

House Bill 898 (AS PASSED HOUSE AND SENATE)

By: Representative Pak of the 108th and Chandler of the 105th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 39 and 49 of the Official Code of Georgia Annotated, relating to minors and
2 social services, respectively, so as to repeal the Interstate Compact on Juveniles enacted in
3 1972 in Title 39 and enact a new Interstate Compact for Juveniles in Title 49; to provide for
4 a short title; to provide for definitions; to provide for implementation of said compact; to
5 provide for an interstate commission; to provide for powers, duties, organization, operation,
6 rule-making functions, oversight, enforcement, dispute resolution, and finances for the
7 interstate commission; to provide for a compact administrator; to provide for a state council;
8 to provide for compacting states and amendments; to provide for withdrawal, default,
9 termination, and judicial enforcement; to provide for severability and construction; to amend
10 Code Section 15-11-10 and Title 49 of the Official Code of Georgia Annotated, relating to
11 the exclusive original jurisdiction of juvenile courts and social services, respectively, so as
12 to correct cross-references; to provide for related matters; to provide for an effective date;
13 to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 PART I
16 SECTION 1-1.

17 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended by
18 repealing and reserving Chapter 3, relating to the Interstate Compact on Juveniles.

19 PART II
20 SECTION 2-1.

21 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
22 by adding a new chapter to read as follows:

23 "CHAPTER 4B24 49-4B-1.25 This chapter shall be known and may be cited as the 'Interstate Compact for Juveniles.'26 49-4B-2.27 The Governor of this state is authorized and directed to execute a compact on behalf of the
28 State of Georgia with any of the United States legally joining therein in the form
29 substantially as follows:30 ARTICLE I.31 PURPOSE.32 The compacting states to this Interstate Compact recognize that each state is responsible
33 for the proper supervision or return of juveniles, delinquents and status offenders who are
34 on probation or parole and who have absconded, escaped or run away from supervision
35 and control and in so doing have endangered their own safety and the safety of others.
36 The compacting states also recognize that each state is responsible for the safe return of
37 juveniles who have run away from home and in doing so have left their state of residence.
38 The compacting states also recognize that Congress, by enacting the Crime Control Act,
39 4 U.S.C. Section 112 (1965), has authorized and encouraged compacts for cooperative
40 efforts and mutual assistance in the prevention of crime. It is the purpose of this compact,
41 through means of joint and cooperative action among the compacting states to:42 (A) Ensure that the adjudicated juveniles and status offenders subject to this compact
43 are provided adequate supervision and services in the receiving state as ordered by the
44 adjudicating judge or parole authority in the sending state;45 (B) Ensure that the public safety interests of the citizens, including the victims of
46 juvenile offenders, in both the sending and receiving states are adequately protected;47 (C) Return juveniles who have run away, absconded or escaped from supervision or
48 control or have been accused of an offense to the state requesting their return;49 (D) Make contracts for the cooperative institutionalization in public facilities in
50 member states for delinquent youth needing special services;51 (E) Provide for the effective tracking and supervision of juveniles;52 (F) Equitably allocate the costs, benefits and obligations of the compacting states;53 (G) Establish procedures to manage the movement between states of juvenile offenders
54 released to the community under the jurisdiction of courts, juvenile departments, or any
55 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

56 (H) Insure immediate notice to jurisdictions where defined offenders are authorized to
 57 travel or to relocate across state lines;
 58 (I) Establish procedures to resolve pending charges (detainers) against juvenile
 59 offenders prior to transfer or release to the community under the terms of this compact;
 60 (J) Establish a system of uniform data collection on information pertaining to juveniles
 61 subject to this compact that allows access by authorized juvenile justice and criminal
 62 justice officials, and regular reporting of Compact activities to heads of state executive,
 63 judicial, and legislative branches and juvenile and criminal justice administrators;
 64 (K) Monitor compliance with rules governing interstate movement of juveniles and
 65 initiate interventions to address and correct noncompliance;
 66 (L) Coordinate training and education regarding the regulation of interstate movement
 67 of juveniles for officials involved in such activity; and
 68 (M) Coordinate the implementation and operation of the compact with the Interstate
 69 Compact for on the Placement of Children, the Interstate Compact for Adult Offender
 70 Supervision and other compacts affecting juveniles particularly in those cases where
 71 concurrent or overlapping supervision issues arise. It is the policy of the compacting
 72 states that the activities conducted by the Interstate Commission created herein are the
 73 formation of public policies and therefore are public business. Furthermore, the
 74 compacting states shall cooperate and observe their individual and collective duties and
 75 responsibilities for the prompt return and acceptance of juveniles subject to the
 76 provisions of this compact. The provisions of this compact shall be reasonably and
 77 liberally construed to accomplish the purposes and policies of the compact.

