

By: Zaffirini

S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to the Cosmetology Licensure Compact; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 9, Occupations Code, is amended by adding Chapter 1604 to read as follows:

CHAPTER 1604. COSMETOLOGY LICENSURE COMPACT

Sec. 1604.001. COSMETOLOGY LICENSURE COMPACT. The Cosmetology Licensure Compact is enacted and entered into with all other jurisdictions that legally join the compact, which reads as follows:

COSMETOLOGY LICENSURE COMPACT

ARTICLE 1- PURPOSE

The purpose of this Compact is to facilitate the interstate practice and regulation of Cosmetology with the goal of improving public access to, and the safety of, Cosmetology Services and reducing unnecessary burdens related to Cosmetology licensure. Through this Compact, the Member States seek to establish a regulatory framework which provides for a new multistate licensing program. Through this new licensing program, the Member States seek to provide increased value and mobility to licensed Cosmetologists in the Member States, while ensuring the provision of safe, effective, and reliable services to the public.

This Compact is designed to achieve the following objectives, and the Member States hereby ratify the same intentions by subscribing

1 hereto:

2 A. Provide opportunities for interstate practice by
3 Cosmetologists who meet uniform requirements for multistate
4 licensure;

5 B. Enhance the abilities of Member States to protect public
6 health and safety, and prevent fraud and unlicensed activity
7 within the profession;

8 C. Ensure and encourage cooperation between Member States in
9 the licensure and regulation of the Practice of Cosmetology;

10 D. Support relocating military members and their spouses;

11 E. Facilitate the exchange of information between Member
12 States related to the licensure, investigation, and
13 discipline of the Practice of Cosmetology;

14 F. Provide for the licensure and mobility of the workforce in
15 the profession, while addressing the shortage of workers and
16 lessening the associated burdens on the Member States.

17 ARTICLE 2- DEFINITIONS

18 As used in this Compact, and except as otherwise provided, the
19 following definitions shall govern the terms herein:

20 A. "Active Military Member" means any person with full-time
21 duty status in the armed forces of the United States,
22 including members of the National Guard and Reserve.

23 B. "Adverse Action" means any administrative, civil,
24 equitable, or criminal action permitted by a Member State's
25 laws which is imposed by a State Licensing Authority or other
26 regulatory body against a Cosmetologist, including actions
27 against an individual's license or Authorization to Practice

1 such as revocation, suspension, probation, monitoring of the
2 Licensee, limitation of the Licensee's practice, or any other
3 Encumbrance on a license affecting an individual's ability to
4 participate in the Cosmetology industry, including the
5 issuance of a cease and desist order.

6 C. "Authorization to Practice" means a legal authorization
7 associated with a Multistate License permitting the Practice
8 of Cosmetology in that Remote State, which shall be subject
9 to the enforcement jurisdiction of the State Licensing
10 Authority in that Remote State.

11 D. "Alternative Program" means a non-disciplinary monitoring
12 or prosecutorial diversion program approved by a Member
13 State's State Licensing Authority.

14 E. "Background Check" means the submission of information
15 for an applicant for the purpose of obtaining that
16 applicant's criminal history record information, as further
17 defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of
18 Investigation and the agency responsible for retaining State
19 criminal or disciplinary history in the applicant's Home
20 State.

21 F. "Charter Member State" means Member States who have
22 enacted legislation to adopt this Compact where such
23 legislation predates the effective date of this Compact as
24 defined in Article 13.

25 G. "Commission" means the government agency whose membership
26 consists of all States that have enacted this Compact, which
27 is known as the Cosmetology Licensure Compact Commission, as

1 defined in Article 9, and which shall operate as an
2 instrumentality of the Member States.

3 H. "Cosmetologist" means an individual licensed in their
4 Home State to practice Cosmetology.

5 I. "Cosmetology", "Cosmetology Services", and the "Practice
6 of Cosmetology" mean the care and services provided by a
7 Cosmetologist as set forth in the Member State's statutes and
8 regulations in the State where the services are being
9 provided.

10 J. "Current Significant Investigative Information" means:

11 1. Investigative Information that a State
12 Licensing Authority, after an inquiry or investigation
13 that complies with a Member State's due process
14 requirements, has reason to believe is not groundless
15 and, if proved true, would indicate a violation of that
16 State's laws regarding fraud or the Practice of
17 Cosmetology; or

18 2. Investigative Information that indicates
19 that a Licensee has engaged in fraud or represents an
20 immediate threat to public health and safety,
21 regardless of whether the Licensee has been notified
22 and had an opportunity to respond.

23 K. "Data System" means a repository of information about
24 Licensees, including, but not limited to, license status,
25 Investigative Information, and Adverse Actions.

26 L. "Disqualifying Event" means any event which shall
27 disqualify an individual from holding a Multistate License

1 under this Compact, which the Commission may by Rule or order
2 specify.

3 M. "Encumbered License" means a license in which an Adverse
4 Action restricts the Practice of Cosmetology by a Licensee,
5 or where said Adverse Action has been reported to the
6 Commission.

7 N. "Encumbrance" means a revocation or suspension of, or any
8 limitation on, the full and unrestricted Practice of
9 Cosmetology by a State Licensing Authority.

10 O. "Executive Committee" means a group of delegates elected
11 or appointed to act on behalf of, and within the powers
12 granted to them by, the Commission.

13 P. "Home State" means the Member State which is a Licensee's
14 primary State of residence, and where that Licensee holds an
15 active and unencumbered license to practice Cosmetology.

16 Q. "Investigative Information" means information, records,
17 or documents received or generated by a State Licensing
18 Authority pursuant to an investigation or other inquiry.

19 R. "Jurisprudence Requirement" means the assessment of an
20 individual's knowledge of the laws and rules governing the
21 Practice of Cosmetology in a State.

22 S. "Licensee" means an individual who currently holds a
23 license from a Member State to practice as a Cosmetologist.

24 T. "Member State" means any State that has adopted this
25 Compact.

26 U. "Multistate License" means a license issued by and subject
27 to the enforcement jurisdiction of the State Licensing

1 Authority in a Licensee's Home State, which authorizes the
2 Practice of Cosmetology in Member States and includes
3 Authorizations to Practice Cosmetology in all Remote States
4 pursuant to this Compact.

