2017 NCIC Summit of the States

By
Dan Logsdon [1]
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This year The Council of State Governments will again convene its Summit of the States on Interstate Cooperation, to be held in conjunction with CSG’s national conference in Las Vegas. This one of a kind event, hosted by CSG’s National Center for Interstate Compacts, is a singular forum dedicated exclusively to the interstate compact mechanism. The Summit brings together compact professionals, scholars, and officials from all three branches of state government to discuss issues surrounding interstate compacts. The Summit will provide participants with an opportunity to learn about the history and utility of interstate compacts, best practices for administering interstate compacts, legislative and judicial developments for compacts, federalism issues impacting compacts and will conclude with a panel that examines occupational licensure compacts.

National Center for Interstate Compacts

December 15th and 16th 2017

AGENDA

NCIC Summit of the States Opening Session: Interstate Compacts 101 - Dec 15, 8:30 - 10 a.m. PST (Room Palm D) (Link for PowerPoint [2])
• Moderator: Dan Logsdon, Manager, National Center for Interstate Compacts
• Panelist: Jeffrey B. Litwak, Counsel, Columbia River Gorge Commission
• Panelist: Rick Masters, Special Counsel, National Center for Interstate Compacts

NCIC Summit of the States: Best Practices for Administering Interstate Compacts - Dec 15, 10:30 - Noon PST (Room Palm D) (Link for PowerPoint [3])
• Moderator: Karen Z. Schutter, Executive Director, Interstate Insurance Product Regulation Commission
• Panelist: Carla Fults, Director, Interstate Affairs and Compact Operations, American Public Human Services Association
• Panelist: Cherise Imai, Executive Director, Military Interstate Children’s Compact Commission
• Panelist: MaryLee Underwood, Executive Director, Interstate Commission for Juveniles

NCIC Summit of the States: Interstate Compacts and State Legislatures - Dec 15, 2:30 - 3:45 p.m. PST (Room Palm D)
• Moderator: Gary P. Hartman, Policy Advisor, Office of Wyoming Gov. Matt Mead
• Panelist: Wisconsin state Rep. Joan Ballweg (Link for PowerPoint [4])
• Panelist: Dean Cameron, Director, Idaho Department of Insurance
NCIC Summit of the States: Federalism and Interstate Compacts - Dec 15, 4 - 5;15 p.m. PST (Room Palm D) (Link for PowerPoint)

- Moderator: Jeffrey B. Litwak, Counsel, Columbia River Gorge Commission
- Panelist: Hawaii state Rep. Cindy Evans, Chair, House Committee on Economic Development and Business
- Panelist: Jason E. Oyler, General Counsel, Susquehanna River Basin Commission (Link for PowerPoint)
- Panelist: Arthur J. Parker, Assistant Deputy Attorney General, Office of the Attorney General, District of Columbia

NCIC Summit of the States: Legal Roundtable - Dec 16, 10:30 - Noon PST (Room Jasmine C) (Link for PowerPoint)

- Moderator: Rick Masters, Special Counsel, National Center for Interstate Compacts
- Panelist: Jeffrey B. Litwak, Counsel, Columbia River Gorge Commission
- Panelist: John L. Marshall, General Counsel, Tahoe Regional Planning Agency
- Panelist: Karen Z. Schutter, Executive Director, Interstate Insurance Product Regulation Commission

NCIC Summit of the States: Closing & Occupational Licensure Compacts - Dec 16, 2:30 - 4 p.m. PST (Jasmine C)

- Moderator: Marcus J. Beauregard, Director, Defense State Liaison Office
- Panelist: Leslie Adrian, Director of Professional Standards, Federation of State Boards of Physical Therapy (Link for PowerPoint)
- Panelist: Nebraska state Sen. Carol Blood (Link for PowerPoint)
- Panelist: Wyoming state Sen. Stephan Pappas, Founder and President, Pappas & Pappas Architects P.C.
- Panelist: James R. Puente, Director, Nurse Licensure Compact (Link for PowerPoint)
- Panelist: Sharyl Thompson, CEO, Higher Education Regulatory Consulting LLC

NCIC Summit of the States Opening Session: Interstate Compacts 101

This panel will examine the evolution and current use of interstate compacts, discuss the history of interstate compacts and examine the scope of interstate problems states now tackle through compacts. Additionally, this panel will explore other forms of multistate cooperation and discuss why compacts are generally viewed as a superior solution to foster interstate cooperation, protect consumers and guard state sovereignty. As policy makers confront issues from health care delivery to infrastructure revitalization, interstate compacts allow states to work collaboratively across state lines to bring resolution to some of America’s most pressing issues with innovation and a unified voice.