78 ARTICLE II.

79 DEFINITIONS.

80 As used in this compact, unless the context clearly requires a different construction:

81 (A) 'By-laws' means those by-laws established by the Interstate Commission for its
 82 governance, or for directing or controlling its actions or conduct.
 83 (B) 'Compact Administrator' means the individual in each compacting state appointed
 84 pursuant to the terms of this compact, responsible for the administration and
 85 management of the state's supervision and transfer of juveniles subject to the terms of
 86 this compact, the rules adopted by the Interstate Commission and policies adopted by
 87 the State Council under this compact.
 88 (C) 'Compacting State' means any state which has enacted the enabling legislation for
 89 this compact.

- 90 (D) 'Commissioner' means the voting representative of each compacting state
91 appointed pursuant to Article III of this compact.
- 92 (E) 'Court' means any court having jurisdiction over delinquent, neglected, or
93 dependent children.
- 94 (F) 'Deputy Compact Administrator' means the individual, if any, in each compacting
95 state appointed to act on behalf of a Compact Administrator pursuant to the terms of
96 this compact responsible for the administration and management of the state's
97 supervision and transfer of juveniles subject to the terms of this compact, the rules
98 adopted by the Interstate Commission and policies adopted by the State Council under
99 this compact.
- 100 (G) 'Interstate Commission' means the Interstate Commission for Juveniles created by
101 Article III of this compact.
- 102 (H) 'Juvenile' means any person defined as a juvenile in any member state or by the
103 rules of the Interstate Commission, including:
- 104 (1) Accused Delinquent - a person charged with an offense that, if committed by an
105 adult, would be a criminal offense;
- 106 (2) Adjudicated Delinquent - a person found to have committed an offense that, if
107 committed by an adult, would be a criminal offense;
- 108 (3) Accused Status Offender - a person charged with an offense that would not be a
109 criminal offense if committed by an adult;
- 110 (4) Adjudicated Status Offender - a person found to have committed an offense that
111 would not be a criminal offense if committed by an adult; and
- 112 (5) Non-Offender - a person in need of supervision who has not been accused or
113 adjudicated a status offender or delinquent.
- 114 (I) 'Non-Compacting state' means any state which has not enacted the enabling
115 legislation for this compact.
- 116 (J) 'Probation or Parole' means any kind of supervision or conditional release of
117 juveniles authorized under the laws of the compacting states.
- 118 (K) 'Rule' means a written statement by the Interstate Commission promulgated
119 pursuant to Article VI of this compact that is of general applicability, implements,
120 interprets or prescribes a policy or provision of the Compact, or an organizational,
121 procedural, or practice requirement of the Commission, and has the force and effect of
122 statutory law in a compacting state, and includes the amendment, repeal, or suspension
123 of an existing rule.
- 124 (L) 'State' means a state of the United States, the District of Columbia (or its designee),
125 the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa,
126 and the Northern Marianas Islands.

127 ARTICLE III.

128 INTERSTATE COMMISSION FOR JUVENILES.

129 (A) The compacting states hereby create the 'Interstate Commission for Juveniles.' The
130 commission shall be a body corporate and joint agency of the compacting states. The
131 commission shall have all the responsibilities, powers and duties set forth herein, and
132 such additional powers as may be conferred upon it by subsequent action of the
133 respective legislatures of the compacting states in accordance with the terms of this
134 compact.

135 (B) The Interstate Commission shall consist of commissioners appointed by the
136 appropriate appointing authority in each state pursuant to the rules and requirements of
137 each compacting state and in consultation with the State Council for Interstate Juvenile
138 Supervision created hereunder. The commissioner shall be the compact administrator,
139 deputy compact administrator or designee from that state who shall serve on the
140 Interstate Commission in such capacity under or pursuant to the applicable law of the
141 compacting state.

