

By: Representatives Roberson, McLean, Hulum

To: Education

HOUSE BILL NO. 1450

1 AN ACT ENTERING THE STATE OF MISSISSIPPI INTO THE INTERSTATE  
 2 TEACHER MOBILITY COMPACT FOR THE PURPOSE OF TO FACILITATING THE  
 3 MOBILITY OF TEACHERS ACROSS MEMBER STATES TO THE COMPACT; TO  
 4 ESTABLISH A COLLECTIVE REGULATORY FRAMEWORK THAT EXPEDITES AND  
 5 ENHANCES THE ABILITY OF TEACHERS TO MOVE ACROSS STATE LINES; TO  
 6 SET OUT THE AGREEMENT OF THE CONTRACTING STATES AND THE PURPOSE OF  
 7 THE COMPACT; TO PROVIDE FOR THE MEMBERSHIP OF THE EDUCATION  
 8 COMMISSION OF THE STATES AND PRESCRIBE THE POWER AND DUTIES  
 9 PERTAINING THERETO; TO ESTABLISH THE COMMITTEES OF THE COMMISSION;  
 10 AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** The Governor is authorized and directed to  
 13 execute the Interstate Teacher Mobility Compact on behalf of this  
 14 state with any other state or states legally joining therein in  
 15 the form substantially as follows:

16 **ARTICLE I**

17 **PURPOSE**

18 The purpose of this compact is to facilitate the mobility of  
 19 teachers across the member states with the goal of supporting  
 20 teachers through a new pathway to licensure. Through this  
 21 compact, the member states seek to establish a collective  
 22 regulatory framework which expedites and enhances the ability of



23 teachers from a variety of backgrounds to move across state lines.  
24 This compact is intended to achieve the following objectives and  
25 should be interpreted accordingly. The member states hereby  
26 ratify the same intentions by subscribing hereto:

27 A. Create a streamlined pathway to licensure mobility  
28 for teachers;

29 B. Support the relocation of eligible military spouses;

30 C. Facilitate and enhance the exchange of licensure,  
31 investigative, and disciplinary information between the member  
32 states;

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

36 E. Support the retention of teachers in the profession  
37 by removing barriers to relicensure in a new state; and

38 F. Maintain state sovereignty in the regulation of the  
39 teaching profession.

40 **ARTICLE II**

41 **DEFINITIONS**

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

44 A. "Active military member" means any person with  
45 full-time duty status in the Armed Forces of the United States,  
46 including members of the National Guard and Reserve.



47           B. "Adverse action" means any limitation or restriction  
48 imposed by a member state's licensing authority, such as  
49 revocation, suspension, reprimand, probation or limitation on the  
50 licensee's ability to work as a teacher.

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

53           D. "Career and technical education license" means a  
54 current, valid authorization issued by a member state's licensing  
55 authority allowing an individual to serve as a teacher in P-12  
56 public educational settings in a specific career and technical  
57 education area.

58           E. "Charter member states" means a member state that  
59 has enacted legislation to adopt this compact where such  
60 legislation predates the initial meeting of the Commission after  
61 the effective date of the compact.

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

66           G. "Commissioner" means the delegate of a member state.

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



71 I. "Eligible military spouse" means the spouse of any  
72 individual in full-time duty status in the active Armed Forces of  
73 the United States including members of the National Guard and  
74 Reserve moving as a result of a military mission or military  
75 career progression requirements or are on their terminal move as a  
76 result of separation or retirement (to include surviving spouses  
77 of deceased military members).

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

81 K. "Licensing authority" means an official, agency,  
82 board, or other entity of a state that is responsible for the  
83 licensing and regulation of teachers authorized to teach in  
84 P-12 public educational settings.

85 L. "Member state" means any state that has adopted this  
86 compact, including all agencies and officials of such a state.

87 M. "Receiving state" means any state where a teacher  
88 has applied for licensure under this compact.

89 N. "Rule" means any regulation promulgated by the  
90 Commission under this compact, which shall have the force of law  
91 in each member state.

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

94 P. "State practice laws" means a member state's laws,  
95 rules, and regulations that govern the teaching profession, define



96 the scope of such profession, and create the methods and grounds  
97 for imposing discipline.

