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NORTH CAROLINA
COMMISSION ON INTERSTATE COOPERATION

REPORT ON

COMPACTS AND OTHER LEGISLATION

- (1) Interstate Compact on Juveniles—Recommended Amendments to the Act of 1963
- (2) Driver License Compact
- (3) Nuclear Energy Compact
- (4) Agreement on Detainers

January, 1965

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KFN 7810 .J6 A167 1965

REPORT OF THE NORTH CAROLINA COMMISSION ON INTERSTATE COOPERATION

The Commission on Interstate Cooperation has evaluated, approved and recommends to the Governor and the 1965 General Assembly enactment of two interstate compacts and Amendments to the Interstate compact on Juveniles and an agreement on Detainers.

- (1) Interstate Compact on Juveniles Pages 2-4
 Amendments to the 1963 Act
- (2) Driver License Compact. Pages 5-8
- (3) Nuclear Energy Compact. Pages 10-11
- (4) Agreement on Detainers. Pages 12-13

We are submitting an explanation and justification for enactment of each of these compacts and Amendments to existing Acts. Congress has evidenced its approval of the recommended compacts.

INTERSTATE COMPACTS

The interstate compact is the most formal, binding and stable kind of arrangement for cooperative action of the states. A compact must be ratified by state legislative action. It is in the nature of a contract among the signatory states. The compact agreement is legally binding and may be enforced in the courts, and the compact remains in force for a ratifying state until the party state formally withdraws.

INTERSTATE COMPACT ON JUVENILES - RECOMMENDED AMENDMENTS EXHIBIT A

The 1963 General Assembly enacted legislation intended to enable North Carolina to become a party to the Interstate Compact on Juveniles. However, the Compact which the Governor of North Carolina is authorized and directed to execute on behalf of this State is not identical in language with the Compact enacted by other states.

Interstate compacts are in the nature of contracts among the signatory states. The rules regarding offer and acceptance apply. It is essential that the language of a compact be identical in the various states. However, by additional sections to the enabling act, a state may impose limitations on compact action initiated by its residents or executed by its authorities, providing such limitations do not contravene compact provisions regarding the rights of other party states.

The Commission on Interstate Cooperation recommends to the Governor and to the 1965 General Assembly enactment of a bill to amend Article 5 of Chapter 110 of the General Statutes of North Carolina so as to make the Compact authorized by G.S. 110-58 identical in language to the Interstate Compact on Juveniles as enacted by other states. Section 2 of the recommended bill would transfer to a new section of Chapter 110 the limitations on North Carolina action presently placed in the text of the Compact authorized by G.S. 110-58.

If the recommended bill is enacted, Article IV of the Compact will provide that the judge of the court in the demanding state to which an application for issuance of a requisition for the return of a runaway juvenile is made "may" hold a hearing thereon; that the judge of the court in the state where the runaway juvenile is located and before whom the juvenile is brought "may" fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding; that the detention of a runaway

juvenile may for a time not exceeding "90" days; and that "juvenile" as used in Article IV means "any person who is a minor under the law of the state of residence of the parent, guardian, person, or agency entitled to the legal custody of such minor."

Section 2 of the recommended bill adds a statute to Article 5 of Chapter 110. This statute, to be numbered G.S. 110-64, will provide that the courts in North Carolina applying the provisions of Article IV of the Compact "shall" hold a hearing on an application for issuance of a requisition for the return of a juvenile who allegedly has run away from North Carolina; that the judge of any court in North Carolina finding that a requisition for the return of a juvenile runaway from another state is in order "shall upon request" fix a reasonable time to be allowed for testing the legality of the proceeding; that the detention of a runaway juvenile in North Carolina under the provisions of Article IV of the Compact shall not exceed "30" days; and that in proceedings under Article IV to secure the return of a juvenile who has run away from North Carolina, our courts shall construe the word "juvenile" to mean "any male 16 years of age or under and any female 18 years of age or under."

Enactment of the proposed bill will bring the North Carolina version of the Interstate Compact on Juveniles into conformity with the text of the Compact as adopted by other states. This will obviate legal problems likely to arise from the divergent version now set forth in G.S. 110-58.

