

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2818

**FISCAL
NOTE**

BY DELEGATE GRAVES

[Introduced March 02, 2021; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-5AA-1, relating to enacting the “Solemn Covenant of the States to Award
 3 Prizes for Curing Diseases” Compact.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 5AA. SOLEMN COVENANT OF THE STATES TO AWARD PRIZES FOR
 CURING DISEASES.**

§16-5AA-1. Solemn Covenant of the States to Award Prizes for Curing Diseases.

1 This section enacting the “Solemn Covenant of the States to Award Prizes for Curing
 2 Diseases” Compact shall be read as:

3 “Article I. Definitions

4 For purposes of this compact:

5 1. “Compacting state” means either of the following:

6 a. Any state that has enacted the compact and which has not withdrawn or been
 7 suspended pursuant to Article XIV of the compact;

8 b. The federal government in accordance with the commission’s bylaws.

9 2. “Compact” means the Solemn Covenant of the States to Award Prizes for Curing
 10 Diseases enacted in this section.

11 3. “Noncompacting state” means any state or the federal government, if it is not at the time
 12 a compacting state.

13 4. “Public health expenses” means the amount of all costs paid by taxpayers in a specified
 14 geographic area relating to a particular disease.

15 5. “State” means any state, district, or territory of the United States of America.

16 Article II. Establishment of the Commission; Membership

17 1. Upon the enactment of the compact by six states, the compacting states shall establish
 18 the Solemn Covenant of States Commission.

19 2. The commission is a body corporate and politic and an instrumentality of each of the
20 compacting states and is solely responsible for its liabilities, except as otherwise specifically
21 provided in the compact.

22 3. Each compacting state shall be represented by one member as selected by the
23 compacting state. Each compacting state shall determine its member's qualifications and period
24 of service and shall be responsible for any action to remove or suspend its member or to fill the
25 member's position if it becomes vacant. Nothing in the compact may be construed to affect a
26 compacting state's authority regarding the qualification, selection, or service of its own member.

27 Article III. Powers of the Commission

28 1. To adopt bylaws and rules pursuant to Articles V and VI of the compact, which shall
29 have the force and effect of law and shall be binding in the compacting states to the extent and
30 in the manner provided in the compact;

31 2. To receive and review in an expeditious manner treatments and therapeutic protocols
32 for the cure of disease submitted to the commission and to award prizes for submissions that
33 meet the commission's standards for a successful cure treatment or therapeutic protocol;

34 3. To make widely available a cure treatment or therapeutic protocol upon a prize winner
35 claiming a prize and transferring any intellectual property necessary for the manufacture and
36 distribution of the cure in accordance with section 3.g.i. of Article VI, including by arranging or
37 contracting for the manufacturing, production, or provision of any drug, serum, or other substance,
38 device, or process, provided that the commission does not market the cure or conduct any other
39 activity regarding the cure not specifically authorized in the compact;

40 4. To establish a selling price for the cure, which may be not more than the expenses for
41 the cure's manufacturing, distribution, licensing, and any other necessary governmental
42 requirements for compacting states, or those expenses plus any royalty fees, for noncompacting
43 states; the price may not include the expenses of any other activities;

44 5. In noncompacting states and foreign countries, to establish and collect royalty fees

45 imposed on manufacturers, producers, and providers of any drug, serum, or other substance,
46 device, or process used for a cure treatment or therapeutic protocol, for which a prize is awarded;
47 royalty fees may be added to the sales price of the cure pursuant to section 4 of this Article;
48 provided that the royalty fees shall cumulatively be not more than the estimated five-year savings
49 in public health expenses for that state or country, as calculated by actuaries employed or
50 contracted by the commission;

51 6. To do the following regarding the collected royalty fees:

52 a. Pay or reimburse expenses related to the payment of a prize, which shall include
53 employing or contracting actuaries to calculate annual taxpayer savings amounts in compacting
54 states in accordance with section 3.g.iii. of Article VI, and payment of interest and other expenses
55 related to a loan obtained in accordance with section 3.g.vi. of Article VI;

56 b. Annually disburse any amounts remaining after making payments or reimbursements
57 under section 6.a. of this article as refunds to compacting states based on the per cent of the
58 state's prize obligation in relation to the total obligation amount of all compacting states;

59 7. To bring and prosecute legal proceedings or actions in its name as the commission;

60 8. To issue subpoenas requiring the attendance and testimony of witnesses and the
61 production of evidence;

