

As Amended by House Committee

Session of 2025

Substitute for HOUSE BILL No. 2102

By Committee on Education

2-11

AN ACT concerning school districts; relating to enrollment; providing for the advance enrollment of a military student whose parent or person acting as parent will be stationed in this state; correcting federal statutory citations in the interstate compact on educational opportunity for military children; amending K.S.A. 72-8268 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) A school district shall enroll any military student **in kindergarten or any of the grades one through 12** prior to such student physically residing in this state if such student provides evidence that such student's parent or person acting as parent will be stationed at a military installation in this state during the current or immediately succeeding school year. No proof of address shall be required at the time of such enrollment. Residency within the district may be required for attendance if the school district does not have open seats at the time of enrollment as determined by K.S.A. 72-3123, and amendments thereto.

**(b) If a school district offers a pre-kindergarten program, such school district shall enroll any military student in such pre-kindergarten program if such student is eligible to participate in such program and such student provides evidence that such student's parent or person acting as parent will be stationed at a military installation in this state during the current or immediately succeeding school year. If the school district has no open seats for such program, then such student shall be placed on a waiting list for enrollment. Proof of address shall not be required at the time of enrollment, but such proof may be required for attendance. Nothing in this subsection shall be construed to require a school district to offer a pre-kindergarten program that such school district is not required to offer or does not currently offer.**

(c) If such student has an individualized education program (IEP) or a 504 plan, the school district shall take appropriate measures to ensure such student will receive the required education and related services upon attending school in the district.

~~(b)~~**(d)** As used in this section, "military student" means the same as defined in K.S.A. 72-5139, and amendments thereto.

1       Sec. 2. K.S.A. 72-8268 is hereby amended to read as follows: 72-  
2 8268. The interstate compact on educational opportunity for military  
3 children is hereby enacted into law and entered into with all jurisdictions  
4 legally joining therein, in the form substantially as follows:

5       Interstate Compact on Educational Opportunity for Military Children

6                   ARTICLE I. PURPOSE

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

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

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

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

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

22      E. Providing for the promulgation and enforcement of administrative  
23 rules implementing the provisions of this compact.

24      F. Providing for the uniform collection and sharing of information  
25 between and among member states, schools and military families under  
26 this compact.

27      G. Promoting coordination between this compact and other compacts  
28 affecting military children.

29      H. Promoting flexibility and cooperation between the educational  
30 system, parents and the student in order to achieve educational success for  
31 the student.

32                   ARTICLE II. DEFINITIONS

33       As used in this compact, unless the context clearly requires a different  
34 construction:

35      A. "Active duty" means full-time duty status in the active uniformed  
36 service of the United States, including members of the national guard and  
37 reserve on active duty orders pursuant to 10 U.S.C. ~~section~~ *chapter* 1209  
38 and 1211.

39      B. "Children of military families" means school-aged children, enrolled  
40 in kindergarten or any of the grades one through 12, in the household of an  
41 active duty member.

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

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

4 E. "Educational records" means those official records, files and data  
5 directly related to a student and maintained by the school or local  
6 education agency, including but not limited to records encompassing all  
7 the material kept in the student's cumulative folder such as general  
8 identifying data, records of attendance and of academic work completed,  
9 records of achievement and results of evaluative tests, health data,  
10 disciplinary status, test protocols and individualized education programs.

11 F. "Extracurricular activities" means voluntary activities sponsored by  
12 the school or local education agency or an organization sanctioned by the  
13 local education agency. Extracurricular activities include, but are not  
14 limited to, preparation for and involvement in public performances,  
15 contests, athletic competitions, demonstrations, displays and club  
16 activities.

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

20 H. "Local education agency" means a public authority legally  
21 constituted by the state as an administrative agency to provide control of  
22 and direction for kindergarten and grades one through 12 in public schools.

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

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

32 K. "Non-member state" means a state that has not enacted this compact.

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

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

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

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten or any of the grades one through 12.

Q. "Transition" means (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

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

S. "Veteran" means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

### ARTICLE III. APPLICABILITY

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

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~section~~ *chapter* 1209 and 1211;

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

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

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

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

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

2. members of the uniformed services now retired, except as provided in paragraph 1;

3. veterans of the uniformed services, except as provided in paragraph 1; and

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

### ARTICLE IV. EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose

1 of transfer, the custodian of the records in the sending state shall prepare  
2 and furnish to the parent a complete set of unofficial educational records  
3 containing uniform information as determined by the interstate  
4 commission. Upon receipt of the unofficial education records by a school  
5 in the receiving state, the school shall enroll and appropriately place the  
6 student based on the information provided in the unofficial records  
7 pending validation by the official records, as quickly as possible.

