

**SENATE BILL No. 66**

By Committee on Education

1-19

1 AN ACT concerning education; relating to teacher licensure; enacting the  
2 interstate teacher mobility compact; recognizing equivalent teacher  
3 licenses from other member states.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This section shall be known and may be cited as the  
7 interstate teacher mobility compact.

8 INTERSTATE TEACHER MOBILITY COMPACT

9 ARTICLE I

10 PURPOSE

11 (a) The purpose of this compact is to facilitate the mobility of teachers  
12 across the member states, with the goal of supporting teachers through a  
13 new pathway to licensure. Through this compact, the member states seek  
14 to establish a collective regulatory framework that expedites and enhances  
15 the ability of teachers to move across state lines.

16 (b) (1) This compact is intended to achieve the following objectives  
17 and should be interpreted accordingly:

18 (A) Create a streamlined pathway to licensure mobility for teachers;

19 (B) support the relocation of eligible military spouses;

20 (C) facilitate and enhance the exchange of licensure, investigative and  
21 disciplinary information between the member states;

22 (D) enhance the power of state and district level education  
23 officials to hire qualified, competent teachers by removing barriers to the  
24 employment of out-of-state teachers;

25 (E) support the retention of teachers in the profession by removing  
26 barriers to relicensure in a new state; and

27 (F) maintain state sovereignty in the regulation of the teaching  
28 profession.

29 (2) The member states hereby ratify the same intentions by  
30 subscribing thereto.

31 ARTICLE II

32 DEFINITIONS

33 As used in this compact, and except as otherwise provided, the  
34 following definitions shall govern the terms herein:

35 (a) "Active military member" means any person with full-time duty  
36 status in the uniformed service of the United States, including members of

1 the national guard and reserve.

2 (b) "Adverse action" means any limitation or restriction imposed by a  
3 member state's licensing authority, such as revocation, suspension,  
4 reprimand, probation or limitation on the licensee's ability to work as a  
5 teacher.

6 (c) "Bylaws" means those bylaws established by the commission.

7 (d) "Career and technical education license" means a current, valid  
8 authorization issued by a member state's licensing authority allowing an  
9 individual to serve as a teacher in P-12 public educational settings in a  
10 specific career and technical education area.

11 (e) "Charter member states" means a member state that has enacted  
12 legislation to adopt this compact where such legislation predates the initial  
13 meeting of the commission after the effective date of the compact.

14 (f) "Commission" means the interstate teacher mobility compact  
15 commission which is the interstate administrative body that has a  
16 membership consisting of delegates of all states that have enacted this  
17 compact.

18 (g) "Commissioner" means the delegate of a member state.

19 (h) "Eligible license" means a license to engage in the teaching  
20 profession that requires at least a bachelor's degree and the completion of a  
21 state-approved program for teacher licensure.

22 (i) "Eligible military spouse" means the spouse of any individual in  
23 full-time duty status in the active uniformed service of the United States  
24 including members of the national guard and reserve on active duty  
25 moving as a result of a military mission or military career progression  
26 requirements or are on a terminal move as a result of separation or  
27 retirement, including surviving spouses of deceased military members.

28 (j) "Executive committee" means a group of commissioners elected  
29 or appointed to act on behalf of, and within the powers granted by, the  
30 commission as provided for herein.

31 (k) "Licensing authority" means an official, agency, board or other  
32 entity of a state that is responsible for the licensing and regulation of  
33 teachers authorized to teach in P-12 public educational settings.

34 (l) "Member state" means any state that has adopted this compact,  
35 including all agencies and officials of such state.

36 (m) "Receiving state" means any state where a teacher has applied for  
37 licensure under this compact.

38 (n) "Rule" means any regulation promulgated by the commission  
39 under this compact, which shall have the force of law in each member  
40 state.

41 (o) "State" means a state, territory or other possession of the United  
42 States and the District of Columbia.

