

1 AN ACT relating to the military.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 40.010 is amended to read as follows:

4 As used in this chapter~~[, the following terms have the following respective meanings,~~
5 ~~unless another meaning is clearly required by the context]~~:

- 6 (1) "Administrator" means the adjutant general of the Commonwealth;
- 7 (2) "Veteran" means a person who served in the active Armed Forces of the United
8 States, during the Spanish American War, World War I, World War II, or the
9 Korean conflict, for a period of ninety (90) days or more (exclusive of time spent
10 AWOL; or in penal confinement as a result of a sentence imposed by court-martial;
11 or in service for which no allowance is made according to KRS 40.040), with some
12 portion of service within the respective hereinafter prescribed dates, who is still in
13 the Armed Forces, or was released, separated, discharged, or retired therefrom
14 under honorable conditions;
- 15 (3) "Duty in active Armed Forces" includes active duty, and any period of inactive duty
16 training during which the individual concerned was disabled; and if a person in the
17 active Armed Forces was released, separated, or discharged therefrom by reason of
18 disability incurred in line of duty before serving as much as ninety (90) days, such
19 person shall be qualified for entitlement to a bonus payment under this chapter,
20 notwithstanding failure to remain in service for the minimum time otherwise
21 prescribed;
- 22 (4) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force,
23 **Space Force**, and Coast Guard, including the reserve components thereof on active
24 duty;
- 25 (5) "Qualified veteran" means a person answering to the specifications set forth in
26 subsections (2) and (3), and who
27 (a) Was a resident of the Commonwealth at the time of entry into active service

- 1 in the Armed Forces and for at least six (6) months prior thereto; and
- 2 (b) Who has not received a bonus or like compensation from another state; and
- 3 (c) Who is not subject to the forfeiture provisions of this chapter;
- 4 (6) "Resident of the Commonwealth at the time of entry into the active service" means
- 5 any person who gave the Commonwealth of Kentucky, or any specific place in this
- 6 Commonwealth, as his or her place of residence at such time of entry, without
- 7 regard to the place of enlistment, commission, or induction. Conclusive and
- 8 exclusive evidence of such giving of place of residence shall be the official records
- 9 on file in the Department of Defense of the United States, or any official record
- 10 thereof in the files of the United States Department of Veterans Affairs; but if it be
- 11 shown to the satisfaction of the administrator that for any reason no such record was
- 12 made, or that the same has been lost, misplaced, or destroyed, or that an
- 13 authenticated copy thereof cannot be obtained within a reasonable time, other
- 14 evidence of bona fide residence may be accepted if deemed sufficient by the
- 15 administrator;
- 16 (7) "Resident," in any context other than as in subsection (6), means a legal resident as
- 17 determined by generally established principles of law, as may be defined, and
- 18 subject to proof, according to such regulations as the administrator may promulgate;
- 19 (8) "Beneficiary" means, in this order, widow, child or children (sharing equally),
- 20 mother, father, and no other;
- 21 (9) (a) "Widow" means a woman who was the wife of a veteran at the time of his
- 22 death, and who had not deserted him (except where there was a separation
- 23 which was due to the misconduct of, or procured by, the veteran without the
- 24 fault of the wife), and who had not remarried, (unless the purported
- 25 remarriage was void or had been annulled);
- 26 (b) The term "widow" also includes "widower" in the case of a man who was the
- 27 husband of a female veteran at the time of her death;

- 1 (10) "Child" means a person:
- 2 (a) Who is under the age of eighteen (18); or
- 3 (b) Who, before attaining the age of eighteen (18) years, became permanently
- 4 incapable of self-support; or
- 5 (c) Who, after attaining the age of eighteen (18) years and until completion of
- 6 education or training (but not after attaining the age of twenty-one (21) years)
- 7 is pursuing a course of instruction at a bona fide educational institution; and
- 8 who, in relationship to the veteran, is a child born in lawful wedlock; a legally
- 9 adopted child; a stepchild who is a member of a veteran's household or was a
- 10 member at the time of the veteran's death; or a child born out of wedlock, but,
- 11 as to the alleged father, only if acknowledged in writing signed by him, or if
- 12 he had, before his death, been judicially decreed to be the father of such child;
- 13 (11) "Mother" means a mother, a mother through adoption, or a woman who for a period
- 14 of not less than one (1) year stood in the relationship of a mother to a qualified
- 15 veteran before his or her entry into active service in the Armed Forces, or if two (2)
- 16 persons stood in such relationship for one (1) year or more, the person who last
- 17 stood in such relationship before the veteran's last entry into active service in the
- 18 Armed Forces;
- 19 (12) "Father" means a father, a father through adoption, or a man who for a period of not
- 20 less than one (1) year stood in the relationship of a father to a qualified veteran
- 21 before his or her entry into active service in the Armed Forces, or if two (2) persons
- 22 stood in such relationship for one (1) year or more, the person who last stood in
- 23 such relationship before the veteran's last entry into active service in the Armed
- 24 Forces;
- 25 (13) "In the continental United States" means any place in the District of Columbia and
- 26 the states of the United States which are on the North American continent,
- 27 exclusive of Alaska;

- 1 (14) "Outside the continental United States" means any place elsewhere than as defined
2 in subsection (13);
- 3 (15) "Spanish-American War":
- 4 (a) Means the period beginning on April 21, 1898, and ending on July 4, 1902;
- 5 (b) Includes the Philippine Insurrection and the Boxer Rebellion; and
- 6 (c) In the case of a veteran who served with the United States military forces
7 engaged in hostilities in the Moro Province, means the period beginning on
8 April 21, 1898, and ending on July 15, 1903;
- 9 (16) "World War I":
- 10 (a) Means the period beginning on April 6, 1917, and ending on November 11,
11 1918; and
- 12 (b) In the case of a veteran who served with the United States military forces in
13 Russia, means the period beginning on April 6, 1917, and ending on April 1,
14 1920; and
- 15 (c) Any service between April 6, 1917, and July 1, 1921, if some part thereof was
16 between April 6, 1917, and November 11, 1918, both dates being inclusive;
- 17 (17) "World War II" means the period beginning December 7, 1941, and ending
18 December 31, 1946;
- 19 (18) "Korean conflict" means the period beginning on June 27, 1950, and ending
20 January 31, 1955;
- 21 (19) "Bonus" and "veterans' bonus" means the compensation authorized by this chapter;
- 22 (20) "Bonus claim" means a claim or potential claim for a veterans' bonus;
- 23 (21) "Claimant" means one who seeks to obtain payment of a bonus claim.

24 ➔Section 2. KRS 40.400 is amended to read as follows:

25 As used in KRS 40.410 to 40.560~~, the following terms have the following respective~~
26 ~~meanings, unless another meaning is clearly required by the context]:~~

- 27 (1) "Department of Military Affairs" means the office of the adjutant general,

- 1 Commonwealth of Kentucky;
- 2 (2) "Administrator" means the individual designated by the adjutant general to carry
3 out the responsibilities of KRS 40.410 to 40.560;
- 4 (3) "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force,
5 Space Force, and Coast Guard, including the reserve components thereof on active
6 duty, other than for training, and shall not include the merchant marine;
- 7 (4) "Qualified veteran" means any person whose period of active duty service meets the
8 criteria set forth in subsection (5) or (6) of this section;
- 9 (5) "Qualifying Vietnam service" means service by any person who:
- 10 (a) Served as a member of the Armed Forces of the United States in Vietnam or
11 its contiguous waters or airspace, as defined in United States Department of
12 Defense Directive 1348.15, October 1, 1965, for a period of at least thirty (30)
13 days, unless such period was lessened as a result of death or medical
14 evacuation, during the period July 1, 1958, through May 15, 1975; or served
15 as a member of the Armed Forces of the United States in the Dominican
16 Republic, Congo, Thailand, Laos, or Cambodia, or participated in aerial
17 missions in the airspace over same, for a period of at least thirty (30) days,
18 unless such period was lessened as a result of death or medical evacuation,
19 during the period July 3, 1965, through May 15, 1975; or served as a member
20 of the Armed Forces of the United States and was awarded, or was eligible for
21 award of, the Vietnam Service Medal established by United States
22 Department of Defense Directive 1348.15, October 1, 1965;
- 23 (b) Was released, separated, or discharged from the Armed Forces under other
24 than dishonorable conditions or who is presently serving on active duty;
- 25 (c) Was a resident of the Commonwealth at the time of entry into active service
26 in the Armed Forces and for at least six (6) months prior thereto; and
- 27 (d) Has not received a similar bonus for such service from any other state;

