

9216--A

I N A S S E M B L Y

April 1, 2014

Introduced by M. of A. BENEDETTO, GLICK, ENGLEBRIGHT, GALEF, RUSSELL,
CUSICK, LUPARDO, BRINDISI, BARRETT, SANTABARBARA, SKOUFIS, SCHIMEL --
Multi-Sponsored by -- M. of A. SWEENEY -- (at request of the Governor)
-- read once and referred to the Committee on Veterans' Affairs --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the education law, in relation to enacting the interstate compact on educational opportunity for military children (Part A); to amend the education law, in relation to veterans' tuition at colleges and universities of the state university of New York and the city university of New York (Part B); to amend the executive law, in relation to the New York state supplemental burial allowance for members of the armed forces of the United States killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310(a)(4)(Part C); and to amend the real property law and the general business law, in relation to authorizing the department of state to issue certain professional licenses to spouses of members of the armed forces who are licensed in other jurisdictions and meet certain qualifications (Part D)

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act enacts into law major components of legislation which are necessary to implement provisions of law relating to educational opportunities for military children. Each component is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

LBD12080-04-4

1 Section 1. The education law is amended by adding a new article 66 to
2 read as follows:

3 ARTICLE 66

4 INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

5 SECTION 3300. SHORT TITLE.

6 3301. PURPOSE.

7 3302. DEFINITIONS.

8 3303. APPLICABILITY.

9 3304. EDUCATIONAL RECORDS AND ENROLLMENT.

10 3305. PLACEMENT AND ATTENDANCE.

11 3306. ELIGIBILITY.

12 3307. GRADUATION.

13 3308. STATE COORDINATION.

14 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILI-
15 TARY CHILDREN.

16 3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION.

17 3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.

18 3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.

19 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.

20 3314. FINANCING OF THE INTERSTATE COMMISSION.

21 3315. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT.

22 3316. WITHDRAWAL AND DISSOLUTION.

23 3317. SEVERABILITY AND CONSTRUCTION.

24 3318. BINDING EFFECT OF COMPACT AND OTHER LAWS.

25 S 3300. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
26 THE "INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHIL-
27 DREN".

28 S 3301. PURPOSE. IT IS THE PURPOSE OF THIS COMPACT TO REMOVE BARRIERS
29 TO EDUCATIONAL SUCCESS IMPOSED ON CHILDREN OF MILITARY FAMILIES BECAUSE
30 OF FREQUENT MOVES AND DEPLOYMENT OF THEIR PARENTS BY:

31 1. FACILITATING THE TIMELY ENROLLMENT OF CHILDREN OF MILITARY FAMILIES
32 AND ENSURING THAT THEY ARE NOT PLACED AT A DISADVANTAGE DUE TO DIFFICUL-
33 TY IN THE TRANSFER OF EDUCATION RECORDS FROM THE PREVIOUS SCHOOL
34 DISTRICT OR DISTRICTS OR VARIATIONS IN ENTRANCE/AGE REQUIREMENTS.

35 2. FACILITATING THE STUDENT PLACEMENT PROCESS THROUGH WHICH CHILDREN
36 OF MILITARY FAMILIES ARE NOT DISADVANTAGED BY VARIATIONS IN ATTENDANCE
37 REQUIREMENTS, SCHEDULING, SEQUENCING, GRADING, COURSE CONTENT OR ASSESS-
38 MENT.

39 3. FACILITATING THE QUALIFICATION AND ELIGIBILITY FOR ENROLLMENT,
40 EDUCATIONAL PROGRAMS, AND PARTICIPATION IN EXTRACURRICULAR ACADEMIC,
41 ATHLETIC, AND SOCIAL ACTIVITIES.

42 4. FACILITATING THE ON-TIME GRADUATION OF CHILDREN OF MILITARY FAMI-
43 LIES.

44 5. PROVIDING FOR THE PROMULGATION AND ENFORCEMENT OF ADMINISTRATIVE
45 RULES IMPLEMENTING THE PROVISIONS OF THIS COMPACT.

46 6. PROVIDING FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
47 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER
48 THIS COMPACT.

49 7. PROMOTING COORDINATION BETWEEN THIS COMPACT AND OTHER COMPACTS
50 AFFECTING MILITARY CHILDREN.

51 8. PROMOTING FLEXIBILITY AND COOPERATION BETWEEN THE EDUCATIONAL
52 SYSTEM, PARENTS AND THE STUDENT IN ORDER TO ACHIEVE EDUCATIONAL SUCCESS
53 FOR THE STUDENT.

54 S 3302. DEFINITIONS. AS USED IN THIS COMPACT, UNLESS THE CONTEXT
55 CLEARLY REQUIRES A DIFFERENT MEANING:

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

5 2. "CHILDREN OF MILITARY FAMILIES" MEANS A SCHOOL-AGED CHILD OR CHIL-
6 DREN, ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE, IN THE HOUSEHOLD
7 OF AN ACTIVE DUTY MEMBER.

8 3. "COMPACT COMMISSIONER" MEANS THE VOTING REPRESENTATIVE OF EACH
9 COMPACTING STATE APPOINTED PURSUANT TO SECTION THIRTY-THREE HUNDRED NINE
10 OF THIS ARTICLE.

11 4. "DEPLOYMENT" MEANS THE PERIOD ONE MONTH PRIOR TO THE SERVICE
12 MEMBERS' DEPARTURE FROM THEIR HOME STATION ON MILITARY ORDERS THROUGH
13 SIX MONTHS AFTER RETURN TO THEIR HOME STATION.

14 5. "EDUCATION RECORDS" OR "EDUCATIONAL RECORDS" MEANS THOSE OFFICIAL
15 RECORDS, FILES, AND DATA DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY
16 THE SCHOOL OR LOCAL EDUCATIONAL AGENCY, INCLUDING BUT NOT LIMITED TO
17 RECORDS ENCOMPASSING ALL THE MATERIAL KEPT IN THE STUDENT'S CUMULATIVE
18 FOLDER SUCH AS GENERAL IDENTIFYING DATA, RECORDS OF ATTENDANCE AND OF
19 ACADEMIC WORK COMPLETED, RECORDS OF ACHIEVEMENT AND RESULTS OF EVALUA-
20 TIVE TESTS, HEALTH DATA, DISCIPLINARY STATUS, TEST PROTOCOLS, AND INDI-
21 VIDUALIZED EDUCATION PROGRAMS.

22 6. "EXTRACURRICULAR ACTIVITIES" MEANS A VOLUNTARY ACTIVITY SPONSORED
23 BY THE SCHOOL OR LOCAL EDUCATIONAL AGENCY OR AN ORGANIZATION SANCTIONED
24 BY THE LOCAL EDUCATIONAL AGENCY. EXTRACURRICULAR ACTIVITIES INCLUDE, BUT
25 ARE NOT LIMITED TO, PREPARATION FOR AND INVOLVEMENT IN PUBLIC PERFORM-
26 ANCES, CONTESTS, ATHLETIC COMPETITIONS, DEMONSTRATIONS, DISPLAYS, AND
27 CLUB ACTIVITIES.

28 7. "INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
29 CHILDREN" MEANS THE COMMISSION THAT IS CREATED UNDER SECTION
30 THIRTY-THREE HUNDRED NINE OF THIS ARTICLE, WHICH IS GENERALLY REFERRED
31 TO IN THIS ARTICLE AS THE "INTERSTATE COMMISSION".

32 8. "LOCAL EDUCATIONAL AGENCY" MEANS A PUBLIC AUTHORITY LEGALLY CONSTI-
33 TUTED BY THE STATE AS AN ADMINISTRATIVE AGENCY TO PROVIDE CONTROL OF AND
34 DIRECTION FOR KINDERGARTEN THROUGH TWELFTH GRADE PUBLIC EDUCATIONAL
35 INSTITUTIONS. IN NEW YORK STATE, A LOCAL EDUCATIONAL AGENCY MEANS A
36 PUBLIC SCHOOL DISTRICT LOCATED WITHIN NEW YORK STATE.

37 9. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.

38 10. "MILITARY INSTALLATION" MEANS A BASE, CAMP, POST, STATION, YARD,
39 CENTER, HOMEPORT FACILITY FOR ANY SHIP, OR OTHER ACTIVITY UNDER THE
40 JURISDICTION OF THE DEPARTMENT OF DEFENSE, INCLUDING ANY LEASED FACILI-
41 TY, WHICH IS LOCATED WITHIN ANY OF THE SEVERAL STATES, THE DISTRICT OF
42 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN
43 ISLANDS, GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY
44 OTHER UNITED STATES TERRITORY. SUCH TERM DOES NOT INCLUDE ANY FACILITY
45 USED PRIMARILY FOR CIVIL WORKS, RIVERS AND HARBORS PROJECTS, OR FLOOD
46 CONTROL PROJECTS.

47 11. "NON-MEMBER STATE" MEANS A STATE THAT HAS NOT ENACTED THIS
48 COMPACT.

49 12. "RECEIVING STATE" MEANS THE STATE TO WHICH A CHILD OF A MILITARY
50 FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

51 13. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE COMMISSION
52 PROMULGATED PURSUANT TO SECTION THIRTY-THREE HUNDRED TWELVE OF THIS
53 ARTICLE THAT IS OF GENERAL APPLICABILITY, IMPLEMENTS, INTERPRETS OR
54 PRESCRIBES A POLICY OR PROVISION OF THE COMPACT, OR AN ORGANIZATIONAL,
55 PROCEDURAL, OR PRACTICE REQUIREMENT OF THE INTERSTATE COMMISSION.

1 14. "SENDING STATE" MEANS THE STATE FROM WHICH A CHILD OF A MILITARY
2 FAMILY IS SENT, BROUGHT, OR CAUSED TO BE SENT OR BROUGHT.

3 15. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF COLUM-
4 BIA, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS,
5 GUAM, AMERICAN SAMOA, THE NORTHERN MARIANAS ISLANDS AND ANY OTHER UNITED
6 STATES TERRITORY.

7 16. "STUDENT" MEANS THE CHILD OF A MILITARY FAMILY FOR WHOM THE LOCAL
8 EDUCATIONAL AGENCY RECEIVES PUBLIC FUNDING AND WHO IS FORMALLY ENROLLED
9 IN KINDERGARTEN THROUGH TWELFTH GRADE.

10 17. "TRANSITION" MEANS (A) THE FORMAL AND PHYSICAL PROCESS OF TRANS-
11 FERRING FROM SCHOOL TO SCHOOL AS A RESULT OF MILITARY ORDERS OR (B) THE
12 PERIOD OF TIME IN WHICH A STUDENT MOVES FROM ONE SCHOOL IN THE SENDING
13 STATE TO ANOTHER SCHOOL IN THE RECEIVING STATE.

