

HOUSE BILL NO. HB0161

Interstate compact on students of military families.

Sponsored by: Representative(s) Illoway and Senator(s) Hastert and Johnson

A BILL

for

1 AN ACT relating to education; providing for an interstate  
2 compact on educational opportunity for military children;  
3 facilitating enrollment and placement of children of  
4 military families; providing for involvement in an  
5 interstate commission; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-24-101 through 21-24-118 are  
10 created to read:

11

12 CHAPTER 24

13 INTERSTATE COMPACT ON STUDENTS OF MILITARY FAMILIES

14

15 **21-24-101. Purpose.**

16

1           (a) It is the purpose of this compact to remove  
2 barriers to educational success imposed on children of  
3 military families because of frequent moves and deployment  
4 of their parents by:

5

6           (i) Facilitating the timely enrollment of  
7 children of military families and ensuring that they are  
8 not placed at a disadvantage due to difficulty in the  
9 transfer of education records from the previous school  
10 district or variations in entrance-age requirements;

11

12           (ii) Facilitating the student placement process  
13 through which children of military families are not  
14 disadvantaged by variations in attendance requirements,  
15 scheduling, sequencing, grading, course content or  
16 assessment;

17

18           (iii) Facilitating the qualification and  
19 eligibility for enrollment, educational programs, and  
20 participation in extracurricular academic, athletic and  
21 social activities;

22

23           (iv) Facilitating the on-time graduation of  
24 children of military families;

1

2 (v) Providing for the promulgation and  
3 enforcement of administrative rules implementing the  
4 provisions of this compact;

5

6 (vi) Providing for the uniform collection and  
7 sharing of information between and among member states,  
8 schools and military families under this compact;

9

10 (vii) Promoting coordination between this compact  
11 and other compacts affecting military children;

12

13 (viii) Promoting flexibility and cooperation  
14 between the educational system, parents and the student in  
15 order to achieve educational success for the student.

16

17 **21-24-102. Definitions.**

18

19 (a) As used in this compact, unless the context  
20 clearly requires a different construction:

21

22 (i) "Active duty" means full-time duty status in  
23 the active uniformed service of the United States,  
24 including members of the National Guard and Reserve on

1 active duty orders pursuant to 10 U.S.C. section 1209 and  
2 1211;

3

4 (ii) "Children of military families" means  
5 school-aged children, enrolled in kindergarten through  
6 twelfth grade, in the household of an active duty member;

7

8 (iii) "Compact commissioner" means the voting  
9 representative of each compacting state appointed pursuant  
10 to W.S. 21-24-108;

11

12 (iv) "Deployment" means the period one (1) month  
13 prior to the service members' departure from their home  
14 station on military orders though six (6) months after  
15 return to their home station;

16

17 (v) "Educational records" means those official  
18 records, files and data directly related to a student and  
19 maintained by the school or local education agency,  
20 including but not limited to records encompassing all the  
21 material kept in the student's cumulative folder such as  
22 general identifying data, records of attendance and of  
23 academic work completed, records of achievement and results

1 of evaluative tests, health data, disciplinary status, test  
2 protocols and individualized education programs;

3

4 (vi) "Extracurricular activities" means a  
5 voluntary activity sponsored by the school or local  
6 education agency or an organization sanctioned by the local  
7 education agency. Extracurricular activities include, but  
8 are not limited to, preparation for and involvement in  
9 public performances, contests, athletic competitions,  
10 demonstrations, displays and club activities;

11

12 (vii) "Interstate commission on educational  
13 opportunity for military children" means the commission  
14 that is created under W.S. 21-14-109, which is generally  
15 referred to as interstate commission;

16

17 (viii) "Local education agency" means a public  
18 authority legally constituted by the state as an  
19 administrative agency to provide control of and direction  
20 for kindergarten through twelfth grade public educational  
21 institutions;

22

23 (ix) "Member state" means a state that has  
24 enacted this compact;

1

2           (x) "Military installation" means a base, camp,  
3 post, station, yard, center, homeport facility for any ship  
4 or other activity under the jurisdiction of the department  
5 of defense, including any leased facility, which is located  
6 within any of the several states, the District of Columbia,  
7 the Commonwealth of Puerto Rico, the U.S. Virgin Islands,  
8 Guam, American Samoa, the Northern Marianas Islands and any  
9 other U.S. territory. The term does not include any  
10 facility used primarily for civil works, rivers and harbors  
11 projects or flood control projects;

12

13           (xi) "Nonmember state" means a state that has not  
14 enacted this compact;

15

16           (xii) "Receiving state" means the state to which  
17 a child of a military family is sent, brought or caused to  
18 be sent or brought;

19

20           (xiii) "Rule" means a written statement by the  
21 interstate commission promulgated pursuant to W.S.  
22 21-24-112 that is of general applicability, implements,  
23 interprets or prescribes a policy or provision of the  
24 compact, or an organizational, procedural or practice

