

# HOUSE BILL 784

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By: **Delegates Kaiser, Barkley, Bartlett, Bates, Beitzel, Bohanan, Bromwell, Cardin, Carr, Costa, DeBoy, Dumais, George, Gutierrez, Hecht, Howard, James, Kelly, Kipke, Levy, Love, Mathias, McKee, Minnick, Montgomery, Robinson, Rudolph, Schuh, Schuler, Shank, Smigiel, Sophocleus, Stukes, Taylor, Weir, Weldon, and Wood**

Introduced and read first time: February 4, 2008

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Interstate Compact on Educational Opportunity for Military Children**

3 FOR the purpose of establishing, through a certain Interstate Compact with certain  
4 other member states, the Interstate Compact on Educational Opportunity for  
5 Military Children for certain purposes; providing for the transfer of certain  
6 educational records and enrollment of certain children in certain schools;  
7 providing for the placement of certain children in certain courses, educational  
8 programs, and special education services on transfer; establishing certain  
9 eligibility criteria for certain school programs; establishing certain procedures  
10 to facilitate the graduation of certain students from high school; establishing a  
11 certain State Council for coordinating certain services; establishing the  
12 Interstate Commission on Educational Opportunity for Military Children;  
13 providing for the composition, meetings, and powers and duties of the Interstate  
14 Commission; providing for the organization and operation and the rulemaking  
15 functions of the Interstate Commission; providing for the oversight and  
16 enforcement of the Interstate Compact and the resolution of disputes between  
17 certain member states; providing for the financing of the Interstate  
18 Commission; establishing procedures for amending the Interstate Compact;  
19 establishing certain withdrawal and dissolution procedures for certain members  
20 of the Interstate Compact; defining certain terms; making this Act subject to a  
21 certain contingency; and generally relating to the Interstate Compact on  
22 Educational Opportunity for Military Children.

23 BY adding to

24 Article – Education

25 Section 7–1301 through 7–1303 to be under the new subtitle “Subtitle 13.

26 Interstate Compact on Educational Opportunity for Military Children”

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2006 Replacement Volume and 2007 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Education**

6 **SUBTITLE 13. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR**  
7 **MILITARY CHILDREN.**

8 **7-1301.**

9 (A) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE DO NOT APPLY TO  
10 THE INTERSTATE COMPACT SET FORTH IN § 7-1303 OF THIS SUBTITLE.

11 (B) IN THE INTERSTATE COMPACT SET FORTH IN § 7-1303 OF THIS  
12 SUBTITLE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE, “ARTICLE”,  
13 “SECTION”, AND “SUBSECTION” MEAN AN ARTICLE, SECTION, AND SUBSECTION,  
14 RESPECTIVELY, OF THE INTERSTATE COMPACT.

15 **7-1302.**

16 ON BEHALF OF THIS STATE, THE GOVERNOR SHALL EXECUTE, WITH THE  
17 OTHER MEMBER STATES, THE INTERSTATE COMPACT SUBSTANTIALLY AS IT  
18 APPEARS IN § 7-1303 OF THIS SUBTITLE.

19 **7-1303.**

20 THE STATE OF MARYLAND AND OTHER STATES, HEREINAFTER “MEMBER  
21 STATES”, HEREBY ENTER INTO AN INTERSTATE COMPACT, AS SET FORTH  
22 BELOW, FOR THE PURPOSE OF FACILITATING THE TIMELY ENROLLMENT AND  
23 TRANSFER OF CHILDREN OF MILITARY FAMILIES IN ELEMENTARY AND  
24 SECONDARY SCHOOLS DUE TO THE FREQUENT MOVEMENT AND DEPLOYMENT  
25 OF THEIR PARENTS. THIS INTERSTATE COMPACT SHALL BE KNOWN AND MAY  
26 BE CITED AS THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR  
27 MILITARY CHILDREN.

28 **ARTICLE I**

29 **PURPOSE**



1           **A. “ACTIVE DUTY” MEANS FULL-TIME DUTY STATUS IN THE ACTIVE**  
2 **UNIFORMED SERVICE OF THE UNITED STATES, INCLUDING MEMBERS OF THE**  
3 **NATIONAL GUARD AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10**  
4 **U.S.C. SECTIONS 1209 AND 1211;**

5           **B. “CHILDREN OF MILITARY FAMILIES” MEANS SCHOOL-AGED**  
6 **CHILDREN, ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE, IN THE**  
7 **HOUSEHOLD OF AN ACTIVE DUTY MEMBER;**

8           **C. “COMPACT COMMISSIONER” MEANS THE VOTING REPRESENTATIVE**  
9 **OF EACH COMPACTING STATE APPOINTED PURSUANT TO ARTICLE VIII OF THIS**  
10 **COMPACT;**

11           **D. “DEPLOYMENT” MEANS THE PERIOD 1 MONTH PRIOR TO THE**  
12 **SERVICE MEMBERS’ DEPARTURE FROM THEIR HOME STATION ON MILITARY**  
13 **ORDERS THROUGH 6 MONTHS AFTER RETURN TO THEIR HOME STATION;**

