

**SB46 ENROLLED**



1 28NXIS-3  
2 By Senators Orr, Chesteen  
3 RFD: Education Policy  
4 First Read: 07-Mar-23  
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## SB46 Enrolled

1 Enrolled, An Act,

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4 Relating to the mobility of P-12 teachers; to provide  
5 and adopt the Interstate Teacher Mobility Compact to allow  
6 licensed teachers to practice among compact states in a  
7 limited manner; to provide eligibility requirements for  
8 licensed teachers to teach pursuant to the compact; to provide  
9 for a coordinated licensure information system, joint  
10 investigations, and disciplinary actions; to establish the  
11 Interstate Teacher Mobility Compact Commission, and provide  
12 for membership, powers, duties, and rulemaking functions of  
13 the commission; and to provide for oversight of the compact,  
14 enforcement of the compact, default procedures, dispute  
15 resolution, withdrawal of compact states, and amendments to  
16 the compact.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Purpose.

19 (a) The purpose of this compact is to facilitate the  
20 mobility of teachers across the member states, with the goal  
21 of supporting teachers through a new pathway to licensure.  
22 Through this compact, the member states seek to establish a  
23 collective regulatory framework that expedites and enhances  
24 the ability of teachers to move across state lines.

25 (b) This compact is intended to achieve all of the  
26 following objectives and should be interpreted accordingly.  
27 The member states hereby ratify the same intentions by  
28 subscribing hereto.



## SB46 Enrolled

29 (1) Create a streamlined pathway to licensure mobility  
30 for teachers.

31 (2) Support the relocation of eligible military spouses.

32 (3) Facilitate and enhance the exchange of licensure,  
33 investigative, and disciplinary information between the member  
34 states.

35 (4) Enhance the power of state and district level  
36 education officials to hire qualified, competent teachers by  
37 removing barriers to the employment of out-of-state teachers.

38 (5) Support the retention of teachers in the profession  
39 by removing barriers to relicensure in a new state.

40 (6) Maintain state sovereignty in the regulation of the teaching  
41 profession.

42 Section 2. Definitions.

43 As used in this compact, and except as otherwise  
44 provided, the following definitions shall govern the terms  
45 herein:

46 (1) ACTIVE MILITARY MEMBER. Any individual with full-time  
47 duty status in the Armed Forces of the United States,  
48 including members of the National Guard and Reserve.

49 (2) ADVERSE ACTION. Any limitation or restriction imposed  
50 by a member state's licensing authority, such as revocation,  
51 suspension, reprimand, probation, or limitation on the  
52 licensee's ability to work as a teacher.

53 (3) BYLAWS. Those bylaws established by the commission.

54 (4) CAREER AND TECHNICAL EDUCATION LICENSE. A current,  
55 valid authorization issued by a member state's licensing  
56 authority allowing an individual to serve as a teacher in P-12



## SB46 Enrolled

57 public educational settings in a specific career and technical  
58 education area.

59 (5) CHARTER MEMBER STATES. A member state that has  
60 enacted legislation to adopt this compact where such  
61 legislation predates the initial meeting of the commission  
62 after the effective date of the compact.

63 (6) COMMISSION. The interstate administrative body which  
64 membership consists of delegates of all states that have  
65 enacted this compact, and which is known as the Interstate  
66 Teacher Mobility Compact Commission.

67 (7) COMMISSIONER. The delegate of a member state.

68 (8) ELIGIBLE LICENSE. A license to engage in the teaching  
69 profession which requires at least a bachelor's degree and the  
70 completion of a state approved program for teacher licensure.

71 (9) ELIGIBLE MILITARY SPOUSE. The spouse of any  
72 individual in full-time duty status in the active Armed Forces  
73 of the United States including members of the National Guard  
74 and Reserve moving as a result of a military mission or  
75 military career progression requirements or are on their  
76 terminal move as a result of separation or retirement (to  
77 include surviving spouses of deceased military members).

78 (10) EXECUTIVE COMMITTEE. A group of commissioners  
79 elected or appointed to act on behalf of, and within the  
80 powers granted to them by, the commission as provided for  
81 herein.