43 (p) "State practice laws" means a member state's laws and rules and

1 regulations that govern the teaching profession, define the scope of such  
2 profession and create the methods and grounds for imposing discipline.

3 (q) "State specific requirements" means a requirement for licensure  
4 covered in coursework or examination that includes content of unique  
5 interest to the state.

6 (r) "Teacher" means an individual who currently holds an  
7 authorization from a member state that forms the basis for employment in  
8 the P-12 public schools of the state to provide instruction in a specific  
9 subject area, grade level or student population.

10 (s) "Unencumbered license" means a current, valid authorization  
11 issued by a member state's licensing authority allowing an individual to  
12 serve as a teacher in P-12 public educational settings. An "unencumbered  
13 license" is not a restricted, probationary, provisional, substitute or  
14 temporary credential.

### 15 ARTICLE III

#### 16 LICENSURE UNDER THE COMPACT

17 (a) Licensure under this compact pertains only to the initial grant of a  
18 license by the receiving state. Nothing herein applies to any subsequent or  
19 ongoing compliance requirements that a receiving state might require for  
20 teachers.

21 (b) Each member state shall, in accordance with the rules of the  
22 commission, define, compile and update as necessary, a list of eligible  
23 licenses and career and technical education licenses that the member state  
24 is willing to consider for equivalency under this compact and provide the  
25 list to the commission. The list shall include those licenses that a receiving  
26 state is willing to grant to teachers from other member states, pending a  
27 determination of equivalency by the receiving state's licensing authority.

28 (c) Upon the receipt of an application for licensure by a teacher  
29 holding an unencumbered eligible license, the receiving state shall  
30 determine which of the receiving state's eligible licenses the teacher is  
31 qualified to hold and shall grant such a license or licenses to the applicant.  
32 Such a determination shall be made in the sole discretion of the receiving  
33 state's licensing authority and may include a determination that the  
34 applicant is not eligible for any of the receiving state's eligible licenses.  
35 For all teachers who hold an unencumbered license, the receiving state  
36 shall grant one or more unencumbered license that, in the receiving state's  
37 sole discretion, are equivalent to the license held by the teacher in any  
38 other member state.

39 (d) For active military members and eligible military spouses who  
40 hold a license that is not unencumbered, the receiving state shall grant an  
41 equivalent license or licenses that, in the receiving state's sole discretion, is  
42 equivalent to the license or licenses held by the teacher in any other  
43 member state, except where the receiving state does not have an equivalent

1 license.

2 (e) For a teacher holding an unencumbered career and technical  
3 education license, the receiving state shall grant an unencumbered license  
4 equivalent to the career and technical education license held by the  
5 applying teacher and issued by another member state, as determined by the  
6 receiving state in its sole discretion, except where a career and technical  
7 education teacher does not hold a bachelor's degree and the receiving state  
8 requires a bachelor's degree for licenses to teach career and technical  
9 education. A receiving state may require career and technical education  
10 teachers to meet state industry recognized requirements, if required by law  
11 in the receiving state.

#### 12 ARTICLE IV

##### 13 LICENSURE NOT UNDER THE COMPACT

14 (a) Except as provided in article III, nothing in this compact shall be  
15 construed to limit or inhibit the power of a member state to regulate  
16 licensure or endorsements overseen by the member state's licensing  
17 authority.

18 (b) When a teacher is required to renew a license received pursuant to  
19 this compact, the state granting such a license may require the teacher to  
20 complete state specific requirements as a condition of licensure renewal or  
21 advancement in that state.

22 (c) For the purposes of determining compensation, a receiving state  
23 may require additional information from teachers receiving a license under  
24 the provisions of this compact.

25 (d) Nothing in this compact shall be construed to limit the power of a  
26 member state to control and maintain ownership of its information  
27 pertaining to teachers or limit the application of a member state's laws or  
28 regulations governing the ownership, use or dissemination of information  
29 pertaining to teachers.

