



Interstate Wildlife Violator Compact

BOARD OF WILDLIFE VIOLATOR COMPACT ADMINISTRATORS

620 South Meridian Street
Tallahassee, Florida 32399-1600
(850) 410-0656

Curtis Brown, Chairman
(Florida)

Ken Fitz, Vice-Chairman
(Ohio)

Carol Havlik, Secretary
(Wyoming)

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Missouri

Montana

Nevada

New Mexico

New York

North Dakota

Ohio

Oregon

South Dakota

Tennessee

Utah

Washington

West Virginia

Wisconsin

Wyoming

November 6, 2009

Governor Joe Manchin III
WV Division of Natural Resources

Dear Governor Manchin:

The Board of Wildlife Violator Compact Administrators is in receipt of your application for membership to the Wildlife Violator Compact. Your application has been accepted and your effective date for admission to the Compact Board, pursuant to the By Laws, will be November 23, 2009.

We look forward to having West Virginia participate in the Compact, as it has proven to be an effective tool in combating the poaching of fish and wildlife. West Virginia will be the 32nd member state to join the compact.

We will be contacting you to set up your account on the IWVC database. This account allows you to assign others in your department access to the database for various responsibilities.

If you have any questions, please do not hesitate to contact me. You may also obtain access to the Compact Manual and other Compact material via the web on the IWVC SharePoint.

Sincerely,

Curtis Brown
Chairman, Wildlife Violator Compact

cc: Compact Administrators

OFFICE OF THE SECRETARY OF STATE

2009 DEC -7 AM 9:59

FILED



**Interstate
Wildlife
Violator
Compact**

**BOARD OF WILDLIFE VIOLATOR
COMPACT ADMINISTRATORS**

2065 U.S. Hwy. 278, SE
Social Circle, GA 30025
(770) 918-6414

Mike England, Chairman
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New Mexico
New York
North Dakota
Oregon
South Dakota
Tennessee
Utah
Washington
Wyoming

NEW MEMBER APPLICATION

STATE: West Virginia

DESIGNATED COMPACT ADMINISTRATOR INFORMATION:

NAME: Lt. Brad DeBord
WV Division of Natural Resources, Law Enforcement Section

ADDRESS: 324 Fourth Avenue
CITY: South Charleston
STATE: West Virginia 25303-1228

PHONE #: 304-558-2784

FAX #: 304-558-1170

E-MAIL ADDRESS: braddebord@wvdnr.gov

ESTIMATED NUMBER OF REVOCATIONS PER YEAR: 150

**DATE OF ENTRY INTO THE INTERSTATE WILDLIFE VIOLATOR
COMPACT (must be at least 60 days from date this application is received)**

January 1, 2010

PLEASE ATTACH A COPY OF YOUR STATE'S ENABLING LEGISLATION

The state of WV hereby agrees to comply with the terms and provisions of the
Interstate Wildlife Violator Compact.

Joe Manchin III

Governor

Print Name

Title

Signature

Date

09/22/09

BYLAWS
WILDLIFE VIOLATOR COMPACT
BOARD OF COMPACT ADMINISTRATORS

SEPTEMBER 15, 1999
(updated September 18, 2006)

BYLAWS

WILDLIFE VIOLATOR COMPACT

BOARD OF COMPACT ADMINISTRATORS

ARTICLE I – STRUCTURE AND OFFICERS

Section 1.

Each state or province participating in the Wildlife Violator Compact (Compact) shall have one representative on the Board of Compact Administrators (Board).

Section 2.

Board members shall be appointed by the Chiefs of Law Enforcement or heads of the licensing authority in the participating states and shall be subject to removal in accordance with the laws of that state or province.

Section 3.

The Board shall elect annually from its membership a chairman, a vice-chairman and secretary. Officers shall serve no more than three consecutive one-year terms.

Section 4.

In the event that an officer of the Board is unable to continue in that capacity for any reason, the vacancy shall be filled as follows:

Chairman – The vice-chairman shall assume the duties of chairman until the next meeting of the Board at which time a new chairman shall be elected from the membership.

Vice-chairman – The chairman shall appoint an interim vice-chairman from the membership to serve until the next meeting of the Board at which time a new vice-chairman shall be elected from the membership.

