

# HOUSE BILL 306

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SB 457/08 – EHE

9lr0207  
CF SB 257

By: **The Speaker (By Request – Administration) and Delegates Kaiser, Ali, Barkley, Bartlett, Branch, Braveboy, Carr, Davis, Dumais, Frick, Gilchrist, Gutierrez, Guzzone, Hammen, Hixson, Howard, Hucker, Ivey, Jones, King, Kramer, Kullen, Lafferty, Lee, Levi, Love, Manno, Montgomery, Morhaim, Murphy, Nathan-Pulliam, Oaks, Ramirez, Rice, Ross, Rudolph, Smigiel, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher**

Introduced and read first time: January 29, 2009

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2009

## CHAPTER \_\_\_\_\_

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

#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



certain contingency; and generally relating to the Interstate Compact on Educational Opportunity for Military Children.

BY adding to

Article – Education

Section 7–1301 through 7–1303 to be under the new subtitle “Subtitle 13. Interstate Compact on Educational Opportunity for Military Children” Annotated Code of Maryland (2008 Replacement Volume)

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

### **Article – Education**

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

##### **7–1301.**

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

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

##### **7–1302.**

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

##### **7–1303.**

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

## **ARTICLE I**

**PURPOSE**

**IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS TO EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES BECAUSE OF FREQUENT MOVES AND DEPLOYMENT OF THEIR PARENTS BY:**

**A. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF MILITARY FAMILIES AND ENSURING THAT THEY ARE NOT PLACED AT A DISADVANTAGE DUE TO DIFFICULTY IN THE TRANSFER OF EDUCATION RECORDS FROM THE PREVIOUS SCHOOL DISTRICT OR VARIATIONS IN ENTRANCE OR AGE REQUIREMENTS;**

**B. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH WHICH CHILDREN OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY VARIATIONS IN ATTENDANCE REQUIREMENTS, SCHEDULING, SEQUENCING, GRADING, COURSE CONTENT, OR ASSESSMENT;**

**C. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR ENROLLMENT, EDUCATIONAL PROGRAMS, AND PARTICIPATION IN EXTRACURRICULAR ACADEMIC, ATHLETIC, AND SOCIAL ACTIVITIES;**

**D. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF MILITARY FAMILIES;**

**E. PROVIDING FOR THE PROMULGATION AND ENFORCEMENT OF ADMINISTRATIVE RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT;**

**F. PROVIDING FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION BETWEEN AND AMONG MEMBER STATES, SCHOOLS, AND MILITARY FAMILIES UNDER THIS COMPACT;**

**G. PROMOTING COORDINATION BETWEEN THIS COMPACT AND OTHER COMPACTS AFFECTING MILITARY CHILDREN; AND**

**H. PROMOTING FLEXIBILITY AND COOPERATION BETWEEN THE EDUCATIONAL SYSTEM, PARENTS, AND THE STUDENT IN ORDER TO ACHIEVE EDUCATIONAL SUCCESS FOR THE STUDENT.**

**ARTICLE II**

**DEFINITIONS**

**AS USED IN THIS COMPACT, UNLESS THE CONTEXT CLEARLY REQUIRES A DIFFERENT CONSTRUCTION:**

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**

1 PROVIDE CONTROL OF AND DIRECTION FOR KINDERGARTEN THROUGH  
2 12TH-GRADE PUBLIC EDUCATIONAL INSTITUTIONS;

3 I. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS  
4 COMPACT;

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

14 K. "NONMEMBER STATE" MEANS A STATE THAT HAS NOT ENACTED  
15 THIS COMPACT;

16 L. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A  
17 MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;

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

26 N. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A  
27 MILITARY FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT;

28 O. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT  
29 OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE U.S. VIRGIN  
30 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS, AND  
31 ANY OTHER U.S. TERRITORY;

32 P. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM  
33 THE LOCAL EDUCATION AGENCY RECEIVES PUBLIC FUNDING AND WHO IS  
34 FORMALLY ENROLLED IN KINDERGARTEN THROUGH 12TH GRADE;

