

1-1 By: Haggerty (Senate Sponsor - Whitmire) H.B. No. 706
1-2 (In the Senate - Received from the House April 18, 2005;
1-3 April 19, 2005, read first time and referred to Committee on
1-4 Criminal Justice; May 13, 2005, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the adoption of the Interstate Compact for Juveniles.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 ARTICLE 1. INTERSTATE COMPACT FOR JUVENILES

1-11 SECTION 1.01. Chapter 60, Family Code, is amended by adding
1-12 Section 60.010 to enact the Interstate Compact for Juveniles and to
1-13 read as follows:

1-14 Sec. 60.010. INTERSTATE COMPACT FOR JUVENILES

1-15 ARTICLE I

1-16 PURPOSE

1-17 The compacting states to this Interstate Compact recognize
1-18 that each state is responsible for the proper supervision or return
1-19 of juveniles, delinquents, and status offenders who are on
1-20 probation or parole and who have absconded, escaped, or run away
1-21 from supervision and control and in so doing have endangered their
1-22 own safety and the safety of others. The compacting states also
1-23 recognize that each state is responsible for the safe return of
1-24 juveniles who have run away from home and in doing so have left
1-25 their state of residence. The compacting states also recognize
1-26 that congress, by enacting the Crime Control Act, 4 U.S.C. Section
1-27 112 (1965), has authorized and encouraged compacts for cooperative
1-28 efforts and mutual assistance in the prevention of crime.

1-29 It is the purpose of this compact, through means of joint and
1-30 cooperative action among the compacting states to: (A) ensure that
1-31 the juveniles who are moved under this compact to another state for
1-32 probation or parole supervision and services are governed in the
1-33 receiving state by the same standards that apply to juveniles
1-34 receiving such supervision and services in the receiving state; (B)
1-35 ensure that the public safety interests of the citizens, including
1-36 the victims of juvenile offenders, in both the sending and
1-37 receiving states are adequately protected and balanced with the
1-38 juvenile's and the juvenile's family's best interests and welfare
1-39 when an interstate movement is under consideration; (C) return
1-40 juveniles who have run away, absconded, or escaped from supervision
1-41 or control or have been accused of an offense to the state
1-42 requesting their return through a fair and prompt judicial review
1-43 process that ensures that the requisition is in order and that the
1-44 transport is properly supervised; (D) make provisions for contracts
1-45 between member states for the cooperative institutionalization in
1-46 public facilities in member states for delinquent youth needing
1-47 special services; (E) provide for the effective tracking of
1-48 juveniles who move interstate under the compact's provisions; (F)
1-49 equitably allocate the costs, benefits, and obligations of the
1-50 compacting states; (G) establish procedures to manage the movement
1-51 between states of juvenile offenders released to the community
1-52 under the jurisdiction of courts, juvenile departments, or any
1-53 other criminal or juvenile justice agency which has jurisdiction
1-54 over juvenile offenders, ensuring that a receiving state accepts
1-55 supervision of a juvenile when the juvenile's parent or other
1-56 person having legal custody resides or is undertaking residence
1-57 there; (H) ensure immediate notice to jurisdictions where defined
1-58 offenders are authorized to travel or to relocate across state
1-59 lines; (I) establish a system of uniform data collection on
1-60 information pertaining to juveniles who move interstate under this
1-61 compact that prevents public disclosure of identity and individual
1-62 treatment information but allows access by authorized juvenile
1-63 justice and criminal justice officials and regular reporting of
1-64 compact activities to heads of state executive, judicial, and

2-1 legislative branches and juvenile and criminal justice
 2-2 administrators; (J) monitor compliance with rules governing
 2-3 interstate movement of juveniles and initiate interventions to
 2-4 address and correct noncompliance; (K) coordinate training and
 2-5 education regarding the regulation of interstate movement of
 2-6 juveniles for officials involved in such activity; and (L)
 2-7 coordinate the implementation and operation of the compact with the
 2-8 Interstate Compact for the Placement of Children, the Interstate
 2-9 Compact for Adult Offender Supervision and other compacts affecting
 2-10 juveniles particularly in those cases where concurrent or
 2-11 overlapping supervision issues arise. It is the policy of the
 2-12 compacting states that the activities conducted by the Interstate
 2-13 Commission created herein are the formation of public policies and
 2-14 therefore are public business. Furthermore, the compacting states
 2-15 shall cooperate and observe their individual and collective duties
 2-16 and responsibilities for the prompt return and acceptance of
 2-17 juveniles subject to the provisions of this compact. The
 2-18 provisions of this compact shall be reasonably and liberally
 2-19 construed to accomplish the purposes and policies of the compact.

2-20 ARTICLE II
 2-21 DEFINITIONS

2-22 As used in this compact, unless the context clearly requires
 2-23 a different construction:

2-24 A. "Bylaws" means those bylaws established by the
 2-25 Interstate Commission for its governance or for directing or
 2-26 controlling the Interstate Commission's actions or conduct.

