

	Interstate Commission for Juveniles	Opinion Number: 02-2009	Page Number: 1
<p>ICJ Advisory Opinion Issued by: Executive Director: Ashley H. Lippert Chief Legal Counsel: Richard L. Masters</p>			
Description: Authority of Ex-Officio members and “appointees” or “proxies” in ICJ Commission Meetings		Dated: June 24, 2009	

Issues:

Whether Ex-Officio members of the Interstate Commission for Juveniles or its’ committees may make motions or cast votes?

Whether ‘designees’ or ‘proxies’ who are temporarily substituting for a commissioner at a meeting of the Commission or its’ committees may make motions or cast votes?

Applicable Statutes:

Article III, Section C. of the Interstate Compact for Juveniles provides in relevant part:

“In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners, but who are members of interested organizations. Such non-commissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, Interstate Compact for Adult Offender Supervision, Interstate Compact for the Placement of Children, juvenile justice and juvenile corrections officials, and crime victims. All non-commissioner members of the Interstate Commission shall be ex-officio (non-voting) members.”

Article III, Section G. of the Interstate Compact for Juveniles provides in relevant part:

“Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person and shall not delegate a vote to another compacting state. However, a commissioner, in consultation with the state council, shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the compacting state at a specified meeting.”

Conclusion:

Regarding the first issue, a review of Art. III, Sec. C. of the compact statute indicates the clear intent to provide for participation in Commission meetings by ‘non-commissioners’ but to limit

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such participation by classifying those persons as “ex-officio (non-voting)” members. Implicit in such a classification is the inference that those who are not eligible to vote should not be entitled to make motions which require a vote which they are prohibited from casting. Based on this provision of the ICJ, while participation in Commission meetings including providing comments and opinions during debate are permitted, that ‘ex-officio members of the commission are neither eligible to vote nor make motions at Commission meetings.

With respect to the second issue, as has previously been discussed in Advisory Opinion 1-2009, the procedure described in Art. III, Section G. of the ICJ provides “for the temporary appointment of another authorized representative to represent and vote on behalf of a state at a specific ICJ meeting in the absence of the commissioner. It is clear that as long as the ‘substitute’ or ‘proxy’ has been appointed by the commissioner in consultation with the state council as required by this section, by definition such person has the authority to both make motions and to vote at ICJ Commission meetings.