35 Q. "TRANSITION" MEANS:

1           **1. THE FORMAL AND PHYSICAL PROCESS OF TRANSFERRING**  
2 **FROM SCHOOL TO SCHOOL; OR**

3           **2. THE PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE**  
4 **SCHOOL IN THE SENDING STATE TO ANOTHER SCHOOL IN THE RECEIVING**  
5 **STATE;**

6           **R. "UNIFORMED SERVICES" MEANS THE ARMY, NAVY, AIR FORCE,**  
7 **MARINE CORPS, COAST GUARD AS WELL AS THE COMMISSIONED CORPS OF**  
8 **THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC**  
9 **HEALTH SERVICES; AND**

10          **S. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED**  
11 **SERVICES AND WHO WAS DISCHARGED OR RELEASED THEREFROM UNDER**  
12 **CONDITIONS OTHER THAN DISHONORABLE.**

### 13                                   **ARTICLE III**

### 14                                   **APPLICABILITY**

15          **A. EXCEPT AS OTHERWISE PROVIDED IN SECTION B, THIS COMPACT**  
16 **SHALL APPLY TO THE CHILDREN OF:**

17           **1. ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS**  
18 **DEFINED IN THIS COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD**  
19 **AND RESERVE ON ACTIVE DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS**  
20 **1209 AND 1211;**

21           **2. MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO**  
22 **ARE SEVERELY INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A**  
23 **PERIOD OF 1 YEAR AFTER MEDICAL DISCHARGE OR RETIREMENT; AND**

24           **3. MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE**  
25 **DUTY OR AS A RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD**  
26 **OF 1 YEAR AFTER DEATH.**

27          **B. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY**  
28 **APPLY TO LOCAL EDUCATION AGENCIES AS DEFINED IN THIS COMPACT.**

29          **C. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE**  
30 **CHILDREN OF:**

31           **1. INACTIVE MEMBERS OF THE NATIONAL GUARD AND**  
32 **MILITARY RESERVES;**

1           **2. MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED,**  
2 **EXCEPT AS PROVIDED IN SECTION A;**

3           **3. VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS**  
4 **PROVIDED IN SECTION A; AND**

5           **4. OTHER U.S. DEPARTMENT OF DEFENSE PERSONNEL AND**  
6 **OTHER FEDERAL AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED**  
7 **AS ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

## 8                                   **ARTICLE IV**

### 9                           **EDUCATIONAL RECORDS AND ENROLLMENT**

10           **A. UNOFFICIAL OR “HAND-CARRIED” EDUCATIONAL RECORDS – IN**  
11 **THE EVENT THAT OFFICIAL EDUCATIONAL RECORDS CANNOT BE RELEASED TO**  
12 **THE PARENTS FOR THE PURPOSE OF TRANSFER, THE CUSTODIAN OF THE**  
13 **RECORDS IN THE SENDING STATE SHALL PREPARE AND FURNISH TO THE**  
14 **PARENT A COMPLETE SET OF UNOFFICIAL EDUCATIONAL RECORDS CONTAINING**  
15 **UNIFORM INFORMATION AS DETERMINED BY THE INTERSTATE COMMISSION.**  
16 **UPON RECEIPT OF THE UNOFFICIAL EDUCATIONAL RECORDS BY A SCHOOL IN**  
17 **THE RECEIVING STATE, THE SCHOOL SHALL ENROLL AND APPROPRIATELY**  
18 **PLACE THE STUDENT BASED ON THE INFORMATION PROVIDED IN THE**  
19 **UNOFFICIAL EDUCATIONAL RECORDS PENDING VALIDATION BY THE OFFICIAL**  
20 **EDUCATIONAL RECORDS AS QUICKLY AS POSSIBLE.**

