

STATE OF NEW YORK

7571

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. MILLER -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to adopting the interstate teacher mobility compact

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new article 25 to
2 read as follows:

ARTICLE 25

INTERSTATE TEACHER MOBILITY COMPACT

3 Section 1300. Interstate teacher mobility compact.

4 § 1300. Interstate teacher mobility compact. 1. The interstate teacher
5 mobility compact is hereby entered into and enacted into law with all
6 jurisdictions legally joining therein, in the form substantially as
7 follows:

ARTICLE I- PURPOSE

8 The purpose of this Compact is to facilitate the mobility of Teachers
9 across the Member States, with the goal of supporting Teachers through a
10 new pathway to licensure. Through this Compact, the Member States seek
11 to establish a collective regulatory framework that expedites and
12 enhances the ability of Teachers to move across State lines.

13 This Compact is intended to achieve the following objectives and
14 should be interpreted accordingly. The Member States hereby ratify the
15 same intentions by subscribing hereto.

16 A. Create a streamlined pathway to licensure mobility for Teachers;

17 B. Support the relocation of Eligible Military Spouses;

18 C. Facilitate and enhance the exchange of licensure, investigative,
19 and disciplinary information between the Member States;

20 D. Enhance the power of State and district level education officials
21 to hire qualified, competent Teachers by removing barriers to the
22 employment of out-of-state Teachers;

23 EXPLANATION--Matter in italics (underscored) is new; matter in brackets
24 [-] is old law to be omitted.

25 LBD11375-01-3

1 E. Support the retention of Teachers in the profession by removing
2 barriers to relicensure in a new State; and

3 F. Maintain State sovereignty in the regulation of the teaching
4 profession.

5 ARTICLE II- DEFINITIONS

6 As used in this Compact, and except as otherwise provided, the follow-
7 ing definitions shall govern the terms herein:

8 A. "Active Military Member" means any person with full-time duty
9 status in the armed forces of the United States, including members of
10 the National Guard and Reserve.

11 B. "Adverse Action" means any limitation or restriction imposed by a
12 Member State's Licensing Authority, such as revocation, suspension,
13 reprimand, probation, or limitation on the licensee's ability to work as
14 a Teacher.

15 C. "Bylaws" means those bylaws established by the Commission.

16 D. "Career and Technical Education License" means a current, valid
17 authorization issued by a Member State's Licensing Authority allowing an
18 individual to serve as a Teacher in P-12 public educational settings in
19 a specific career and technical education area.

20 E. "Charter Member States" means a Member State that has enacted
21 legislation to adopt this Compact where such legislation predates the
22 initial meeting of the Commission after the effective date of the
23 Compact.

24 F. "Commission" means the interstate administrative body which member-
25 ship consists of delegates of all States that have enacted this Compact,
26 and which is known as the Interstate Teacher Mobility Compact Commis-
27 sion.

28 G. "Commissioner" means the delegate of a Member State.

29 H. "Eligible License" means a license to engage in the teaching
30 profession which requires at least a bachelor's degree and the
31 completion of a state approved program for Teacher licensure.

32 I. "Eligible Military Spouse" means the spouse of any individual in
33 full-time duty status in the active armed forces of the United States
34 including members of the National Guard and Reserve moving as a result
35 of a military mission or military career progression requirements or are
36 on their terminal move as a result of separation or retirement (to
37 include surviving spouses of deceased military members).

38 J. "Executive Committee" means a group of Commissioners elected or
39 appointed to act on behalf of, and within the powers granted to them by,
40 the Commission as provided for herein.

41 K. "Licensing Authority" means an official, agency, board, or other
42 entity of a State that is responsible for the licensing and regulation
43 of Teachers authorized to teach in P-12 public educational settings.

44 L. "Member State" means any State that has adopted this Compact,
45 including all agencies and officials of such a State.

46 M. "Receiving State" means any State where a Teacher has applied for
47 licensure under this Compact.

48 N. "Rule" means any regulation promulgated by the Commission under
49 this Compact, which shall have the force of law in each Member State.

50 O. "State" means a state, territory, or possession of the United
51 States, and the District of Columbia.

52 P. "State Practice Laws" means a Member State's laws, Rules, and regu-
53 lations that govern the teaching profession, define the scope of such
54 profession, and create the methods and grounds for imposing discipline.