5 V. "Remote State" means any Member State, other than the
6 Licensee's Home State.

7 W. "Rule" means any rule or regulation promulgated by the
8 Commission under this Compact which has the force of law.

9 X. "Single-State License" means a Cosmetology license issued
10 by a Member State that authorizes practice of Cosmetology
11 only within the issuing State and does not include any
12 authorization outside of the issuing State.

13 Y. "State" means a State, territory, or possession of the
14 United States and the District of Columbia.

15 Z. "State Licensing Authority" means a Member State's
16 regulatory body responsible for issuing Cosmetology licenses
17 or otherwise overseeing the Practice of Cosmetology in that
18 State.

19 ARTICLE 3- MEMBER STATE REQUIREMENTS

20 A. To be eligible to join this Compact, and to maintain
21 eligibility as a Member State, a State must:

22 1. License and regulate Cosmetology;

23 2. Have a mechanism or entity in place to
24 receive and investigate complaints about Licensees
25 practicing in that State;

26 3. Require that Licensees within the State
27 pass a Cosmetology competency examination prior to

1 being licensed to provide Cosmetology Services to the
2 public in that State;

3 4. Require that Licensees satisfy
4 educational or training requirements in Cosmetology
5 prior to being licensed to provide Cosmetology Services
6 to the public in that State;

7 5. Implement procedures for considering one
8 or more of the following categories of information from
9 applicants for licensure: criminal history;
10 disciplinary history; or Background Check. Such
11 procedures may include the submission of information by
12 applicants for the purpose of obtaining an applicant's
13 Background Check as defined herein;

14 6. Participate in the Data System, including
15 through the use of unique identifying numbers;

16 7. Share information related to Adverse
17 Actions with the Commission and other Member States,
18 both through the Data System and otherwise;

19 8. Notify the Commission and other Member
20 States, in compliance with the terms of the Compact and
21 Rules of the Commission, of the existence of
22 Investigative Information or Current Significant
23 Investigative Information in the State's possession
24 regarding a Licensee practicing in that State;

25 9. Comply with such Rules as may be enacted
26 by the Commission to administer the Compact; and

27 10. Accept Licensees from other Member

1 States as established herein.

2 B. Member States may charge a fee for granting a license to
3 practice Cosmetology.

4 C. Individuals not residing in a Member State shall continue
5 to be able to apply for a Member State's Single-State License
6 as provided under the laws of each Member State. However, the
7 Single-State License granted to these individuals shall not
8 be recognized as granting a Multistate License to provide
9 services in any other Member State.

10 D. Nothing in this Compact shall affect the requirements
11 established by a Member State for the issuance of a
12 Single-State License.

13 E. A Multistate License issued to a Licensee by a Home State
14 to a resident of that State shall be recognized by each Member
15 State as authorizing a Licensee to practice Cosmetology in
16 each Member State.

17 F. At no point shall the Commission have the power to define
18 the educational or professional requirements for a license to
19 practice Cosmetology. The Member States shall retain sole
20 jurisdiction over the provision of these requirements.

21 ARTICLE 4- MULTISTATE LICENSE

22 A. To be eligible to apply to their Home State's State
23 Licensing Authority for an initial Multistate License under
24 this Compact, a Licensee must hold an active and unencumbered
25 Single-State License to practice Cosmetology in their Home
26 State.

27 B. Upon the receipt of an application for a Multistate

1 License, according to the Rules of the Commission, a Member
2 State's State Licensing Authority shall ascertain whether
3 the applicant meets the requirements for a Multistate License
4 under this Compact.

5 C. If an applicant meets the requirements for a Multistate
6 License under this Compact and any applicable Rules of the
7 Commission, the State Licensing Authority in receipt of the
8 application shall, within a reasonable time, grant a
9 Multistate License to that applicant, and inform all Member
10 States of the grant of said Multistate License.

11 D. A Multistate License to practice Cosmetology issued by a
12 Member State's State Licensing Authority shall be recognized
13 by each Member State as authorizing the practice thereof as
14 though that Licensee held a Single-State License to do so in
15 each Member State, subject to the restrictions herein.

16 E. A Multistate License granted pursuant to this Compact may
17 be effective for a definite period of time, concurrent with
18 the licensure renewal period in the Home State.

19 F. To maintain a Multistate License under this Compact, a
20 Licensee must:

21 1. Agree to abide by the rules of the State
22 Licensing Authority, and the State scope of practice
23 laws governing the Practice of Cosmetology, of any
24 Member State in which the Licensee provides services;

25 2. Pay all required fees related to the
26 application and process, and any other fees which the
27 Commission may by Rule require; and

1 3. Comply with any and all other
2 requirements regarding Multistate Licenses which the
3 Commission may by Rule provide.

4 G. A Licensee practicing in a Member State is subject to all
5 scope of practice laws governing Cosmetology Services in that
6 State.

7 H. The Practice of Cosmetology under a Multistate License
8 granted pursuant to this Compact will subject the Licensee to
9 the jurisdiction of the State Licensing Authority, the
10 courts, and the laws of the Member State in which the
11 Cosmetology Services are provided.

12 ARTICLE 5- REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

13 A. A Licensee may hold a Multistate License, issued by their
14 Home State, in only one Member State at any given time.

15 B. If a Licensee changes their Home State by moving between
16 two Member States:

17 1. The Licensee shall immediately apply for
18 the reissuance of their Multistate License in their new
19 Home State. The Licensee shall pay all applicable fees
20 and notify the prior Home State in accordance with the
21 Rules of the Commission.

22 2. Upon receipt of an application to reissue
23 a Multistate License, the new Home State shall verify
24 that the Multistate License is active, unencumbered and
25 eligible for reissuance under the terms of the Compact
26 and the Rules of the Commission. The Multistate License
27 issued by the prior Home State will be deactivated and

1 all Member States notified in accordance with the
2 applicable Rules adopted by the Commission.

3 3. If required for initial licensure, the
4 new Home State may require a Background Check as
5 specified in the laws of that State, or the compliance
6 with any Jurisprudence Requirements of the new Home
7 State.

8 4. Notwithstanding any other provision of
9 this Compact, if a Licensee does not meet the
10 requirements set forth in this Compact for the
11 reissuance of a Multistate License by the new Home
12 State, then the Licensee shall be subject to the new
13 Home State requirements for the issuance of a
14 Single-State License in that State.