21           **B. OFFICIAL EDUCATIONAL RECORDS/TRANSCRIPTS – SIMULTANEOUS**  
22 **WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE STUDENT, THE**  
23 **SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT’S OFFICIAL**  
24 **EDUCATIONAL RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON**  
25 **RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS**  
26 **AND FURNISH THE OFFICIAL EDUCATIONAL RECORDS TO THE SCHOOL IN THE**  
27 **RECEIVING STATE WITHIN 10 DAYS OR WITHIN SUCH TIME AS IS REASONABLY**  
28 **DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE**  
29 **COMMISSION.**

30           **C. IMMUNIZATIONS – COMPACTING STATES SHALL GIVE 30 DAYS FROM**  
31 **THE DATE OF ENROLLMENT OR WITHIN SUCH TIME AS IS REASONABLY**  
32 **DETERMINED UNDER THE RULES PROMULGATED BY THE INTERSTATE**  
33 **COMMISSION, FOR STUDENTS TO OBTAIN ANY IMMUNIZATION(S) REQUIRED BY**  
34 **THE RECEIVING STATE. FOR A SERIES OF IMMUNIZATIONS, INITIAL**  
35 **VACCINATIONS MUST BE OBTAINED WITHIN 30 DAYS OR WITHIN SUCH TIME AS**  
36 **IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED BY THE**  
37 **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.**

## PLACEMENT AND ATTENDANCE

**B. EDUCATIONAL PROGRAM PLACEMENT – THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR PARTICIPATION/PLACEMENT IN LIKE PROGRAMS IN THE SENDING STATE. SUCH PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO:**

## 2. ENGLISH AS A SECOND LANGUAGE (ESL).



1       **THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM**  
2 **PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE**  
3 **PLACEMENT OF THE STUDENT.**

4       **C.     SPECIAL EDUCATION SERVICES –**

5           1.     **IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE**  
6 **INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA), 20 U.S.C.A.**  
7 **SECTION 1400 ET SEQ., THE RECEIVING STATE SHALL INITIALLY PROVIDE**  
8 **COMPARABLE SERVICES TO A STUDENT WITH DISABILITIES BASED ON THE**  
9 **STUDENT’S CURRENT INDIVIDUALIZED EDUCATION PROGRAM (IEP).**

10          2.     **IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504**  
11 **OF THE REHABILITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II**  
12 **OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS**  
13 **12131–12165, THE RECEIVING STATE SHALL MAKE REASONABLE**  
14 **ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS THE NEEDS OF INCOMING**  
15 **STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING 504 OR TITLE II**  
16 **PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCATION. THIS**  
17 **DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM**  
18 **PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE**  
19 **PLACEMENT OF THE STUDENT.**

20       **D.     PLACEMENT FLEXIBILITY – LOCAL EDUCATION AGENCY**  
21 **ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXIBILITY IN WAIVING**  
22 **COURSE/PROGRAM PREREQUISITES OR OTHER PRECONDITIONS FOR**  
23 **PLACEMENT IN COURSES/PROGRAMS OFFERED UNDER THE JURISDICTION OF**  
24 **THE LOCAL EDUCATION AGENCY.**

25       **E.     ABSENCE AS RELATED TO DEPLOYMENT ACTIVITIES – A STUDENT**  
26 **WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER OF THE**  
27 **UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN CALLED**  
28 **TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM**  
29 **DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE**  
30 **GRANTED ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL**  
31 **EDUCATION AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR**  
32 **LEGAL GUARDIAN RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT**  
33 **OR GUARDIAN.**

34                   **ARTICLE VI**

35                   **ELIGIBILITY**

36       **A.     ELIGIBILITY FOR ENROLLMENT –**



1                   I.     EXIT OR END-OF-COURSE EXAMS REQUIRED FOR  
2 GRADUATION FROM THE SENDING STATE;

3                   II.    NATIONAL NORM-REFERENCED ACHIEVEMENT TESTS;  
4 OR

5                   III.  ALTERNATIVE TESTING, IN LIEU OF TESTING  
6 REQUIREMENTS FOR GRADUATION IN THE RECEIVING STATE; AND

