

As Amended by House Committee

Session of 2023

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~~ **armed forces** of the United States,

1 including members of 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~~ **armed forces** of the
24 United States including members of the national guard and reserve ~~on~~
25 ~~active duty~~ moving as a result of a military mission or military career
26 progression requirements or are on a terminal move as a result of
27 separation or retirement, including surviving spouses of deceased military
28 members.

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

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

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

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

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

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

1 (p) "State practice laws" means a member state's laws and rules and
2 regulations that govern the teaching profession, define the scope of such
3 profession and create the methods and grounds for imposing discipline.

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

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

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

16 ARTICLE III

17 LICENSURE UNDER THE COMPACT

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

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

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

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

1 member state, except where the receiving state does not have an equivalent
2 license.

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

13 ARTICLE IV

14 LICENSURE NOT UNDER THE COMPACT

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

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

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

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

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

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

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

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

42 ARTICLE V

43 TEACHER QUALIFICATIONS AND REQUIREMENTS FOR

1 LICENSURE UNDER THE COMPACT

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

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

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

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

14 ARTICLE VI

15 DISCIPLINE AND ADVERSE ACTIONS

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

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

29 ARTICLE VII

30 ESTABLISHMENT OF THE INTERSTATE TEACHER

31 MOBILITY COMPACT COMMISSION

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

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

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

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

43 (3) Any commissioner may be removed or suspended from office as

1 provided by the law of the state from which the commissioner is
2 appointed.

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

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

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

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

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

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

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

18 (3) establish bylaws for the commission;

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

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

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

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

33 (8) purchase and maintain insurance and bonds;

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

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

42 (11) lease, purchase, accept appropriate gifts or donations of, or
43 otherwise own, hold, improve or use, any property, real, personal or

1 mixed, provided that at all times the commission shall avoid any
2 appearance of impropriety;

3 (12) sell, convey, mortgage, pledge, lease, exchange, abandon or
4 otherwise dispose of any property real, personal or mixed;

5 (13) establish a budget and make expenditures;

6 (14) borrow money;

7 (15) appoint committees, including standing committees composed of
8 members and such other interested persons as may be designated in this
9 interstate compact, rules or bylaws;

10 (16) provide and receive information from, and cooperate with, law
11 enforcement agencies;

12 (17) establish and elect an executive committee;

13 (18) establish and develop a charter for an executive information
14 governance committee to advise on facilitating exchange of information,
15 use of information, data privacy and technical support needs, and provide
16 reports as needed;

17 (19) perform such other functions as may be necessary or appropriate
18 to achieve the purposes of this interstate compact consistent with the state
19 regulation of teacher licensure; and

20 (20) determine whether a state's adopted language is materially
21 different from the model compact language such that the state would not
22 qualify for participation in the compact.

23 (d) *The executive committee of the interstate teacher mobility*
24 *compact commission.*

25 (1) The executive committee shall have the power to act on behalf of
26 the commission according to the terms of this interstate compact.

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

29 (A) The commission chair, vice chair and treasurer; and

30 (B) five members who are elected by the commission from the
31 current membership, including:

32 (i) Four voting members representing geographic regions in
33 accordance with commission rules; and

34 (ii) one at large voting member in accordance with commission rules.

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

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

38 (5) The executive committee shall have the following duties and
39 responsibilities:

40 (A) Recommend to the entire commission changes to the rules or
41 bylaws, changes to the compact legislation, fees paid by interstate compact
42 member states such as annual dues and any compact fee charged by the
43 member states on behalf of the commission;

1 (B) ensure commission administration services are appropriately
2 provided, contractual or otherwise;

3 (C) prepare and recommend the budget;

4 (D) maintain financial records on behalf of the commission;

5 (E) monitor compliance of member states and provide reports to the
6 commission; and

7 (F) perform other duties as provided in rules or bylaws.