15 C. If a Licensee changes their primary state of residence by
16 moving from a Member State to a non-Member State, or from a
17 non-Member State to a Member State, then the Licensee shall
18 be subject to the State requirements for the issuance of a
19 Single-State License in the new Home State.

20 D. Nothing in this Compact shall interfere with a Licensee's
21 ability to hold a Single-State License in multiple States;
22 however, for the purposes of this Compact, a Licensee shall
23 have only one Home State, and only one Multistate License.

24 E. Nothing in this Compact shall interfere with the
25 requirements established by a Member State for the issuance
26 of a Single-State License.

27 ARTICLE 6- AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE

1 LICENSING AUTHORITIES

2 A. Nothing in this Compact, nor any Rule or regulation of the
3 Commission, shall be construed to limit, restrict, or in any
4 way reduce the ability of a Member State to enact and enforce
5 laws, regulations, or other rules related to the Practice of
6 Cosmetology in that State, where those laws, regulations, or
7 other rules are not inconsistent with the provisions of this
8 Compact.

9 B. Insofar as practical, a Member State's State Licensing
10 Authority shall cooperate with the Commission and with each
11 entity exercising independent regulatory authority over the
12 Practice of Cosmetology according to the provisions of this
13 Compact.

14 C. Discipline shall be the sole responsibility of the State
15 in which Cosmetology Services are provided. Accordingly,
16 each Member State's State Licensing Authority shall be
17 responsible for receiving complaints about individuals
18 practicing Cosmetology in that State, and for communicating
19 all relevant Investigative Information about any such
20 Adverse Action to the other Member States through the Data
21 System in addition to any other methods the Commission may by
22 Rule require.

23 ARTICLE 7- ADVERSE ACTIONS

24 A. A Licensee's Home State shall have exclusive power to
25 impose an Adverse Action against a Licensee's Multistate
26 License issued by the Home State.

27 B. A Home State may take Adverse Action on a Multistate

1 License based on the Investigative Information, Current
2 Significant Investigative Information, or Adverse Action of
3 a Remote State.

4 C. In addition to the powers conferred by State law, each
5 Remote State's State Licensing Authority shall have the power
6 to:

7 1. Take Adverse Action against a Licensee's
8 Authorization to Practice Cosmetology through the
9 Multistate License in that Member State, provided that:

10 a. Only the Licensee's Home State
11 shall have the power to take Adverse Action
12 against the Multistate License issued by the Home
13 State; and

14 b. For the purposes of taking
15 Adverse Action, the Home State's State Licensing
16 Authority shall give the same priority and effect
17 to reported conduct received from a Remote State
18 as it would if such conduct had occurred within
19 the Home State. In so doing, the Home State shall
20 apply its own State laws to determine the
21 appropriate action.

22 2. Issue cease and desist orders or impose an
23 Encumbrance on a Licensee's Authorization to Practice
24 within that Member State.

25 3. Complete any pending investigations of a
26 Licensee who changes their primary state of residence
27 during the course of such an investigation. The State

1 Licensing Authority shall also be empowered to report
2 the results of such an investigation to the Commission
3 through the Data System as described herein.

4 4. Issue subpoenas for both hearings and
5 investigations that require the attendance and
6 testimony of witnesses, as well as the production of
7 evidence. Subpoenas issued by a State Licensing
8 Authority in a Member State for the attendance and
9 testimony of witnesses or the production of evidence
10 from another Member State shall be enforced in the
11 latter State by any court of competent jurisdiction,
12 according to the practice and procedure of that court
13 applicable to subpoenas issued in proceedings before
14 it. The issuing State Licensing Authority shall pay any
15 witness fees, travel expenses, mileage, and other fees
16 required by the service statutes of the State in which
17 the witnesses or evidence are located.

18 5. If otherwise permitted by State law,
19 recover from the affected Licensee the costs of
20 investigations and disposition of cases resulting from
21 any Adverse Action taken against that Licensee.

22 6. Take Adverse Action against the
23 Licensee's Authorization to Practice in that State
24 based on the factual findings of another Remote State.

25 D. A Licensee's Home State shall complete any pending
26 investigation(s) of a Cosmetologist who changes their
27 primary state of residence during the course of the

1 investigation(s). The Home State shall also have the
2 authority to take appropriate action(s) and shall promptly
3 report the conclusions of the investigations to the Data
4 System.

5 E. If an Adverse Action is taken by the Home State against a
6 Licensee's Multistate License, the Licensee's Authorization
7 to Practice in all other Member States shall be deactivated
8 until all Encumbrances have been removed from the Home State
9 license. All Home State disciplinary orders that impose an
10 Adverse Action against a Licensee's Multistate License shall
11 include a statement that the Cosmetologist's Authorization
12 to Practice is deactivated in all Member States during the
13 pendency of the order.

14 F. Nothing in this Compact shall override a Member State's
15 authority to accept a Licensee's participation in an
16 Alternative Program in lieu of Adverse Action. A Licensee's
17 Multistate License shall be suspended for the duration of the
18 Licensee's participation in any Alternative Program.

19 G. Joint Investigations

20 1. In addition to the authority granted to a
21 Member State by its respective scope of practice laws or
22 other applicable State law, a Member State may
23 participate with other Member States in joint
24 investigations of Licensees.

25 2. Member States shall share any
26 investigative, litigation, or compliance materials in
27 furtherance of any joint or individual investigation

1 initiated under the Compact.

2 ARTICLE 8- ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

3 Active Military Members, or their spouses, shall designate a Home
4 State where the individual has a current license to practice
5 Cosmetology in good standing. The individual may retain their Home
6 State designation during any period of service when that individual
7 or their spouse is on active duty assignment.

8 ARTICLE 9- ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE
9 COMPACT COMMISSION

10 A. The Compact Member States hereby create and establish a
11 joint government agency whose membership consists of all
12 Member States that have enacted the Compact known as the
13 Cosmetology Licensure Compact Commission. The Commission is
14 an instrumentality of the Compact Member States acting
15 jointly and not an instrumentality of any one State. The
16 Commission shall come into existence on or after the
17 effective date of the Compact as set forth in Article 13.

18 B. Membership, Voting, and Meetings

19 1. Each Member State shall have and be
20 limited to one (1) delegate selected by that Member
21 State's State Licensing Authority.

