

SB46 INTRODUCED



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

This bill would establish the Interstate Teacher Mobility Compact.

This bill would facilitate the mobility of P-12 licensed teachers across state lines and among compact member states.

This bill would authorize state licensing authorities in compact states, which would include the State Department of Education, to legally recognize, in a manner consistent with terms of the compact, teachers licensed within those states.

This bill would provide eligibility requirements for licensed teachers to teach pursuant to the compact.

This bill would provide accommodations for licensed teachers who are active duty personnel and their spouses.

This bill would provide for a coordinated licensure database for reporting licensure, investigative information, and disciplinary actions.

This bill would establish the Interstate Teacher Mobility Compact Commission, and would provide for membership, powers, and duties.

This bill would also provide for the rulemaking functions of the commission, oversight of the compact, enforcement of the compact, default procedures, dispute



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29 resolution, withdrawal of compact states, and
30 amendments to the compact.

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A BILL

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TO BE ENTITLED

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AN ACT

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37 Relating to the mobility of P-12 teachers; to provide
38 and adopt the Interstate Teacher Mobility Compact to allow
39 licensed teachers to practice among compact states in a
40 limited manner; to provide eligibility requirements for
41 licensed teachers to teach pursuant to the compact; to provide
42 for a coordinated licensure information system, joint
43 investigations, and disciplinary actions; to establish the
44 Interstate Teacher Mobility Compact Commission, and provide
45 for membership, powers, duties, and rulemaking functions of
46 the commission; and to provide for oversight of the compact,
47 enforcement of the compact, default procedures, dispute
48 resolution, withdrawal of compact states, and amendments to
49 the compact.

50 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

51 Section 1. Purpose.

52 (a) The purpose of this compact is to facilitate the
53 mobility of teachers across the member states, with the goal
54 of supporting teachers through a new pathway to licensure.
55 Through this compact, the member states seek to establish a



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56 collective regulatory framework that expedites and enhances
57 the ability of teachers to move across state lines.

58 (b) This compact is intended to achieve all of the
59 following objectives and should be interpreted accordingly.
60 The member states hereby ratify the same intentions by
61 subscribing hereto.

62 (1) Create a streamlined pathway to licensure mobility
63 for teachers.

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

65 (3) Facilitate and enhance the exchange of licensure,
66 investigative, and disciplinary information between the member
67 states.

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

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

73 (6) Maintain state sovereignty in the regulation of the teaching
74 profession.

75 Section 2. Definitions.

76 As used in this compact, and except as otherwise
77 provided, the following definitions shall govern the terms
78 herein:

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

82 (2) ADVERSE ACTION. Any limitation or restriction imposed
83 by a member state's licensing authority, such as revocation,



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84 suspension, reprimand, probation, or limitation on the
85 licensee's ability to work as a teacher.

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

87 (4) CAREER AND TECHNICAL EDUCATION LICENSE. A current,
88 valid authorization issued by a member state's licensing
89 authority allowing an individual to serve as a teacher in P-12
90 public educational settings in a specific career and technical
91 education area.

92 (5) CHARTER MEMBER STATES. A member state that has
93 enacted legislation to adopt this compact where such
94 legislation predates the initial meeting of the commission
95 after the effective date of the compact.

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

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

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

104 (9) ELIGIBLE MILITARY SPOUSE. The spouse of any
105 individual in full-time duty status in the active Armed Forces
106 of the United States including members of the National Guard
107 and Reserve moving as a result of a military mission or
108 military career progression requirements or are on their
109 terminal move as a result of separation or retirement (to
110 include surviving spouses of deceased military members).



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111 (10) EXECUTIVE COMMITTEE. A group of commissioners
112 elected or appointed to act on behalf of, and within the
113 powers granted to them by, the commission as provided for
114 herein.

115 (11) LICENSING AUTHORITY. An official, agency, board, or
116 other entity of a state that is responsible for the licensing
117 and regulation of teachers authorized to teach in P-12 public
118 educational settings.

