

House Engrossed

interstate compact; military children; revisions

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

CHAPTER 151
HOUSE BILL 2599

AN ACT

AMENDING SECTION 15-1911, ARIZONA REVISED STATUTES; RELATING TO THE
INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1911, Arizona Revised Statutes, is amended to
3 read:

4 15-1911. Authority to enter compact; terms of interstate
5 compact on educational opportunity for military
6 children

7 ARTICLE I

8 PURPOSE

9 It is the purpose of this compact to remove barriers to educational
10 success imposed on children of military families because of frequent moves
11 and deployment of their parents by:

12 A. Facilitating the timely enrollment of children of military
13 families and ensuring that they are not placed at a disadvantage due to
14 difficulty in the transfer of education records from the previous school
15 districts, variations in entrance or age requirements.

16 B. Facilitating the student placement process through which
17 children of military families are not disadvantaged by variations in
18 attendance requirements, scheduling, sequencing, grading, course content
19 or assessment.

20 C. Facilitating the qualification and eligibility for enrollment,
21 educational programs and participation in extracurricular academic,
22 athletic and social activities.

23 D. Facilitating the on-time graduation of children of military
24 families.

25 E. Providing for the promulgation and enforcement of administrative
26 rules implementing the provisions of this compact.

27 F. Providing for the uniform collection and sharing of information
28 between and among member states, schools and military families under this
29 compact.

30 G. Promoting coordination between this compact and other compacts
31 affecting military children.

32 H. Promoting flexibility and cooperation between the educational
33 system, parents and the student in order to achieve educational success
34 for the student.

35 ARTICLE II

36 DEFINITIONS

37 As used in this compact, unless the context clearly requires a
38 different construction:

39 A. "Active duty" means full-time duty status in the active
40 uniformed service of the United States, including members of the national
41 guard and reserve on active duty orders pursuant to 10 United States Code
42 ~~sections~~ CHAPTERS 1209 and 1211.

43 B. "Children of military families" means school-aged children,
44 enrolled in kindergarten programs or grades one through twelve, in the
45 household of an active duty member.

1 C. "Compact commissioner" means the voting representative of each
2 compacting state appointed pursuant to article VIII of this compact.

3 D. "Deployment" means the period one month prior to the service
4 members' departure from their home station on military orders through six
5 months after return to their home station.

6 E. "Educational records" means those official records, files and
7 data directly related to a student and maintained by the school or local
8 education agency, including records encompassing all the material kept in
9 the student's cumulative folder such as general identifying data, records
10 of attendance and of academic work completed, records of achievement and
11 results of evaluative tests, health data, disciplinary status, test
12 protocols and individualized education programs.

13 F. "Extracurricular activities" means a voluntary activity
14 sponsored by the school or local education agency or an organization
15 sanctioned by the local education agency. Extracurricular activities
16 include preparation for and involvement in public performances, contests,
17 athletic competitions, demonstrations, displays and club activities.

18 G. "Interstate commission on educational opportunity for military
19 children" means the commission that is created under article IX of this
20 compact, which is generally referred to as interstate commission.

21 H. "Local education agency" means a public authority legally
22 constituted by the state as an administrative agency to provide control of
23 and direction for kindergarten programs and grades one through twelve in
24 public educational institutions.

25 I. "Member state" means a state that has enacted this compact.

26 J. "Military installation" means a base, camp, post, station, yard,
27 center, homeport facility for any ship or other activity under the
28 jurisdiction of the department of defense, including any leased facility,
29 that is located within any of the several states, the District of
30 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
31 Islands, Guam, American Samoa, the Northern Marianas Islands and any other
32 United States territory. Military installation does not include any
33 facility used primarily for civil works, rivers and harbors projects, or
34 flood control projects.

35 K. "Nonmember state" means a state that has not enacted this
36 compact.

37 L. "Receiving state" means the state to which a child of a military
38 family is sent, brought or caused to be sent or brought.

39 M. "Rule" means a written statement by the interstate commission
40 promulgated pursuant to article XII of this compact that is of general
41 applicability, that implements, interprets or prescribes a policy or
42 provision of the compact, or an organizational, procedural or practice
43 requirement of the interstate commission, and that has the force and
44 effect of statutory law in a member state, and includes the amendment,
45 repeal or suspension of an existing rule.