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

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

106 S. "Unencumbered License" means a current, valid  
107 authorization issued by a member state's licensing authority  
108 allowing an individual to serve as a teacher in P-12 public  
109 educational settings. An unencumbered license is not a  
110 restricted, probationary, provisional, substitute or temporary  
111 credential.

### 112 **ARTICLE III**

#### 113 **LICENSURE UNDER THE COMPACT**

114 A. Licensure under this compact pertains only to the  
115 initial grant of a license by the receiving state. Nothing herein  
116 applies to any subsequent or ongoing compliance requirements that  
117 a receiving state might require for teachers.

118 B. Each member state shall, in accordance with rules of  
119 the commission, define, compile and update, as necessary, a list  
120 of eligible licenses and career and technical education licenses



121 that the member state is willing to consider for equivalency under  
122 this compact and provide the list to the commission. The list  
123 shall include those licenses that a receiving state is willing to  
124 grant teachers from other member states, pending a determination  
125 of equivalency by the receiving state's licensing authority.

126 C. Upon the receipt of an application for licensure by  
127 a teacher holding an unencumbered license, the receiving state  
128 shall determine which of the receiving state's eligible licenses  
129 the teacher is qualified to hold and shall grant such a license or  
130 licenses to the applicant. Such a determination shall be made in  
131 the sole discretion of the receiving state's licensing authority  
132 and may include a determination that the applicant is not eligible  
133 for any of the receiving state's licenses. For all teachers who  
134 hold an unencumbered license, the receiving state shall grant one  
135 or more unencumbered licenses that, in the receiving state's sole  
136 discretion, are equivalent to the license held by the teacher in  
137 any other member state.

138 D. For active duty military members and eligible  
139 military spouses who hold a license that is not unencumbered, the  
140 receiving state shall grant an equivalent license or licenses  
141 that, in the receiving state's sole discretion, is equivalent to  
142 the license or licenses held by the teacher in any other member  
143 state, except where the receiving state does not have an  
144 equivalent license.



145           E. For a teacher holding an unencumbered career and  
146 technical education license, the receiving state shall grant an  
147 unencumbered license equivalent to the career and technical  
148 education license held by the applying teacher and issued by  
149 another member state, as determined by the receiving state in its  
150 sole discretion, except where a career and technical education  
151 teacher does not hold a bachelor's degree and the receiving state  
152 requires a bachelor's degree for licenses to teach career and  
153 technical education. A receiving state may require career and  
154 technical education teachers to meet state industry recognized  
155 requirements, if required by law in the receiving state.

156   **ARTICLE IV**

157   **LICENSURE NOT UNDER THE COMPACT**

158           A. Except as provided in Article III, nothing in this  
159 compact shall be construed to limit or inhibit the power of a  
160 member state to regulate licensure or endorsements overseen by the  
161 member state's licensing authority.

162           B. When a teacher is required to renew a license  
163 received pursuant to this compact, the state granting such a  
164 license may require the teacher to complete state-specific  
165 requirements as a condition of licensure renewal or advancement in  
166 that state.

167           C. For purposes of determining compensation, a  
168 receiving state may require additional information from teachers  
169 receiving a license under the provisions of this compact.



170 D. Nothing in this compact shall be construed to limit  
171 the power of a member state to control and maintain ownership of  
172 its information pertaining to teachers or limit the application of  
173 a member state's laws or regulations governing the ownership, use  
174 or dissemination of information pertaining to teachers.

175 E. Nothing in this compact shall be construed to  
176 invalidate or alter any existing agreement or other cooperative  
177 arrangement which a member state may already be a party to or  
178 limit the ability of a member state to participate in any future  
179 agreement or other cooperative arrangement to:

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

183 2. Participate in the exchange of names of  
184 teachers whose license has been subject to an adverse action by a  
185 member state; or

186 3. Participate in any agreement or cooperative  
187 arrangement with a nonmember state.

188 **ARTICLE V**

189 **TEACHER QUALIFICATIONS AND REQUIREMENTS**

190 **FOR LICENSURE UNDER THE COMPACT**

191 A. Except as provided for active military members or  
192 eligible military spouses under Article III.D, a teacher may only  
193 be eligible to receive a license under this compact where that  
194 teacher holds an unencumbered license in a member state.