8 B. Official education records or transcripts - Simultaneous with the  
9 enrollment and conditional placement of the student, the school in the  
10 receiving state shall request the student's official education record from the  
11 school in the sending state. Upon receipt of this request, the school in the  
12 sending state will process and furnish the official education records to the  
13 school in the receiving state within 10 days or within such time as is  
14 reasonably determined under the rules promulgated by the interstate  
15 commission.

16 C. Immunizations - Compacting states shall allow 30 days from the  
17 date of enrollment or within such time as is reasonably determined under  
18 the rules promulgated by the Interstate Commission, for students to obtain  
19 any immunizations required by the receiving state. For a series of  
20 immunizations, initial vaccinations must be obtained within 30 days or  
21 within such time as is reasonably determined under the rules promulgated  
22 by the interstate commission.

23 D. Kindergarten and First grade entrance age - Students shall be  
24 allowed to continue their enrollment at grade level in the receiving state  
25 commensurate with their grade level from a local education agency in the  
26 sending state at the time of transition, regardless of age. A student that has  
27 satisfactorily completed the prerequisite grade level in the local education  
28 agency in the sending state shall be eligible for enrollment in the next  
29 highest grade level in the receiving state, regardless of age. A student  
30 transferring after the start of the school year in the receiving state shall  
31 enter the school in the receiving state on their validated level from an  
32 accredited school in the sending state.

#### 33 ARTICLE V. PLACEMENT & ATTENDANCE

34 A. Course placement - When the student transfers before or during the  
35 school year, the receiving state school initially shall honor placement of  
36 the student in educational courses based on the student's enrollment in the  
37 sending state school or educational assessments conducted at the school in  
38 the sending state if the courses are offered. Course placement includes but  
39 is not limited to honors, international baccalaureate, advanced placement,  
40 vocational, technical and career pathways courses. Continuing the  
41 student's academic program from the previous school and promoting  
42 placement in academically and career challenging courses should be  
43 paramount when considering placement. This does not preclude the school

1 in the receiving state from performing subsequent evaluations to ensure  
2 appropriate placement and continued enrollment of the student in such  
3 courses.

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

12 C. Special education services - (1) In compliance with the federal  
13 requirements of the individuals with disabilities education act (IDEA), 20  
14 U.S.C.A. section 1400 et seq., the receiving state initially shall provide  
15 comparable services to a student with disabilities based on the student's  
16 current individualized education program (IEP). (2) In compliance with  
17 the requirements of section 504 of the rehabilitation act, 29 U.S.C.A.  
18 section 794, and with Title II of the Americans with disabilities act, 42  
19 U.S.C.A. sections 12131-12165, the receiving state shall make reasonable  
20 accommodations and modifications to address the needs of incoming  
21 students with disabilities, subject to an existing 504 or Title II plan, to  
22 provide the student with equal access to education. This does not preclude  
23 the school in the receiving state from performing subsequent evaluations  
24 to ensure appropriate placement of the student.

25 D. Placement flexibility - Local education agency administrative  
26 officials shall have flexibility in waiving course and program prerequisites  
27 or other preconditions for placement in courses and programs offered  
28 under the jurisdiction of the local education agency.

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

#### 36 ARTICLE VI. ELIGIBILITY

##### 37 A. Eligibility for enrollment:

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

42 2. A local education agency shall be prohibited from charging local  
43 tuition to a transitioning military child placed in the care of a non-custodial

1 parent or other person standing in loco parentis who lives in a jurisdiction  
2 other than that of the custodial parent.

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

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

#### 11 ARTICLE VII. GRADUATION

12 In order to facilitate the on-time graduation of children of military  
13 families:

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

22 B. Exit exams - States shall accept: (1) Exit or end-of-course exams  
23 required for graduation from the sending state; or (2) national norm-  
24 referenced achievement tests or (3) alternative testing, in lieu of testing  
25 requirements for graduation in the receiving state. In the event the above  
26 alternatives cannot be accommodated by the receiving state for a student  
27 transferring in the senior year, then the provisions of paragraph C of this  
28 article shall apply.