1 N. "Sending state" means the state from which a child of a military
2 family is sent, brought or caused to be sent or brought.

3 O. "State" means a state of the United States, the District of
4 Columbia, the Commonwealth of Puerto Rico, the United States Virgin
5 Islands, Guam, American Samoa, the Northern Marianas Islands and any other
6 United States territory.

7 P. "Student" means the child of a military family for whom the
8 local education agency receives public funding and who is formally
9 enrolled in a kindergarten program or grades one through twelve.

10 Q. "Transition" means the formal and physical process of
11 transferring from school to school or the period of time in which a
12 student moves from one school in the sending state to another school in
13 the receiving state.

14 R. "Uniformed services" means the army, navy, air force, marine
15 corps and coast guard as well as the commissioned corps of the national
16 oceanic and atmospheric administration, and public health services.

17 S. "Veteran" means a person who served in the uniformed services
18 and who was discharged or released therefrom under conditions other than
19 dishonorable.

20 ARTICLE III
21 APPLICABILITY

22 A. Except as otherwise provided in section B, this compact shall
23 apply to the children of:

24 1. Active duty members of the uniformed services as defined in this
25 compact, including members of the national guard and reserve on active
26 duty orders pursuant to 10 United States Code ~~sections~~ CHAPTERS 1209 and
27 1211.

28 2. Members or veterans of the uniformed services who are severely
29 injured and medically discharged or retired for a period of one year after
30 medical discharge or retirement.

31 3. Members of the uniformed services who die on active duty or as a
32 result of injuries sustained on active duty for a period of one year after
33 death.

34 B. The provisions of this interstate compact shall only apply to
35 local education agencies as defined in this compact.

36 C. The provisions of this compact shall not apply to the children
37 of:

38 1. Inactive members of the national guard and military reserves.

39 2. Members of the uniformed services now retired, except as
40 provided in section A.

41 3. Veterans of the uniformed services, except as provided in
42 section A.

43 4. Other United States department of defense personnel and other
44 federal agency civilian and contract employees not defined as active duty
45 members of the uniformed services.

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ARTICLE IV
EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or hand-carried education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. On receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. On receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

C. Immunizations - Compacting states shall give thirty days from the date of enrollment or such time as is reasonably determined under the rules promulgated by the interstate commission for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

ARTICLE V
PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state, or both, if the courses are

1 offered. Course placement includes honors, international baccalaureate,
2 advanced placement, vocational, technical and career pathways courses.
3 Continuing the student's academic program from the previous school and
4 promoting placement in academically and career challenging courses should
5 be paramount when considering placement. This does not preclude the
6 school in the receiving state from performing subsequent evaluations to
7 ensure appropriate placement and continued enrollment of the student in
8 the courses.

9 B. Educational program placement - The receiving state school shall
10 initially honor placement of the student in educational programs based on
11 current educational assessments conducted at the school in the sending
12 state or participation and placement in like programs in the sending
13 state. Such programs include gifted and talented programs and English as
14 a second language. This does not preclude the school in the receiving
15 state from performing subsequent evaluations to ensure appropriate
16 placement of the student.

17 C. Special education services - In compliance with the federal
18 requirements of the individuals with disabilities education act (20 United
19 States Code section 1400), the receiving state shall initially provide
20 comparable services to a student with disabilities based on the student's
21 current individualized education program. In compliance with the
22 requirements of section 504 of the rehabilitation act (29 United States
23 Code section 794) and with title II of the Americans with disabilities act
24 (42 United States Code sections 12131 through 12165), the receiving state
25 shall make reasonable accommodations and modifications to address the
26 needs of incoming students with disabilities, subject to an existing 504
27 or title II plan, to provide the student with equal access to education.
28 This does not preclude the school in the receiving state from performing
29 subsequent evaluations to ensure appropriate placement of the student.

30 D. Placement flexibility - Local education agency administrative
31 officials shall have flexibility in waiving course or program
32 prerequisites, or other preconditions for placement in courses or programs
33 offered under the jurisdiction of the local education agency.