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

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

## 22                                   ARTICLE VIII

### 23                                   STATE COORDINATION

24           A.    EACH MEMBER STATE SHALL, THROUGH THE CREATION OF A STATE  
25 COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE FOR THE  
26 COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATION  
27 AGENCIES, AND MILITARY INSTALLATIONS CONCERNING THE STATE'S  
28 PARTICIPATION IN AND COMPLIANCE WITH THIS COMPACT AND INTERSTATE  
29 COMMISSION ACTIVITIES. WHILE EACH MEMBER STATE MAY DETERMINE THE  
30 MEMBERSHIP OF ITS OWN STATE COUNCIL, ITS MEMBERSHIP MUST INCLUDE AT  
31 LEAST THE STATE SUPERINTENDENT OF SCHOOLS, A SUPERINTENDENT OF A  
32 SCHOOL DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN, A  
33 REPRESENTATIVE FROM A MILITARY INSTALLATION, ONE REPRESENTATIVE  
34 EACH FROM THE LEGISLATIVE AND EXECUTIVE BRANCHES OF GOVERNMENT,  
35 AND REPRESENTATIVES OF OTHER OFFICES AND STAKEHOLDER GROUPS THE  
36 STATE COUNCIL DEEMS APPROPRIATE. A MEMBER STATE THAT DOES NOT HAVE

1 A SCHOOL DISTRICT DEEMED TO CONTAIN A HIGH CONCENTRATION OF  
2 MILITARY CHILDREN MAY APPOINT A SUPERINTENDENT FROM ANOTHER  
3 SCHOOL DISTRICT TO REPRESENT LOCAL EDUCATION AGENCIES ON THE STATE  
4 COUNCIL.

5 B. 1. THE STATE COUNCIL OF EACH MEMBER STATE SHALL  
6 APPOINT OR DESIGNATE A MILITARY FAMILY EDUCATION LIAISON ~~TO BE~~  
7 ~~LOCATED IN THE MARYLAND STATE DEPARTMENT OF EDUCATION~~ TO ASSIST  
8 MILITARY FAMILIES AND THE STATE IN FACILITATING THE IMPLEMENTATION  
9 OF THIS COMPACT.

10 2. IN MARYLAND, THE MILITARY FAMILY EDUCATION LIAISON  
11 SHALL BE LOCATED IN THE MARYLAND STATE DEPARTMENT OF EDUCATION.

12 C. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE  
13 ADMINISTRATION AND MANAGEMENT OF THE STATE'S PARTICIPATION IN THE  
14 COMPACT SHALL BE APPOINTED BY THE GOVERNOR IN CONSULTATION WITH  
15 THE STATE SUPERINTENDENT OF SCHOOLS.

16 D. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY  
17 EDUCATION LIAISON DESIGNATED HEREIN SHALL BE EX OFFICIO MEMBERS OF  
18 THE STATE COUNCIL, UNLESS EITHER IS ALREADY A FULL VOTING MEMBER OF  
19 THE STATE COUNCIL.

## 20 ARTICLE IX

### 21 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR 22 MILITARY CHILDREN

23 A. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE  
24 COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN".  
25 THE ACTIVITIES OF THE INTERSTATE COMMISSION ARE THE FORMATION OF  
26 PUBLIC POLICY AND ARE A DISCRETIONARY STATE FUNCTION.

27 B. THE INTERSTATE COMMISSION SHALL:

28 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER  
29 STATES AND SHALL HAVE ALL THE RESPONSIBILITIES, POWERS, AND DUTIES  
30 SET FORTH HEREIN, AND SUCH ADDITIONAL POWERS AS MAY BE CONFERRED  
31 UPON IT BY A SUBSEQUENT CONCURRENT ACTION OF THE RESPECTIVE  
32 LEGISLATURES OF THE MEMBER STATES IN ACCORDANCE WITH THE TERMS OF  
33 THIS COMPACT; AND