30 (e) Nothing in this compact shall be construed to invalidate or alter  
31 any existing agreement or other cooperative arrangement that a member  
32 state may already be a party to, or limit the ability of a member state to  
33 participate in any future agreement or other cooperative arrangement to:

34 (1) Award teaching licenses or other benefits based on additional  
35 professional credentials, including, but not limited to national board  
36 certification;

37 (2) participate in the exchange of names of teachers whose license  
38 has been subject to an adverse action by a member state; or

39 (3) participate in any agreement or cooperative arrangement with a  
40 non-member state.

#### 41 ARTICLE V

##### 42 TEACHER QUALIFICATIONS AND REQUIREMENTS FOR 43 LICENSURE UNDER THE COMPACT

1 (a) Except as provided for active military members or eligible military  
2 spouses in article III(d), a teacher may only be eligible to receive a license  
3 under this compact where that teacher holds an unencumbered license in a  
4 member state.

5 (b) A teacher eligible to receive a license under this compact shall,  
6 unless otherwise provided for herein:

7 (1) Upon application to receive a license under this compact, undergo  
8 a criminal background check in the receiving state in accordance with the  
9 laws and regulations of the receiving state; and

10 (2) provide the receiving state with information in addition to the  
11 information required for licensure for the purposes of determining  
12 compensation, if applicable.

#### 13 ARTICLE VI

##### 14 DISCIPLINE AND ADVERSE ACTIONS

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

18 (b) Member states shall provide and be authorized to receive files and  
19 information regarding the investigation and discipline, if any, of teachers  
20 in other member states upon request. Any member state receiving such  
21 information or files shall protect and maintain the security and  
22 confidentiality thereof, in at least the same manner that it maintains its  
23 own investigatory or disciplinary files and information. Prior to disclosing  
24 any disciplinary or investigatory information received from another  
25 member state, the disclosing state shall communicate its intention and  
26 purpose for such disclosure to the member state which originally provided  
27 that information.

#### 28 ARTICLE VII

##### 29 ESTABLISHMENT OF THE INTERSTATE TEACHER 30 MOBILITY COMPACT COMMISSION

31 (a) The interstate compact member states hereby create and establish a  
32 joint public agency known as the interstate teacher mobility compact  
33 commission. The commission is a joint interstate governmental agency  
34 comprised of states that have enacted the interstate teacher mobility  
35 compact. Nothing in this interstate compact shall be construed to be a  
36 waiver of sovereign immunity.

37 (b) *Membership, voting, and meetings.*

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

40 (2) The commissioner shall be the primary administrative officer of  
41 the state licensing authority or the commissioner's designee.

42 (3) Any commissioner may be removed or suspended from office as  
43 provided by the law of the state from which the commissioner is

1 appointed.

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

4 (5) Each commissioner shall be entitled to one vote about the  
5 promulgation of rules and creation of bylaws and shall otherwise have an  
6 opportunity to participate in the business and affairs of the commission. A  
7 commissioner shall vote in person or by such other means as provided in  
8 the bylaws. The bylaws may provide for commissioners' participation in  
9 meetings by telephone or other means of communication.

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

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

14 (c) The commission shall have the following powers and duties:

15 (1) Establish a code of ethics for the commission;

16 (2) establish the fiscal year of the commission;

17 (3) establish bylaws for the commission;

18 (4) maintain its financial records in accordance with the bylaws of the  
19 commission;

20 (5) meet and take such actions as are consistent with the provisions of  
21 this interstate compact, the bylaws and rules of the commission;

22 (6) promulgate uniform rules to implement and administer this  
23 interstate compact. The rules shall have the force and effect of law and  
24 shall be binding in all member states. In the event the commission  
25 exercises its rulemaking authority in a manner that is beyond the scope of  
26 the purposes of the compact, or the powers granted hereunder, then such  
27 an action by the commission shall be invalid and have no force and effect  
28 of law;

29 (7) bring and prosecute legal proceedings or actions in the name of  
30 the commission, provided that the standing of any member state licensing  
31 authority to sue or be sued under applicable law shall not be affected;