34 E. Absence as related to deployment activities - A student whose
35 parent or legal guardian is an active duty member of the uniformed
36 services, as defined by this compact, and has been called to duty for, is
37 on leave from or has immediately returned from deployment to a combat zone
38 or combat support posting shall be granted additional excused absences at
39 the discretion of the local education agency superintendent to visit with
40 the student's parent or legal guardian relative to such leave or
41 deployment of the parent or guardian.

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ARTICLE VI
ELIGIBILITY

A. Eligibility for enrollment.

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII
GRADUATION

In order to facilitate the on-time graduation of children of military families states and local education agencies shall incorporate the following procedures:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - States shall accept exit or end-of-course exams required for graduation from the sending state, national norm referenced achievement tests or alternative testing, in lieu of testing requirements for graduation in the receiving state. If these alternatives cannot be accommodated by the receiving state for a student transferring in the student's senior year, then the provisions of article VII, section C shall apply.

C. Transfers during senior year - If a military student transferring at the beginning or during the student's senior year is ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements

1 of the sending local education agency. If one of the states in question
2 is not a member of this compact, the member state shall use best efforts
3 to facilitate the on-time graduation of the student in accordance with
4 sections A and B.

5 ARTICLE VIII
6 STATE COORDINATION

7 A. Each member state, through the creation of a state council or
8 use of an existing body or board, shall provide for the coordination among
9 its agencies of government, local education agencies and military
10 installations concerning the state's participation in, and compliance
11 with, this compact and interstate commission activities. While each
12 member state may determine the membership of its own state council, its
13 membership must include at least the state superintendent of education, a
14 superintendent of a school district with a high concentration of military
15 children, a representative from a military installation, one
16 representative each from the legislative and executive branches of
17 government and other offices and stakeholder groups the state council
18 deems appropriate. A member state that does not have a school district
19 deemed to contain a high concentration of military children may appoint a
20 superintendent from another school district to represent local education
21 agencies on the state council.

22 B. The state council of each member state shall appoint or
23 designate a military family education liaison to assist military families
24 and the state in facilitating the implementation of this compact.

25 C. The compact commissioner responsible for the administration and
26 management of the state's participation in the compact shall be appointed
27 by the governor or as otherwise determined by each member state.

28 D. The compact commissioner and the military family education
29 liaison designated herein shall be ex-officio members of the state
30 council, unless either is already a full voting member of the state
31 council.

32 ARTICLE IX
33 INTERSTATE COMMISSION ON EDUCATIONAL
34 OPPORTUNITY FOR MILITARY CHILDREN

35 The member states hereby create the interstate commission on
36 educational opportunity for military children. The activities of the
37 interstate commission are the formation of public policy and are a
38 discretionary state function. The interstate commission shall:

39 A. Be a body corporate and joint agency of the member states and
40 shall have all the responsibilities, powers and duties set forth herein,
41 and such additional powers as may be conferred on it by a subsequent
42 concurrent action of the respective legislatures of the member states in
43 accordance with the terms of this compact.

1 B. Consist of one interstate commission voting representative from
2 each member state who shall be that state's compact commissioner.

3 1. Each member state represented at a meeting of the interstate
4 commission is entitled to one vote.

5 2. A majority of the total member states shall constitute a quorum
6 for the transaction of business, unless a larger quorum is required by the
7 bylaws of the interstate commission.

8 3. A representative shall not delegate a vote to another member
9 state. If the compact commissioner is unable to attend a meeting of the
10 interstate commission, the governor or state council may delegate voting
11 authority to another person from that state for a specified meeting.

12 4. The bylaws may provide for meetings of the interstate commission
13 to be conducted by telecommunication or electronic communication.

14 C. Consist of ex-officio, nonvoting representatives who are members
15 of interested organizations. Such ex-officio members, as defined in the
16 bylaws, may include members of the representative organizations of
17 military family advocates, local education agency officials, parent and
18 teacher groups, the United States department of defense, the education
19 commission of the states, the interstate agreement on the qualification of
20 educational personnel and other interstate compacts affecting the
21 education of children of military members.

22 D. Meet at least once each calendar year. The chairperson may call
23 additional meetings and, on the request of a simple majority of the member
24 states, shall call additional meetings.