1 requirement of the interstate commission, and has the force  
2 and effect of statutory law in a member state and includes  
3 the amendment, repeal or suspension of an existing rule;

4

5 (xiv) "Sending state" means the state from which  
6 a child of a military family is sent, brought or caused to  
7 be sent or brought;

8

9 (xv) "State" means a state of the United States,  
10 the District of Columbia, the Commonwealth of Puerto Rico,  
11 the U.S. Virgin Islands, Guam, American Samoa, the Northern  
12 Marianas Islands and any other U.S. territory;

13

14 (xvi) "Student" means the child of a military  
15 family for whom the local education agency receives public  
16 funding and who is formally enrolled in kindergarten  
17 through twelfth grade;

18

19 (xvii) "Transition" means:

20

21 (A) The formal and physical process of  
22 transferring from school to school; or

23

1                   (B) The period of time in which a student  
2 moves from one (1) school in the sending state to another  
3 school in the receiving state.

4

5                   (xviii) "Uniformed service" means the army, navy,  
6 air force, marine corps, coast guard as well as the  
7 commissioned corps of the national oceanic and atmospheric  
8 administration and public health services;

9

10                   (xix) "Veteran" means a person who served in the  
11 uniformed services and who was discharged or released there  
12 from under conditions other than dishonorable.

13

14                   **21-24-103. Applicability.**

15

16                   (a) Except as otherwise provided in subsection (b) of  
17 this section, this compact shall apply to the children of:

18

19                   (i) Active duty members of the uniformed services  
20 as defined in this compact, including members of the  
21 national guard and reserve on active duty orders pursuant  
22 to 10 U.S.C. sections 1209 and 1211;

23



1           (ii) Members or veterans of the uniformed  
2 services who are severely injured and medically discharged  
3 or retired for a period of one (1) year after medical  
4 discharge or retirement; and

5

6           (iii) Members of the uniformed services who die  
7 on active duty or as a result of injuries sustained on  
8 active duty for a period of one (1) year after death.

9

10          (b) The provisions of this interstate compact shall  
11 only apply to local education agencies as defined in this  
12 compact.

13

14          (c) The provisions of this compact shall not apply to  
15 the children of:

16

17           (i) Inactive members of the national guard and  
18 military reserves;

19

20           (ii) Members of the uniformed services now  
21 retired, except as provided in subsection (a) of this  
22 section;

23

1           (iii) Veterans of the uniformed services, except  
2 as provided in subsection (a) of this section; and

3

4           (iv) Other United States department of defense  
5 personnel and other federal agency civilian and contract  
6 employees not defined as active duty members of the  
7 uniformed services.

8

9           **21-24-104. Educational records and enrollment.**

10

11           (a) In the event that official education records  
12 cannot be released to the parents for the purpose of  
13 transfer, the custodian of the records in the sending state  
14 shall prepare and furnish to the parent a complete set of  
15 unofficial educational records containing uniform  
16 information as determined by the interstate commission.  
17 Upon receipt of the unofficial education records by a  
18 school in the receiving state, the school shall enroll and  
19 appropriately place the student based on the information  
20 provided in the unofficial records pending validation by  
21 the official records, as quickly as possible.

22

23           (b) Simultaneous with the enrollment and conditional  
24 placement of the student, the school in the receiving state

1 shall request the student's official education record from  
2 the school in the sending state. Upon receipt of this  
3 request, the school in the sending state will process and  
4 furnish the official education records to the school in the  
5 receiving state within ten (10) days or within such time as  
6 is reasonably determined under the rules promulgated by the  
7 interstate commission.

8

9 (c) Compacting states shall give thirty (30) days from  
10 the date of enrollment or within such time as is reasonably  
11 determined under the rules promulgated by the interstate  
12 commission, for students to obtain any immunization  
13 required by the receiving state. For a series of  
14 immunizations, initial vaccinations shall be obtained  
15 within thirty (30) days or within such time as is  
16 reasonably determined under the rules promulgated by the  
17 interstate commission.

18

19 (d) Students shall be allowed to continue their  
20 enrollment at grade level in the receiving state  
21 commensurate with their grade level, including  
22 kindergarten, from a local education agency in the sending  
23 state at the time of transition, regardless of age. A  
24 student that has satisfactorily completed the prerequisite

1 grade level in the local education agency in the sending  
2 state shall be eligible for enrollment in the next highest  
3 grade level in the receiving state, regardless of age. A  
4 student transferring after the start of the school year in  
5 the receiving state shall enter the school in the receiving  
6 state on their validated level from an accredited school in  
7 the sending state.