82 (11) LICENSING AUTHORITY. An official, agency, board, or  
83 other entity of a state that is responsible for the licensing



## SB46 Enrolled

84 and regulation of teachers authorized to teach in P-12 public  
85 educational settings.

86 (12) MEMBER STATE. Any state that has adopted this  
87 compact, including all agencies and officials of that state.

88 (13) RECEIVING STATE. Any state where a teacher has  
89 applied for licensure under this compact.

90 (14) RULE. Any regulation adopted by the commission under  
91 this compact, which shall have the force of law in each member  
92 state.

93 (15) STATE. A state, territory, or possession of the  
94 United States, and the District of Columbia.

95 (16) STATE PRACTICE LAWS. A member state's laws, rules,  
96 and regulations that govern the teaching profession, define  
97 the scope of the profession, and create the methods and  
98 grounds for imposing discipline.

99 (17) STATE SPECIFIC REQUIREMENTS. A requirement for  
100 licensure covered in coursework or examination that includes  
101 content of unique interest to the state.

102 (18) TEACHER. An individual who currently holds an  
103 authorization from a member state that forms the basis for  
104 employment in the P-12 public schools of the state to provide  
105 instruction in a specific subject area, grade level, or  
106 student population.

107 (19) UNENCUMBERED LICENSE. A current, valid authorization issued  
108 by a member state's licensing authority allowing an individual to  
109 serve as a teacher in P-12 public educational settings. An  
110 unencumbered license is not a restricted, probationary, provisional,  
111 substitute, or temporary credential.



## SB46 Enrolled

112 Section 3. Licensure under the compact.

113 (a) Licensure under this compact pertains only to the  
114 initial grant of a license by the receiving state. Nothing  
115 herein applies to any subsequent or ongoing compliance  
116 requirements that a receiving state might require for  
117 teachers.

118 (b) Each member state, in accordance with the rules of  
119 the commission, shall define, compile, and update as  
120 necessary, a list of eligible licenses and career and  
121 technical education licenses that the member state is willing  
122 to consider for equivalency under this compact and provide the  
123 list to the commission. The list shall include those licenses  
124 that a receiving state is willing to grant to teachers from  
125 other member states, pending a determination of equivalency by  
126 the receiving state's licensing authority.

127 (c) Upon the receipt of an application for licensure by a  
128 teacher holding an unencumbered eligible license, the  
129 receiving state shall determine which of the receiving state's  
130 eligible licenses the teacher is qualified to hold and shall  
131 grant the license or licenses to the applicant. The  
132 determination shall be made in the sole discretion of the  
133 receiving state's licensing authority and may include a  
134 determination that the applicant is not eligible for any of  
135 the receiving state's eligible licenses. For all teachers who  
136 hold an unencumbered license, the receiving state shall grant  
137 one or more unencumbered licenses that, in the receiving  
138 state's sole discretion, are equivalent to the licenses held  
139 by the teacher in any other member state.



## SB46 Enrolled

140 (d) For active military members and eligible military  
141 spouses who hold a license that is not unencumbered, the  
142 receiving state shall grant an equivalent license or licenses  
143 that, in the receiving state's sole discretion, is equivalent  
144 to the license or licenses held by the teacher in any other  
145 member state, except where the receiving state does not have  
146 an equivalent license.

147 (e) For a teacher holding an unencumbered career and technical  
148 education license, the receiving state shall grant an unencumbered  
149 license equivalent to the career and technical education license held  
150 by the applying teacher and issued by another member state, as  
151 determined by the receiving state in its sole discretion, except  
152 where a career and technical education teacher does not hold a  
153 bachelor's degree and the receiving state requires a bachelor's  
154 degree for licenses to teach career and technical education. A  
155 receiving state may require career and technical education teachers  
156 to meet state industry recognized requirements, if required by law in  
157 the receiving state.