29 C. Transfers during senior year - Should a military student transferring  
30 at the beginning or during the senior year be ineligible to graduate from  
31 the receiving local education agency after all alternatives have been  
32 considered, the sending and receiving local education agencies shall  
33 ensure the receipt of a diploma from the sending local education agency, if  
34 the student meets the graduation requirements of the sending local  
35 education agency. In the event that one of the states in question is not a  
36 member of this compact, the member state shall use best efforts to  
37 facilitate the on-time graduation of the student in accordance with  
38 paragraphs A and B of this article.

#### 39 ARTICLE VIII. STATE COORDINATION

40 A. Each member state, through the creation of a state council or use of  
41 an existing body or board, shall provide for the coordination among its  
42 agencies of government, local education agencies and military installations  
43 concerning the state's participation in, and compliance with, this compact

1 and interstate commission activities. While each member state may  
2 determine the membership of its own state council, its membership must  
3 include: The commissioner of education, a superintendent of a school  
4 district with a high concentration of military children, a representative  
5 from a military installation, one representative each from the legislative  
6 and executive branches of government and other offices and stakeholder  
7 groups the state council deems appropriate. A member state that does not  
8 have a school district deemed to contain a high concentration of military  
9 children may appoint a superintendent from another school district to  
10 represent local education agencies on the state council.

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

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

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

20 ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL  
21 OPPORTUNITY FOR MILITARY CHILDREN

22 The member states hereby create the "interstate commission on  
23 educational opportunity for military children." The activities of the  
24 interstate commission are the formation of public policy and are a  
25 discretionary state function. The interstate commission shall:

26 A. Be a body corporate and joint agency of the member states and shall  
27 have all the responsibilities, powers and duties set forth herein, and such  
28 additional powers as may be conferred upon it by a subsequent concurrent  
29 action of the respective legislatures of the member states in accordance  
30 with the terms of this compact.

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

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

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

38 3. A representative shall not delegate a vote to another member state. In  
39 the event the compact commissioner is unable to attend a meeting of the  
40 interstate commission, the governor or state council may delegate voting  
41 authority to another person from their state for a specified meeting.

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



1 C. Consist of ex-officio, non-voting representatives who are members  
2 of interested organizations. Such ex-officio members, as defined in the  
3 bylaws, may include but not be limited to, members of the representative  
4 organizations of military family advocates, local education agency  
5 officials, parent and teacher groups, the United States department of  
6 defense, the education commission of the states, the interstate agreement  
7 on the qualification of educational personnel and other interstate compacts  
8 affecting the education of children of military members.

9 D. Meet at least once each calendar year. The chairperson may call  
10 additional meetings and, upon the request of a simple majority of the  
11 member states, shall call additional meetings.

12 E. Establish an executive committee, whose members shall include the  
13 officers of the interstate commission and such other members of the  
14 interstate commission as determined by the bylaws. Members of the  
15 executive committee shall serve a one year term. Members of the  
16 executive committee shall be entitled to one vote each. The executive  
17 committee shall have the power to act on behalf of the interstate  
18 commission, with the exception of rulemaking, during periods when the  
19 interstate commission is not in session. The executive committee shall  
20 oversee the day-to-day activities of the administration of the compact  
21 including enforcement and compliance with the provisions of the compact,  
22 its bylaws and rules, and other such duties as deemed necessary. The  
23 United States department of defense, shall serve as an ex-officio,  
24 nonvoting member of the executive committee.

25 F. Establish bylaws and rules that provide for conditions and  
26 procedures under which the interstate commission shall make its  
27 information and official records available to the public for inspection or  
28 copying. The interstate commission may exempt from disclosure  
29 information or official records to the extent they would adversely affect  
30 personal privacy rights or proprietary interests.

31 G. Public notice shall be given by the interstate commission of all  
32 meetings and all meetings shall be open to the public, except as set forth in  
33 the rules or as otherwise provided in the compact. The interstate  
34 commission and its committees may close a meeting, or portion thereof,  
35 where it determines by two-thirds vote that an open meeting would be  
36 likely to:

37 1. Relate solely to the interstate commission's internal personnel  
38 practices and procedures;

39 2. disclose matters specifically exempted from disclosure by federal  
40 and state statute;

41 3. disclose trade secrets or commercial or financial information which  
42 is privileged or confidential;

43 4. involve accusing a person of a crime, or formally censuring a person;

5. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. disclose investigative records compiled for law enforcement purposes; or

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

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

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

J. The interstate commission shall create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

## ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the power to:

A. Provide for dispute resolution among member states.

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

C. Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.