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 THEREFOR,**  
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 WHEN POSSIBLE**  
17 **CONCERNING THE EDUCATIONAL TRANSITION OF THE CHILDREN OF MILITARY**  
18 **FAMILIES UNDER THIS COMPACT AS DIRECTED THROUGH ITS RULES THAT**  
19 **SHALL SPECIFY THE DATA TO BE COLLECTED, THE MEANS OF COLLECTION, AND**  
20 **DATA EXCHANGE AND REPORTING REQUIREMENTS. SUCH METHODS OF DATA**  
21 **COLLECTION, EXCHANGE, AND REPORTING SHALL, IN SO FAR AS IS REASONABLY**  
22 **POSSIBLE, CONFORM TO CURRENT TECHNOLOGY AND COORDINATE ITS**  
23 **INFORMATION FUNCTIONS WITH THE APPROPRIATE CUSTODIAN OF RECORDS AS**  
24 **IDENTIFIED 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       **L. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,**  
2 **ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL, OR**  
3 **MIXED;**

4       **M. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;**

5       **N. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND**  
6 **OPERATION OF THE INTERSTATE COMMISSION;**

7       **O. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS,**  
8 **JUDICIARY, AND STATE COUNCILS OF THE MEMBER STATES CONCERNING THE**  
9 **ACTIVITIES OF THE INTERSTATE COMMISSION DURING THE PRECEDING YEAR.**  
10 **SUCH REPORTS SHALL ALSO INCLUDE ANY RECOMMENDATIONS THAT MAY**  
11 **HAVE BEEN ADOPTED BY THE INTERSTATE COMMISSION;**

12       **P. TO COORDINATE EDUCATION, TRAINING, AND PUBLIC AWARENESS**  
13 **REGARDING THE COMPACT, ITS IMPLEMENTATION, AND OPERATION FOR**  
14 **OFFICIALS AND PARENTS INVOLVED IN SUCH ACTIVITY;**

15       **Q. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING,**  
16 **COLLECTING, AND EXCHANGING OF DATA;**

17       **R. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE**  
18 **WITH THE BYLAWS;**

19       **S. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR**  
20 **APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT; AND**

21       **T. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF**  
22 **INFORMATION BETWEEN AND AMONG MEMBER STATES, SCHOOLS, AND**  
23 **MILITARY FAMILIES UNDER THIS COMPACT.**

## 24                                   **ARTICLE XI**

### 25                   **ORGANIZATION AND OPERATION OF THE INTERSTATE** 26 **COMMISSION**

27       **A. THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE**  
28 **MEMBERS PRESENT AND VOTING, WITHIN 12 MONTHS AFTER THE FIRST**  
29 **INTERSTATE COMMISSION MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT**  
30 **AS MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE**  
31 **COMPACT, INCLUDING BUT NOT LIMITED TO:**

32               **1. ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE**  
33 **COMMISSION;**

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

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

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

9           **5. ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE**  
10 **OFFICERS AND STAFF OF THE INTERSTATE COMMISSION;**

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

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

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

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

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

33           **I. MANAGING THE AFFAIRS OF THE INTERSTATE**  
34 **COMMISSION IN A MANNER CONSISTENT WITH THE BYLAWS AND PURPOSES OF**  
35 **THE INTERSTATE COMMISSION;**

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

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

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

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

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

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

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

## 26                                   **ARTICLE XII**

### 27           **RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

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

36           **B. RULEMAKING PROCEDURE. RULES SHALL BE MADE PURSUANT TO**  
37 **A RULEMAKING PROCESS THAT SUBSTANTIALLY CONFORMS TO THE "MODEL**  
38 **STATE ADMINISTRATIVE PROCEDURE ACT" OF 1981, UNIFORM LAWS**

