

§18515. Organization and operation of the interstate commission

1. Bylaws. The interstate commission shall, by a majority of commissioners present and voting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact within 12 months of the first interstate commission meeting.

[PL 2017, c. 253, §7 (NEW).]

2. Officers. The interstate commission shall elect or appoint annually from among its commissioners a chair, a vice-chair and a treasurer, each of whom has the authority and duties as specified in the bylaws. The chair, or, in the chair's absence or disability, the vice-chair, shall preside at all meetings of the interstate commission.

[PL 2017, c. 475, Pt. A, §55 (AMD).]

3. Remuneration. Officers selected in subsection 2 serve without remuneration from the interstate commission.

[PL 2017, c. 253, §7 (NEW).]

4. Immunity and liability. An officer or employee of the interstate commission is immune from suit and liability, either personally or in that person's official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of, or relating to, an actual or alleged act, error or omission that occurred, or that that officer or employee has a reasonable basis for believing occurred, within the scope of interstate commission employment, duties or responsibilities, except that that officer or employee is not protected from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of that officer or employee.

A. The liability of the executive director or an employee or representative of the interstate commission, acting within the scope of that executive director's, representative's or employee's employment or duties for acts, errors or omissions occurring within that executive director's, representative's or employee's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any action to enforce liability. Nothing in this paragraph may be construed to protect a person from suit or liability for damage, loss or injury caused by the intentional or willful and wanton misconduct of the executive director, representative or employee. [PL 2017, c. 253, §7 (NEW).]

B. The interstate commission shall defend the executive director, an employee and, subject to the approval of the attorney general or other appropriate legal counsel of the member state, an interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of the executive director, employee or representative. [PL 2017, c. 253, §7 (NEW).]

C. To the extent not covered by the state involved, a member state or the interstate commission, a representative or employee of the interstate commission must be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against that person arising out of an actual or alleged act, error or omission that occurred or that that representative or employee has a reasonable basis for believing occurred within the scope of interstate commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from intentional or willful and wanton misconduct on the part of that representative or employee. [PL 2017, c. 253, §7 (NEW).]

[PL 2017, c. 253, §7 (NEW).]

SECTION HISTORY

PL 2017, c. 253, §7 (NEW). PL 2017, c. 475, Pt. A, §55 (AMD).

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