No Compact problem will be raised by section 2 of the proposed bill. Making hearings by North Carolina courts mandatory instead of discretionary serves rather than foils Compact purposes. There is nothing in Article IV of the Compact to require a juvenile to be held for up to 90 days. The purpose of the provision regarding the period of detention is to make sure that juveniles who are detained while awaiting pickup by another state are

not detained for excessive period of time. Reducing to 30 days the period permitted in North Carolina is compatible with this purpose.

While Article IV of the Compact would permit North Carolina to requisition the return of any runaway from this State who is a minor under our law, there is no Compact provision requiring North Carolina to requisition the return of runaway males over the age of 16 or females over the age of 18. Since there is nothing in section 2 of the proposed bill which interferes with services required by Article IV of the Compact to be rendered to other party states on behalf of runaway juveniles from such states who are found in North Carolina, the limitations placed on our own action do not create a Compact problem.

INTERSTATE COMPACTS FOR TRAFFIC SAFETY

The volume of traffic on the nation's highways increases day by day. And day by day, the problems of traffic safety grow in magnitude and complexity. For many years, governmental officials and other interested groups and individuals have worked to improve state motor vehicle codes to encourage the development of effective programs of regulation and enforcement, to achieve uniformity where such uniformity is desirable, and to strengthen the programs of individual states through cooperation among the states. Much progress has been made along these lines, but it is clear that more must be accomplished if the states are to meet fully their responsibilities in this field.

With the interstate character of motor vehicle travel increasing constantly, it seems highly likely that unless the states find suitable remedies for the problems of traffic safety, the federal government will become more and more deeply involved in this field which traditionally has been primarily a responsibility of the states.

Indications of Congressional interest and concern are readily apparent. In 1958, Congress adopted the Beamer Resolution (Public Law 85-684), which grants Congressional consent in advance to interstate compacts whose purpose is to promote safety on the highways. In effect, Congress at that time reaffirmed the principle that primary responsibility for traffic safety rests with the state and suggested the use of compacts as a way of achieving more effective interstate cooperation.

DRIVER LICENSE COMPACT

Unsafe or poor risk drivers are a serious threat to traffic safety.

Many of them culminate a history of negligent driving by causing accidents which result in death or serious injury.

Adoption of the Driver License Compact would take established principals which are authorized to some extent under present North Carolina law and give them new and better effect under a new administrative arrangement designed to further interstate cooperation and traffic safety. The Motor Vehicles Department would find it easier, under this compact, to work with the licensing authorities of other states.

The object of the compact is to make driver license suspensions and revocations and the issuance of driver license depend upon overall compliance with motor vehicle laws of all states.

Need for Driver License Compact

It stands to reason that drivers who commit serious traffic law violations when away from home should not be considered safe and responsible motorists in the state that licensed them. Nor should drivers be permitted to hold license in more than one state and thus be able to prorate violations among them and thereby escape the rightful consequences of their dangerous practices.

The Driver License Compact is not a cure-all in the area of driver licensing and is not presented as such. It presents a means through which a driver's entire record can be accumulated and acted on as a whole by the licensing state. Under this compact, each state will treat out-of-state driving records of the drivers it has licensed as if the conduct reported had taken place within its own jurisdiction.

What Does the Driver License Compact Do?

Basically the Driver License Compact does three things:

1. It provides for the orderly exchange of out-of-state traffic conviction reports between the licensing state and the state

in which the violation took place.

2. It provides a uniform policy regarding what action, if any, is to be taken with regard to the offending driver.
3. It puts into effect the One License Concept.

Article IV. Effect of Convictions

The effect of convictions would introduce a minor but forwardlooking change as to convictions in party states of four offenses:

- (1) Manslaughter (negligent homicide).
- (2) Driving under influence.
- (3) Hit and run.
- (4) Felony in the commission of which a motor vehicle is used.

Adoption of the compact would put out-of-state cases on the same basis as in-state cases. Under North Carolina law, G.S. 20-22 (b), the North Carolina Motor Vehicle Department now reports convictions of non-residents to the licensing authority in their home states.