Secretary – The chairman shall appoint a new secretary from the membership.

ARTICLE 2 – VOTING

Section 1.

Each participating state or province shall have one vote in matters affecting the Compact. That vote shall be in the person of the Board member from that state or province.

ARTICLE 3 – DUTIES OF OFFICERS

Section 1.

Chairman: The chairman shall preside over all meetings of the Board; may exercise the authority to accept donations or grants as authorized in Article VII (e) of the compact; and may call special meetings of the Board as are necessary for the purposes of the Compact administration when issues need to be addressed between regular meetings.

Section 2.

Vice-chairman: The vice-chairman shall act as chairman in the absence of the chairman.

Section 3.

Secretary: The secretary shall keep minutes of all meetings and shall provide a copy of such minutes to each board member within 30 days of each meeting. In addition, the secretary shall maintain all permanent records of the compact administrative matters including, but not limited to, records of compact administrative matters including, but not limited to, records related to entry to and withdrawal from the compact as specified in Article VIII of the Compact.

ARTICLE 4 – MEETINGS

Section 1

There shall be an annual meeting of the Board. This meeting shall be in conjunction with the annual fall workshop of the Association of Fish and Wildlife Agencies.

Section 2.

Special meetings of the Board which are necessary for the purposes of the Compact administration when specific issues must be addressed between annual meetings may be called by the chairman. The chairman shall consult with a quorum of the membership prior to calling a special meeting and shall provide a minimum of 30 days notice.

Section 3.

Should emergency action by the Board be necessary, a meeting may be conducted via conference telephone call. Such conference call meetings shall consist of a quorum of the Board.

Section 4.

A quorum of the Board shall consist of a majority of the total membership. In addition, no action of the Board shall be binding unless a majority of the total number of board members votes in favor thereof.

ARTICLE 5 – COMPACT MANUAL AND FORMS

Section 1.

The Board shall formulate all necessary procedures for the administration of the compact. These procedures shall be contained in the Compact Manual which will be provided to all participating states and provinces and which will govern the specific activities authorized in the Compact.

Section 2.

The Board shall develop uniform forms and data formats for the transmittal of Compact related information.

Section 3.

Revisions to compact forms and data formats shall be done in conjunction with board meetings and such revision shall require a majority vote of the board members present.

ARTICLE 6 – AMEMDMENTS TO THE COMPACT

Section 1.

Proposed amendments to the Compact shall be initiated in accordance with Article IX of the Compact.

Section 2.

Depending on the enabling laws in a state or province, endorsement of an amendment to the Compact may require additional legislative action and may delay a sates or province's participation in, or compliance with, the amended section of the Compact. Such delay shall have no impact on that state or province as relates to the remainder of the Compact.

Section 3.

Failure or inability of a state or province to endorse an amendment to the Compact shall have no impact on that state or province as it relates to the remainder of the Compact.

ARTICLE 7 – AMENDMENTS TO THE BY LAWS

Section 1.

No amendments to these bylaws shall become valid except by the majority vote of the Board. Written notice containing the text of any proposed amendments must be furnished to each board member at least 30 days prior to a meeting at which such amendment is to be considered, unless such notice is waived by all members of the board.

BYLAWS
WILDLIFE VIOLATOR COMPACT
BOARD OF COMPACT ADMINISTRATORS

SEPTEMBER 15, 1999
(updated September 18, 2006)

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WILDLIFE VIOLATOR COMPACT OPERATIONS MANUAL INDEX

Section I - Background	Pg 1-2
Section II - Article I - Findings, Declaration of Policy and Purpose	Pg 3,4,5
Article II - Definitions	Pg 5, 6, 7
Article III - Procedures for Issuing State	Pg 7
Article IV - Procedure for Home State	Pg 8
Article V - Reciprocal Recognition of Suspension	Pg 8
Article VI - Applicability of Other Laws	Pg 8
Article VII - Compact Administrator Procedures	Pg 9, 10
Article VIII - Entry into Compact and Withdrawal	Pg 10
Article IX - Amendments to the Compact	Pg 10, 11
Article X - Construction and Severability	Pg 11
Article XI - Title	Pg 11
Section III - Procedural Matters	Pg 12, 13, 14
Section IV - Compact Process	Pg 15 - 21
Section V - Administrative Matters	Pg 22

SECTION I BACKGROUND

I. Historical Information

The concept of a wildlife violator compact was first advanced in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Law enforcement administrators and Wildlife Commissioners from several states began discussing the idea of a compact based on the format of the existing Drivers License Compact and Non-Resident Violator Compact, both of these related to motor vehicle operator licensing and enforcement.