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

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

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

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

128 (16) STATE PRACTICE LAWS. A member state's laws, rules,
129 and regulations that govern the teaching profession, define
130 the scope of the profession, and create the methods and
131 grounds for imposing discipline.

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

135 (18) TEACHER. An individual who currently holds an
136 authorization from a member state that forms the basis for
137 employment in the P-12 public schools of the state to provide



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138 instruction in a specific subject area, grade level, or
139 student population.

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

145 Section 3. Licensure under the compact.

146 (a) Licensure under this compact pertains only to the
147 initial grant of a license by the receiving state. Nothing
148 herein applies to any subsequent or ongoing compliance
149 requirements that a receiving state might require for
150 teachers.

151 (b) Each member state, in accordance with the rules of
152 the commission, shall define, compile, and update as
153 necessary, a list of eligible licenses and career and
154 technical education licenses that the member state is willing
155 to consider for equivalency under this compact and provide the
156 list to the commission. The list shall include those licenses
157 that a receiving state is willing to grant to teachers from
158 other member states, pending a determination of equivalency by
159 the receiving state's licensing authority.

160 (c) Upon the receipt of an application for licensure by a
161 teacher holding an unencumbered eligible license, the
162 receiving state shall determine which of the receiving state's
163 eligible licenses the teacher is qualified to hold and shall
164 grant the license or licenses to the applicant. The
165 determination shall be made in the sole discretion of the



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166 receiving state's licensing authority and may include a
167 determination that the applicant is not eligible for any of
168 the receiving state's eligible licenses. For all teachers who
169 hold an unencumbered license, the receiving state shall grant
170 one or more unencumbered licenses that, in the receiving
171 state's sole discretion, are equivalent to the licenses held
172 by the teacher in any other member state.

173 (d) For active military members and eligible military
174 spouses who hold a license that is not unencumbered, the
175 receiving state shall grant an equivalent license or licenses
176 that, in the receiving state's sole discretion, is equivalent
177 to the license or licenses held by the teacher in any other
178 member state, except where the receiving state does not have
179 an equivalent license.

180 (e) For a teacher holding an unencumbered career and technical
181 education license, the receiving state shall grant an unencumbered
182 license equivalent to the career and technical education license held
183 by the applying teacher and issued by another member state, as
184 determined by the receiving state in its sole discretion, except
185 where a career and technical education teacher does not hold a
186 bachelor's degree and the receiving state requires a bachelor's
187 degree for licenses to teach career and technical education. A
188 receiving state may require career and technical education teachers
189 to meet state industry recognized requirements, if required by law in
190 the receiving state.

191 Section 4. Licensure not under the compact.

192 (a) Except as provided in Section 3, nothing in this
193 compact shall be construed to limit or inhibit the power of a



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194 member state to regulate licensure or endorsements overseen by
195 the member state's licensing authority.

196 (b) When a teacher is required to renew a license
197 received pursuant to this compact, the state granting the
198 license may require the teacher to complete state specific
199 requirements as a condition of licensure renewal or
200 advancement in that state.

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

204 (d) Nothing in this compact shall be construed to limit
205 the power of a member state to control and maintain ownership
206 of its information pertaining to teachers, or limit the
207 application of a member state's laws or regulations governing
208 the ownership, use, or dissemination of information pertaining
209 to teachers.

210 (e) Nothing in this compact shall be construed to
211 invalidate or alter any existing agreement or other
212 cooperative arrangement which a member state may already be a
213 party to, or limit the ability of a member state to
214 participate in any future agreement or other cooperative
215 arrangement to do any of the following:

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

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



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222 (3) Participate in any agreement or cooperative
223 arrangement with a nonmember state.

224 Section 5. Teacher qualifications and requirements for
225 licensure under the compact.

226 (a) Except as provided for active military members or
227 eligible military spouses in subsection (d) of Section 3, a
228 teacher may only be eligible to receive a license under this
229 compact where that teacher holds an unencumbered license in a
230 member state.