14           **E. “EDUCATIONAL RECORDS” MEANS THOSE OFFICIAL RECORDS,**  
15 **FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY THE**  
16 **SCHOOL OR LOCAL EDUCATION AGENCY, INCLUDING BUT NOT LIMITED TO**  
17 **RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT’S**  
18 **CUMULATIVE FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF**  
19 **ATTENDANCE AND OF ACADEMIC WORK COMPLETED, RECORDS OF**  
20 **ACHIEVEMENT AND RESULTS OF EVALUATIVE TESTS, HEALTH DATA,**  
21 **DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDIVIDUALIZED EDUCATION**  
22 **PROGRAMS;**

23           **F. “EXTRACURRICULAR ACTIVITIES” MEANS A VOLUNTARY ACTIVITY**  
24 **SPONSORED BY THE SCHOOL OR LOCAL EDUCATION AGENCY OR AN**  
25 **ORGANIZATION SANCTIONED BY THE LOCAL EDUCATION AGENCY.**  
26 **EXTRACURRICULAR ACTIVITIES INCLUDE, BUT ARE NOT LIMITED TO,**  
27 **PREPARATION FOR AND INVOLVEMENT IN PUBLIC PERFORMANCES, CONTESTS,**  
28 **ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND CLUB**  
29 **ACTIVITIES;**

30           **G. “INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR**  
31 **MILITARY CHILDREN” MEANS THE COMMISSION THAT IS CREATED UNDER**  
32 **ARTICLE IX OF THIS COMPACT, WHICH IS GENERALLY REFERRED TO AS THE**  
33 **INTERSTATE COMMISSION;**

34           **H. “LOCAL EDUCATION AGENCY” MEANS A PUBLIC AUTHORITY**  
35 **LEGALLY CONSTITUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO**  
36 **PROVIDE CONTROL OF AND DIRECTION FOR KINDERGARTEN THROUGH**  
37 **12TH-GRADE PUBLIC EDUCATIONAL INSTITUTIONS;**

1           **I. “MEMBER STATE” MEANS A STATE THAT HAS ENACTED THIS**  
2 **COMPACT;**

3           **J. “MILITARY INSTALLATION” MEANS A BASE, CAMP, POST, 1 STATION,**  
4 **YARD, CENTER, HOME PORT FACILITY FOR ANY SHIP, OR OTHER ACTIVITY**  
5 **UNDER THE JURISDICTION OF THE DEPARTMENT OF DEFENSE, INCLUDING ANY**  
6 **LEASED FACILITY THAT IS LOCATED WITHIN ANY OF THE SEVERAL STATES, THE**  
7 **DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S.**  
8 **VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS**  
9 **ISLANDS AND ANY OTHER U.S. TERRITORY. SUCH TERM DOES NOT INCLUDE**  
10 **ANY FACILITY USED PRIMARILY FOR CIVIL WORKS, RIVERS, HARBOR PROJECTS,**  
11 **OR FLOOD CONTROL PROJECTS;**

12           **K. “NONMEMBER STATE” MEANS A STATE THAT HAS NOT ENACTED**  
13 **THIS COMPACT;**

14           **L. “RECEIVING STATE” MEANS THE STATE TO WHICH A CHILD OF A**  
15 **MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;**

16           **M. “RULE” MEANS A WRITTEN STATEMENT BY THE INTERSTATE**  
17 **COMMISSION PROMULGATED PURSUANT TO ARTICLE XII OF THIS COMPACT**  
18 **THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR**  
19 **PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN**  
20 **ORGANIZATIONAL, PROCEDURAL, OR PRACTICE REQUIREMENT OF THE**  
21 **INTERSTATE COMMISSION, AND HAS THE FORCE AND EFFECT OF STATUTORY**  
22 **LAW IN A MEMBER STATE, AND INCLUDES THE AMENDMENT, REPEAL, OR**  
23 **SUSPENSION OF AN EXISTING RULE;**

24           **N. “SENDING STATE” MEANS THE STATE FROM WHICH A CHILD OF A**  
25 **MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;**

26           **O. “STATE” MEANS A STATE OF THE UNITED STATES, THE DISTRICT**  
27 **OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN**  
28 **ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND**  
29 **ANY OTHER U.S. TERRITORY;**

30           **P. “STUDENT” MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM**  
31 **THE LOCAL EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND WHO IS**  
32 **FORMALLY ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE;**

33           **Q. “TRANSITION” MEANS:**













1           **B.    EXIT EXAMS –**

2                   **1.    STATES SHALL ACCEPT:**

3                           **I.    EXIT OR END-OF-COURSE EXAMS REQUIRED FOR**  
4 **GRADUATION FROM THE SENDING STATE;**