2-27 B. "Compact administrator" means the individual in each
 2-28 compacting state appointed pursuant to the terms of this compact
 2-29 responsible for the administration and management of the state's
 2-30 supervision and transfer of juveniles subject to the terms of this
 2-31 compact and to the rules adopted by the Interstate Commission under
 2-32 this compact.

2-33 C. "Compacting state" means any state which has enacted the
 2-34 enabling legislation for this compact.

2-35 D. "Commissioner" means the voting representative of each
 2-36 compacting state appointed pursuant to Article III of this compact.

2-37 E. "Court" means any court having jurisdiction over
 2-38 delinquent, neglected, or dependent children.

2-39 F. "Deputy compact administrator" means the individual, if
 2-40 any, in each compacting state appointed to act on behalf of a
 2-41 compact administrator pursuant to the terms of this compact,
 2-42 responsible for the administration and management of the state's
 2-43 supervision and transfer of juveniles subject to the terms of this
 2-44 compact and to the rules adopted by the Interstate Commission under
 2-45 this compact.

2-46 G. "Interstate Commission" means the Interstate Commission
 2-47 for Juveniles created by Article III of this compact.

2-48 H. "Juvenile" means any person defined as a juvenile in any
 2-49 member state or by the rules of the Interstate Commission,
 2-50 including:

2-51 (1) Accused Delinquent - a person charged with an
 2-52 offense that, if committed by an adult, would be a criminal offense;

2-53 (2) Adjudicated Delinquent - a person found to have
 2-54 committed an offense that, if committed by an adult, would be a
 2-55 criminal offense;

2-56 (3) Accused Status Offender - a person charged with an
 2-57 offense that would not be a criminal offense if committed by an
 2-58 adult;

2-59 (4) Adjudicated Status Offender - a person found to
 2-60 have committed an offense that would not be a criminal offense if
 2-61 committed by an adult; and

2-62 (5) Nonoffender - a person in need of supervision who
 2-63 has not been accused or adjudicated a status offender or
 2-64 delinquent.

2-65 I. "Noncompacting state" means any state which has not
 2-66 enacted the enabling legislation for this compact.

2-67 J. "Probation or parole" means any kind of supervision or
 2-68 conditional release of juveniles authorized under the laws of the
 2-69 compacting states.

3-1 K. "Rule" means a written statement by the Interstate
 3-2 Commission promulgated pursuant to Article VI of this compact that
 3-3 is of general applicability, implements, interprets, or prescribes
 3-4 a policy or provision of the compact, or an organizational,
 3-5 procedural, or practice requirement of the Interstate Commission,
 3-6 and has the force and effect of statutory law in a compacting state,
 3-7 and includes the amendment, repeal, or suspension of an existing
 3-8 rule.

3-9 L. "State" means a state of the United States, the District
 3-10 of Columbia (or its designee), the Commonwealth of Puerto Rico, the
 3-11 U.S. Virgin Islands, Guam, American Samoa, and the Northern
 3-12 Marianas Islands.

ARTICLE III

INTERSTATE COMMISSION FOR JUVENILES

3-15 A. The compacting states hereby create the Interstate
 3-16 Commission for Juveniles. The Interstate Commission shall be a
 3-17 body corporate and joint agency of the compacting states. The
 3-18 commission shall have all the responsibilities, powers, and duties
 3-19 set forth herein, and such additional powers as may be conferred
 3-20 upon it by subsequent action of the respective legislatures of the
 3-21 compacting states in accordance with the terms of this compact.

3-22 B. The Interstate Commission shall consist of commissioners
 3-23 appointed by the appropriate appointing authority in each state
 3-24 pursuant to the rules and requirements of each compacting state.
 3-25 The commissioner shall be the compact administrator, deputy compact
 3-26 administrator, or designee from that state who shall serve on the
 3-27 Interstate Commission in such capacity under or pursuant to the
 3-28 applicable law of the compacting state.

3-29 C. In addition to the commissioners who are the voting
 3-30 representatives of each state, the Interstate Commission shall
 3-31 include individuals who are not commissioners, but who are members
 3-32 of interested organizations. Such noncommissioner members must
 3-33 include a member of the national organizations of governors,
 3-34 legislators, state chief justices, attorneys general, Interstate
 3-35 Compact for Adult Offender Supervision, Interstate Compact for the
 3-36 Placement of Children, juvenile justice and juvenile corrections
 3-37 officials, and crime victims. All noncommissioner members of the
 3-38 Interstate Commission shall be ex officio (nonvoting) members. The
 3-39 Interstate Commission may provide in its bylaws for such additional
 3-40 ex officio (nonvoting) members, including members of other national
 3-41 organizations, in such numbers as shall be determined by the
 3-42 commission.