8

9 **21-24-105. Placement and attendance.**

10

11 (a) When the student transfers before or during the  
12 school year, the receiving state school shall initially  
13 honor placement of the student in educational courses based  
14 on the student's enrollment in the sending state school and  
15 educational assessments conducted at the school in the  
16 sending state if the courses are offered. Course placement  
17 includes but is not limited to honors, international  
18 baccalaureate, advanced placement, vocational, technical  
19 and career pathways courses. Continuing the student's  
20 academic program from the previous school and promoting  
21 placement in academically and career challenging courses  
22 should be paramount when considering placement. This  
23 subsection does not preclude the school in the receiving  
24 state from performing subsequent evaluations to ensure

1 appropriate placement and continued enrollment of the  
2 student in the courses.

3

4 (b) The receiving state school shall initially honor  
5 placement of the student in educational programs based on  
6 current educational assessments conducted at the school in  
7 the sending state or participation-placement in like  
8 programs in the sending state. Such programs include, but  
9 are not limited to gifted and talented programs and English  
10 as a second language (ESL). This subsection does not  
11 preclude the school in the receiving state from performing  
12 subsequent evaluations to ensure appropriate placement of  
13 the student.

14

15 (c) In compliance with the federal requirements of the  
16 Individuals with Disabilities Education Act (IDEA), 20  
17 U.S.C.A. section 1400 et seq., the receiving state shall  
18 initially provide comparable services to a student with  
19 disabilities based on his current individualized education  
20 program (IEP). In compliance with the requirements of  
21 section 504 of the Rehabilitation Act, 29 U.S.C.A. section  
22 794, and with Title II of the Americans with Disabilities  
23 Act, 42 U.S.C.A. sections 12131-12165, the receiving state  
24 shall make reasonable accommodations and modifications to

1 address the needs of incoming students with disabilities,  
2 subject to an existing 504 or Title II Plan, to provide the  
3 student with equal access to education. This subsection  
4 does not preclude the school in the receiving state from  
5 performing subsequent evaluations to ensure appropriate  
6 placement of the student.

7

8 (d) Local education agency administrative officials  
9 shall have flexibility in waiving course-program  
10 prerequisites or other preconditions for placement in  
11 courses-programs offered under the jurisdiction of the  
12 local education agency.

13

14 (e) A student whose parent or legal guardian is an  
15 active duty member of the uniformed services, as defined by  
16 the compact and has been called to duty for, is on leave  
17 from or immediately returned from deployment to a combat  
18 zone or combat support posting, shall be granted additional  
19 excused absences at the discretion of the local education  
20 agency superintendent to visit with his parent or legal  
21 guardian relative to such leave or deployment of the parent  
22 or guardian.

23

24 **21-24-106. Eligibility.**

1

2 (a) Eligibility for enrollment shall be as follows:

3

4 (i) Special power of attorney, relative to the  
5 guardianship of a child of a military family and executed  
6 under applicable law shall be sufficient for the purposes  
7 of enrollment and all other actions requiring parental  
8 participation and consent;

9

10 (ii) A local education agency shall be prohibited  
11 from charging local tuition to a transitioning military  
12 child placed in the care of a noncustodial parent or other  
13 person standing in loco parentis who lives in a  
14 jurisdiction other than that of the custodial parent;

15

16 (iii) A transitioning military child, placed in  
17 the care of a noncustodial parent or other person standing  
18 in loco parentis who lives in a jurisdiction other than  
19 that of the custodial parent, may continue to attend the  
20 school in which he was enrolled while residing with the  
21 custodial parent.

22

23 (b) State and local education agencies shall  
24 facilitate the opportunity for transitioning military

1 children's inclusion in extracurricular activities,  
2 regardless of application deadlines, to the extent they are  
3 otherwise qualified.

4

5 **21-24-107. Graduation.**

6

7 (a) In order to facilitate the on-time graduation of  
8 children of military families, states and local education  
9 agencies shall incorporate the following procedures:

10

11 (i) Local education agency administrative  
12 officials shall waive specific courses required for  
13 graduation if similar course work has been satisfactorily  
14 completed in another local education agency or shall  
15 provide reasonable justification for denial. Should a  
16 waiver not be granted to a student who would qualify to  
17 graduate from the sending school, the local education  
18 agency shall provide an alternative means of acquiring  
19 required coursework so that graduation may occur on time;

20

21 (ii) States shall accept:

22

23 (A) Exit or end-of-course exams required for  
24 graduation from the sending state;



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(B) National norm-referenced achievement tests; or

(C) Alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his senior year, then the provisions of W.S. 21-24-107(c) shall apply.

(iii) Should a military student transferring at the beginning or during his senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one (1) of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs (a)(i) and (ii) of this subsection.

**21-24-108. State coordination.**

1

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

20

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

1

2 (c) The compact commissioner responsible for the  
3 administration and management of the state's participation  
4 in the compact shall be appointed by the governor or as  
5 otherwise determined by each member state.

6

7 (d) The compact commissioner and the military family  
8 education liaison designated herein shall be ex-officio  
9 members of the state council, unless either is already a  
10 full voting member of the state council.