5                           **II.   NATIONAL NORM-REFERENCED ACHIEVEMENT TESTS;**  
6 **OR**

7                           **III. ALTERNATIVE TESTING, IN LIEU OF TESTING**  
8 **REQUIREMENTS FOR GRADUATION IN THE RECEIVING STATE; AND**

9                   **2.    IN THE EVENT THE ABOVE ALTERNATIVES CANNOT BE**  
10 **ACCOMMODATED BY THE RECEIVING STATE FOR A STUDENT TRANSFERRING IN**  
11 **HIS OR HER SENIOR YEAR, THEN THE PROVISIONS OF ARTICLE VII, SECTION C**  
12 **SHALL APPLY; AND**

13           **C.    TRANSFERS DURING SENIOR YEAR – SHOULD A MILITARY STUDENT**  
14 **TRANSFERRING AT THE BEGINNING OR DURING HIS OR HER SENIOR YEAR BE**  
15 **INELIGIBLE TO GRADUATE FROM THE RECEIVING LOCAL EDUCATION AGENCY**  
16 **AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED, THE SENDING AND**  
17 **RECEIVING LOCAL EDUCATION AGENCIES SHALL ENSURE THE RECEIPT OF A**  
18 **DIPLOMA FROM THE SENDING LOCAL EDUCATION AGENCY IF THE STUDENT**  
19 **MEETS THE GRADUATION REQUIREMENTS OF THE SENDING LOCAL EDUCATION**  
20 **AGENCY. IN THE EVENT THAT ONE OF THE STATES IN QUESTION IS NOT A**  
21 **MEMBER OF THIS COMPACT, THE MEMBER STATE SHALL USE BEST EFFORTS TO**  
22 **FACILITATE THE ON-TIME GRADUATION OF THE STUDENT IN ACCORDANCE**  
23 **WITH SECTIONS A AND B OF THIS ARTICLE.**

24   **ARTICLE VIII**

25   **STATE COORDINATION**

26           **A.    EACH MEMBER STATE SHALL, THROUGH THE CREATION OF A STATE**  
27 **COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE FOR THE**  
28 **COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATION**  
29 **AGENCIES, AND MILITARY INSTALLATIONS CONCERNING THE STATE'S**  
30 **PARTICIPATION IN AND COMPLIANCE WITH THIS COMPACT AND INTERSTATE**  
31 **COMMISSION ACTIVITIES. WHILE EACH MEMBER STATE MAY DETERMINE THE**  
32 **MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT**  
33 **LEAST THE STATE SUPERINTENDENT OF SCHOOLS, A SUPERINTENDENT OF A**  
34 **SCHOOL DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN, A**



1           **2.   CONSIST OF ONE INTERSTATE COMMISSION VOTING**  
2 **REPRESENTATIVE FROM EACH MEMBER STATE WHO SHALL BE THAT STATE'S**  
3 **COMPACT COMMISSIONER.**

4           **C.   1.   EACH MEMBER STATE REPRESENTED AT A MEETING OF THE**  
5 **INTERSTATE COMMISSION IS ENTITLED TO ONE VOTE.**

6           **2.   A MAJORITY OF THE TOTAL MEMBER STATES SHALL**  
7 **CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS UNLESS A**  
8 **LARGER QUORUM IS REQUIRED BY THE BYLAWS OF THE INTERSTATE**  
9 **COMMISSION.**

10          **3.   A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO**  
11 **ANOTHER MEMBER STATE. IN THE EVENT THE COMPACT COMMISSIONER IS**  
12 **UNABLE TO ATTEND A MEETING OF THE INTERSTATE COMMISSION, THE**  
13 **GOVERNOR OR STATE COUNCIL MAY DELEGATE VOTING AUTHORITY TO**  
14 **ANOTHER PERSON FROM THEIR STATE FOR A SPECIFIED MEETING.**

15          **4.   THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE**  
16 **INTERSTATE COMMISSION TO BE CONDUCTED BY TELECOMMUNICATION OR**  
17 **ELECTRONIC COMMUNICATION.**

18           **D.   THE INTERSTATE COMMISSION SHALL:**

19          **1.   CONSIST OF EX OFFICIO, NONVOTING REPRESENTATIVES WHO**  
20 **ARE MEMBERS OF INTERESTED ORGANIZATIONS. SUCH EX OFFICIO MEMBERS,**  
21 **AS DEFINED IN THE BYLAWS, MAY INCLUDE BUT NOT BE LIMITED TO, MEMBERS**  
22 **OF THE REPRESENTATIVE ORGANIZATIONS OF MILITARY FAMILY ADVOCATES,**  
23 **LOCAL EDUCATION AGENCY OFFICIALS, PARENT AND TEACHER GROUPS, THE**  
24 **U.S. DEPARTMENT OF DEFENSE, THE EDUCATION COMMISSION OF THE**  
25 **STATES, THE INTERSTATE AGREEMENT ON THE QUALIFICATION OF**  
26 **EDUCATIONAL PERSONNEL, AND OTHER INTERSTATE COMPACTS AFFECTING**  
27 **THE EDUCATION OF CHILDREN OF MILITARY MEMBERS;**