In 1985 draft compacts were developed independently in Colorado and Nevada. Subsequently, these drafts were merged and the Wildlife Violator Compact (WVC) was presented for discussion at the 1986 Law Enforcement Technical Committee Workshop of the Western Association.

During the 1989 Legislative session compact legislation was passed into law in Colorado, Nevada and Oregon. These three states formed the nucleus for the development of the operational procedures of the WVC.

II. Compact Benefits

A. For the consumer

1. Delays, and/or the inconvenience involved with the processing of a violation are comparable for residents and non-residents of participating states.
2. Personal recognizance is permitted in many cases involving wildlife violations. Certain violations and circumstances still require an immediate appearance or bonding.

B. For the agency

1. Wildlife law enforcement officers are able to devote more time to patrol, surveillance and apprehension of violators since they are not burdened with violator processing procedures.
2. The burden on courts and jail facilities is reduced because of the decreased caseload involving immediate appearances, bonding and incarceration.

3. Public relations are improved by not having to subject as many violators to the inconveniences of immediate appearance, bonding, or incarceration.
4. The number of "Failure to Appear" cases is reduced because non-residents cannot ignore a citation from participating states without facing the suspension of their wildlife license privileges in their home states.
5. Wildlife law violators are put on notice that their activities in one state can affect their privilege to recreate in all participating states.

SECTION II WILDLIFE VIOLATOR COMPACT

NOTE: This section contains the text of the Wildlife Violator Compact as passed by the Colorado Legislature in 1989. Details may differ from Wildlife Violator Compact language enacted by other participating states, but the substantive language remains intact.

ARTICLE I Findings, Declaration of Policy, and Purpose

(a) The participating states find that:

- (1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
- (2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.
- (3) The preservation, protection, management, and restoration of wildlife contribute immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.
- (4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.
- (5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
- (6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.
- (7) In most instances, a person who is cited for a wildlife violation in a state other than his home state:
 - (i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or
 - (ii) Is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for an immediate appearance.

- (8) The purpose of the enforcement practices set forth in paragraph (7) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.
- (9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.
- (10) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.
- (11) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to:

- (1) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states.
- (2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in their state.
- (3) Allow a violator, except as provided in paragraph (b) of Article III, to accept a wildlife citation and, without delay, proceed on his way, whether or not a resident of the state in which the citation was issued, provided that the violator's home state is party to this compact.
- (4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.
- (5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

- (6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.
 - (7) Maximize effective use of law enforcement personnel and information.
 - (8) Assist court systems in the efficient disposition of wildlife violations.
- (c) The purpose of this compact is to:
 - (1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.
 - (2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II

Definitions

As used in this compact, unless the context requires otherwise:

- (a) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.
- (b) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.
- (c) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.
- (d) "Conviction" means a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.
- (e) "Court" means a court of law, including magistrate's court and the justice of the peace court.

- (f) "Home state" means the state of primary residence of a person.
- (g) "Issuing state" means the participating state which issues a wildlife citation to the violator.
- (h) "License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.
- (i) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.
- (j) "Participating state" means any state which enacts legislation to become a member of this wildlife compact.
- (k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.
- (l) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.
- (m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.
- (n) "Terms of the citation" means those conditions and options expressly stated upon the citation.
- (o) "Wildlife" means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.
- (p) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.
- (q) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.
- (r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or

administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III

Procedures for Issuing State

- (a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph (b) of this article, if the officer receives the recognizance of such person that he will comply with the terms of the citation.
- (b) Personal recognizance is acceptable (1) if not prohibited by local law, issuing agency policy, procedure or regulation, or by the compact manual and (2) if the violator provides adequate proof of identification to the wildlife officer.
- (c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.
- (d) Upon receipt of the report of conviction or noncompliance pursuant to paragraph (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

ARTICLE IV

Procedure for Home State

- (a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. All member states may honor a suspension based on failure to comply. Due process safeguards will be accorded.
- (b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the

licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

- (c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V

Reciprocal Recognition of Suspension

- (a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.
- (b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

ARTICLE VI

Applicability of Other Laws

- (a) Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

ARTICLE VII

Compact Administrator Procedures

- (a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.