142 (C) In addition to the commissioners who are the voting representatives of each state,
143 the Interstate Commission shall include individuals who are not commissioners, but
144 who are members of interested organizations. Such non-commissioner members must
145 include a member of the national organizations of governors, legislators, state chief
146 justices, attorneys general, Interstate Compact for Adult Offender Supervision,
147 Interstate Compact for the Placement of Children, juvenile justice and juvenile
148 corrections officials, and crime victims. All non-commissioner members of the
149 Interstate Commission shall be ex-officio (non-voting) members. The Interstate
150 Commission may provide in its by-laws for such additional ex-officio (non-voting)
151 members, including members of other national organizations, in such numbers as shall
152 be determined by the commission.

153 (D) Each compacting state represented at any meeting of the commission is entitled to
154 one vote. A majority of the compacting states shall constitute a quorum for the
155 transaction of business, unless a larger quorum is required by the by-laws of the
156 Interstate Commission.

157 (E) The commission shall meet at least once each calendar year. The chairperson may
158 call additional meetings and, upon the request of a simple majority of the compacting
159 states, shall call additional meetings. Public notice shall be given of all meetings and
160 meetings shall be open to the public.

161 (F) The Interstate Commission shall establish an executive committee, which shall
162 include commission officers, members, and others as determined by the by-laws. The

163 executive committee shall have the power to act on behalf of the Interstate Commission
 164 during periods when the Interstate Commission is not in session, with the exception of
 165 rulemaking and/or amendment to the compact. The executive committee shall oversee
 166 the day-to-day activities of the administration of the compact managed by an executive
 167 director and Interstate Commission staff; administers enforcement and compliance with
 168 the provisions of the compact, its by-laws and rules, and performs such other duties as
 169 directed by the Interstate Commission or set forth in the by-laws.

170 (G) Each member of the Interstate Commission shall have the right and power to cast
 171 a vote to which that compacting state is entitled and to participate in the business and
 172 affairs of the Interstate Commission. A member shall vote in person and shall not
 173 delegate a vote to another compacting state. However, a commissioner, in consultation
 174 with the state council, shall appoint another authorized representative, in the absence
 175 of the commissioner from that state, to cast a vote on behalf of the compacting state at
 176 a specified meeting. The by-laws may provide for members' participation in meetings
 177 by telephone or other means of telecommunication or electronic communication.

178 (H) The Interstate Commission's by-laws shall establish conditions and procedures
 179 under which the Interstate Commission shall make its information and official records
 180 available to the public for inspection or copying. The Interstate Commission may
 181 exempt from disclosure any information or official records to the extent they would
 182 adversely affect personal privacy rights or proprietary interests.

183 (I) Public notice shall be given of all meetings and all meetings shall be open to the
 184 public, except as set forth in the Rules or as otherwise provided in the Compact. The
 185 Interstate Commission and any of its committees may close a meeting to the public
 186 where it determines by two-thirds vote that an open meeting would be likely to:

- 187 (1) Relate solely to the Interstate Commission's internal personnel practices and
 188 procedures;
- 189 (2) Disclose matters specifically exempted from disclosure by statute;
- 190 (3) Disclose trade secrets or commercial or financial information which is privileged
 191 or confidential;
- 192 (4) Involve accusing any person of a crime, or formally censuring any person;
- 193 (5) Disclose information of a personal nature where disclosure would constitute a
 194 clearly unwarranted invasion of personal privacy;
- 195 (6) Disclose investigative records compiled for law enforcement purposes;
- 196 (7) Disclose information contained in or related to examination, operating or
 197 condition reports prepared by, or on behalf of, or for the use of, the Interstate
 198 Commission with respect to a regulated person or entity for the purpose of regulation
 199 or supervision of such person or entity;