28          **2.   MEET AT LEAST ONCE EACH CALENDAR YEAR. THE**  
29 **CHAIRPERSON MAY CALL ADDITIONAL MEETINGS AND, UPON THE REQUEST OF A**  
30 **SIMPLE MAJORITY OF THE MEMBER STATES, SHALL CALL ADDITIONAL**  
31 **MEETINGS;**

32          **3.   ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS**  
33 **SHALL INCLUDE THE OFFICERS OF THE INTERSTATE COMMISSION AND SUCH**  
34 **OTHER MEMBERS OF THE INTERSTATE COMMISSION AS DETERMINED BY THE**  
35 **BYLAWS. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL SERVE A 1-YEAR**  
36 **TERM. MEMBERS OF THE EXECUTIVE COMMITTEE SHALL BE ENTITLED TO ONE**

1 VOTE EACH. THE EXECUTIVE COMMITTEE SHALL HAVE THE POWER TO ACT ON  
2 BEHALF OF THE INTERSTATE COMMISSION, WITH THE EXCEPTION OF  
3 RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMISSION IS NOT  
4 IN SESSION. THE EXECUTIVE COMMITTEE SHALL OVERSEE THE DAY-TO-DAY  
5 ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING  
6 ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS  
7 BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE  
8 U.S. DEPARTMENT OF DEFENSE SHALL SERVE AS AN EX OFFICIO, NONVOTING  
9 MEMBER OF THE EXECUTIVE COMMITTEE;

10 4. ESTABLISH BYLAWS AND RULES THAT PROVIDE FOR  
11 CONDITIONS AND PROCEDURES UNDER WHICH THE INTERSTATE COMMISSION  
12 SHALL MAKE ITS INFORMATION AND OFFICIAL RECORDS AVAILABLE TO THE  
13 PUBLIC FOR INSPECTION OR COPYING. THE INTERSTATE COMMISSION MAY  
14 EXEMPT FROM DISCLOSURE INFORMATION OR OFFICIAL RECORDS TO THE  
15 EXTENT THEY WOULD ADVERSELY AFFECT PERSONAL PRIVACY RIGHTS OR  
16 PROPRIETARY INTERESTS;

17 5. GIVE PUBLIC NOTICE OF ALL MEETINGS AND ALL MEETINGS  
18 SHALL BE OPEN TO THE PUBLIC, EXCEPT AS SET FORTH IN THE RULES OR AS  
19 OTHERWISE PROVIDED IN THE COMPACT. THE INTERSTATE COMMISSION AND  
20 ITS COMMITTEES MAY CLOSE A MEETING, OR PORTION THEREOF, WHERE IT  
21 DETERMINES BY TWO-THIRDS VOTE THAT AN OPEN MEETING WOULD BE LIKELY  
22 TO:

23 I. RELATE SOLELY TO THE INTERSTATE COMMISSION'S  
24 INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

25 II. DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM  
26 DISCLOSURE BY FEDERAL AND STATE STATUTE;

27 III. DISCLOSE TRADE SECRETS OR COMMERCIAL OR  
28 FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

29 IV. INVOLVE ACCUSING A PERSON OF A CRIME OR  
30 FORMALLY CENSURING A PERSON;

31 V. DISCLOSE INFORMATION OF A PERSONAL NATURE  
32 WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION  
33 OF PERSONAL PRIVACY;

34 VI. DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR  
35 LAW ENFORCEMENT PURPOSES; OR

1                   **VII. SPECIFICALLY RELATE TO THE INTERSTATE**  
2 **COMMISSION’S PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL**  
3 **PROCEEDING;**

4                   **6. CAUSE ITS LEGAL COUNSEL OR DESIGNEE TO CERTIFY THAT A**  
5 **MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT**  
6 **EXEMPTIBLE PROVISION FOR ANY MEETING, OR PORTION OF A MEETING, THAT**  
7 **IS CLOSED PURSUANT TO THIS PROVISION. THE INTERSTATE COMMISSION**  
8 **SHALL KEEP MINUTES THAT SHALL FULLY AND CLEARLY DESCRIBE ALL**  
9 **MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND**  
10 **ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE,**  
11 **INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED AND THE RECORD OF A**  
12 **ROLL CALL VOTE. ALL DOCUMENTS CONSIDERED IN CONNECTION WITH AN**  
13 **ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND**  
14 **DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT TO**  
15 **RELEASE BY A MAJORITY VOTE OF THE INTERSTATE COMMISSION;**