8 (6) *Meetings of the commission.*

9 (A) All meetings shall be open to the public, and public notice of
10 meetings shall be given in accordance with commission bylaws.

11 (B) The commission or the executive committee or other committees
12 of the commission may convene in a closed, non-public meeting if the
13 commission or executive committee or other committees of the
14 commission must discuss:

15 (i) Non-compliance of a member state with its obligations under the
16 compact;

17 (ii) the employment, compensation, discipline or other matters,
18 practices or procedures related to specific employees or other matters
19 related to the commission's internal personnel practices and procedures;

20 (iii) current, threatened, or reasonably anticipated litigation;

21 (iv) negotiation of contracts for the purchase, lease or sale of goods,
22 services or real estate;

23 (v) accusing any person of a crime or formally censuring any person;

24 (vi) disclosure of trade secrets or commercial or financial information
25 that is privileged or confidential;

26 (vii) disclosure of information of a personal nature where disclosure
27 would constitute a clearly unwarranted invasion of personal privacy;

28 (viii) disclosure of investigative records compiled for law
29 enforcement purposes;

30 (ix) disclosure of information related to any investigative reports
31 prepared by or on behalf of or for use of the commission or other
32 committee charged with responsibility of investigation or determination of
33 compliance issues pursuant to the compact;

34 (x) matters specifically exempted from disclosure by federal or
35 member state statute; and

36 (xi) others matters as set forth by commission bylaws and rules.

37 (C) If a meeting, or portion of a meeting, is closed pursuant to this
38 provision, the commission's legal counsel or designee shall certify that the
39 meeting may be closed and shall reference each relevant exempting
40 provision.

41 (D) The commission shall keep minutes of commission meetings and
42 shall provide a full and accurate summary of actions taken, and the reasons
43 therefor, including a description of the views expressed. All documents

1 considered in connection with an action shall be identified in such
2 minutes. All minutes and documents of a closed meeting shall remain
3 under seal, subject to release by a majority vote of the commission or
4 order of a court of competent jurisdiction.

5 (7) *Financing of the commission.*

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

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

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

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

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

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

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

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

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

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

17 ARTICLE VIII

18 RULEMAKING

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

23 (b) The commission shall promulgate reasonable rules to achieve the
24 intent and purpose of this interstate compact. In the event the commission
25 exercises its rulemaking authority in a manner that is beyond purpose and
26 intent of this interstate 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 in the member states.

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

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

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

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

43 (A) Meet an imminent threat to public health, safety or welfare;

- 1 (B) prevent a loss of commission or member state funds;
2 (C) meet a deadline for the promulgation of an administrative rule
3 that is established by federal law or rule; or
4 (D) protect public health and safety.

5 ARTICLE IX

6 FACILITATING INFORMATION EXCHANGE

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

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

15 ARTICLE X

16 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

17 (a) *Oversight.*

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

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

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

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

42 (b) *Default.*

43 (1) If the commission determines that a member state has defaulted in

1 the performance of its obligations or responsibilities under this compact or
2 the promulgated rules, the commission shall:

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

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

8 (c) *Termination.*

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

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

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

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

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

33 (e) *Dispute resolution.*

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

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

40 (f) *Enforcement.*

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

43 (2) By majority vote, the commission may initiate legal action in the

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

10 ARTICLE XI

11 EFFECTUATION, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

42 (e) This compact may be amended by the member states. No
43 amendment to this compact shall become effective and binding upon any

1 member state until it is enacted into the laws of all member states.

2 ARTICLE XII

3 CONSTRUCTION AND SEVERABILITY

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

16 ARTICLE XIII

17 CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
18 LAWS

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

21 (b) Any laws, statutes, regulations or other legal requirements in a
22 member state in conflict with the compact are superseded to the extent of
23 the conflict.

24 (c) All permissible agreements between the commission and the
25 member states are binding in accordance with such agreement's terms.

26 Sec. 2. This act shall take effect and be in force from and after its
27 publication in the statute book.