1 Q. "State Specific Requirements" means a requirement for licensure
2 covered in coursework or examination that includes content of unique
3 interest to the State.

4 R. "Teacher" means an individual who currently holds an authorization
5 from a Member State that forms the basis for employment in the P-12
6 public schools of the State to provide instruction in a specific subject
7 area, grade level, or student population.

8 S. "Unencumbered License" means a current, valid authorization issued
9 by a Member State's Licensing Authority allowing an individual to serve
10 as a Teacher in P-12 public educational settings. A Unencumbered License
11 is not a restricted, probationary, provisional, substitute or temporary
12 credential.

13 ARTICLE III- LICENSURE UNDER THE COMPACT

14 A. Licensure under this Compact pertains only to the initial grant of
15 a license by the Receiving State. Nothing herein applies to any subse-
16 quent or ongoing compliance requirements that a Receiving State might
17 require for Teachers.

18 B. Each Member State shall, in accordance with the Rules of the
19 Commission, define, compile, and update as necessary, a list of Eligible
20 Licenses and Career and Technical Education Licenses that the Member
21 State is willing to consider for equivalency under this Compact and
22 provide the list to the Commission. The list shall include those
23 licenses that a Receiving State is willing to grant to Teachers from
24 other Member States, pending a determination of equivalency by the
25 Receiving State's Licensing Authority.

26 C. Upon the receipt of an application for licensure by a Teacher hold-
27 ing an Unencumbered Eligible License, the Receiving State shall deter-
28 mine which of the Receiving State's Eligible Licenses the Teacher is
29 qualified to hold and shall grant such a license or licenses to the
30 applicant. Such a determination shall be made in the sole discretion of
31 the Receiving State's Licensing Authority and may include a determi-
32 nation that the applicant is not eligible for any of the Receiving
33 State's Eligible Licenses. For all Teachers who hold an Unencumbered
34 License, the Receiving State shall grant one or more Unencumbered
35 License(s) that, in the Receiving State's sole discretion, are equiv-
36 alent to the license(s) held by the Teacher in any other Member State.

37 D. For Active Military Members and Eligible Military Spouses who hold
38 a license that is not Unencumbered, the Receiving State shall grant an
39 equivalent license or licenses that, in the Receiving State's sole
40 discretion, is equivalent to the license or licenses held by the Teacher
41 in any other Member State, except where the Receiving State does not
42 have an equivalent license.

43 E. For a Teacher holding an Unencumbered Career and Technical Educa-
44 tion License, the Receiving State shall grant an Unencumbered License
45 equivalent to the Career and Technical Education License held by the
46 applying Teacher and issued by another Member State, as determined by
47 the Receiving State in its sole discretion, except where a Career and
48 Technical Education Teacher does not hold a bachelor's degree and the
49 Receiving State requires a bachelor's degree for licenses to teach
50 Career and Technical Education. A Receiving State may require Career and
51 Technical Education Teachers to meet State industry recognized require-
52 ments, if required by law in the Receiving State.

53 ARTICLE IV- LICENSURE NOT UNDER THE COMPACT

54 A. Except as provided in Article III above, nothing in this Compact
55 shall be construed to limit or inhibit the power of a Member State to

1 regulate licensure or endorsements overseen by the Member State's
2 Licensing Authority.

3 B. When a Teacher is required to renew a license received pursuant to
4 this Compact, the State granting such a license may require the Teacher
5 to complete State Specific Requirements as a condition of licensure
6 renewal or advancement in that State.

7 C. For the purposes of determining compensation, a Receiving State may
8 require additional information from Teachers receiving a license under
9 the provisions of this Compact.

10 D. Nothing in this Compact shall be construed to limit the power of a
11 Member State to control and maintain ownership of its information
12 pertaining to Teachers, or limit the application of a Member State's
13 laws or regulations governing the ownership, use, or dissemination of
14 information pertaining to Teachers.