- 1 (6) "Qualifying Vietnam era service" means service by any person who:
- 2 (a) Served in the Armed Forces of the United States on active duty, including
- 3 service in a reserve component thereof other than for training, for at least
- 4 ninety (90) consecutive days, exclusive of time lost as AWOL or in penal
- 5 confinement, during the period August 5, 1964, to May 15, 1975, but whose
- 6 service was in a location not included in subsection (5)(a) of this section;
- 7 (b) Was released, separated, or discharged from the Armed Forces under other
- 8 than dishonorable conditions or is still serving on active duty;
- 9 (c) Was a resident of the Commonwealth at the time of his or her entry into
- 10 active service in the Armed Forces and for at least six (6) months prior
- 11 thereto; and
- 12 (d) Has not received a similar bonus for such service from any other state;
- 13 (7) "Resident of the Commonwealth at the time of entry into the active service" means
- 14 any person who gave the Commonwealth of Kentucky, or any specific place in this
- 15 Commonwealth, as his or her place of residence at the time of entry. Conclusive
- 16 and exclusive evidence of the giving of place of residence shall be the official
- 17 records on file in the Department of Defense of the United States, or any official
- 18 record thereof in the files of the United States Department of Veterans Affairs; but
- 19 if it be shown to the satisfaction of the administrator that for any reason no such
- 20 record was made, or that it has been lost, misplaced, destroyed, or was in error, or
- 21 that an authenticated copy thereof cannot be obtained within a reasonable time,
- 22 other evidence of bona fide residence may be accepted if deemed sufficient by the
- 23 administrator;
- 24 (8) "Resident," in any context other than as in subsections (5) and (6) of this section,
- 25 means a legal resident as determined by generally established principles of law, as
- 26 may be defined, and subject to proof, according to the regulations the administrator
- 27 promulgates;

- 1 (9) "Beneficiary" means the following persons who were alive at the time of
2 application, in this order: widow, if none to the child or children equally, if none to
3 the mother and father equally, but if the father is dead, the mother, if living, shall
4 take the whole amount; but if the mother is dead, the father, if living, shall take the
5 whole amount;
- 6 (10) (a) "Widow" means a woman who was the wife of a qualified veteran at the time
7 of his death;
- 8 (b) The term "widow" also includes "widower" in the case of a man who was the
9 husband of a female qualified veteran at the time of her death;
- 10 (11) "Child" means a person:
- 11 (a) Who is under the age of eighteen (18) at the time application is made or who
12 was under the age of eighteen (18) at the time of the veteran's death;
- 13 (b) Who, before attaining the age of eighteen (18), became permanently incapable
14 of self-support; or
- 15 (c) Who, after attaining the age of eighteen (18) and until completion of
16 education or training, but not after attaining the age of twenty-three (23), is
17 pursuing a course of instruction at a bona fide educational institution; and
18 who, in relationship to the veteran, is a legitimate child; a legally adopted
19 child; a stepchild who is a member of a qualified veteran's household or was a
20 member at the time of the veteran's death; or an illegitimate child, but, as to
21 the alleged father, only if acknowledged in writing signed by him or if he had,
22 before his death, been judicially decreed to be the father of such child;
- 23 (12) "Mother" means a mother, a mother through adoption, or a woman who for a period
24 of not less than one (1) year stood in the relationship of a mother to a qualified
25 veteran before his or her entry into active service in the Armed Forces, or if two (2)
26 persons stood in such relationship for one (1) year or more, the person who last
27 stood in such relationship before the veteran's last entry into active service in the

1 Armed Forces;

2 (13) "Father" means a father, a father through adoption, or a man who for a period of not
3 less than one (1) year stood in the relationship of a father to a qualified veteran
4 before his or her entry into active service in the Armed Forces, or if two (2) persons
5 stood in such relationship for one (1) year or more, the person who last stood in
6 such relationship before the veteran's last entry into active service in the Armed
7 Forces;

8 (14) "In the continental United States" means any place in the District of Columbia and
9 the states of the United States which are on the North American continent,
10 exclusive of Alaska;

11 (15) "Outside the continental United States" means any place elsewhere than as defined
12 in subsection (14) of this section;

13 (16) "Bonus" and "Vietnam veterans' bonus" mean the compensation authorized by KRS
14 40.410 to 40.560;

15 (17) "Bonus claim" means a claim or potential claim for a Vietnam veterans' bonus; and

16 (18) "Claimant" means one who seeks to obtain payment of a bonus claim.

17 ➔Section 3. KRS 156.730 is amended to read as follows:

18 ARTICLE I

19 Purpose

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

23 A. Facilitating the timely enrollment of children of military families and ensuring that
24 they are not placed at a disadvantage due to difficulty in the transfer of education
25 records from the previous school district(s) or variations in entrance/age
26 requirements;

27 B. Facilitating the student placement process through which children of military

- 1 families are not disadvantaged by variations in attendance requirements,
2 scheduling, sequencing, grading, course content, or assessment;
- 3 C. Facilitating the qualification and eligibility for enrollment, educational programs,
4 and participation in extracurricular academic, athletic, and social activities;
- 5 D. Facilitating the on-time graduation of children of military families;
- 6 E. Providing for promulgation and enforcement of administrative rules implementing
7 the provisions of this compact;
- 8 F. Providing for the uniform collection and sharing of information between and among
9 member states, schools, and military families under this compact;
- 10 G. Promoting coordination between this compact and other compacts affecting military
11 children; and
- 12 H. Promoting flexibility and cooperation between the educational system, parents, and
13 students in order to achieve educational success for students.

14 ARTICLE II

15 Definitions

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

- 17 A. "Active duty" means full-time duty status in the active uniformed service of the
18 United States, including members of the National Guard and Reserve on active duty
19 orders pursuant to 10 U.S.C. ~~chs. [secs.]~~ 1209 and 1211;
- 20 B. "Children of military families" means a school-aged child or children enrolled in
21 kindergarten through twelfth (12th) grade, in the household of an active duty
22 member;
- 23 C. "Compact commissioner" means the voting representative of each compacting state
24 appointed pursuant to Article VIII of this compact;
- 25 D. "Deployment" means the period of one (1) month prior to a service member's
26 departure from his or her home station on military orders through six (6) months
27 after return to the home station;

- 1 E. "Educational records" means those official records, files, and data directly related to
2 a student and maintained by the school or local education agency, including but not
3 limited to records encompassing all the material kept in the student's cumulative
4 folder such as general identifying data, records of attendance and of academic work
5 completed, records of achievement and results of evaluative tests, health data,
6 disciplinary status, test protocols, and individualized education programs;
- 7 F. "Extracurricular activities" means a voluntary activity sponsored by the school or
8 local education agency or an organization sanctioned by the local education agency.
9 Extracurricular activities include but are not limited to preparation for and
10 involvement in public performances, contests, athletics competitions,
11 demonstrations, displays, and club activities;
- 12 G. "Interstate Commission on Educational Opportunity for Military Children" means
13 the commission created under Article IX of this compact, which is generally
14 referred to as "Interstate Commission";
- 15 H. "Local education agency" means a public authority legally constituted by the state
16 as an administrative agency to provide control of and direction for kindergarten
17 through twelfth (12th) grade public educational institutions;
- 18 I. "Member state" means a state that has enacted this compact;
- 19 J. "Military installation" means a base, camp, post, station, yard, center, homeport
20 facility for any ship, or other activity under the jurisdiction of the Department of
21 Defense, including any leased facility, which is located within any of the several
22 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin
23 Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S.
24 Territory. Such term does not include any facility used primarily for civil works,
25 rivers, and harbor projects, or flood control projects;
- 26 K. "Non-member state" means a state that has not enacted this compact;
- 27 L. "Receiving state" means the state to which a child of a military family is sent,