62 9. To establish and maintain offices;

63 10. To borrow, accept, or contract for personnel services, including personnel services
64 from employees of a compacting state;

65 11. To hire employees, professionals, or specialists, and elect or appoint officers, and to
66 fix their compensation, define their duties and give them appropriate authority to carry out the
67 purposes of the compact, and determine their qualifications; and to establish the commission's
68 personnel policies and programs relating to, among other things, conflicts of interest, rates of
69 compensation, and qualifications of personnel;

70 12. To accept any and all appropriate donations and grants of money, equipment,

71 supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that
72 at all times the commission shall strive to avoid any appearance of impropriety;

73 13. To lease, purchase, or accept appropriate gifts or donations of, or otherwise to own,
74 hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the
75 commission shall strive to avoid any appearance of impropriety;

76 14. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
77 of any property, real, personal, or mixed;

78 15. To monitor compacting states for compliance with the commission's bylaws and rules;

79 16. To enforce compliance by compacting states with the commission's bylaws and rules;

80 17. To provide for dispute resolution among compacting states or between the commission
81 and those who submit treatments and therapeutic protocols for the cure of disease for
82 consideration;

83 18. To establish a budget and make expenditures;

84 19. To borrow money;

85 20. To appoint committees, including management, legislative, and advisory committees
86 comprised of members, state legislators or their representatives, medical professionals, and such
87 other interested persons as may be designated by the commission;

88 21. To establish annual membership dues for compacting states, which shall be used for
89 daily expenses of the commission and not for interest or prize payments;

90 22. To adopt and use a corporate seal;

91 23. To perform such other functions as may be necessary or appropriate to achieve the
92 purposes of this compact.

93 Article IV. Meetings and Voting

94 1. The commission shall meet and take such actions as are consistent with the compact,
95 bylaws, and rules.

96 2. A majority of the members of the commission shall constitute a quorum necessary in

97 order to conduct business or take actions at meetings of the commission.

98 3. Each member of the commission shall have the right and power to cast one vote
99 regarding matters determined or actions to be taken by the commission. Each member shall have
100 the right and power to participate in the business and affairs of the commission.

101 4. A member shall vote in person or by such other means as provided in the commission's
102 bylaws. The commission's bylaws may provide for members' participation in meetings by
103 telephone or other means of communication.

104 5. The commission shall meet at least once during each calendar year. Additional
105 meetings shall be held as set forth in the commission's bylaws.

106 6. No decision of the commission with respect to the approval of an award for a treatment
107 or therapeutic process for the cure of a disease shall be effective unless two-thirds of all the
108 members of the commission vote in favor thereof.

109 7. Guidelines and voting requirements for all other decisions of the commission shall be
110 established in the commission's bylaws.

111 Article V. Bylaws

112 The commission shall, by a majority vote of all the members of the commission, prescribe
113 bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and
114 exercise the powers, of the compact, including, but not limited to:

115 1. Establishing the fiscal year of the commission;

116 2. Providing reasonable procedures for appointing and electing members, as well as
117 holding meetings, of the management committee;

118 3. Providing reasonable standards and procedures:

119 a. For the establishment and meetings of other committees;

120 b. Governing any general or specific delegation of any authority or function of the
121 commission; and

122 c. Voting guidelines and procedures for commission decisions.

123 4. Providing reasonable procedures for calling and conducting meetings of the
124 commission that shall consist of requiring a quorum to be present, ensuring reasonable advance
125 notice of each such meeting and providing for the right of citizens to attend each such meeting
126 with enumerated exceptions designed to protect the public's interest and the privacy of
127 individuals.

128 5. Providing a list of matters about which the commission may go into executive session
129 and requiring a majority of all members of the commission vote to enter into such session. As
130 soon as practicable, the commission shall make public:

131 a. A copy of the vote to go into executive session, revealing the vote of each member with
132 no proxy votes allowed; and

133 b. The matter requiring executive session, without identifying the actual issues or
134 individuals involved.

135 6. Establishing the titles, duties, authority, and reasonable procedures for the election of
136 the officers of the commission;

137 7. Providing reasonable standards and procedures for the establishment of the personnel
138 policies and programs of the commission. Notwithstanding any civil service or other similar laws
139 of any compacting state, the commission's bylaws shall exclusively govern the personnel policies
140 and programs of the commission;

141 8. Allowing a mechanism for:

142 a. The federal government to join as a compacting state; and

143 b. Foreign countries or subdivisions of those countries to join as liaison members by
144 adopting the compact; provided that adopting countries or subdivisions may not have voting
145 power or the power to bind the commission in any way.