22 2. The delegate shall be an administrator of
23 the State Licensing Authority of the Member State or
24 their designee.

25 3. The Commission shall by Rule or bylaw
26 establish a term of office for delegates and may by Rule
27 or bylaw establish term limits.

1 4. The Commission may recommend removal or
2 suspension of any delegate from office.

3 5. A Member State's State Licensing
4 Authority shall fill any vacancy of its delegate
5 occurring on the Commission within 60 days of the
6 vacancy.

7 6. Each delegate shall be entitled to one
8 vote on all matters that are voted on by the Commission.

9 7. The Commission shall meet at least once
10 during each calendar year. Additional meetings may be
11 held as set forth in the bylaws. The Commission may meet
12 by telecommunication, video conference or other similar
13 electronic means.

14 C. The Commission shall have the following powers:

15 1. Establish the fiscal year of the
16 Commission;

17 2. Establish code of conduct and conflict of
18 interest policies;

19 3. Adopt Rules and bylaws;

20 4. Maintain its financial records in
21 accordance with the bylaws;

22 5. Meet and take such actions as are
23 consistent with the provisions of this Compact, the
24 Commission's Rules, and the bylaws;

25 6. Initiate and conclude legal proceedings
26 or actions in the name of the Commission, provided that
27 the standing of any State Licensing Authority to sue or

1 be sued under applicable law shall not be affected;

2 7. Maintain and certify records and
3 information provided to a Member State as the
4 authenticated business records of the Commission, and
5 designate an agent to do so on the Commission's behalf;

6 8. Purchase and maintain insurance and
7 bonds;

8 9. Borrow, accept, or contract for services
9 of personnel, including, but not limited to, employees
10 of a Member State;

11 10. Conduct an annual financial review;

12 11. Hire employees, elect or appoint
13 officers, fix compensation, define duties, grant such
14 individuals appropriate authority to carry out the
15 purposes of the Compact, and establish the Commission's
16 personnel policies and programs relating to conflicts
17 of interest, qualifications of personnel, and other
18 related personnel matters;

19 12. As set forth in the Commission Rules,
20 charge a fee to a Licensee for the grant of a Multistate
21 License and thereafter, as may be established by
22 Commission Rule, charge the Licensee a Multistate
23 License renewal fee for each renewal period. Nothing
24 herein shall be construed to prevent a Home State from
25 charging a Licensee a fee for a Multistate License or
26 renewals of a Multistate License, or a fee for the
27 jurisprudence requirement if the Member State imposes

1 such a requirement for the grant of a Multistate
2 License;

3 13. Assess and collect fees;

4 14. Accept any and all appropriate gifts,
5 donations, grants of money, other sources of revenue,
6 equipment, supplies, materials, and services, and
7 receive, utilize, and dispose of the same; provided
8 that at all times the Commission shall avoid any
9 appearance of impropriety or conflict of interest;

10 15. Lease, purchase, retain, own, hold,
11 improve, or use any property, real, personal, or mixed,
12 or any undivided interest therein;

13 16. Sell, convey, mortgage, pledge, lease,
14 exchange, abandon, or otherwise dispose of any property
15 real, personal, or mixed;

16 17. Establish a budget and make
17 expenditures;

18 18. Borrow money;

19 19. Appoint committees, including standing
20 committees, composed of members, State regulators,
21 State legislators or their representatives, and
22 consumer representatives, and such other interested
23 persons as may be designated in this Compact and the
24 bylaws;

25 20. Provide and receive information from,
26 and cooperate with, law enforcement agencies;

27 21. Elect a Chair, Vice Chair, Secretary and

1 Treasurer and such other officers of the Commission as
2 provided in the Commission's bylaws;

3 22. Establish and elect an Executive
4 Committee, including a chair and a vice chair;

5 23. Adopt and provide to the Member States an
6 annual report.

7 24. Determine whether a State's adopted
8 language is materially different from the model Compact
9 language such that the State would not qualify for
10 participation in the Compact; and

11 25. Perform such other functions as may be
12 necessary or appropriate to achieve the purposes of
13 this Compact.

14 D. The Executive Committee

15 1. The Executive Committee shall have the
16 power to act on behalf of the Commission according to
17 the terms of this Compact. The powers, duties, and
18 responsibilities of the Executive Committee shall
19 include:

20 a. Overseeing the day-to-day
21 activities of the administration of the Compact
22 including compliance with the provisions of the
23 Compact, the Commission's Rules and bylaws, and
24 other such duties as deemed necessary;

25 b. Recommending to the Commission
26 changes to the Rules or bylaws, changes to this
27 Compact legislation, fees charged to Compact

1 Member States, fees charged to Licensees, and
2 other fees;

3 c. Ensuring Compact
4 administration services are appropriately
5 provided, including by contract;

6 d. Preparing and recommending the
7 budget;

8 e. Maintaining financial records
9 on behalf of the Commission;

10 f. Monitoring Compact compliance
11 of Member States and providing compliance reports
12 to the Commission;

13 g. Establishing additional
14 committees as necessary;

15 h. Exercising the powers and
16 duties of the Commission during the interim
17 between Commission meetings, except for adopting
18 or amending Rules, adopting or amending bylaws,
19 and exercising any other powers and duties
20 expressly reserved to the Commission by Rule or
21 bylaw; and

22 i. Other duties as provided in the
23 Rules or bylaws of the Commission.

24 2. The Executive Committee shall be composed
25 of up to seven voting members:

26 a. The chair and vice chair of the
27 Commission and any other members of the Commission

1 who serve on the Executive Committee shall be
2 voting members of the Executive Committee; and

3 b. Other than the chair,
4 vice-chair, secretary and treasurer, the
5 Commission shall elect three voting members from
6 the current membership of the Commission.

7 c. The Commission may elect
8 ex-officio, nonvoting members from a recognized
9 national Cosmetology professional association as
10 approved by the Commission. The Commission's
11 bylaws shall identify qualifying organizations
12 and the manner of appointment if the number of
13 organizations seeking to appoint an ex officio
14 member exceeds the number of members specified in
15 this Article.

16 3. The Commission may remove any member of
17 the Executive Committee as provided in the Commission's
18 bylaws.

19 4. The Executive Committee shall meet at
20 least annually.