32 (8) purchase and maintain insurance and bonds;

33 (9) borrow, accept or contract for services of personnel, including, but  
34 not limited to, employees of a member state or an associated non-  
35 governmental organization that is open to membership by all states;

36 (10) hire employees, elect or appoint officers, fix compensation,  
37 define duties, grant such individuals appropriate authority to carry out the  
38 purposes of the compact and establish the commission's personnel policies  
39 and programs relating to conflicts of interest, qualifications of personnel  
40 and other related personnel matters;

41 (11) lease, purchase, accept appropriate gifts or donations of, or  
42 otherwise own, hold, improve or use, any property, real, personal or  
43 mixed, provided that at all times the commission shall avoid any

- 1 appearance of impropriety;
- 2 (12) sell, convey, mortgage, pledge, lease, exchange, abandon or
- 3 otherwise dispose of any property real, personal or mixed;
- 4 (13) establish a budget and make expenditures;
- 5 (14) borrow money;
- 6 (15) appoint committees, including standing committees composed of
- 7 members and such other interested persons as may be designated in this
- 8 interstate compact, rules or bylaws;
- 9 (16) provide and receive information from, and cooperate with, law
- 10 enforcement agencies;
- 11 (17) establish and elect an executive committee;
- 12 (18) establish and develop a charter for an executive information
- 13 governance committee to advise on facilitating exchange of information,
- 14 use of information, data privacy and technical support needs, and provide
- 15 reports as needed;
- 16 (19) perform such other functions as may be necessary or appropriate
- 17 to achieve the purposes of this interstate compact consistent with the state
- 18 regulation of teacher licensure; and
- 19 (20) determine whether a state's adopted language is materially
- 20 different from the model compact language such that the state would not
- 21 qualify for participation in the compact.
- 22 (d) *The executive committee of the interstate teacher mobility*
- 23 *compact commission.*
- 24 (1) The executive committee shall have the power to act on behalf of
- 25 the commission according to the terms of this interstate compact.
- 26 (2) The executive committee shall be composed of the following
- 27 eight voting members:
- 28 (A) The commission chair, vice chair and treasurer; and
- 29 (B) five members who are elected by the commission from the
- 30 current membership, including:
- 31 (i) Four voting members representing geographic regions in
- 32 accordance with commission rules; and
- 33 (ii) one at large voting member in accordance with commission rules.
- 34 (3) The commission may add or remove members of the executive
- 35 committee as provided in commission rules.
- 36 (4) The executive committee shall meet at least once annually.
- 37 (5) The executive committee shall have the following duties and
- 38 responsibilities:
- 39 (A) Recommend to the entire commission changes to the rules or
- 40 bylaws, changes to the compact legislation, fees paid by interstate compact
- 41 member states such as annual dues and any compact fee charged by the
- 42 member states on behalf of the commission;
- 43 (B) ensure commission administration services are appropriately