146 9. Adopting a code of ethics to address permissible and prohibited activities of members
147 and employees;

148 10. Providing for the maintenance of the commission's books and records;

149 11. Governing the acceptance of and accounting for donations, annual member dues, and
150 other sources of funding and establishing the proportion of these funds to be allocated to prize
151 amounts for treatments and therapeutic protocols that cure disease;

152 12. Governing any fund-raising efforts in which the commission wishes to engage; and

153 13. Providing a mechanism for winding up the operations of the commission and the
154 equitable disposition of any surplus funds that may exist after the termination of the compact after
155 the payment and reserving of all its debts and obligations.

156 Article VI. Rules

157 1. The commission shall adopt rules to do the following:

158 a. Effectively and efficiently achieve the purposes of this compact;

159 b. Govern the methods, processes, and any other aspect of the research, creation, and
160 testing of a treatment or therapeutic protocol for each disease for which a prize may be awarded.

161 2. The commission shall also adopt rules establishing the criteria for defining and
162 classifying the diseases for which prizes shall be awarded. The commission may define and
163 classify subsets of diseases, for example, tubular carcinoma of the breast. For purposes of
164 sections 3.a. and c. of this article, a subset of a disease shall be considered one disease. The
165 commission may consult the most recent edition of the international classification of disease as
166 published by the world health organization or other definitions agreed to by a two-thirds vote of
167 the commission.

168 3. The commission shall also adopt rules regarding prizes for curing diseases that
169 establish the following:

170 a. At least 10 major diseases for which to create prizes, which shall be determined based
171 on the following factors:

172 i. The severity of the disease to a human individual's overall health and well-being;

173 ii. The survival rate or severity of impact of the disease;

174 iii. The public health expenses and treatment expenses for the disease.

175 b. The criteria a treatment or therapeutic protocol must meet in order to be considered a
176 cure for any of the diseases for which a prize may be awarded, which shall include the following
177 requirements:

178 i. It must be approved by the federal Food and Drug Administration or have otherwise
179 obtained legal status for the compact to immediately contract to manufacture and distribute in the
180 United States;

181 ii. Except as provided in section 4. of this article, it must yield a significant increase in
182 survival with respect to the diseases if early death is the usual outcome;

183 iii. It requires less than one year of the treatment or protocol to completely cure the
184 disease.

185 c. The procedure for determining the diseases for which to award prizes, which includes
186 the option to award prizes for more than 10 diseases that meet the above criteria, if agreed to by
187 two-thirds vote of the commission, and a requirement to update the list every three years.

188 d. The submission and evaluation procedures and guidelines, including filing and review
189 procedures, a requirement that the person or entity submitting the cure bears the burden of proof
190 in demonstrating that the treatment or therapeutic protocol meets the above criteria, and
191 limitations preventing public access to treatment or protocol submissions.

192 e. The estimated five-year public health savings that would result from a cure, which shall
193 be equal to the five-year public health expenses for each disease in each compacting state, and
194 a procedure to update these expenses every three years in conjunction with the requirements in
195 section 3.c. of this article. The estimated five-year public health savings amount shall be
196 calculated, estimated, and publicized every three years by actuaries employed or contracted by
197 the commission.

198 f. The prize amount with respect to cures for each disease, which shall be equal to the
199 most recent estimated total five-year savings in public health expenses for the disease as
200 calculated in section 3.e. of this article in all of the compacting states; amounts donated by

201 charities, individuals, and any other entities intended for the prize under Article I of the compact;
202 and any other factors that the commission deems appropriate.

203 g. The prize distribution procedures and guidelines, which shall include the following
204 requirements:

205 i. Upon acceptance of a cure, the prize winner shall transfer to the commission the patent
206 and all related intellectual property for the manufacture and distribution of the treatment or
207 therapeutic protocol in exchange for the prize, except in the case that the prize money is
208 considered by the commission to be too low, and that a prize will be awarded only to the first
209 person or entity that submits a successful cure for a disease for which a prize may be awarded.

210 ii. Donation amounts intended for the prize shall be kept in a separate, interest-bearing
211 account maintained by the commission. This account shall be the only account in which prize
212 money is kept.