- 1 brought, or caused to be sent or brought;
- 2 M. "Rule" means a written statement by the Interstate Commission promulgated
3 pursuant to Article XII of this compact that is of general applicability, implements,
4 interprets, or prescribes a policy of the compact, or an organizational, procedural, or
5 practice requirement of the Interstate Commission, and has the force and effect of
6 statutory law in a member state, and includes the amendment, repeal, or suspension
7 of an existing rule;
- 8 N. "Sending state" means the state from which a child of a military family is sent,
9 brought, or caused to be sent or brought;
- 10 O. "State" means a state of the United States, the District of Columbia, the
11 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa,
12 the Northern Marianas Islands, and any other U.S. Territory;
- 13 P. "Student" means the child of a military family for whom the local education agency
14 receives public funding and who is formally enrolled in kindergarten through
15 twelfth (12th) grade;
- 16 Q. "Transition" means the formal and physical process of transferring from school to
17 school or the period of time in which a student moves from one school in the
18 sending state to another school in the receiving state;
- 19 R. "Uniformed service(s)" means the Army, Navy, Air Force, Marine Corps, and
20 Coast Guard, as well as the Commissioned Corps of the National Oceanic and
21 Atmospheric Administration, and Public Health Services; and
- 22 S. "Veteran" means a person who served in the uniformed services and who was
23 discharged or released therefrom under conditions other than dishonorable.

ARTICLE III

Applicability

- 26 A. Except as otherwise provided in this section, this compact shall apply to the
27 children of:

- 1 1. Active duty members of the uniformed services as defined in this compact,
2 including members of the National Guard and Reserve on active duty orders
3 pursuant to 10 U.S.C. chs.~~[secs.]~~ 1209 and 1211;
- 4 2. Members or veterans of the uniformed services who are severely injured and
5 medically discharged or retired for a period of one (1) year after medical
6 discharge or retirement; and
- 7 3. Members of the uniformed services who die on active duty or as a result of
8 injuries sustained on active duty for a period of one (1) year after death.
- 9 B. The provisions of this interstate compact shall only apply to local education
10 agencies as defined in this compact.
- 11 C. The provisions of this compact shall not apply to the children of:
 - 12 1. Inactive members of the National Guard and Military Reserves;
 - 13 2. Members of the uniformed services now retired, except as provided for in this
14 section;
 - 15 3. Veterans of the uniformed services, except as provided for in this section; and
 - 16 4. Other U.S. Department of Defense personnel and other federal agency civilian
17 and contract employees not defined as active duty members of the uniformed
18 services.

ARTICLE IV

Educational Records and Enrollment

- 21 A. Unofficial or "hand-carried" educational records: In the event that official
22 educational records cannot be released to the parents for the purpose of transfer, the
23 custodian of the records in the sending state shall prepare and furnish to the parent a
24 complete set of unofficial educational records containing uniform information as
25 determined by the Interstate Commission. Upon receipt of the unofficial
26 educational records by a school in the receiving state, the school shall enroll and
27 appropriately place the student based on the information provided in the unofficial

1 records pending validation by the official records, as quickly as possible.

2 B. Official educational records/transcripts: Simultaneous with the enrollment and
3 conditional placement of the student, the school in the receiving state shall request
4 the student's official record from the school in the sending state. Upon receipt of
5 this request, the school in the sending state will process and furnish the official
6 educational records to the school in the receiving state within ten (10) days or
7 within such time as is reasonably determined under the rules promulgated by the
8 Interstate Commission.

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

16 D. Kindergarten and first grade entrance age: Students shall be allowed to continue
17 their enrollment at the grade level in the receiving state commensurate with their
18 grade level (including kindergarten) from a local education agency in the sending
19 state at the time of transition, regardless of age. A student that has satisfactorily
20 completed the prerequisite grade level in the local education agency in the sending
21 state shall be eligible for enrollment in the next highest grade level in the receiving
22 state, regardless of age. A student transferring after the start of the school year in
23 the receiving state shall enter the school in the receiving state on their validated
24 level from an accredited school in the sending state.

25 ARTICLE V

26 Placement and Attendance

27 A. Course placement: When the student transfers before or during the school year, the

1 receiving state shall initially honor placement of the student in educational courses
2 based on the student's enrollment in the sending state school and/or educational
3 assessments conducted at the school in the sending state if the courses are offered.
4 Course placement includes but is not limited to Honors, International
5 Baccalaureate, Advance Placement, vocational, technical, and career pathways
6 courses. Continuing the student's academic program from the previous school and
7 promoting placement in academically and career challenging courses should be
8 paramount when considering placement. This does not preclude the school in the
9 receiving state from performing subsequent evaluations to ensure appropriate
10 placement and continued enrollment of the student in the course(s).

11 B. Educational program placement: The receiving state shall initially honor placement
12 of the student in educational programs based on current educational assessments
13 conducted at the school in the sending state or participation/placement in like
14 programs in the sending state. Such programs include but are not limited to:

- 15 1. Gifted and talented programs; and
- 16 2. English as a second language (ESL).

17 This does not preclude the school in the receiving state from performing subsequent
18 evaluations to ensure appropriate placement of the student.

19 C. Special education services:

- 20 1. In compliance with the federal requirements of the Individuals with
21 Disabilities Education Act (IDEA), 20 U.S.C.A. sec. 1400 et seq., the
22 receiving state shall initially provide comparable services to a student with
23 disabilities based on his or her current Individualized Education Program
24 (IEP); and
- 25 2. In compliance with the requirements of Section 504 of the Rehabilitation Act,
26 29 U.S.C.A. sec. 794, and with Title II of the Americans with Disabilities Act,
27 42 U.S.C.A. secs. 12131 to 12165~~[12131-12165]~~, the receiving state shall

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

6 D. Placement flexibility: Local education agency administrative officials shall have
7 flexibility in waiving course or program prerequisites, or other preconditions for
8 placement in courses or programs offered under the jurisdiction of the local
9 education agency.

10 E. Absence as related to deployment activities: A student whose parent or legal
11 guardian is an active member of the uniformed services, as defined by this compact,
12 and has been called to active duty for, is on leave from, or immediately returned
13 from deployment to a combat zone or combat support posting, shall be granted
14 additional excused absences at the discretion of the local education agency
15 superintendent to visit with his or her parent or legal guardian relative to such leave
16 or deployment of the parent or guardian.

17 ARTICLE VI

18 Eligibility

19 A. Eligibility for enrollment:

20 1. Special power of attorney, relative to the guardianship of a child of a military
21 family and executed under applicable law shall be sufficient for the purposes
22 of enrollment and all other actions requiring parental participation and
23 consent;

24 2. A local education agency shall be prohibited from charging local tuition to a
25 transitioning military child placed in the care of a non-custodial parent or
26 other person standing in loco parentis who lives in the jurisdiction other than
27 that of the custodial parent; and

1 C. Transfers during senior year: Should a military student transferring at the beginning
2 or during his or her senior year be ineligible to graduate from the receiving local
3 education agency after all alternatives have been considered, the sending and
4 receiving local education agencies shall ensure the receipt of diploma from the
5 sending local education agency if the student meets the graduation requirements of
6 the sending local education agency. In the event that one of the states in question is
7 not a member of this compact, the member state shall use best efforts to facilitate
8 the on-time graduation of the student in accordance with sections A and B of this
9 Article.