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

234 (1) Upon his or her application to receive a license
235 under this compact, undergo a criminal background check in the
236 receiving state in accordance with the laws and regulations of
237 the receiving state.

238 (2) Provide the receiving state with information in addition to
239 the information required for licensure for the purposes of
240 determining compensation, if applicable.

241 Section 6. Discipline and adverse actions.

242 (a) Nothing in this compact shall be deemed or construed
243 to limit the authority of a member state to investigate or
244 impose disciplinary measures on teachers according to the
245 state practice laws thereof.

246 (b) Member states may receive, and shall provide, files
247 and information regarding the investigation and discipline, if
248 any, of teachers in other member states upon request. Any
249 member state receiving the information or files shall protect



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250 and maintain the security and confidentiality thereof, in at
251 least the same manner that the member state maintains its own
252 investigatory or disciplinary files and information. Prior to
253 disclosing any disciplinary or investigatory information
254 received from another member state, the disclosing state shall
255 communicate its intention and purpose for the disclosure to
256 the member state which originally provided that information.

257 Section 7. Establishment of the Interstate Teacher
258 Mobility Compact Commission.

259 (a) The compact member states hereby create and establish
260 a joint public agency known as the Interstate Teacher Mobility
261 Compact Commission:

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

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

266 (b) Membership, voting, and meetings.

267 (1) Each member state shall have and be limited to one
268 delegate to the commission, who shall be given the title of
269 commissioner.

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

272 (3) Any commissioner may be removed or suspended from
273 office as provided by the law of the state from which the
274 commissioner is appointed.

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



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277 (5) Each commissioner shall be entitled to one vote about
278 the adoption of rules and creation of bylaws and shall
279 otherwise have an opportunity to participate in the business
280 and affairs of the commission. A commissioner shall vote in
281 person or by other means as provided in the bylaws. The bylaws
282 may provide for commissioners' participation in meetings by
283 telephone or other means of communication.

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

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

289 (c) The commission shall have all of the following powers
290 and duties:

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

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

293 (3) Establish bylaws for the commission.

294 (4) Maintain financial records in accordance with the
295 bylaws of the commission.

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

298 (6) Adopt uniform rules to implement and administer this
299 compact. The rules shall have the force and effect of law and
300 shall be binding in all member states. In the event the
301 commission exercises its rulemaking authority in a manner that
302 is beyond the scope of the purposes of the compact, or the
303 powers granted hereunder, then the action by the commission
304 shall be invalid and have no force and effect of law.



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

309 (8) Purchase and maintain insurance and bonds.

310 (9) Borrow, accept, or contract for services of personnel
311 including, but not limited to, employees of a member state, or
312 an associated nongovernmental organization that is open to
313 membership by all states.

314 (10) Hire employees, elect or appoint officers, fix
315 compensation, define duties, grant such individuals
316 appropriate authority to carry out the purposes of the
317 compact, and establish the commission's personnel policies and
318 programs relating to conflicts of interest, qualifications of
319 personnel, and other related personnel matters.

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

324 (12) Sell, convey, mortgage, pledge, lease, exchange,
325 abandon, or otherwise dispose of any property, real, personal,
326 or mixed.

327 (13) Establish a budget and make expenditures.

328 (14) Borrow money.

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



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332 (16) Provide and receive information from, and cooperate
333 with, law enforcement agencies.

334 (17) Establish and elect an executive committee.

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

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

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

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

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

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

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

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

353 1. Four voting members representing geographic regions in
354 accordance with commission rules.

355 2. One at-large voting member in accordance with
356 commission rules.

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



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359 (4) The executive committee shall meet at least once
360 annually.

361 (5) The executive committee shall have the following
362 duties and responsibilities:

363 a. Recommend to the entire commission changes to the
364 rules or bylaws, changes to the compact legislation, fees paid
365 by compact member states including annual dues and any compact
366 fee charged by the member states on behalf of the commission.

367 b. Ensure commission administration services are
368 appropriately provided, contractual or otherwise.

369 c. Prepare and recommend the budget.