How the Compact Will Operate

The head of the driver licensing authority in each member state will administer the Compact within his State. The administrators, acting jointly, may formulate necessary and proper procedures for the orderly exchange of information under the Compact. It should be made clear that adoption of the Compact by any State does not require the creation of any new governmental agency, nor entail the delegation or surrender of any legislative authority.

Endorsing Organizations

Recognizing the need of more effective means for dealing with the poor risk driver, a number of national organizations have endorsed the Driver License Compact. Among the organizations supporting the compact principle to achieve greater traffic safety are:

American Association of Motor Vehicle Administrators

Governors' Conference

International Association of Chiefs of Police

National Association of Attorneys General

National Grange

National Highway Users' Conference, Inc.

National Safety Council

North Carolina Commission on Interstate Cooperation

The Compact also has been officially endorsed by all of the Regional Conferences of The Council of State Governments, and is included in the Council's program of suggested state legislation.

Evaluation of the Compact by the North Carolina Motor Vehicle Department in summary:

"In short, the Driver License Compact is a very forward-looking document, even though it introduces almost no new law. It would merely facilitate the full interstate cooperation authorized but not achieved under present laws.

"The Department feels that enactment by all the states of this Compact is the best means for ensuring that the states preserve their authority in driver licensing as against possible federal action."

EXAMPLES - TRAFFIC ACCIDENTS

In Arizona, an accident in which a cattle truck passing other traffic crashed head-on into a bus, killing nine persons: The driver had been convicted of at least a half dozen traffic violations in another state.

In New Jersey, an oil truck rammed into the rear of a bus, killing twelve and injuring nineteen. The truck driver had a record of eight moving violations in three states.

NORTH CAROLINA COMMISSION ON INTERSTATE COOPERATION

R E S O L U T I O N

WHEREAS, interstate travel is constantly increasing and becoming more and more hazardous, and

WHEREAS, Public Law 85-684, approved by Congress in 1958, grants consent to the states to enter into interstate compacts for the purpose of promoting highway safety; and

WHEREAS, the Driver License Compact, which has been unanimously endorsed by the National Governors' Conference meeting in Hershey, Pennsylvania, June, 1962, provides a means for placing interstate cooperative arrangements for exchanging information on out-of-state convictions on a stable, uniform basis.

NOW, THEREFORE, BE IT RESOLVED that the North Carolina Commission on Interstate Cooperation recommend and urge the 1965 North Carolina General Assembly to enact the Driver License Compact, as developed by the Council of State Governments;

BE IT FURTHER RESOLVED that the Governor's Coordinating Council on Traffic Safety be urged to join the Commission on Interstate Cooperation in the adoption of the Driver License Compact.

Signed: Earl W. Vaughan
CHAIRMAN

This the 7th day of January, 1965

Signed: D. S. Coltrane
SECRETARY

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NUCLEAR ENERGY COMPACT

Membership Southern Interstate Nuclear Board

The Commission on Interstate Cooperation recommends legislation be enacted making North Carolina party to the Southern Interstate Nuclear Compact in order that North Carolina can become a voting member of the Southern Interstate Nuclear Board.

The Southern Interstate Nuclear Board

The Southern Interstate Nuclear Board (SINB) is the nation's first non-federal, publicly supported nuclear advisory and developmental agency. Created through an enactment of the Southern Interstate Nuclear Compact by party states, it is an agency providing the means for formal cooperation among the seventeen Southern states in nuclear energy and space matters. It is a compact agency to help member states and the region achieve benefits and meet responsibilities of nuclear, space and related technology.

Thirteen Southern states are presently members of the Board. They are: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Texas, Virginia and West Virginia. Enabling legislation has been introduced in the 1965 legislative sessions in Delaware and Oklahoma.

Missouri is participating operationally and financially pending amendment in the compact language in all the agreement states which would make Missouri eligible for membership. The Governor was not a member of the Southern Governors' Conference at the time that the compact was established; consequently, Missouri was not originally listed as an eligible party state.