3-43 D. Each compacting state represented at any meeting of the
 3-44 Interstate Commission is entitled to one vote. A majority of the
 3-45 compacting states shall constitute a quorum for the transaction of
 3-46 business, unless a larger quorum is required by the bylaws of the
 3-47 Interstate Commission.

3-48 E. The Interstate Commission shall meet at least once each
 3-49 calendar year. The chairperson may call additional meetings and,
 3-50 upon the request of a simple majority of the compacting states,
 3-51 shall call additional meetings. Public notice shall be given of all
 3-52 meetings and meetings shall be open to the public.

3-53 F. The Interstate Commission shall establish an executive
 3-54 committee, which shall include commission officers, members, and
 3-55 others as determined by the bylaws. The executive committee shall
 3-56 have the power to act on behalf of the Interstate Commission during
 3-57 periods when the Interstate Commission is not in session, with the
 3-58 exception of rulemaking or amendment to the compact. The executive
 3-59 committee shall oversee the day-to-day activities of the
 3-60 administration of the compact managed by an executive director and
 3-61 Interstate Commission staff; administers enforcement and
 3-62 compliance with the provisions of the compact, its bylaws and
 3-63 rules, and performs such other duties as directed by the Interstate
 3-64 Commission or set forth in the bylaws.

3-65 G. Each member of the Interstate Commission shall have the
 3-66 right and power to cast a vote to which that compacting state is
 3-67 entitled and to participate in the business and affairs of the
 3-68 Interstate Commission. A member shall vote in person and shall not
 3-69 delegate a vote to another compacting state. However, a

4-1 commissioner shall appoint another authorized representative, in
 4-2 the absence of the commissioner from that state, to cast a vote on
 4-3 behalf of the compacting state at a specified meeting. The bylaws
 4-4 may provide for members' participation in meetings by telephone or
 4-5 other means of telecommunication or electronic communication.

4-6 H. The Interstate Commission's bylaws shall establish
 4-7 conditions and procedures under which the Interstate Commission
 4-8 shall make its information and official records available to the
 4-9 public for inspection or copying. The Interstate Commission may
 4-10 exempt from disclosure any information or official records to the
 4-11 extent they would adversely affect personal privacy rights or
 4-12 proprietary interests.

4-13 I. Public notice shall be given of all meetings and all
 4-14 meetings shall be open to the public, except as set forth in the
 4-15 rules or as otherwise provided in the compact. The Interstate
 4-16 Commission and any of its committees may close a meeting to the
 4-17 public when it determines by two-thirds vote that an open meeting
 4-18 would be likely to:

4-19 1. Relate solely to the Interstate Commission's
 4-20 internal personnel practices and procedures;

4-21 2. Disclose matters specifically exempted from
 4-22 disclosure by statute;

4-23 3. Disclose trade secrets or commercial or financial
 4-24 information which is privileged or confidential;

4-25 4. Involve accusing any person of a crime or formally
 4-26 censuring any person;

4-27 5. Disclose information of a personal nature where
 4-28 disclosure would constitute a clearly unwarranted invasion of
 4-29 personal privacy;

4-30 6. Disclose investigative records compiled for law
 4-31 enforcement purposes;

4-32 7. Disclose information contained in or related to
 4-33 examination, operating or condition reports prepared by, or on
 4-34 behalf of or for the use of, the Interstate Commission with respect
 4-35 to a regulated person or entity for the purpose of regulation or
 4-36 supervision of such person or entity;

4-37 8. Disclose information, the premature disclosure of
 4-38 which would significantly endanger the stability of a regulated
 4-39 person or entity; or

4-40 9. Specifically relate to the Interstate Commission's
 4-41 issuance of a subpoena, or its participation in a civil action or
 4-42 other legal proceeding.

4-43 J. For every meeting closed pursuant to this provision, the
 4-44 Interstate Commission's legal counsel shall publicly certify that,
 4-45 in the legal counsel's opinion, the meeting may be closed to the
 4-46 public, and shall reference each relevant exemptive provision. The
 4-47 Interstate Commission shall keep minutes which shall fully and
 4-48 clearly describe all matters discussed in any meeting and shall
 4-49 provide a full and accurate summary of any actions taken, and the
 4-50 reasons therefore, including a description of each of the views
 4-51 expressed on any item and the record of any roll call vote
 4-52 (reflected in the vote of each member on the question). All
 4-53 documents considered in connection with any action shall be
 4-54 identified in such minutes.

4-55 K. The Interstate Commission shall collect standardized
 4-56 data concerning the interstate movement of juveniles as directed
 4-57 through its rules which shall specify the data to be collected, the
 4-58 means of collection and data exchange, and reporting requirements.
 4-59 Such methods of data collection, exchange, and reporting shall
 4-60 insofar as is reasonably possible conform to up-to-date technology
 4-61 and coordinate the Interstate Commission's information functions
 4-62 with the appropriate repository of records.