25 E. Establish an executive committee, whose members shall include
26 the officers of the interstate commission and such other members of the
27 interstate commission as determined by the bylaws. Members of the
28 executive committee shall serve a one year term. Members of the executive
29 committee shall be entitled to one vote each. The executive committee
30 shall have the power to act on behalf of the interstate commission, with
31 the exception of rule making, during periods when the interstate
32 commission is not in session. The executive committee shall oversee the
33 day-to-day activities of the administration of this compact, including
34 enforcement and compliance with the provisions of this compact, its bylaws
35 and rules, and other such duties as deemed necessary. The United States
36 department of defense shall serve as an ex-officio, nonvoting member of
37 the executive committee.

38 F. Establish bylaws and rules that provide for conditions and
39 procedures under which the interstate commission shall make its
40 information and official records available to the public for inspection or
41 copying. The interstate commission may exempt from disclosure information
42 or official records to the extent they would adversely affect personal
43 privacy rights or proprietary interests.

1 G. Public notice shall be given by the interstate commission of all
2 meetings and all meetings shall be open to the public, except as set forth
3 in the rules or as otherwise provided in this compact. The interstate
4 commission and its committees may close a meeting, or portion thereof, if
5 it determines by a two-thirds vote that an open meeting would be likely to
6 either:

7 1. Relate solely to the interstate commission's internal personnel
8 practices and procedures.

9 2. Disclose matters specifically exempted from disclosure by
10 federal and state statute.

11 3. Disclose trade secrets or commercial or financial information
12 that is privileged or confidential.

13 4. Involve accusing a person of a crime, or formally censuring a
14 person.

15 5. Disclose information of a personal nature if disclosure would
16 constitute a clearly unwarranted invasion of personal privacy.

17 6. Disclose investigative records compiled for law enforcement
18 purposes.

19 7. Specifically relate to the interstate commission's participation
20 in a civil action or other legal proceeding.

21 H. For a meeting, or portion of a meeting, closed pursuant to this
22 provision, the interstate commission's legal counsel or designee shall
23 certify that the meeting may be closed and shall reference each relevant
24 exemptible provision. The interstate commission shall keep minutes which
25 shall fully and clearly describe all matters discussed in a meeting and
26 shall provide a full and accurate summary of actions taken, and the
27 reasons therefore, including a description of the views expressed and the
28 record of a roll call vote. All documents considered in connection with
29 an action shall be identified in such minutes. All minutes and documents
30 of a closed meeting shall remain under seal, subject to release by a
31 majority vote of the interstate commission.

32 I. The interstate commission shall collect standardized data
33 concerning the educational transition of the children of military families
34 under this compact as directed through its rules, which shall specify the
35 data to be collected, the means of collection and data exchange and
36 reporting requirements. Such methods of data collection, exchange and
37 reporting, insofar as is reasonably possible, shall conform to current
38 technology and coordinate its information functions with the appropriate
39 custodian of records as identified in the bylaws and rules.

40 J. The interstate commission shall create a process that permits
41 military officials, education officials and parents to inform the
42 interstate commission if and when there are alleged violations of the
43 compact or its rules or when issues subject to the jurisdiction of the
44 compact or its rules are not addressed by the state or local education

1 agency. This section shall not be construed to create a private right of
2 action against the interstate commission or any member state.

3 ARTICLE X

4 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

5 The interstate commission shall have the following powers:

6 A. To provide for dispute resolution among member states.

7 B. To promulgate rules and take all necessary actions to effect the
8 goals, purposes and obligations as enumerated in this compact. The rules
9 shall have the force and effect of statutory law and shall be binding in
10 the compact states to the extent and in the manner provided in this
11 compact.

12 C. To issue, on request of a member state, advisory opinions
13 concerning the meaning or interpretation of the interstate compact, its
14 bylaws, rules and actions.

15 D. To enforce compliance with the compact provisions, the rules
16 promulgated by the interstate commission and the bylaws, using all
17 necessary and proper means, including the use of judicial process.

18 E. To establish and maintain offices which shall be located within
19 one or more of the member states.

20 F. To purchase and maintain insurance and bonds.

21 G. To borrow, accept, hire or contract for services of personnel.

22 H. To establish and appoint committees including an executive
23 committee as required by article IX, section E, which shall have the power
24 to act on behalf of the interstate commission in carrying out its powers
25 and duties hereunder.