1 D. Enforce compliance with the compact provisions, the rules  
2 promulgated by the interstate commission, and the bylaws, using all  
3 necessary and proper means, including, but not limited to, the use of  
4 judicial process.

5 E. Establish and maintain offices which shall be located within one or  
6 more of the member states.

7 F. Purchase and maintain insurance and bonds.

8 G. Borrow, accept, hire or contract for services of personnel.

9 H. Establish and appoint committees including, but not limited to, an  
10 executive committee as required by article IX, which shall have the power  
11 to act on behalf of the interstate commission in carrying out its powers and  
12 duties hereunder.

13 I. Elect or appoint such officers, attorneys, employees, agents, or  
14 consultants, and to fix their compensation, define their duties and  
15 determine their qualifications; and to establish the interstate commission's  
16 personnel policies and programs relating to conflicts of interest, rates of  
17 compensation, and qualifications of personnel.

18 J. Accept any and all donations and grants of money, equipment,  
19 supplies, materials and services, and to receive, utilize, and dispose of it.

20 K. Lease, purchase, accept contributions or donations of, or otherwise  
21 to own, hold, improve or use any property, real, personal or mixed.

22 L. Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
23 otherwise dispose of any property, real, personal or mixed.

24 M. Establish a budget and make expenditures.

25 N. Adopt a seal and bylaws governing the management and operation  
26 of the interstate commission.

27 O. Report annually to the legislatures, governors, judiciary, and state  
28 councils of the member states concerning the activities of the interstate  
29 commission during the preceding year. Such reports shall also include any  
30 recommendations that may have been adopted by the interstate  
31 commission.

32 P. Coordinate education, training and public awareness regarding the  
33 compact, its implementation and operation for officials and parents  
34 involved in such activity.

35 Q. Establish uniform standards for the reporting, collecting and  
36 exchanging of data.

37 R. Maintain corporate books and records in accordance with the  
38 bylaws.

39 S. Perform such functions as may be necessary or appropriate to  
40 achieve the purposes of this compact.

41 T. Provide for the uniform collection and sharing of information  
42 between and among member states, schools and military families under  
43 this compact.

1           ARTICLE XI. ORGANIZATION AND OPERATION OF THE  
2                           INTERSTATE COMMISSION

3           A. The interstate commission, by a majority of the members present  
4 and voting, within 12 months after the first interstate commission meeting,  
5 shall adopt bylaws to govern its conduct as may be necessary or  
6 appropriate to carry out the purposes of the compact, including, but not  
7 limited to:

- 8           1. Establishing the fiscal year of the interstate commission;
- 9           2. establishing an executive committee, and such other committees as  
10 may be necessary;
- 11           3. providing for the establishment of committees and for governing any  
12 general or specific delegation of authority or function of the interstate  
13 commission;
- 14           4. providing reasonable procedures for calling and conducting meetings  
15 of the interstate commission, and ensuring reasonable notice of each such  
16 meeting;
- 17           5. establishing the titles and responsibilities of the officers and staff of  
18 the interstate commission;
- 19           6. providing a mechanism for concluding the operations of the  
20 interstate commission and the return of surplus funds that may exist upon  
21 the termination of the compact after the payment and reserving of all of its  
22 debts and obligations; and
- 23           7. providing "start up" rules for initial administration of the compact.

24           B. The interstate commission, by a majority of the members, shall elect  
25 annually from among its members a chairperson, a vice-chairperson, and a  
26 treasurer, each of whom shall have such authority and duties as may be  
27 specified in the bylaws. The chairperson or, in the chairperson's absence or  
28 disability, the vice-chairperson, shall preside at all meetings of the  
29 interstate commission. The officers so elected shall serve without  
30 compensation or remuneration from the interstate commission. Subject to  
31 the availability of budgeted funds, the officers shall be reimbursed for  
32 ordinary and necessary costs and expenses incurred by them in the  
33 performance of their responsibilities as officers of the interstate  
34 commission.

35           C. Executive Committee, Officers and Personnel

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

- 38           a. Managing the affairs of the interstate commission in a manner  
39 consistent with the bylaws and purposes of the interstate commission;
- 40           b. overseeing an organizational structure within, and appropriate  
41 procedures for the interstate commission to provide for the creation of  
42 rules, operating procedures, and administrative and technical support  
43 functions; and

1 c. planning, implementing, and coordinating communications and  
2 activities with other state, federal and local government organizations in  
3 order to advance the goals of the interstate commission.