4-63 ARTICLE IV

4-64 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

4-65 The commission shall have the following powers and duties:

4-66 1. To provide for dispute resolution among compacting
 4-67 states.

4-68 2. To promulgate rules to effect the purposes and
 4-69 obligations as enumerated in this compact, which shall have the

5-1 force and effect of statutory law and shall be binding in the
 5-2 compacting states to the extent and in the manner provided in this
 5-3 compact.

5-4 3. To oversee, supervise, and coordinate the
 5-5 interstate movement of juveniles subject to the terms of this
 5-6 compact and any bylaws adopted and rules promulgated by the
 5-7 Interstate Commission.

5-8 4. To enforce compliance with the compact provisions,
 5-9 the rules promulgated by the Interstate Commission, and the bylaws,
 5-10 using all necessary and proper means, including but not limited to
 5-11 the use of judicial process.

5-12 5. To establish and maintain offices which shall be
 5-13 located within one or more of the compacting states.

5-14 6. To purchase and maintain insurance and bonds.

5-15 7. To borrow, accept, hire, or contract for services
 5-16 of personnel.

5-17 8. To establish and appoint committees and hire staff
 5-18 which it deems necessary for the carrying out of its functions
 5-19 including, but not limited to, an executive committee as required
 5-20 by Article III of this compact, which shall have the power to act on
 5-21 behalf of the Interstate Commission in carrying out its powers and
 5-22 duties hereunder.

5-23 9. To elect or appoint officers, attorneys, employees,
 5-24 agents, or consultants, and to fix their compensation, define their
 5-25 duties, and determine their qualifications, and to establish the
 5-26 Interstate Commission's personnel policies and programs relating
 5-27 to, inter alia, conflicts of interest, rates of compensation, and
 5-28 qualifications of personnel.

5-29 10. To accept any and all donations and grants of
 5-30 money, equipment, supplies, materials, and services, and to
 5-31 receive, utilize, and dispose of same.

5-32 11. To lease, purchase, accept contributions or
 5-33 donations of, or otherwise to own, hold, improve, or use any
 5-34 property, whether real, personal, or mixed.

5-35 12. To sell, convey, mortgage, pledge, lease,
 5-36 exchange, abandon, or otherwise dispose of any property, whether
 5-37 real, personal, or mixed.

5-38 13. To establish a budget and make expenditures and
 5-39 levy dues as provided in Article VIII of this compact.

5-40 14. To sue and be sued.

5-41 15. To adopt a seal and bylaws governing the
 5-42 management and operation of the Interstate Commission.

5-43 16. To perform such functions as may be necessary or
 5-44 appropriate to achieve the purposes of this compact.

5-45 17. To report annually to the legislatures, governors,
 5-46 and judiciary of the compacting states concerning the activities of
 5-47 the Interstate Commission during the preceding year. Such reports
 5-48 shall also include any recommendations that may have been adopted
 5-49 by the Interstate Commission.

5-50 18. To coordinate education, training, and public
 5-51 awareness regarding the interstate movement of juveniles for
 5-52 officials involved in such activity.

5-53 19. To establish uniform standards of the reporting,
 5-54 collecting, and exchanging of data.

5-55 20. The Interstate Commission shall maintain its
 5-56 corporate books and records in accordance with the bylaws.

ARTICLE V

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Sec. A. Bylaws

5-59 1. The Interstate Commission shall, by a majority of
 5-60 the members present and voting, within 12 months of the first
 5-61 Interstate Commission meeting, adopt bylaws to govern its conduct
 5-62 as may be necessary or appropriate to carry out the purposes of the
 5-63 compact, including, but not limited to:

5-64 a. Establishing the fiscal year of the Interstate
 5-65 Commission;

5-66 b. Establishing an executive committee and such
 5-67 other committees as may be necessary;

5-68 c. Providing for the establishment of committees
 5-69

6-1 governing any general or specific delegation of any authority or
 6-2 function of the Interstate Commission;

6-3 d. Providing reasonable procedures for calling
 6-4 and conducting meetings of the Interstate Commission and ensuring
 6-5 reasonable notice of each such meeting;

6-6 e. Establishing the titles and responsibilities
 6-7 of the officers of the Interstate Commission;

6-8 f. Providing a mechanism for concluding the
 6-9 operations of the Interstate Commission and the return of any
 6-10 surplus funds that may exist upon the termination of the compact
 6-11 after the payment or reserving of all of its debts and obligations;

6-12 g. Providing start-up rules for initial
 6-13 administration of the compact; and

6-14 h. Establishing standards and procedures for
 6-15 compliance and technical assistance in carrying out the compact.