26 I. To elect or appoint such officers, attorneys, employees, agents
27 or consultants, and to fix their compensation, define their duties and
28 determine their qualifications, and to establish the interstate
29 commission's personnel policies and programs relating to conflicts of
30 interest, rates of compensation and qualifications of personnel.

31 J. To accept any and all donations and grants of money, equipment,
32 supplies, materials and services, and to receive, utilize and dispose of
33 them.

34 K. To lease, purchase, accept contributions or donations of, or
35 otherwise to own, hold, improve or use any property, real, personal or
36 mixed.

37 L. To sell, convey, mortgage, pledge, lease, exchange, abandon or
38 otherwise dispose of any property, real, personal or mixed.

39 M. To establish a budget and make expenditures.

40 N. To adopt a seal and bylaws governing the management and
41 operation of the interstate commission.

42 O. To report annually to the legislatures, governors, judiciary and
43 state councils of the member states concerning the activities of the
44 interstate commission during the preceding year. Such reports shall also

1 include any recommendations that may have been adopted by the interstate
2 commission.

3 P. To coordinate education, training and public awareness regarding
4 the compact and its implementation and operation for officials and parents
5 involved in such activity.

6 Q. To establish uniform standards for the reporting, collecting and
7 exchanging of data.

8 R. To maintain corporate books and records in accordance with the
9 bylaws.

10 S. To perform such functions as may be necessary or appropriate to
11 achieve the purposes of this compact.

12 T. To provide for the uniform collection and sharing of information
13 between and among member states, schools and military families under this
14 compact.

15 ARTICLE XI

16 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

17 A. The interstate commission, by a majority of the members present
18 and voting, within twelve months after the first interstate commission
19 meeting, shall adopt bylaws to govern its conduct as may be necessary or
20 appropriate to carry out the purposes of the compact, including:

21 1. Establishing the fiscal year of the interstate commission.

22 2. Establishing an executive committee, and such other committees
23 as may be necessary.

24 3. Providing for the establishment of committees and for governing
25 any general or specific delegation of authority or function of the
26 interstate commission.

27 4. Providing reasonable procedures for calling and conducting
28 meetings of the interstate commission, and ensuring reasonable notice of
29 each such meeting.

30 5. Establishing the titles and responsibilities of the officers and
31 staff of the interstate commission.

32 6. Providing a mechanism for concluding the operations of the
33 interstate commission and the return of surplus monies that may exist on
34 the termination of the compact after the payment and reserving of all of
35 its debts and obligations.

36 7. Providing start up rules for initial administration of the
37 compact.

38 B. The interstate commission, by a majority of the members, shall
39 elect annually from among its members a chairperson, a vice-chairperson
40 and a treasurer, each of whom shall have such authority and duties as may
41 be specified in the bylaws. The chairperson or, in the chairperson's
42 absence or disability, the vice-chairperson, shall preside at all meetings
43 of the interstate commission. The officers so elected shall serve without
44 compensation or remuneration from the interstate commission, provided
45 that, subject to the availability of budgeted funds, the officers shall be

1 reimbursed for ordinary and necessary costs and expenses incurred by them
2 in the performance of their responsibilities as officers of the interstate
3 commission.

4 C. Executive committee, officers and personnel.

5 1. The executive committee shall have such authority and duties as
6 may be set forth in the bylaws, including but not limited to:

7 (a) Managing the affairs of the interstate commission in a manner
8 consistent with the bylaws and purposes of the interstate commission.

9 (b) Overseeing an organizational structure within, and appropriate
10 procedures for the interstate commission to provide for the creation of
11 rules, operating procedures and administrative and technical support
12 functions.

13 (c) Planning, implementing and coordinating communications and
14 activities with other state, federal and local government organizations in
15 order to advance the goals of the interstate commission.

16 2. The executive committee, subject to the approval of the
17 interstate commission, may appoint or retain an executive director for
18 such period, on such terms and conditions and for such compensation as the
19 interstate commission may deem appropriate. The executive director shall
20 serve as secretary to the interstate commission, but shall not be a member
21 of the interstate commission. The executive director shall hire and
22 supervise such other persons as may be authorized by the interstate
23 commission.