- 200 (8) Disclose information, the premature disclosure of which would significantly
 201 endanger the stability of a regulated person or entity; or
- 202 (9) Specifically relate to the Interstate Commission's issuance of a subpoena, or its
 203 participation in a civil action or other legal proceeding.
- 204 (J) For every meeting closed pursuant to this provision, the Interstate Commission's
 205 legal counsel shall publicly certify that, in the legal counsel's opinion, the meeting may
 206 be closed to the public, and shall reference each relevant exemptive provision. The
 207 Interstate Commission shall keep minutes which shall fully and clearly describe all
 208 matters discussed in any meeting and shall provide a full and accurate summary of any
 209 actions taken, and the reasons therefore, including a description of each of the views
 210 expressed on any item and the record of any roll call vote (reflected in the vote of each
 211 member on the question). All documents considered in connection with any action
 212 shall be identified in such minutes.
- 213 (K) The Interstate Commission shall collect standardized data concerning the interstate
 214 movement of juveniles as directed through its rules which shall specify the data to be
 215 collected, the means of collection and data exchange and reporting requirements. Such
 216 methods of data collection, exchange and reporting shall insofar as is reasonably
 217 possible conform to up-to-date technology and coordinate its information functions
 218 with the appropriate repository of records.

219 ARTICLE IV.

220 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

221 The commission shall have the following powers and duties:

- 222 (1) To provide for dispute resolution among compacting states.
- 223 (2) To promulgate rules to effect the purposes and obligations as enumerated in this
 224 compact, which shall have the force and effect of statutory law and shall be binding in
 225 the compacting states to the extent and in the manner provided in this compact.
- 226 (3) To oversee, supervise, and coordinate the interstate movement of juveniles subject
 227 to the terms of this compact and any by-laws adopted and rules promulgated by the
 228 Interstate Commission.
- 229 (4) To enforce compliance with the compact provisions, the rules promulgated by the
 230 Interstate Commission, and the by-laws, using all necessary and proper means, including
 231 but not limited to the use of judicial process.
- 232 (5) To establish and maintain offices which shall be located within one or more of the
 233 compacting states.
- 234 (6) To purchase and maintain insurance and bonds.

- 235 (7) To borrow, accept, hire or contract for services of personnel.
- 236 (8) To establish and appoint committees and hire staff which it deems necessary for the
237 carrying out of its functions including, but not limited to, an executive committee as
238 required by Article III which shall have the power to act on behalf of the Interstate
239 Commission in carrying out its powers and duties hereunder.
- 240 (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and
241 to fix their compensation, define their duties and determine their qualifications; and to
242 establish the Interstate Commission's personnel policies and programs relating to, inter
243 alia, conflicts of interest, rates of compensation, and qualifications of personnel.
- 244 (10) To accept any and all donations and grants of money, equipment, supplies,
245 materials, and services, and to receive, utilize, and dispose of it.
- 246 (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
247 improve or use any property, real, personal, or mixed.
- 248 (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
249 of any property, real, personal or mixed.
- 250 (13) To establish a budget and make expenditures and levy dues as provided in Article
251 VIII of this compact.
- 252 (14) To sue and be sued.
- 253 (15) To adopt a seal and by-laws governing the management and operation of the
254 Interstate Commission.
- 255 (16) To perform such functions as may be necessary or appropriate to achieve the
256 purposes of this compact.
- 257 (17) To report annually to the legislatures, governors, judiciary, and state councils of the
258 compacting states concerning the activities of the Interstate Commission during the
259 preceding year. Such reports shall also include any recommendations that may have been
260 adopted by the Interstate Commission.
- 261 (18) To coordinate education, training and public awareness regarding the interstate
262 movement of juveniles for officials involved in such activity.
- 263 (19) To establish uniform standards of the reporting, collecting and exchanging of data.
- 264 (20) The Interstate Commission shall maintain its corporate books and records in
265 accordance with the By-laws.

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ARTICLE V.

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

Section A. By-laws

(1) The Interstate Commission shall, by a majority of the members present and voting, within twelve months after the first Interstate Commission meeting, adopt by-laws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(a) Establishing the fiscal year of the Interstate Commission;

(b) Establishing an executive committee and such other committees as may be necessary;

(c) Provide for the establishment of committees governing any general or specific delegation of any authority or function of the Interstate Commission;

(d) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(e) Establishing the titles and responsibilities of the officers of the Interstate Commission;

(f) Providing a mechanism for concluding the operations of the Interstate Commission and the return of any surplus funds that may exist upon the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

(g) Providing 'start-up' rules for initial administration of the compact; and

(h) Establishing standards and procedures for compliance and technical assistance in carrying out the compact.