6-16 Sec. B. Officers and Staff

6-17 1. The Interstate Commission shall, by a majority of
 6-18 the members, elect annually from among its members a chairperson
 6-19 and a vice chairperson, each of whom shall have such authority and
 6-20 duties as may be specified in the bylaws. The chairperson or, in
 6-21 the chairperson's absence or disability, the vice chairperson shall
 6-22 preside at all meetings of the Interstate Commission. The officers
 6-23 so elected shall serve without compensation or remuneration from
 6-24 the Interstate Commission, provided that, subject to the
 6-25 availability of budgeted funds, the officers shall be reimbursed
 6-26 for any ordinary and necessary costs and expenses incurred by them
 6-27 in the performance of their duties and responsibilities as officers
 6-28 of the Interstate Commission.

6-29 2. The Interstate Commission shall, through its
 6-30 executive committee, appoint or retain an executive director for
 6-31 such period, upon such terms and conditions, and for such
 6-32 compensation as the Interstate Commission may deem appropriate.
 6-33 The executive director shall serve as secretary to the Interstate
 6-34 Commission, but shall not be a member and shall hire and supervise
 6-35 such other staff as may be authorized by the Interstate Commission.

6-36 Sec. C. Qualified Immunity, Defense, and Indemnification

6-37 1. The Interstate Commission's executive director and
 6-38 employees shall be immune from suit and liability, either
 6-39 personally or in their official capacity, for any claim for damage
 6-40 to or loss of property or personal injury or other civil liability
 6-41 caused or arising out of or relating to any actual or alleged act,
 6-42 error, or omission that occurred, or that such person had a
 6-43 reasonable basis for believing occurred, within the scope of
 6-44 Interstate Commission employment, duties, or responsibilities,
 6-45 provided that any such person shall not be protected from suit or
 6-46 liability for any damage, loss, injury, or liability caused by the
 6-47 intentional or wilful and wanton misconduct of any such person.

6-48 2. The liability of any commissioner, or the employee
 6-49 or agent of a commissioner, acting within the scope of such person's
 6-50 employment or duties for acts, errors, or omissions occurring
 6-51 within such person's state may not exceed the limits of liability
 6-52 set forth under the constitution and laws of that state for state
 6-53 officials, employees, and agents. Nothing in this subsection shall
 6-54 be construed to protect any such person from suit or liability for
 6-55 any damage, loss, injury, or liability caused by the intentional or
 6-56 wilful and wanton misconduct of any such person.

6-57 3. The Interstate Commission shall defend the
 6-58 executive director or the employees or representatives of the
 6-59 Interstate Commission and, subject to the approval of the attorney
 6-60 general of the state represented by any commissioner of a
 6-61 compacting state, shall defend such commissioner or the
 6-62 commissioner's representatives or employees in any civil action
 6-63 seeking to impose liability arising out of any actual or alleged
 6-64 act, error, or omission that occurred within the scope of
 6-65 Interstate Commission employment, duties, or responsibilities, or
 6-66 that the defendant had a reasonable basis for believing occurred
 6-67 within the scope of Interstate Commission employment, duties, or
 6-68 responsibilities, provided that the actual or alleged act, error,
 6-69 or omission did not result from intentional or wilful and wanton

7-1 misconduct on the part of such person.

7-2 4. The Interstate Commission shall indemnify and hold
 7-3 the commissioner of a compacting state, or the commissioner's
 7-4 representatives or employees, or the Interstate Commission's
 7-5 representatives or employees, harmless in the amount of any
 7-6 settlement or judgment obtained against such persons arising out of
 7-7 any actual or alleged act, error, or omission that occurred within
 7-8 the scope of Interstate Commission employment, duties, or
 7-9 responsibilities, or that such persons had a reasonable basis for
 7-10 believing occurred within the scope of Interstate Commission
 7-11 employment, duties, or responsibilities, provided that the actual
 7-12 or alleged act, error, or omission did not result from intentional
 7-13 or wilful and wanton misconduct on the part of such persons.

7-14 ARTICLE VI

7-15 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

7-16 A. The Interstate Commission shall promulgate and publish
 7-17 rules in order to effectively and efficiently achieve the purposes
 7-18 of the compact.

7-19 B. Rulemaking shall occur pursuant to the criteria set forth
 7-20 in this article and the bylaws and rules adopted pursuant thereto.
 7-21 Such rulemaking shall substantially conform to the principles of
 7-22 the "Model State Administrative Procedures Act," 1981 Act, Uniform
 7-23 Laws Annotated, Vol. 15, p.1 (2000), or such other administrative
 7-24 procedures act, as the Interstate Commission deems appropriate
 7-25 consistent with due process requirements under the United States
 7-26 Constitution as now or hereafter interpreted by the United States
 7-27 Supreme Court. All rules and amendments shall become binding as of
 7-28 the date specified, as published with the final version of the rule
 7-29 as approved by the Interstate Commission.