- 1 provided, contractual or otherwise;
- 2 (C) prepare and recommend the budget;
- 3 (D) maintain financial records on behalf of the commission;
- 4 (E) monitor compliance of member states and provide reports to the  
5 commission; and
- 6 (F) perform other duties as provided in rules or bylaws.
- 7 (6) *Meetings of the commission.*
- 8 (A) All meetings shall be open to the public, and public notice of  
9 meetings shall be given in accordance with commission bylaws.
- 10 (B) The commission or the executive committee or other committees  
11 of the commission may convene in a closed, non-public meeting if the  
12 commission or executive committee or other committees of the  
13 commission must discuss:
- 14 (i) Non-compliance of a member state with its obligations under the  
15 compact;
- 16 (ii) the employment, compensation, discipline or other matters,  
17 practices or procedures related to specific employees or other matters  
18 related to the commission's internal personnel practices and procedures;
- 19 (iii) current, threatened, or reasonably anticipated litigation;
- 20 (iv) negotiation of contracts for the purchase, lease or sale of goods,  
21 services or real estate;
- 22 (v) accusing any person of a crime or formally censuring any person;
- 23 (vi) disclosure of trade secrets or commercial or financial information  
24 that is privileged or confidential;
- 25 (vii) disclosure of information of a personal nature where disclosure  
26 would constitute a clearly unwarranted invasion of personal privacy;
- 27 (viii) disclosure of investigative records compiled for law  
28 enforcement purposes;
- 29 (ix) disclosure of information related to any investigative reports  
30 prepared by or on behalf of or for use of the commission or other  
31 committee charged with responsibility of investigation or determination of  
32 compliance issues pursuant to the compact;
- 33 (x) matters specifically exempted from disclosure by federal or  
34 member state statute; and
- 35 (xi) others matters as set forth by commission bylaws and rules.
- 36 (C) If a meeting, or portion of a meeting, is closed pursuant to this  
37 provision, the commission's legal counsel or designee shall certify that the  
38 meeting may be closed and shall reference each relevant exempting  
39 provision.
- 40 (D) The commission shall keep minutes of commission meetings and  
41 shall provide a full and accurate summary of actions taken, and the reasons  
42 therefor, including a description of the views expressed. All documents  
43 considered in connection with an action shall be identified in such

1 minutes. All minutes and documents of a closed meeting shall remain  
2 under seal, subject to release by a majority vote of the commission or  
3 order of a court of competent jurisdiction.

4 (7) *Financing of the commission.*

5 (A) The commission shall pay, or provide for the payment of, the  
6 reasonable expenses of its establishment, organization and ongoing  
7 activities.

8 (B) The commission may accept all appropriate donations and grants  
9 of money, equipment, supplies, materials and services, and receive, utilize  
10 and dispose of the same, provided that at all times the commission shall  
11 avoid any appearance of impropriety or conflict of interest.

12 (C) The commission may levy on and collect an annual assessment  
13 from each member state or impose fees on other parties to cover the cost  
14 of the operations and activities of the commission, in accordance with the  
15 commission rules.

16 (D) The commission shall not incur obligations of any kind prior to  
17 securing the funds adequate to meet the same nor shall the commission  
18 pledge the credit of any of the member states, except by and with the  
19 authority of the member state.

20 (E) The commission shall keep accurate accounts of all receipts and  
21 disbursements. The receipts and disbursements of the commission shall be  
22 subject to accounting procedures established under commission bylaws.  
23 All receipts and disbursements of funds of the commission shall be  
24 reviewed annually in accordance with commission bylaws, and a report of  
25 the review shall be included in and become part of the annual report of the  
26 commission.

27 (8) *Qualified immunity, defense and indemnification.*

28 (A) The members, officers, executive director, employees and  
29 representatives of the commission shall be immune from suit and liability,  
30 either personally or in their official capacity, for any claim for damage to  
31 or loss of property or personal injury or other civil liability caused by or  
32 arising out of any actual or alleged act, error or omission that occurred, or  
33 that the person against whom the claim is made had a reasonable basis for  
34 believing occurred within the scope of commission employment, duties or  
35 responsibilities; provided that nothing in this paragraph shall be construed  
36 to protect any such person from suit or liability for any damage, loss,  
37 injury or liability caused by the intentional or willful or wanton  
38 misconduct of that person.

39 (B) The commission shall defend any member, officer, executive  
40 director, employee, or representative of the commission in any civil action  
41 seeking to impose liability arising out of any actual or alleged act, error or  
42 omission that occurred within the scope of commission employment,  
43 duties or responsibilities, or that the person against whom the claim is

1 made had a reasonable basis for believing occurred within the scope of  
2 commission employment, duties or responsibilities, provided that nothing  
3 herein shall be construed to prohibit that person from retaining such  
4 person's own counsel, and provided further, that the actual or alleged act,  
5 error or omission did not result from that person's intentional or willful or  
6 wanton misconduct.