21 a. Annual Executive Committee
22 meetings, as well as any Executive Committee
23 meeting at which it does not take or intend to take
24 formal action on a matter for which a Commission
25 vote would otherwise be required, shall be open to
26 the public, except that the Executive Committee
27 may meet in a closed, non-public session of a

1 public meeting when dealing with any of the
2 matters covered under Article 9.F.4.

3 b. The Executive Committee shall
4 give five business days advance notice of its
5 public meetings, posted on its website and as
6 determined to provide notice to persons with an
7 interest in the public matters the Executive
8 Committee intends to address at those meetings.

9 5. The Executive Committee may hold an
10 emergency meeting when acting for the Commission to:

11 a. Meet an imminent threat to
12 public health, safety, or welfare;

13 b. Prevent a loss of Commission or
14 Member State funds; or

15 c. Protect public health and
16 safety.

17 E. The Commission shall adopt and provide to the Member
18 States an annual report.

19 F. Meetings of the Commission

20 1. All meetings of the Commission that are
21 not closed pursuant to Article 9.F.4 shall be open to
22 the public. Notice of public meetings shall be posted on
23 the Commission's website at least thirty (30) days prior
24 to the public meeting.

25 2. Notwithstanding Article 9.F.1, the
26 Commission may convene an emergency public meeting by
27 providing at least twenty-four (24) hours prior notice

1 on the Commission's website, and any other means as
2 provided in the Commission's Rules, for any of the
3 reasons it may dispense with notice of proposed
4 rulemaking under Article 11.L. The Commission's legal
5 counsel shall certify that one of the reasons
6 justifying an emergency public meeting has been met.

7 3. Notice of all Commission meetings shall
8 provide the time, date, and location of the meeting, and
9 if the meeting is to be held or accessible via
10 telecommunication, video conference, or other
11 electronic means, the notice shall include the
12 mechanism for access to the meeting.

13 4. The Commission may convene in a closed,
14 non-public meeting for the Commission to discuss:

15 a. Non-compliance of a Member
16 State with its obligations under the Compact;

17 b. The employment, compensation,
18 discipline or other matters, practices or
19 procedures related to specific employees or other
20 matters related to the Commission's internal
21 personnel practices and procedures;

22 c. Current or threatened
23 discipline of a Licensee by the Commission or by a
24 Member State's Licensing Authority;

25 d. Current, threatened, or
26 reasonably anticipated litigation;

27 e. Negotiation of contracts for

1 the purchase, lease, or sale of goods, services,
2 or real estate;

3 f. Accusing any person of a crime
4 or formally censuring any person;

5 g. Trade secrets or commercial or
6 financial information that is privileged or
7 confidential;

8 h. Information of a personal
9 nature where disclosure would constitute a
10 clearly unwarranted invasion of personal privacy;

11 i. Investigative records compiled
12 for law enforcement purposes;

13 j. Information related to any
14 investigative reports prepared by or on behalf of
15 or for use of the Commission or other committee
16 charged with responsibility of investigation or
17 determination of compliance issues pursuant to
18 the Compact;

19 k. Legal advice;

20 l. Matters specifically exempted
21 from disclosure to the public by federal or Member
22 State law; or

23 m. Other matters as promulgated
24 by the Commission by Rule.

25 5. If a meeting, or portion of a meeting, is
26 closed, the presiding officer shall state that the
27 meeting will be closed and reference each relevant

1 exempting provision, and such reference shall be
2 recorded in the minutes.

3 6. The Commission shall keep minutes that
4 fully and clearly describe all matters discussed in a
5 meeting and shall provide a full and accurate summary of
6 actions taken, and the reasons therefore, including a
7 description of the views expressed. All documents
8 considered in connection with an action shall be
9 identified in such minutes. All minutes and documents
10 of a closed meeting shall remain under seal, subject to
11 release only by a majority vote of the Commission or
12 order of a court of competent jurisdiction.

13 G. Financing of the Commission

14 1. The Commission shall pay, or provide for
15 the payment of, the reasonable expenses of its
16 establishment, organization, and ongoing activities.

17 2. The Commission may accept any and all
18 appropriate sources of revenue, donations, and grants
19 of money, equipment, supplies, materials, and services.

20 3. The Commission may levy on and collect an
21 annual assessment from each Member State and impose
22 fees on Licensees of Member States to whom it grants a
23 Multistate License to cover the cost of the operations
24 and activities of the Commission and its staff, which
25 must be in a total amount sufficient to cover its annual
26 budget as approved each year for which revenue is not
27 provided by other sources. The aggregate annual

1 assessment amount for Member States shall be allocated
2 based upon a formula that the Commission shall
3 promulgate by Rule.

4 4. The Commission shall not incur
5 obligations of any kind prior to securing the funds
6 adequate to meet the same; nor shall the Commission
7 pledge the credit of any Member States, except by and
8 with the authority of the Member State.

9 5. The Commission shall keep accurate
10 accounts of all receipts and disbursements. The
11 receipts and disbursements of the Commission shall be
12 subject to the financial review and accounting
13 procedures established under its bylaws. All receipts
14 and disbursements of funds handled by the Commission
15 shall be subject to an annual financial review by a
16 certified or licensed public accountant, and the report
17 of the financial review shall be included in and become
18 part of the annual report of the Commission.

19 H. Qualified Immunity, Defense, and Indemnification

20 1. The members, officers, executive
21 director, employees and representatives of the
22 Commission shall be immune from suit and liability,
23 both personally and in their official capacity, for any
24 claim for damage to or loss of property or personal
25 injury or other civil liability caused by or arising out
26 of any actual or alleged act, error, or omission that
27 occurred, or that the person against whom the claim is

1 made had a reasonable basis for believing occurred
2 within the scope of Commission employment, duties or
3 responsibilities; provided that nothing in this
4 paragraph shall be construed to protect any such person
5 from suit or liability for any damage, loss, injury, or
6 liability caused by the intentional or willful or
7 wanton misconduct of that person. The procurement of
8 insurance of any type by the Commission shall not in any
9 way compromise or limit the immunity granted hereunder.