The Board was conceived and organized by the Southern Governors' Conference to help foster sound development of nuclear energy in the South, in agriculture, industry, medicine and research

To help the states meet the growing influence of nuclear energy in new

fields as well as traditional areas of state responsibility; and

To seek a proper balance of authority and performance between the states
and the federal government,

Background of the Board

Upon enactment of the Compact by the required minimum of seven states, the Board was created in September 1961. States of the Southern Governors' Conference are represented on the Board by the appointment of one member by their respective governors. Representation of eligible party states which have not enacted the Compact serve on a special advisory committee, but are not voting members.

The Southern Interstate Nuclear Compact has gained consent and approval of the U. S. Congress under PL 87-563 signed into law by President Kennedy on July 30, 1962. The Federal law provides for a Federal member to serve on the Board without vote, and establishes positive liaison with the federal establishment without relinquishment of state sovereignty in the field.

It should be noted that the law and operating policies of the Southern Interstate Nuclear Compact are so constructed as to in no way usurp authority of any agency of state government or infringe upon industrial or governmental programs and activities in the nuclear energy and space fields.

Some Basic Functions of SINB

1. Make available a centralized pool of scarce and specialized services for individual party states.
2. Help party states attract and build nuclear industry; support programs for expanding nuclear training at all academic levels and special courses to upgrade the technical skills in the region.
3. Help achieve uniform or parallel policy and statutes among the states in order to facilitate reciprocal recognition in nuclear programs.
4. Gather and disseminate information; hold symposia and conferences.

5. Provide the statutory vehicle through which party states may easily undertake joint ventures. It is possible to undertake programs through the SINB which would be too costly or require too much in the way of specialized skills to be undertaken by a single state.
6. Encourage steps by individual states to safeguard the public against possible radiological hazards.

It is the recommendation of the Commission on Interstate Cooperation that North Carolina become party to the Southern Interstate Nuclear Compact with the proviso that the maximum contribution by North Carolina to the support of the Southern Interstate Nuclear Board shall not exceed \$5,000.00 annually.

NORTH CAROLINA COMMISSION ON INTERSTATE COOPERATION

R E S O L U T I O N

WHEREAS, the State of North Carolina expresses statutory policies of interstate cooperation, and especially in the fields of atomic and nuclear energy and radiation, and

WHEREAS, this State's Governors since 1957 have visualized the cumulative advantages to North Carolina citizens that are potentially realizable as a result of active, judicious cooperation with other states in regional expansion of the beneficial and safe uses of many sources of ionizing radiation, and

WHEREAS, future benefits to the State due to the North Carolina Governor's joint support of these principles, unanimously with the other Southern Governors, since 1958, will result from legislation enabling the State of North Carolina to participate as an effective member of the Southern Interstate Nuclear Board;

NOW, THEREFORE, BE IT RESOLVED that the North Carolina Commission on Interstate Cooperation urge the 1965 North Carolina General Assemble to enact the Southern Interstate Nuclear Compact, PROVIDED such statute indicates that North Carolina's pro rata share of the budget does not exceed \$5,000 annually, and

BE IT FURTHER RESOLVED that appropriate additional legislation required to enable the most effective membership in that Board be enacted.

Signed: Earl W. Vaughan
CHAIRMAN

This the 7th day of January, 1965.

Signed: D. S. Coltrane
SECRETARY

Brief for Interstate Agreement on Detainers

A detainer is an instrument directing or requesting that a prisoner be held, when otherwise eligible for release, until he can be taken into custody by an agent of the wanting authority.

The existence of an untried indictment, information or complaint on the basis of which a detainer has been lodged against a prisoner handicaps prison administrators in developing rehabilitation programs. The strain of having to serve a sentence with the uncertain prospect of being taken into custody at the conclusion militates against maximum advantage being taken by the prisoner of his institutional opportunities. His anxiety and depression may leave him with little inclination toward self-improvement.

In addition to reducing the incentive for the prisoner to improve himself, detainers also affect adversely institutional decisions respecting the classification of a prisoner for many constructive programs. The presence of a detainer in the inmate's jacket may result in a custodial classification precluding training and work assignments which would promote his rehabilitation. There is no question about the unfortunate fact that the lodging of a detainer can seriously aggravate the escape potentially of a prisoner.