4 2. The executive committee may, subject to the approval of the  
5 interstate commission, appoint or retain an executive director for such  
6 period, upon such terms and conditions and for such compensation, as the  
7 interstate commission may deem appropriate. The executive director shall  
8 serve as secretary to the interstate commission, but shall not be a member  
9 of the interstate commission. The executive director shall hire and  
10 supervise such other persons as may be authorized by the interstate  
11 commission.

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

22 1. The liability of the interstate commission's executive director and  
23 employees or interstate commission representatives, acting within the  
24 scope of such person's employment or duties for acts, errors, or omissions  
25 occurring within such person's state may not exceed the limits of liability  
26 set forth under the constitution and laws of that state for state officials,  
27 employees, and agents. The interstate commission is considered to be an  
28 instrumentality of the states for the purposes of any such action. Nothing  
29 in this subsection shall be construed to protect such person from suit or  
30 liability for damage, loss, injury, or liability caused by the intentional or  
31 willful and wanton misconduct of such person.

32 2. The interstate commission shall defend the executive director and its  
33 employees and, subject to the approval of the attorney general or other  
34 appropriate legal counsel of the member state represented by an interstate  
35 commission representative, shall defend such interstate commission  
36 representative in any civil action seeking to impose liability arising out of  
37 an actual or alleged act, error or omission that occurred within the scope of  
38 interstate commission employment, duties or responsibilities, or that the  
39 defendant had a reasonable basis for believing occurred within the scope  
40 of interstate commission employment, duties, or responsibilities, provided  
41 that the actual or alleged act, error, or omission did not result from  
42 intentional or willful and wanton misconduct on the part of such person.

43 3. To the extent not covered by the state involved, member state, or the

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

## 11 ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE 12 COMMISSION

13 A. Rulemaking Authority - The interstate commission shall promulgate  
14 reasonable rules in order to effectively and efficiently achieve the purposes  
15 of this compact. Notwithstanding the foregoing, in the event the interstate  
16 commission exercises its rulemaking authority in a manner that is beyond  
17 the scope of the purposes of this act, or the powers granted hereunder, then  
18 such an action by the interstate commission shall be invalid and have no  
19 force or effect.

20 B. Rulemaking Procedure - Rules shall be made pursuant to a  
21 rulemaking process that substantially conforms to the "model state  
22 administrative procedure act," of 1981 Act, uniform laws annotated, Vol.  
23 15, p.1 (2000) as amended, as may be appropriate to the operations of the  
24 interstate commission.

25 C. Not later than 30 days after a rule is promulgated, any person may  
26 file a petition for judicial review of the rule; provided, that the filing of  
27 such a petition shall not stay or otherwise prevent the rule from becoming  
28 effective unless the court finds that the petitioner has a substantial  
29 likelihood of success. The court shall give deference to the actions of the  
30 interstate commission consistent with applicable law and shall not find the  
31 rule to be unlawful if the rule represents a reasonable exercise of the  
32 interstate commission's authority.

33 D. If a majority of the legislatures of the compacting states rejects a  
34 rule by enactment of a statute or resolution in the same manner used to  
35 adopt the compact, then such rule shall have no further force and effect in  
36 any compacting state.

## 37 ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE 38 RESOLUTION

### 39 A. Oversight

40 1. The executive, legislative and judicial branches of state government  
41 in each member state shall enforce this compact and shall take all actions  
42 necessary and appropriate to effectuate the compact's purposes and intent.  
43 The provisions of this compact and the rules promulgated hereunder shall

1 have standing as statutory law.

2 2. All courts shall take judicial notice of the compact and the rules in  
3 any judicial or administrative proceeding in a member state pertaining to  
4 the subject matter of this compact which may affect the powers,  
5 responsibilities or actions of the interstate commission.

6 3. The interstate commission shall be entitled to receive all service of  
7 process in any such proceeding, and shall have standing to intervene in the  
8 proceeding for all purposes. Failure to provide service of process to the  
9 interstate commission shall render a judgment or order void as to the  
10 interstate commission, this compact or promulgated rules.

11 B. Default, Technical Assistance, Suspension and Termination - If the  
12 interstate commission determines that a member state has defaulted in the  
13 performance of its obligations or responsibilities under this compact, or the  
14 bylaws or promulgated rules, the interstate commission shall:

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

19 2. Provide remedial training and specific technical assistance regarding  
20 the default.