158 Section 4. Licensure not under the compact.

159 (a) Except as provided in Section 3, nothing in this  
160 compact shall be construed to limit or inhibit the power of a  
161 member state to regulate licensure or endorsements overseen by  
162 the member state's licensing authority.

163 (b) When a teacher is required to renew a license  
164 received pursuant to this compact, the state granting the  
165 license may require the teacher to complete state specific  
166 requirements as a condition of licensure renewal or  
167 advancement in that state.



## SB46 Enrolled

168 (c) For the purposes of determining compensation, a  
169 receiving state may require additional information from  
170 teachers receiving a license under this compact.

171 (d) Nothing in this compact shall be construed to limit  
172 the power of a member state to control and maintain ownership  
173 of its information pertaining to teachers, or limit the  
174 application of a member state's laws or regulations governing  
175 the ownership, use, or dissemination of information pertaining  
176 to teachers.

177 (e) Nothing in this compact shall be construed to  
178 invalidate or alter any existing agreement or other  
179 cooperative arrangement which a member state may already be a  
180 party to, or limit the ability of a member state to  
181 participate in any future agreement or other cooperative  
182 arrangement to do any of the following:

183 (1) Award teaching licenses or other benefits based on  
184 additional professional credentials including, but not limited  
185 to, national board certification.

186 (2) Participate in the exchange of names of teachers  
187 whose license has been subject to an adverse action by a  
188 member state.

189 (3) Participate in any agreement or cooperative  
190 arrangement with a nonmember state.

191 Section 5. Teacher qualifications and requirements for  
192 licensure under the compact.

193 (a) Except as provided for active military members or  
194 eligible military spouses in subsection (d) of Section 3, a  
195 teacher may only be eligible to receive a license under this





## SB46 Enrolled

196 compact where that teacher holds an unencumbered license in a  
197 member state.

198 (b) A teacher eligible to receive a license under this  
199 compact, unless otherwise provided for herein, shall do all of  
200 the following:

201 (1) Upon his or her application to receive a license  
202 under this compact, undergo a criminal background check in the  
203 receiving state in accordance with the laws and regulations of  
204 the receiving state.

205 (2) Provide the receiving state with information in addition to  
206 the information required for licensure for the purposes of  
207 determining compensation, if applicable.

208 Section 6. Discipline and adverse actions.

209 (a) Nothing in this compact shall be deemed or construed  
210 to limit the authority of a member state to investigate or  
211 impose disciplinary measures on teachers according to the  
212 state practice laws thereof.

213 (b) Member states may receive, and shall provide, files  
214 and information regarding the investigation and discipline, if  
215 any, of teachers in other member states upon request. Any  
216 member state receiving the information or files shall protect  
217 and maintain the security and confidentiality thereof, in at  
218 least the same manner that the member state maintains its own  
219 investigatory or disciplinary files and information. Prior to  
220 disclosing any disciplinary or investigatory information  
221 received from another member state, the disclosing state shall  
222 communicate its intention and purpose for the disclosure to  
223 the member state which originally provided that information.



## SB46 Enrolled

224 Section 7. Establishment of the Interstate Teacher  
225 Mobility Compact Commission.

226 (a) The compact member states hereby create and establish  
227 a joint public agency known as the Interstate Teacher Mobility  
228 Compact Commission:

229 (1) The commission is a joint interstate governmental  
230 agency comprised of states that have enacted this compact.

231 (2) Nothing in this compact shall be construed to be a  
232 waiver of sovereign immunity.

233 (b) Membership, voting, and meetings.

234 (1) Each member state shall have and be limited to one  
235 delegate to the commission, who shall be given the title of  
236 commissioner.

237 (2) The commissioner shall be the primary administrative  
238 officer of the state licensing authority or their designee.

239 (3) Any commissioner may be removed or suspended from  
240 office as provided by the law of the state from which the  
241 commissioner is appointed.

242 (4) The member state shall fill any vacancy occurring in  
243 the commission within 90 days.