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Section B. Officers and Staff

(1) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson and a vice chairperson, each of whom shall have such authority and duties as may be specified in the by-laws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson 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 shall be reimbursed for any ordinary and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

(2) The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Interstate Commission may deem appropriate. The executive

301 director shall serve as secretary to the Interstate Commission, but shall not be a Member
302 and shall hire and supervise such other staff as may be authorized by the Interstate
303 Commission.

304 Section C. Qualified Immunity, Defense and Indemnification

305 (1) The Commission's executive director and employees shall be immune from suit and
306 liability, either personally or in their official capacity, for any claim for damage to or loss
307 of property or personal injury or other civil liability caused or arising out of or relating
308 to any actual or alleged act, error, or omission that occurred, or that such person had a
309 reasonable basis for believing occurred within the scope of Commission employment,
310 duties, or responsibilities; provided, that any such person shall not be protected from suit
311 or liability for any damage, loss, injury, or liability caused by the intentional or willful
312 and wanton misconduct of any such person.

313 (2) The liability of any commissioner, or the employee or agent of a commissioner,
314 acting within the scope of such person's employment or duties for acts, errors, or
315 omissions occurring within such person's state may not exceed the limits of liability set
316 forth under the Constitution and laws of that state for state officials, employees, and
317 agents. Nothing in this subsection shall be construed to protect any such person from suit
318 or liability for any damage, loss, injury, or liability caused by the intentional or willful
319 and wanton misconduct of any such person.

320 (3) The Interstate Commission shall defend the executive director or the employees or
321 representatives of the Interstate Commission and, subject to the approval of the Attorney
322 General of the state represented by any commissioner of a compacting state, shall defend
323 such commissioner or the commissioner's representatives or employees in any civil action
324 seeking to impose liability arising out of any actual or alleged act, error or omission that
325 occurred within the scope of Interstate Commission employment, duties or
326 responsibilities, or that the defendant had a reasonable basis for believing occurred within
327 the scope of Interstate Commission employment, duties, or responsibilities, provided that
328 the actual or alleged act, error, or omission did not result from intentional or willful and
329 wanton misconduct on the part of such person.

330 (4) The Interstate Commission shall indemnify and hold the commissioner of a
331 compacting state, or the commissioner's representatives or employees, or the Interstate
332 Commission's representatives or employees, harmless in the amount of any settlement or
333 judgment obtained against such persons arising out of any actual or alleged act, error, or
334 omission that occurred within the scope of Interstate Commission employment, duties,
335 or responsibilities, or that such persons had a reasonable basis for believing occurred
336 within the scope of Interstate Commission employment, duties, or responsibilities.

337 provided that the actual or alleged act, error, or omission did not result from intentional
 338 or willful and wanton misconduct on the part of such persons.

339 ARTICLE VI.

340 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

341 (A) The Interstate Commission shall promulgate and publish rules in order to
 342 effectively and efficiently achieve the purposes of the compact.

343 (B) Rulemaking shall occur pursuant to the criteria set forth in this article and the
 344 by-laws and rules adopted pursuant thereto. Such rulemaking shall substantially
 345 conform to the principles of the 'Model State Administrative Procedures Act,' 1981 Act,
 346 Uniform Laws Annotated, Vol. 15, p.1 (2000), or such other administrative procedures
 347 act, as the Interstate Commission deems appropriate consistent with due process
 348 requirements under the U.S. Constitution as now or hereafter interpreted by the U. S.
 349 Supreme Court. All rules and amendments shall become binding as of the date
 350 specified, as published with the final version of the rule as approved by the
 351 Commission.

352 (C) When promulgating a rule, the Interstate Commission shall, at a minimum:

- 353 (1) Publish the proposed rule's entire text stating the reasons for that proposed rule;
 354 (2) Allow and invite any and all persons to submit written data, facts, opinions and
 355 arguments, which information shall be added to the record, and be made publicly
 356 available;
 357 (3) Provide an opportunity for an informal hearing if petitioned by ten or more
 358 persons; and
 359 (4) Promulgate a final rule and its effective date, if appropriate, based on input from
 360 state or local officials, or interested parties.