The General Assembly of 1957 enacted legislation which has helped to solve the problem of detainers lodged by authorities within this State. Under this legislation (G.S. 15-10.2 to 15-10.4), the prisoner can initiate disposition of in-State detainers. He must be brought to trial within eight months after he requests disposition of the charge against him.

But the problem of detainers filed by out-of-state authorities remains unsolved. The Interstate Agreement on Detainers is designed to meet this

problem.

The Agreement makes the clearing of detainers possible at the instance of a prisoner. It gives him no greater opportunity to escape just conviction, but it does provide a way for him to test the substantiality of detainers placed against him and to secure final judgment on any indictments, informations or complaints outstanding against him in the other jurisdiction. Thus, he can obtain a clearer view of his own future and make it possible for the Prison Department to provide better plans and programs for his treatment.

The Agreement also provides a method whereby prosecuting authorities may secure prisoners incarcerated in other jurisdictions for trial before the expiration of their sentences. However, a Governor's right to refuse to make the prisoner available on public policy grounds is retained.

Nine states have ratified the Agreement. (Connecticut, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, California, Montana, and Nebraska) Last August the House of Delegates of the American Bar Association adopted a resolution supporting efforts to make every state and the Federal Government a party to the Agreement.

The North Carolina Committee on Interstate Cooperation recommends enactment of the Agreement on Detainers.

Services of the Council of State Governments

The Council of State Governments serves as a research and publishing agency for all the states. Research activities include studies and reports on various aspects of state government. Some of the more recent studies are Mr. President...Mr. Speaker, a report of the Committee on Organization of Legislative Services of the National Legislative Conference; Educating for Economic Development: The South's Education and Employment Prospects for the Future -- a report of the Committee on Economic Development of the Southern Conference of the Council of State Governments; Surface Mining -- Extent and Economic Importance, Impact on Natural Resources and Proposals for Reclamation of Mined Lands -- proceedings of a Conference on Surface Mining.

In addition to the above named study reports, the Council conducts research studies for a number of organizations of state officials including the Governors' Conference, the National Association of Attorneys General, and the National Association of State Budget Officers. Also, the Council, in both its Chicago Office and its regional offices provides a spot inquiry service for state officials. Letters and telephone calls from state officials regarding governmental problems are researched and replies with supporting reference materials are forwarded to the requestor.

The Council's publications program includes the biennial reference book, The Book of the States which is sent to many state officials across the country. The Council also publishes a quarterly journal, State Government, which contains articles on state problems and accomplishments; and a monthly news letter, "State Government News," which reports on current programs in the states. The proceedings of many conferences of state officials and affiliated groups are published and mailed to participants in the conferences and to other interested officials. Annually, the Council publishes a volume of Suggested State Legislation, a series of suggested state acts drafted by a committee of state

officials.

In addition, here are two blurbs regarding the two committees of the Southern Conference, Economic Development and Agriculture.

The Economic Development of the Southern Region has been of major interest in recent years, and especially in 1963-64. The Conference's continuing committee on that subject, created in 1961, during 1963-64 cooperated with the Industrial Development Committee of the Southern Governor's Conference in directing a study written by the Atlanta Office staff on the subject:

"Educating for Economic Development - The South's Education and Employment Prospects for the Future." -- During 1964-65, the Economic Development Committee plans, again with the Council staff's assistance, to review all of the work done since the Committee was created and to prepare a summary report of recommendations for state action covering all aspects of economic development. This report will be laid before the Conference at its 1965 meeting in mid-June.

The Southern Conference's Agriculture Committee, also created in 1961, "came of age" this past year. It also is served by the staff of the Atlanta Office, and has a current study program that gives prominence to such matters as the "organization of state departments of agriculture," taxation of farmland on the rural-urban fringe, hog cholera, meat imports, and other topics. The Committee is collaborating with other groups reviewing drafts of such proposals as uniform and model warehousing laws, egg laws, weed laws, and the proposed pest control compact. (Now approved and printed in its final form.)