244 (5) Each commissioner shall be entitled to one vote about  
245 the adoption of rules and creation of bylaws and shall  
246 otherwise have an opportunity to participate in the business  
247 and affairs of the commission. A commissioner shall vote in  
248 person or by other means as provided in the bylaws. The bylaws  
249 may provide for commissioners' participation in meetings by  
250 telephone or other means of communication.



## SB46 Enrolled

251 (6) The commission shall meet at least once during each  
252 calendar year. Additional meetings shall be held as set forth  
253 in the bylaws.

254 (7) The commission shall establish by rule a term of  
255 office for commissioners.

256 (c) The commission shall have all of the following powers  
257 and duties:

258 (1) Establish a code of ethics for the commission.

259 (2) Establish the fiscal year of the commission.

260 (3) Establish bylaws for the commission.

261 (4) Maintain financial records in accordance with the  
262 bylaws of the commission.

263 (5) Meet and take any actions as are consistent with this  
264 compact, the bylaws, and rules of the commission.

265 (6) Adopt uniform rules to implement and administer this  
266 compact. The rules shall have the force and effect of law and  
267 shall be binding in all member states. In the event the  
268 commission exercises its rulemaking authority in a manner that  
269 is beyond the scope of the purposes of the compact, or the  
270 powers granted hereunder, then the action by the commission  
271 shall be invalid and have no force and effect of law.

272 (7) Bring and prosecute legal proceedings or actions in  
273 the name of the commission, provided that the standing of any  
274 member state licensing authority to sue or be sued under  
275 applicable law shall not be affected.

276 (8) Purchase and maintain insurance and bonds.

277 (9) Borrow, accept, or contract for services of personnel  
278 including, but not limited to, employees of a member state, or



## SB46 Enrolled

279 an associated nongovernmental organization that is open to  
280 membership by all states.

281 (10) Hire employees, elect or appoint officers, fix  
282 compensation, define duties, grant such individuals  
283 appropriate authority to carry out the purposes of the  
284 compact, and establish the commission's personnel policies and  
285 programs relating to conflicts of interest, qualifications of  
286 personnel, and other related personnel matters.

287 (11) Lease, purchase, accept appropriate gifts or  
288 donations of, or otherwise own, hold, improve, or use, any  
289 property, real, personal, or mixed, provided that at all times  
290 the commission shall avoid any appearance of impropriety.

291 (12) Sell, convey, mortgage, pledge, lease, exchange,  
292 abandon, or otherwise dispose of any property, real, personal,  
293 or mixed.

294 (13) Establish a budget and make expenditures.

295 (14) Borrow money.

296 (15) Appoint committees, including standing committees  
297 composed of members and other interested individuals as may be  
298 designated in this compact, rules, or bylaws.

299 (16) Provide and receive information from, and cooperate  
300 with, law enforcement agencies.

301 (17) Establish and elect an executive committee.

302 (18) Establish and develop a charter for an executive  
303 information governance committee to advise on facilitating  
304 exchange of information, use of information, data privacy, and  
305 technical support needs, and provide reports as needed.



## SB46 Enrolled

306 (19) Perform other functions as may be necessary or  
307 appropriate to achieve the purposes of this compact consistent  
308 with the state regulation of teacher licensure.

309 (20) Determine whether a state's adopted language is  
310 materially different from the model compact language such that  
311 the state would not qualify for participation in the compact.

312 (d) The executive committee of the compact commission.

313 (1) The executive committee may act on behalf of the  
314 commission according to the terms of this compact.

315 (2) The executive committee shall be composed of the  
316 following eight voting members:

317 a. The commission chair, vice chair, and treasurer.

318 b. Five members who are elected by the commission from  
319 the current membership, including the following:

320 1. Four voting members representing geographic regions in  
321 accordance with commission rules.

322 2. One at-large voting member in accordance with  
323 commission rules.

324 (3) The commission may add or remove members of the  
325 executive committee as provided in commission rules.

326 (4) The executive committee shall meet at least once  
327 annually.

328 (5) The executive committee shall have the following  
329 duties and responsibilities:

330 a. Recommend to the entire commission changes to the  
331 rules or bylaws, changes to the compact legislation, fees paid  
332 by compact member states including annual dues and any compact  
333 fee charged by the member states on behalf of the commission.