361 (D) Allow, not later than 60 days after a rule is promulgated, any interested person to
 362 file a petition in the United States District Court for the District of Columbia or in the
 363 Federal District Court where the Interstate Commission's principal office is located for
 364 judicial review of such rule. If the court finds that the Interstate Commission's action
 365 is not supported by substantial evidence in the rulemaking record, the court shall hold
 366 the rule unlawful and set it aside. For purposes of this subsection, evidence is
 367 substantial if it would be considered substantial evidence under the Model State
 368 Administrative Procedures Act.

369 (E) If a majority of the legislatures of the compacting states rejects a rule, those states
 370 may, by enactment of a statute or resolution in the same manner used to adopt the

371 compact, cause that such rule shall have no further force and effect in any compacting
 372 state.

373 (F) The existing rules governing the operation of The Interstate Compact on Juveniles
 374 superseded by this act shall be null and void 12 months after the first meeting of the
 375 Interstate Commission created hereunder.

376 (G) Upon determination by the Interstate Commission that a state-of-emergency exists,
 377 it may promulgate an emergency rule which shall become effective immediately upon
 378 adoption, provided that the usual rulemaking procedures provided hereunder shall be
 379 retroactively applied to said rule as soon as reasonably possible, but no later than ninety
 380 (90) days after the effective date of the emergency rule.

381 ARTICLE VII.

382 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

383 BY THE INTERSTATE COMMISSION.

384 Section A. Oversight

385 (1) The Interstate Commission shall oversee the administration and operations of the
 386 interstate movement of juveniles subject to this compact in the compacting states and
 387 shall monitor such activities being administered in non-compacting states which may
 388 significantly affect compacting states.

389 (2) The courts and executive agencies in each compacting state shall enforce this
 390 compact and shall take all actions necessary and appropriate to effectuate the compact's
 391 purposes and intent. The provisions of this compact and the rules promulgated hereunder
 392 shall be received by all the judges, public officers, commissions, and departments of the
 393 state government as evidence of the authorized statute and administrative rules. All
 394 courts shall take judicial notice of the compact and the rules. In any judicial or
 395 administrative proceeding in a compacting state pertaining to the subject matter of this
 396 compact which may affect the powers, responsibilities or actions of the Interstate
 397 Commission, it shall be entitled to receive all service of process in any such proceeding,
 398 and shall have standing to intervene in the proceeding for all purposes.

399 Section B. Dispute Resolution

400 (1) The compacting states shall report to the Interstate Commission on all issues and
 401 activities necessary for the administration of the compact as well as issues and activities
 402 pertaining to compliance with the provisions of the compact and its bylaws and rules.

403 (2) The Interstate Commission shall attempt, upon the request of a compacting state, to
 404 resolve any disputes or other issues which are subject to the compact and which may arise

405 among compacting states and between compacting and non-compacting states. The
 406 commission shall promulgate a rule providing for both mediation and binding dispute
 407 resolution for disputes among the compacting states.

408 (3) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
 409 the provisions and rules of this compact using any or all means set forth in Article XI of
 410 this compact.

411 ARTICLE VIII.

412 FINANCE.

413 (A) The Interstate Commission shall pay or provide for the payment of the reasonable
 414 expenses of its establishment, organization and ongoing activities.

415 (B) The Interstate Commission shall levy on and collect an annual assessment from
 416 each compacting state to cover the cost of the internal operations and activities of the
 417 Interstate Commission and its staff which must be in a total amount sufficient to cover
 418 the Interstate Commission's annual budget as approved each year. The aggregate
 419 annual assessment amount shall be allocated based upon a formula to be determined by
 420 the Interstate Commission, taking into consideration the population of each compacting
 421 state and the volume of interstate movement of juveniles in each compacting state and
 422 shall promulgate a rule binding upon all compacting states which governs said
 423 assessment.

424 (C) The Interstate Commission shall not incur any obligations of any kind prior to
 425 securing the funds adequate to meet the same; nor shall the Interstate Commission
 426 pledge the credit of any of the compacting states, except by and with the authority of
 427 the compacting state.

428 (D) The Interstate Commission shall keep accurate accounts of all receipts and
 429 disbursements. The receipts and disbursements of the Interstate Commission shall be
 430 subject to the audit and accounting procedures established under its by-laws. However,
 431 all receipts and disbursements of funds handled by the Interstate Commission shall be
 432 audited yearly by a certified or licensed public accountant and the report of the audit
 433 shall be included in and become part of the annual report of the Interstate Commission.