21 3. If the defaulting state fails to cure the default, the defaulting state  
22 shall be terminated from the compact upon an affirmative vote of a  
23 majority of the member states and all rights, privileges and benefits  
24 conferred by this compact shall be terminated from the effective date of  
25 termination. A cure of the default does not relieve the offending state of  
26 obligations or liabilities incurred during the period of the default.

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

32 5. The state which has been suspended or terminated is responsible for  
33 all assessments, obligations and liabilities incurred through the effective  
34 date of suspension or termination including obligations, the performance  
35 of which extends beyond the effective date of suspension or termination.

36 6. The interstate commission shall not bear any costs relating to any  
37 state that has been found to be in default or which has been suspended or  
38 terminated from the compact, unless otherwise mutually agreed upon in  
39 writing between the interstate commission and the defaulting state.

40 7. The defaulting state may appeal the action of the interstate  
41 commission by petitioning the United States district court for the District  
42 of Columbia or the federal district where the interstate commission has its  
43 principal offices. The prevailing party shall be awarded all costs of such

1 litigation including reasonable attorney's fees.

2 C. Dispute Resolution

3 1. The interstate commission shall attempt, upon the request of a  
4 member state, to resolve disputes which are subject to the compact and  
5 which may arise among member states and between member and non-  
6 member states.

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

9 D. Enforcement

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

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

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

24 ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

25 A. The interstate commission shall pay, or provide for the payment of  
26 the reasonable expenses of its establishment, organization and ongoing  
27 activities.

28 B. The interstate commission may levy on and collect an annual  
29 assessment from each member state to cover the cost of the operations and  
30 activities of the interstate commission and its staff which must be in a total  
31 amount sufficient to cover the interstate commission's annual budget as  
32 approved each year. The aggregate annual assessment amount shall be  
33 allocated based upon a formula to be determined by the interstate  
34 commission, which shall promulgate a rule binding upon all member  
35 states.

36 C. The interstate commission shall not incur obligations of any kind  
37 prior to securing the funds adequate to meet the same. The interstate  
38 commission shall not pledge the credit of any of the member states, except  
39 by and with the authority of the member state.

40 D. The interstate commission shall keep accurate accounts of all  
41 receipts and disbursements. The receipts and disbursements of the  
42 interstate commission shall be subject to the audit and accounting  
43 procedures established under its bylaws. All receipts and disbursements of



1 funds handled by the interstate commission shall be audited yearly by a  
2 certified or licensed public accountant and the report of the audit shall be  
3 included in and become part of the annual report of the interstate  
4 commission.

5 ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND  
6 AMENDMENT

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

8 B. The compact shall become effective and binding upon legislative  
9 enactment of the compact into law by no less than 10 of the states. The  
10 effective date shall be no earlier than December 1, 2007. Thereafter it shall  
11 become effective and binding as to any other member state upon  
12 enactment of the compact into law by that state. The governors of non-  
13 member states or their designees shall be invited to participate in the  
14 activities of the interstate commission on a non-voting basis prior to  
15 adoption of the compact by all states.

16 C. The interstate commission may propose amendments to the compact  
17 for enactment by the member states. No amendment shall become  
18 effective and binding upon the interstate commission and the member  
19 states unless and until it is enacted into law by unanimous consent of the  
20 member states.

21 ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

22 A. Withdrawal

23 1. Once effective, the compact shall continue in force and remain  
24 binding upon each and every member state. A member state may withdraw  
25 from the compact specifically repealing the statute, which enacted the  
26 compact into law.

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

32 3. The withdrawing state immediately shall notify the chairperson of  
33 the interstate commission in writing upon the introduction of legislation  
34 repealing this compact in the withdrawing state. The interstate commission  
35 shall notify the other member states of the withdrawing state's intent to  
36 withdraw within 60 days of its receipt thereof.

37 4. The withdrawing state is responsible for all assessments, obligations  
38 and liabilities incurred through the effective date of withdrawal, including  
39 obligations, the performance of which extend beyond the effective date of  
40 withdrawal.

41 5. Reinstatement following withdrawal of a member state shall occur  
42 upon the withdrawing state reenacting the compact or upon such later date  
43 as determined by the interstate commission.

### B. Dissolution of Compact

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

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

## ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

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

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

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

ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

### A. Other Laws

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

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

### B. Binding Effect of the Compact

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

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

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

Sec. 3. K.S.A. 72-8268 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.