## SB46 Enrolled

334           b. Ensure commission administration services are  
335 appropriately provided, contractual or otherwise.

336           c. Prepare and recommend the budget.

337           d. Maintain financial records on behalf of the  
338 commission.

339           e. Monitor compliance of member states and provide  
340 reports to the commission.

341           f. Perform other duties as provided in rules or bylaws.

342           (6) Meetings of the commission.

343           a. All meetings shall be open to the public, and public  
344 notice of meetings shall be given in accordance with  
345 commission bylaws.

346           b. The commission or the executive committee or other  
347 committees of the commission may convene in a closed,  
348 nonpublic meeting if the commission or executive committee or  
349 other committees of the commission must discuss any of the  
350 following:

351           1. Noncompliance of a member state with its obligations  
352 under the compact.

353           2. The employment, compensation, discipline, or other  
354 matters, practices, or procedures related to specific  
355 employees or other matters related to the commission's  
356 internal personnel practices and procedures.

357           3. Current, threatened, or reasonably anticipated  
358 litigation.

359           4. Negotiation of contracts for the purchase, lease, or  
360 sale of goods, services, or real estate.



## SB46 Enrolled

361           5. Accusing any individual of a crime or formally  
362 censuring any individual.

363           6. Disclosure of trade secrets or commercial or financial  
364 information that is privileged or confidential.

365           7. Disclosure of information of a personal nature where  
366 disclosure would constitute a clearly unwarranted invasion of  
367 personal privacy.

368           8. Disclosure of investigative records compiled for law  
369 enforcement purposes.

370           9. Disclosure of information related to any investigative  
371 reports prepared by or on behalf of or for use of the  
372 commission or other committee charged with responsibility of  
373 investigation or determination of compliance issues pursuant  
374 to the compact.

375           10. Matters specifically exempted from disclosure by  
376 federal or member state statute.

377           11. Other matters as set forth by commission bylaws and  
378 rules.

379           c. If a meeting, or portion of a meeting, is closed  
380 pursuant to this subdivision, the commission's legal counsel  
381 or designee shall certify that the meeting may be closed and  
382 shall reference each relevant exempting provision.

383           d. The commission shall keep minutes of commission  
384 meetings and shall provide a full and accurate summary of  
385 actions taken, and the reasons therefore, including a  
386 description of the views expressed. All documents considered  
387 in connection with an action shall be identified in the  
388 minutes. All minutes and documents of a closed meeting shall



## SB46 Enrolled

389 remain under seal, subject to release by a majority vote of  
390 the commission or order of a court of competent jurisdiction.

391 (7) Financing of the commission.

392 a. The commission shall pay, or provide for the payment  
393 of, the reasonable expenses of its establishment,  
394 organization, and ongoing activities.

395 b. The commission may accept all appropriate donations  
396 and grants of money, equipment, supplies, materials, and  
397 services, and receive, utilize, and dispose of the same,  
398 provided that at all times the commission shall avoid any  
399 appearance of impropriety or conflict of interest.

400 c. The commission may levy on and collect an annual  
401 assessment from each member state or impose fees on other  
402 parties to cover the cost of the operations and activities of  
403 the commission, in accordance with the commission rules.

404 d. The commission shall not incur obligations of any kind  
405 prior to securing the funds adequate to meet the same; nor  
406 shall the commission pledge the credit of any of the member  
407 states, except by and with the authority of the member state.

408 e. The commission shall keep accurate accounts of all  
409 receipts and disbursements. The receipts and disbursements of  
410 the commission shall be subject to accounting procedures  
411 established under commission bylaws. All receipts and  
412 disbursements of funds of the commission shall be reviewed  
413 annually in accordance with commission bylaws, and a report of  
414 the review shall be included in and become part of the annual  
415 report of the commission.

416 (8) Qualified immunity, defense, and indemnification.