434 ARTICLE IX.

435 THE STATE COUNCIL.

436 Each member state shall create a State Council for Interstate Juvenile Supervision. While
 437 each state may determine the membership of its own state council, its membership must

438 include at least one representative from the legislative, judicial, and executive branches of
 439 government, victims groups, and the compact administrator, deputy compact administrator
 440 or designee. Each compacting state retains the right to determine the qualifications of the
 441 compact administrator or deputy compact administrator. Each state council will advise and
 442 may exercise oversight and advocacy concerning that state's participation in Interstate
 443 Commission activities and other duties as may be determined by that state, including but
 444 not limited to, development of policy concerning operations and procedures of the compact
 445 within that state.

446 ARTICLE X.

447 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT.

448 (A) Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
 449 Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas
 450 Islands as defined in Article II of this compact is eligible to become a compacting state.

451 (B) The compact shall become effective and binding upon legislative enactment of the
 452 compact into law by no less than 35 of the states. The initial effective date shall be the
 453 later of July 1, 2004 or upon enactment into law by the 35th jurisdiction. Thereafter it
 454 shall become effective and binding as to any other compacting state upon enactment of
 455 the compact into law by that state. The governors of non-member states or their
 456 designees shall be invited to participate in the activities of the Interstate Commission
 457 on a nonvoting basis prior to adoption of the compact by all states and territories of the
 458 United States.

459 (C) The Interstate Commission may propose amendments to the compact for enactment
 460 by the compacting states. No amendment shall become effective and binding upon the
 461 Interstate Commission and the compacting states unless and until it is enacted into law
 462 by unanimous consent of the compacting states.

463 ARTICLE XI.

464 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT.

465 Section A. Withdrawal

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

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

470 (3) The withdrawing state shall immediately notify the chairperson of the Interstate
471 Commission in writing upon the introduction of legislation repealing this compact in the
472 withdrawing state. The Interstate Commission shall notify the other compacting states
473 of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

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

477 (5) Reinstatement following withdrawal of any compacting state shall occur upon the
478 withdrawing state reenacting the compact or upon such later date as determined by the
479 Interstate Commission.

480 Section B. Technical Assistance, Fines, Suspension, Termination and Default

481 (1) If the Interstate Commission determines that any compacting state has at any time
482 defaulted in the performance of any of its obligations or responsibilities under this
483 compact, or the by-laws or duly promulgated rules, the Interstate Commission may
484 impose any or all of the following penalties:

485 (a) Remedial training and technical assistance as directed by the Interstate
486 Commission;

487 (b) Alternative Dispute Resolution;

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

490 (d) Suspension or termination of membership in the compact, which shall be imposed
491 only after all other reasonable means of securing compliance under the by-laws and
492 rules have been exhausted and the Interstate Commission has therefore determined that
493 the offending state is in default. Immediate notice of suspension shall be given by the
494 Interstate Commission to the Governor, the Chief Justice or the Chief Judicial Officer
495 of the state, the majority and minority leaders of the defaulting state's legislature, and
496 the state council. The grounds for default include, but are not limited to, failure of a
497 compacting state to perform such obligations or responsibilities imposed upon it by this
498 compact, the by-laws, or duly promulgated rules and any other grounds designated in
499 commission by-laws and rules. The Interstate Commission shall immediately notify the
500 defaulting state in writing of the penalty imposed by the Interstate Commission and of
501 the default pending a cure of the default. The commission shall stipulate the conditions
502 and the time period within which the defaulting state must cure its default. If the
503 defaulting state fails to cure the default within the time period specified by the
504 commission, the defaulting state shall be terminated from the compact upon an
505 affirmative vote of a majority of the compacting states and all rights, privileges and

506 benefits conferred by this compact shall be terminated from the effective date of
507 termination.

508 (2) Within 60 days of the effective date of termination of a defaulting state, the
509 Commission shall notify the Governor, the Chief Justice or Chief Judicial Officer, the
510 Majority and Minority Leaders of the defaulting state's legislature, and the state council
511 of such termination.

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

515 (4) The Interstate Commission shall not bear any costs relating to the defaulting state
516 unless otherwise mutually agreed upon in writing between the Interstate Commission and
517 the defaulting state.