370 d. Maintain financial records on behalf of the
371 commission.

372 e. Monitor compliance of member states and provide
373 reports to the commission.

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

375 (6) Meetings of the commission.

376 a. All meetings shall be open to the public, and public
377 notice of meetings shall be given in accordance with
378 commission bylaws.

379 b. The commission or the executive committee or other
380 committees of the commission may convene in a closed,
381 nonpublic meeting if the commission or executive committee or
382 other committees of the commission must discuss any of the
383 following:

384 1. Noncompliance of a member state with its obligations
385 under the compact.



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386 2. The employment, compensation, discipline, or other
387 matters, practices, or procedures related to specific
388 employees or other matters related to the commission's
389 internal personnel practices and procedures.

390 3. Current, threatened, or reasonably anticipated
391 litigation.

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

394 5. Accusing any individual of a crime or formally
395 censuring any individual.

396 6. Disclosure of trade secrets or commercial or financial
397 information that is privileged or confidential.

398 7. Disclosure of information of a personal nature where
399 disclosure would constitute a clearly unwarranted invasion of
400 personal privacy.

401 8. Disclosure of investigative records compiled for law
402 enforcement purposes.

403 9. Disclosure of information related to any investigative
404 reports prepared by or on behalf of or for use of the
405 commission or other committee charged with responsibility of
406 investigation or determination of compliance issues pursuant
407 to the compact.

408 10. Matters specifically exempted from disclosure by
409 federal or member state statute.

410 11. Other matters as set forth by commission bylaws and
411 rules.

412 c. If a meeting, or portion of a meeting, is closed
413 pursuant to this subdivision, the commission's legal counsel



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414 or designee shall certify that the meeting may be closed and
415 shall reference each relevant exempting provision.

416 d. The commission shall keep minutes of commission
417 meetings and shall provide a full and accurate summary of
418 actions taken, and the reasons therefore, including a
419 description of the views expressed. All documents considered
420 in connection with an action shall be identified in the
421 minutes. All minutes and documents of a closed meeting shall
422 remain under seal, subject to release by a majority vote of
423 the commission or order of a court of competent jurisdiction.

424 (7) Financing of the commission.

425 a. The commission shall pay, or provide for the payment
426 of, the reasonable expenses of its establishment,
427 organization, and ongoing activities.

428 b. The commission may accept all appropriate donations
429 and grants of money, equipment, supplies, materials, and
430 services, and receive, utilize, and dispose of the same,
431 provided that at all times the commission shall avoid any
432 appearance of impropriety or conflict of interest.

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

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



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441 e. The commission shall keep accurate accounts of all
442 receipts and disbursements. The receipts and disbursements of
443 the commission shall be subject to accounting procedures
444 established under commission bylaws. All receipts and
445 disbursements of funds of the commission shall be reviewed
446 annually in accordance with commission bylaws, and a report of
447 the review shall be included in and become part of the annual
448 report of the commission.

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

450 a. The members, officers, executive director, employees,
451 and representatives of the commission shall be immune from
452 suit and liability, either personally or in their official
453 capacity, for any claim for damage to or loss of property or
454 personal injury or other civil liability caused by or arising
455 out of any actual or alleged act, error, or omission that
456 occurred, or that the individual against whom the claim is
457 made had a reasonable basis for believing occurred within the
458 scope of commission employment, duties, or responsibilities;
459 provided that nothing in this paragraph shall be construed to
460 protect any individual from suit or liability for any damage,
461 loss, injury, or liability caused by the intentional or
462 willful or wanton misconduct of that individual.

463 b. The commission shall defend any member, officer,
464 executive director, employee, or representative of the
465 commission in any civil action seeking to impose liability
466 arising out of any actual or alleged act, error, or omission
467 that occurred within the scope of commission employment,
468 duties, or responsibilities, or that the individual against



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469 whom the claim is made had a reasonable basis for believing
470 occurred within the scope of commission employment, duties, or
471 responsibilities; provided that nothing herein shall be
472 construed to prohibit that individual from retaining his or
473 her own counsel; and provided further, that the actual or
474 alleged act, error, or omission did not result from that
475 individual's intentional or willful or wanton misconduct.