- (b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.
- (c) The board shall elect annually from its membership a chairman and vice-chairman.
- (d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.
- (e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize and dispose of same.
- (f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, or corporation, or any private nonprofit organization or institution.
- (g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII

Entry into Compact and Withdrawal

- (a) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.
- (b)
 - (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.
 - (2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:
 - (i) A citation of the authority from which the state is empowered to become a party to this compact;
 - (ii) An agreement of compliance with the terms and provisions of this compact; and

- (iii) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.
- (3) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given (a) by the chairman of the board of the compact administrators or (b) by the secretariat of the board to each participating state that the resolution from the applying state has been received.
- (c) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

ARTICLE IX

Amendments to the Compact

- (a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.
- (b) Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.
- (c) Failure of a participating state to respond to the compact chairman within sixty days after receipt of a proposed amendment shall constitute endorsement thereof.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this Compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI
Title

This compact shall be known as the "Wildlife Violator Compact".

SECTION III
PROCEDURAL MATTERS

I. The Wildlife Violator Compact

A. What is it?

The Wildlife Violator Compact (WVC) assures non-resident violators receiving citations for certain wildlife violations in participating states the same treatment accorded residents who are in violation. Procedures are established in Section IV of this manual which cause a non-resident violator who fails to comply with the terms of a citation issued in a participating state to face the possibility of the suspension of his wildlife license privileges in his home state until the terms of the citation are met. Safeguards are built into the WVC to assure that a non-resident violator is afforded all due process protection.

In addition, the WVC provides for the reciprocal recognition of the suspension of license privileges by participating states, subject to limitations again intended to provide due process protection. The reciprocal recognition of suspensions is intended to address the problems associated with the mobility of many violators.

Finally, the WVC provides that information on convictions in participating states shall be forwarded to the home state of the violator. The home state shall treat such convictions as if they had occurred in that state for the purposes of license suspension actions.

The WVC not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers.

B. What it is not.

The WVC is not a device to secure court appearance if a defendant has previously delivered himself into the court's jurisdiction and trial has been postponed to a later date. It is not a device for collecting unpaid portions of fines allowed to be paid in installments by the courts. It is not a punitive device.

II. Release on Personal Recognizance

A. Violations covered

1. Any violation subject to the provisions of a "Penalty Assessment", which allows a violator to comply with a citation by mailing a fine payment to the issuing agency or a court, thereby admitting guilt without a formal appearance.
2. Any violation written as a summons requiring a violator to deal directly with the court, either in person, by mail or through an attorney. Unless there are other restrictions in this document or in the laws, policies or procedures of the issuing state or the court of jurisdiction.
3. In order for a violation to be subject to these provisions the person to whom the citation is issued must be a resident of a Compact state, other than the issuing state, at the time the citation is issued.

B. Types of Violations Not Covered

1. Any violations that mandate a personal appearance.
2. Any petty offense or misdemeanor violation that has a jail term as a mandatory penalty.
3. Any felony violation.
4. Any violation that the issuing officer deems serious enough to arrest a resident violator.
5. Any violation or situation which the laws, policies or procedures of the issuing state dictate shall be handled otherwise.

III. Compliance With a Citation

A. Methods of Compliance

1. Payment by mail where provided for.
2. Responding to the citation in person.

3. Submission of a plea by mail where allowed.
4. Responding through an attorney where allowed.

B. Evidence of Compliance (in response to a notice of suspension for non-compliance).

1. Certificate from the court.
2. Copy of the court judgment.

NOTE: personal representations, check stubs, money order receipts, etc. are not acceptable.

3. The violator copy of a Notice of Compliance sent by the issuing state.

SECTION IV COMPACT PROCESS

The following are the general procedures to be followed by enforcement agencies and courts in States which are participants in the Wildlife Violator Compact (WVC). Specific procedures which are developed to comply with the legal and administrative requirements of the various States shall be acceptable so long as they comply with the intent of this manual.