10 ARTICLE VIII

11 State Coordination

12 A. Each member state shall, through the creation of a State Council or use of an
13 existing body or board, provide for the coordination among its agencies of
14 government, local education agencies, and military installations concerning the
15 state's participation in, and compliance with, this compact and Interstate
16 Commission activities. While each member state may determine the membership of
17 its own State Council, its membership must include at least:

- 18 1. The state superintendent of education;
- 19 2. A superintendent of a school district with a high concentration of military
20 children;
- 21 3. A representative from a military installation;
- 22 4. One legislative member each from the General Assembly's Senate and House
23 of Representatives, to be chosen respectively by the President of the Senate
24 and the Speaker of the House of Representatives. The respective leaders will
25 then forward the names of their chosen members to the Governor. The
26 members shall serve at the pleasure of the President and Speaker;
- 27 5. One representative from the executive branch of government; and

1 transaction of business, unless a larger quorum is required by the bylaws of
2 the Interstate Commission.

3 3. A representative shall not delegate a vote to another member state. In the
4 event the compact commissioner is unable to attend a meeting of the Interstate
5 Commission, the Governor or State Council may delegate voting authority to
6 another person from their state for a specified meeting.

7 4. The bylaws may provide for meetings of the Interstate Commission to be
8 conducted by telecommunication or electronic communication.

9 C. Consist of ex-officio, non-voting representatives who are members of interested
10 organizations. Such ex-officio members, as defined in the bylaws, may include but
11 not be limited to members of the representative organizations of military family
12 advocates, local education agency officials, parent and teacher groups, the U.S.
13 Department of Defense, the Education Commission of the States, the Interstate
14 Agreement on the Qualification of Educational Personnel, and other interstate
15 compacts affecting the education of children of military members.

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

19 E. Establish an executive committee, whose members shall include the officers of the
20 Interstate Commission and such other members of the Interstate Commission as
21 determined by the bylaws. Members of the executive committee shall serve a one
22 (1) year term. Members of the executive committee shall be entitled to one (1) vote
23 each. The executive committee shall have the power to act on behalf of the
24 Interstate Commission, with the exception of rulemaking, during periods when the
25 Interstate Commission is not in session. The executive committee shall oversee the
26 day-to-day activities of the administration of the compact including enforcement
27 and compliance with the provisions of the compact, its bylaws and rules, and other

1 such duties as deemed necessary. The U.S. Department of Defense shall serve as an
2 ex-officio, nonvoting member of the executive committee.

3 F. Establish bylaws and rules that provide for conditions and procedures under which
4 the Interstate Commission shall make its information and official records available
5 to the public for inspection or copying. The Interstate Commission may exempt
6 from disclosure information or official records to the extent they would adversely
7 affect personal privacy rights or proprietary interests.

8 G. Give public notice of all meetings and all meetings shall be open to the public,
9 except as set forth in the rules or as otherwise provided in the compact. The
10 Interstate Commission and its committees may close a meeting, or portion thereof,
11 where it determines by two-thirds vote that an open meeting would be likely to:

- 12 1. Relate solely to the Interstate Commission's internal personnel practices and
13 procedures;
- 14 2. Disclose matters specifically exempted from disclosure by federal and state
15 statute;
- 16 3. Disclose trade secrets or commercial or financial information which is
17 privileged or confidential;
- 18 4. Involve accusing a person of a crime, or formally censuring a person;
- 19 5. Disclose information of a personal nature where disclosure would constitute a
20 clearly unwarranted invasion of personal privacy;
- 21 6. Disclose investigative records compiled for law enforcement purposes; or
- 22 7. Specifically relate to the Interstate Commission's participation in a civil action
23 or other legal proceeding.

24 H. Certify, for a meeting or portion of a meeting closed pursuant to this provision, by
25 the Interstate Commission's legal counsel or designee, that the meeting may be
26 closed and in so doing reference each relevant exemptible provision. The Interstate
27 Commission shall keep minutes which shall fully and clearly describe all matters

1 discussed in a meeting and shall provide a full and accurate summary of actions
2 taken, and the reasons therefore, including a description of the views expressed and
3 the record of a roll call vote. All documents considered in connection with an action
4 shall be identified in such minutes. All minutes and documents of a closed meeting
5 shall remain under seal, subject to release by a majority vote or the Interstate
6 Commission.

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

14 J. Create a process that permits military officials, education officials, and parents to
15 inform the Interstate Commission if and when there are alleged violations of the
16 compact or its rules or when issues subject to the jurisdiction of the compact or its
17 rules are not addressed by the state or local education agency. This subsection shall
18 not be construed to create a private right of action against the Interstate
19 Commission or any member state.

20 ARTICLE X

21 Powers and Duties of the Interstate Commission

22 The Interstate Commission shall have the following powers:

- 23 A. To provide for dispute resolution among member states;
- 24 B. To promulgate rules and take all necessary actions to effect the goals, purposes, and
25 obligations as enumerated in this compact. The rules shall have the force and effect
26 of statutory law and shall be binding in the compact states to the extent and in the
27 manner provided in this compact;

- 1 C. To issue, upon request of a member state, advisory opinions concerning the
2 meaning or interpretation of the interstate compact, its bylaws, rules, and actions;
- 3 D. To enforce compliance with the compact provisions, the rules promulgated by the
4 Interstate Commission, and the bylaws, using all necessary and proper means,
5 including but not limited to the use of judicial process;
- 6 E. To establish and maintain offices which shall be located within one or more of the
7 member states;
- 8 F. To purchase and maintain insurance and bonds;
- 9 G. To borrow, accept, hire, or contract for services of personnel;
- 10 H. To establish and appoint committees including but not limited to an executive
11 committee as required by Article IX, Section E, which shall have the power to act
12 on behalf of the Interstate Commission in carrying out its powers and duties
13 hereunder;
- 14 I. To elect or appoint such officers, attorneys, employees, agents, or consultants and
15 to fix their compensation, define their duties and determine their qualifications to
16 establish the Interstate Commission's personnel policies and programs relating to
17 conflicts of interest, rates of compensation, and qualifications of personnel;
- 18 J. To accept any and all donations and grants of money, equipment, supplies,
19 materials, and services, and to receive, utilize, and dispose of them;
- 20 K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
21 improve, or use any property, whether real, personal, or mixed;
- 22 L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
23 of any property, whether real, personal, or mixed;
- 24 M. To establish a budget and make expenditures;
- 25 N. To adopt a seal and bylaws governing the management and operation of the
26 Interstate Commission;
- 27 O. To report annually to the legislatures, governors, judiciary, and state councils of the

- 1 member states concerning the activities of the Interstate Commission during the
2 preceding year. Such reports shall also include any recommendations that may have
3 been adopted by the Interstate Commission;
- 4 P. To coordinate education, training and public awareness regarding the compact, its
5 implementation, and operation for officials and parents involved in such activity;
- 6 Q. To establish uniform standards for the reporting, collecting, and exchanging of data;
- 7 R. To maintain corporate books and records in accordance with the bylaws;
- 8 S. To perform such functions as may be necessary or appropriate to achieve the
9 purposes of this compact; and
- 10 T. To provide for the uniform collection and sharing of information between and
11 among member states, schools, and military families under this compact.

12 ARTICLE XI

13 Organization and Operation of the Interstate Commission

- 14 A. The Interstate Commission shall, by a majority of the members present and voting,
15 within twelve (12) months after the first Interstate Commission meeting, adopt
16 bylaws to govern its conduct as may be necessary or appropriate to carry out the
17 purposes of the compact, including but not limited to:
- 18 1. Establishing the fiscal year of the Interstate Commission;
 - 19 2. Establishing an executive committee and such other committees as may be
20 necessary;
 - 21 3. Providing for the establishment of committees and for governing any general
22 or specific delegation of authority or function of the Interstate Commission;
 - 23 4. Providing reasonable procedures for calling and conducting meetings of the
24 Interstate Commission and ensuring reasonable notice of each such meeting;
 - 25 5. Establishing the titles and responsibilities of the offices and staff of the
26 Interstate Commission;
 - 27 6. Providing a mechanism for concluding the operations of the Interstate

1 Commission and the return of surplus funds that may exist upon the
2 termination of the compact after the payment and reserving of all of its debts
3 and obligations; and

4 7. Providing "start up" rules for initial administration of the compact.