195           B. A teacher eligible to receive a license under this  
196 compact shall, unless otherwise provided herein:

197           1. Upon their application to receive a license  
198 under this compact, undergo a criminal background check in the  
199 receiving state in accordance with the laws and regulations of the  
200 receiving state; and

201           2. Provide the receiving state with information in  
202 addition to the information required for licensure for the  
203 purposes of determining compensation, if applicable.

204                                   **ARTICLE VI**

205                                   **DISCIPLINE AND ADVERSE ACTIONS**

206           A. Nothing in this compact shall be deemed or construed  
207 to limit the authority of a member state to investigate or impose  
208 disciplinary measures on teachers according to the state practice  
209 laws thereof.

210           B. Member states shall be authorized to receive, and  
211 shall provide, files and information regarding the investigation  
212 and discipline, if any, of teachers in other member states upon  
213 request. Any member state receiving such information or files  
214 shall protect and maintain the security and confidentiality  
215 thereof, in at least the same manner that it maintains its own  
216 investigatory or disciplinary files and information. Prior to  
217 disclosing any disciplinary or investigatory information



218 received from another member state, the disclosing state shall  
219 communicate its intention and purpose for such disclosure to the  
220 member state which originally provided that information.

221 **ARTICLE VII**

222 **ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY**

223 **COMPACT COMMISSION**

224 A. The interstate compact member states hereby create  
225 and establish a joint public agency known as the Interstate  
226 Teacher Mobility Compact Commission:

227 1. The Commission is a joint interstate  
228 governmental agency comprised of states that have enacted the  
229 Interstate Teacher Mobility Compact; and

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

232 **B. Membership, Voting, and Meetings**

233 1. Each member state shall have and be limited to  
234 one (1) delegate to the Commission, who shall be given the title  
235 of Commissioner.

236 2. The Commissioner shall be the primary  
237 administrative officer of the state licensing authority or their  
238 designee.

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



242                   4. The member state shall fill any vacancy  
243 occurring in the Commission within ninety (90) days.

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

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

254                   7. The Commission shall establish, by rule, a term  
255 of office for Commissioners.

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

258                   1. Establish a Code of Ethics for the Commission;

259                   2. Establish the fiscal year of the Commission;

260                   3. Establish bylaws for the Commission;

261                   4. Maintain its financial records in accordance  
262 with the bylaws of the Commission;

263                   5. Meet and take such actions as are consistent  
264 with the provisions of this interstate compact, the bylaws and  
265 rules of the Commission;



266                   6. Promulgate uniform rules to implement and  
267 administer this interstate compact. The rules shall have the  
268 force and effect of law and shall be binding in all member states.  
269 In the event the Commission exercises its rulemaking authority in  
270 a manner that is beyond the scope of the purposes of the compact,  
271 or the powers granted hereunder, then such an action by the  
272 Commission shall be invalid and have no force and effect of  
273 law;

274                   7. Bring and prosecute legal proceedings or  
275 actions in the name of the Commission, provided that the standing  
276 of any member state licensing authority to sue or be sued under  
277 applicable law shall not be affected;

278                   8. Purchase and maintain insurance and bonds;

279                   9. Borrow, accept or contract for services of  
280 personnel, including, but not limited to, employees of a member  
281 state, or an associated nongovernmental organization that is open  
282 to membership by all states;

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

289                   11. Lease, purchase, accept appropriate gifts or  
290 donations of, or otherwise own, hold, improve, or use, any



291 property, real, personal or mixed, provided that at all times the  
292 Commission shall avoid any appearance of impropriety;

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

296           13. Establish a budget and make expenditures;

297           14. Borrow money;

298           15. Appoint committees, including standing  
299 committees composed of members and such other interested persons  
300 as may be designated in this interstate compact, rules or bylaws;

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

303           17. Establish and elect an Executive Committee;

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

309           19. Perform such other functions as may be  
310 necessary or appropriate to achieve the purposes of this  
311 interstate compact consistent with the state regulation of teacher  
312 licensure; and