1 ANNOTATED, VOL. 15, P.1 (2000), AS AMENDED, AS MAY BE APPROPRIATE TO  
2 THE OPERATIONS OF THE INTERSTATE COMMISSION.

3 C. JUDICIAL REVIEW. NOT LATER THAN 30 DAYS AFTER A RULE IS  
4 PROMULGATED, ANY PERSON MAY FILE A PETITION FOR JUDICIAL REVIEW OF  
5 THE RULE, PROVIDED THAT THE FILING OF SUCH A PETITION SHALL NOT STAY  
6 OR OTHERWISE PREVENT THE RULE FROM BECOMING EFFECTIVE UNLESS THE  
7 COURT FINDS THAT THE PETITIONER HAS A SUBSTANTIAL LIKELIHOOD OF  
8 SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE ACTIONS OF THE  
9 INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND SHALL NOT  
10 FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASONABLE  
11 EXERCISE OF THE INTERSTATE COMMISSION'S AUTHORITY.

12 D. REJECTION OF RULES. IF A MAJORITY OF THE LEGISLATURES OF  
13 THE COMPACTING STATES REJECTS A RULE BY ENACTMENT OF A STATUTE OR  
14 RESOLUTION IN THE SAME MANNER USED TO ADOPT THE COMPACT, THEN SUCH  
15 RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY COMPACTING  
16 STATE.

## 17 ARTICLE XIII

### 18 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

#### 19 A. OVERSIGHT.

20 1. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF  
21 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT  
22 AND SHALL TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE  
23 THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF THIS COMPACT  
24 AND THE RULES PROMULGATED HEREUNDER SHALL HAVE STANDING AS  
25 STATUTORY LAW.

26 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT  
27 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A  
28 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT THAT  
29 MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE  
30 INTERSTATE COMMISSION.

31 3. THE INTERSTATE COMMISSION SHALL BE ENTITLED TO  
32 RECEIVE ALL SERVICE OF PROCESS IN ANY SUCH PROCEEDING AND SHALL HAVE  
33 STANDING TO INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE  
34 TO PROVIDE SERVICE OF PROCESS TO THE INTERSTATE COMMISSION SHALL  
35 RENDER A JUDGMENT OR ORDER VOID AS TO THE INTERSTATE COMMISSION,  
36 THIS COMPACT, OR ITS PROMULGATED RULES.

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

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

11           **2.   PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL**  
12 **ASSISTANCE REGARDING THE DEFAULT.**

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

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

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

31       **F.   THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS**  
32 **RELATING TO ANY STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR THAT**  
33 **HAS BEEN SUSPENDED OR TERMINATED FROM THE COMPACT, UNLESS**  
34 **OTHERWISE MUTUALLY AGREED UPON IN WRITING BETWEEN THE INTERSTATE**  
35 **COMMISSION AND THE DEFAULTING STATE.**

36       **G.   THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE**  
37 **INTERSTATE COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR**

1 THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE  
2 INTERSTATE COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING  
3 PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING  
4 REASONABLE ATTORNEY'S FEES.

5 H. DISPUTE RESOLUTION.

6 1. THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE  
7 REQUEST OF A MEMBER STATE, TO RESOLVE DISPUTES THAT ARE SUBJECT TO  
8 THE COMPACT AND THAT MAY ARISE AMONG MEMBER STATES AND BETWEEN  
9 MEMBER AND NONMEMBER STATES.

10 2. THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE  
11 PROVIDING FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR  
12 DISPUTES AS APPROPRIATE.

13 I. ENFORCEMENT.

14 1. THE INTERSTATE COMMISSION, IN THE REASONABLE  
15 EXERCISE OF ITS DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF  
16 THIS COMPACT.

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

27 3. THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE  
28 REMEDIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION  
29 MAY AVAIL ITSELF OF ANY OTHER REMEDIES AVAILABLE UNDER STATE LAW OR  
30 THE REGULATION OF A PROFESSION.