518 (5) Reinstatement following termination of any compacting state requires both a
519 reenactment of the compact by the defaulting state and the approval of the Interstate
520 Commission pursuant to the rules.

521 Section C. Judicial Enforcement

522 The Interstate Commission may, by majority vote of the members, initiate legal action in
523 the United States District Court for the District of Columbia or, at the discretion of the
524 Interstate Commission, in the federal district where the Interstate Commission has its
525 offices, to enforce compliance with the provisions of the compact, its duly promulgated
526 rules and by-laws, against any compacting state in default. In the event judicial
527 enforcement is necessary the prevailing party shall be awarded all costs of such litigation
528 including reasonable attorneys fees.

529 Section D. Dissolution of Compact

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

532 (2) Upon the dissolution of this compact, the compact becomes null and void and shall
533 be of no further force or effect, and the business and affairs of the Interstate Commission
534 shall be concluded and any surplus funds shall be distributed in accordance with the
535 by-laws.

536

ARTICLE XII.

537

SEVERABILITY AND CONSTRUCTION.

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

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(B) The provisions of this compact shall be liberally construed to effectuate its purposes.

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ARTICLE XIII.

544

BINDING EFFECT OF COMPACT AND OTHER LAWS.

545

Section A. Other Laws

546

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

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

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Section B. Binding Effect of the Compact

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

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

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

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

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49-4B-3.

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With respect to the Interstate Compact for Juveniles set out in Code Section 49-4B-2:

567 (1) The Governor shall by executive order establish the initial composition, terms, and
 568 compensation of the Georgia State Council for Interstate Juvenile Supervision required
 569 by Article IX of that compact, with the Governor making the appointments to those
 570 positions; except that any appointment to a position representing the legislative branch
 571 shall be made jointly by the Speaker of the House of Representatives and the President
 572 of the Senate and any appointment to a position representing the judicial branch shall be
 573 made by the Chief Justice of the Supreme Court;
 574 (2) The Governor shall by executive order establish the qualifications, term, and
 575 compensation of the compact administrator required by Article III of that compact, with
 576 the state council making the appointment of the compact administrator;
 577 (3) The Governor shall by executive order provide for any other matters necessary for
 578 implementation of the compact at the time that it becomes effective; and
 579 (4) Except as otherwise provided for in this Code section, the board may promulgate
 580 rules or regulations necessary to implement and administer the compact, subject to the
 581 provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

582 **PART III**

583 **SECTION 3-1.**

584 Code Section 15-11-10 of the Official Code of Georgia Annotated, relating to the exclusive
 585 original jurisdiction of juvenile courts, is amended by revising subparagraph (C) of paragraph
 586 (2) as follows:

587 "(C) Under ~~Code Section 39-3-2~~ Chapter 4B of Title 49, the Interstate Compact on for
 588 Juveniles, or any comparable law, enacted or adopted in this state;"

589 **SECTION 3-2.**

590 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
 591 by revising paragraph (3) of subsection (a) of Code Section 49-4A-7, relating to the powers
 592 and duties of the Department of Juvenile Justice, as follows:

593 "(3) Provide casework services and care or payment of maintenance costs for children
 594 who have run away from their home communities within this state or from their home
 595 communities in this state to another state or from their home communities in another state
 596 to this state; pay the costs of returning such runaway children to their home communities;
 597 and provide such services, care, or costs for runaway children as may be required under
 598 ~~Chapter 3 of Title 39~~ Chapter 4B of Title 49;"

599 **SECTION 3-3.**

600 Said title is further amended by revising subparagraph (a)(3)(D) of Code Section 49-5-8,
601 relating to the powers and duties of the Department of Human Services, as follows:

602 "(D) Providing casework services and care or payment of maintenance costs for
603 children and youths who have run away from their home communities within this state,
604 or from their home communities in this state to another state, or from their home
605 communities in another state to this state; paying the costs of returning such runaway
606 children and youths to their home communities; and providing such services, care, or
607 costs for runaway children and youths as may be required under ~~Chapter 3 of Title 39~~
608 Chapter 4B of Title 49;"

609 **PART IV**

610 **SECTION 4-1.**

611 This Act shall become effective on July 1, 2014.

612 **SECTION 4-2.**

613 All laws and parts of laws in conflict with this Act are repealed.