24 D. The interstate commission's executive director and employees
25 shall be immune from suit and liability, either personally or in their
26 official capacity, for a claim for damage to or loss of property or
27 personal injury or other civil liability caused or arising out of or
28 relating to an actual or alleged act, error or omission that occurred, or
29 that such person had a reasonable basis for believing occurred, within the
30 scope of interstate commission employment, duties or responsibilities,
31 provided, that such person shall not be protected from suit or liability
32 for damage, loss, injury or liability caused by the intentional or wilful
33 and wanton misconduct of such person.

34 1. The liability of the interstate commission's executive director
35 and employees or interstate commission representatives, acting within the
36 scope of their employment or duties for acts, errors or omissions
37 occurring within their state may not exceed the limits of liability set
38 forth under the constitution and laws of that state for state officials,
39 employees and agents. The interstate commission is considered to be an
40 instrumentality of the states for the purposes of any such action.
41 Nothing in this subsection shall be construed to protect such person from
42 suit or liability for damage, loss, injury or liability caused by the
43 intentional or wilful and wanton misconduct of such person.

1 2. The interstate commission shall defend the executive director
2 and its employees and, subject to the approval of the attorney general or
3 other appropriate legal counsel of the member state represented by an
4 interstate commission representative, shall defend such interstate
5 commission representative in any civil action seeking to impose liability
6 arising out of an actual or alleged act, error or omission that occurred
7 within the scope of interstate commission employment, duties or
8 responsibilities, or that the defendant had a reasonable basis for
9 believing occurred within the scope of interstate commission employment,
10 duties or responsibilities, provided that the actual or alleged act, error
11 or omission did not result from intentional or wilful and wanton
12 misconduct on the part of such person.

13 3. To the extent not covered by the state involved, the member
14 state or the interstate commission, and the representatives or employees
15 of the interstate commission shall be held harmless in the amount of a
16 settlement or judgment, including attorney fees and costs, obtained
17 against such persons arising out of an actual or alleged act, error or
18 omission that occurred within the scope of interstate commission
19 employment, duties or responsibilities, or that such persons had a
20 reasonable basis for believing occurred within the scope of interstate
21 commission employment, duties or responsibilities, provided that the
22 actual or alleged act, error or omission did not result from intentional
23 or wilful and wanton misconduct on the part of such persons.

24 ARTICLE XII

25 RULE MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

26 A. Rule making authority - The interstate commission shall
27 promulgate reasonable rules in order to effectively and efficiently
28 achieve the purposes of this compact. Notwithstanding the foregoing, if
29 the interstate commission exercises its rule making authority in a manner
30 that is beyond the scope of the purposes of this act, or the powers
31 granted hereunder, such an action by the interstate commission shall be
32 invalid and have no force or effect.

33 B. Rule making procedure - Rules shall be made pursuant to a rule
34 making process that substantially conforms to the model state
35 administrative procedure act of 1981, uniform laws annotated, vol. 15, p.1
36 (2000), as amended, as may be appropriate to the operations of the
37 interstate commission.

38 C. Not later than thirty days after a rule is promulgated, any
39 person may file a petition for judicial review of the rule, provided that
40 the filing of such a petition shall not stay or otherwise prevent the rule
41 from becoming effective unless the court finds that the petitioner has a
42 substantial likelihood of success. The court shall give deference to the
43 actions of the interstate commission consistent with applicable law and
44 shall not find the rule to be unlawful if the rule represents a reasonable
45 exercise of the interstate commission's authority.

1 D. If a majority of the legislatures of the compacting states
2 reject a rule by enactment of a statute or resolution in the same manner
3 used to adopt the compact, such rule shall have no further force and
4 effect in any compacting state.

5 ARTICLE XIII

6 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION

7 A. Oversight.

8 1. The executive, legislative and judicial branches of state
9 government in each member state shall enforce this compact and shall take
10 all actions necessary and appropriate to effectuate the compact's purposes
11 and intent. The provisions of this compact and the rules promulgated
12 hereunder shall have standing as statutory law.