15 E. Nothing in this Compact shall be construed to invalidate or alter
16 any existing agreement or other cooperative arrangement which a Member
17 State may already be a party to, or limit the ability of a Member State
18 to participate in any future agreement or other cooperative arrangement
19 to:

20 1. Award teaching licenses or other benefits based on additional
21 professional credentials, including, but not limited to National Board
22 Certification;

23 2. Participate in the exchange of names of Teachers whose license has
24 been subject to an Adverse Action by a Member State; or

25 3. Participate in any agreement or cooperative arrangement with a
26 non-Member State.

27 ARTICLE V- TEACHER QUALIFICATIONS AND REQUIREMENTS FOR LICENSURE UNDER 28 THE COMPACT

29 A. Except as provided for Active Military Members or Eligible Military
30 Spouses in Article III.D above, a Teacher may only be eligible to
31 receive a license under this Compact where that Teacher holds an Unen-
32 cumbered License in a Member State.

33 B. A Teacher eligible to receive a license under this Compact shall,
34 unless otherwise provided for herein:

35 1. Upon their application to receive a license under this Compact,
36 undergo a criminal background check in the Receiving State in accordance
37 with the laws and regulations of the Receiving State; and

38 2. Provide the Receiving State with information in addition to the
39 information required for licensure for the purposes of determining
40 compensation, if applicable.

41 ARTICLE VI- DISCIPLINE / ADVERSE ACTIONS

42 A. Nothing in this Compact shall be deemed or construed to limit the
43 authority of a Member State to investigate or impose disciplinary meas-
44 ures on Teachers according to the State Practice Laws thereof.

45 B. Member States shall be authorized to receive, and shall provide,
46 files and information regarding the investigation and discipline, if
47 any, of Teachers in other Member States upon request. Any Member State
48 receiving such information or files shall protect and maintain the secu-
49 rity and confidentiality thereof, in at least the same manner that it
50 maintains its own investigatory or disciplinary files and information.
51 Prior to disclosing any disciplinary or investigatory information
52 received from another Member State, the disclosing state shall communi-
53 cate its intention and purpose for such disclosure to the Member State
54 which originally provided that information.

55 ARTICLE VII- ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACT 56 COMMISSION

1 A. The interstate compact Member States hereby create and establish a
2 joint public agency known as the Interstate Teacher Mobility Compact
3 Commission:

4 1. The Commission is a joint interstate governmental agency comprised
5 of States that have enacted the Interstate Teacher Mobility Compact.

6 2. Nothing in this interstate compact shall be construed to be a waiv-
7 er of sovereign immunity.

8 B. Membership, Voting, and Meetings

9 1. Each Member State shall have and be limited to one (1) delegate to
10 the Commission, who shall be given the title of Commissioner.

11 2. The Commissioner shall be the primary administrative officer of the
12 State Licensing Authority or their designee.

13 3. Any Commissioner may be removed or suspended from office as
14 provided by the law of the state from which the Commissioner is
15 appointed.

16 4. The Member State shall fill any vacancy occurring in the Commission
17 within 90 days.

18 5. Each Commissioner shall be entitled to one (1) vote about the
19 promulgation of Rules and creation of Bylaws and shall otherwise have an
20 opportunity to participate in the business and affairs of the Commis-
21 sion. A Commissioner shall vote in person or by such other means as
22 provided in the Bylaws. The Bylaws may provide for Commissioners'
23 participation in meetings by telephone or other means of communication.

24 6. The Commission shall meet at least once during each calendar year.
25 Additional meetings shall be held as set forth in the Bylaws.

26 7. The Commission shall establish by Rule a term of office for Commis-
27 sioners.

28 C. The Commission shall have the following powers and duties:

29 1. Establish a Code of Ethics for the Commission.

30 2. Establish the fiscal year of the Commission.

31 3. Establish Bylaws for the Commission.

32 4. Maintain its financial records in accordance with the Bylaws of the
33 Commission.

34 5. Meet and take such actions as are consistent with the provisions of
35 this interstate compact, the Bylaws, and Rules of the Commission.

36 6. Promulgate uniform Rules to implement and administer this inter-
37 state compact. The Rules shall have the force and effect of law and
38 shall be binding in all Member States. In the event the Commission exer-
39 cises its Rulemaking authority in a manner that is beyond the scope of
40 the purposes of the compact, or the powers granted hereunder, then such
41 an action by the Commission shall be invalid and have no force and
42 effect of law.