The following procedures make the assumption that the violation in question meets the general requirements of Paragraph II A. of Section III of this Manual.

I. Procedures for the Issuing State

- A. The officer issues a citation to the violator on the standard form used in that state.
 - 1. When a non-resident is issued a citation and released on personal recognizance under the provisions of this compact, it is advisable that the signature of the recipient is contained on the citation, regardless of specific requirements on that issue.
 - 2. The citation is returnable to the court at a future date specified on the document, in accordance with the laws, regulations, policies, or procedures of the Agency and/or the Court of jurisdiction
- B. If the violator pays the fine or resolves the case with the court, as appropriate, the matter is closed and no further action is taken under the provisions of Paragraphs I and II of this section of the WVC.
- C. If the violator does not resolve the case by payment of the fine or with the court, action under the provisions of the WVC will be initiated.
 - 1. The "Notice of Failure to Comply" form will be completed and the original delivered to the violator by certified mail, return receipt requested, or in person. The remaining copies are held in a suspense file pending a response from the violator.

Any "Notice of Failure to Comply" shall be processed by the issuing state and reported to the home state within six months of issuance of the citation.

- a. Sufficient time will be allowed for the defendant to respond to the Notice of Failure to Comply Form prior to initiating further action under the WVC. This will normally be not less than 14 days and not more than 28 days.

- b. If the defendant complies with the terms of the citation within the grace period allowed, no further action is taken under the provisions of this section of the WVC. Final action in a court case is not a prerequisite.
- 2. If the defendant fails to respond within the time allowed, copy 2 of the Notice of Failure to Comply will be sent to the home state of the defendant. The home state will proceed as outlined in Section II.

Procedures for Home State

- a. If at any time beyond this point in the WVC process the defendant resolves the case with the court, it is imperative that copies 3 and 4 of the Notice of failure to comply (Defendant's and Home State Acknowledgment of Compliance) be mailed immediately so that any pending or ongoing suspension of license privileges which are the result of the action at hand may be canceled.
- b. At any time subsequent to the mailing of the Notice of Failure to Comply that the violator complies with the citation as specified in Section B or Section C.1.b, above, no further actions under this section of the WVC will take place.

II. Procedures for the Home State

- A. Upon receipt of the "Notice of Failure to Comply" from the issuing state, the licensing authority of the home state of the violator will review the form for the following:
 - 1. Is it legible?
 - 2. Is it complete?
 - 3. Is it timely, within the six month limit of the compact?
 - 4. Is the violation covered under the compact?
 - 5. Are all other aspects of the case proper under applicable state laws, policies, and procedures?
- B. If for any reason the case cannot be acted on, it will be returned to the issuing state within 14 days with an explanation of the problem. If all

problems are resolved and the case is returned to the home state it will be reinstated.

- C. If the case is accepted, it will be entered into the suspension process of the home state.
- D. A Notice of Suspension will be prepared and sent to the violator. If it is a provision of the laws, policies or procedures of the home state, an advance warning letter to the violator is acceptable.
 - 1. The Notice of Suspension should have a delayed effective date to permit the violator to contact the court in the issuing state and resolve the case. The length of this delay is subject to the laws, policies or procedures of the home state, but should be at least 14 days in length.
 - 2. The Notice of Suspension must inform the violator of the facts behind the suspension with special emphasis on the procedures to be followed in resolving the matter with the court in the issuing state. Accurate information on the court (name, address, phone number) must be provided in the Notice of Suspension. This will help eliminate inquiries of the home state which are costly, time consuming and nonproductive as the home state can do nothing to resolve the case.
- E. Should the defendant request a hearing on the suspension, it will follow the form appropriate to the laws, policies or procedures of the home state.
 - 1. Such hearings will normally be restricted to challenging the right of the home state to suspend under the provisions of the WVC; to deny receiving the original citation (thus the importance of the violator's signature on the citation); or to claim that the case has been resolved.
 - 2. The question of guilt or innocence regarding the original charge will not be a subject of hearings held under the provisions of this section.
 - 3. If needed, assistance can be requested from the issuing state. This is normally limited to obtaining certified documentation.
 - 4. **NOTE: Suspensions levied for failure to comply with the terms of a citation are enforced in the home state of the violator and honored by all compact states.** These administrative suspensions are not to be confused with suspensions which are the result of convictions of wildlife violations in one or

more states which are participants in the WVC.