14 18. "UNIFORMED SERVICE" OR "UNIFORMED SERVICES" MEANS THE ARMY, NAVY,
15 AIR FORCE, MARINE CORPS, COAST GUARD AS WELL AS THE COMMISSIONED CORPS
16 OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND PUBLIC
17 HEALTH SERVICES.

18 19. "VETERAN" MEANS A PERSON WHO SERVED IN THE UNIFORMED SERVICES AND
19 WHO WAS DISCHARGED OR RELEASED THEREFROM UNDER CONDITIONS OTHER THAN
20 DISHONORABLE.

21 S 3303. APPLICABILITY. 1. EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION
22 TWO OF THIS SECTION, THIS COMPACT SHALL APPLY TO THE CHILDREN OF:

23 (A) ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES AS DEFINED IN THIS
24 COMPACT, INCLUDING MEMBERS OF THE NATIONAL GUARD AND RESERVE ON ACTIVE
25 DUTY ORDERS PURSUANT TO 10 U.S.C. SECTIONS 1209 AND 1211;

26 (B) MEMBERS OR VETERANS OF THE UNIFORMED SERVICES WHO ARE SEVERELY
27 INJURED AND MEDICALLY DISCHARGED OR RETIRED FOR A PERIOD OF ONE YEAR
28 AFTER MEDICAL DISCHARGE OR RETIREMENT; AND

29 (C) MEMBERS OF THE UNIFORMED SERVICES WHO DIE ON ACTIVE DUTY OR AS A
30 RESULT OF INJURIES SUSTAINED ON ACTIVE DUTY FOR A PERIOD OF ONE YEAR
31 AFTER DEATH.

32 2. THE PROVISIONS OF THIS INTERSTATE COMPACT SHALL ONLY APPLY TO LOCAL
33 EDUCATIONAL AGENCIES AS DEFINED IN THIS COMPACT.

34 3. THE PROVISIONS OF THIS COMPACT SHALL NOT APPLY TO THE CHILDREN OF:

35 (A) INACTIVE MEMBERS OF THE NATIONAL GUARD AND MILITARY RESERVES;

36 (B) MEMBERS OF THE UNIFORMED SERVICES NOW RETIRED, EXCEPT AS PROVIDED
37 IN SUBDIVISION ONE OF THIS SECTION;

38 (C) VETERANS OF THE UNIFORMED SERVICES, EXCEPT AS PROVIDED IN SUBDIVI-
39 SION ONE OF THIS SECTION; AND

40 (D) OTHER UNITED STATES DEPARTMENT OF DEFENSE PERSONNEL AND OTHER
41 FEDERAL AGENCY CIVILIAN AND CONTRACT EMPLOYEES NOT DEFINED AS ACTIVE
42 DUTY MEMBERS OF THE UNIFORMED SERVICES.

43 S 3304. EDUCATIONAL RECORDS AND ENROLLMENT. 1. IN THE EVENT THAT OFFI-
44 CIAL EDUCATION RECORDS CANNOT BE RELEASED TO THE PARENTS FOR THE PURPOSE
45 OF TRANSFER, THE CUSTODIAN OF THE RECORDS IN THE SENDING STATE SHALL
46 PREPARE AND FURNISH TO THE PARENT A COMPLETE SET OF UNOFFICIAL EDUCA-
47 TIONAL RECORDS, TO THE EXTENT FEASIBLE, AND USING ANY TEMPLATE DEVELOPED
48 BY THE INTERSTATE COMMISSION. UPON RECEIPT OF THE UNOFFICIAL EDUCATION
49 RECORDS BY A SCHOOL IN THE RECEIVING STATE, THE SCHOOL SHALL ENROLL AND
50 APPROPRIATELY PLACE THE STUDENT BASED ON THE INFORMATION PROVIDED IN THE
51 UNOFFICIAL RECORDS PENDING VALIDATION BY THE OFFICIAL RECORDS, AS QUICK-
52 LY AS POSSIBLE.

53 2. SIMULTANEOUS WITH THE ENROLLMENT AND CONDITIONAL PLACEMENT OF THE
54 STUDENT, THE SCHOOL IN THE RECEIVING STATE SHALL REQUEST THE STUDENT'S
55 OFFICIAL EDUCATION RECORD FROM THE SCHOOL IN THE SENDING STATE. UPON
56 RECEIPT OF THIS REQUEST, THE SCHOOL IN THE SENDING STATE WILL PROCESS

1 AND FURNISH THE OFFICIAL EDUCATION RECORDS TO THE SCHOOL IN THE RECEIV-
2 ING STATE WITHIN TEN DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETER-
3 MINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.

4 3. NOTWITHSTANDING ANY PROVISIONS OF SUBDIVISION SEVEN OF SECTION
5 TWENTY-ONE HUNDRED SIXTY-FOUR OF THE PUBLIC HEALTH LAW TO THE CONTRARY,
6 COMPACTING STATES SHALL GIVE THIRTY DAYS FROM THE DATE OF ENROLLMENT OR
7 WITHIN SUCH TIME AS IS REASONABLY DETERMINED UNDER THE RULES PROMULGATED
8 BY THE INTERSTATE COMMISSION, FOR STUDENTS TRANSFERRING FROM A SCHOOL IN
9 A SENDING STATE TO OBTAIN ANY IMMUNIZATIONS REQUIRED BY THE RECEIVING
10 STATE. FOR A SERIES OF IMMUNIZATIONS, INITIAL VACCINATIONS MUST BE
11 OBTAINED WITHIN THIRTY DAYS OR WITHIN SUCH TIME AS IS REASONABLY DETER-
12 MINED UNDER THE RULES PROMULGATED BY THE INTERSTATE COMMISSION.

13 4. FOR PURPOSES OF ENSURING A SMOOTH EDUCATIONAL TRANSITION, STUDENTS
14 TRANSFERRING FROM A LOCAL EDUCATIONAL AGENCY IN A SENDING STATE SHALL
15 INITIALLY BE ALLOWED TO CONTINUE THEIR ENROLLMENT AT GRADE LEVEL IN THE
16 RECEIVING STATE COMMENSURATE WITH THEIR GRADE LEVEL FROM A LOCAL EDUCA-
17 TIONAL AGENCY IN THE SENDING STATE AT THE TIME OF TRANSITION, REGARDLESS
18 OF AGE. A STUDENT THAT HAS SATISFACTORILY COMPLETED THE PREREQUISITE
19 GRADE LEVEL IN THE LOCAL EDUCATIONAL AGENCY IN THE SENDING STATE SHALL
20 INITIALLY BE ELIGIBLE FOR ENROLLMENT IN THE NEXT HIGHEST GRADE LEVEL IN
21 THE RECEIVING STATE, REGARDLESS OF AGE. A STUDENT TRANSFERRING AFTER THE
22 START OF THE SCHOOL YEAR IN THE RECEIVING STATE SHALL ENTER THE SCHOOL
23 IN THE RECEIVING STATE ON THEIR VALIDATED LEVEL FROM AN ACCREDITED
24 SCHOOL IN THE SENDING STATE. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT
25 A LOCAL EDUCATIONAL AGENCY IN THE RECEIVING STATE FROM PERFORMING SUBSE-
26 QUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE STUDENT.

27 S 3305. PLACEMENT AND ATTENDANCE. 1. WHEN THE STUDENT TRANSFERS BEFORE
28 OR DURING THE SCHOOL YEAR, THE RECEIVING STATE SCHOOL SHALL INITIALLY
29 HONOR PLACEMENT OF THE STUDENT IN EDUCATIONAL COURSES BASED ON THE
30 STUDENT'S ENROLLMENT IN THE SENDING STATE SCHOOL AND/OR EDUCATIONAL
31 ASSESSMENTS CONDUCTED AT THE SCHOOL IN THE SENDING STATE IF THE COURSES
32 ARE OFFERED AND THERE IS SPACE AVAILABLE AS DETERMINED BY THE LOCAL
33 EDUCATIONAL AGENCY. COURSE PLACEMENT INCLUDES BUT IS NOT LIMITED TO
34 HONORS, INTERNATIONAL BACCALAUREATE, ADVANCED PLACEMENT, VOCATIONAL,
35 TECHNICAL AND CAREER PATHWAYS COURSES. WHERE THE LOCAL EDUCATIONAL AGEN-
36 CY CONTRACTS WITH A BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO DELIVER
37 SUCH COURSES, THE LOCAL EDUCATIONAL AGENCY AND THE BOARD OF COOPERATIVE
38 EDUCATIONAL SERVICES SHALL ARRANGE TO ENROLL THE STUDENT IN THE APPLICA-
39 BLE BOARD OF COOPERATIVE EDUCATIONAL SERVICES PROGRAM WHERE THERE IS
40 SPACE AVAILABLE. CONTINUING THE STUDENT'S ACADEMIC PROGRAM FROM THE
41 PREVIOUS SCHOOL AND PROMOTING PLACEMENT IN ACADEMICALLY AND CAREER CHAL-
42 LENGING COURSES SHOULD BE PARAMOUNT WHEN CONSIDERING PLACEMENT. THIS
43 DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM PERFORMING
44 SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT AND CONTINUED
45 ENROLLMENT OF THE STUDENT IN THE COURSES.

46 2. THE RECEIVING STATE SCHOOL SHALL INITIALLY HONOR PLACEMENT OF THE
47 STUDENT IN EDUCATIONAL PROGRAMS BASED ON CURRENT EDUCATIONAL ASSESSMENTS
48 CONDUCTED AT THE SCHOOL IN THE SENDING STATE OR PARTICIPATION/PLACEMENT
49 IN LIKE PROGRAMS IN THE SENDING STATE, PROVIDED THAT THE PROGRAMS AND/OR
50 COURSES EXIST AND THERE IS SPACE AVAILABLE, AS DETERMINED BY THE LOCAL
51 EDUCATIONAL AGENCY. SUCH PROGRAMS INCLUDE, BUT ARE NOT LIMITED TO,
52 GIFTED AND TALENTED PROGRAMS AND ENGLISH AS A SECOND LANGUAGE. NOTHING
53 IN THIS SUBDIVISION SHALL PRECLUDE THE SCHOOL IN THE RECEIVING STATE
54 FROM PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT
55 OF THE STUDENT.

1 3. (A) IN COMPLIANCE WITH THE FEDERAL REQUIREMENTS OF THE INDIVIDUALS
2 WITH DISABILITIES EDUCATION ACT, 20 U.S.C.A. SECTION 1400 ET SEQ, THE
3 RECEIVING STATE SHALL INITIALLY PROVIDE COMPARABLE SERVICES TO A STUDENT
4 WITH DISABILITIES BASED ON HIS OR HER CURRENT INDIVIDUALIZED EDUCATION
5 PROGRAM; AND

6 (B) IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 504 OF THE REHABIL-
7 ITATION ACT, 29 U.S.C.A. SECTION 794, AND WITH TITLE II OF THE AMERICANS
8 WITH DISABILITIES ACT, 42 U.S.C.A. SECTIONS 12131-12165, THE RECEIVING
9 STATE SHALL MAKE REASONABLE ACCOMMODATIONS AND MODIFICATIONS TO ADDRESS
10 THE NEEDS OF INCOMING STUDENTS WITH DISABILITIES, SUBJECT TO AN EXISTING
11 504 OR TITLE II PLAN, TO PROVIDE THE STUDENT WITH EQUAL ACCESS TO EDUCA-
12 TION. THIS DOES NOT PRECLUDE THE SCHOOL IN THE RECEIVING STATE FROM
13 PERFORMING SUBSEQUENT EVALUATIONS TO ENSURE APPROPRIATE PLACEMENT OF THE
14 STUDENT.