## SB46 Enrolled

417           a. The members, officers, executive director, employees,  
418 and representatives of the commission shall be immune from  
419 suit and liability in their official capacity for any claim  
420 for damage to or loss of property or personal injury or other  
421 civil liability caused by or arising out of any actual or  
422 alleged act, error, or omission that occurred, or that the  
423 individual against whom the claim is made had a reasonable  
424 basis for believing occurred within the scope of commission  
425 employment, duties, or responsibilities; provided that nothing  
426 in this paragraph shall be construed to protect any individual  
427 from suit or liability for any damage, loss, injury, or  
428 liability caused by the intentional or willful or wanton  
429 misconduct of that individual.

430           b. The commission shall defend any member, officer,  
431 executive director, employee, or representative of the  
432 commission in any civil action seeking to impose liability  
433 arising out of any actual or alleged act, error, or omission  
434 that occurred within the scope of commission employment,  
435 duties, or responsibilities, or that the individual against  
436 whom the claim is made had a reasonable basis for believing  
437 occurred within the scope of commission employment, duties, or  
438 responsibilities; provided that nothing herein shall be  
439 construed to prohibit that individual from retaining his or  
440 her own counsel; and provided further, that the actual or  
441 alleged act, error, or omission did not result from that  
442 individual's intentional or willful or wanton misconduct.

443           c. The commission shall indemnify and hold harmless any  
444 member, officer, executive director, employee, or



## SB46 Enrolled

445 representative of the commission for the amount of any  
446 settlement or judgment obtained against that individual  
447 arising out of any actual or alleged act, error, or omission  
448 that occurred within the scope of commission employment,  
449 duties, or responsibilities, or that the individual had a  
450 reasonable basis for believing occurred within the scope of  
451 commission employment, duties, or responsibilities, provided  
452 that the actual or alleged act, error, or omission did not  
453 result from the intentional or willful or wanton misconduct of  
454 that individual.

455 Section 8. Rulemaking.

456 (a) The commission shall exercise its rulemaking powers  
457 pursuant to the criteria set forth in this compact and the  
458 rules adopted thereunder. Rules and amendments shall become  
459 binding as of the date specified in each rule or amendment.

460 (b) The commission shall adopt reasonable rules to  
461 achieve the intent and purpose of this compact. In the event  
462 the commission exercises its rulemaking authority in a manner  
463 that is beyond purpose and intent of this compact, or the  
464 powers granted hereunder, then the action by the commission  
465 shall be invalid and have no force and effect of law in the  
466 member states.

467 (c) If a majority of the legislatures of the member  
468 states rejects a rule, by enactment of a statute or resolution  
469 in the same manner used to adopt this compact within four  
470 years of the date of adoption of the rule, then the rule shall  
471 have no further force and effect in any member state.



## SB46 Enrolled

472 (d) Rules or amendments to the rules shall be adopted or  
473 ratified at a regular or special meeting of the commission in  
474 accordance with commission rules and bylaws.

475 (e) Upon determination that an emergency exists, the  
476 commission may consider and adopt an emergency rule with 48  
477 hours' notice, with opportunity to comment, provided that the  
478 usual rulemaking procedures shall be retroactively applied to  
479 the rule as soon as reasonably possible, in no event later  
480 than 90 days after the effective date of the rule. For the  
481 purposes of this subsection, an emergency rule is one that  
482 must be adopted immediately in order to do any of the  
483 following:

484 (1) Meet an imminent threat to public health, safety, or  
485 welfare.

486 (2) Prevent a loss of commission or member state funds.

487 (3) Meet a deadline for the adoption of an administrative  
488 rule that is established by federal law or rule.

489 (4) Protect public health and safety.

490 Section 9. Facilitating information exchange.

491 (a) The commission shall provide for facilitating the  
492 exchange of information to administer and implement this  
493 compact in accordance with the rules of the commission,  
494 consistent with generally accepted data protection principles.

495 (b) Nothing in this compact shall be deemed or construed to  
496 alter, limit, or inhibit the power of a member state to control and  
497 maintain ownership of its licensee information or alter, limit, or  
498 inhibit the laws or regulations governing licensee information in the  
499 member state.