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

14 C. Executive Committee, Officers, and Personnel:

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

17 a. Managing the affairs of the Interstate Commission in a manner
18 consistent with the bylaws and purposes of the Interstate Commission;

19 b. Overseeing an organizational structure within, and appropriate
20 procedures for, the Interstate Commission to provide for the creation of
21 rules, operating procedures, and administrative and technical support
22 functions; and

23 c. Planning, implementing, and coordinating communications and
24 activities with other state, federal, and local government organizations in
25 order to advance the goals of the Interstate Commission.

26 2. The executive committee may, subject to the approval of the Interstate
27 Commission, appoint or retain an executive director for such period, upon

1 such terms and conditions, and for such compensation, as the Interstate
2 Commission may deem appropriate. The executive director shall serve as
3 secretary to the Interstate Commission, but shall not be a member of the
4 Interstate Commission. The executive director shall hire and supervise such
5 other persons as may be authorized by the Interstate Commission.

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

14 1. The liability of the Interstate Commission's executive director and employees
15 or Interstate Commission representatives, acting within the scope of such
16 person's employment or duties for acts, errors, or omissions occurring within
17 such person's state may not exceed the limits of liability set forth under the
18 constitution and laws of that state for state officials, employees, and agents.
19 The Interstate Commission is considered to be an instrumentality of the states
20 for the purposes of any such action. Nothing in this subsection shall be
21 construed to protect such person from suit or liability for damage, loss, injury,
22 or liability caused by intentional or willful and wanton misconduct of such
23 person.

24 2. The Interstate Commission shall defend the executive director and its
25 employees and, subject to the approval of the Attorney General or other
26 appropriate legal counsel of the member state represented by an Interstate
27 Commission representative, shall defend such Interstate Commission

1 representative in any civil action seeking to impose liability arising out of an
 2 actual or alleged act, error, or omission that occurred within the scope of
 3 Interstate Commission employment, duties, or responsibilities, or that the
 4 defendant had a reasonable basis for believing occurred within the scope of
 5 the Interstate Commission employment, duties, or responsibilities, provided
 6 that the actual or alleged act, error, or omission did not result from intentional
 7 or willful and wanton misconduct on the part of such persons.

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

18 ARTICLE XII

19 Rulemaking Functions of the Interstate Commission

20 A. Rulemaking Authority: The Interstate Commission shall promulgate reasonable
 21 rules in order to effectively and efficiently achieve the purposes of this compact.
 22 Notwithstanding the foregoing, in the event the Interstate Commission exercises its
 23 rulemaking authority in a manner that is beyond the scope of the purposes of this
 24 Act, or the powers granted hereunder, then such an action by the Interstate
 25 Commission shall be invalid and have no force or effect.

26 B. Rulemaking Procedure: Rules shall be made pursuant to a rulemaking process that
 27 substantially conforms to the "Model State Administrative Procedure Act," of 1981,

1 Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to
2 the operations of the Interstate Commission.

- 3 C. Not later than thirty (30) days after a rule is promulgated, any person may file a
4 petition for judicial review of the rule; provided, that the filing of such a petition
5 shall not stay or otherwise prevent the rule from becoming effective unless the court
6 finds that the petitioner has a substantial likelihood of success. The court shall give
7 deference to the actions of the Interstate Commission consistent with applicable law
8 and shall not find the rule to be unlawful if the rule represents a reasonable exercise
9 of the Interstate Commission's authority.
- 10 D. If a majority of the legislatures of the compacting states rejects a Rule by enactment
11 of a statute or resolution in the same manner used to adopt the compact, then such
12 rule shall have no further force and effect in any compacting state.

13 ARTICLE XIII

14 Oversight, Enforcement, and Dispute Resolution

- 15 A. Oversight:
- 16 1. The executive, legislative, and judicial branches of state government in each
17 member state shall enforce this compact and shall take all actions necessary
18 and appropriate to effectuate the compact's purposes and intent. The
19 provisions of this compact and the rules promulgated hereunder shall have
20 standing as statutory law.
- 21 2. All courts shall take judicial notice of the compact and the rules in any
22 judicial or administrative proceeding in a member state pertaining to the
23 subject matter of this compact which may effect the powers, responsibilities,
24 or actions of the Interstate Commission.
- 25 3. The Interstate Commission shall be entitled to receive all service of process in
26 any such proceeding, and shall have standing to intervene in the proceeding
27 for all purposes. Failure to provide service of process to the Interstate

1 Commission shall render a judgment or order void as to the Interstate
2 Commission, this compact, or promulgated rules.

3 B. Default, Technical Assistance, Suspension, and Termination - If the Interstate
4 Commission determines that a member state has defaulted in the performance of its
5 obligations or responsibilities under this compact, the bylaws, or promulgated rules,
6 the Interstate Commission shall:

7 1. Provide written notice to the defaulting state and other member states of the
8 nature of default, the means of curing the default, and any action taken by the
9 Interstate Commission. The Interstate Commission shall specify the
10 conditions by which the defaulting state must cure its default; and

11 2. Provide remedial training and specific technical assistance regarding the
12 default.

13 3. If the defaulting state fails to cure the default, the defaulting state shall be
14 terminated from the compact upon an affirmative vote of a majority of the
15 member states and all rights, privileges, and benefits conferred by this
16 compact shall be terminated from the effective date of termination. A cure of
17 the default does not relieve the offending state of obligations or liabilities
18 incurred during the period of default.

19 4. Suspension or termination of membership in the compact shall be imposed
20 only after all other means of securing compliance have been exhausted.
21 Notice of intent to suspend or terminate shall be given by the Interstate
22 Commission to the Governor, the majority and minority leaders of the
23 defaulting state's legislature, and each of the member states.

24 5. The state which has been suspended or terminated is responsible for all
25 assessments, obligations, and liabilities incurred through the effective date of
26 suspension or termination, including obligations the performance of which
27 extends beyond the effective date of suspension or termination.

1 6. The Interstate Commission shall not bear any costs relating to any state that
2 has been found to be in default or which has been suspended or terminated
3 from the compact unless otherwise mutually agreed upon in writing between
4 the Interstate Commission and the defaulting state.

5 7. The defaulting state may appeal the action of the Interstate Commission by
6 petitioning the U.S. District Court for the District of Columbia or the federal
7 district where the Interstate Commission has its principal offices. The
8 prevailing party shall be awarded all costs of such litigation, including
9 reasonable attorney's fees.

10 C. Dispute Resolution:

11 1. The Interstate Commission shall attempt, upon the request of a member state,
12 to resolve disputes which are subject to the compact and which may arise
13 among member states and between member and non-member states.

14 2. The Interstate Commission shall promulgate a rule providing for both
15 mediation and binding dispute resolution for disputes as appropriate.

16 D. Enforcement:

17 1. The Interstate Commission, in the reasonable exercise of its discretion, shall
18 enforce the provisions and rules of this compact.

19 2. The Interstate Commission may by majority vote of the members initiate legal
20 action in the United States District Court for the District of Columbia or, at
21 the discretion of the Interstate Commission, in the federal district where the
22 Interstate Commission has its principal offices, to enforce compliance with
23 the provisions of the compact, its promulgated rules, and bylaws against a
24 member state in default. The relief sought may include both injunctive relief
25 and damages. In the event judicial enforcement is necessary the prevailing
26 party shall be awarded all costs of such litigation, including reasonable
27 attorney's fees.

- 1 A. Any state is eligible to become a member state.
- 2 B. The compact shall become effective and binding upon legislative enactment of the
3 compact into law by no less than ten (10) of the states. The effective date shall be
4 no earlier than December 1, 2007. Thereafter it shall become effective and binding
5 as to any other member state upon enactment of the compact into law by that state.
6 The governors of non-member states or their designees shall be invited to
7 participate in the activities of the Interstate Commission on a non-voting basis prior
8 to adoption of the compact by all states.
- 9 C. The Interstate Commission may propose amendments to the compact for enactment
10 by the member states. No amendment shall become effective and binding upon the
11 Interstate Commission and the member states unless and until it is enacted into law
12 by unanimous consent of the member states.