15 4. LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE OFFICIALS SHALL HAVE FLEXI-
16 BILITY IN WAIVING COURSE OR PROGRAM PREREQUISITES, OR OTHER PRECONDI-
17 TIONS FOR PLACEMENT IN COURSES OR PROGRAMS OFFERED UNDER THE JURISDIC-
18 TION OF THE LOCAL EDUCATIONAL AGENCY.

19 5. A STUDENT WHOSE PARENT OR LEGAL GUARDIAN IS AN ACTIVE DUTY MEMBER
20 OF THE UNIFORMED SERVICES, AS DEFINED BY THE COMPACT, AND HAS BEEN
21 CALLED TO DUTY FOR, IS ON LEAVE FROM, OR IMMEDIATELY RETURNED FROM
22 DEPLOYMENT TO A COMBAT ZONE OR COMBAT SUPPORT POSTING, SHALL BE GRANTED
23 ADDITIONAL EXCUSED ABSENCES AT THE DISCRETION OF THE LOCAL EDUCATIONAL
24 AGENCY SUPERINTENDENT TO VISIT WITH HIS OR HER PARENT OR LEGAL GUARDIAN
25 RELATIVE TO SUCH LEAVE OR DEPLOYMENT OF THE PARENT OR GUARDIAN.

26 S 3306. ELIGIBILITY. 1. (A) WHEN PROPERLY EXECUTED UNDER APPLICABLE
27 LAW, A SPECIAL POWER OF ATTORNEY, RELATIVE TO THE GUARDIANSHIP OF A
28 MILITARY CHILD, SHALL BE CONSIDERED SUFFICIENT FOR THE SOLE PURPOSE OF
29 ESTABLISHING RESIDENCY OF A TRANSFERRING STUDENT INTO A LOCAL EDUCA-
30 TIONAL AGENCY AND FOR ALL OTHER ACTIONS IN THE LOCAL EDUCATIONAL AGENCY
31 REQUIRING PARENTAL PARTICIPATION AND CONSENT, FOR THE DURATION OF THE
32 GUARDIANSHIP. FOR STUDENTS ATTENDING SCHOOL IN NEW YORK, A SPECIAL
33 DESIGNATION OF PERSON IN PARENTAL RELATION PURSUANT TO TITLE FIFTEEN-A
34 OF ARTICLE FIVE OF THE GENERAL OBLIGATIONS LAW, IN THE FORM PRESCRIBED
35 IN PARAGRAPH (B) OF THIS SUBDIVISION, SHALL CONSTITUTE A SPECIAL POWER
36 OF ATTORNEY FOR SUCH PURPOSE, PROVIDED THAT NOTWITHSTANDING ANY OTHER
37 PROVISION OF LAW TO THE CONTRARY, SUCH DELEGATION SHALL REMAIN IN EFFECT
38 UNTIL REVOKED OR THE CHILD RE-ESTABLISHES RESIDENCE WITH A PARENT.

39 (B) A LOCAL EDUCATIONAL AGENCY SHALL BE PROHIBITED FROM CHARGING LOCAL
40 TUITION TO A TRANSITIONING MILITARY CHILD PLACED IN THE CARE OF A
41 NON-CUSTODIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WITH A
42 SPECIAL DESIGNATION OF PERSON IN PARENTAL RELATION PURSUANT TO TITLE
43 FIFTEEN-A OF ARTICLE FIVE OF THE GENERAL OBLIGATIONS LAW AND THIS PARA-
44 GRAPH WHO LIVES IN A JURISDICTION OTHER THAN THAT OF THE CUSTODIAL
45 PARENT. THE SPECIAL DESIGNATION OF PERSON IN PARENTAL RELATION SHALL BE
46 IN THE FORM PRESCRIBED BY SECTION 5-1552 OF THE GENERAL OBLIGATIONS LAW,
47 EXCEPT THAT IT SHALL CLEARLY IDENTIFY THE STUDENT AS A TRANSITIONING
48 MILITARY CHILD AND SHALL PROVIDE THAT THE DESIGNATION SHALL CONTINUE IN
49 EFFECT UNTIL REVOKED OR THE CHILD RE-ESTABLISHES RESIDENCE WITH A
50 PARENT. NOTWITHSTANDING ANY PROVISIONS OF LAW TO THE CONTRARY, SUCH
51 DESIGNATION SHALL NOT BE FOR A FIXED PERIOD AND SHALL RESULT IN A CHANGE
52 IN THE SCHOOL DISTRICT OF RESIDENCE FOR PURPOSES OF THIS CHAPTER TO THE
53 SCHOOL DISTRICT IN WHICH THE DESIGNEE RESIDES.

54 (C) A TRANSITIONING MILITARY CHILD, PLACED IN THE CARE OF A NON-CUSTO-
55 DIAL PARENT OR OTHER PERSON STANDING IN LOCO PARENTIS WHO LIVES IN A
56 JURISDICTION OTHER THAN THAT OF THE CUSTODIAL PARENT, MAY CONTINUE TO

1 ATTEND THE SCHOOL WITHIN NEW YORK IN WHICH HE OR SHE WAS ENROLLED WHILE
2 RESIDING WITH THE CUSTODIAL PARENT UNTIL THE CHILD COMPLETES THE HIGHEST
3 GRADE LEVEL IN SUCH SCHOOL. NOTHING IN THIS PARAGRAPH SHALL BE
4 CONSTRUED TO REQUIRE A LOCAL EDUCATIONAL AGENCY TO PROVIDE TRANSPORTA-
5 TION SERVICES TO SUCH STUDENT WHILE RESIDING OUTSIDE OF THE DISTRICT FOR
6 DISTANCES GREATER THAN THE MAXIMUM TRANSPORTATION LIMIT ESTABLISHED
7 UNDER SCHOOL DISTRICT POLICY.

8 2. STATE AND LOCAL EDUCATIONAL AGENCIES SHALL FACILITATE THE OPPORTU-
9 NITY FOR TRANSITIONING MILITARY CHILDREN'S INCLUSION IN EXTRACURRICULAR
10 ACTIVITIES, REGARDLESS OF APPLICATION DEADLINES, TO THE EXTENT THEY ARE
11 OTHERWISE QUALIFIED.

12 S 3307. GRADUATION. IN ORDER TO FACILITATE THE ON-TIME GRADUATION OF
13 CHILDREN OF MILITARY FAMILIES, STATES AND LOCAL EDUCATIONAL AGENCIES
14 SHALL INCORPORATE THE FOLLOWING PROCEDURES:

15 1. LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE OFFICIALS SHALL WAIVE
16 SPECIFIC COURSES REQUIRED FOR GRADUATION IF SIMILAR COURSEWORK HAS BEEN
17 SATISFACTORILY COMPLETED IN ANOTHER LOCAL EDUCATIONAL AGENCY OR SHALL
18 PROVIDE REASONABLE JUSTIFICATION FOR DENIAL. SHOULD A WAIVER NOT BE
19 GRANTED TO A STUDENT WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING
20 SCHOOL, THE LOCAL EDUCATIONAL AGENCY SHALL PROVIDE AN ALTERNATIVE MEANS
21 OF ACQUIRING REQUIRED COURSEWORK SO THAT GRADUATION MAY OCCUR ON TIME.

22 2. STATES SHALL ACCEPT (A) EXIT OR END-OF-COURSE EXAMS REQUIRED FOR
23 GRADUATION FROM THE SENDING STATE, (B) NATIONAL NORM REFERENCED ACHIEVE-
24 MENT TESTS OR (C) ALTERNATIVE TESTING, IN LIEU OF TESTING REQUIREMENTS
25 FOR GRADUATION IN THE RECEIVING STATE. IN THE EVENT THE ABOVE ALTERNA-
26 TIVES CANNOT BE ACCOMMODATED BY THE RECEIVING STATE FOR A STUDENT TRANS-
27 FERRING IN HIS OR HER SENIOR YEAR, THEN THE PROVISIONS OF SUBDIVISION
28 THREE OF THIS SECTION SHALL APPLY.

29 3. SHOULD A MILITARY STUDENT TRANSFERRING AT THE BEGINNING OR DURING
30 HIS OR HER SENIOR YEAR BE INELIGIBLE TO GRADUATE FROM THE RECEIVING
31 LOCAL EDUCATIONAL AGENCY AFTER ALL ALTERNATIVES HAVE BEEN CONSIDERED,
32 THE SENDING AND RECEIVING LOCAL EDUCATIONAL AGENCIES SHALL ENSURE THE
33 RECEIPT OF A DIPLOMA FROM THE SENDING LOCAL EDUCATIONAL AGENCY, IF THE
34 STUDENT MEETS THE GRADUATION REQUIREMENTS OF THE SENDING LOCAL EDUCA-
35 TIONAL 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 SUBDIVISIONS ONE AND TWO OF THIS SECTION.

39 S 3308. STATE COORDINATION. 1. EACH MEMBER STATE SHALL, THROUGH THE
40 CREATION OF A STATE COUNCIL OR USE OF AN EXISTING BODY OR BOARD, PROVIDE
41 FOR THE COORDINATION AMONG ITS AGENCIES OF GOVERNMENT, LOCAL EDUCATIONAL
42 AGENCIES AND MILITARY INSTALLATIONS CONCERNING THE STATE'S PARTICIPATION
43 IN, AND COMPLIANCE WITH, THIS COMPACT AND INTERSTATE COMMISSION ACTIV-
44 ITIES. IN NEW YORK, THE STATE COUNCIL SHALL INCLUDE THE COMMISSIONER OR
45 HIS OR HER DESIGNEE, THE DIRECTOR OF THE NEW YORK STATE DIVISION OF
46 VETERANS' AFFAIRS OR HIS OR HER DESIGNEE, THE ADJUTANT GENERAL OF THE
47 STATE OF NEW YORK OR HIS OR HER DESIGNEE, A SUPERINTENDENT OF A SCHOOL
48 DISTRICT WITH A HIGH CONCENTRATION OF MILITARY CHILDREN APPOINTED BY THE
49 COMMISSIONER, A DISTRICT SUPERINTENDENT OF SCHOOLS OF A BOARD OF COOPER-
50 ATIVE EDUCATIONAL SERVICES SERVING AN AREA WITH A HIGH CONCENTRATION OF
51 MILITARY CHILDREN APPOINTED BY THE COMMISSIONER, A REPRESENTATIVE FROM A
52 MILITARY INSTALLATION APPOINTED BY THE GOVERNOR, A REPRESENTATIVE OF
53 MILITARY FAMILIES APPOINTED BY THE GOVERNOR, A PUBLIC MEMBER APPOINTED
54 BY THE GOVERNOR AND ONE REPRESENTATIVE EACH APPOINTED BY THE SPEAKER OF
55 THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE AND THE GOVERNOR.