43 7. Bring and prosecute legal proceedings or actions in the name of the
44 Commission, provided that the standing of any Member State Licensing
45 Authority to sue or be sued under applicable law shall not be affected.

46 8. Purchase and maintain insurance and bonds.

47 9. Borrow, accept, or contract for services of personnel, including,
48 but not limited to, employees of a Member State, or an associated non-
49 governmental organization that is open to membership by all states.

50 10. Hire employees, elect, or appoint officers, fix compensation,
51 define duties, grant such individuals appropriate authority to carry out
52 the purposes of the compact, and establish the Commission's personnel
53 policies and programs relating to conflicts of interest, qualifications
54 of personnel, and other related personnel matters.

55 11. Lease, purchase, accept appropriate gifts or donations of, or
56 otherwise own, hold, improve, or use, any property, real, personal or

1 mixed, provided that at all times the Commission shall avoid any appear-
2 ance 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
16 provide reports as needed.

17 19. Perform such other functions as may be necessary or appropriate to
18 achieve the purposes of this interstate compact consistent with the
19 State regulation of Teacher licensure.

20 20. Determine whether a State's adopted language is materially differ-
21 ent from the model compact language such that the State would not quali-
22 fy for participation in the Compact.

23 D. The Executive Committee of the Interstate Teacher Mobility Compact
24 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 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 current
30 membership:

31 i. Four voting members representing geographic regions in accordance
32 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 Committee
35 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 respon-
38 sibilities:

39 a. Recommend to the entire Commission changes to the Rules or Bylaws,
40 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
44 provided, contractual or otherwise.

45 c. Prepare and recommend the budget.

46 d. Maintain financial records on behalf of the Commission.

47 e. Monitor compliance of Member States and provide reports to the
48 Commission.

49 f. Perform other duties as provided in Rules or Bylaws.

50 6. Meetings of the Commission

51 a. All meetings shall be open to the public, and public notice of
52 meetings shall be given in accordance with Commission Bylaws.

53 b. The Commission or the Executive Committee or other committees of
54 the Commission may convene in a closed, non-public meeting if the
55 Commission or Executive Committee or other committees of the Commission
56 must discuss:

1 i. Non-compliance of a Member State with its obligations under the
2 compact.

3 ii. The employment, compensation, discipline or other matters, prac-
4 tices or procedures related to specific employees or other matters
5 related to the Commission's internal personnel practices and procedures.

6 iii. Current, threatened, or reasonably anticipated litigation.

7 iv. Negotiation of contracts for the purchase, lease, or sale of
8 goods, services, or real estate.

9 v. Accusing any person of a crime or formally censuring any person.

10 vi. Disclosure of trade secrets or commercial or financial information
11 that is privileged or confidential.

12 vii. Disclosure of information of a personal nature where disclosure
13 would constitute a clearly unwarranted invasion of personal privacy.

14 viii. Disclosure of investigative records compiled for law enforcement
15 purposes.

16 ix. Disclosure of information related to any investigative reports
17 prepared by or on behalf of or for use of the Commission or other
18 committee charged with responsibility of investigation or determination
19 of compliance issues pursuant to the compact.

20 x. Matters specifically exempted from disclosure by federal or Member
21 State statute.

22 xi. Others matters as set forth by Commission Bylaws and Rules.

23 c. If a meeting, or portion of a meeting, is closed pursuant to this
24 provision, the Commission's legal counsel or designee shall certify that
25 the meeting may be closed and shall reference each relevant exempting
26 provision.

27 d. The Commission shall keep minutes of Commission meetings and shall
28 provide a full and accurate summary of actions taken, and the reasons
29 therefore, including a description of the views expressed. All documents
30 considered in connection with an action shall be identified in such
31 minutes. All minutes and documents of a closed meeting shall remain
32 under seal, subject to release by a majority vote of the Commission or
33 order of a court of competent jurisdiction.

34 7. Financing of the Commission

35 a. The Commission shall pay, or provide for the payment of, the
36 reasonable expenses of its establishment, organization, and ongoing
37 activities.