16                   **7. COLLECT STANDARDIZED DATA CONCERNING THE**  
17 **EDUCATIONAL TRANSITION OF THE CHILDREN OF MILITARY FAMILIES UNDER**  
18 **THIS COMPACT AS DIRECTED THROUGH ITS RULES THAT SHALL SPECIFY THE**  
19 **DATA TO BE COLLECTED, THE MEANS OF COLLECTION, AND DATA EXCHANGE**  
20 **AND REPORTING REQUIREMENTS. SUCH METHODS OF DATA COLLECTION,**  
21 **EXCHANGE AND REPORTING SHALL, IN SO FAR AS IS REASONABLY POSSIBLE,**  
22 **CONFORM TO CURRENT TECHNOLOGY AND COORDINATE ITS INFORMATION**  
23 **FUNCTIONS WITH THE APPROPRIATE CUSTODIAN OF RECORDS AS IDENTIFIED**  
24 **IN THE BYLAWS AND RULES; AND**

25                   **8. CREATE A PROCESS THAT PERMITS MILITARY OFFICIALS,**  
26 **EDUCATION OFFICIALS, AND PARENTS TO INFORM THE INTERSTATE**  
27 **COMMISSION IF AND WHEN THERE ARE ALLEGED VIOLATIONS OF THE COMPACT**  
28 **OR ITS RULES OR WHEN ISSUES SUBJECT TO THE JURISDICTION OF THE**  
29 **COMPACT OR ITS RULES ARE NOT ADDRESSED BY THE STATE OR LOCAL**  
30 **EDUCATION AGENCY. THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A**  
31 **PRIVATE RIGHT OF ACTION AGAINST THE INTERSTATE COMMISSION OR ANY**  
32 **MEMBER STATE.**

33   **ARTICLE X**

34                   **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

35                   **THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:**

36                   **A. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES;**

1           **B. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO**  
2 **EFFECT THE GOALS, PURPOSES, AND OBLIGATIONS AS ENUMERATED IN THIS**  
3 **COMPACT. THE RULES SHALL HAVE THE FORCE AND EFFECT OF STATUTORY**  
4 **LAW AND SHALL BE BINDING IN THE COMPACT STATES TO THE EXTENT AND IN**  
5 **THE MANNER PROVIDED IN THIS COMPACT;**

6           **C. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY**  
7 **OPINIONS CONCERNING THE MEANING OR INTERPRETATION OF THE**  
8 **INTERSTATE COMPACT, ITS BYLAWS, RULES, AND ACTIONS;**

9           **D. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE**  
10 **RULES PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS,**  
11 **USING ALL NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO**  
12 **THE USE OF JUDICIAL PROCESS;**

13           **E. TO ESTABLISH AND MAINTAIN OFFICES THAT SHALL BE LOCATED**  
14 **WITHIN ONE OR MORE OF THE MEMBER STATES;**

15           **F. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;**

16           **G. TO BORROW, ACCEPT, HIRE, OR CONTRACT FOR SERVICES OF**  
17 **PERSONNEL;**

18           **H. TO ESTABLISH AND APPOINT COMMITTEES, INCLUDING BUT NOT**  
19 **LIMITED TO AN EXECUTIVE COMMITTEE AS REQUIRED BY ARTICLE IX, SECTION**  
20 **D, THAT SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE**  
21 **COMMISSION IN CARRYING OUT ITS POWERS AND DUTIES HEREUNDER;**

22           **I. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES,**  
23 **AGENTS, OR CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR**  
24 **DUTIES, DETERMINE THEIR QUALIFICATIONS, AND TO ESTABLISH THE**  
25 **INTERSTATE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS RELATING**  
26 **TO CONFLICTS OF INTEREST, RATES OF COMPENSATION, AND QUALIFICATIONS**  
27 **OF PERSONNEL;**

28           **J. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY,**  
29 **EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE,**  
30 **AND DISPOSE OF THEM;**

31           **K. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF,**  
32 **OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY PROPERTY, REAL,**  
33 **PERSONAL, OR MIXED;**





1           **1. ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE**  
2 **COMMISSION;**

3           **2. ESTABLISHING AN EXECUTIVE COMMITTEE AND SUCH OTHER**  
4 **COMMITTEES AS MAY BE NECESSARY;**

5           **3. PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND**  
6 **FOR GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR**  
7 **FUNCTION OF THE INTERSTATE COMMISSION;**

8           **4. PROVIDING REASONABLE PROCEDURES FOR CALLING AND**  
9 **CONDUCTING MEETINGS OF THE INTERSTATE COMMISSION AND ENSURING**  
10 **REASONABLE NOTICE OF EACH SUCH MEETING;**

11           **5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE**  
12 **OFFICERS AND STAFF OF THE INTERSTATE COMMISSION;**

13           **6. PROVIDING A MECHANISM FOR CONCLUDING THE**  
14 **OPERATIONS OF THE INTERSTATE COMMISSION AND THE RETURN OF SURPLUS**  
15 **FUNDS THAT MAY EXIST UPON THE TERMINATION OF THE COMPACT AFTER THE**  
16 **PAYMENT AND RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS; AND**