31 ARTICLE XIV

32 FINANCING OF THE INTERSTATE COMMISSION

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

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

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

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

## 22                                   **ARTICLE XV**

### 23                   **MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

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

25       **B. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON**  
26 **LEGISLATIVE ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN TEN**  
27 **OF THE STATES. THE EFFECTIVE DATE SHALL BE NO EARLIER THAN DECEMBER**  
28 **1, 2007. THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY**  
29 **OTHER MEMBER STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT**  
30 **STATE. THE GOVERNORS OF NONMEMBER STATES OR THEIR DESIGNEES SHALL**  
31 **BE INVITED TO PARTICIPATE IN THE ACTIVITIES OF THE INTERSTATE**  
32 **COMMISSION ON A NONVOTING BASIS PRIOR TO ADOPTION OF THE COMPACT BY**  
33 **ALL STATES.**

34       **C. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO**  
35 **THE COMPACT FOR ENACTMENT BY THE MEMBER STATES. NO AMENDMENT**  
36 **SHALL BECOME EFFECTIVE AND BINDING UPON THE INTERSTATE COMMISSION**



1 AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY  
2 UNANIMOUS CONSENT OF THE MEMBER STATES.

3 **ARTICLE XVI**

4 **WITHDRAWAL AND DISSOLUTION**

5 **A. WITHDRAWAL.**

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

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

16 3. THE WITHDRAWING STATE SHALL IMMEDIATELY NOTIFY THE  
17 CHAIRPERSON OF THE INTERSTATE COMMISSION IN WRITING UPON THE  
18 INTRODUCTION OF LEGISLATION REPEALING THIS COMPACT IN THE  
19 WITHDRAWING STATE. THE INTERSTATE COMMISSION SHALL NOTIFY THE  
20 OTHER MEMBER STATES OF THE WITHDRAWING STATE'S INTENT TO WITHDRAW  
21 WITHIN 60 DAYS OF ITS RECEIPT THEREOF.

22 4. THE WITHDRAWING STATE IS RESPONSIBLE FOR ALL  
23 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE  
24 EFFECTIVE DATE OF WITHDRAWAL, INCLUDING OBLIGATIONS THE  
25 PERFORMANCE OF WHICH EXTEND BEYOND THE EFFECTIVE DATE OF  
26 WITHDRAWAL.

27 5. REINSTATEMENT FOLLOWING WITHDRAWAL OF A MEMBER  
28 STATE SHALL OCCUR UPON THE WITHDRAWING STATE REENACTING THE  
29 COMPACT OR UPON SUCH LATER DATE AS DETERMINED BY THE INTERSTATE  
30 COMMISSION.

31 **B. DISSOLUTION OF COMPACT.**

32 1. THIS COMPACT SHALL DISSOLVE EFFECTIVE UPON THE DATE  
33 OF THE WITHDRAWAL OR DEFAULT OF THE MEMBER STATE WHICH REDUCES  
34 THE MEMBERSHIP IN THE COMPACT TO ONE MEMBER STATE.

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

## 6                                   **ARTICLE XVII**

### 7                                   **SEVERABILITY AND CONSTRUCTION**

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

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

13           **C.     NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT**  
14 **THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES**  
15 **ARE MEMBERS.**

## 16                                   **ARTICLE XVIII**

### 17                                   **BINDING EFFECT OF COMPACT AND OTHER LAWS**

#### 18                   **A.     OTHER LAWS.**

19                   **1.     NOTHING HEREIN PREVENTS THE ENFORCEMENT OF ANY**  
20 **OTHER LAW OF A MEMBER STATE THAT IS NOT INCONSISTENT WITH THIS**  
21 **COMPACT.**

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

#### 24                   **B.     BINDING EFFECT OF THE COMPACT.**

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

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

30                   **3.     IN THE EVENT ANY PROVISION OF THIS COMPACT EXCEEDS**  
31 **THE CONSTITUTIONAL LIMITS IMPOSED ON THE LEGISLATURE OF ANY MEMBER**

1 STATE, SUCH PROVISION SHALL BE INEFFECTIVE TO THE EXTENT OF THE  
2 CONFLICT WITH THE CONSTITUTIONAL PROVISION IN QUESTION IN THAT  
3 MEMBER STATE.

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions  
14 of Section 2 of this Act, this Act shall take effect July 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.