- F. If the suspension is upheld, the defendant must then proceed to resolve the court case with the suspension remaining in effect.
- G. If the suspension is denied for any reason, the case is terminated and the suspension order vacated. In such cases the issuing state will be informed of the reason for denial.
- H. Appeals from suspension orders will be handled in accordance with the laws, policies and procedures of the home state.
 - 1. Should a suspension order be overturned on appeal, the issuing state shall be notified.
- I. When a violator resolves a case with the court in the issuing state, an acknowledgement of compliance will be issued directly to that person. It is the responsibility of the violator to present this document to the licensing authority in the home state in order to terminate the suspension. The acknowledgement of compliance may take any form acceptable to the home state and the Court.
 - 1. If the acknowledgement of compliance is presented prior to the effective date of the suspension, the suspension is cleared immediately.
 - 2. If the acknowledgement of compliance is presented after the effective date of the suspension, reinstatement will be handled in accordance with the laws, policies and procedures of the home state.
- J. Any reinstatement or restoration fees shall be established and assessed in accordance with the laws, policies and procedures of the home state.

III. Reciprocal Recognition of Suspensions

- A. States participating in the WVC shall recognize the suspension for cause of the license privileges of any person by any other participating state under the following circumstances:
 - 1. The suspension is the result a conviction for one or more of the following violations types or a failure to appear on a wildlife citation:
 - a) Priority will be placed on the following violation types:

VIOLATION	WVC CODE FOR IWVC Database
Illegal take or possession of big game	BGV
Illegal take or possession of threatened or endangered species	TEV
Felony wildlife violations	FEV
License violations, fraud, false statement	LIV
Waste of wildlife	WAV
Accumulated wildlife violations	ACV
Violations while on revocation	REV
Sale/purchase of wildlife	SPV
Failure to Appear	FTA

- b) The following violation types will also be subject to reciprocal revocation by member states depending on member state laws:

VIOLATION	WVC CODE FOR IWVC Database
Illegal take or possession of small game or migratory birds	SGV
Illegal take or possession of fish	FIV
Illegal take or possession of other wildlife	OWV
Tag/permit/license transfer	TRV
Federal Wildlife Violations	FDV
Other criminal violations	OTV
Guide/outfitter violations	GUV
Safety Violations	SAV
Trespass Violations	TPV
Littering Violations	LPV
Interfering With an Officer	IWO

2. And, such recognition of suspension is not contrary to the laws of that state.

- B. Recognition of suspensions which do not meet the criteria of section III. A. 1 and 2 above will be up to the laws, policies and procedures of that state.
- C. Each state participating in the WVC shall communicate suspension information to other participating states, using the secure Interstate Wildlife Violator Compact database. Participating states will use the guidelines prescribed by the board of compact administrators. The following information will be included but not limited to:
 - 1. Positive identification of the subject of the suspension. Including:
 - a. Name
 - b. Date of birth
 - c. Physical description
 - d. Last known address
 - 2. The basis of the suspension including:
 - a. Violation(s) and convictions upon which the suspension is based.
 - b. The scope of the suspension (ie. fishing, hunting, trapping, all privileges).
 - c. Effective dates of the suspension.
- D. In the event documentation of a violation and subsequent license suspension is needed by a member state for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports, suspension orders and the disposition of the matter.

IV. Transmittal of Conviction Information to the Home State of the Violator

- A. Upon a conviction, the issuing state shall forward to the home state of the violator the following information:
 - 1. Personal Information
 - a. Name

- b. Date of birth
 - c. Sex
 - d. Physical description (height, weight, hair, eyes)
 - e. Last known address
 - 2. Violation Information
 - a. Citation number
 - b. Violation description
 - c. Revocation begin & end date
 - d. Fine assessed
- B. For the purpose of consideration for license suspension, the home state shall treat such convictions in other participating states as if they had occurred in the home state.
- C. In the event detailed information on a violation is needed by the home state, for license suspension hearings or other purposes, the issuing state shall provide certified copies of the citation or other charging instrument, any arrest or investigation reports and the disposition of the matter.