Moderator: Dan Logsdon, Manager, National Center for Interstate Compacts

Panelist: Jeffrey B. Litwak, Counsel, Columbia River Gorge Commission

Litwak is counsel to the Columbia River Gorge Commission, the interstate compact agency for the Columbia River Gorge National Scenic Area. His practice includes interstate compacts, administrative law, land use, state and local government law, and civil appeals. Litwak is also an adjunct professor of law at Lewis and Clark Law School, where he teaches interstate compact law, Oregon land use law and administrative law. He has served on The Council of State Governments’ National Center for Interstate Compacts Advisory Board.
Panelist: Rick Masters, Special Counsel, National Center for Interstate Compacts
Masters is special counsel to the National Center for Interstate Compacts, or NCIC, providing legal guidance on the law and use of interstate compacts and their application and enforcement, as well as bill drafting guidance in conjunction with NCIC compact projects. He has been a primary drafter of many compacts, including multistate licensure compacts for the professions of nursing, medicine, physical therapy, emergency medical services and psychology. He also provides legal advice to a variety of compact governing boards and agencies and testifies before state legislatures and Congress about compact legislation. He co-authored The Evolving Law and Use of Interstate Compacts 2nd Edition, the largest compilation of laws and commentary on the subject, published by the American Bar Association.

NCIC Summit of the States: Best Practices for Administering Interstate Compacts
This panel will feature a wide-ranging discussion with interstate compact administrators about the best practices they have discovered including general governance, funding, data sharing, appointment of commissioners, engaging partners with MOUs, transparency, administrative rulemaking, and interaction with state executive and legislative branch officials. It will feature distinct perspectives from established compacts and compacts that have recently created their administrative structure.

Moderator: Karen Z. Schutter, Executive Director, Interstate Insurance Product Regulation Commission
Schutter is the executive director of the Interstate Insurance Product Regulation Commission, or the Insurance Compact. She oversees the day-to-day management of the Insurance Compact and its product filing operations, including providing support to the members of the commission and its committees to fulfill their respective missions. Prior to joining the Insurance Compact, Schutter was with the National Association of Insurance Commissioners for ten years, serving in various legal and management capacities. When the Insurance Compact became operational in 2006, Schutter coordinated its legal and operational implementation, including supporting the members in setting up its committee structure, drafting its bylaws and initial rules, and implementing its electronic filing platform.

Panelist: Carla Fults, Director, Interstate Affairs and Compact Operations, American Public Human Services Association
Fults is the director of interstate affairs and compact operations at the American Public Human Services Association, or APHSA, which serves as the national office and the secretariat for the Association of Administrators of the Interstate Compact on the Placement of Children, and the Association of Administrators of the Interstate Compact on Adoption and Medical Assistance. Prior to joining APHSA, Fults was the director of social services at Travelers Aid Washington, D.C., where she directed the agency's social service programs and created program provisions and collaborative networks to assist state and local governments in providing services to indigent clients.

Panelist: Cherise Imai, Executive Director, Military Interstate Children’s Compact Commission
Imai has served as the executive director of the Military Interstate Children’s Compact Commission, or MIC3, since June 2016. Formerly the Military Liaison for the Hawaii State Department of Education, she worked with military services and public schools to support educational success for all children. Her passion is making a positive impact that helps others, and with MIC3 “it’s bringing states together to help kids graduate and fulfill their dreams.”

Panelist: MaryLee Underwood, Executive Director, Interstate Commission for Juveniles
Underwood serves as the executive director for the Interstate Commission for Juveniles, or ICJ. Prior to joining the ICJ in April 2017, Underwood worked for more than 20 years on criminal justice policy on state and federal levels. As the staff attorney for the Kentucky Association of Sexual Assault Programs and executive director of the Commonwealth Council on Developmental Disabilities, she focused on
sexual violence, human trafficking, victims’ rights, collaboration building, and ensuring equal access for individuals with disabilities and other marginalized populations.