7-30 C. When promulgating a rule, the Interstate Commission
 7-31 shall, at a minimum:

7-32 1. Publish the proposed rule's entire text stating the
 7-33 reason or reasons for that proposed rule;

7-34 2. Allow and invite persons to submit written data,
 7-35 facts, opinions, and arguments, which information shall be added to
 7-36 the record and be made publicly available;

7-37 3. Provide an opportunity for an informal hearing, if
 7-38 petitioned by 10 or more persons; and

7-39 4. Promulgate a final rule and its effective date, if
 7-40 appropriate, based on input from state or local officials, or
 7-41 interested parties.

7-42 D. Allow, not later than 60 days after a rule is
 7-43 promulgated, any interested person to file a petition in the United
 7-44 States District Court for the District of Columbia or in the federal
 7-45 district court where the Interstate Commission's principal office
 7-46 is located for judicial review of the rule. If the court finds that
 7-47 the Interstate Commission's action is not supported by substantial
 7-48 evidence in the rulemaking record, the court shall hold the rule
 7-49 unlawful and set it aside. For purposes of this subsection,
 7-50 evidence is substantial if it would be considered substantial
 7-51 evidence under the Model State Administrative Procedures Act.

7-52 E. If a majority of the legislatures of the compacting
 7-53 states rejects a rule, those states may, by enactment of a statute
 7-54 or resolution in the same manner used to adopt the compact, cause
 7-55 that such rule shall have no further force and effect in any
 7-56 compacting state.

7-57 F. The existing rules governing the operation of the
 7-58 Interstate Compact on Juveniles superceded by this Act shall be
 7-59 null and void 12 months after the first meeting of the Interstate
 7-60 Commission created under this compact.

7-61 G. Upon determination by the Interstate Commission that an
 7-62 emergency exists, the Interstate Commission may promulgate an
 7-63 emergency rule which shall become effective immediately upon
 7-64 adoption, provided that the usual rulemaking procedures provided
 7-65 hereunder shall be retroactively applied to said rule as soon as
 7-66 reasonably possible, but no later than 90 days after the effective
 7-67 date of the emergency rule.

7-68 ARTICLE VII

7-69 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

BY THE INTERSTATE COMMISSIONSec. A. Oversight

1. The Interstate Commission shall oversee the administration and operations of the interstate movement of juveniles subject to this compact in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

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

Sec. B. Dispute Resolution

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

2. The Interstate Commission shall attempt, upon the request of a compacting state, to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and between compacting and noncompacting states. The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

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

ARTICLE VIIIFINANCE

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

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

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

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

ARTICLE IX

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

9-1 A. Any state, as defined in Article II of this compact, is
 9-2 eligible to become a compacting state.

9-3 B. The compact shall become effective and binding upon
 9-4 legislative enactment of the compact into law by no less than 35 of
 9-5 the states. The initial effective date shall be the later of July
 9-6 1, 2004, or upon enactment into law by the 35th jurisdiction.
 9-7 Thereafter, the compact shall become effective and binding, as to
 9-8 any other compacting state, upon enactment of the compact into law
 9-9 by that state. The governors of noncompacting states or their
 9-10 designees shall be invited to participate in Interstate Commission
 9-11 activities on a nonvoting basis prior to adoption of the compact by
 9-12 all states.

9-13 C. The Interstate Commission may propose amendments to the
 9-14 compact for enactment by the compacting states. No amendment shall
 9-15 become effective and binding upon the Interstate Commission and the
 9-16 compacting states unless and until it is enacted into law by
 9-17 unanimous consent of the compacting states.

ARTICLE XWITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENTSec. A. Withdrawal

9-20 1. Once effective, the compact shall continue in force
 9-21 and remain binding upon each and every compacting state, provided
 9-22 that a compacting state may withdraw from the compact by
 9-23 specifically repealing the statute which enacted the compact into
 9-24 law.

9-25 2. The effective date of withdrawal is the effective
 9-26 date of the repeal.

9-27 3. The withdrawing state shall immediately notify the
 9-28 chairperson of the Interstate Commission in writing upon the
 9-29 introduction of legislation repealing this compact in the
 9-30 withdrawing state. The Interstate Commission shall notify the
 9-31 other compacting states of the withdrawing state's intent to
 9-32 withdraw within 60 days of its receipt thereof.

9-33 4. The withdrawing state is responsible for all
 9-34 assessments, obligations, and liabilities incurred through the
 9-35 effective date of withdrawal, including any obligations, the
 9-36 performance of which extend beyond the effective date of
 9-37 withdrawal.

9-38 5. Reinstatement following withdrawal of any
 9-39 compacting state shall occur upon the withdrawing state reenacting
 9-40 the compact or upon such later date as determined by the Interstate
 9-41 Commission.