213 iii. Each compacting state shall have the responsibility to pay annually the compacting
214 state's actual one-year savings in public health expenses for the particular disease for which a
215 cure has been accepted. The compacting state shall make such an annual payment until it has
216 fulfilled its prize responsibility as established in section 3.f. of this article. Each compacting state's
217 payment responsibility begins one year after the date the cure becomes widely available. The
218 commission shall employ or contract with actuaries to calculate each state's actual one-year
219 savings in public health expenses at the end of each year to determine each state's responsibility
220 for the succeeding year.

221 iv. Compacting states may meet prize responsibilities by any method including the
222 issuance of bonds or other obligations, with the principal and interest of those bonds or obligations
223 to be repaid only from revenue derived from estimated public health expense savings from a cure
224 to a disease. If the compacting state does not make such revenue available to repay some or all
225 of the revenue bonds or obligations issued, the owners or holders of those bonds or obligations
226 have no right to have excises or taxes levied to pay the principal or interest on them. The revenue

227 bonds and obligations are not a debt of the issuing compacting state.

228 v. A compacting state may issue bonds or other debt that are general obligations, under
229 which the full faith and credit, revenue, and taxing power of the state is pledged to pay the principal
230 and interest under those obligations, only if authorized by the compacting state's constitution or,
231 if constitutional authorization is not required, by other law of the compacting state.

232 vi. Upon acceptance of a cure, the commission shall obtain a loan from a financial
233 institution in an amount equal to the most recently calculated total estimated five-year public
234 health expenses for the disease in all compacting states, in accordance with section 3.f. of this
235 article. The commission reserves the right to continuously evaluate the cure in the interim and
236 rescind a prize offer if the commission finds that the cure no longer meets the commission's
237 criteria.

238 4. The commission may award a prize for a treatment or therapeutic protocol that yields a
239 survival rate that is less than what is established in the cure criteria through at least five years
240 after the treatment or protocol has ended. In that case, the prize amount awarded for that
241 treatment or therapeutic protocol shall be reduced from the prize amount originally determined by
242 the commission for a cure for that disease. The reduction shall be in proportion to the survival
243 rate yielded by that treatment or protocol as compared to the survival rate established in the cure
244 criteria.

245 5. The commission also shall adopt rules that do the following:

246 a. Establish the following regarding commission records:

247 i. Conditions and procedures for public inspection and copying of its information and
248 official records, except such information and records involving the privacy of individuals or would
249 otherwise violate privacy laws under federal law and the laws of the compacting states;

250 ii. Procedures for sharing with federal and state agencies, including law enforcement
251 agencies, records and information otherwise exempt from disclosure;

252 iii. Guidelines for entering into agreements with federal and state agencies to receive or

253 exchange information or records subject to nondisclosure and confidentiality provisions.

254 b. Provide a process for commission review of submitted treatments and therapeutic
255 protocols for curing diseases that includes the following:

256 i. An opportunity for an appeal, not later than 30 days after a rejection of a treatment or
257 protocol for prize consideration, to a review panel established under the commission's dispute
258 resolution process;

259 ii. Commission monitoring and review of treatment and protocol effectiveness consistent
260 with the cure criteria established by the commission for the particular disease;

261 iii. Commission reconsideration, modification, or withdrawal of approval of a treatment or
262 protocol for prize consideration for failure to continue to meet the cure criteria established by the
263 commission for the particular disease.

264 c. Establish a dispute resolution process to resolve disputes or other issues under the
265 compact that may arise between two or more compacting states or between the commission and
266 individuals or entities who submit treatments and therapeutic protocols to cure diseases, which
267 process shall provide for:

268 i. Administrative review by a review panel appointed by the commission;

269 ii. Judicial review of decisions issued after an administrative review; and

270 iii. Qualifications to be appointed to a panel, due process requirements, including notice
271 and hearing procedures, and any other procedure, requirement, or standard necessary to provide
272 adequate dispute resolution.

273 d. Establish and impose annual member dues on compacting states, which shall be
274 calculated based on the percentage of each compacting state's population in relation to the
275 population of all the compacting states.