7 (C) The commission shall indemnify and hold harmless any member,  
8 officer, executive director, employee or representative of the commission  
9 for the amount of any settlement or judgment obtained against that person  
10 arising out of any actual or alleged act, error or omission that occurred  
11 within the scope of commission employment, duties or responsibilities, or  
12 that such person had a reasonable basis for believing occurred within the  
13 scope of commission employment, duties, or responsibilities, provided that  
14 the actual or alleged act, error or omission did not result from the  
15 intentional or willful or wanton misconduct of that person.

16 ARTICLE VIII  
17 RULEMAKING

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

22 (b) The commission shall promulgate reasonable rules to achieve the  
23 intent and purpose of this interstate compact. In the event the commission  
24 exercises its rulemaking authority in a manner that is beyond purpose and  
25 intent of this interstate compact or the powers granted hereunder, then such  
26 an action by the commission shall be invalid and have no force and effect  
27 of law in the member states.

28 (c) If a majority of the legislatures of the member states rejects a rule,  
29 by enactment of a statute or resolution in the same manner used to adopt  
30 the compact within four years of the date of adoption of the rule, then such  
31 rule shall have no further force and effect in any member state.

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

35 (e) (1) Upon determination that an emergency exists, the commission  
36 may consider and adopt an emergency rule with 48 hours' notice, with  
37 opportunity to comment, provided that the usual rulemaking procedures  
38 shall be retroactively applied to the rule as soon as reasonably possible, in  
39 no event later than 90 days after the effective date of the rule.

40 (2) For the purposes of this provision, an emergency rule is one that  
41 must be adopted immediately in order to:

- 42 (A) Meet an imminent threat to public health, safety or welfare;
- 43 (B) prevent a loss of commission or member state funds;

1 (C) meet a deadline for the promulgation of an administrative rule  
2 that is established by federal law or rule; or

3 (D) protect public health and safety.

4 ARTICLE IX

5 FACILITATING INFORMATION EXCHANGE

6 (a) The commission shall provide for facilitating the exchange of  
7 information to administer and implement the provisions of this compact in  
8 accordance with the rules of the commission, consistent with generally  
9 accepted data protection principles.

10 (b) Nothing in this compact shall be deemed or construed to alter,  
11 limit or inhibit the power of a member state to control and maintain  
12 ownership of its licensee information or alter, limit or inhibit the laws or  
13 regulations governing licensee information in the member state.

14 ARTICLE X

15 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

16 (a) *Oversight.*

17 (1) The executive and judicial branches of state government in each  
18 member state shall enforce this compact and take all actions necessary and  
19 appropriate to effectuate the compact's purposes and intent. The provisions  
20 of this compact shall have standing as statutory law.

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

29 (3) All courts and all administrative agencies shall take judicial notice  
30 of the compact, the rules of the commission, and any information provided  
31 to a member state pursuant thereto in any judicial or quasi-judicial  
32 proceeding in a member state pertaining to the subject matter of this  
33 compact, or which may affect the powers, responsibilities or actions of the  
34 commission.

35 (4) The commission shall be entitled to receive service of process in  
36 any proceeding regarding the enforcement or interpretation of the compact  
37 and shall have standing to intervene in such a proceeding for all purposes.  
38 Failure to provide the commission service of process shall render a  
39 judgment or order void as to the commission, this compact or promulgated  
40 rules.

41 (b) *Default.*

42 (1) If the commission determines that a member state has defaulted in  
43 the performance of its obligations or responsibilities under this compact or

1 the promulgated rules, the commission shall:

2 (A) Provide written notice to the defaulting state and other member  
3 states of the nature of the default, the proposed means of curing the default  
4 or any other action to be taken by the commission; and

5 (B) provide remedial training and specific technical assistance  
6 regarding the default.

7 (c) *Termination.*

8 (1) If a state in default fails to cure the default, the defaulting state  
9 may be terminated from the compact upon an affirmative vote of a  
10 majority of the commissioners of the member states, and all rights,  
11 privileges and benefits conferred on that state by this compact may be  
12 terminated on the effective date of termination. A cure of the default does  
13 not relieve the offending state of obligations or liabilities incurred during  
14 the period of default.