38 b. The Commission may accept all appropriate donations and grants of
39 money, equipment, supplies, materials, and services, and receive,
40 utilize, and dispose of the same, provided that at all times the Commis-
41 sion shall avoid any appearance of impropriety or conflict of interest.

42 c. The Commission may levy on and collect an annual assessment from
43 each Member State or impose fees on other parties to cover the cost of
44 the operations and activities of the Commission, in accordance with the
45 Commission Rules.

46 d. The Commission shall not incur obligations of any kind prior to
47 securing the funds adequate to meet the same; nor shall the Commission
48 pledge the credit of any of the Member States, except by and with the
49 authority of the Member State.

50 e. The Commission shall keep accurate accounts of all receipts and
51 disbursements. The receipts and disbursements of the Commission shall be
52 subject to accounting procedures established under Commission Bylaws.
53 All receipts and disbursements of funds of the Commission shall be
54 reviewed annually in accordance with Commission Bylaws, and a report of
55 the review shall be included in and become part of the annual report of
56 the Commission.

1 8. Qualified Immunity, Defense, and Indemnification

2 a. The members, officers, executive director, employees and represen-
3 tatives of the Commission shall be immune from suit and liability,
4 either personally or in their official capacity, for any claim for
5 damage to or loss of property or personal injury or other civil liabil-
6 ity caused by or arising out of any actual or alleged act, error or
7 omission that occurred, or that the person against whom the claim is
8 made had a reasonable basis for believing occurred within the scope of
9 Commission employment, duties or responsibilities; provided that nothing
10 in this paragraph shall be construed to protect any such person from
11 suit or liability for any damage, loss, injury, or liability caused by
12 the intentional or willful or wanton misconduct of that person.

13 b. The Commission shall defend any member, officer, executive direc-
14 tor, employee, or representative of the Commission in any civil action
15 seeking to impose liability arising out of any actual or alleged act,
16 error, or omission that occurred within the scope of Commission employ-
17 ment, duties, or responsibilities, or that the person against whom the
18 claim is made had a reasonable basis for believing occurred within the
19 scope of Commission employment, duties, or responsibilities; provided
20 that nothing herein shall be construed to prohibit that person from
21 retaining his or her own counsel; and provided further, that the actual
22 or alleged act, error, or omission did not result from that person's
23 intentional or willful or wanton misconduct.

24 c. The Commission shall indemnify and hold harmless any member, offi-
25 cer, executive director, employee, or representative of the Commission
26 for the amount of any settlement or judgment obtained against that
27 person arising out of any actual or alleged act, error or omission that
28 occurred within the scope of Commission employment, duties, or responsi-
29 bilities, or that such person had a reasonable basis for believing
30 occurred within the scope of Commission employment, duties, or responsi-
31 bilities, provided that the actual or alleged act, error, or omission
32 did not result from the intentional or willful or wanton misconduct of
33 that person.

34 ARTICLE VIII- RULEMAKING

35 A. The Commission shall exercise its Rulemaking powers pursuant to the
36 criteria set forth in this interstate compact and the Rules adopted
37 thereunder. Rules and amendments shall become binding as of the date
38 specified in each Rule or amendment.

39 B. The Commission shall promulgate reasonable Rules to achieve the
40 intent and purpose of this interstate compact. In the event the Commis-
41 sion exercises its Rulemaking authority in a manner that is beyond
42 purpose and intent of this interstate compact, or the powers granted
43 hereunder, then such an action by the Commission shall be invalid and
44 have no force and effect of law in the Member States.

45 C. If a majority of the legislatures of the Member States rejects a
46 Rule, by enactment of a statute or resolution in the same manner used to
47 adopt the compact within four (4) years of the date of adoption of the
48 Rule, then such Rule shall have no further force and effect in any
49 Member State.

50 D. Rules or amendments to the Rules shall be adopted or ratified at a
51 regular or special meeting of the Commission in accordance with Commis-
52 sion Rules and Bylaws.

53 E. Upon determination that an emergency exists, the Commission may
54 consider and adopt an emergency Rule with 48 hours' notice, with oppor-
55 tunity to comment, provided that the usual Rulemaking procedures shall
56 be retroactively applied to the Rule as soon as reasonably possible, in

1 no event later than ninety (90) days after the effective date of the
2 Rule. For the purposes of this provision, an emergency Rule is one that
3 must be adopted immediately in order to:

4 a. Meet an imminent threat to public health, safety, or welfare.

