STATE OF NEW YORK

7222

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed 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:

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

ARTICLE 25

INTERSTATE TEACHER MOBILITY COMPACT

Section 1300. Interstate teacher mobility compact.

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

ARTICLE I- PURPOSE

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

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

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

B. Support the relocation of Eligible Military Spouses;

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

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

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

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

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

ARTICLE II- DEFINITIONS

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

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

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

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

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

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

F. "Commission" means the interstate administrative body which membership consists of delegates of all States that have enacted this Compact, and which is known as the Interstate Teacher Mobility Compact Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE III- LICENSURE UNDER THE COMPACT

A. Licensure under this Compact pertains only to the initial grant of a license by the Receiving State. Nothing herein applies to any subsequent or ongoing compliance requirements that a Receiving State might require for Teachers.

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

C. Upon the receipt of an application for licensure by a Teacher holding an Unencumbered Eligible License, the Receiving State shall determine which of the Receiving State's Eligible Licenses the Teacher is qualified to hold and shall grant such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the Receiving State's Licensing Authority and may include a determination that the applicant is not eligible for any of the Receiving State's Eligible Licenses. For all Teachers who hold an Unencumbered License, the Receiving State shall grant one or more Unencumbered License(s) that, in the Receiving State's sole discretion, are equivalent to the license(s) held by the Teacher in any other Member State.

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

E. For a Teacher holding an Unencumbered Career and Technical Education License, the Receiving State shall grant an Unencumbered License equivalent to the Career and Technical Education License held by the applying Teacher and issued by another Member State, as determined by the Receiving State in its sole discretion, except where a Career and Technical Education Teacher does not hold a bachelor's degree and the Receiving State requires a bachelor's degree for licenses to teach Career and Technical Education. A Receiving State may require Career and Technical Education Teachers to meet State industry recognized requirements, if required by law in the Receiving State.

ARTICLE IV- LICENSURE NOT UNDER THE COMPACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE VI- DISCIPLINE / ADVERSE ACTIONS

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

B. Member States shall be authorized to receive, and shall provide, files and information regarding the investigation and discipline, if any, of Teachers in other Member States upon request. Any Member State receiving such information or files shall protect and maintain the security and confidentiality thereof, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another Member State, the disclosing state shall communicate its intention and purpose for such disclosure to the Member State which originally provided that information.

ARTICLE VII- ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY COMPACT COMMISSION

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

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

2. Nothing in this interstate compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

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

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

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

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

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

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

7. The Commission shall establish by Rule a term of office for Commissioners.

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

1. Establish a Code of Ethics for the Commission.

2. Establish the fiscal year of the Commission.

3. Establish Bylaws for the Commission.

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

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

6. Promulgate uniform Rules to implement and administer this interstate compact. The Rules shall have the force and effect of law and shall be binding in all Member States. In the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect of law.

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

8. Purchase and maintain insurance and bonds.

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

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

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

mixed, provided that at all times the Commission shall avoid any appearance of impropriety.

12. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

13. Establish a budget and make expenditures.

14. Borrow money.

15. Appoint committees, including standing committees composed of members and such other interested persons as may be designated in this interstate compact, Rules, or Bylaws.

16. Provide and receive information from, and cooperate with, law enforcement agencies.

17. Establish and elect an Executive Committee.

18. Establish and develop a charter for an Executive Information Governance Committee to advise on facilitating exchange of information; use of information, data privacy, and technical support needs, and provide reports as needed.

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

20. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact.

D. The Executive Committee of the Interstate Teacher Mobility Compact Commission

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this interstate compact.

2. The Executive Committee shall be composed of eight voting members:

a. The Commission chair, vice chair, and treasurer; and

b. Five members who are elected by the Commission from the current membership:

i. Four voting members representing geographic regions in accordance with Commission Rules; and

ii. One at large voting member in accordance with Commission Rules.

3. The Commission may add or remove members of the Executive Committee as provided in Commission Rules.

4. The Executive Committee shall meet at least once annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to the compact legislation, fees paid by interstate compact Member States such as annual dues, and any compact fee charged by the Member States on behalf of the Commission.

b. Ensure Commission administration services are appropriately provided, contractual or otherwise.

c. Prepare and recommend the budget.

d. Maintain financial records on behalf of the Commission.

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

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

6. Meetings of the Commission

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

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

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

ii. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures.

iii. Current, threatened, or reasonably anticipated litigation.

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

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

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

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

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

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

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

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

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

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

7. Financing of the Commission

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

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

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

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

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

8. Qualified Immunity, Defense, and Indemnification

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

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

c. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

ARTICLE VIII- RULEMAKING

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

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

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

D. Rules or amendments to the Rules shall be adopted or ratified at a regular or special meeting of the Commission in accordance with Commission Rules and Bylaws.

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

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

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

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

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

3. Protect public health and safety.

ARTICLE IX- FACILITATING INFORMATION EXCHANGE

A. The Commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in accordance with the Rules of the Commission, consistent with generally accepted data protection principles.

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

ARTICLE X- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

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

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

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

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

B. Default, Technical Assistance, and Termination

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

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

b. Provide remedial training and specific technical assistance regarding the default.

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

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

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the State Licensing Authority and each of the Member States.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

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

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

H. Dispute Resolution

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

2. The Commission shall promulgate a Rule providing for both binding and non-binding alternative dispute resolution for disputes as appropriate.

I. Enforcement

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

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

ARTICLE XI- EFFECTUATION, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

D. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

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

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

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

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 their terms.

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

§ 3. This act shall take effect immediately.