11

12 **21-24-109. Interstate commission on educational**  
13 **opportunity for military children.**

14

15 (a) The member states hereby create the "Interstate  
16 Commission on Educational Opportunity for Military  
17 Children." The activities of the interstate commission are  
18 the formation of public policy and are a discretionary  
19 state function.

20

21 (b) The interstate commission shall:

22

23 (i) Be a body corporate and joint agency of the  
24 member states and shall have all the responsibilities,

1 powers and duties set forth herein, and such additional  
2 powers as may be conferred upon it by a subsequent  
3 concurrent action of the respective legislatures of the  
4 member states in accordance with the terms of this compact;

5

6 (ii) Consist of one (1) interstate commission  
7 voting representative from each member state who shall be  
8 that state's compact commissioner subject to the following:

9

10 (A) Each member state represented at a  
11 meeting of the interstate commission is entitled to one (1)  
12 vote;

13

14 (B) A majority of the total member states  
15 shall constitute a quorum for the transaction of business,  
16 unless a larger quorum is required by the bylaws of the  
17 interstate commission;

18

19 (C) A representative shall not delegate a  
20 vote to another member state. In the event the compact  
21 commissioner is unable to attend a meeting of the  
22 interstate commission, the governor or state council may  
23 delegate voting authority to another person from their  
24 state for a specified meeting;

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

(D) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

(iii) Consist of ex-officio, nonvoting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel and other interstate compacts affecting the education of children of military members;

(iv) Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(v) Establish an executive committee whose members shall include the officers of the interstate

1 commission and such other members of the interstate  
2 commission as determined by the bylaws. Members of the  
3 executive committee shall serve a one (1) year term.  
4 Members of the executive committee shall be entitled to one  
5 (1) vote each. The executive committee shall have the  
6 power to act on behalf of the interstate commission, with  
7 the exception of rulemaking, during periods when the  
8 interstate commission is not in session. The executive  
9 committee shall oversee the day-to-day activities of the  
10 administration of the compact including enforcement and  
11 compliance with the provisions of the compact, its bylaws  
12 and rules and other such duties as deemed necessary. The  
13 United States department of defense shall serve as an ex-  
14 officio, nonvoting member of the executive committee;

15

16 (vi) Establish bylaws and rules that provide for  
17 conditions and procedures under which the interstate  
18 commission shall make its information and official records  
19 available to the public for inspection or copying. The  
20 interstate commission may exempt from disclosure  
21 information or official records to the extent they would  
22 adversely affect personal privacy rights or proprietary  
23 interests;

24

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

7

8           (A) Relate solely to the interstate  
9 commission's internal personnel practices and procedures;

10

11           (B) Disclose matters specifically exempted  
12 from disclosure by federal and state statute;

13

14           (C) Disclose trade secrets or commercial or  
15 financial information which is privileged or confidential;

16

17           (D) Involve accusing a person of a crime, or  
18 formally censuring a person;

19

20           (E) Disclose information of a personal  
21 nature where disclosure would constitute a clearly  
22 unwarranted invasion of personal privacy;

23

1 (F) Disclose investigative records compiled  
2 for law enforcement purposes; or

3

4 (G) Specifically relate to the interstate  
5 commission's participation in a civil action or other legal  
6 proceeding.

7

8 (viii) Shall cause its legal counsel or designee  
9 to certify that a meeting may be closed and shall reference  
10 each relevant exemptible provision for any meeting, or  
11 portion of a meeting, which is closed pursuant to this  
12 provision. The interstate commission shall keep minutes  
13 which shall fully and clearly describe all matters  
14 discussed in a meeting and shall provide a full and  
15 accurate summary of actions taken, and the reasons  
16 therefore, including a description of the views expressed  
17 and the record of a roll call vote. All documents  
18 considered in connection with an action shall be identified  
19 in such minutes. All minutes and documents of a closed  
20 meeting shall remain under seal, subject to release by a  
21 majority vote of the interstate commission;

22

23 (ix) Shall collect standardized data concerning  
24 the educational transition of the children of military



1 families under this compact as directed through its rules  
2 which shall specify the data to be collected, the means of  
3 collection and data exchange and reporting requirements.  
4 Such methods of data collection, exchange and reporting  
5 shall, in so far as is reasonably possible, conform to  
6 current technology and coordinate its information functions  
7 with the appropriate custodian of records as identified in  
8 the bylaws and rules;

9

10 (x) Shall create a process that permits military  
11 officials, education officials and parents to inform the  
12 interstate commission if and when there are alleged  
13 violations of the compact or its rules or when issues  
14 subject to the jurisdiction of the compact or its rules are  
15 not addressed by the state or local education agency. This  
16 section shall not be construed to create a private right of  
17 action against the interstate commission or any member  
18 state.