1 2. THE STATE COUNCIL OF EACH MEMBER STATE SHALL APPOINT OR DESIGNATE A
2 MILITARY FAMILY EDUCATION LIAISON TO ASSIST MILITARY FAMILIES AND THE
3 STATE IN FACILITATING THE IMPLEMENTATION OF THIS COMPACT.

4 3. THE COMPACT COMMISSIONER RESPONSIBLE FOR THE ADMINISTRATION AND
5 MANAGEMENT OF THE STATE'S PARTICIPATION IN THE COMPACT SHALL BE
6 APPOINTED BY THE GOVERNOR OR AS OTHERWISE DETERMINED BY EACH MEMBER
7 STATE.

8 4. THE COMPACT COMMISSIONER AND THE MILITARY FAMILY EDUCATION LIAISON
9 DESIGNATED HEREIN SHALL BE EX-OFFICIO MEMBERS OF THE STATE COUNCIL,
10 UNLESS EITHER IS ALREADY A FULL VOTING MEMBER OF THE STATE COUNCIL.

11 S 3309. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY
12 CHILDREN. THE MEMBER STATES HEREBY CREATE THE "INTERSTATE COMMISSION ON
13 EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN". THE ACTIVITIES OF THE
14 INTERSTATE COMMISSION ARE THE FORMATION OF PUBLIC POLICY AND ARE A
15 DISCRETIONARY STATE FUNCTION. THE INTERSTATE COMMISSION SHALL:

16 1. BE A BODY CORPORATE AND JOINT AGENCY OF THE MEMBER STATES AND SHALL
17 HAVE ALL THE RESPONSIBILITIES, POWERS AND DUTIES SET FORTH HEREIN.

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

20 (A) EACH MEMBER STATE REPRESENTED AT A MEETING OF THE INTERSTATE
21 COMMISSION IS ENTITLED TO ONE VOTE.

22 (B) A MAJORITY OF THE TOTAL MEMBER STATES SHALL CONSTITUTE A QUORUM
23 FOR THE TRANSACTION OF BUSINESS, UNLESS A LARGER QUORUM IS REQUIRED BY
24 THE BYLAWS OF THE INTERSTATE COMMISSION.

25 (C) A REPRESENTATIVE SHALL NOT DELEGATE A VOTE TO ANOTHER MEMBER
26 STATE. IN THE EVENT THE COMPACT COMMISSIONER IS UNABLE TO ATTEND A
27 MEETING OF THE INTERSTATE COMMISSION, THE GOVERNOR OR STATE COUNCIL MAY
28 DELEGATE VOTING AUTHORITY TO ANOTHER PERSON FROM THEIR STATE FOR A SPEC-
29 IFIED MEETING.

30 (D) THE BYLAWS MAY PROVIDE FOR MEETINGS OF THE INTERSTATE COMMISSION
31 TO BE CONDUCTED BY TELECOMMUNICATION OR ELECTRONIC COMMUNICATION.

32 3. CONSIST OF EX-OFFICIO, NON-VOTING REPRESENTATIVES WHO ARE MEMBERS
33 OF INTERESTED ORGANIZATIONS. SUCH EX-OFFICIO MEMBERS, AS DEFINED IN THE
34 BYLAWS, MAY INCLUDE BUT NOT BE LIMITED TO, MEMBERS OF THE REPRESENTATIVE
35 ORGANIZATIONS OF MILITARY FAMILY ADVOCATES, LOCAL EDUCATIONAL AGENCY
36 OFFICIALS, PARENT AND TEACHER GROUPS, THE UNITED STATES DEPARTMENT OF
37 DEFENSE, THE EDUCATION COMMISSION OF THE STATES, THE INTERSTATE AGREE-
38 MENT ON THE QUALIFICATION OF EDUCATIONAL PERSONNEL AND OTHER INTERSTATE
39 COMPACTS AFFECTING THE EDUCATION OF CHILDREN OF MILITARY MEMBERS.

40 4. MEET AT LEAST ONCE EACH CALENDAR YEAR. THE CHAIRPERSON MAY CALL
41 ADDITIONAL MEETINGS AND, UPON THE REQUEST OF A SIMPLE MAJORITY OF THE
42 MEMBER STATES, SHALL CALL ADDITIONAL MEETINGS.

43 5. ESTABLISH AN EXECUTIVE COMMITTEE, WHOSE MEMBERS SHALL INCLUDE THE
44 OFFICERS OF THE INTERSTATE COMMISSION AND SUCH OTHER MEMBERS OF THE
45 INTERSTATE COMMISSION AS DETERMINED BY THE BYLAWS. MEMBERS OF THE EXECU-
46 TIVE COMMITTEE SHALL SERVE A ONE YEAR TERM. MEMBERS OF THE EXECUTIVE
47 COMMITTEE SHALL BE ENTITLED TO ONE VOTE EACH. THE EXECUTIVE COMMITTEE
48 SHALL HAVE THE POWER TO ACT ON BEHALF OF THE INTERSTATE COMMISSION, WITH
49 THE EXCEPTION OF RULEMAKING, DURING PERIODS WHEN THE INTERSTATE COMMIS-
50 SION IS NOT IN SESSION. THE EXECUTIVE COMMITTEE SHALL OVERSEE THE
51 DAY-TO-DAY ACTIVITIES OF THE ADMINISTRATION OF THE COMPACT INCLUDING
52 ENFORCEMENT AND COMPLIANCE WITH THE PROVISIONS OF THE COMPACT, ITS
53 BYLAWS AND RULES, AND OTHER SUCH DUTIES AS DEEMED NECESSARY. THE UNITED
54 STATES DEPARTMENT OF DEFENSE, SHALL SERVE AS AN EX-OFFICIO, NON-VOTING
55 MEMBER OF THE EXECUTIVE COMMITTEE.

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

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

(A) RELATE SOLELY TO THE INTERSTATE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES;

(B) DISCLOSE MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL AND STATE STATUTE;

(C) DISCLOSE TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION WHICH IS PRIVILEGED OR CONFIDENTIAL;

(D) INVOLVE ACCUSING A PERSON OF A CRIME, OR FORMALLY CENSURING A PERSON;

(E) DISCLOSE INFORMATION OF A PERSONAL NATURE WHERE DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY;

(F) DISCLOSE INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES; OR

(G) SPECIFICALLY RELATE TO THE INTERSTATE COMMISSION'S PARTICIPATION IN A CIVIL ACTION OR OTHER LEGAL PROCEEDING.

8. SHALL CAUSE ITS LEGAL COUNSEL OR DESIGNEE TO CERTIFY THAT A MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTIBLE PROVISION FOR ANY MEETING, OR PORTION OF A MEETING, WHICH IS CLOSED PURSUANT TO THIS 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 THEREFOR, 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.

9. 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, AND SHALL IN ALL CASES BE CONSISTENT WITH ALL APPLICABLE PRIVACY LAWS.

10. 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 EDUCATIONAL AGENCY. THIS SECTION SHALL NOT BE CONSTRUED TO CREATE A PRIVATE RIGHT OF ACTION AGAINST THE INTERSTATE COMMISSION OR ANY MEMBER STATE.

S 3310. POWERS AND DUTIES OF THE INTERSTATE COMMISSION. THE INTERSTATE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

1. TO PROVIDE FOR DISPUTE RESOLUTION AMONG MEMBER STATES.

1 2. TO PROMULGATE RULES AND TAKE ALL NECESSARY ACTIONS TO EFFECT THE
2 GOALS, PURPOSES AND OBLIGATIONS AS ENUMERATED IN THIS COMPACT.

3 3. TO ISSUE, UPON REQUEST OF A MEMBER STATE, ADVISORY OPINIONS
4 CONCERNING THE MEANING OR INTERPRETATION OF THE INTERSTATE COMPACT, ITS
5 BYLAWS, RULES AND ACTIONS.

6 4. TO ENFORCE COMPLIANCE WITH THE COMPACT PROVISIONS, THE RULES
7 PROMULGATED BY THE INTERSTATE COMMISSION, AND THE BYLAWS, USING ALL
8 NECESSARY AND PROPER MEANS, INCLUDING BUT NOT LIMITED TO THE USE OF
9 JUDICIAL PROCESS.

10 5. TO ESTABLISH AND MAINTAIN OFFICES WHICH SHALL BE LOCATED WITHIN ONE
11 OR MORE OF THE MEMBER STATES.

12 6. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

13 7. TO BORROW, ACCEPT, HIRE OR CONTRACT FOR SERVICES OF PERSONNEL.

14 8. TO ESTABLISH AND APPOINT COMMITTEES INCLUDING, BUT NOT LIMITED TO,
15 AN EXECUTIVE COMMITTEE AS REQUIRED BY SUBDIVISION FIVE OF SECTION THIR-
16 TY-THREE HUNDRED NINE OF THIS ARTICLE WHICH SHALL HAVE THE POWER TO ACT
17 ON BEHALF OF THE INTERSTATE COMMISSION IN CARRYING OUT ITS POWERS AND
18 DUTIES HEREUNDER.

19 9. TO ELECT OR APPOINT SUCH OFFICERS, ATTORNEYS, EMPLOYEES, AGENTS, OR
20 CONSULTANTS, AND TO FIX THEIR COMPENSATION, DEFINE THEIR DUTIES AND
21 DETERMINE THEIR QUALIFICATIONS; AND TO ESTABLISH THE INTERSTATE COMMIS-
22 SION'S PERSONNEL POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTER-
23 EST, RATES OF COMPENSATION, AND QUALIFICATIONS OF PERSONNEL.

24 10. TO ACCEPT ANY AND ALL DONATIONS AND GRANTS OF MONEY, EQUIPMENT,
25 SUPPLIES, MATERIALS, AND SERVICES, AND TO RECEIVE, UTILIZE, AND DISPOSE
26 OF IT.

27 11. TO LEASE, PURCHASE, ACCEPT CONTRIBUTIONS OR DONATIONS OF, OR
28 OTHERWISE TO OWN, HOLD, IMPROVE OR USE ANY PROPERTY, REAL, PERSONAL, OR
29 MIXED.

30 12. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON, OR
31 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

32 13. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

33 14. TO ADOPT A SEAL AND BYLAWS GOVERNING THE MANAGEMENT AND OPERATION
34 OF THE INTERSTATE COMMISSION.