## SB46 Enrolled

500 Section 10. Oversight, dispute resolution, and  
501 enforcement.

502 (a) Oversight.

503 (1) The executive and judicial branches of state  
504 government in each member state shall enforce this compact and  
505 take all actions necessary and appropriate to effectuate the  
506 compact's purposes and intent. This compact shall have  
507 standing as statutory law.

508 (2) Venue is proper and judicial proceedings by or  
509 against the commission shall be brought solely and exclusively  
510 in a court of competent jurisdiction where the principal  
511 office of the commission is located. The commission may waive  
512 venue and jurisdictional defenses to the extent it adopts or  
513 consents to participate in alternative dispute resolution  
514 proceedings. Nothing herein shall affect or limit the  
515 selection or propriety of venue in any action against a  
516 licensee for professional malpractice, misconduct, or any  
517 similar matter.

518 (3) All courts and all administrative agencies shall take  
519 judicial notice of this compact, the rules of the commission,  
520 and any information provided to a member state pursuant  
521 thereto in any judicial or quasi-judicial proceeding in a  
522 member state pertaining to the subject matter of this compact,  
523 or which may affect the powers, responsibilities, or actions  
524 of the commission.

525 (4) The commission may receive service of process in any  
526 proceeding regarding the enforcement or interpretation of this  
527 compact and shall have standing to intervene in any proceeding



## SB46 Enrolled

528 for all purposes. Failure to provide the commission service of  
529 process shall render a judgment or order void as to the  
530 commission, this compact, or adopted rules.

531 (b) Default, technical assistance, and termination. If  
532 the commission determines that a member state has defaulted in  
533 the performance of its obligations or responsibilities under  
534 this compact or the adopted rules, the commission shall do all  
535 of the following:

536 (1) Provide written notice to the defaulting state and  
537 other member states of the nature of the default, the proposed  
538 means of curing the default, or any other action to be taken  
539 by the commission.

540 (2) Provide remedial training and specific technical  
541 assistance regarding the default.

542 (c) If a state in default fails to cure the default, the  
543 defaulting state may be terminated from the compact upon an  
544 affirmative vote of a majority of the commissioners of the  
545 member states, and all rights, privileges, and benefits  
546 conferred on that state by this compact may be terminated on  
547 the effective date of termination. A cure of the default does  
548 not relieve the offending state of obligations or liabilities  
549 incurred during the period of default.

550 (d) Termination of membership in the compact shall be  
551 imposed only after all other means of securing compliance have  
552 been exhausted. Notice of intent to suspend or terminate shall  
553 be given by the commission to the governor, the majority and  
554 minority leaders of the defaulting state's legislature, the  
555 state licensing authority and each of the member states.



## SB46 Enrolled

556 (e) A state that has been terminated is responsible for  
557 all assessments, obligations, and liabilities incurred through  
558 the effective date of termination, including obligations that  
559 extend beyond the effective date of termination.

560 (f) The commission shall not bear any costs related to a  
561 state that is found to be in default or that has been  
562 terminated from this compact, unless agreed upon in writing  
563 between the commission and the defaulting state.

564 (g) The defaulting state may appeal the action of the  
565 commission by petitioning the United States District Court for  
566 the District of Columbia or the federal district where the  
567 commission has its principal office. The prevailing party  
568 shall be awarded all costs of the litigation, including  
569 reasonable attorney's fees.

570 (h) Dispute resolution.

571 (1) Upon request by a member state, the commission shall  
572 attempt to resolve disputes related to this compact that arise  
573 among member states and between member and non-member states.

574 (2) The commission shall adopt a rule providing for both  
575 binding and nonbinding alternative dispute resolution for  
576 disputes as appropriate.

577 (i) Enforcement.

578 (1) The commission, in the reasonable exercise of its  
579 discretion, shall enforce the provisions and rules of this  
580 compact.