SECTION V

ADMINISTRATIVE MATTERS

- I. Entry into the Compact
 - A. Entry into the WVC may be accomplished by the following methods.
 - 1. A state legislature may accomplish WVC joinder by adopting the full compact as a statute.
 - 2. A state legislature may authorize and direct that state's wildlife agency to enter into the compact.
 - B. Upon legislative action as specified above, entry into the WVC shall be finalized by the submission of a resolution of ratification and an informational application submitted to the chairman of the board of compact administrators. The resolution of ratification shall be signed by the chief administrator of the wildlife agency or

licensing authority and shall include the items found in section (b),2 of Article VIII of the WVC.

- C. The effective date of entry shall be specified by the applying state but shall be at least sixty days after notice has been given to each member state by the chairman of the board of compact administrators.
- D. Only violations which are committed on or after the effective date of entry, and resulting suspensions, shall be subject to the provisions of the Compact

II. Withdrawal from the Compact

- A. A member state may withdraw from the WVC by submitting official written notice to the other member states. Such withdrawal shall not be effective until ninety (90) days after such notice is mailed.
- B. Such notice must be directed to the compact administrator of each member state.
- C. The withdrawal of one or more member states shall have no effect on the validity of the WVC as to the remaining member states.

Article 2C.
Interstate Wildlife Violator Compact.

20-2C-1. Governor's authority to execute.

20-2C-2. When and how compact becomes operative.

20-2C-3. Compensation and expenses of compact administrator.

20-2C-1. Governor's authority to execute.

The Governor of West Virginia, on behalf of this State, is hereby authorized to execute a compact in substantially the following form with any one or more of the states of the United States and the Legislature hereby signifies in advance its approval and ratification of such compact:

INTERSTATE WILDLIFE VIOLATOR COMPACT

Article I. FINDINGS AND DECLARATION OF POLICY AND PURPOSE.

(a) The participating states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, rules, regulations and ordinances relating to the management of such resources.

(3) The preservation, protection, management and restoration of wildlife resources contributes immeasurably to the aesthetic, recreational and economic values of a state.

(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration statutes, rules, regulations and ordinances of the participating states as a condition precedent to the continuance or issuance of any license to hunt, trap, fish or otherwise possess wildlife.

(5) The violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of people and property.

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the participating states.

(7) In most instances, a person who is cited for a wildlife violation in a state other than his home state is required to post collateral or a bond to secure appearance for trial at a later date, is taken into custody until the collateral or bond is posted or is taken directly to court for an immediate appearance.

(8) The purpose of the aforementioned enforcement practices is to ensure compliance with the terms of the wildlife citation by the cited person who, if permitted to

continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(10) The aforementioned enforcement practices cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial or pay a fine and thus is compelled to remain in custody until some alternative arrangement is made.

(11) The aforementioned enforcement practices consume an undue amount of law-enforcement time.

(b) It is the policy of the participating states to:

(1) Promote compliance with the statutes, rules, regulations and ordinances relating to the management of wildlife resources in their respective states.

(2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it occurred in their state.

(3) Allow a violator, except as provided in subsection (b) of article III of this compact, to accept a wildlife citation and, without delay, proceed on his way regardless of his state of residence: Provided, That the violator's home state is party to this compact.

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded against its residents which occurred in a participating state as though they had occurred in the home state.

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(7) Maximize the effective use of law-enforcement personnel and information.

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to:

(1) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (b) of article I of this compact in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

Article II. DEFINITIONS.

Unless the context in which used clearly requires a different meaning, as used in this compact:

(a) Citation means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(b) Collateral means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(c) Compliance with respect to a citation means the act of answering a citation through an appearance in a court or tribunal or through the payment of fines, costs and surcharges, if any.

(d) Conviction means a conviction, including any court conviction, for any offense related to the preservation, protection, management or restoration of wildlife which is prohibited by state statute, rule, regulation or ordinance. The term conviction shall also include the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere or the imposition of a deferred or suspended sentence by the court.

(e) Court means a court of law, including magistrate's court.

(f) Home state means the state of primary residence of a person.

(g) Issuing state means the participating state which issues a wildlife citation to the violator.