19

20 **21-24-110. Powers and duties of the interstate**  
21 **commission.**

22

23 (a) The interstate commission shall have the following  
24 powers:

1

2 (i) To provide for dispute resolution among  
3 member states;

4

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

11

12 (iii) To issue, upon request of a member state,  
13 advisory opinions concerning the meaning or interpretation  
14 of the interstate compact, its bylaws, rules and actions;

15

16 (iv) To enforce compliance with the compact  
17 provisions, the rules promulgated by the interstate  
18 commission, and the bylaws, using all necessary and proper  
19 means, including but not limited to the use of judicial  
20 process;

21

22 (v) To establish and maintain offices which shall  
23 be located within one (1) or more of the member states;

24

1           (vi) To purchase and maintain insurance and  
2 bonds;

3

4           (vii) To borrow, accept, hire or contract for  
5 services of personnel;

6

7           (viii) To establish and appoint committees  
8 including, but not limited to, an executive committee as  
9 required by W.S. 21-24-209, which shall have the power to  
10 act on behalf of the interstate commission in carrying out  
11 its powers and duties hereunder;

12

13           (ix) To elect or appoint such officers,  
14 attorneys, employees, agents or consultants and to fix  
15 their compensation, define their duties and determine their  
16 qualifications and to establish the interstate commission's  
17 personnel policies and programs relating to conflicts of  
18 interest, rates of compensation and qualifications of  
19 personnel;

20

21           (x) To accept any and all donations and grants of  
22 money, equipment, supplies, materials and services, and to  
23 receive, utilize and dispose of it;

24

1           (xi) To lease, purchase, accept contributions or  
2 donations of, or otherwise to own, hold, improve or use any  
3 property, real, personal or mixed;

4

5           (xii) To sell, convey, mortgage, pledge, lease,  
6 exchange, abandon or otherwise dispose of any property,  
7 real, personal or mixed;

8

9           (xiii) To establish a budget and make  
10 expenditures;

11

12           (xiv) To adopt a seal and bylaws governing the  
13 management and operation of the interstate commission;

14

15           (xv) To report annually to the legislatures,  
16 governors, judiciary and state councils of the member  
17 states concerning the activities of the interstate  
18 commission during the preceding year. Such reports shall  
19 also include any recommendations that may have been adopted  
20 by the interstate commission;

21

22           (xvi) To coordinate education, training and  
23 public awareness regarding the compact, its implementation

1 and operation for officials and parents involved in such  
2 activity;

3

4 (xvii) To establish uniform standards for the  
5 reporting, collecting and exchanging of data;

6

7 (xviii) To maintain corporate books and records  
8 in accordance with the bylaws;

9

10 (xix) To perform such functions as may be  
11 necessary or appropriate to achieve the purposes of this  
12 compact;

13

14 (xx) To provide for the uniform collection and  
15 sharing of information between and among member states,  
16 schools and military families under this compact.

17

18 **21-24-111. Organization and operation of the**  
19 **interstate commission.**

20

21 (a) The interstate commission shall, by a majority of  
22 the members present and voting, within twelve (12) months  
23 after the first interstate commission meeting, adopt bylaws  
24 to govern its conduct as may be necessary or appropriate to

1 carry out the purposes of the compact, including, but not  
2 limited to:

3

4 (i) Establishing the fiscal year of the  
5 interstate commission;

6

7 (ii) Establishing an executive committee, and  
8 such other committees as may be necessary;

9

10 (iii) Providing for the establishment of  
11 committees and for governing any general or specific  
12 delegation of authority or function of the interstate  
13 commission;

14

15 (iv) Providing reasonable procedures for calling  
16 and conducting meetings of the interstate commission, and  
17 ensuring reasonable notice of each such meeting;

18

19 (v) Establishing the titles and responsibilities  
20 of the officers and staff of the interstate commission;

21

22 (vi) Providing a mechanism for concluding the  
23 operations of the interstate commission and the return of  
24 surplus funds that may exist upon the termination of the

1 compact after the payment and reserving of all of its debts  
2 and obligations;

3

4 (vii) Providing "start up" rules for initial  
5 administration of the compact.

6

7 (b) The interstate commission shall, by a majority of  
8 the members, elect annually from among its members a  
9 chairperson, a vice-chairperson and a treasurer, each of  
10 whom shall have such authority and duties as may be  
11 specified in the bylaws. The chairperson or, in the  
12 chairperson's absence or disability, the vice-chairperson,  
13 shall preside at all meetings of the interstate commission.  
14 The officers so elected shall serve without compensation or  
15 remuneration from the interstate commission, provided that,  
16 subject to the availability of budgeted funds, the officers  
17 shall be reimbursed for ordinary and necessary costs and  
18 expenses incurred by them in the performance of their  
19 responsibilities as officers of the interstate commission.