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



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

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

321                   2. The Executive Committee shall be composed of  
322 eight (8) voting members:

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

325                   b. Five (5) members who are elected by the  
326 Commission from the current membership:

327                   i. Four (4) voting members representing  
328 geographic regions in accordance with commission rules; and

329                   ii. One (1) at large voting member in  
330 accordance with commission rules;

331                   3. The Commission may add or remove members of the  
332 Executive Committee as provided in commission rules;

333                   4. The Executive Committee shall meet at least  
334 once annually;

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

337                   a. Recommend to the entire Commission changes  
338 to the rules or bylaws, changes to the compact legislation, fees  
339 paid by interstate compact member states such as annual dues, and



340 any compact fee charged by the member states on behalf of the  
341 Commission;

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

344           c. Prepare and recommend the budget;

345           d. Maintain financial records on behalf of  
346 the Commission;

347           e. Monitor compliance of member states and  
348 provide reports to the Commission; and

349           f. Perform other duties as provided in rules  
350 or bylaws.

351           **6. Meetings of the Commission**

352           a. All meetings shall be open to the public,  
353 and public notice of meetings shall be given in accordance with  
354 Commission bylaws;

355           b. The Commission or the Executive Committee  
356 or other committees of the Commission may convene in a closed,  
357 nonpublic meeting if the Commission or Executive Committee or  
358 other committees of the Commission must discuss:

359                   i. Noncompliance of a member state with  
360 its obligations under the compact;

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



365                                   iii. Current, threatened, or reasonably  
366 anticipated litigation;

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

369                                   v. Accusing any person of a crime or  
370 formally censuring any person;

371                                   vi. Disclosure of trade secrets or  
372 commercial or financial information that is privileged or  
373 confidential;

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

377                                   viii. Disclosure of investigative  
378 records compiled for law enforcement purposes;

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

384                                   x. Matters specifically exempted from  
385 disclosure by federal or member state statute; and

386                                   xi. Others matters as set forth by  
387 Commission bylaws and rules;

388                                   c. If a meeting, or portion of a meeting, is  
389 closed pursuant to this provision, the Commission's legal counsel





390 or designee shall certify that the meeting may be closed and shall  
391 reference each relevant exempting provision; and

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

#### 400           **7. Financing of the Commission**

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

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

409           c. The Commission may levy on and collect an  
410 annual assessment from each member state or impose fees on other  
411 parties to cover the cost of the operations and activities of the  
412 Commission, in accordance with the commission rules;

413           d. The Commission shall not incur obligations  
414 of any kind prior to securing the funds adequate to meet the same;



415 nor shall the Commission pledge the credit of any of the member  
416 states, except by and with the authority of the member state; and

417 e. The Commission shall keep accurate  
418 accounts of all receipts and disbursements. The receipts and  
419 disbursements of the Commission shall be subject to accounting  
420 procedures established under Commission bylaws. All receipts and  
421 disbursements of funds of the Commission shall be reviewed  
422 annually in accordance with Commission bylaws, and a report of the  
423 review shall be included in and become part of the annual report  
424 of the Commission.

425 **8. Qualified Immunity, Defense and Indemnification**

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

438 b. The Commission shall defend any member,  
439 officer, executive director, employee or representative of the



440 Commission in any civil action seeking to impose liability arising  
441 out of any actual or alleged act, error or omission that occurred  
442 within the scope of Commission employment, duties or  
443 responsibilities, or that the person against whom the claim is  
444 made had a reasonable basis for believing occurred within the  
445 scope of Commission employment, duties, or responsibilities;  
446 provided that nothing herein shall be construed to prohibit that  
447 person from retaining his or her own counsel; and provided  
448 further, that the actual or alleged act, error or omission did not  
449 result from that person's intentional or willful or wanton  
450 misconduct.

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

462 **ARTICLE VIII**

463 **RULEMAKING**



464           A. The Commission shall exercise its rulemaking powers  
465 pursuant to the criteria set forth in this interstate compact and  
466 the rules adopted thereunder. Rules and amendments shall become  
467 binding as of the date specified in each rule or amendment.