581 (2) By majority vote, the commission may initiate legal action  
582 in the United States District Court for the District of Columbia or  
583 the federal district where the commission has its principal office



## SB46 Enrolled

584 against a member state in default to enforce compliance with this  
585 compact and its adopted rules and bylaws. The relief sought may  
586 include both injunctive relief and damages. In the event judicial  
587 enforcement is necessary, the prevailing party shall be awarded all  
588 costs of litigation, including reasonable attorney's fees. The  
589 remedies herein shall not be the exclusive remedies of the  
590 commission. The commission may pursue any other remedies available  
591 under federal or state law.

592 Section 11. Effectuation, withdrawal, and amendment.

593 (a) The compact shall come into effect on the date on  
594 which the compact statute is enacted into law in the tenth  
595 member state.

596 (1) On or after the effective date of this compact, the  
597 commission shall convene and review the enactment of each of  
598 the charter member states to determine if the statute enacted  
599 by each charter member state is materially different from the  
600 model compact statute.

601 (2) A charter member state whose enactment is found to be  
602 materially different from the model compact statute shall be  
603 entitled to the default process set forth in Section 10.

604 (3) Member states enacting the compact subsequent to the  
605 charter member states shall be subject to the process set  
606 forth in subdivision (c)(20) of Section 7 to determine if  
607 their enactments are materially different from the model  
608 compact statute and whether they qualify for participation in  
609 this compact.

610 (b) If any member state is later found to be in default,  
611 or is terminated or withdraws from this compact, the



## SB46 Enrolled

612 commission shall remain in existence and the compact shall  
613 remain in effect even if the number of member states should be  
614 less than 10.

615 (c) Any state that joins the compact after the  
616 commission's initial adoption of the rules and bylaws shall be  
617 subject to the rules and bylaws as they exist on the date on  
618 which the compact becomes law in that state. Any rule that has  
619 been previously adopted by the commission shall have the full  
620 force and effect of law on the day the compact becomes law in  
621 that state, as the rules and bylaws may be amended as provided  
622 in this compact.

623 (d) Any member state may withdraw from this compact by  
624 enacting a statute repealing the same.

625 (1) A member state's withdrawal shall not take effect  
626 until six months after enactment of the repealing statute.

627 (2) Withdrawal shall not affect the continuing  
628 requirement of the withdrawing state's licensing authority to  
629 comply with the investigative and adverse action reporting  
630 requirements of this compact prior to the effective date of  
631 withdrawal.

632 (e) This compact may be amended by the member states. No  
633 amendment to this compact shall become effective and binding  
634 upon any member state until it is enacted into the laws of all  
635 member states.

636 Section 12. Construction and severability.  
637 This compact shall be liberally construed to effectuate the  
638 purposes thereof. The provisions of this compact shall be  
639 severable and if any phrase, clause, sentence, or provision of





## SB46 Enrolled

640 this compact is declared to be contrary to the constitution of  
641 any member state or a state seeking membership in the compact,  
642 or of the United states or the applicability thereof to any  
643 other government, agency, individual, or circumstance is held  
644 invalid, the validity of the remainder of this compact and the  
645 applicability thereof to any government, agency, individual,  
646 or circumstance shall not be affected thereby. If this compact  
647 shall be held contrary to the constitution of any member  
648 state, the compact shall remain in full force and effect as to  
649 the remaining member states and in full force and effect as to  
650 the member state affected as to all severable matters.

651 Section 13. Consistent effect and conflict with other state  
652 laws.

653 (a) Nothing herein shall prevent or inhibit the  
654 enforcement of any other law of a member state that is not  
655 inconsistent with this compact.

656 (b) Any laws, statutes, regulations, or other legal  
657 requirements in a member state in conflict with this compact  
658 are superseded to the extent of the conflict.

659 (c) All permissible agreements between the commission and  
660 the member states are binding in accordance with their terms.

661 Section 14. This act shall become effective on the  
662 first day of the third month following its passage and  
663 approval by the Governor, or its otherwise becoming law.



**SB46 Enrolled**

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB46

Senate 05-Apr-23

I hereby certify that the within Act originated in and passed  
the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives

Passed: 11-May-23

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By: Senator Orr