15 (2) Termination of membership in the compact shall be imposed only  
16 after all other means of securing compliance have been exhausted. Notice  
17 of intent to suspend or terminate shall be given by the commission to the  
18 governor, the majority and minority leaders of the defaulting state's  
19 legislature, the state licensing authority and each of the member states.

20 (3) A state that has been terminated is responsible for all assessments,  
21 obligations and liabilities incurred through the effective date of  
22 termination, including obligations that extend beyond the effective date of  
23 termination.

24 (4) The commission shall not bear any costs related to a state that is  
25 found to be in default or that has been terminated from the compact, unless  
26 agreed upon in writing between the commission and the defaulting state.

27 (d) *Appeals.* The defaulting state may appeal the action of the  
28 commission by petitioning the United States district court for the District  
29 of Columbia or the federal district where the commission has its principal  
30 offices. The prevailing party shall be awarded all costs of such litigation,  
31 including reasonable attorney fees.

32 (e) *Dispute resolution.*

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

36 (2) The commission shall promulgate a rule providing for both  
37 binding and non-binding alternative dispute resolution for disputes as  
38 appropriate.

39 (f) *Enforcement.*

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

42 (2) By majority vote, the commission may initiate legal action in the  
43 United States district court for the District of Columbia or the federal

1 district where the commission has its principal offices against a member  
2 state in default to enforce compliance with the provisions of the compact  
3 and its promulgated rules and bylaws. The relief sought may include both  
4 injunctive relief and damages. In the event judicial enforcement is  
5 necessary, the prevailing party shall be awarded all costs of such litigation,  
6 including reasonable attorney fees. The remedies herein shall not be the  
7 exclusive remedies of the commission. The commission may pursue any  
8 other remedies available under federal or state law.

#### 9 ARTICLE XI

#### 10 EFFECTUATION, WITHDRAWAL, AND AMENDMENT

11 (a) The compact shall come into effect on the date on which the  
12 compact statute is enacted into law in the 10<sup>th</sup> member state.

13 (1) On or after the effective date of the compact, the commission  
14 shall convene and review the enactment of each of the charter member  
15 states to determine if the statute enacted by each such charter member state  
16 is materially different from the model compact statute.

17 (2) A charter member state whose enactment is found to be materially  
18 different from the model compact statute shall be entitled to the default  
19 process set forth in article X.

20 (3) Member states enacting the compact subsequent to the charter  
21 member states shall be subject to the process set forth in article VII(c)(20)  
22 to determine if their enactments are materially different from the model  
23 compact statute and whether they qualify for participation in the compact.

24 (b) If any member state is later found to be in default, is terminated or  
25 withdraws from the compact, the commission shall remain in existence  
26 and the compact shall remain in effect even if the number of member  
27 states is fewer than 10.

28 (c) Any state that joins the compact after the commission's initial  
29 adoption of the rules and bylaws shall be subject to the rules and bylaws as  
30 they exist on the date on which the compact becomes law in that state. Any  
31 rule that has been previously adopted by the commission shall have the  
32 full force and effect of law on the day the compact becomes law in that  
33 state, as the rules and bylaws may be amended as provided in this  
34 compact.

35 (d) Any member state may withdraw from this compact by enacting a  
36 statute repealing the same. A member state's withdrawal shall not take  
37 effect until six months after enactment of the repealing statute. Withdrawal  
38 shall not affect the continuing requirement of the withdrawing state's  
39 licensing authority to comply with the investigative and adverse action  
40 reporting requirements of this act prior to the effective date of withdrawal.

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

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ARTICLE XII  
CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or a state seeking membership in the compact, or of the United States or the applicability thereof to any other government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE XIII  
CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

- (a) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.
  - (b) Any laws, statutes, regulations or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.
  - (c) All permissible agreements between the commission and the member states are binding in accordance with such agreement's terms.
- Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.