5 1. Prevent a loss of Commission or Member State funds.

6 2. Meet a deadline for the promulgation of an administrative Rule that
7 is established by federal law or Rule; or

8 3. Protect public health and safety.

9 ARTICLE IX- FACILITATING INFORMATION EXCHANGE

10 A. The Commission shall provide for facilitating the exchange of
11 information to administer and implement the provisions of this compact
12 in accordance with the Rules of the Commission, consistent with general-
13 ly accepted data protection principles.

14 B. Nothing in this compact shall be deemed or construed to alter,
15 limit, or inhibit the power of a Member State to control and maintain
16 ownership of its licensee information or alter, limit, or inhibit the
17 laws or regulations governing licensee information in the Member State.

18 ARTICLE X- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

19 A. Oversight

20 1. The executive and judicial branches of State government in each
21 Member State shall enforce this Compact and take all actions necessary
22 and appropriate to effectuate the Compact's purposes and intent. The
23 provisions of this Compact shall have standing as statutory law.

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

32 3. All courts and all administrative agencies shall take judicial
33 notice of the Compact, the Rules of the Commission, and any information
34 provided to a Member State pursuant thereto in any judicial or quasi-ju-
35 dicial proceeding in a Member State pertaining to the subject matter of
36 this Compact, or which may affect the powers, responsibilities, or
37 actions of the Commission.

38 4. The Commission shall be entitled to receive service of process in
39 any proceeding regarding the enforcement or interpretation of the
40 Compact and shall have standing to intervene in such a proceeding for
41 all purposes. Failure to provide the Commission service of process
42 shall render a judgment or order void as to the Commission, this
43 Compact, or promulgated Rules.

44 B. Default, Technical Assistance, and Termination

45 1. If the Commission determines that a Member State has defaulted in
46 the performance of its obligations or responsibilities under this
47 Compact or the promulgated Rules, the Commission shall:

48 a. Provide written notice to the defaulting State and other Member
49 States of the nature of the default, the proposed means of curing the
50 default or any other action to be taken by the Commission; and

51 b. Provide remedial training and specific technical assistance regard-
52 ing the default.

53 C. If a State in default fails to cure the default, the defaulting
54 State may be terminated from the Compact upon an affirmative vote of a
55 majority of the Commissioners of the Member States, and all rights,
56 privileges and benefits conferred on that State by this Compact may be

1 terminated on the effective date of termination. A cure of the default
2 does not relieve the offending State of obligations or liabilities
3 incurred during the period of default.

4 D. Termination of membership in the Compact shall be imposed only
5 after all other means of securing compliance have been exhausted.
6 Notice of intent to suspend or terminate shall be given by the Commis-
7 sion to the governor, the majority and minority leaders of the default-
8 ing State's legislature, the State Licensing Authority and each of the
9 Member States.

10 E. A State that has been terminated is responsible for all assess-
11 ments, obligations, and liabilities incurred through the effective date
12 of termination, including obligations that extend beyond the effective
13 date of termination.

14 F. The Commission shall not bear any costs related to a State that is
15 found to be in default or that has been terminated from the Compact,
16 unless agreed upon in writing between the Commission and the defaulting
17 State.

18 G. The defaulting State may appeal the action of the Commission by
19 petitioning the U.S. District Court for the District of Columbia or the
20 federal district where the Commission has its principal offices. The
21 prevailing party shall be awarded all costs of such litigation, includ-
22 ing reasonable attorney's fees.

23 H. Dispute Resolution

24 1. Upon request by a Member State, the Commission shall attempt to
25 resolve disputes related to the Compact that arise among Member States
26 and between Member and non-Member States.

27 2. The Commission shall promulgate a Rule providing for both binding
28 and non-binding alternative dispute resolution for disputes as appropri-
29 ate.

30 I. Enforcement

31 1. The Commission, in the reasonable exercise of its discretion, shall
32 enforce the provisions and Rules of this Compact.