468           B. The Commission shall promulgate reasonable rules to  
469 achieve the intent and purpose of this interstate compact. In the  
470 event the Commission exercises its rulemaking authority in a  
471 manner that is beyond purpose and intent of this interstate  
472 compact, or the powers granted hereunder, then such an action by  
473 the Commission shall be invalid and have no force and effect of  
474 law in the member states.

475           C. If a majority of the legislatures of the member  
476 states rejects a rule, by enactment of a statute or resolution in  
477 the same manner used to adopt the compact within four (4) years of  
478 the date of adoption of the rule, then such rule shall have no  
479 further force and effect in any member state.

480           D. Rules or amendments to the rules shall be adopted or  
481 ratified at a regular or special meeting of the Commission in  
482 accordance with commission rules and bylaws.

483           E. Upon determination that an emergency exists, the  
484 Commission may consider and adopt an emergency rule with  
485 forty-eight (48) hours' notice, with opportunity to comment,  
486 provided that the usual rulemaking procedures shall be  
487 retroactively applied to the rule as soon as reasonably possible,  
488 in no event later than ninety (90) days after the effective date



489 of the rule. For the purposes of this provision, an emergency  
490 rule is one that must be adopted immediately in order to:

491 1. Meet an imminent threat to public health,  
492 safety, or welfare;

493 2. Prevent a loss of Commission or member state  
494 funds;

495 3. Meet a deadline for the promulgation of an  
496 administrative rule that is established by federal law or rule; or

497 4. Protect public health and safety.

498 **ARTICLE IX**

499 **FACILITATING INFORMATION EXCHANGE**

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

504 B. Nothing in this compact shall be deemed or construed  
505 to alter, limit or inhibit the power of a member state to control  
506 and maintain ownership of its licensee information or alter, limit  
507 or inhibit the laws or regulations governing licensee information  
508 in the member state.

509 **ARTICLE X**

510 **OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

511 **A. Oversight**

512 1. The executive and judicial branches of state  
513 government in each member state shall enforce this compact and



514 take all actions necessary and appropriate to effectuate the  
515 compact's purposes and intent. The provisions of this compact  
516 shall have standing as statutory law.

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

526           3. All courts and all administrative agencies  
527 shall take judicial notice of the compact, the rules of the  
528 Commission, and any information provided to a member state  
529 pursuant thereto in any judicial or quasi-judicial proceeding in a  
530 member state pertaining to the subject matter of this compact, or  
531 which may affect the powers, responsibilities or actions of the  
532 Commission.

533           4. The Commission shall be entitled to receive  
534 service of process in any proceeding regarding the enforcement or  
535 interpretation of the compact and shall have standing to intervene  
536 in such a proceeding for all purposes. Failure to provide the  
537 Commission service of process shall render a judgment or order  
538 void as to the Commission, this compact or promulgated rules.



539                   **B. Default, Technical Assistance and Termination**

540                   1. If the Commission determines that a member  
541 state has defaulted in the performance of its obligations or  
542 responsibilities under this compact or the promulgated rules, the  
543 Commission shall:

544                   a. Provide written notice to the defaulting  
545 state and other member states of the nature of the default, the  
546 proposed means of curing the default or any other action to be  
547 taken by the Commission; and

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

550                   2. If a state in default fails to cure the  
551 default, the defaulting state may be terminated from the compact  
552 upon an affirmative vote of a majority of the Commissioners of the  
553 member states, and all rights, privileges and benefits conferred  
554 on that state by this compact may be terminated on the effective  
555 date of termination. A cure of the default does not relieve the  
556 offending state of obligations or liabilities incurred during  
557 the period of default.

558                   3. Termination of membership in the compact shall  
559 be imposed only after all other means of securing compliance have  
560 been exhausted. Notice of intent to suspend or terminate shall be  
561 given by the Commission to the governor, the majority and  
562 minority leaders of the defaulting state's legislature, the state  
563 licensing authority and each of the member states.



564                   4. A state that has been terminated is responsible  
565 for all assessments, obligations and liabilities incurred through  
566 the effective date of termination, including obligations that  
567 extend beyond the effective date of termination.