10 2. The Commission shall defend any member,
11 officer, executive director, employee, and
12 representative of the Commission in any civil action
13 seeking to impose liability arising out of any actual or
14 alleged act, error, or omission that occurred within
15 the scope of Commission employment, duties, or
16 responsibilities, or as determined by the Commission
17 that the person against whom the claim is made had a
18 reasonable basis for believing occurred within the
19 scope of Commission employment, duties, or
20 responsibilities; provided that nothing herein shall be
21 construed to prohibit that person from retaining their
22 own counsel at their own expense; and provided further,
23 that the actual or alleged act, error, or omission did
24 not result from that person's intentional or willful or
25 wanton misconduct.

26 3. The Commission shall indemnify and hold
27 harmless any member, officer, executive director,

1 employee, and representative of the Commission for the
2 amount of any settlement or judgment obtained against
3 that person arising out of any actual or alleged act,
4 error, or omission that occurred within the scope of
5 Commission employment, duties, or responsibilities, or
6 that such person had a reasonable basis for believing
7 occurred within the scope of Commission employment,
8 duties, or responsibilities, provided that the actual
9 or alleged act, error, or omission did not result from
10 the intentional or willful or wanton misconduct of that
11 person.

12 4. Nothing herein shall be construed as a
13 limitation on the liability of any Licensee for
14 professional malpractice or misconduct, which shall be
15 governed solely by any other applicable State laws.

16 5. Nothing in this Compact shall be
17 interpreted to waive or otherwise abrogate a Member
18 State's State action immunity or State action
19 affirmative defense with respect to antitrust claims
20 under the Sherman Act, Clayton Act, or any other State
21 or federal antitrust or anticompetitive law or
22 regulation.

23 6. Nothing in this Compact shall be
24 construed to be a waiver of sovereign immunity by the
25 Member States or by the Commission.

26 ARTICLE 10- DATA SYSTEM

27 A. The Commission shall provide for the development,

1 maintenance, operation, and utilization of a coordinated
2 database and reporting system.

3 B. The Commission shall assign each applicant for a
4 Multistate License a unique identifier, as determined by the
5 Rules of the Commission.

6 C. Notwithstanding any other provision of State law to the
7 contrary, a Member State shall submit a uniform data set to
8 the Data System on all individuals to whom this Compact is
9 applicable as required by the Rules of the Commission,
10 including:

11 1. Identifying information;

12 2. Licensure data;

13 3. Adverse Actions against a license and
14 information related thereto;

15 4. Non-confidential information related to
16 Alternative Program participation, the beginning and
17 ending dates of such participation, and other
18 information related to such participation;

19 5. Any denial of application for licensure,
20 and the reason(s) for such denial (excluding the
21 reporting of any criminal history record information
22 where prohibited by law);

23 6. The existence of Investigative
24 Information;

25 7. The existence of Current Significant
26 Investigative Information; and

27 8. Other information that may facilitate the

1 administration of this Compact or the protection of the
2 public, as determined by the Rules of the Commission.

3 D. The records and information provided to a Member State
4 pursuant to this Compact or through the Data System, when
5 certified by the Commission or an agent thereof, shall
6 constitute the authenticated business records of the
7 Commission, and shall be entitled to any associated hearsay
8 exception in any relevant judicial, quasi-judicial or
9 administrative proceedings in a Member State.

10 E. The existence of Current Significant Investigative
11 Information and the existence of Investigative Information
12 pertaining to a Licensee in any Member State will only be
13 available to other Member States.

14 F. It is the responsibility of the Member States to monitor
15 the database to determine whether Adverse Action has been
16 taken against such a Licensee or License applicant. Adverse
17 Action information pertaining to a Licensee or License
18 applicant in any Member State will be available to any other
19 Member State.

20 G. Member States contributing information to the Data System
21 may designate information that may not be shared with the
22 public without the express permission of the contributing
23 State.

24 H. Any information submitted to the Data System that is
25 subsequently expunged pursuant to federal law or the laws of
26 the Member State contributing the information shall be
27 removed from the Data System.

1 ARTICLE 11- RULEMAKING

2 A. The Commission shall promulgate reasonable Rules in order
3 to effectively and efficiently implement and administer the
4 purposes and provisions of the Compact. A Rule shall be
5 invalid and have no force or effect only if a court of
6 competent jurisdiction holds that the Rule is invalid because
7 the Commission exercised its rulemaking authority in a manner
8 that is beyond the scope and purposes of the Compact, or the
9 powers granted hereunder, or based upon another applicable
10 standard of review.

11 B. The Rules of the Commission shall have the force of law in
12 each Member State, provided however that where the Rules of
13 the Commission conflict with the laws of the Member State
14 that establish the Member State's scope of practice laws
15 governing the Practice of Cosmetology as held by a court of
16 competent jurisdiction, the Rules of the Commission shall be
17 ineffective in that State to the extent of the conflict.

18 C. The Commission shall exercise its rulemaking powers
19 pursuant to the criteria set forth in this Article and the
20 Rules adopted thereunder. Rules shall become binding as of
21 the date specified by the Commission for each Rule.

22 D. If a majority of the legislatures of the Member States
23 rejects a Rule or portion of a Rule, by enactment of a statute
24 or resolution in the same manner used to adopt the Compact
25 within four (4) years of the date of adoption of the Rule,
26 then such Rule shall have no further force and effect in any
27 Member State or to any State applying to participate in the

1 Compact.

2 E. Rules shall be adopted at a regular or special meeting of
3 the Commission.

4 F. Prior to adoption of a proposed Rule, the Commission shall
5 hold a public hearing and allow persons to provide oral and
6 written comments, data, facts, opinions, and arguments.

7 G. Prior to adoption of a proposed Rule by the Commission,
8 and at least thirty (30) days in advance of the meeting at
9 which the Commission will hold a public hearing on the
10 proposed Rule, the Commission shall provide a notice of
11 proposed rulemaking:

12 1. On the website of the Commission or other
13 publicly accessible platform;

14 2. To persons who have requested notice of
15 the Commission's notices of proposed rulemaking; and

16 3. In such other way(s) as the Commission may
17 by Rule specify.