Sec. B. Technical Assistance, Fines, Suspension, Termination, and Default

9-42 1. If the Interstate Commission determines that any
 9-43 compacting state has at any time defaulted in the performance of any
 9-44 of its obligations or responsibilities under this compact, or the
 9-45 bylaws or duly promulgated rules, the Interstate Commission may
 9-46 impose any or all of the following penalties:

9-47 a. Remedial training and technical assistance as
 9-48 directed by the Interstate Commission;

9-49 b. Alternative dispute resolution;

9-50 c. Fines, fees, and costs in such amounts as are
 9-51 deemed to be reasonable as fixed by the Interstate Commission; and

9-52 d. Suspension or termination of membership in the
 9-53 compact, which shall be imposed only after all other reasonable
 9-54 means of securing compliance under the bylaws and rules have been
 9-55 exhausted and the Interstate Commission has determined that the
 9-56 offending state is in default. Immediate notice of suspension shall
 9-57 be given by the Interstate Commission to the governor, the chief
 9-58 justice or the chief judicial officer of the state, and the majority
 9-59 and minority leaders of the defaulting state's legislature. The
 9-60 grounds for default include, but are not limited to, failure of a
 9-61 compacting state to perform such obligations or responsibilities
 9-62 imposed upon it by this compact, the bylaws or duly promulgated
 9-63 rules, and any other grounds designated in commission bylaws and
 9-64 rules. The Interstate Commission shall immediately notify the
 9-65 defaulting state in writing of the penalty imposed by the
 9-66

10-1 Interstate Commission and of the default pending a cure of the
 10-2 default. The Interstate Commission shall stipulate the conditions
 10-3 and the time period within which the defaulting state must cure its
 10-4 default. If the defaulting state fails to cure the default within
 10-5 the time period specified by the Interstate Commission, the
 10-6 defaulting state shall be terminated from the compact upon an
 10-7 affirmative vote of a majority of the compacting states and all
 10-8 rights, privileges, and benefits conferred by this compact shall be
 10-9 terminated from the effective date of termination.

10-10 2. Within 60 days of the effective date of termination
 10-11 of a defaulting state, the Interstate Commission shall notify the
 10-12 governor, the chief justice or chief judicial officer of the state,
 10-13 and the majority and minority leaders of the defaulting state's
 10-14 legislature of such termination.

10-15 3. The defaulting state is responsible for all
 10-16 assessments, obligations, and liabilities incurred through the
 10-17 effective date of termination including any obligations, the
 10-18 performance of which extends beyond the effective date of
 10-19 termination.

10-20 4. The Interstate Commission shall not bear any costs
 10-21 relating to the defaulting state unless otherwise mutually agreed
 10-22 upon in writing between the Interstate Commission and the
 10-23 defaulting state.

10-24 5. Reinstatement following termination of any
 10-25 compacting state requires both a reenactment of the compact by the
 10-26 defaulting state and the approval of the Interstate Commission
 10-27 pursuant to the rules.

10-28 Sec. C. Judicial Enforcement

10-29 The Interstate Commission may, by majority vote of the
 10-30 members, initiate legal action in the United States District Court
 10-31 for the District of Columbia or, at the discretion of the Interstate
 10-32 Commission, in the federal district where the Interstate Commission
 10-33 has its offices, to enforce compliance with the provisions of the
 10-34 compact, its duly promulgated rules and bylaws, against any
 10-35 compacting state in default. In the event judicial enforcement is
 10-36 necessary the prevailing party shall be awarded all costs of such
 10-37 litigation including reasonable attorney's fees.

10-38 Sec. D. Dissolution of Compact

10-39 1. The compact dissolves effective upon the date of
 10-40 the withdrawal or default of the compacting state, which reduces
 10-41 membership in the compact to one compacting state.

10-42 2. Upon the dissolution of this compact, the compact
 10-43 becomes null and void and shall be of no further force or effect,
 10-44 and the business and affairs of the Interstate Commission shall be
 10-45 concluded and any surplus funds shall be distributed in accordance
 10-46 with the bylaws.

10-47 ARTICLE XI

10-48 SEVERABILITY AND CONSTRUCTION

10-49 A. The provisions of this compact shall be severable, and if
 10-50 any phrase, clause, sentence, or provision is deemed unenforceable,
 10-51 the remaining provisions of the compact shall be enforceable.

10-52 B. The provisions of this compact shall be liberally
 10-53 construed to effectuate its purposes.

10-54 ARTICLE XII

10-55 BINDING EFFECT OF COMPACT AND OTHER LAWS

10-56 Sec. A. Other Laws

10-57 1. Nothing herein prevents the enforcement of any
 10-58 other law of a compacting state that is not inconsistent with this
 10-59 compact.

10-60 2. All compacting states' laws other than state
 10-61 constitutions and other interstate compacts conflicting with this
 10-62 compact are superseded to the extent of the conflict.

10-63 Sec. B. Binding Effect of the Compact

10-64 1. All lawful actions of the Interstate Commission,
 10-65 including all rules and bylaws promulgated by the Interstate
 10-66 Commission, are binding upon the compacting states.