276 6. Recognizing that the goal of the compact is to pool the potential savings of as many
277 states and countries as possible to generate sufficient financial incentive to develop a cure for
278 many of the world's most devastating diseases, the compact will respect the laws of each of these

279 United States by adopting rules that establish ethical standards for research that shall be followed
280 in order for a prize to be claimed. The compact, in the rules, shall establish a common set of
281 ethical standards that embodies the laws and restrictions in each of the states so that to be eligible
282 for claiming a prize the entity submitting a cure must not have violated any of the ethical standards
283 in any one of the 50 states, whether the states have joined the compact or not. The compact will
284 publish these common ethical standards along with the specific criteria for a cure for each of the
285 diseases the compact has targeted.

286 So long as a researcher follows the common ethical standards in effect at the time the
287 research is done, an entity presenting a cure will be deemed to have followed the standards. On
288 or before January1 of each year, the compact shall review all state laws to determine if additional
289 ethical standards have been enacted by any of the 50 states and the federal government. Any
290 changes to the common ethical standards rules based on new state laws shall be adopted and
291 published by the compact, but may not take effect in cure criteria for a period of three years to
292 allow for sufficient notice to researchers.

293 7. All rules may be amended as the commission sees necessary.

294 8. All rules shall be adopted pursuant to a rule-making process that conforms to the model
295 state administrative procedure act of 1981 by the uniform law commissioners, as amended, as
296 may be appropriate to the operations of the commission.

297 9. If the commission exercises its rule-making authority in a manner that is beyond the
298 scope of the purpose of this compact, or the powers granted hereunder, then such rule shall be
299 invalid and have no force and effect.

300 Article VII. Committees

301 1. Management Committee

302 a. The commission may establish a management committee comprised of not more than
303 14 members when 26 states enact the compact.

304 b. The committee shall consist of those members representing compacting states whose

305 total public health expenses of all of the established diseases are the highest.

306 c. The committee shall have such authority and duties as may be set forth in the
307 commission's bylaws and rules, including:

308 i. Managing authority over the day-to-day affairs of the commission in a manner consistent
309 with the commission's bylaws and rules and the purposes of the compact:

310 ii. Overseeing the offices of the commission; and

311 iii. Planning, implementing, and coordinating communications and activities with state,
312 federal, and local government organizations in order to advance the goals of the compact.

313 d. The commission annually shall elect officers for the committee, with each having such
314 authority and duties as may be specified in the commission's bylaws and rules.

315 e. The management committee, subject to commission approval, may appoint or retain an
316 executive director for such period, upon such terms and conditions, and for such compensation
317 as the committee determines. The executive director shall serve as secretary to the commission,
318 but may not be a member of the commission. The executive director shall hire and supervise such
319 other staff as may be authorized by the committee.

320 2. Advisory Committees

321 The commission may appoint advisory committees to monitor all operations related to the
322 purposes of the compact and make recommendations to the commission; provided that the
323 manner of selection and term of any committee member shall be as set forth in the commission's
324 bylaws and rules. The commission shall consult with an advisory committee, to the extent required
325 by the commission's bylaws or rules, before doing any of the following:

326 a. Approving cure criteria;

327 b. Amending, enacting, or repealing any bylaw or rule;

328 c. Adopting the commission's annual budget;

329 d. Addressing any other significant matter or taking any other significant action.

330 Article VIII. Finance

331 1. The commission annually shall establish a budget to pay or provide for the payment of
332 its reasonable expenses. To fund the cost of initial operations, the commission may accept
333 contributions and other forms of funding from the compacting states and other sources.
334 Contributions and other forms of funding from other sources shall be of such a nature that the
335 independence of the commission concerning the performance of its duties may not be
336 compromised.

337 2. The commission shall be exempt from all taxation in and by the compacting states.

338 3. The commission shall keep complete and accurate accounts of all of its internal receipts,
339 including grants and donations, and disbursements of all funds under its control. The internal
340 financial accounts of the commission shall be subject to the accounting procedures established
341 under the commission's bylaws or rules. The financial accounts and reports including the system
342 of internal controls and procedures of the commission shall be audited annually by an
343 independent certified public accountant. Upon the determination of the commission, but not less
344 frequently than every three years, the review of the independent auditor shall include a
345 management and performance audit of the commission. The commission shall make an annual
346 report to the governors and legislatures of the compacting states, which shall include a report of
347 the independent audit. The commission's internal accounts may not be confidential and such
348 materials may be shared with any compacting state upon request provided, however, that any
349 work papers related to any internal or independent audit and any information subject to the
350 compacting states' privacy laws, shall remain confidential.

351 4. No compacting state shall have any claim or ownership of any property held by or vested
352 in the commission or to any commission funds held pursuant to the provisions of the compact.