17           **7. PROVIDING “START-UP” RULES FOR INITIAL**  
18 **ADMINISTRATION OF THE COMPACT.**

19           **B. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE**  
20 **MEMBERS, ELECT ANNUALLY FROM AMONG ITS MEMBERS A CHAIRPERSON, A**  
21 **VICE-CHAIRPERSON, AND A TREASURER, EACH OF WHOM SHALL HAVE SUCH**  
22 **AUTHORITY AND DUTIES AS MAY BE SPECIFIED IN THE BYLAWS. THE**  
23 **CHAIRPERSON OR, IN THE CHAIRPERSON’S ABSENCE OR DISABILITY, THE**  
24 **VICE-CHAIRPERSON, SHALL PRESIDE AT ALL MEETINGS OF THE INTERSTATE**  
25 **COMMISSION. THE OFFICERS SO ELECTED SHALL SERVE WITHOUT**  
26 **COMPENSATION OR REMUNERATION FROM THE INTERSTATE COMMISSION,**  
27 **PROVIDED THAT, SUBJECT TO THE AVAILABILITY OF BUDGETED FUNDS, THE**  
28 **OFFICERS SHALL BE REIMBURSED FOR ORDINARY AND NECESSARY COSTS AND**  
29 **EXPENSES INCURRED BY THEM IN THE PERFORMANCE OF THEIR**  
30 **RESPONSIBILITIES AS OFFICERS OF THE INTERSTATE COMMISSION.**

31           **C. EXECUTIVE COMMITTEE, OFFICERS, AND PERSONNEL –**

32           **1. THE EXECUTIVE COMMITTEE SHALL HAVE SUCH AUTHORITY**  
33 **AND DUTIES AS MAY BE SET FORTH IN THE BYLAWS, INCLUDING BUT NOT**  
34 **LIMITED TO:**

1           **I. MANAGING THE AFFAIRS OF THE INTERSTATE**  
2 **COMMISSION IN A MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF**  
3 **THE INTERSTATE COMMISSION;**

4           **II. OVERSEEING AN ORGANIZATIONAL STRUCTURE**  
5 **WITHIN, AND APPROPRIATE PROCEDURES FOR THE INTERSTATE COMMISSION**  
6 **TO PROVIDE FOR THE CREATION OF RULES, OPERATING PROCEDURES, AND**  
7 **ADMINISTRATIVE AND TECHNICAL SUPPORT FUNCTIONS; AND**

8           **III. PLANNING, IMPLEMENTING, AND COORDINATING**  
9 **COMMUNICATIONS AND ACTIVITIES WITH OTHER STATE, FEDERAL, AND LOCAL**  
10 **GOVERNMENT ORGANIZATIONS IN ORDER TO ADVANCE THE GOALS OF THE**  
11 **INTERSTATE COMMISSION.**

12           **2. THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE**  
13 **APPROVAL OF THE INTERSTATE COMMISSION, APPOINT OR RETAIN AN**  
14 **EXECUTIVE DIRECTOR FOR SUCH PERIOD, UPON SUCH TERMS AND CONDITIONS**  
15 **AND FOR SUCH COMPENSATION, AS THE INTERSTATE COMMISSION MAY DEEM**  
16 **APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL SERVE AS SECRETARY TO THE**  
17 **INTERSTATE COMMISSION, BUT SHALL NOT BE A MEMBER OF THE INTERSTATE**  
18 **COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE AND SUPERVISE SUCH**  
19 **OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE COMMISSION.**

20           **D. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS**  
21 **EMPLOYEES SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER**  
22 **PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO**  
23 **OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY**  
24 **CAUSED OR ARISING OUT OF OR RELATING TO AN ACTUAL OR ALLEGED ACT,**  
25 **ERROR, OR OMISSION THAT OCCURRED, OR THAT SUCH PERSON HAD A**  
26 **REASONABLE BASIS FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF**  
27 **INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,**  
28 **PROVIDED THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR**  
29 **LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE**  
30 **INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.**

31           **1. THE LIABILITY OF THE INTERSTATE COMMISSION'S**  
32 **EXECUTIVE DIRECTOR AND EMPLOYEES OR INTERSTATE COMMISSION**  
33 **REPRESENTATIVES, ACTING WITHIN THE SCOPE OF SUCH PERSON'S**  
34 **EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR OMISSIONS OCCURRING**  
35 **WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS OF LIABILITY SET**  
36 **FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR STATE**  
37 **OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS**  
38 **CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES**  
39 **OF ANY SUCH ACTION. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO**

1 PROTECT SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY,  
2 OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON  
3 MISCONDUCT OF SUCH PERSON.

4 2. THE INTERSTATE COMMISSION SHALL DEFEND THE  
5 EXECUTIVE DIRECTOR AND ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL  
6 OF THE ATTORNEY GENERAL OR OTHER APPROPRIATE LEGAL COUNSEL OF THE  
7 MEMBER STATE REPRESENTED BY AN INTERSTATE COMMISSION  
8 REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE COMMISSION  
9 REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING  
10 OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED  
11 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR  
12 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR  
13 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION  
14 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR  
15 ALLEGED ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR  
16 WILLFUL AND WANTON MISCONDUCT ON THE PART OF SUCH PERSON.