35 15. TO REPORT ANNUALLY TO THE LEGISLATURES, GOVERNORS, JUDICIARY, AND
36 STATE COUNCILS OF THE MEMBER STATES CONCERNING THE ACTIVITIES OF THE
37 INTERSTATE COMMISSION DURING THE PRECEDING YEAR. SUCH REPORTS SHALL ALSO
38 INCLUDE ANY RECOMMENDATIONS THAT MAY HAVE BEEN ADOPTED BY THE INTERSTATE
39 COMMISSION.

40 16. TO COORDINATE EDUCATION, TRAINING AND PUBLIC AWARENESS REGARDING
41 THE COMPACT, ITS IMPLEMENTATION AND OPERATION FOR OFFICIALS AND PARENTS
42 INVOLVED IN SUCH ACTIVITY.

43 17. TO ESTABLISH UNIFORM STANDARDS FOR THE REPORTING, COLLECTING AND
44 EXCHANGING OF DATA.

45 18. TO MAINTAIN CORPORATE BOOKS AND RECORDS IN ACCORDANCE WITH THE
46 BYLAWS.

47 19. TO PERFORM SUCH FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE TO
48 ACHIEVE THE PURPOSES OF THIS COMPACT.

49 20. TO PROVIDE FOR THE UNIFORM COLLECTION AND SHARING OF INFORMATION
50 BETWEEN AND AMONG MEMBER STATES, SCHOOLS AND MILITARY FAMILIES UNDER
51 THIS COMPACT CONSISTENT WITH ALL APPLICABLE PRIVACY LAWS.

52 S 3311. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION. 1.
53 THE INTERSTATE COMMISSION SHALL, BY A MAJORITY OF THE MEMBERS PRESENT
54 AND VOTING, WITHIN TWELVE MONTHS AFTER THE FIRST INTERSTATE COMMISSION
55 MEETING, ADOPT BYLAWS TO GOVERN ITS CONDUCT AS MAY BE NECESSARY OR

1 APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT, INCLUDING, BUT NOT
2 LIMITED TO:

3 (A) ESTABLISHING THE FISCAL YEAR OF THE INTERSTATE COMMISSION;

4 (B) ESTABLISHING AN EXECUTIVE COMMITTEE, AND SUCH OTHER COMMITTEES AS
5 MAY BE NECESSARY;

6 (C) PROVIDING FOR THE ESTABLISHMENT OF COMMITTEES AND FOR GOVERNING
7 ANY GENERAL OR SPECIFIC DELEGATION OF AUTHORITY OR FUNCTION OF THE
8 INTERSTATE COMMISSION;

9 (D) PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING MEET-
10 INGS OF THE INTERSTATE COMMISSION, AND ENSURING REASONABLE NOTICE OF
11 EACH SUCH MEETING;

12 (E) ESTABLISHING THE TITLES AND RESPONSIBILITIES OF THE OFFICERS AND
13 STAFF OF THE INTERSTATE COMMISSION;

14 (F) PROVIDING A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE INTER-
15 STATE COMMISSION AND THE RETURN OF SURPLUS FUNDS THAT MAY EXIST UPON THE
16 TERMINATION OF THE COMPACT AFTER THE PAYMENT AND RESERVING OF ALL OF ITS
17 DEBTS AND OBLIGATIONS; AND

18 (G) PROVIDING "START UP" RULES FOR INITIAL ADMINISTRATION OF THE
19 COMPACT.

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

31 3. (A) THE EXECUTIVE COMMITTEE SHALL HAVE SUCH AUTHORITY AND DUTIES AS
32 MAY BE SET FORTH IN THE BYLAWS, INCLUDING BUT NOT LIMITED TO:

33 (I) MANAGING THE AFFAIRS OF THE INTERSTATE COMMISSION IN A MANNER
34 CONSISTENT WITH THE BYLAWS AND PURPOSES OF THE INTERSTATE COMMISSION;

35 (II) OVERSEEING AN ORGANIZATIONAL STRUCTURE WITHIN, AND APPROPRIATE
36 PROCEDURES FOR THE INTERSTATE COMMISSION TO PROVIDE FOR THE CREATION OF
37 RULES, OPERATING PROCEDURES, AND ADMINISTRATIVE AND TECHNICAL SUPPORT
38 FUNCTIONS; AND

39 (III) PLANNING, IMPLEMENTING, AND COORDINATING COMMUNICATIONS AND
40 ACTIVITIES WITH OTHER STATE, FEDERAL AND LOCAL GOVERNMENT ORGANIZATIONS
41 IN ORDER TO ADVANCE THE GOALS OF THE INTERSTATE COMMISSION.

42 (B) THE EXECUTIVE COMMITTEE MAY, SUBJECT TO THE APPROVAL OF THE INTER-
43 STATE COMMISSION, APPOINT OR RETAIN AN EXECUTIVE DIRECTOR FOR SUCH PERI-
44 OD, UPON SUCH TERMS AND CONDITIONS AND FOR SUCH COMPENSATION, AS THE
45 INTERSTATE COMMISSION MAY DEEM APPROPRIATE. THE EXECUTIVE DIRECTOR SHALL
46 SERVE AS SECRETARY TO THE INTERSTATE COMMISSION, BUT SHALL NOT BE A
47 MEMBER OF THE INTERSTATE COMMISSION. THE EXECUTIVE DIRECTOR SHALL HIRE
48 AND SUPERVISE SUCH OTHER PERSONS AS MAY BE AUTHORIZED BY THE INTERSTATE
49 COMMISSION.

50 4. THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR AND ITS EMPLOYEES
51 SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR
52 OFFICIAL CAPACITY, FOR A CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR
53 PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED OR ARISING OUT OF OR
54 RELATING TO AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED,
55 OR THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED, WITH-
56 IN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES, OR RESPONSI-

1 BILITIES; PROVIDED, THAT SUCH PERSON SHALL NOT BE PROTECTED FROM SUIT OR
2 LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTEN-
3 TIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH PERSON.

4 (A) THE LIABILITY OF THE INTERSTATE COMMISSION'S EXECUTIVE DIRECTOR
5 AND EMPLOYEES OR INTERSTATE COMMISSION REPRESENTATIVES, ACTING WITHIN
6 THE SCOPE OF SUCH PERSON'S EMPLOYMENT OR DUTIES FOR ACTS, ERRORS, OR
7 OMISSIONS OCCURRING WITHIN SUCH PERSON'S STATE MAY NOT EXCEED THE LIMITS
8 OF LIABILITY SET FORTH UNDER THE CONSTITUTION AND LAWS OF THAT STATE FOR
9 STATE OFFICIALS, EMPLOYEES, AND AGENTS. THE INTERSTATE COMMISSION IS
10 CONSIDERED TO BE AN INSTRUMENTALITY OF THE STATES FOR THE PURPOSES OF
11 ANY SUCH ACTION. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROTECT
12 SUCH PERSON FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABIL-
13 ITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF SUCH
14 PERSON.

15 (B) THE INTERSTATE COMMISSION SHALL DEFEND THE EXECUTIVE DIRECTOR AND
16 ITS EMPLOYEES AND, SUBJECT TO THE APPROVAL OF THE ATTORNEY GENERAL OR
17 OTHER APPROPRIATE LEGAL COUNSEL OF THE MEMBER STATE REPRESENTED BY AN
18 INTERSTATE COMMISSION REPRESENTATIVE, SHALL DEFEND SUCH INTERSTATE
19 COMMISSION REPRESENTATIVE IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABIL-
20 ITY ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
21 OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT, DUTIES OR
22 RESPONSIBILITIES, OR THAT THE DEFENDANT HAD A REASONABLE BASIS FOR
23 BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
24 DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED ACT,
25 ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND WANTON
26 MISCONDUCT ON THE PART OF SUCH PERSON.

27 (C) TO THE EXTENT NOT COVERED BY THE STATE INVOLVED, MEMBER STATE, OR
28 THE INTERSTATE COMMISSION, THE REPRESENTATIVES OR EMPLOYEES OF THE
29 INTERSTATE COMMISSION SHALL BE HELD HARMLESS IN THE AMOUNT OF A SETTLE-
30 MENT OR JUDGMENT, INCLUDING ATTORNEY'S FEES AND COSTS, OBTAINED AGAINST
31 SUCH PERSONS ARISING OUT OF AN ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
32 THAT OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOYMENT,
33 DUTIES, OR RESPONSIBILITIES, OR THAT SUCH PERSONS HAD A REASONABLE BASIS
34 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF INTERSTATE COMMISSION EMPLOY-
35 MENT, DUTIES, OR RESPONSIBILITIES, PROVIDED THAT THE ACTUAL OR ALLEGED
36 ACT, ERROR, OR OMISSION DID NOT RESULT FROM INTENTIONAL OR WILLFUL AND
37 WANTON MISCONDUCT ON THE PART OF SUCH PERSONS.

38 S 3312. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION. 1. THE
39 INTERSTATE COMMISSION SHALL PROMULGATE REASONABLE RULES IN ORDER TO
40 EFFECTIVELY AND EFFICIENTLY ACHIEVE THE PURPOSES OF THIS COMPACT.
41 NOTWITHSTANDING THE FOREGOING, IN THE EVENT THE INTERSTATE COMMISSION
42 EXERCISES ITS RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE
43 OF THE PURPOSES OF THIS ARTICLE, OR CONFLICTS WITH THE LAWS OF A MEMBER
44 STATE, OR THE POWERS GRANTED HEREUNDER, THEN SUCH AN ACTION BY THE
45 INTERSTATE COMMISSION SHALL BE INVALID AND HAVE NO FORCE OR EFFECT.

46 2. RULES SHALL BE MADE PURSUANT TO A RULEMAKING PROCESS THAT SUBSTAN-
47 Tially CONFORMS TO SECTION TWO HUNDRED TWO OF THE STATE ADMINISTRATIVE
48 PROCEDURE ACT AS MAY BE APPROPRIATE TO THE OPERATIONS OF THE INTERSTATE
49 COMMISSION.

50 3. NOT LATER THAN THIRTY DAYS AFTER A RULE IS PROMULGATED, ANY PERSON
51 MAY FILE A PETITION FOR JUDICIAL REVIEW OF THE RULE; PROVIDED, THAT THE
52 FILING OF SUCH A PETITION SHALL NOT STAY OR OTHERWISE PREVENT THE RULE
53 FROM BECOMING EFFECTIVE UNLESS THE COURT FINDS THAT THE PETITIONER HAS A
54 SUBSTANTIAL LIKELIHOOD OF SUCCESS. THE COURT SHALL GIVE DEFERENCE TO THE
55 ACTIONS OF THE INTERSTATE COMMISSION CONSISTENT WITH APPLICABLE LAW AND

1 SHALL NOT FIND THE RULE TO BE UNLAWFUL IF THE RULE REPRESENTS A REASON-
2 ABLE EXERCISE OF THE INTERSTATE COMMISSION'S AUTHORITY.