476 c. The commission shall indemnify and hold harmless any
477 member, officer, executive director, employee, or
478 representative of the commission for the amount of any
479 settlement or judgment obtained against that individual
480 arising out of any actual or alleged act, error, or omission
481 that occurred within the scope of commission employment,
482 duties, or responsibilities, or that the individual had a
483 reasonable basis for believing occurred within the scope of
484 commission employment, duties, or responsibilities, provided
485 that the actual or alleged act, error, or omission did not
486 result from the intentional or willful or wanton misconduct of
487 that individual.

488 Section 8. Rulemaking.

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

493 (b) The commission shall adopt reasonable rules to
494 achieve the intent and purpose of this compact. In the event
495 the commission exercises its rulemaking authority in a manner
496 that is beyond purpose and intent of this compact, or the



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497 powers granted hereunder, then the action by the commission
498 shall be invalid and have no force and effect of law in the
499 member states.

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

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

508 (e) Upon determination that an emergency exists, the
509 commission may consider and adopt an emergency rule with 48
510 hours' notice, with opportunity to comment, provided that the
511 usual rulemaking procedures shall be retroactively applied to
512 the rule as soon as reasonably possible, in no event later
513 than 90 days after the effective date of the rule. For the
514 purposes of this subsection, an emergency rule is one that
515 must be adopted immediately in order to do any of the
516 following:

517 (1) Meet an imminent threat to public health, safety, or
518 welfare.

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

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

522 (4) Protect public health and safety.

523 Section 9. Facilitating information exchange.



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524 (a) The commission shall provide for facilitating the
525 exchange of information to administer and implement this
526 compact in accordance with the rules of the commission,
527 consistent with generally accepted data protection principles.

528 (b) Nothing in this compact shall be deemed or construed to
529 alter, limit, or inhibit the power of a member state to control and
530 maintain ownership of its licensee information or alter, limit, or
531 inhibit the laws or regulations governing licensee information in the
532 member state.

533 Section 10. Oversight, dispute resolution, and
534 enforcement.

535 (a) Oversight.

536 (1) The executive and judicial branches of state
537 government in each member state shall enforce this compact and
538 take all actions necessary and appropriate to effectuate the
539 compact's purposes and intent. This compact shall have
540 standing as statutory law.

541 (2) Venue is proper and judicial proceedings by or
542 against the commission shall be brought solely and exclusively
543 in a court of competent jurisdiction where the principal
544 office of the commission is located. The commission may waive
545 venue and jurisdictional defenses to the extent it adopts or
546 consents to participate in alternative dispute resolution
547 proceedings. Nothing herein shall affect or limit the
548 selection or propriety of venue in any action against a
549 licensee for professional malpractice, misconduct, or any
550 similar matter.



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551 (3) All courts and all administrative agencies shall take
552 judicial notice of this compact, the rules of the commission,
553 and any information provided to a member state pursuant
554 thereto in any judicial or quasi-judicial proceeding in a
555 member state pertaining to the subject matter of this compact,
556 or which may affect the powers, responsibilities, or actions
557 of the commission.

558 (4) The commission may receive service of process in any
559 proceeding regarding the enforcement or interpretation of this
560 compact and shall have standing to intervene in any proceeding
561 for all purposes. Failure to provide the commission service of
562 process shall render a judgment or order void as to the
563 commission, this compact, or adopted rules.

564 (b) Default, technical assistance, and termination. If
565 the commission determines that a member state has defaulted in
566 the performance of its obligations or responsibilities under
567 this compact or the adopted rules, the commission shall do all
568 of the following:

569 (1) Provide written notice to the defaulting state and
570 other member states of the nature of the default, the proposed
571 means of curing the default, or any other action to be taken
572 by the commission.

573 (2) Provide remedial training and specific technical
574 assistance regarding the default.