18 H. The notice of proposed rulemaking shall include:

19 1. The time, date, and location of the public
20 hearing at which the Commission will hear public
21 comments on the proposed Rule and, if different, the
22 time, date, and location of the meeting where the
23 Commission will consider and vote on the proposed Rule;

24 2. If the hearing is held via
25 telecommunication, video conference, or other
26 electronic means, the Commission shall include the
27 mechanism for access to the hearing in the notice of

1 proposed rulemaking;

2 3. The text of the proposed Rule and the
3 reason therefor;

4 4. A request for comments on the proposed
5 Rule from any interested person; and

6 5. The manner in which interested persons
7 may submit written comments.

8 I. All hearings will be recorded. A copy of the recording and
9 all written comments and documents received by the Commission
10 in response to the proposed Rule shall be available to the
11 public.

12 J. Nothing in this Article shall be construed as requiring a
13 separate hearing on each Rule. Rules may be grouped for the
14 convenience of the Commission at hearings required by this
15 Article.

16 K. The Commission shall, by majority vote of all members,
17 take final action on the proposed Rule based on the
18 rulemaking record and the full text of the Rule.

19 1. The Commission may adopt changes to the
20 proposed Rule provided the changes do not enlarge the
21 original purpose of the proposed Rule.

22 2. The Commission shall provide an
23 explanation of the reasons for substantive changes made
24 to the proposed Rule as well as reasons for substantive
25 changes not made that were recommended by commenters.

26 3. The Commission shall determine a
27 reasonable effective date for the Rule. Except for an

1 emergency as provided in Article 11.L, the effective
2 date of the Rule shall be no sooner than forty-five (45)
3 days after the Commission issuing the notice that it
4 adopted or amended the Rule.

5 L. Upon determination that an emergency exists, the
6 Commission may consider and adopt an emergency Rule with five
7 (5) days' notice, with opportunity to comment, provided that
8 the usual rulemaking procedures provided in the Compact and
9 in this Article shall be retroactively applied to the Rule as
10 soon as reasonably possible, in no event later than ninety
11 (90) days after the effective date of the Rule. For the
12 purposes of this provision, an emergency Rule is one that
13 must be adopted immediately to:

14 1. Meet an imminent threat to public health,
15 safety, or welfare;

16 2. Prevent a loss of Commission or Member
17 State funds;

18 3. Meet a deadline for the promulgation of a
19 Rule that is established by federal law or rule; or

20 4. Protect public health and safety.

21 M. The Commission or an authorized committee of the
22 Commission may direct revisions to a previously adopted Rule
23 for purposes of correcting typographical errors, errors in
24 format, errors in consistency, or grammatical errors. Public
25 notice of any revisions shall be posted on the website of the
26 Commission. The revision shall be subject to challenge by
27 any person for a period of thirty (30) days after posting.

1 The revision may be challenged only on grounds that the
2 revision results in a material change to a Rule. A challenge
3 shall be made in writing and delivered to the Commission
4 prior to the end of the notice period. If no challenge is
5 made, the revision will take effect without further action.
6 If the revision is challenged, the revision may not take
7 effect without the approval of the Commission.

8 N. No Member State's rulemaking requirements shall apply
9 under this Compact.

10 ARTICLE 12- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

11 A. Oversight

12 1. The executive and judicial branches of
13 State government in each Member State shall enforce
14 this Compact and take all actions necessary and
15 appropriate to implement the Compact.

16 2. Venue is proper and judicial proceedings
17 by or against the Commission shall be brought solely and
18 exclusively in a court of competent jurisdiction where
19 the principal office of the Commission is located. The
20 Commission may waive venue and jurisdictional defenses
21 to the extent it adopts or consents to participate in
22 alternative dispute resolution proceedings. Nothing
23 herein shall affect or limit the selection or propriety
24 of venue in any action against a Licensee for
25 professional malpractice, misconduct or any such
26 similar matter.

27 3. The Commission shall be entitled to

1 receive service of process in any proceeding regarding
2 the enforcement or interpretation of the Compact and
3 shall have standing to intervene in such a proceeding
4 for all purposes. Failure to provide the Commission
5 service of process shall render a judgment or order void
6 as to the Commission, this Compact, or promulgated
7 Rules.

8 B. Default, Technical Assistance, and Termination

9 1. If the Commission determines that a
10 Member State has defaulted in the performance of its
11 obligations or responsibilities under this Compact or
12 the promulgated Rules, the Commission shall provide
13 written notice to the defaulting State. The notice of
14 default shall describe the default, the proposed means
15 of curing the default, and any other action that the
16 Commission may take, and shall offer training and
17 specific technical assistance regarding the default.

18 2. The Commission shall provide a copy of the
19 notice of default to the other Member States.

20 3. If a State in default fails to cure the
21 default, the defaulting State may be terminated from
22 the Compact upon an affirmative vote of a majority of
23 the delegates of the Member States, and all rights,
24 privileges and benefits conferred on that State by this
25 Compact may be terminated on the effective date of
26 termination. A cure of the default does not relieve the
27 offending State of obligations or liabilities incurred

1 during the period of default.

2 4. Termination of membership in the Compact
3 shall be imposed only after all other means of securing
4 compliance have been exhausted. Notice of intent to
5 suspend or terminate shall be given by the Commission to
6 the governor, the majority and minority leaders of the
7 defaulting State's legislature, the defaulting State's
8 State Licensing Authority and each of the Member States'
9 State Licensing Authority.

10 5. A State that has been terminated is
11 responsible for all assessments, obligations, and
12 liabilities incurred through the effective date of
13 termination, including obligations that extend beyond
14 the effective date of termination.

15 6. Upon the termination of a State's
16 membership from this Compact, that State shall
17 immediately provide notice to all Licensees who hold a
18 Multistate License within that State of such
19 termination. The terminated State shall continue to
20 recognize all licenses granted pursuant to this Compact
21 for a minimum of one hundred eighty (180) days after the
22 date of said notice of termination.

23 7. The Commission shall not bear any costs
24 related to a State that is found to be in default or that
25 has been terminated from the Compact, unless agreed
26 upon in writing between the Commission and the
27 defaulting State.

1 8. The defaulting State may appeal the
2 action of the Commission by petitioning the United
3 States District Court for the District of Columbia or
4 the federal district where the Commission has its
5 principal offices. The prevailing party shall be
6 awarded all costs of such litigation, including
7 reasonable attorney's fees.

8 C. Dispute Resolution

9 1. Upon request by a Member State, the
10 Commission shall attempt to resolve disputes related to
11 the Compact that arise among Member States and between
12 Member and non-Member States.