**NCIC Summit of the States: Interstate Compacts and State Legislatures**

This session will cover updates on what happened with interstate compact legislation in 2017 and what is coming up in 2018. The panel will also examine best practices for educating legislators and legislative staff about interstate compacts and maintaining that knowledge in the face of legislative transition. The panel will discuss the growing importance of legislatures in overseeing compact agencies and discuss whether states can meet the minimum standards required by an interstate compact, while permitting additional protections or accommodations.

**Moderator: Gary P. Hartman, Policy Advisor, Office of Wyoming Gov. Matt Mead**

Hartman practiced law in the Big Horn Basin for 10 years and was later appointed to the District Court bench by Wyoming Gov. Ed Herschler. He served in the 5th Judicial District for 25 years before joining Gov. Dave Freudenthal’s staff. He is a U.S. Air Force veteran and served one year in Vietnam.

**Panelist: Wisconsin state Rep. Joan Ballweg**

Ballweg was elected in 2004 to represent Wisconsin’s 41st district in the State Assembly. Now in her sixth term, she serves as co-chair of the Joint Committee for Review of Administrative Rules, co-chair of the Joint Legislative Council, and as a member of the following committees: Colleges and Universities, Financial Institutions, Mental Health Reform, Rules, and Tourism. Ballweg has authored legislation impacting agriculture, small businesses, health care, education, state preparedness and homeland security. She has achieved the passage of Donate to Life Wisconsin license plates in an effort to raise awareness and funds for organ donation and is working to modernize and provide greater access to the small claims courts process in Wisconsin.

**Panelist: Dean Cameron, Director, Idaho Department of Insurance**

Cameron was appointed by Governor C.L. “Butch” Otter to serve as director of the Idaho Department of Insurance effective in 2015. Cameron is a third generation insurance agent and has 24 years of experience in state government. He served 13 terms in the state Senate, including eight terms as chair of the Senate Finance Committee and co-chair of JFAC, the state’s budget committee. During his tenure in the Senate, Cameron was the senior member on the Senate Resources and Environment Committee, co-chair of the Health Care Task Force and former chair and senior member of the Senate Commerce and Human Resources Committee, which handles insurance legislation.

**Panelist: Rick Masters, Special Counsel, National Center for Interstate Compacts**

Masters is special counsel to the National Center for Interstate Compacts, or NCIC, providing legal guidance on the law and use of interstate compacts and their application and enforcement, as well as bill drafting guidance in conjunction with NCIC compact projects. He has been a primary drafter of many compacts, including multistate licensure compacts for the professions of nursing, medicine, physical therapy, emergency medical services and psychology. He also provides legal advice to a variety of compact governing boards and agencies and testifies before state legislatures and Congress about compact legislation. He co-authored The Evolving Law and Use of Interstate Compacts 2nd Edition, the largest compilation of laws and commentary on the subject, published by the American Bar Association.

**Panelist: Wyoming state Sen. Stephan Pappas, Founder and President, Pappas & Pappas Architects P.C.**

Pappas is a founder and president of Pappas & Pappas Architects, P.C., bringing to the firm over 37 years of experience in medical, educational, military and commercial architecture. Pappas also serves as a senator in the Wyoming State Legislature, representing Senate District 7. Pappas served in the U.S. Air Force for nearly 24 years, retiring as the assistant adjutant general for the Wyoming Air
National Guard with the rank of brigadier general.

Julie Regan, Chief of External Affairs and Deputy Director, Tahoe Regional Planning Agency
Regan has 25 years of professional communications and government affairs experience in both the public and private sectors. Since 2003, Regan has served in several capacities for the Tahoe Regional Planning Agency and is currently chief of external affairs and deputy director. Her areas of expertise include strategic planning, media relations, writing, government relations, community outreach and environmental issues management. Her previous experience ranges from publishing Treasures by the Sea magazine to running the marketing and real estate arm of ResortQuest International in Bethany Beach, Delaware. Regan is also the co-chair of the nationally-focused Network for Landscape Conservation.