17 3. TO THE EXTENT NOT COVERED BY THE STATE INVOLVED,  
18 MEMBER STATE, OR THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR  
19 EMPLOYEES OF THE INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN  
20 THE AMOUNT OF A SETTLEMENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES  
21 AND COSTS, OBTAINED AGAINST SUCH PERSONS ARISING OUT OF AN ACTUAL OR  
22 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF  
23 INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR  
24 THAT SUCH PERSONS HAD A REASONABLE BASIS FOR BELIEVING OCCURRED  
25 WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR  
26 RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR  
27 OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON  
28 MISCONDUCT ON THE PART OF SUCH PERSONS.

## 29 ARTICLE XII

### 30 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

31 A. RULEMAKING AUTHORITY. THE INTERSTATE COMMISSION SHALL  
32 PROMULGATE REASONABLE RULES IN ORDER TO EFFECTIVELY AND  
33 EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT. NOTWITHSTANDING  
34 THE FOREGOING, IN THE EVENT THE INTERSTATE COMMISSION EXERCISES ITS  
35 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE OF THE  
36 PURPOSES OF THIS ACT, OR THE POWERS GRANTED HEREUNDER, THEN SUCH  
37 AN ACTION BY THE INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO  
38 FORCE AND EFFECT.



1 TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL  
2 RENDER A JUDGMENT OR ORDER VOID AS TO THE INTERSTATE COMMISSION,  
3 THIS COMPACT, OR ITS PROMULGATED RULES.

4 **B. DEFAULT, TECHNICAL ASSISTANCE, SUSPENSION AND**  
5 **TERMINATION. IF THE INTERSTATE COMMISSION DETERMINES THAT A**  
6 **MEMBER STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS**  
7 **OR RESPONSIBILITIES UNDER THIS COMPACT OR ITS BYLAWS OR**  
8 **PROMULGATED RULES, THE INTERSTATE COMMISSION SHALL:**

9 **1. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND**  
10 **OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE MEANS OF**  
11 **CURING THE DEFAULT, AND ANY ACTION TAKEN BY THE INTERSTATE**  
12 **COMMISSION. THE INTERSTATE COMMISSION SHALL SPECIFY THE CONDITIONS**  
13 **BY WHICH THE DEFAULTING STATE MUST CURE ITS DEFAULT; AND**

14 **2. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL**  
15 **ASSISTANCE REGARDING THE DEFAULT.**

16 **C. IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE**  
17 **DEFAULTING STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN**  
18 **AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES AND ALL RIGHTS,**  
19 **PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT SHALL BE**  
20 **TERMINATED FROM THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE**  
21 **DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR**  
22 **LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.**

23 **D. SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT**  
24 **SHALL BE IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE**  
25 **HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL**  
26 **BE GIVEN BY THE INTERSTATE COMMISSION TO THE GOVERNOR, THE**  
27 **MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S**  
28 **LEGISLATURE, AND EACH OF THE MEMBER STATES.**

29 **E. THE STATE THAT HAS BEEN SUSPENDED OR TERMINATED IS**  
30 **RESPONSIBLE FOR ALL ASSESSMENTS, OBLIGATIONS, AND LIABILITIES**  
31 **INCURRED THROUGH THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION**  
32 **INCLUDING OBLIGATIONS, THE PERFORMANCE OF WHICH EXTENDS BEYOND**  
33 **THE EFFECTIVE DATE OF SUSPENSION OR TERMINATION.**

34 **F. THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS**  
35 **RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT**  
36 **HAS BEEN SUSPENDED OR TERMINATED FROM THE COMPACT, UNLESS**

1 OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE  
2 COMMISSION AND THE DEFAULTING STATE.

3 G. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE  
4 INTERSTATE COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR  
5 THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE  
6 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING  
7 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING  
8 REASONABLE ATTORNEY’S FEES.

9 H. DISPUTE RESOLUTION.

10 1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE  
11 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO  
12 THE COMPACT AND THAT MAY ARISE AMONG MEMBER STATES AND BETWEEN  
13 MEMBER AND NONMEMBER STATES.

14 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE  
15 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR  
16 DISPUTES AS APPROPRIATE.

17 I. ENFORCEMENT.

18 1. THE INTERSTATE COMMISSION, IN THE REASONABLE  
19 EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF  
20 THIS COMPACT.

21 2. THE INTERSTATE COMMISSION MAY, BY MAJORITY VOTE OF  
22 THE MEMBERS, INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT  
23 COURT FOR THE DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE  
24 INTERSTATE COMMISSION, IN THE FEDERAL DISTRICT WHERE THE INTERSTATE  
25 COMMISSION HAS ITS PRINCIPAL OFFICES, TO ENFORCE COMPLIANCE WITH  
26 THE PROVISIONS OF THE COMPACT AND ITS PROMULGATED RULES AND  
27 BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE RELIEF SOUGHT MAY  
28 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE EVENT JUDICIAL  
29 ENFORCEMENT IS NECESSARY THE PREVAILING PARTY SHALL BE AWARDED ALL  
30 COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY’S FEES.

