twelve months
14 24 after the first meeting of the interstate commission created
14 25 hereunder.

14 26 8. Upon determination by the interstate commission that an
14 27 emergency exists, it may promulgate an emergency rule which
14 28 shall become effective immediately upon adoption, provided
14 29 that the usual rulemaking procedures provided hereunder shall
14 30 be retroactively applied to said rule as soon as reasonably
14 31 possible, in no event later than ninety days after the
14 32 effective date of the rule.

14 33 ARTICLE VIII
14 34 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION
14 35 BY THE INTERSTATE COMMISSION

15 1 1. OVERSIGHT.

15 2 a. The interstate commission shall oversee the interstate
15 3 movement of adult offenders in the compacting states and shall
15 4 monitor such activities being administered in noncompacting
15 5 states which may significantly affect compacting states.

15 6 b. The courts and executive agencies in each compacting
15 7 state shall enforce this compact and shall take all actions
15 8 necessary and appropriate to effectuate the compact's purposes
15 9 and intent. In any judicial or administrative proceeding in a
15 10 compacting state pertaining to the subject matter of this
15 11 compact which may affect the powers, responsibilities or
15 12 actions of the interstate commission, the interstate
15 13 commission shall be entitled to receive all service of process
15 14 in any such proceeding, and shall have standing to intervene
15 15 in the proceeding for all purposes.

15 16 2. DISPUTE RESOLUTION.

15 17 a. The compacting states shall report to the interstate
15 18 commission on issues or activities of concern to them, and
15 19 cooperate with and support the interstate commission in the
15 20 discharge of its duties and responsibilities.

15 21 b. The interstate commission shall attempt to resolve any
15 22 disputes or other issues which are subject to the compact and

15 23 which may arise among compacting states and noncompacting
15 24 states.

15 25 c. The interstate commission shall enact a bylaw or
15 26 promulgate a rule providing for both mediation and binding
15 27 dispute resolution for disputes among the compacting states.

15 28 3. ENFORCEMENT. The interstate commission, in the
15 29 reasonable exercise of its discretion, shall enforce the
15 30 provisions of this compact using any or all means set forth in
15 31 article XI, subsection 2, of this compact.

15 32 ARTICLE IX

15 33 FINANCE

15 34 1. The interstate commission shall pay or provide for the
15 35 payment of the reasonable expenses of its establishment,
16 1 organization and ongoing activities.

16 2 2. The interstate commission shall levy on and collect an
16 3 annual assessment from each compacting state to cover the cost
16 4 of the internal operations and activities of the interstate
16 5 commission and its staff which must be in a total amount
16 6 sufficient to cover the interstate commission's annual budget
16 7 as approved each year. The aggregate annual assessment amount
16 8 shall be allocated based upon a formula to be determined by
16 9 the interstate commission, taking into consideration the
16 10 population of the state and the volume of interstate movement
16 11 of offenders in each compacting state and shall promulgate a
16 12 rule binding upon all compacting states which governs the
16 13 assessment.

16 14 3. The interstate commission shall not incur any
16 15 obligations of any kind prior to securing the funds adequate
16 16 to meet the same; nor shall the interstate commission pledge
16 17 the credit of any of the compacting states, except by and with
16 18 the authority of the compacting state.

16 19 4. The interstate commission shall keep accurate accounts
16 20 of all receipts and disbursements. The receipts and
16 21 disbursements of the interstate commission shall be subject to
16 22 the audit and accounting procedures established under its
16 23 bylaws. However, all receipts and disbursements of funds
16 24 handled by the interstate commission shall be audited yearly
16 25 by a certified or licensed public accountant and the report of
16 26 the audit shall be included in and become part of the annual
16 27 report of the interstate commission.

16 28 ARTICLE X

16 29 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

16 30 1. Any state, as defined in article I of this compact, is
16 31 eligible to become a compacting state.

16 32 2. The compact shall become effective and binding upon
16 33 legislative enactment of the compact into law by no less than
16 34 thirty-five of the states. The initial effective date shall
16 35 be the later of July 1, 2002, or upon enactment into law by
17 1 the thirty-fifth jurisdiction. Thereafter it shall become
17 2 effective and binding, as to any other compacting state, upon
17 3 enactment of the compact into law by that state. The
17 4 governors of nonmember states or their designees will be
17 5 invited to participate in interstate commission activities on
17 6 a nonvoting basis prior to adoption of the compact by all
17 7 states and territories of the United States.

17 8 3. Amendments to the compact may be proposed by the
17 9 interstate commission for enactment by the compacting states.
17 10 No amendment shall become effective and binding upon the
17 11 interstate commission and the compacting states unless and
17 12 until it is enacted into law by unanimous consent of the

17 13 compacting states.

17 14

ARTICLE XI

17 15

WITHDRAWAL, DEFAULT, AND TERMINATION, AND JUDICIAL

17 16

ENFORCEMENT

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1. WITHDRAWAL.

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a. Once effective, the compact shall continue in force and remain binding upon each and every compacting state; provided, that a compacting state may withdraw from the compact by enacting a statute specifically repealing the statute which enacted the compact into law.

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

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c. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state.

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d. The interstate commission shall notify the other compacting states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

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e. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

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

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2. DEFAULT.

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

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(1) Fines, fees and costs in such amounts as are deemed to be reasonable as fixed by the interstate commission.