10-67 2. All agreements between the Interstate Commission
 10-68 and the compacting states are binding in accordance with their
 10-69 terms.

11-1 3. Upon the request of a party to a conflict over
 11-2 meaning or interpretation of Interstate Commission actions, and
 11-3 upon a majority vote of the compacting states, the Interstate
 11-4 Commission may issue advisory opinions regarding such meaning or
 11-5 interpretation.

11-6 4. In the event any provision of this compact exceeds
 11-7 the constitutional limits imposed on the legislature of any
 11-8 compacting state, the obligations, duties, powers, or jurisdiction
 11-9 sought to be conferred by such provision upon the Interstate
 11-10 Commission shall be ineffective and such obligations, duties,
 11-11 powers, or jurisdiction shall remain in the compacting state and
 11-12 shall be exercised by the agency thereof to which such obligations,
 11-13 duties, powers, or jurisdiction are delegated by law in effect at
 11-14 the time this compact becomes effective.

11-15 ARTICLE 2. CONFORMING AMENDMENTS

11-16 SECTION 2.01. Sections 60.001 and 60.009, Family Code, are
 11-17 amended to read as follows:

11-18 Sec. 60.001. DEFINITIONS [~~SHORT TITLE~~]. In this [~~This~~]
 11-19 chapter:

11-20 (1) "Commission" means the Interstate Commission for
 11-21 Juveniles.

11-22 (2) "Compact" means the Interstate Compact for
 11-23 Juveniles.

11-24 (3) "Compact administrator" has the meaning assigned
 11-25 by Article II of the compact [~~may be cited as the Uniform Interstate~~
 11-26 ~~Compact on Juveniles~~].

11-27 Sec. 60.009. ADDITIONAL PROCEDURES NOT PRECLUDED. In
 11-28 addition to any [~~the~~] procedures developed under [~~provided in~~
 11-29 ~~Articles IV and VI of~~] the compact for the return of a runaway
 11-30 juvenile, the particular states, the juvenile, or his parents, the
 11-31 courts, or other legal custodian involved may agree upon and adopt
 11-32 any plan or procedure legally authorized under the laws of this
 11-33 state and the other respective party states for the return of the
 11-34 runaway juvenile.

11-35 SECTION 2.02. Chapter 60, Family Code, is amended by adding
 11-36 Sections 60.011 and 60.012 to read as follows:

11-37 Sec. 60.011. EFFECT OF TEXAS LAWS. If the laws of this
 11-38 state conflict with the compact, the compact controls, except that
 11-39 in the event of a conflict between the compact and the Texas
 11-40 Constitution, as determined by the courts of this state, the Texas
 11-41 Constitution controls.

11-42 Sec. 60.012. LIABILITIES FOR CERTAIN COMMISSION AGENTS.
 11-43 The compact administrator and each member, officer, executive
 11-44 director, employee, or agent of the commission acting within the
 11-45 scope of the person's employment or duties is, for the purpose of
 11-46 acts or omissions occurring within this state, entitled to the same
 11-47 protections under Chapter 104, Civil Practice and Remedies Code, as
 11-48 an employee, a member of the governing board, or any other officer
 11-49 of a state agency, institution, or department.

11-50 SECTION 2.03. Section 54.10(a), Family Code, is amended to
 11-51 read as follows:

11-52 (a) Except as provided by Subsection (e), a hearing under
 11-53 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
 11-54 under Chapter 55, including a jury trial, or a hearing under
 11-55 [~~Article IV, Article V, and Article VI of~~] the [~~Uniform~~] Interstate
 11-56 Compact for [~~on~~] Juveniles (Chapter 60) may be held by a referee
 11-57 appointed in accordance with Section 51.04(g) or a master appointed
 11-58 under Chapter 54, Government Code, provided:

11-59 (1) the parties have been informed by the referee or
 11-60 master that they are entitled to have the hearing before the
 11-61 juvenile court judge; and

11-62 (2) after each party is given an opportunity to
 11-63 object, no party objects to holding the hearing before the referee
 11-64 or master.

11-65 ARTICLE 3. TRANSITION, REPEALER, AND EFFECTIVE DATE

11-66 SECTION 3.01. The governor shall publish notice of the
 11-67 implementation of the Interstate Compact for Juveniles in the Texas
 11-68 Register not later than the 30th day after the date the compact
 11-69 becomes effective under Article IX of the compact.

12-1 SECTION 3.02. Sections 60.002, 60.003, and 60.004, Family
12-2 Code, are repealed.

12-3 SECTION 3.03. (a) Except as provided by Subsection (b) of
12-4 this section, this Act takes effect on the day on which the
12-5 Interstate Compact for Juveniles takes effect, which according to
12-6 the terms of the compact is the later of July 1, 2004, or the day on
12-7 which the compact is enacted into law by the 35th state, as defined
12-8 by the compact.

12-9 (b) Article 1 of this Act takes effect September 1, 2005.

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