353 Article IX. Records

354 Except as to privileged records, data, and information, the laws of any compacting state
355 pertaining to confidentiality or nondisclosure may not relieve any member of the duty to disclose
356 any relevant records, data, or information to the commission; provided, that disclosure to the

357 commission may not be considered to waive or otherwise affect any confidentiality requirement;
358 and further provided, that, except as otherwise expressly provided in the compact, the
359 commission may not be subject to the compacting state's laws pertaining to confidentiality and
360 nondisclosure with respect to records, data, and information in its possession. Confidential
361 information of the commission shall remain confidential after such information is provided to any
362 member. All cure submissions received by the commission are confidential.

363 Article X. Compliance

364 The commission shall notify a compacting state in writing of any noncompliance with
365 commission bylaws and rules. If a compacting state fails to remedy its noncompliance within the
366 time specified in the notice, the compacting state shall be deemed to be in default as set forth in

367 Article XIV.

368 Article XI. Venue

369 Venue for any judicial proceedings by or against the commission shall be brought in the
370 appropriate court of competent jurisdiction for the geographical area in which the principal office
371 of the commission is located.

372 Article XII. Qualified Immunity, Defense, and Indemnification

373 1. The members, officers, executive director, employees, and representatives of the
374 commission shall be immune from suit and liability, either personally or in their official capacity,
375 for any claim for damage to or loss of property or personal injury or other civil liability caused by
376 or arising out of any actual or alleged act, error, or omission that occurred, or that such person
377 had a reasonable basis for believing occurred within the scope of the person's commission
378 employment, duties, or responsibilities; provided, that nothing in section 1. of this article shall be
379 construed to protect any such person from suit or liability for any damage, loss, injury, or liability
380 caused by the intentional or willful and wanton misconduct of that person.

381 2. The commission shall defend any member, officer, executive director, employee, or
382 representative of the commission in any civil action seeking to impose liability arising out of any

383 actual or alleged act, error, or omission that occurred within the scope of the person's commission
384 employment, duties, or responsibilities, or that such person had a reasonable basis for believing
385 occurred within the scope of commission employment, duties, or responsibilities; provided, that
386 nothing in the compact or commission bylaws or rules shall be construed to prohibit that person
387 from retaining his or her own counsel; and provided further, that the actual or alleged act, error,
388 or omission did not result from that person's intentional or willful and wanton misconduct.

389 3. The commission shall indemnify and hold harmless any member, officer, executive
390 director, employee, or representative of the commission for the amount of any settlement or
391 judgment obtained against the person arising out of any actual or alleged act, error, or omission
392 that occurred within the scope of the person's commission employment, duties, or responsibilities,
393 or that such person had a reasonable basis for believing occurred within the scope of commission
394 employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission,
395 did not result from the intentional or willful and wanton misconduct of that person.

396 Article XIII. Compacting States, Effective Date, and Amendment

397 1. Any state is eligible to become a compacting state.

398 2. The compact shall become effective and binding upon legislative enactment of the
399 compact into law by two compacting states; provided, the commission shall only be established
400 after six states become compacting states. Thereafter, the compact shall become effective and
401 binding as to any other compacting state upon enactment of the compact into law by that state.

402 3. Amendments to the compact may be proposed by the commission for enactment by the
403 compacting states. No amendment may become effective and binding until all compacting states
404 enact the amendment into law.

405 4. If funding is requested or required, the legislative authority of each compacting state
406 shall be responsible for making the appropriations it determines necessary to pay for the costs of
407 the compact, including annual member dues and prize distributions.

408 Article XIV. Withdrawal, Default, and Expulsion

409 1. Withdrawal

410 a. Once effective, the compact shall continue in force and remain binding upon each and
411 every compacting state; provided, that a compacting state may withdraw from the compact by
412 doing both of the following:

413 i. Repealing the law enacting the compact in that state;

414 ii. Notifying the commission in writing of the intent to withdraw on a date that is both of the
415 following:

416 I. At least three years after the date the notice is sent;

417 II. After the repeal takes effect.

418 b. The effective date of withdrawal is the date described in section 1.a.ii. of this article.

419 c. The member representing the withdrawing state shall immediately notify the
420 management committee in writing upon the introduction of legislation in that state repealing the
421 compact. If a management committee has not been established, the member shall immediately
422 notify the commission.