31 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE  
32 REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION  
33 MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR  
34 THE REGULATION OF A PROFESSION.

## FINANCING OF THE INTERSTATE COMMISSION

A. THE INTERSTATE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

B. THE INTERSTATE COMMISSION MAY LEVY AND COLLECT AN ANNUAL ASSESSMENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF THAT MUST BE IN A TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S ANNUAL BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE INTERSTATE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

C. THE INTERSTATE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME, NOR SHALL THE INTERSTATE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES, EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

D. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTERSTATE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE INTERSTATE COMMISSION.

## ARTICLE XV

### MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. ANY STATE IS ELIGIBLE TO BECOME A MEMBER STATE.

B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN TEN OF THE STATES. THE EFFECTIVE DATE SHALL BE NO EARLIER THAN DECEMBER 1, 2007. THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER MEMBER STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE GOVERNORS OF NONMEMBER STATES OR THEIR DESIGNEES SHALL BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE



1 COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY  
2 ALL STATES.

3 C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO  
4 THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT  
5 SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION  
6 AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY  
7 UNANIMOUS CONSENT OF THE MEMBER STATES.

## 8 ARTICLE XVI

### 9 WITHDRAWAL AND DISSOLUTION

#### 10 A. WITHDRAWAL.

11 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE  
12 AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE, PROVIDED THAT  
13 A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY  
14 REPEALING THE STATUTE WHICH ENACTED THE COMPACT INTO LAW.

15 2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE  
16 ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE  
17 EFFECT UNTIL 1 YEAR AFTER THE EFFECTIVE DATE OF SUCH STATUTE AND  
18 UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE  
19 WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER  
20 JURISDICTION.

21 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE  
22 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE  
23 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE  
24 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE  
25 OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW  
26 WITHIN 60 DAYS OF ITS RECEIPT THEREOF.

27 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL  
28 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE  
29 EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS THE  
30 PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF  
31 WITHDRAWAL.

32 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER  
33 STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE  
34 COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE  
35 COMMISSION.

1           **B.     DISSOLUTION OF COMPACT.**

2                   1.     **THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE**  
3 **OF THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES**  
4 **THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.**

5                   2.     **UPON THE DISSOLUTION OF THIS COMPACT, THE COMPACT**  
6 **BECOMES NULL AND VOID AND SHALL BE OF NO FURTHER FORCE AND EFFECT,**  
7 **AND THE BUSINESS AND AFFAIRS OF THE INTERSTATE COMMISSION SHALL BE**  
8 **CONCLUDED AND SURPLUS FUNDS SHALL BE DISTRIBUTED IN ACCORDANCE**  
9 **WITH THE BYLAWS.**

10   **ARTICLE XVII**

11   **SEVERABILITY AND CONSTRUCTION**

12                   A.     **THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND, IF**  
13 **ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION IS DEEMED UNENFORCEABLE,**  
14 **THE REMAINING PROVISIONS OF THE COMPACT SHALL BE ENFORCEABLE.**

15                   B.     **THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY**  
16 **CONSTRUED TO EFFECTUATE ITS PURPOSES.**

17                   C.     **NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT**  
18 **THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES**  
19 **ARE MEMBERS.**

20   **ARTICLE XVIII**

21   **BINDING EFFECT OF COMPACT AND OTHER LAWS**

22                   A.     **OTHER LAWS.**

23                   1.     **NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY**  
24 **OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS**  
25 **COMPACT.**

26                   2.     **ALL MEMBER STATES' LAWS CONFLICTING WITH THIS**  
27 **COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.**

28                   B.     **BINDING EFFECT OF THE COMPACT.**

1           **1. ALL LAWFUL ACTIONS OF THE INTERSTATE COMMISSION,**  
2 **INCLUDING ALL RULES AND BYLAWS PROMULGATED BY THE INTERSTATE**  
3 **COMMISSION, ARE BINDING UPON THE MEMBER STATES.**

4           **2. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION**  
5 **AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.**

6           **3. IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS**  
7 **THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER**  
8 **STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE**  
9 **CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT**  
10 **MEMBER STATE.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take  
12 effect until the enactment of a similar Act by no fewer than 10 of the states; that no  
13 fewer than 10 states are requested to concur in this Act of the General Assembly of  
14 Maryland by the passage of a similar Act; that the Department of Legislative Services  
15 shall notify the appropriate officials of the passage of this Act; and that upon  
16 concurrence in this Act by no fewer than 10 states, the Governor of the State of  
17 Maryland shall issue a proclamation declaring this Act valid and effective and shall  
18 forward a copy of the proclamation to the Director of the Department of Legislative  
19 Services.

20           SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions  
21 of Section 2 of this Act, this Act shall take effect July 1, 2008.