13 2. All courts shall take judicial notice of the compact and the
14 rules in any judicial or administrative proceeding in a member state
15 pertaining to the subject matter of this compact that may affect the
16 powers, responsibilities or actions of the interstate commission.

17 3. The interstate commission shall be entitled to receive all
18 service of process in any such proceeding, and shall have standing to
19 intervene in the proceeding for all purposes. Failure to provide service
20 of process to the interstate commission shall render a judgment or order
21 void as to the interstate commission, this compact or promulgated rules.

22 B. Default, technical assistance, suspension and termination - If
23 the interstate commission determines that a member state has defaulted in
24 the performance of its obligations or responsibilities under this compact,
25 or the bylaws or promulgated rules, the interstate commission shall:

26 1. Provide written notice to the defaulting state and other member
27 states of the nature of the default, the means of curing the default and
28 any action taken by the interstate commission. The interstate commission
29 shall specify the conditions by which the defaulting state must cure its
30 default.

31 2. Provide remedial training and specific technical assistance
32 regarding the default.

33 3. If the defaulting state fails to cure the default, the
34 defaulting state shall be terminated from the compact on an affirmative
35 vote of a majority of the member states and all rights, privileges and
36 benefits conferred by this compact shall be terminated from the effective
37 date of termination. A cure of the default does not relieve the offending
38 state of obligations or liabilities incurred during the period of the
39 default.

40 4. Suspension or termination of membership in the compact shall be
41 imposed only after all other means of securing compliance have been
42 exhausted. Notice of intent to suspend or terminate shall be given by the
43 interstate commission to the governor, the majority and minority leaders
44 of the defaulting state's legislature and each of the member states.

1 5. The state that has been suspended or terminated is responsible
2 for all assessments, obligations and liabilities incurred through the
3 effective date of suspension or termination, including obligations, the
4 performance of which extends beyond the effective date of suspension or
5 termination.

6 6. The interstate commission shall not bear any costs relating to
7 any state that has been found to be in default or that has been suspended
8 or terminated from the compact, unless otherwise mutually agreed on in
9 writing between the interstate commission and the defaulting state.

10 7. The defaulting state may appeal the action of the interstate
11 commission by petitioning the United States district court for the
12 District of Columbia or the federal district where the interstate
13 commission has its principal offices. The prevailing party shall be
14 awarded all costs of such litigation, including reasonable attorney fees.

15 C. Dispute resolution.

16 1. The interstate commission, on the request of a member state,
17 shall attempt to resolve disputes that are subject to the compact and that
18 may arise among member states and between member and nonmember states.

19 2. The interstate commission shall promulgate a rule providing for
20 both mediation and binding dispute resolution for disputes as appropriate.

21 D. Enforcement.

22 1. The interstate commission, in the reasonable exercise of its
23 discretion, shall enforce the provisions and rules of this compact.

24 2. The interstate commission, by majority vote of the members, may
25 initiate legal action in the United States district court for the District
26 of Columbia or, at the discretion of the interstate commission, in the
27 federal district where the interstate commission has its principal
28 offices, to enforce compliance with the provisions of this compact and its
29 promulgated rules and bylaws against a member state in default. The
30 relief sought may include both injunctive relief and damages. If judicial
31 enforcement is necessary, the prevailing party shall be awarded all costs
32 of such litigation including reasonable attorney's fees.

33 3. The remedies herein shall not be the exclusive remedies of the
34 interstate commission. The interstate commission may avail itself of any
35 other remedies available under state law or the regulation of a
36 profession.

37 ARTICLE XIV

38 FINANCING OF THE INTERSTATE COMMISSION

39 A. The interstate commission shall pay, or provide for the payment
40 of, the reasonable expenses of its establishment, organization and ongoing
41 activities.

42 B. The interstate commission may levy on and collect an annual
43 assessment from each member state to cover the cost of the operations and
44 activities of the interstate commission and its staff, which must be in a
45 total amount sufficient to cover the interstate commission's annual budget

1 as approved each year. The aggregate annual assessment amount shall be
2 allocated based on a formula to be determined by the interstate
3 commission, which shall promulgate a rule binding on all member states.

4 C. The interstate commission shall not incur obligations of any
5 kind prior to securing the funds adequate to meet the same, nor shall the
6 interstate commission pledge the credit of any of the member states,
7 except by and with the authority of the member state.