13 ARTICLE XVI

14 Withdrawal and Dissolution

- 15 A. Withdrawal:
- 16 1. Once effective, the compact shall continue in force and remain binding upon
17 each and every member state, provided that a member state may withdraw
18 from the compact by specifically repealing the statute which enacted the
19 compact into law.
- 20 2. Withdrawal from this compact shall be by the enactment of a statute repealing
21 the same, but shall not take effect until one (1) year after the effective date of
22 such statute and until written notice of the withdrawal has been given by the
23 withdrawing state to the Governor of each other member state jurisdiction.
- 24 3. The withdrawing state shall immediately notify the chairperson of the
25 Interstate Commission in writing upon the introduction of legislation
26 repealing this compact in the withdrawing state. The Interstate Commission
27 shall notify the other member states of the withdrawing state's intent to

1 withdraw within sixty (60) days of its receipt thereof.

2 4. The withdrawing state is responsible for all assessments, obligations, and
3 liabilities incurred through the effective date of withdrawal, including
4 obligations the performance of which extends beyond the effective date of
5 withdrawal.

6 5. Reinstatement following withdrawal of a member state shall occur upon the
7 withdrawing state reenacting the compact or upon such later date as
8 determined by the Interstate Commission.

9 B. Dissolution of Compact:

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

13 2. Upon the dissolution of this compact, the compact becomes null and void and
14 shall be of no further force or effect, and the business and affairs of the
15 Interstate Commission shall be concluded and surplus funds shall be
16 distributed in accordance with the bylaws.

17 ARTICLE XVII

18 Severability and Construction

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

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

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

26 ARTICLE XVIII

27 Binding Effect of Compact and Other Laws

1 A. Other Laws:

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

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

6 B. Binding Effect of the Compact:

7 1. All lawful actions of the Interstate Commission, including all rules and
8 bylaws promulgated by the Interstate Commission, are binding upon the
9 member states.

10 2. All agreements between the Interstate Commission and the member states are
11 binding in accordance with their terms.

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

16 ➔Section 4. KRS 156.735 is amended to read as follows:

17 (1) Notwithstanding any other statutes to the contrary, students of civilian military
18 employees and of persons serving in the National Guard and Reserves shall be
19 afforded the same rights as students of military families under KRS 156.730 if the
20 parents are required to move to perform their job responsibilities resulting in the
21 students having to change schools.

22 (2) As used in this section, "student" means the child of a civilian military employee or
23 National Guard or Reserve personnel for whom the local education agency
24 receives public funding and who is formally enrolled in kindergarten through
25 twelfth grade.

26 ➔Section 5. KRS 154.12-203 is amended to read as follows:

27 (1) There is created the Kentucky Commission on Military Affairs. The commission

1 shall be a separate administrative body of state government within the meaning of
2 KRS Chapter 12.

- 3 (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
- 4 (a) Address matters of military significance to Kentucky;
 - 5 (b) Maintain a cooperative and constructive relationship between state agencies
6 and the military entities in Kentucky, as necessary to ensure coordination and
7 implementation of unified, comprehensive, statewide strategies involved with,
8 or affected by, the military;
 - 9 (c) Advise the Governor, the General Assembly, the Kentucky congressional
10 delegation, and other appropriate government officials on all matters in which
11 the military services and the Commonwealth have mutual interests, needs, and
12 concerns;
 - 13 (d) Take action to promote and optimize state and Department of Defense
14 initiatives that will improve the military value of Kentucky's National Guard,
15 active, and reserve military force structure and installations, and improve the
16 quality of life for military personnel residing in the Commonwealth;
 - 17 (e) Coordinate, as necessary, the state's interest in future Department of Defense
18 base closure and restructuring activities;
 - 19 (f) Recommend state, federal, and local economic development projects which
20 would promote, foster, and support economic progress through military
21 presence in the Commonwealth;
 - 22 (g) Promote and assist the private sector in developing spin-off investments,
23 employment, and educational opportunities associated with high-technology
24 programs and activities at Kentucky's military installations;
 - 25 (h) Recommend to the Kentucky Economic Development Partnership the long-
26 range options and potential for the defense facilities located in Kentucky;
 - 27 (i) Develop strategies to encourage military personnel to retire and relocate in

- 1 Kentucky and promote those leaving the military as a viable quality
2 workforce for economic development and industrial recruitment; and
- 3 (j) Allocate available grant money to qualified applicants to further the purposes
4 of paragraphs (a) to (i) of this subsection.
- 5 (3) The Kentucky Commission on Military Affairs shall consist of:
- 6 (a) The Governor or a designated representative;
- 7 (b) The secretary of the Cabinet for Economic Development or a designated
8 representative;
- 9 (c) The adjutant general of the Commonwealth or a designated representative;
- 10 (d) The executive director of the Office of Homeland Security or a designated
11 representative;
- 12 (e) The secretaries of the following cabinets or their designees:
- 13 1. Finance and Administration;
- 14 2. Justice and Public Safety;
- 15 3. Energy and Environment;
- 16 4. Transportation;
- 17 5. Health and Family Services;
- 18 6. Personnel;
- 19 7. Education and Labor;
- 20 8. Public Protection; and
- 21 9. Tourism, Arts and Heritage;
- 22 (f) The Attorney General or a designated representative;
- 23 (g) The commissioner of the Department of Veterans' Affairs or a designated
24 representative;
- 25 (h) The executive director of the Kentucky Commission on Military Affairs or a
26 designated representative;
- 27 (i) The chairperson of the Kentucky Committee for Employer Support of the

- 1 Guard and Reserve;
- 2 (j) Kentucky's Civilian Aides to the Secretary of the United States Army;
- 3 (k) The chairperson of the Senate Veterans, Military Affairs, and Public
4 Protection Committee and the chairperson of the House of Representatives
5 Veterans, Military Affairs, and Public Safety Committee;
- 6 (l) The Chief Justice or a designated representative;
- 7 (m) The commander or the designee of the commander of each of the following as
8 nonvoting, ex officio members:
- 9 1. U.S. Army Cadet Command;
 - 10 2. U.S. Army Human Resources Command;
 - 11 3. U.S. Army Recruiting Command;
 - 12 4. 84th Training Command;
 - 13 5. One Hundredth Division (Institutional Training);
 - 14 6. 101st Airborne Division;
 - 15 7. Blue Grass Army Depot;
 - 16 8. Fort Campbell Garrison;
 - 17 9. Fort Knox Garrison;
 - 18 10. U.S. Army Reserve Aviation Command~~[11th Theatre Aviation~~
19 ~~Command, U.S. Army Reserve];~~
 - 20 11. U.S. Army Corps of Engineers, Louisville District;
 - 21 12. Adjutant General of the U.S. Army;
 - 22 13. U.S. Coast Guard Sector Ohio Valley;
 - 23 14. First Army Division East;
 - 24 15. 1st Theater Sustainment Command; and
 - 25 16. Fifth (V) Corps; and
- 26 (n) Five (5) at-large members appointed by the Governor, who shall be residents
27 of counties significantly impacted by military installations.

- 1 (4) The terms of the five (5) at-large members shall be staggered so that two (2)
2 appointments shall expire at two (2) years, one (1) appointment shall expire at three
3 (3) years, and two (2) appointments shall expire at four (4) years, from the dates of
4 initial appointment.
- 5 (5) (a) The commission shall establish an executive committee consisting of the
6 secretary of the Cabinet for Economic Development, the adjutant general of
7 the Commonwealth, the commissioner of the Department of Veterans' Affairs,
8 the executive director of the Kentucky Commission on Military Affairs, and
9 the five (5) at-large members. The chair and vice chair of the Kentucky
10 Commission on Military Affairs shall be appointed by the Governor from
11 among the members of the executive committee.
- 12 (b) The chair and vice chair of the commission shall also serve as chair and vice
13 chair of the executive committee.
- 14 (c) The executive committee shall serve as the search committee for an executive
15 director of the commission and shall have any other authority the commission
16 delegates to it.
- 17 (6) The commission shall meet one (1) time each year, and may meet at other times on
18 call of the chair, to establish the commission's goals and to review issues identified
19 and recommendations made by the executive committee. A majority of the
20 members shall constitute a quorum for the transaction of the commission's business.
21 Members' designees shall have voting privileges at commission meetings.
- 22 (7) Members of the commission shall serve without compensation, but shall be
23 reimbursed for their necessary travel expenses actually incurred in the discharge of
24 their duties on the commission, subject to Finance and Administration Cabinet
25 administrative regulations.
- 26 (8) The commission may establish committees or work groups composed of
27 commission members and citizens as necessary to advise the commission in

1 carrying out its responsibilities, duties, and powers. Citizen members of committees
2 or work groups shall not have a vote.