423 d. The commission or management committee, as applicable, shall notify the other
424 compacting states of the introduction of such legislation within ten days after its receipt of notice
425 thereof.

426 e. The withdrawing state is responsible for all obligations, duties and liabilities incurred
427 through the effective date of withdrawal, including any obligations, the performance of which
428 extend beyond the effective date of withdrawal. The commission's actions shall continue to be
429 effective and be given full force and effect in the withdrawing state.

430 f. Reinstatement following a state's withdrawal shall become effective upon the effective
431 date of the subsequent enactment of the compact by that state.

432 2. Default

433 a. If the commission determines that any compacting state has at any time defaulted in
434 the performance of any of its obligations or responsibilities under the compact or the commission's

435 bylaws or rules, then, after notice and hearing as set forth in the bylaws, all rights, privileges, and
436 benefits conferred by this compact on the defaulting state shall be suspended from the effective
437 date of default as fixed by the commission. The grounds for default include failure of a compacting
438 state to perform its obligations or responsibilities, and any other grounds designated in
439 commission rules. The commission shall immediately notify the defaulting state in writing of the
440 suspension pending cure of the default. The commission shall stipulate the conditions and the
441 time period within which the defaulting state shall cure its default. If the defaulting state fails to
442 cure the default within the time period specified by the commission, the defaulting state shall be
443 expelled from the compact and all rights, privileges, and benefits conferred by the compact shall
444 be terminated from the effective date of the expulsion. Any state that is expelled from the compact
445 shall be liable for any cure prize or prizes for three years after its removal. The commission shall
446 also take appropriate legal action to ensure that any compacting state that withdraws from the
447 compact remains liable for paying its responsibility towards a prize for a cure that was accepted
448 while the compacting state was a member of the commission.

449 b. The expelled state must reenact the compact in order to become a compacting state.

450 3. Dissolution of Compact

451 a. The compact dissolves effective upon the date of either of the following:

452 i. The withdrawal or expulsion of a compacting state, which withdrawal or expulsion
453 reduces membership in the compact to one compacting state;

454 ii. The commission votes to dissolve the compact.

455 b. Upon the dissolution of the compact, the compact becomes null and void and shall be
456 of no further force or effect, and the business and affairs of the commission shall be wound up
457 and any surplus funds shall be distributed in accordance with the commission's bylaws, provided,
458 that the commission shall pay all outstanding prizes awarded before the dissolution of the
459 compact, as well as any other outstanding debts and obligations incurred during the existence of
460 the compact. Any unawarded funds donated to be a part of a prize shall be returned to the donor,

461 along with any interest earned on the amount.

462 Article XV. Severability and Construction

463 1. The provisions of the compact shall be severable; and if any phrase, clause, sentence,
464 or provision is deemed unenforceable, the remaining provisions of the compact shall be
465 enforceable.

466 2. The provisions of the compact shall be liberally construed to effectuate its purposes.

467 Article XVI. Binding Effect of Compact and Other Laws

468 1. Other Laws: Nothing herein prevents the enforcement of any other law of a compacting
469 state, except as provided in section 2.b. of this article.

470 2. Binding Effect of the Compact

471 a. All lawful actions of the commission, including all commission rules, are binding upon
472 the compacting states.

473 b. All agreements between the commission and the compacting states are binding in
474 accordance with their terms.

475 c. Except to the extent authorized by the compacting state's constitution or, if constitutional
476 authorization is not required, by other law of the compacting state, such state, by entering into the
477 compact does not:

478 i. Commit the full faith and credit or taxing power of the compacting state for the payment
479 of prizes or other obligations under the compact;

480 ii. Make prize payment responsibilities or other obligations under the compact a debt of
481 the compacting state.

482 d. Upon the request of a party to a conflict over the meaning or interpretation of
483 commission actions, and upon a majority vote of the compacting states, the commission may
484 issue advisory opinions regarding the meaning or interpretation in dispute.

485 e. In the event any provision of the compact exceeds the constitutional limits imposed on
486 any compacting state, the obligations, duties, powers or jurisdiction sought to be conferred by that

487 provision upon the commission shall be ineffective as to that compacting state, and those
488 obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be
489 exercised by the agency thereof to which those obligations, duties, powers, or jurisdiction are
490 delegated by law in effect at the time the compact becomes effective.”

NOTE: The purpose of this bill is to enact the “Solemn Covenant of the States to Award Prizes for Curing Diseases” Compact.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.