20

21 (c) Executive committee, officers and personnel:

22

1           (i) The executive committee shall have such  
2 authority and duties as may be set forth in the bylaws,  
3 including but not limited to:

4  
5           (A) Managing the affairs of the interstate  
6 commission in a manner consistent with the bylaws and  
7 purposes of the interstate commission;

8  
9           (B) Overseeing an organizational structure  
10 within, and appropriate procedures for the interstate  
11 commission to provide for the creation of rules, operating  
12 procedures and administrative and technical support  
13 functions; and

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

19  
20           (ii) The executive committee may, subject to the  
21 approval of the interstate commission, appoint or retain an  
22 executive director for such period, upon such terms and  
23 conditions and for such compensation, as the interstate  
24 commission may deem appropriate. The executive director



1 shall serve as secretary to the interstate commission, but  
2 shall not be a member of the interstate commission. The  
3 executive director shall hire and supervise such other  
4 persons as may be authorized by the interstate commission.

5

6 (d) The interstate commission's executive director and  
7 its employees shall be immune from suit and liability,  
8 either personally or in their official capacity, for a  
9 claim for damage to or loss of property or personal injury  
10 or other civil liability caused or arising out of or  
11 relating to an actual or alleged act, error or omission  
12 that occurred, or that such person had a reasonable basis  
13 for believing occurred, within the scope of interstate  
14 commission employment, duties or responsibilities,  
15 provided, that such person shall not be protected from suit  
16 or liability for damage, loss, injury or liability caused  
17 by the intentional or willful and wanton misconduct of such  
18 person:

19

20 (i) The liability of the interstate commission's  
21 executive director and employees or interstate commission  
22 representatives, acting within the scope of such person's  
23 employment or duties for acts, errors or omissions  
24 occurring within such person's state may not exceed the

1 limits of liability set forth under the constitution and  
2 laws of that state for state officials, employees and  
3 agents. The interstate commission is considered to be an  
4 instrumentality of the states for the purposes of any such  
5 action. Nothing in this subsection shall be construed to  
6 protect such person from suit or liability for damage,  
7 loss, injury or liability caused by the intentional or  
8 willful and wanton misconduct of such person;

9

10 (ii) The interstate commission shall defend the  
11 executive director and its employees and, subject to the  
12 approval of the attorney general or other appropriate legal  
13 counsel of the member state represented by an interstate  
14 commission representative, shall defend such interstate  
15 commission representative in any civil action seeking to  
16 impose liability arising out of an actual or alleged act,  
17 error or omission that occurred within the scope of  
18 interstate commission employment, duties or  
19 responsibilities, or that the defendant had a reasonable  
20 basis for believing occurred within the scope of interstate  
21 commission employment, duties or responsibilities, provided  
22 that the actual or alleged act, error or omission did not  
23 result from intentional or willful and wanton misconduct on  
24 the part of such person;

1

2 (iii) To the extent not covered by the state  
3 involved, member state or the interstate commission, the  
4 representatives or employees of the interstate commission  
5 shall be held harmless in the amount of a settlement or  
6 judgment, including attorney's fees and costs, obtained  
7 against such persons arising out of an actual or alleged  
8 act, error or omission that occurred within the scope of  
9 interstate commission employment, duties or  
10 responsibilities, or that such persons had a reasonable  
11 basis for believing occurred within the scope of interstate  
12 commission employment, duties or responsibilities, provided  
13 that the actual or alleged act, error or omission did not  
14 result from intentional or willful and wanton misconduct on  
15 the part of such persons.

16

17 **21-24-112. Rulemaking functions of the interstate**  
18 **commission.**

19

20 (a) The interstate commission shall promulgate  
21 reasonable rules in order to effectively and efficiently  
22 achieve the purposes of this compact. Notwithstanding the  
23 foregoing, in the event the interstate commission exercises  
24 its rulemaking authority in a manner that is beyond the

1 scope of the purposes of this act or the powers granted  
2 hereunder, then such an action by the interstate commission  
3 shall be invalid and have no force or effect.

4

5 (b) Rules shall be made pursuant to a rulemaking  
6 process that substantially conforms to the "Model State  
7 Administrative Procedure Act," of 1981 Act, Uniform Laws  
8 Annotated, Vol. 15, p.1 (2000) as amended, as may be  
9 appropriate to the operations of the interstate commission.

10

11 (c) Not later than thirty (30) days after a rule is  
12 promulgated, any person may file a petition for judicial  
13 review of the rule, provided that the filing of such a  
14 petition shall not stay or otherwise prevent the rule from  
15 becoming effective unless the court finds that the  
16 petitioner has a substantial likelihood of success. The  
17 court shall give deference to the actions of the interstate  
18 commission consistent with applicable law and shall not  
19 find the rule to be unlawful if the rule represents a  
20 reasonable exercise of the interstate commission's  
21 authority.

22

23 (d) If a majority of the legislatures of the  
24 compacting states rejects a rule by enactment of a statute

1 or resolution in the same manner used to adopt the compact,  
2 then such rule shall have no further force and effect in  
3 any compacting state.