8 D. The interstate commission shall keep accurate accounts of all
9 receipts and disbursements. The receipts and disbursements of the
10 interstate commission shall be subject to the audit and accounting
11 procedures established under its bylaws. However, all receipts and
12 disbursements of funds handled by the interstate commission shall be
13 audited yearly by a certified or licensed public accountant, and the
14 report of the audit shall be included in and become part of the annual
15 report of the interstate commission.

16 ARTICLE XV

17 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

18 A. Any state is eligible to become a member state.

19 B. This compact shall become effective and binding on legislative
20 enactment of the compact into law by at least ten of the states. The
21 effective date shall be no earlier than December 1, 2007. Thereafter it
22 shall become effective and binding as to any other member state on
23 enactment of the compact into law by that state. The governors of
24 nonmember states or their designees shall be invited to participate in the
25 activities of the interstate commission on a nonvoting basis prior to
26 adoption of the compact by all states.

27 C. The interstate commission may propose amendments to the compact
28 for enactment by the member states. No amendment shall become effective
29 and binding on the interstate commission and the member states unless and
30 until it is enacted into law by unanimous consent of the member states.

31 ARTICLE XVI

32 WITHDRAWAL AND DISSOLUTION

33 A. Withdrawal.

34 1. Once effective, the compact shall continue in force and remain
35 binding on each and every member state, provided that a member state may
36 withdraw from the compact specifically repealing the statute that enacted
37 the compact into law.

38 2. Withdrawal from this compact shall be by the enactment of a
39 statute repealing the same, but shall not take effect until one year after
40 the effective date of such statute and until written notice of the
41 withdrawal has been given by the withdrawing state to the governor of each
42 other member jurisdiction.

43 3. The withdrawing state shall immediately notify the chairperson
44 of the interstate commission in writing on the introduction of legislation
45 repealing this compact in the withdrawing state. The interstate commission

1 shall notify the other member states of the withdrawing state's intent to
2 withdraw within sixty days of its receipt thereof.

3 4. The withdrawing state is responsible for all assessments,
4 obligations and liabilities incurred through the effective date of
5 withdrawal, including obligations, the performance of which extend beyond
6 the effective date of withdrawal.

7 5. Reinstatement following withdrawal of a member state shall occur
8 on the withdrawing state reenacting the compact or on such later date as
9 determined by the interstate commission.

10 B. Dissolution of compact.

11 1. This compact shall dissolve effective on the date of the
12 withdrawal or default of the member state which reduces the membership in
13 the compact to one member state.

14 2. On the dissolution of this compact, the compact becomes null and
15 void and shall be of no further force or effect, and the business and
16 affairs of the interstate commission shall be concluded and surplus funds
17 shall be distributed in accordance with the bylaws.

18 ARTICLE XVII

19 SEVERABILITY AND CONSTRUCTION

20 A. The provisions of this compact shall be severable, and if any
21 phrase, clause, sentence or provision is deemed unenforceable, the
22 remaining provisions of the compact shall be enforceable.

23 B. The provisions of this compact shall be liberally construed to
24 effectuate its purposes.

25 C. Nothing in this compact shall be construed to prohibit the
26 applicability of other interstate compacts to which the states are
27 members.

28 ARTICLE XVIII

29 BINDING EFFECT OF COMPACT AND OTHER LAWS

30 A. Other laws.

31 1. Nothing herein prevents the enforcement of any other law of a
32 member state that is not inconsistent with this compact.

33 2. All member states' laws conflicting with this compact are
34 superseded to the extent of the conflict.

35 B. Binding effect of the compact.

36 1. All lawful actions of the interstate commission, including all
37 rules and bylaws promulgated by the interstate commission, are binding
38 upon the member states.

39 2. All agreements between the interstate commission and the member
40 states are binding in accordance with their terms.

41 3. If any provision of this compact exceeds the constitutional
42 limits imposed on the legislature of any member state, such provision
43 shall be ineffective to the extent of the conflict with the constitutional
44 provision in question in that member state.

H.B. 2599

APPROVED BY THE GOVERNOR MAY 16, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 16, 2023.