3 (9) The commission may promulgate necessary administrative regulations as prescribed
4 by KRS Chapter 13A.

5 (10) The commission may adopt bylaws and operating policies necessary for its efficient
6 and effective operation.

7 (11) There shall be an executive director, who shall be the administrative head and chief
8 executive officer of the commission, recommended by the executive committee,
9 approved by the commission, and appointed by the Governor. The executive
10 director shall have authority to hire staff, contract for services, expend funds, and
11 operate the normal business activities of the commission.

12 (12) The Kentucky Commission on Military Affairs and its executive committee shall be
13 an independent agency attached to the Office of the Governor.

14 ➔Section 6. KRS 186.041 is amended to read as follows:

15 (1) Each initial and renewal application by a person who meets the criteria of paragraph
16 (a) of this section and each initial application by a person who meets the criteria of
17 paragraph (b), (c), or (d) of this section for a special military license plate shall be
18 accompanied by proof as set forth in subsection (10) of this section that the person
19 is associated with the United States Army, United States Navy, United States Air
20 Force, United States Marine Corps, United States Space Force, United States Coast
21 Guard, United States Coast Guard Auxiliary, Kentucky National Guard, Merchant
22 Marines with service between December 7, 1941, and August 15, 1945, or Civil Air
23 Patrol in one (1) of the following ways:

24 (a) A member of the Armed Forces of the United States;

25 (b) A retired member;

26 (c) A member of the National Guard or Reserve component who has completed
27 his or her term of service, or has retired with a minimum of twenty (20) years

1 of service; or

2 (d) A veteran who received a discharge under honorable conditions, or the
3 veteran's surviving spouse, and:

4 1. Performed one hundred eighty (180) days of active-duty service;

5 2. Received an early release due to injuries or other medical condition, or
6 at the convenience of the service;

7 3. Received a hardship discharge;

8 4. Was separated or retired due to a disability; or

9 5. Was determined to have a service-connected disability incurred during
10 the enlistment.

11 (2) The member, retired member, veteran, reservist, or his or her spouse who is eligible
12 under subsection (9) of this section may purchase an unlimited number of special
13 military-related license plates described in subsection (1) of this section, annually
14 for vehicles they own or lease. A disabled veterans license plate shall expire on July
15 31.

16 (3) A recipient of the Distinguished Service Cross, Navy Cross, or Air Force Cross
17 shall be eligible for a Service Cross license plate upon submission of an application
18 to the Kentucky Department of Veterans' Affairs. The recipient shall be required to
19 include with the initial application for a Service Cross license plate a copy of the
20 general order that authorized the award and the recipient's Department of Defense
21 form number 214. The Department of Veterans' Affairs shall verify the
22 documentation submitted with the application for a Service Cross license plate, and
23 if the individual applying for the plate is confirmed to be a recipient of the
24 Distinguished Service Cross, Navy Cross, or Air Force Cross, the Department of
25 Veterans' Affairs shall submit the applicant's name to the Transportation Cabinet's
26 Division of Motor Vehicle Licensing not later than September 1 preceding the year
27 that the Service Cross license plate is to be initially issued or renewed. When the

1 Service Cross license plate is ready, the plate shall be sent to the county clerk in the
2 county of the applicant's residence. The Transportation Cabinet's Division of Motor
3 Vehicle Licensing shall inform each applicant in writing that the Service Cross
4 license plate is ready and may be picked up at the county clerk's office. The
5 Transportation Cabinet shall prescribe the type of application form required by this
6 subsection and shall supply the Department of Veterans' Affairs with the
7 application form required by this subsection.

8 (4) A person who is a former prisoner of the enemy during World War I, World War II,
9 the Korean War, or the Vietnam War, or the spouse of a deceased former prisoner
10 of war, shall be eligible for a former prisoner of war license plate by submitting
11 written proof from the United States Department of Veterans Affairs or other
12 appropriate federal agency stating the period of time the person or person's spouse
13 was a prisoner of war. If a former prisoner of war dies with a vehicle licensed as
14 authorized under this section, the person's surviving spouse may retain the license
15 plate for use on the same vehicle or on another vehicle that complies with KRS
16 186.164(7).

17 (5) A person who is certified by the Kentucky chapter of the Pearl Harbor Survivors
18 Association as being a survivor of the attack on Pearl Harbor shall be eligible for a
19 Pearl Harbor license plate and shall be required to attach to the special military-
20 related license plate application written evidence from the Kentucky chapter of the
21 Pearl Harbor Survivors Association that the person:

- 22 (a) Was a member of the United States Armed Forces on December 7, 1941;
23 (b) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45
24 a.m., Hawaii time, at Pearl Harbor, the island of Oahu, or offshore at a
25 distance not to exceed three (3) miles;
26 (c) Was discharged honorably from the United States Armed Forces; and
27 (d) Is certified by the Kentucky chapter of the Pearl Harbor Survivors

1 Association.

- 2 (6) A person who is eligible to receive a Gold Star Mothers, Gold Star Fathers, or Gold
3 Star Spouses license plate under KRS 186.164(15)(a) may receive up to two (2)
4 Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates free of
5 charge and may purchase additional license plates by paying the same fee as for
6 special military-related plates issued under KRS 186.162(2)(d) annually for
7 vehicles he or she owns or leases.
- 8 (7) The surviving spouse of a Purple Heart recipient, or a Kentucky National Guard
9 member or a retired member, who possessed a vehicle licensed with the Purple
10 Heart recipient special license plate or the Kentucky National Guard special license
11 plate, may retain the license plate for use on the same vehicle or another vehicle
12 that complies with KRS 186.164(7). The surviving spouse may renew the license
13 plate indefinitely, provided the appropriate registration fee is paid annually.
- 14 (8) A person who is attending or who is a graduate of the United States Air Force
15 Academy, the United States Military Academy, the United States Naval Academy,
16 the United States Coast Guard Academy, or the United States Merchant Marine
17 Academy shall be eligible for a special military service academy license plate. A
18 special military service academy license plate under this subsection shall use the
19 same plate template as the standard special military license plate under subsection
20 (1) of this section, with stickers to identify the various service academies. The
21 Transportation Cabinet shall promulgate administrative regulations pursuant to
22 KRS Chapter 13A to establish the proof required to demonstrate current attendance
23 at or graduation from a service academy. An eligible applicant may receive up to
24 two (2) special military service academy license plates.
- 25 (9) (a) The legally married spouse of a member of the Armed Forces of the United
26 States who meets the criteria for a special military license plate under
27 subsection (1) of this section shall be eligible for a special military license

1 plate. A special military license plate under this subsection shall use the same
2 template as the standard special military license plate under subsection (1) of
3 this section, with a sticker identifying the plate as that of a military spouse.

4 (b) An applicant who is eligible for a special military license plate under this
5 subsection shall present as proof of eligibility an original or copy of his or her
6 marriage certificate establishing marriage to the member of the Armed Forces
7 of the United States and an original or copy of one (1) of the following:

- 8 1. His or her unexpired DD-1173 form; or
- 9 2. Any identification document outlined in subsection (10) of this section
10 issued to his or her spouse.