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(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. Immediate notice of suspension shall be given by the interstate commission to the governor, the chief justice of the state; the majority and minority leaders of the defaulting state's legislature, and the executive council. The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, interstate commission bylaws, or duly promulgated rules. 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 of the default. The interstate commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the interstate commission, in addition to any other penalties imposed herein, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the

19 3 compacting states and all rights, privileges and benefits
19 4 conferred by this compact shall be terminated from the
19 5 effective date of suspension.

19 6 b. Within sixty days of the effective date of termination
19 7 of a defaulting state, the interstate commission shall notify
19 8 the governor, the chief justice, and the majority and minority
19 9 leaders of the defaulting state's legislature and the
19 10 executive council of such termination.

19 11 c. The defaulting state is responsible for all
19 12 assessments, obligations and liabilities incurred through the
19 13 effective date of termination including any obligations, the
19 14 performance of which extends beyond the effective date of
19 15 termination.

19 16 d. The interstate commission shall not bear any costs
19 17 relating to the defaulting state unless otherwise mutually
19 18 agreed upon between the interstate commission and the
19 19 defaulting state.

19 20 e. Reinstatement following termination of any compacting
19 21 state requires both a reenactment of the compact by the
19 22 defaulting state and the approval of the interstate commission
19 23 pursuant to the rules.

19 24 3. JUDICIAL ENFORCEMENT. The interstate commission may,
19 25 by majority vote of the members, initiate legal action in the
19 26 United States district court for the District of Columbia or,
19 27 at the discretion of the interstate commission, in the United
19 28 States district court where the interstate commission has its
19 29 offices, to enforce compliance with the provisions of the
19 30 compact, its duly promulgated rules and bylaws, against any
19 31 compacting state in default. In the event judicial
19 32 enforcement is necessary the prevailing party shall be awarded
19 33 all costs of such litigation including reasonable attorneys
19 34 fees.

19 35 4. DISSOLUTION OF COMPACT.

20 1 a. The compact dissolves effective upon the date of the
20 2 withdrawal or default of the compacting state which reduces
20 3 membership in the compact to one compacting state.

20 4 b. Upon the dissolution of this compact, the compact
20 5 becomes null and void and shall be of no further force or
20 6 effect, and the business and affairs of the interstate
20 7 commission shall be wound up and any surplus funds shall be
20 8 distributed in accordance with the bylaws.

20 9 ARTICLE XII

20 10 SEVERABILITY AND CONSTRUCTION

20 11 1. The provisions of this compact shall be severable, and
20 12 if any phrase, clause, sentence or provision is deemed
20 13 unenforceable, the remaining provisions of the compact shall
20 14 be enforceable.

20 15 2. The provisions of this compact shall be liberally
20 16 constructed to effectuate its purposes.

20 17 ARTICLE XIII

20 18 BINDING EFFECT OF COMPACT AND OTHER LAWS

20 19 1. OTHER LAWS.

20 20 a. Nothing herein prevents the enforcement of any other
20 21 law of a compacting state that is not inconsistent with this
20 22 compact.

20 23 b. All compacting states' laws conflicting with this
20 24 compact are superseded to the extent of the conflict.

20 25 2. BINDING EFFECT OF THE COMPACT.

20 26 a. All lawful actions of the interstate commission,
20 27 including all rules and bylaws promulgated by the interstate

20 28 commission, are binding upon the compacting states.

20 29 b. All agreements between the interstate commission and
20 30 the compacting states are binding in accordance with their
20 31 terms.

20 32 c. Upon the request of a party to a conflict over meaning
20 33 or interpretation of interstate commission actions, and upon a
20 34 majority vote of the compacting states, the interstate
20 35 commission may issue advisory opinions regarding such meaning
21 1 or interpretation.

21 2 d. In the event any provision of this compact exceeds the
21 3 constitutional limits imposed on the legislature of any
21 4 compacting state, the obligations, duties, powers or
21 5 jurisdiction sought to be conferred by such provision upon the
21 6 interstate commission shall be ineffective and such
21 7 obligations, duties, powers or jurisdiction shall remain in
21 8 the compacting state and shall be exercised by the agency
21 9 thereof to which such obligations, duties, powers or
21 10 jurisdiction are delegated by law in effect at the time this
21 11 compact becomes effective.

21 12 Sec. 7. NEW SECTION. 907B.3 STATE COUNCIL.

21 13 The state council established in section 907B.2 shall
21 14 consist of five members plus the compact administrator. The
21 15 council shall include at least one member from a minority
21 16 group. The chief justice of the supreme court shall appoint
21 17 one member to represent the judicial branch. The president of
21 18 the senate shall appoint one member to represent the senate.
21 19 The speaker of the house of representatives shall appoint one
21 20 member to represent the house of representatives. The
21 21 governor shall appoint one member to represent the executive
21 22 branch, and one member to represent crime victim groups. The
21 23 governor, in consultation with the legislative and judicial
21 24 branches, shall also appoint the compact administrator.

21 25 Sec. 8. Chapter 907A, Code 2001, is repealed.

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21 29 BRENT SIEGRIST
21 30 Speaker of the House

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21 34 MARY E. KRAMER
21 35 President of the Senate

22 1

22 2 I hereby certify that this bill originated in the House and
22 3 is known as House File 287, Seventy-ninth General Assembly.

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22 7 MARGARET THOMSON
22 8 Chief Clerk of the House

22 9 Approved _____, 2001

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22 13 THOMAS J. VILSACK
22 14 Governor

Text: [HF00286](#)

Text: [HF00200 - HF00299](#)

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