3 4. IF A MAJORITY OF THE LEGISLATURES OF THE COMPACTING STATES REJECTS
4 A RULE BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE SAME MANNER USED
5 TO ADOPT THE COMPACT, THEN SUCH RULE SHALL HAVE NO FURTHER FORCE AND
6 EFFECT IN ANY COMPACTING STATE.

7 S 3313. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION. 1. (A) ALL
8 COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT AND THE RULES IN ANY
9 JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE PERTAINING TO
10 THE SUBJECT MATTER OF THIS COMPACT WHICH MAY AFFECT THE POWERS, RESPON-
11 SIBILITIES OR ACTIONS OF THE INTERSTATE COMMISSION.

12 (B) THE INTERSTATE COMMISSION SHALL BE ENTITLED TO RECEIVE ALL SERVICE
13 OF PROCESS IN ANY SUCH PROCEEDING, AND SHALL HAVE STANDING TO INTERVENE
14 IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROC-
15 ESS TO THE INTERSTATE COMMISSION SHALL RENDER A JUDGMENT OR ORDER VOID
16 AS TO THE INTERSTATE COMMISSION, THIS COMPACT OR PROMULGATED RULES.

17 2. IF THE INTERSTATE COMMISSION DETERMINES THAT A MEMBER STATE HAS
18 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES
19 UNDER THIS COMPACT, OR THE BYLAWS OR PROMULGATED RULES, THE INTERSTATE
20 COMMISSION SHALL:

21 (A) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
22 STATES, OF THE NATURE OF THE DEFAULT, THE MEANS OF CURING THE DEFAULT
23 AND ANY ACTION TAKEN BY THE INTERSTATE COMMISSION. THE INTERSTATE
24 COMMISSION SHALL SPECIFY THE CONDITIONS BY WHICH THE DEFAULTING STATE
25 MUST CURE ITS DEFAULT.

26 (B) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
27 REGARDING THE DEFAULT.

28 (C) IF THE DEFAULTING STATE FAILS TO CURE THE DEFAULT, THE DEFAULTING
29 STATE SHALL BE TERMINATED FROM THE COMPACT UPON AN AFFIRMATIVE VOTE OF A
30 MAJORITY OF THE MEMBER STATES AND ALL RIGHTS, PRIVILEGES AND BENEFITS
31 CONFERRED BY THIS COMPACT SHALL BE TERMINATED FROM THE EFFECTIVE DATE OF
32 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE
33 OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF THE DEFAULT.

34 (D) SUSPENSION OR TERMINATION OF MEMBERSHIP IN THE COMPACT SHALL BE
35 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN
36 EXHAUSTED. NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY
37 THE INTERSTATE COMMISSION TO THE GOVERNOR, THE MAJORITY AND MINORITY
38 LEADERS OF THE DEFAULTING STATE'S LEGISLATURE, AND EACH OF THE MEMBER
39 STATES.

40 (E) THE STATE WHICH HAS BEEN SUSPENDED OR TERMINATED IS RESPONSIBLE
41 FOR ALL ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE
42 EFFECTIVE DATE OF SUSPENSION OR TERMINATION INCLUDING OBLIGATIONS, THE
43 PERFORMANCE OF WHICH EXTENDS BEYOND THE EFFECTIVE DATE OF SUSPENSION OR
44 TERMINATION.

45 (F) THE INTERSTATE COMMISSION SHALL NOT BEAR ANY COSTS RELATING TO ANY
46 STATE THAT HAS BEEN FOUND TO BE IN DEFAULT OR WHICH HAS BEEN SUSPENDED
47 OR TERMINATED FROM THE COMPACT, UNLESS OTHERWISE MUTUALLY AGREED UPON IN
48 WRITING BETWEEN THE INTERSTATE COMMISSION AND THE DEFAULTING STATE.

49 (G) THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE INTERSTATE
50 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR THE
51 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE INTERSTATE
52 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY SHALL BE
53 AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S
54 FEES.

55 3. (A) THE INTERSTATE COMMISSION SHALL ATTEMPT, UPON THE REQUEST OF A
56 MEMBER STATE, TO RESOLVE DISPUTES WHICH ARE SUBJECT TO THE COMPACT AND

1 WHICH MAY ARISE AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
2 STATES.

3 (B) THE INTERSTATE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
4 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRI-
5 ATE.

6 4. (A) THE INTERSTATE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
7 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

8 (B) THE INTERSTATE COMMISSION, MAY BY MAJORITY VOTE OF THE MEMBERS,
9 INITIATE LEGAL ACTION IN THE UNITED STATES DISTRICT COURT FOR THE
10 DISTRICT OF COLUMBIA OR, AT THE DISCRETION OF THE INTERSTATE COMMISSION,
11 IN THE FEDERAL DISTRICT WHERE THE INTERSTATE COMMISSION HAS ITS PRINCI-
12 PAL OFFICES, TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE COMPACT,
13 ITS PROMULGATED RULES AND BYLAWS, AGAINST A MEMBER STATE IN DEFAULT. THE
14 RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
15 EVENT JUDICIAL ENFORCEMENT IS NECESSARY THE PREVAILING PARTY SHALL BE
16 AWARDED ALL COSTS OF SUCH LITIGATION INCLUDING REASONABLE ATTORNEY'S
17 FEES.

18 (C) THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE REMEDIES OF THE
19 INTERSTATE COMMISSION. THE INTERSTATE COMMISSION MAY AVAIL ITSELF OF ANY
20 OTHER REMEDIES AVAILABLE UNDER STATE LAW OR THE REGULATION OF A PROFES-
21 SION.

22 S 3314. FINANCING OF THE INTERSTATE COMMISSION. 1. THE INTERSTATE
23 COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF THE REASONABLE
24 EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING ACTIVITIES.

25 2. THE INTERSTATE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESS-
26 MENT FROM EACH MEMBER STATE TO COVER THE COST OF THE OPERATIONS AND
27 ACTIVITIES OF THE INTERSTATE COMMISSION AND ITS STAFF WHICH MUST BE IN A
28 TOTAL AMOUNT SUFFICIENT TO COVER THE INTERSTATE COMMISSION'S ANNUAL
29 BUDGET AS APPROVED EACH YEAR. THE AGGREGATE ANNUAL ASSESSMENT AMOUNT
30 SHALL BE ALLOCATED BASED UPON A FORMULA TO BE DETERMINED BY THE INTER-
31 STATE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING UPON ALL MEMBER
32 STATES.

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

37 4. THE INTERSTATE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
38 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE INTER-
39 STATE COMMISSION SHALL BE SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES
40 ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF
41 FUNDS HANDLED BY THE INTERSTATE COMMISSION SHALL BE AUDITED YEARLY BY A
42 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT AND THE REPORT OF THE AUDIT
43 SHALL BE INCLUDED IN AND BECOME PART OF THE ANNUAL REPORT OF THE INTER-
44 STATE COMMISSION.

45 S 3315. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT. 1. ANY STATE IS
46 ELIGIBLE TO BECOME A MEMBER STATE.

47 2. THE COMPACT SHALL BECOME EFFECTIVE AND BINDING UPON LEGISLATIVE
48 ENACTMENT OF THE COMPACT INTO LAW BY NO LESS THAN TEN OF THE STATES.
49 THEREAFTER IT SHALL BECOME EFFECTIVE AND BINDING AS TO ANY OTHER MEMBER
50 STATE UPON ENACTMENT OF THE COMPACT INTO LAW BY THAT STATE. THE GOVER-
51 NORS OF NON-MEMBER STATES OR THEIR DESIGNEES SHALL BE INVITED TO PARTIC-
52 IPATE IN THE ACTIVITIES OF THE INTERSTATE COMMISSION ON A NONVOTING
53 BASIS PRIOR TO ADOPTION OF THE COMPACT BY ALL STATES.

54 3. THE INTERSTATE COMMISSION MAY PROPOSE AMENDMENTS TO THE COMPACT FOR
55 ENACTMENT BY THE MEMBER STATES. NO AMENDMENT SHALL BECOME EFFECTIVE AND

BINDING UPON THE INTERSTATE COMMISSION AND THE MEMBER STATES UNLESS AND UNTIL IT IS ENACTED INTO LAW BY UNANIMOUS CONSENT OF THE MEMBER STATES.

S 3316. WITHDRAWAL AND DISSOLUTION. 1. ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING UPON EACH AND EVERY MEMBER STATE; PROVIDED THAT A MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY SPECIFICALLY REPEALING THE STATUTE, WHICH ENACTED THE COMPACT INTO LAW.

2. WITHDRAWAL FROM THIS COMPACT SHALL BE BY THE ENACTMENT OF A STATUTE REPEALING THE SAME, BUT SHALL NOT TAKE EFFECT UNTIL WRITTEN NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE TO THE GOVERNOR OF EACH OTHER MEMBER JURISDICTION.

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

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

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

S 3317. SEVERABILITY AND CONSTRUCTION. 1. 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.

2. THE PROVISIONS OF THIS COMPACT SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES.

3. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO PROHIBIT THE APPLICABILITY OF OTHER INTERSTATE COMPACTS TO WHICH THE STATES ARE MEMBERS.

S 3318. BINDING EFFECT OF COMPACT AND OTHER LAWS. 1. ALL AGREEMENTS BETWEEN THE INTERSTATE COMMISSION AND THE MEMBER STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.

2. 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.

S 2. This act shall take effect immediately.

PART B

Section 1. Subparagraph 3 of paragraph h of subdivision 2 of section 355 of the education law, as separately amended by chapters 552 and 616 of the laws of 1985, is amended to read as follows:

(3) (I) Such regulations shall further provide that the payment of tuition and fees by any student in any state-operated institution of the state university who is a member or the spouse or the dependent of a member of the armed forces of the United States on full-time active duty and stationed in this state, whether or not a resident of the state, shall be paid at a rate or charge no greater than that imposed for students thereat who are residents of this state.

(II) SUCH REGULATIONS SHALL FURTHER PROVIDE THAT THE PAYMENT OF TUITION AND FEES BY ANY STUDENT WHO IS NOT A RESIDENT OF NEW YORK STATE SHALL BE PAID AT A RATE OR CHARGE NO GREATER THAN THAT IMPOSED FOR STUDENTS WHO ARE RESIDENTS OF THE STATE IF SUCH STUDENT IS ENROLLED IN AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY AND IS

1 ATTENDING SUCH INSTITUTION OR EDUCATIONAL UNIT IN ACCORDANCE WITH THE
2 FEDERAL GI BILLS AND IN COMPLIANCE WITH ALL APPLICABLE ELIGIBILITY
3 REQUIREMENTS THEREOF.