4

5 **21-24-113. Oversight, enforcement and dispute**  
6 **resolution.**

7

8 (a) Oversight:

9

10 (i) The executive, legislative and judicial  
11 branches of state governments in each member state shall  
12 enforce this compact and shall take all actions necessary  
13 and appropriate to effectuate the compact's purposes and  
14 intent. The provisions of this compact and the rules  
15 promulgated hereunder shall have standing as statutory law;

16

17 (ii) All courts shall take judicial notice of the  
18 compact and the rules in any judicial or administrative  
19 proceeding in a member state pertaining to the subject  
20 matter of this compact which may affect the powers,  
21 responsibilities or actions of the interstate commission;

22

23 (iii) The interstate commission shall be entitled  
24 to receive all service of process in any such proceeding,

1 and shall have standing to intervene in the proceeding for  
2 all purposes. Failure to provide service of process to the  
3 interstate commission shall render a judgment or order void  
4 as to the interstate commission, this compact or  
5 promulgated rules.

6

7 (b) If the interstate commission determines that a  
8 member state has defaulted in the performance of its  
9 obligations or responsibilities under this compact, or the  
10 bylaws or promulgated rules, the interstate commission  
11 shall:

12

13 (i) Provide written notice to the defaulting  
14 state and other member states, of the nature of the  
15 default, the means of curing the default and any action  
16 taken by the interstate commission. The interstate  
17 commission shall specify the conditions by which the  
18 defaulting state must cure its default;

19

20 (ii) Provide remedial training and specific  
21 technical assistance regarding the default;

22

23 (iii) If the defaulting state fails to cure the  
24 default, the defaulting state shall be terminated from the

1 compact upon an affirmative vote of a majority of the  
2 member states and all rights, privileges and benefits  
3 conferred by this compact shall be terminated from the  
4 effective date of termination. A cure of the default does  
5 not relieve the offending state of obligations or  
6 liabilities incurred during the period of the default;

7

8 (iv) Suspension or termination of membership in  
9 the compact shall be imposed only after all other means of  
10 securing compliance have been exhausted. Notice of intent  
11 to suspend or terminate shall be given by the interstate  
12 commission to the governor, the majority and minority  
13 leaders of the defaulting state's legislature, and each of  
14 the member states;

15

16 (v) The state which has been suspended or  
17 terminated is responsible for all assessments, obligations  
18 and liabilities incurred through the effective date of  
19 suspension or termination including obligations, the  
20 performance of which extends beyond the effective date of  
21 suspension or termination;

22

23 (vi) The interstate commission shall not bear any  
24 costs relating to any state that has been found to be in

1 default or which has been suspended or terminated from the  
2 compact, unless otherwise mutually agreed upon in writing  
3 between the interstate commission and the defaulting state;

4  
5 (vii) The defaulting state may appeal the action  
6 of the interstate commission by petitioning the United  
7 States district court for the District of Columbia or the  
8 federal district where the interstate commission has its  
9 principal offices. The prevailing party shall be awarded  
10 all costs of such litigation including reasonable  
11 attorney's fees.

12

13 (c) Dispute resolution:

14

15 (i) The interstate commission shall attempt, upon  
16 the request of a member state, to resolve disputes which  
17 are subject to the compact and which may arise among member  
18 states and between member and nonmember states;

19

20 (ii) The interstate commission shall promulgate a  
21 rule providing for both mediation and binding dispute  
22 resolution for disputes as appropriate.

23

24 (d) Enforcement:



1

2 (i) The interstate commission, in the reasonable  
3 exercise of its discretion, shall enforce the provisions  
4 and rules of this compact;

5

6 (ii) The interstate commission, may by majority  
7 vote of the members, initiate legal action in the United  
8 States district court for the District of Columbia or, at  
9 the discretion of the interstate commission, in the federal  
10 district where the interstate commission has its principal  
11 offices, to enforce compliance with the provisions of the  
12 compact, its promulgated rules and bylaws, against a member  
13 state in default. The relief sought may include both  
14 injunctive relief and damages. In the event judicial  
15 enforcement is necessary the prevailing party shall be  
16 awarded all costs of such litigation including reasonable  
17 attorney's fees;

18

19 (iii) The remedies herein shall not be the  
20 exclusive remedies of the interstate commission. The  
21 interstate commission may avail itself of any other  
22 remedies available under state law or the regulation of a  
23 profession.

24

1           **21-24-114.   Financing of the interstate commission.**

2

3           (a)   The interstate commission shall pay or provide for  
4 the payment of the reasonable expenses of its  
5 establishment, organization and ongoing activities.

6

7           (b)   In accordance with the funding limit established  
8 in subsection (e) of this section, the interstate  
9 commission may levy on and collect an annual assessment  
10 from each member state to cover the cost of the operations  
11 and activities of the interstate commission and its staff  
12 which must be in a total amount sufficient to cover the  
13 interstate commission's annual budget as approved each  
14 year. The aggregate annual assessment amount shall be  
15 allocated based upon a formula to be determined by the  
16 interstate commission, which shall promulgate a rule  
17 binding upon all member states.