11 (10) Prior to receiving a special military-related plate requested under subsection (1) of
12 this section, the applicant shall present as proof of eligibility, an original or copy of
13 his or her:

- 14 (a) Unexpired Veteran Identification Card or Veteran Health Identification Card
15 issued by the United States Department of Veterans Affairs;
- 16 (b) DD-2, DD-214, DD-256, DD-257, or NGB-22 form; or
- 17 (c) Unexpired Geneva Conventions Identification Card issued by the United
18 States Department of Defense.

19 ➔Section 7. KRS 186.162 (Effective January 1, 2024) is amended to read as
20 follows:

21 (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and
22 186.174:

- 23 (a) "Special license plate" means a unique license plate issued under this chapter
24 to a group or organization that readily identifies the operator of the motor
25 vehicle or motorcycle bearing the plate as a member of a group or
26 organization, or a supporter of the work, goals, or mission of a group or
27 organization. The term shall not include regular license plates issued under

1 KRS 186.240;

2 (b) "Street rod" means a modernized private passenger motor vehicle
3 manufactured prior to the year 1949, or designed or manufactured to resemble
4 a vehicle manufactured prior to 1949;

5 (c) "SF" means the portion of an initial or renewal fee to obtain a special license
6 plate that is dedicated for use by the Transportation Cabinet;

7 (d) "CF" means the county clerk's fee for issuing a motor vehicle registration as
8 established under KRS 186.040(1). If a CF amount is charged for a license
9 plate listed in this section, the applicant for that plate shall also pay the fees
10 identified in KRS 186.040(6). If a CF amount is not charged, the applicant
11 shall not be required to pay those fees; and

12 (e) "EF" means the portion of an initial or renewal fee to obtain a special license
13 plate that is mandated by this chapter to be dedicated for use by a particular
14 group or organization.

15 (2) The initial purchase fee and renewal fee for a special license plate created under this
16 chapter shall be as established in this subsection and includes the name of group or
17 organization and the total initial and renewal fee required for the plate. The amount
18 in parentheses indicates how the total fee is required to be divided:

19 (a) Disabled veterans who receive assistance to purchase a vehicle from the
20 United States Department of Veterans' Affairs, veterans declared by the
21 United States Department of Veterans' Affairs to be one hundred percent
22 (100%) service-connected disabled, and recipients of the Congressional
23 Medal of Honor:

24 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).

25 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).

26 (b) Former prisoners of war and survivors of Pearl Harbor:

27 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'

1 program trust fund established under KRS 40.460).

2 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).

3 (c) Members of the Kentucky National Guard and recipients of the Purple Heart:

4 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'
5 program trust fund established under KRS 40.460).

6 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans'
7 program trust fund established under KRS 40.460).

8 (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary
9 members of the United States Army, Navy, Air Force, Marine Corps, Space
10 Force, or Coast Guard; Merchant Marines who served between December 7,
11 1941, and August 15, 1945; recipients of the Silver Star Medal, the Legion of
12 Merit Medal, the Distinguished Flying Cross, the Air Medal, the Combat
13 Action Badge, the Combat Infantry Badge, or the Bronze Star Medal; persons
14 who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star
15 Spouses license plates beyond the two (2) exempted from fees under KRS
16 186.041(6); individuals eligible for a special military service academy license
17 plate under KRS 186.041(8); individuals eligible for a special military unit
18 license plate under KRS 186.163; and disabled veterans who have been
19 declared to be between fifty percent (50%) and ninety-nine percent (99%)
20 service-connected disabled by the United States Department of Veterans'
21 Affairs:

22 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'
23 program trust fund established under KRS 40.460).

24 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'
25 program trust fund established under KRS 40.460).

26 (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force
27 Cross:

- 1 Law Enforcement Memorial Foundation, Inc.).
- 2 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
- 3 Law Enforcement Memorial Foundation, Inc.).
- 4 (m) Personalized plates:
- 5 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 6 2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 7 (n) Street rods:
- 8 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 9 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- 10 (o) Nature plates:
- 11 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky
- 12 Heritage Land Conservation Fund established under KRS 146.570).
- 13 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky
- 14 Heritage Land Conservation Fund established under KRS 146.570).
- 15 (p) Amateur radio:
- 16 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 17 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- 18 (q) Kentucky General Assembly:
- 19 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 20 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'
- 21 program trust fund established under KRS 40.460).
- 22 (r) Kentucky Court of Justice:
- 23 1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- 24 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans'
- 25 program trust fund established under KRS 40.460).
- 26 (s) Masons:
- 27 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Masonic

1 Homes of Kentucky).

2 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Masonic
3 Homes of Kentucky).

4 (t) Collegiate plates:

5 1. Initial Fee: \$53 (\$37 SF/\$6 CF/\$10 EF to the general
6 scholarship fund of the university whose name will be borne on the
7 plate).

8 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the general
9 scholarship fund of the university whose name will be borne on the
10 plate).

11 (u) Independent Colleges:

12 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of
13 Independent Kentucky Colleges and Universities for distribution to the
14 general scholarship funds of the Association's members).

15 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of
16 Independent Kentucky Colleges and Universities for distribution to the
17 general scholarship funds of the Association's members).

18 (v) Child Victims:

19 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims'
20 trust fund established under KRS 41.400).

21 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the child victims'
22 trust fund established under KRS 41.400).

23 (w) Kentucky Horse Council:

24 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky
25 Horse Council).

26 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky
27 Horse Council).

- 1 (x) Ducks Unlimited:
 - 2 1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks
 - 3 Unlimited).
 - 4 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks
 - 5 Unlimited).
- 6 (y) Spay neuter:
 - 7 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control
 - 8 and care fund established under KRS 258.119).
 - 9 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the animal control
 - 10 and care fund established under KRS 258.119).
- 11 (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
 - 12 1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 - 13 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 - 14 3. A person may receive a maximum of two (2) plates under this paragraph
 - 15 free of charge and may purchase additional plates for fees as established
 - 16 in subsection (2)(d) of this section.
- 17 (aa) I Support Veterans:
 - 18 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky
 - 19 Department of Veterans' Affairs).
 - 20 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky
 - 21 Department of Veterans' Affairs).
- 22 (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:
 - 23 1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans'
 - 24 program trust fund established under KRS 40.460).
 - 25 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans'
 - 26 program trust fund established under KRS 40.460).
- 27 (ac) POW/MIA Awareness:

1 ➔Section 8. KRS 186.166 is amended to read as follows:

- 2 (1) The Transportation Cabinet shall, unless directed otherwise by the General
3 Assembly, perpetually produce the following special license plates: military license
4 plates, military unit license plates, U.S. Congressional license plates, firefighter
5 license plates, emergency management license plates, Fraternal Order of Police
6 license plates, Law Enforcement Memorial license plates, street rod license plates,
7 nature license plates, amateur radio license plates, Kentucky General Assembly
8 license plates, Kentucky Court of Justice license plates, Masonic Order license
9 plates, collegiate license plates, independent college and university license plates,
10 child victims' trust fund license plates, Kentucky Horse Council license plates,
11 Ducks Unlimited license plates, Gold Star Mothers, Fathers, and Spouses license
12 plates, Gold Star Siblings, Sons, and Daughters license plates, Silver Star Medal
13 license plates, Legion of Merit Medal license plates, Bronze Star Medal license
14 plates, Air Medal license plates, Distinguished Flying Cross license plates, Combat
15 Action Badge license plates, Combat Infantry Badge license plates, POW/MIA
16 Awareness license plates, spay neuter license plates, service academy license plates,
17 and I Support Veterans license plates.
- 18 (2) The design of the plates identified for perpetual production under this section may
19 be revised upon request of a group or organization requesting a design revision
20 under the provisions of KRS 186.164(15).
- 21 (3) (a) The design of a Purple Heart license plate shall not include any representation
22 of the word "Kentucky" that is a registered trademark or slogan which appears
23 on a general issue license plate.
- 24 (b) The design of a Purple Heart license plate shall include a representation of the
25 Purple Heart medal and the words "Combat Wounded."