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

16 D. Enforcement

17 1. The Commission, in the reasonable
18 exercise of its discretion, shall enforce the
19 provisions of this Compact and the Commission's Rules.

20 2. By majority vote as provided by
21 Commission Rule, the Commission may initiate legal
22 action against a Member State in default in the United
23 States District Court for the District of Columbia or
24 the federal district where the Commission has its
25 principal offices to enforce compliance with the
26 provisions of the Compact and its promulgated Rules.
27 The relief sought may include both injunctive relief

1 and damages. In the event judicial enforcement is
2 necessary, the prevailing party shall be awarded all
3 costs of such litigation, including reasonable
4 attorney's fees. The remedies herein shall not be the
5 exclusive remedies of the Commission. The Commission
6 may pursue any other remedies available under federal
7 or the defaulting Member State's law.

8 3. A Member State may initiate legal action
9 against the Commission in the United States District
10 Court for the District of Columbia or the federal
11 district where the Commission has its principal offices
12 to enforce compliance with the provisions of the
13 Compact and its promulgated Rules. The relief sought
14 may include both injunctive relief and damages. In the
15 event judicial enforcement is necessary, the prevailing
16 party shall be awarded all costs of such litigation,
17 including reasonable attorney's fees.

18 4. No individual or entity other than a
19 Member State may enforce this Compact against the
20 Commission.

21 ARTICLE 13- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

22 A. The Compact shall come into effect on the date on which the
23 Compact statute is enacted into law in the seventh Member
24 State.

25 1. On or after the effective date of the
26 Compact, the Commission shall convene and review the
27 enactment of each of the Charter Member States to

1 determine if the statute enacted by each such Charter
2 Member State is materially different than the model
3 Compact statute.

4 a. A Charter Member State whose
5 enactment is found to be materially different from
6 the model Compact statute shall be entitled to the
7 default process set forth in Article 12.

8 b. If any Member State is later
9 found to be in default, or is terminated or
10 withdraws from the Compact, the Commission shall
11 remain in existence and the Compact shall remain
12 in effect even if the number of Member States
13 should be less than seven (7).

14 2. Member States enacting the Compact
15 subsequent to the Charter Member States shall be
16 subject to the process set forth in Article 9.C.24 to
17 determine if their enactments are materially different
18 from the model Compact statute and whether they qualify
19 for participation in the Compact.

20 3. All actions taken for the benefit of the
21 Commission or in furtherance of the purposes of the
22 administration of the Compact prior to the effective
23 date of the Compact or the Commission coming into
24 existence shall be considered to be actions of the
25 Commission unless specifically repudiated by the
26 Commission.

27 4. Any State that joins the Compact shall be

1 subject to the Commission's Rules and bylaws as they
2 exist on the date on which the Compact becomes law in
3 that State. Any Rule that has been previously adopted
4 by the Commission shall have the full force and effect
5 of law on the day the Compact becomes law in that State.

6 B. Any Member State may withdraw from this Compact by
7 enacting a statute repealing that State's enactment of the
8 Compact.

9 1. A Member State's withdrawal shall not take
10 effect until one hundred eighty (180) days after
11 enactment of the repealing statute.

12 2. Withdrawal shall not affect the
13 continuing requirement of the withdrawing State's State
14 Licensing Authority to comply with the investigative
15 and Adverse Action reporting requirements of this
16 Compact prior to the effective date of withdrawal.

17 3. Upon the enactment of a statute
18 withdrawing from this Compact, a State shall
19 immediately provide notice of such withdrawal to all
20 Licensees within that State. Notwithstanding any
21 subsequent statutory enactment to the contrary, such
22 withdrawing State shall continue to recognize all
23 licenses granted pursuant to this Compact for a minimum
24 of one hundred eighty (180) days after the date of such
25 notice of withdrawal.

26 C. Nothing contained in this Compact shall be construed to
27 invalidate or prevent any licensure agreement or other

1 cooperative arrangement between a Member State and a
2 non-Member State that does not conflict with the provisions
3 of this Compact.

4 D. This Compact may be amended by the Member States. No
5 amendment to this Compact shall become effective and binding
6 upon any Member State until it is enacted into the laws of all
7 Member States.

8 ARTICLE 14- CONSTRUCTION AND SEVERABILITY

9 A. This Compact and the Commission's rulemaking authority
10 shall be liberally construed so as to effectuate the
11 purposes, and the implementation and administration of the
12 Compact. Provisions of the Compact expressly authorizing or
13 requiring the promulgation of Rules shall not be construed to
14 limit the Commission's rulemaking authority solely for those
15 purposes.

16 B. The provisions of this Compact shall be severable and if
17 any phrase, clause, sentence or provision of this Compact is
18 held by a court of competent jurisdiction to be contrary to
19 the constitution of any Member State, a State seeking
20 participation in the Compact, or of the United States, or the
21 applicability thereof to any government, agency, person or
22 circumstance is held to be unconstitutional by a court of
23 competent jurisdiction, the validity of the remainder of this
24 Compact and the applicability thereof to any other
25 government, agency, person or circumstance shall not be
26 affected thereby.

27 C. Notwithstanding Article 14.B, the Commission may deny a

1 State's participation in the Compact or, in accordance with
2 the requirements of Article 12, terminate a Member State's
3 participation in the Compact, if it determines that a
4 constitutional requirement of a Member State is a material
5 departure from the Compact. Otherwise, if this Compact shall
6 be held to be contrary to the constitution of any Member
7 State, the Compact shall remain in full force and effect as to
8 the remaining Member States and in full force and effect as to
9 the Member State affected as to all severable matters.

10 ARTICLE 15- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

11 A. Nothing herein shall prevent or inhibit the enforcement of
12 any other law of a Member State that is not inconsistent with
13 the Compact.

14 B. All permissible agreements between the Commission and the
15 Member States are binding in accordance with their terms.

16 Sec. 1604.002. ADMINISTRATION OF COMPACT. The Texas
17 Department of Licensing and Regulation is the Cosmetology Licensure
18 Compact administrator for this state.

19 Sec. 1604.003. RULES. The Texas Commission of Licensing
20 and Regulation may adopt rules necessary to implement this chapter.

21 SECTION 2. This Act takes effect on the 91st day after the
22 last day of the legislative session.