(h) License means any license, permit or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing or taking any wildlife regulated by statute, rule, regulation or ordinance of a participating state.

(i) Licensing authority means the governmental agency within each participating state that is authorized by law to issue or approve licenses or permits to hunt, trap, fish or otherwise possess wildlife.

(j) Participating state means any state which enacts legislation to become a member of this wildlife compact.

(k) Personal recognizance means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

(l) State means any state, territory or possession of the United States, including the District of Columbia and the Commonwealth of Puerto Rico.

(m) Suspension means any revocation, denial or withdrawal of any or all license privileges, including the privilege to apply for, purchase or exercise the benefits conferred by any license.

(n) Terms of the citation means those conditions and options expressly stated upon the citation.

(o) Wildlife means all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks and crustaceans which are defined as wildlife and are protected or otherwise regulated by statute, rule, regulation or ordinance in a participating state. Species included in the definition of wildlife vary from state to state and determination of whether a species is wildlife for the purposes of this compact shall be based on the law in the issuing state.

(p) Wildlife law means any statute, rule, regulation or ordinance developed and enacted for the management of wildlife resources and the uses thereof.

(q) Wildlife officer means any individual authorized by a participating state to issue a citation for a wildlife violation.

(r) Wildlife violation means any cited violation of a statute, rule, regulation or ordinance developed and enacted for the management of wildlife resources and the uses thereof.

Article III. PROCEDURES FOR ISSUING STATE.

(a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in subsection (b) of article III of this compact, if the officer receives the recognizance of such person that he will comply with the terms of the citation.

(b) Personal recognizance is acceptable if not prohibited by law in the issuing state or by the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

(c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(d) Upon receipt of the report of conviction or noncompliance pursuant to subsection (c) of article III of this compact, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

Article IV. PROCEDURES FOR HOME STATE.

(a) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards shall be accorded.

(b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

Article V. RECIPROCAL RECOGNITION OF SUSPENSION.

(a) All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

(b) Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

Article VI. APPLICABILITY OF OTHER LAWS.

Except as expressly required by the provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

Article VII. BOARD OF COMPACT ADMINISTRATORS.

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his functions as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the

board shall be only at a meeting at which a majority of the participating states are represented.

(c) The board shall elect annually from its membership a chairman and vice-chairman.

(d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials and services, conditional or otherwise, from any state and may receive, utilize and dispose of same.

(f) The board may contract with or accept services of personnel from any governmental or intergovernmental agency, individual, firm or corporation or from any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.

Article VIII. ENTRY INTO COMPACT AND WITHDRAWAL.

(a) This compact shall become effective at such time as it is adopted in a substantially similar form by two or more states.

(b)

(1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(A) A citation of the authority from which the state is empowered to become a party to this compact;

(B) An agreement of compliance with the terms and provisions of this compact; and

(C) An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(3) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given by the chairman of the board of compact administrators or by the secretariat of the board of each participating state that the resolution from the applying state has been received.

(c) A participating state may withdraw from this compact by official written notice to each member state but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. The notice shall be directed to the compact

administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

Article IX. AMENDMENTS TO THE COMPACT.

(a) This compact may be amended from time to time. Each proposed amendment shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

(b) Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.

(c) Failure of a participating state to respond to the compact chairman within one hundred twenty days after receipt of a proposed amendment shall constitute endorsement thereof.

Article X. CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

History. 1990, c. 144.

20-2C-2. When and how compact becomes operative.

When the Governor shall have executed said compact on behalf of this State and shall have caused a verified copy thereof to be filed with the Secretary of State and when said compact shall have been ratified by one or more other states, then said compact shall become operative and effective between this State and such other state or states. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between this State and any other state ratifying said compact.

History. 1990, c. 144.

20-2C-3. Compensation and expenses of compact administrator.

The compact administrator representing this State, as provided for in article VII of the Interstate Wildlife Violator Compact [20-2C-1], shall not be entitled to any additional compensation for his duties and responsibilities as said administrator but shall be entitled to reimbursement for reasonable expenses actually incurred in connection with his duties and responsibilities as said administrator in the same manner as for expenses incurred in connection with other duties and responsibilities of his office or employment.

History. 1990, c. 144.