4 S 2. Subdivision 7 of section 6206 of the education law is amended by
5 adding a new paragraph (a-2) to read as follows:

6 (A-2) THE TRUSTEES SHALL FURTHER PROVIDE THAT THE PAYMENT OF TUITION
7 AND FEES BY ANY STUDENT WHO IS NOT A RESIDENT OF NEW YORK STATE SHALL BE
8 PAID AT A RATE OR CHARGE NO GREATER THAN THAT IMPOSED FOR STUDENTS WHO
9 ARE RESIDENTS OF THE STATE IF SUCH STUDENT IS ENROLLED IN ANY COLLEGE OR
10 EDUCATIONAL UNIT OF THE CITY UNIVERSITY OF NEW YORK AND IS ATTENDING
11 SUCH COLLEGE OR EDUCATIONAL UNIT IN ACCORDANCE WITH THE FEDERAL GI BILLS
12 AND IN COMPLIANCE WITH ALL APPLICABLE ELIGIBILITY REQUIREMENTS THEREOF.

13 S 3. Subdivision 8 of section 6305 of the education law, as amended by
14 chapter 615 of the laws of 1985, is amended to read as follows:

15 8. Part-time and out-of-state students shall be charged such tuition
16 and fees as may be approved by the state university trustees. Any
17 student attending a community college who is a member or the spouse or
18 the dependent of a member of the armed forces of the United States on
19 full-time active duty and stationed in this state, whether or not a
20 resident of this state, shall be charged the tuition rate for residents
21 as approved by the state university trustees. ANY STUDENT ATTENDING A
22 COMMUNITY COLLEGE IN ACCORDANCE WITH THE FEDERAL GI BILLS AND IN COMPLI-
23 ANCE WITH ALL APPLICABLE ELIGIBILITY REQUIREMENTS THEREOF, WHETHER OR
24 NOT A RESIDENT OF THIS STATE, SHALL BE CHARGED THE TUITION RATE FOR
25 RESIDENTS AS APPROVED BY THE STATE UNIVERSITY TRUSTEES.

26 S 4. This act shall take effect immediately.

27 PART C

28 Section 1. Section 354-b of the executive law, as added by chapter 106
29 of the laws of 2003, paragraph (c) of subdivision 2 as amended by chap-
30 ter 418 of the laws of 2004, is amended to read as follows:

31 S 354-b. New York state supplemental burial allowance for members of
32 the armed forces of the United States killed in combat or duty subject
33 to hostile fire or imminent danger, as defined in 37 USC S 310[(a)(4)].

34 1. As used in this section, "parent" means a father, a mother, a father
35 through adoption, a mother through adoption, or an individual who, for a
36 period of not less than one year, at any time before the decedent's
37 entry into active military service stood in the relationship of a parent
38 to a decedent [killed] WHO DIED in combat or duty subject to hostile
39 fire or imminent danger, as defined in 37 USC S 310[(a)(4)], OR WHO DIED
40 FROM A WOUND INCURRED IN COMBAT OR WHILE SERVING ON DUTY SUBJECT TO
41 HOSTILE FIRE OR IMMINENT DANGER, AS DEFINED IN 37 USC S 310 or, if two
42 persons stood in the relationship of a parent for one year or more, the
43 person who bore the expenses of the funeral of the decedent.

44 2. AS USED IN THIS SECTION, (A) "WOUND" MEANS A PHYSICAL INJURY TO A
45 SERVICEMEMBER ON ACTIVE DUTY CAUSED BY (I) A BULLET, SHRAPNEL, OR OTHER
46 PROJECTILE; (II) A MINE OR TRAP; (III) AN EXPLOSION; (IV) A VEHICLE OR
47 AIRCRAFT ACCIDENT NOT CAUSED BY THE SERVICEMEMBER'S WILLFUL MISCONDUCT;
48 OR (V) ANY OTHER ACTION CAUSED OR INDUCED BY THE ENEMY DIRECTLY RESULT-
49 ING IN PHYSICAL HARM TO THE SERVICEMEMBER.

50 (B) "BURIAL RECEPTACLE" MEANS (I) A CASKET, WHICH SHALL MEAN A RIGID
51 CONTAINER THAT IS DESIGNED FOR THE ENCASEMENT OF HUMAN REMAINS AND
52 CUSTOMARILY ORNAMENTED AND LINED WITH FABRIC, (II) AN URN, WHICH SHALL
53 MEAN A CONTAINER OF WOOD, METAL, POTTERY, OR OTHER MATERIAL DESIGNED FOR
54 THE STORAGE OF CREMATED HUMAN REMAINS, AND/OR (III) AN OUTER BURIAL

RECEPTACLE, WHICH SHALL MEAN A GRAVELINER, BURIAL VAULT, OR OTHER SIMILAR TYPE OF CONTAINER FOR THE PLACEMENT OF A CASKET OR URN.

3. There is hereby established within the division a New York state supplemental burial allowance for [members] ANY MEMBER of the armed forces of the United States [killed] WHO: (A) DIED in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310[(a)(4)], who were residents] OR DIED FROM A WOUND INCURRED IN COMBAT OR WHILE SERVING ON DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER, AS DEFINED IN 37 USC S 310, OTHER THAN THE EXCEPTIONS NOTED IN PARAGRAPHS (D), (E) AND (F) OF SUBDIVISION FOUR OF THIS SECTION, AND (B) WHO WAS (I) A RESIDENT of New York state at the time of his or her death OR (II) A NONRESIDENT OF NEW YORK STATE AT THE TIME OF HIS OR HER DEATH AND A MEMBER OF THE NEW YORK ARMY NATIONAL GUARD OR NEW YORK AIR NATIONAL GUARD AT THE TIME HE OR SHE ENTERED TITLE 10, UNITED STATES CODE, FEDERAL ACTIVE DUTY STATUS DURING WHICH PERIOD OF SERVICE HE OR SHE DIED.

4. (a) The purpose of the program is to administer and monitor a supplemental allowance program to aid families of military personnel who [were killed] DIED in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310[(a)(4)], OR DIED FROM A WOUND INCURRED IN COMBAT OR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER, AS DEFINED IN 37 USC S 310, with respect to expenses incurred in connection with THE DECEDENT'S FUNERAL AND the burial, BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT of the [decedent] DECEDENT'S REMAINS.

(b) Eligible recipients under this program shall be those who bore the cost of the DECEDENT'S funeral AND BURIAL, BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT, in THE FOLLOWING order of priority: (i) A surviving [spouses] SPOUSE or domestic [partners of deceased military personnel who were killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310(a)(4)] PARTNER OF THE DECEDENT; (ii) adult children of the [deceased military personnel who were killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310(a)(4)] DECEDENT, TO INCLUDE STEP-CHILDREN AND ADOPTED CHILDREN; (iii) parents OR GRANDPARENTS of [deceased military personnel who were killed in combat or duty subject to hostile fire or imminent danger, as defined in 37 USC S 310(a)(4)] THE DECEDENT, AND PARENTS-IN-LAW OR GRANDPARENTS-IN-LAW OF THE DECEDENT; [and] (iv) BROTHERS OR SISTERS OF THE DECEDENT, TO INCLUDE BROTHERS OR SISTERS ADOPTED BY THE DECEDENT'S IMMEDIATE FAMILY AND BROTHERS OR SISTERS WITH WHOM THE DECEDENT SHARES ONLY ONE PARENT IN COMMON, AND BROTHERS-IN-LAW OR SISTERS-IN-LAW OF THE DECEDENT; (V) AUNTS, UNCLES, AND FIRST COUSINS OF THE DECEDENT; AND (VI) any other relative. [An application shall be made available to an eligible recipient.] Any applicant convicted of making any false statement in the application for the reimbursement shall be subject to the penalties prescribed in the penal law.

(c) Such burial allowance is a partial reimbursement of an eligible decedent's [burial and] funeral AND BURIAL, BURIAL RECEPTACLE, CREMATION OR OTHER INTERMENT costs. The reimbursement is generally applicable to two components: (i) [a burial and] funeral expenses [allowance], and (ii) [a plot interment allowance] EXPENSES ARISING FROM THE BURIAL, BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT OF THE DECEDENT'S REMAINS. Any allowance granted by the government of the United States, pursuant to 38 U.S.C. S 2301, 2302, 2303, 2306, 2307 and 2308 or 10 U.S.C. S 1482, OR BY THE DECEDENT'S STATE OF RESIDENCE IN THE CASE OF AN ALLOWANCE ELIGIBLE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION, shall be first applied toward [burial and] funeral AND BURIAL, BURIAL RECEPTACLE, CREMATION OR OTHER INTERMENT

1 costs. [A state] THE STATE MAY AWARD AN allowance of up to six thousand
2 dollars [may be awarded] to cover any remaining expenses.

3 (d) [Evidence of the military service of the decedent for each case
4 shall be furnished in the manner and form prescribed by the state direc-
5 tor; upon being satisfied that the facts in the application are true,
6 the state director shall certify to the state comptroller the name and
7 address of such recipient] THE STATE SHALL NOT AWARD ANY FUNDS FROM THIS
8 ALLOWANCE TO REIMBURSE ANY COSTS FOR THE HEADSTONE, GRAVE MARKER, OR
9 MEDALLION OF THE DECEDENT.

10 (e) THE STATE SHALL NOT GRANT SUPPLEMENTAL BURIAL ALLOWANCE PAYMENTS
11 FOR THE FUNERAL OR THE BURIAL, BURIAL RECEPTACLE, CREMATION, OR OTHER
12 INTERMENT OF REMAINS OF ANY DECEDENT WHOSE RELATIONS RECEIVED ANY
13 REIMBURSEMENT FROM THIS ALLOWANCE FOR ANY PREVIOUS FUNERAL OR BURIAL,
14 BURIAL RECEPTACLE, CREMATION, OR OTHER INTERMENT OF REMAINS FOR THIS
15 SAME DECEDENT.

16 (F) THE STATE SHALL NOT GRANT SUPPLEMENTAL BURIAL ALLOWANCE PAYMENTS
17 FOR ANY PERSON FILING A COMPLETED APPLICATION FOR SUCH ALLOWANCE WITH
18 THE STATE LATER THAN: (I) TWO YEARS AFTER THE APPLICANT RECEIVED FINAL
19 WRITTEN NOTICE FROM THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
20 REGARDING AN APPLICATION FOR REIMBURSEMENT OF FUNERAL OR BURIAL, BURIAL
21 RECEPTACLE, CREMATION OR OTHER INTERMENT EXPENSES PURSUANT TO 38
22 U.S.C.SS 2301, 2302, 2303, 2306, 2307, OR 2308, OR 10 U.S.C.S 1482, OR
23 ANY COMBINATION THEREOF; OR (II) TWO YEARS AFTER THE EXPIRATION DATE OF
24 THE FILING DEADLINE TO APPLY FOR REIMBURSEMENT OF FUNERAL, BURIAL, BURI-
25 AL RECEPTACLE, CREMATION OR OTHER INTERMENT EXPENSES FROM THE UNITED
26 STATES DEPARTMENT OF VETERANS AFFAIRS, AS DEFINED IN 38 U.S.C. S 2304,
27 IF THE APPLICANT NEVER APPLIED FOR REIMBURSEMENT OF FUNERAL, BURIAL,
28 BURIAL RECEPTACLE, CREMATION OR INTERMENT EXPENSES FROM THE UNITED
29 STATES DEPARTMENT OF VETERANS AFFAIRS. ANY APPLICATIONS RECEIVED SUBSE-
30 QUENT TO THESE PRESCRIBED PERIODS SHALL BE DENIED AS TIME-BARRED.