18

19           (c)   The interstate commission shall not incur  
20 obligations of any kind prior to securing the funds  
21 adequate to meet the same; nor shall the interstate  
22 commission pledge the credit of any of the member states,  
23 except by and with the authority of the member state.

24

1 (d) The interstate commission shall keep accurate  
2 accounts of all receipts and disbursements. The receipts  
3 and disbursements of the interstate commission shall be  
4 subject to the audit and accounting procedures established  
5 under its bylaws. However, all receipts and disbursements  
6 of funds handled by the interstate commission shall be  
7 audited yearly by a certified or licensed public accountant  
8 and the report of the audit shall be included in and become  
9 part of the annual report of the interstate commission.

10  
11 (e) The interstate commission may not assess, levy or  
12 collect more than five thousand dollars (\$5,000.00) per  
13 year from Wyoming legislation appropriations. Other  
14 funding sources may be accepted and used to offset expenses  
15 related to the state's participation in the compact.

16  
17 **21-24-115. Member states; effective date; amendment.**

18  
19 (a) Any state is eligible to become a member state.

20  
21 (b) The compact shall become effective and binding  
22 upon legislative enactment of the compact into law by no  
23 less than ten (10) of the states. The effective date shall  
24 be no earlier than December 1, 2007. Thereafter it shall

1 become effective and binding as to any other member state  
2 upon enactment of the compact into law by that state. The  
3 governors of nonmember states or their designees shall be  
4 invited to participate in the activities of the interstate  
5 commission on a nonvoting basis prior to adoption of the  
6 compact by all states.

7

8 (c) The interstate commission may propose amendments  
9 to the compact for enactment by the member states. No  
10 amendment shall become effective and binding upon the  
11 interstate commission and the member states unless and  
12 until it is enacted into law by unanimous consent of the  
13 member states.

14

15 **21-24-116. Withdrawal and dissolution.**

16

17 (a) Withdrawal:

18

19 (i) Once effective, the compact shall continue in  
20 force and remain binding upon each and every member state  
21 provided that a member state may withdraw from the compact  
22 by specifically repealing the statute, which enacted the  
23 compact into law;

24

1           (ii) Withdrawal from this compact shall be by the  
2 enactment of a statute repealing the same, but shall not  
3 take effect until one (1) year after the effective date of  
4 such statute and until written notice of the withdrawal has  
5 been given by the withdrawing state to the governor of each  
6 other member jurisdiction;

7

8           (iii) The withdrawing state shall immediately  
9 notify the chairperson of the interstate commission in  
10 writing upon the introduction of legislation repealing this  
11 compact in the withdrawing state. The interstate  
12 commission shall notify the other member states of the  
13 withdrawing state's intent to withdraw within sixty (60)  
14 days of its receipt thereof;

15

16           (iv) The withdrawing state is responsible for all  
17 assessments, obligations and liabilities incurred through  
18 the effective date of withdrawal, including obligations,  
19 the performance of which extend beyond the effective date  
20 of withdrawal;

21

22           (v) Reinstatement following withdrawal of a  
23 member state shall occur upon the withdrawing state

1 reenacting the compact or upon such later date as  
2 determined by the interstate commission.

3

4 (b) Dissolution of compact:

5

6 (i) This compact shall dissolve effective upon  
7 the date of the withdrawal or default of the member state  
8 which reduces the membership in the compact to one (1)  
9 member state;

10

11 (ii) Upon the dissolution of this compact, the  
12 compact becomes null and void and shall be of no further  
13 force or effect, and the business and affairs of the  
14 interstate commission shall be concluded and surplus funds  
15 shall be distributed in accordance with the bylaws.

16

17 **21-24-117. Severability and construction.**

18

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

23

1           (b) The provisions of this compact shall be liberally  
2 construed to effectuate its purposes.

3

4           (c) Nothing in this compact shall be construed to  
5 prohibit the applicability of other interstate compacts to  
6 which the states are members.

7

8           **21-24-118. Binding effect of compact and other laws.**

9

10          (a) Other laws - nothing herein prevents the  
11 enforcement of any other law of a member state.

12

13          (b) Binding effect of the compact:

14

15               (i) All lawful actions of the interstate  
16 commission, including all rules and bylaws promulgated by  
17 the interstate commission, are binding upon the member  
18 states;

19

20               (ii) All agreements between the interstate  
21 commission and the member states are binding in accordance  
22 with their terms;

23

1           (iii) In the event any provision of this compact  
2 exceeds the constitutional limits imposed on the  
3 legislature of any member state, such provision shall be  
4 ineffective to the extent of the conflict with the  
5 constitutional provision in question in that member state.

6

7           **Section 2.** This act is effective July 1, 2011.

8

9

(END)