

## **DRAFTING, REVISING & UPDATING COMPACTS**

### ***I. Creation of Compacts***

- A. Negotiated Compacts
  - 1. Maryland-Virginia Compact of 1785
  - 2. Colorado River Compact of 1922
  - 3. New York-New Jersey Port Authority Compact of 1921
  
- B. Compacts By Other Means
  - 1. Joint Commission Model
  - 2. Facilitated Approach
    - a. Interstate Compact for the Supervision of Parolees & Probationers
    - b. Interstate Compact on Mental Health
  - 3. Multi-State Task Force
    - a. The Delaware River Basin Compact
    - b. Susquehanna River Basin Compact
  
- C. Case Studies in Compact Creation
  - 1. The Colorado River Basin Compact
  - 2. The New York-New Jersey Port Authority Compact of 1921
  - 3. The Interstate Compact on the Placement of Children
  - 4. The Emergency Management Assistance Compact
  - 5. The National Crime Prevention and Privacy Compact
  - 6. The Interstate Compact for Adult Offender Supervision

### ***II. Five Keys to Success from Concept to Compact***

- A. An Inclusive Process
  
- B. An Effective “Sales Pitch”
  
- C. A Broad-Based Marketing Strategy
  
- D. A Network of Champions
  
- E. A Proactive Transition Plan

### ***III. Drafting Considerations***

- A. General Considerations
  - 1. Definitions
  - 2. Purpose statements
  - 3. Internal Organization

B. Deciding What Goes In

1. Degree of Complexity
2. What Terms are Fundamental
3. Regulatory Issues
4. Amendments/Bylaws/Rulemaking

C. Typical Provisions

1. Purpose, Goals, Objectives
2. Substantive Terms of Agreement
3. Compact Administration
4. Agency Powers & Duties
5. Finance
6. Dispute Resolution & Enforcement
7. Eligibility and Entry into Force
8. Constructions and Severability
9. Amendments and Supplemental Agreements
10. Withdrawal and Termination
11. Relations with Nonparties
12. Other Issues
13. Enabling Legislation
14. Resources for Drafters