31 (G) ANY FAMILY MEMBERS OF AN INDIVIDUAL WHO DIED AFTER SEPTEMBER ELEV-
32 ENTH, TWO THOUSAND ONE FOR WHOM THE TIME LIMITATIONS DESCRIBED IN PARA-
33 GRAPH (F) OF THIS SUBDIVISION HAVE EXPIRED, AND WHO PRIOR TO THE EFFEC-
34 TIVE DATE OF THIS PARAGRAPH DID NOT RECEIVE REIMBURSEMENT UNDER THIS
35 SECTION BUT WOULD HAVE QUALIFIED IF THE CRITERIA IN PARAGRAPH (A) OF
36 THIS SUBDIVISION HAD BEEN IN EFFECT AT THE TIME OF THE DECEDENT'S DEATH,
37 SHALL HAVE TWO YEARS FROM THE EFFECTIVE DATE OF THIS PARAGRAPH TO FILE A
38 COMPLETED APPLICATION FOR THIS SUPPLEMENTAL BURIAL ALLOWANCE WITH THE
39 STATE DIRECTOR. ANY APPLICATION FILED UNDER THIS PARAGRAPH AND RECEIVED
40 SUBSEQUENT TO THIS TWO-YEAR PERIOD SHALL BE DENIED AS TIME-BARRED.

41 (H) APPLICANTS SHALL FURNISH EVIDENCE OF THE DECEDENT'S MILITARY
42 SERVICE AND RELEVANT AFTER ACTION REPORTS OR OTHER DOCUMENTS EXPLAINING
43 WHY THE APPLICATION MEETS ELIGIBILITY REQUIREMENTS FOR EACH CASE IN THE
44 MANNER AND FORM PRESCRIBED BY THE STATE DIRECTOR OR HIS OR HER DESIGNEE.
45 UPON BEING SATISFIED THAT THE FACTS IN THE APPLICATION ARE TRUE, THE
46 STATE DIRECTOR OR HIS OR HER DESIGNEE SHALL CERTIFY TO THE STATE COMP-
47 TROLLER THE NAME AND ADDRESS OF SUCH RECIPIENT. THE DECISION OF THE
48 STATE DIRECTOR OR DESIGNEE ON ALL MATTERS REGARDING ANY PAYMENT FROM
49 THIS ALLOWANCE SHALL BE FINAL.

50 (I) The state director shall submit a report to the governor, the
51 chairperson of the senate finance committee, and the chairperson of the
52 assembly ways and means committee not later than January fifteenth of
53 each year in which this section is in effect. Such report shall include,
54 but not be limited to, regulations promulgated pursuant to this section,
55 allowances paid, and an account of the monies spent and the relationship
56 of the distributees to the decedent.

1 S 2. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law.

3 PART D

4 Section 1. Paragraph (a) of subdivision 3 of section 441 of the real
5 property law, as amended by chapter 474 of the laws of 2007, is amended
6 to read as follows:

7 (a) No renewal license shall be issued any licensee under this article
8 for any license period commencing November first, nineteen hundred nine-
9 ty-five unless such licensee shall have within the two year period imme-
10 diately preceding such renewal attended at least twenty-two and one-half
11 hours which shall include at least three hours of instruction pertaining
12 to fair housing and/or discrimination in the sale or rental of real
13 property or an interest in real property and successfully completed a
14 continuing education real estate course or courses approved by the
15 secretary of state as to method, content and supervision, which approval
16 may be withdrawn if in the opinion of the secretary of state such course
17 or courses are not being conducted properly as to method, content and
18 supervision. [The licensee] FOR THOSE INDIVIDUALS LICENSED PURSUANT TO
19 SUBDIVISION SIX OF SECTION FOUR HUNDRED FORTY-TWO-G OF THIS ARTICLE, IN
20 THE INDIVIDUAL'S INITIAL LICENSE TERM, AT LEAST ELEVEN HOURS OF THE
21 REQUIRED TWENTY-TWO AND ONE-HALF HOURS OF CONTINUING EDUCATION SHALL BE
22 COMPLETED DURING THE FIRST YEAR OF THE TERM. OF THOSE ELEVEN HOURS,
23 THREE HOURS SHALL PERTAIN TO APPLICABLE NEW YORK STATE STATUTES AND
24 REGULATIONS GOVERNING THE PRACTICE OF REAL ESTATE BROKERS AND SALESPER-
25 SONS. TO ESTABLISH COMPLIANCE WITH THE CONTINUING EDUCATION REQUIRE-
26 MENTS IMPOSED BY THIS SECTION, LICENSEES shall provide an affidavit, in
27 a form acceptable to the department of state, establishing the nature of
28 the continuing education acquired and shall provide such further proof
29 as required by the department of state. The provisions of this paragraph
30 shall not apply to any licensed real estate broker who is engaged full
31 time in the real estate business and who has been licensed under this
32 article prior to July first, two thousand eight for at least fifteen
33 consecutive years immediately preceding such renewal.

34 S 2. Section 442-g of the real property law is amended by adding a new
35 subdivision 6 to read as follows:

36 6. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE, THE DEPART-
37 MENT OF STATE SHALL GRANT A REAL ESTATE BROKER OR A REAL ESTATE SALESMAN
38 LICENSE TO AN APPLICANT WHO IS A MEMBER OF THE HOUSEHOLD OF A MEMBER OF
39 THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND
40 WAS A MEMBER OF SUCH HOUSEHOLD BEFORE SUCH MEMBER OF THE ARMED FORCES
41 RELOCATED TO THE STATE WHO SUBMITS SATISFACTORY EVIDENCE OF LICENSURE,
42 CERTIFICATION OR REGISTRATION TO PRACTICE AN EQUIVALENT OCCUPATION
43 ISSUED BY A STATE, TERRITORY, PROTECTORATE OR DEPENDENCY OF THE UNITED
44 STATES, PROVIDED THAT SUCH LICENSE, CERTIFICATION OR CERTIFICATE OF
45 REGISTRATION WAS CURRENT AND EFFECTIVE WITHIN ONE YEAR OF THE DATE OF
46 THE INDIVIDUAL'S APPLICATION FOR LICENSURE IN NEW YORK, WAS GRANTED IN
47 COMPLIANCE WITH STANDARDS THAT ARE, IN THE JUDGMENT OF THE SECRETARY, NO
48 LESS RIGOROUS THAN THOSE REQUIRED FOR LICENSURE IN NEW YORK. IF SUCH
49 STANDARDS FOR LICENSURE, CERTIFICATION OR REGISTRATION ARE DEEMED BY THE
50 SECRETARY TO BE LESS RIGOROUS THAN THOSE REQUIRED FOR LICENSURE IN NEW
51 YORK, THE SECRETARY SHALL PERMIT AN APPLICANT TO SUBMIT EVIDENCE IN A
52 FORM ACCEPTABLE TO THE DEPARTMENT OF STATE TO DEMONSTRATE THE APPLI-
53 CANT'S COMPETENCY AND TRUSTWORTHINESS. IF SUCH EVIDENCE IS SUFFICIENT IN

1 THE JUDGMENT OF THE SECRETARY, THE SECRETARY SHALL GRANT A REAL ESTATE
2 BROKER OR REAL ESTATE SALESPERSON LICENSE.

3 S 3. Paragraph c of subdivision 2 of section 406 of the general busi-
4 ness law, as amended by chapter 341 of the laws of 1998, is amended to
5 read as follows:

6 c. Any applicant for a license to practice nail specialty, waxing,
7 natural hair styling, esthetics or cosmetology may submit satisfactory
8 evidence of licensure to practice an equivalent occupation issued by any
9 other state, territory, protectorate or dependency of the United States
10 or any other country in lieu of the evidence of schooling and examina-
11 tion required by this subdivision, provided that such license was grant-
12 ed in compliance with standards which were, in the judgment of the
13 secretary, not lower than those of this state and provided that such
14 state, territory, protectorate, dependency, or country extends similar
15 reciprocity to the licensees of this state, or the applicant practiced
16 an equivalent occupation in such state, territory, protectorate, depend-
17 ency or country for a minimum of five years, OR THE APPLICANT IS A
18 MEMBER OF THE HOUSEHOLD OF A MEMBER OF THE ARMED FORCES OF THE UNITED
19 STATES, NATIONAL GUARD OR RESERVES AND WAS A MEMBER OF SUCH HOUSEHOLD
20 BEFORE SUCH MEMBER RELOCATED TO THE STATE.

21 S 4. Subdivision 5 of section 435 of the general business law, as
22 added by chapter 801 of the laws of 1946, is amended to read as follows:

23 5. The secretary of state shall upon application and without examina-
24 tion, issue a license to any person over the age of seventeen years who
25 has been duly licensed by any other state, territory, protectorate or
26 dependency of the United States to engage in the practice of barbering
27 upon compliance with standards and requirements not lower, in the judg-
28 ment of the secretary of state, than those of this state, provided,
29 however, that EITHER such state extends similar reciprocity to licensees
30 of this state OR THE APPLICANT IS A MEMBER OF THE HOUSEHOLD OF A MEMBER
31 OF THE ARMED FORCES OF THE UNITED STATES, NATIONAL GUARD OR RESERVES AND
32 WAS A MEMBER OF SUCH HOUSEHOLD BEFORE SUCH MEMBER RELOCATED TO THE
33 STATE. Such application shall be accompanied by the photographs,
34 evidence and the certificate required by paragraphs (a), (b) and (c),
35 respectively, of subdivision one of section four hundred thirty-four of
36 this article and the required license fee.

37 S 5. This act shall take effect on the sixtieth day after it has
38 become a law, provided however, that effective immediately, the depart-
39 ment of state is authorized and directed to promulgate all rules and
40 regulations necessary to implement the provisions of this act on or
41 before its effective date.

42 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
43 sion, section or part of this act shall be adjudged by any court of
44 competent jurisdiction to be invalid, such judgment shall not affect,
45 impair, or invalidate the remainder thereof, but shall be confined in
46 its operation to the clause, sentence, paragraph, subdivision, section
47 or part thereof directly involved in the controversy in which such judg-
48 ment shall have been rendered. It is hereby declared to be the intent of
49 the legislature that this act would have been enacted even if such
50 invalid provisions had not been included herein.

51 S 3. This act shall take effect immediately provided, however, that
52 the applicable effective date of Parts A through D of this act shall be
53 as specifically set forth in the last section of such Parts.