568                   5. The Commission shall not bear any costs related  
569 to a state that is found to be in default or that has been  
570 terminated from the compact, unless agreed upon in writing between  
571 the Commission and the defaulting state.

572                   6. The defaulting state may appeal the action of  
573 the Commission by petitioning the United States District Court for  
574 the District of Columbia or the federal district where the  
575 Commission has its principal offices. The prevailing party shall  
576 be awarded all costs of such litigation, including reasonable  
577 attorney's fees.

578                   **C. Dispute Resolution**

579                   1. Upon request by a member state, the Commission  
580 shall attempt to resolve disputes related to the compact that  
581 arise among member states and between member and nonmember states.

582                   2. The Commission shall promulgate a rule  
583 providing for both binding and nonbinding alternative dispute  
584 resolution for disputes as appropriate.

585                   **D. Enforcement**

586                   1. The Commission, in the reasonable exercise of  
587 its discretion, shall enforce the provisions and rules of this  
588 compact.





589                   2. By majority vote, the Commission may initiate  
590 legal action in the United States District Court for the District  
591 of Columbia or the federal district where the Commission has its  
592 principal offices against a member state in default to enforce  
593 compliance with the provisions of the compact and its promulgated  
594 rules and bylaws. The relief sought may include both injunctive  
595 relief and damages. In the event judicial enforcement is  
596 necessary, the prevailing party shall be awarded all costs of such  
597 litigation, including reasonable attorney's fees. The remedies  
598 herein shall not be the exclusive remedies of the Commission. The  
599 Commission may pursue any other remedies available under federal  
600 or state law.

601   **ARTICLE XI**

602   **EFFECTUATION, WITHDRAWAL, AND AMENDMENT**

603                   A. The Compact shall come into effect on the date on  
604 which the compact statute is enacted into law in the tenth member  
605 state.

606   1. On or after the effective date of the compact,  
607 the Commission shall convene and review the enactment of each of  
608 the charter member states to determine if the statute enacted by  
609 each such charter member state is materially different from  
610 the model Compact statute.

611   2. A charter member state whose enactment is found  
612 to be materially different from the model Compact statute shall be  
613 entitled to the default process set forth in Article X.



614                   3. Member states enacting the compact subsequent  
615 to the charter member states shall be subject to the process set  
616 forth in Article VII.C.20 to determine if their enactments are  
617 materially different from the model compact statute and whether  
618 they qualify for participation in the compact.

619                   B. If any member state is later found to be in default,  
620 or is terminated or withdraws from the compact, the Commission  
621 shall remain in existence and the compact shall remain in effect  
622 even if the number of member states should be less than ten (10).

623                   C. Any state that joins the compact after the  
624 Commission's initial adoption of the rules and bylaws shall be  
625 subject to the rules and bylaws as they exist on the date on which  
626 the compact becomes law in that state. Any rule that has been  
627 previously adopted by the Commission shall have the full force and  
628 effect of law on the day the compact becomes law in that state, as  
629 the rules and bylaws may be amended as provided in this compact.

630                   D. Any member state may withdraw from this compact by  
631 enacting a statute repealing the same.

632                   1. A member state's withdrawal shall not take  
633 effect until six (6) months after enactment of the repealing  
634 statute.

635                   2. Withdrawal shall not affect the continuing  
636 requirement of the withdrawing state's licensing authority to  
637 comply with the investigative and adverse action reporting  
638 requirements of this act prior to the effective date of



639 withdrawal.

640 E. This compact may be amended by the member states.  
641 No amendment to this compact shall become effective and binding  
642 upon any member state until it is enacted into the laws of all  
643 member states.

644 **ARTICLE XII**

645 **CONSTRUCTION AND SEVERABILITY**

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

660 **ARTICLE XIII**

661 **CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**



662           A. Nothing herein shall prevent or inhibit the  
663 enforcement of any other law of a member state that is not  
664 inconsistent with the compact.

665           B. Any laws, statutes, regulations or other legal  
666 requirements in a member state in conflict with the compact are  
667 superseded to the extent of the conflict.

668           C. All permissible agreements between the Commission  
669 and the member states are binding in accordance with their terms.

670           **SECTION 2.** This act shall take effect and be in force from  
671 and after July 1, 2024.