NCIC Summit of the States: Federalism and Interstate Compacts
This panel will examine federalism and the use of interstate compacts, as well as discuss federal, state, local and international participation in interstate compacts. This panel will also take a closer look at how federal agencies interact with and participate on interstate compact governing bodies.

Moderator: Jeffrey B. Litwak, Counsel, Columbia River Gorge Commission
Litwak is counsel to the Columbia River Gorge Commission, the interstate compact agency for the Columbia River Gorge National Scenic Area. His practice includes interstate compacts, administrative law, land use, state and local government law, and civil appeals. Litwak is also an adjunct professor of law at Lewis and Clark Law School, where he teaches interstate compact law, Oregon land use law and administrative law. He has served on The Council of State Governments’ National Center for Interstate Compacts Advisory Board.

Panelist: Hawaii state Rep. Cindy Evans, Chair, House Committee on Economic Development and Business
Evans serves as the chair of the House Committee on Economic Development and Business. She is a veteran legislator serving her eighth term in the Hawai’i State House of Representatives representing North Kona, North Kohala and South Kohala on the island of Hawai’i. Previously, Evans served as House majority floor leader, chair of the House Committee on Water and Land, and chair of the House Committee on Public Safety and Military Affairs. She is also a graduate of the Western Legislative Academy, and The Council of State Governments’ Henry Toll Fellowship program.

Panelist: Jason E. Oyler, General Counsel, Susquehanna River Basin Commission
Oyler is general counsel for the Susquehanna River Basin Commission, or SRBC, which regulates the withdrawal, consumptive use and diversion of water into and out of the Susquehanna River Basin in New York, Pennsylvania and Maryland, including water withdrawn and used to support the natural gas industry and pipeline development. Prior to joining the SRBC, Oyler was assistant counsel with the Pennsylvania Department of Environmental Protection within the Bureau of Regulatory Counsel. Oyler counseled the NPDES permitting program; the sewage facilities planning and permitting program; and the water obstruction and encroachments program; as well as 401 water quality certifications under the Clean Water Act; and FERC issues related to water, biosolids, and endangered and threatened species.

Panelist: Arthur J. Parker, Assistant Deputy Attorney General, Office of the Attorney General, District of Columbia
Parker is an attorney employed since 1998 by the Office of the Attorney General for the District of Columbia. Currently, he is the assistant deputy attorney general for the Legal Counsel Division. His career as lawyer has included experience in criminal defense law, civil litigation, civil enforcement law, administrative law, and most recently, legislative and regulatory law including numerous interstate compact issues. Parker most recently worked with attorneys in D.C., Maryland and Virginia.
to craft and enact the Washington Metrorail Safety Commission Interstate Compact.

**NCIC Summit of the States: Legal Roundtable**

In this session, NCIC will provide an annual review of interstate compact case law from the previous year. Recent court cases on both the state and federal level have shown that the interstate compact mechanism must interact with all three branches of state and federal government. Panelists will provide an update on recent developments in the courts and explore the potential impact to interstate compact administration.

**Moderator: Rick Masters, Special Counsel, National Center for Interstate Compacts**

Masters is special counsel to the National Center for Interstate Compacts, or NCIC, providing legal guidance on the law and use of interstate compacts and their application and enforcement, as well as bill drafting guidance in conjunction with NCIC compact projects. He has been a primary drafter of many compacts, including multistate licensure compacts for the professions of nursing, medicine, physical therapy, emergency medical services and psychology. He also provides legal advice to a variety of compact governing boards and agencies and testifies before state legislatures and Congress about compact legislation. He co-authored The Evolving Law and Use of Interstate Compacts 2nd Edition, the largest compilation of laws and commentary on the subject, published by the American Bar Association.

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**Panelist: John L. Marshall, General Counsel, Tahoe Regional Planning Agency**

Marshall has been litigating natural resources and land use cases and advising public agencies as a member of several Sacramento private law firms, the United States Department of Justice (1992-1998), a solo practitioner and currently as general counsel to the Tahoe Regional Planning Agency.

