

§18711. Oversight; dispute resolution; enforcement
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)
(WHOLE SECTION TEXT EFFECTIVE 1/01/26)

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder have standing as statutory law. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

B. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities or actions of the commission. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

C. The commission is entitled to receive service of process in any proceeding under paragraph B and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact or promulgated rules. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]
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2. Default; technical assistance; termination. Default, technical assistance and termination are governed by this subsection.

A. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and

(2) Provide remedial training and specific technical assistance regarding the default. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

B. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

C. Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

D. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

E. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

F. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).] [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

3. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).] [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

4. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

B. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

C. The remedies under this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).] [PL 2023, c. 329, §1 (NEW); PL 2023, c. 643, Pt. DDD, §1 (AFF).]

SECTION HISTORY

PL 2023, c. 329, §1 (NEW). PL 2023, c. 329, §3 (AFF). PL 2023, c. 643, Pt. DDD, §1 (AFF).

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