33 2. By majority vote, the Commission may initiate legal action in the
34 United States District Court for the District of Columbia or the federal
35 district where the Commission has its principal offices against a Member
36 State in default to enforce compliance with the provisions of the
37 Compact and its promulgated Rules and Bylaws. The relief sought may
38 include both injunctive relief and damages. In the event judicial
39 enforcement is necessary, the prevailing party shall be awarded all
40 costs of such litigation, including reasonable attorney's fees. The
41 remedies herein shall not be the exclusive remedies of the Commission.
42 The Commission may pursue any other remedies available under federal or
43 State law.

44 ARTICLE XI- EFFECTUATION, WITHDRAWAL, AND AMENDMENT

45 A. The Compact shall come into effect on the date on which the Compact
46 statute is enacted into law in the tenth Member State.

47 1. On or after the effective date of the Compact, the Commission shall
48 convene and review the enactment of each of the Charter Member States to
49 determine if the statute enacted by each such Charter Member State is
50 materially different from the model Compact statute.

51 2. A Charter Member State whose enactment is found to be materially
52 different from the model Compact statute shall be entitled to the
53 default process set forth in Article X.

54 3. Member States enacting the Compact subsequent to the Charter Member
55 States shall be subject to the process set forth in Article VII.C.20 to
56 determine if their enactments are materially different from the model

1 Compact statute and whether they qualify for participation in the
2 Compact.

3 B. If any Member State is later found to be in default, or is termi-
4 nated or withdraws from the Compact, the Commission shall remain in
5 existence and the Compact shall remain in effect even if the number of
6 Member States should be less than ten.

7 C. Any State that joins the Compact after the Commission's initial
8 adoption of the Rules and Bylaws shall be subject to the Rules and
9 Bylaws as they exist on the date on which the Compact becomes law in
10 that State. Any Rule that has been previously adopted by the Commission
11 shall have the full force and effect of law on the day the Compact
12 becomes law in that State, as the Rules and Bylaws may be amended as
13 provided in this Compact.

14 D. Any Member State may withdraw from this Compact by enacting a stat-
15 ute repealing the same.

16 1. A Member State's withdrawal shall not take effect until six (6)
17 months after enactment of the repealing statute.

18 2. Withdrawal shall not affect the continuing requirement of the with-
19 drawing State's Licensing Authority to comply with the investigative and
20 Adverse Action reporting requirements of this act prior to the effective
21 date of withdrawal.

22 E. This Compact may be amended by the Member States. No amendment to
23 this Compact shall become effective and binding upon any Member State
24 until it is enacted into the laws of all Member States.

25 ARTICLE XII- CONSTRUCTION AND SEVERABILITY

26 This Compact shall be liberally construed to effectuate the purposes
27 thereof. The provisions of this Compact shall be severable and if any
28 phrase, clause, sentence, or provision of this Compact is declared to be
29 contrary to the constitution of any Member State or a State seeking
30 membership in the compact, or of the United States or the applicability
31 thereof to any other government, agency, person or circumstance is held
32 invalid, the validity of the remainder of this Compact and the applica-
33 bility thereof to any government, agency, person, or circumstance shall
34 not be affected thereby. If this Compact shall be held contrary to the
35 constitution of any Member State, the Compact shall remain in full force
36 and effect as to the remaining Member States and in full force and
37 effect as to the Member State affected as to all severable matters.

38 ARTICLE XIII- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

39 A. Nothing herein shall prevent or inhibit the enforcement of any
40 other law of a Member State that is not inconsistent with the Compact.

41 B. Any laws, statutes, regulations, or other legal requirements in a
42 Member State in conflict with the Compact are superseded to the extent
43 of the conflict.

44 C. All permissible agreements between the Commission and the Member
45 States are binding in accordance with their terms.

46 § 2. Severability. If any clause, sentence, paragraph, subdivision,
47 section or part of this act shall be adjudged by any court of competent
48 jurisdiction to be invalid, such judgment shall not affect, impair, or
49 invalidate the remainder thereof, but shall be confined in its operation
50 to the clause, sentence, paragraph, subdivision, section or part thereof
51 directly involved in the controversy in which such judgment shall have
52 been rendered. It is hereby declared to be the intent of the legislature
53 that this act would have been enacted even if such invalid provisions
54 had not been included herein.

55 § 3. This act shall take effect immediately.