575 (c) If a state in default fails to cure the default, the
576 defaulting state may be terminated from the compact upon an
577 affirmative vote of a majority of the commissioners of the
578 member states, and all rights, privileges, and benefits



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579 conferred on that state by this compact may be terminated on
580 the effective date of termination. A cure of the default does
581 not relieve the offending state of obligations or liabilities
582 incurred during the period of default.

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

589 (e) A state that has been terminated is responsible for
590 all assessments, obligations, and liabilities incurred through
591 the effective date of termination, including obligations that
592 extend beyond the effective date of termination.

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

597 (g) The defaulting state may appeal the action of the
598 commission by petitioning the United States District Court for
599 the District of Columbia or the federal district where the
600 commission has its principal office. The prevailing party
601 shall be awarded all costs of the litigation, including
602 reasonable attorney's fees.

603 (h) Dispute resolution.

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



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607 (2) The commission shall adopt a rule providing for both
608 binding and nonbinding alternative dispute resolution for
609 disputes as appropriate.

610 (i) Enforcement.

611 (1) The commission, in the reasonable exercise of its
612 discretion, shall enforce the provisions and rules of this
613 compact.

614 (2) By majority vote, the commission may initiate legal action
615 in the United States District Court for the District of Columbia or
616 the federal district where the commission has its principal office
617 against a member state in default to enforce compliance with this
618 compact and its adopted rules and bylaws. The relief sought may
619 include both injunctive relief and damages. In the event judicial
620 enforcement is necessary, the prevailing party shall be awarded all
621 costs of litigation, including reasonable attorney's fees. The
622 remedies herein shall not be the exclusive remedies of the
623 commission. The commission may pursue any other remedies available
624 under federal or state law.

625 Section 11. Effectuation, withdrawal, and amendment.

626 (a) The compact shall come into effect on the date on
627 which the compact statute is enacted into law in the tenth
628 member state.

629 (1) On or after the effective date of this compact, the
630 commission shall convene and review the enactment of each of
631 the charter member states to determine if the statute enacted
632 by each charter member state is materially different from the
633 model compact statute.



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

637 (3) Member states enacting the compact subsequent to the
638 charter member states shall be subject to the process set
639 forth in subdivision (c)(20) of Section 7 to determine if
640 their enactments are materially different from the model
641 compact statute and whether they qualify for participation in
642 this compact.

643 (b) If any member state is later found to be in default,
644 or is terminated or withdraws from this compact, the
645 commission shall remain in existence and the compact shall
646 remain in effect even if the number of member states should be
647 less than 10.

648 (c) Any state that joins the compact after the
649 commission's initial adoption of the rules and bylaws shall be
650 subject to the rules and bylaws as they exist on the date on
651 which the compact becomes law in that state. Any rule that has
652 been previously adopted by the commission shall have the full
653 force and effect of law on the day the compact becomes law in
654 that state, as the rules and bylaws may be amended as provided
655 in this compact.

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

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

660 (2) Withdrawal shall not affect the continuing
661 requirement of the withdrawing state's licensing authority to



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662 comply with the investigative and adverse action reporting
663 requirements of this compact prior to the effective date of
664 withdrawal.

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

669 Section 12. Construction and severability.

670 This compact shall be liberally construed to effectuate the
671 purposes thereof. The provisions of this compact shall be
672 severable and if any phrase, clause, sentence, or provision of
673 this compact is declared to be contrary to the constitution of
674 any member state or a state seeking membership in the compact,
675 or of the United states or the applicability thereof to any
676 other government, agency, individual, or circumstance is held
677 invalid, the validity of the remainder of this compact and the
678 applicability thereof to any government, agency, individual,
679 or circumstance shall not be affected thereby. If this compact
680 shall be held contrary to the constitution of any member
681 state, the compact shall remain in full force and effect as to
682 the remaining member states and in full force and effect as to
683 the member state affected as to all severable matters.

684 Section 13. Consistent effect and conflict with other state
685 laws.

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



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

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

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