**Panelist: Karen Z. Schutter, Executive Director, Interstate Insurance Product Regulation Commission**

Schutter is the executive director of the Interstate Insurance Product Regulation Commission, or the Insurance Compact. She oversees the day-to-day management of the Insurance Compact and its product filing operations, including providing support to the members of the commission and its committees to fulfill their respective missions. Prior to joining the Insurance Compact, Schutter was with the National Association of Insurance Commissioners for ten years, serving in various legal and management capacities. When the Insurance Compact became operational in 2006, Schutter coordinated its legal and operational implementation, including supporting the members in setting up its committee structure, drafting its bylaws and initial rules, and implementing its electronic filing platform.

**NCIC Summit of the States: Closing & Occupational Licensure Compacts**

The U. S. Bureau of Labor Statistics estimates that the number of licensed occupations has risen from 5 percent of the U. S. workforce in the 1950s to about a quarter of the workforce today. Navigating the various state licensing processes can pose a significant challenge for workers due to different rules, regulations, fee structures and continuing education requirements. This panel will look at the rising use of occupational licensure compacts, particularly in the healthcare sector, to achieve professional licensure portability and reciprocity and the potential impacts on America’s workforce.
Moderator: Marcus J. Beauregard, Director, Defense State Liaison Office
Beauregard assumed the duties of director for the Defense State Liaison Office within the Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy in 2015. The office conducts strategic planning, legislative analysis, outreach and education in order to assist governors, state legislators and other state officials in addressing the department’s priority issues affecting service members and their families. The Defense State Liaison Office is responsible for assisting in the passage of an average of 70 state bills per year, influencing a range of titles in state statutes including absentee voting, occupational licensing, unemployment compensation, consumer protection, family law, child advocacy, K-16 education, public health and National Guard support.

Panelist: Leslie Adrian, Director of Professional Standards, Federation of State Boards of Physical Therapy
Adrian is the director of professional standards for the Federation of State Boards of Physical Therapy. Adrian’s responsibilities include responding to the needs and requests of member state boards, authoring resource papers, tracking legislative and regulatory activities relevant to physical therapy, developing standards for internationally educated physical therapists, and speaking publically on federation initiatives and other topics of physical therapy regulation. Adrian has been involved in the federation’s initiatives to improve licensure portability and patient access to physical therapy services from concept to implementation of the Physical Therapy Compact.

Panelist: Nebraska state Sen. Carol Blood
Blood was elected to the Nebraska Legislature in 2016 and represents District 3, which includes segments of Bellevue and Papillion, Nebraska. As a Nebraska senator, one of her key priorities is area veterans and their families. In the next session, Blood is bringing forward a bold military families initiative that includes three interstate compact bills and four additional bills all designed to help prevent the unintended barriers that have been created by existing policy. Blood has been a business consultant since 2005 and has helped hundreds of business owners over the years start, maintain and expand successful startups.

Pappas is a founder and president of Pappas & Pappas Architects, P.C., bringing to the firm over 37 years of experience in medical, educational, military and commercial architecture. Pappas also serves as a senator in the Wyoming State Legislature, representing Senate District 7. Pappas served in the U.S. Air Force for nearly 24 years, retiring as the assistant adjutant general for the Wyoming Air National Guard with the rank of brigadier general.

Panelist: James R. Puente, Director, Nurse Licensure Compact
Puente was appointed director of the Nurse Licensure Compact, or NLC, in 2009. This position at the National Council of State Boards of Nursing is dedicated to the goals of the compact’s governing body, the Nurse Licensure Compact Administrators. Puente is charged with managing the operations of the NLC, the development of implementation strategies for regulatory compliance and implementation of the compact strategic plan. Puente has over 25 years of experience in the health care sector and is a certified association executive.

Panelist: Sharyl Thompson, CEO, Higher Education Regulatory Consulting LLC
Thompson is the CEO of Higher Education Regulatory, or HER, Consulting based in Minneapolis, Minnesota. Thompson consults with higher education institutions and companies to help “open doors through higher education regulatory expertise.” After over 13 years of experience working for three higher education institutions, Thompson formed HER Consulting in 2014 to assist institutions in all sectors with navigating the work of state authorization, the State Authorization Reciprocity Agreement, or SARA, and professional licensure compliance. Thompson is a contributing author for