

House Bill 152

By: Representatives Scott of the 76th, Davis of the 87th, and Schofield of the 63rd

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to
2 adopt the Interstate Teacher Mobility Compact; to provide for a short title; to provide for the
3 purpose and policy of said compact; to provide for definitions; to provide for the licensures
4 that are and are not included in the compact; to provide for licensure qualifications and
5 requirements; to provide for construction; to provide for the establishment of the Interstate
6 Teacher Mobility Compact Commission; to provide for the members of said commission and
7 their service; to provide for an executive committee and its membership and duties; to
8 provide for the powers, duties, organization, and operations of the commission; to provide
9 for oversight, enforcement, and dispute resolution; to provide for financing of the interstate
10 commission; to provide for member states, effective date, and amendments; to provide for
11 withdrawal and dissolution; to provide for binding effect and other laws; to provide for
12 related matters; to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by
16 adding a new chapter to read as follows:

H. B. 152

17 "CHAPTER 1918 20-19-1.19 This chapter shall be known and may be cited as the 'Interstate Teacher Mobility Compact.'20 20-19-2.

21 The Interstate Teacher Mobility Compact is enacted into law and entered into by the state
22 of Georgia with any and all states legally joining therein in the form substantially as
23 follows:

24 Interstate Teacher Mobility Compact25 The Contracting states solemnly agree that:26 ARTICLE I-PURPOSE

27 The purpose of this compact is to facilitate the mobility of teachers across the member
28 states, with the goal of supporting teachers through a new pathway to licensure. Through
29 this compact, the member states seek to establish a collective regulatory framework that
30 expedites and enhances the ability of teachers to move across state lines. This compact is
31 intended to achieve the following objectives and should be interpreted accordingly. The
32 member states hereby ratify the same intentions by subscribing hereto.

33 (1) Create a streamlined pathway to licensure mobility for teachers;34 (2) Support the relocation of eligible military spouses;35 (3) Facilitate and enhance the exchange of licensure, investigative, and disciplinary
36 information between the member states;37 (4) Enhance the power of state and local level education officials to hire qualified,
38 competent teachers by removing barriers to the employment of out-of-state teachers;

39 (5) Support the retention of teachers in the profession by removing barriers to relicensure
40 in a new state; and

41 (6) Maintain state sovereignty in the regulation of the teaching profession.

42 ARTICLE II-DEFINITIONS

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

45 (1) 'Active military member' means any person with full-time duty status in the
46 uniformed service of the United States, including members of the National Guard and
47 Reserve.

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

51 (3) 'Bylaws' means those bylaws established by the commission.

52 (4) 'Career and Technical Education License' means a current, valid authorization issued
53 by a member state's licensing authority allowing an individual to serve as a P-12 teacher
54 public educational settings in a specific career and technical education area.

55 (5) 'Charter member states' means a member state that has enacted legislation to adopt
56 this compact where such legislation predates the initial meeting of the commission after
57 the effective date of the compact.

58 (6) 'Commission' means the interstate administrative body which membership consists
59 of delegates of all states that have enacted this compact, and which is known as the
60 Interstate Teacher Mobility Compact Commission.

61 (7) 'Commissioner' means the delegate of a member state.

62 (8) 'Eligible license' means a license to engage in the teaching profession which requires
63 at least a bachelor's degree and the completion of a state approved program for teacher
64 licensure.

65 (9) 'Eligible military spouse' means the spouse of any individual in full-time duty status
66 in the active uniformed service of the United States including members of the National
67 Guard and Reserve on active duty moving as a result of a military mission or military
68 career progression requirements or are on their terminal move as a result of separation or
69 retirement (to include surviving spouses of deceased military members).

70 (10) 'Executive committee' means a group of commissioners elected or appointed to act
71 on behalf of, and within the powers granted to them by, the commission as provided for
72 herein.

73 (11) 'Licensing authority' means an official, agency, board, or other entity of a state that
74 is responsible for the licensing and regulation of teachers authorized to teach in P-12
75 public educational settings.

76 (12) 'Member state' means any state that has adopted this compact, including all agencies
77 and officials of such a state.

78 (13) 'Receiving state' means any state where a teacher has applied for licensure under this
79 compact.

80 (14) 'Rule' means any regulation promulgated by the commission under this compact,
81 which shall have the force of law in each member state.

82 (15) 'State' means a state, territory, or possession of the United States, and the District
83 of Columbia.

84 (16) 'State practice laws' means a member state's laws, rules, and regulations that govern
85 the teaching profession, define the scope of such profession, and create the methods and
86 grounds for imposing discipline.

87 (17) 'State specific requirements' means a requirement for licensure covered in
88 coursework or examination that includes content of unique interest to the state.

89 (18) 'Teacher' means an individual who currently holds an authorization from a member
90 state that forms the basis for employment in the P-12 public schools of the state to
91 provide instruction in a specific subject area, grade level, or student population.

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

96 ARTICLE III-LICENSURE UNDER THE COMPACT

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

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

106 (c) Upon the receipt of an application for licensure by a teacher holding an unencumbered
107 eligible license, the receiving state shall determine which of the receiving state's eligible
108 licenses the teacher is qualified to hold and shall grant such a license or licenses to the
109 applicant. Such a determination shall be made in the sole discretion of the receiving state's
110 licensing authority and may include a determination that the applicant is not eligible for
111 any of the receiving state's eligible licenses. For all teachers who hold an unencumbered
112 license, the receiving state shall grant one or more unencumbered license(s) that, in the
113 receiving state's sole discretion, are equivalent to the license(s) held by the teacher in any
114 other member state.

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

118 in any other member state, except where the receiving state does not have an equivalent
119 license.

120 (e) For a teacher holding an unencumbered career and technical education license, the
121 receiving state shall grant an unencumbered license equivalent to the career and technical
122 education license held by the applying teacher and issued by another member state, as
123 determined by the receiving state in its sole discretion, except where a career and technical
124 education teacher does not hold a bachelor's degree and the receiving state requires a
125 bachelor's degree for licenses to teach career and technical education. A receiving state
126 may require career and technical education teachers to meet state industry recognized
127 requirements, if required by law in the receiving state.

128 ARTICLE IV-LICENSURE NOT UNDER THE COMPACT

129 (a) Except as provided in Article III above, nothing in this compact shall be construed to
130 limit or inhibit the power of a member state to regulate licensure or endorsements overseen
131 by the member state's licensing authority.

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

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

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

141 (e) Nothing in this compact shall be construed to invalidate or alter any existing agreement
142 or other cooperative arrangement which a member state may already be a party to, or limit

143 the ability of a member state to participate in any future agreement or other cooperative
144 arrangement to:

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

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

149 (3) Participate in any agreement or cooperative arrangement with a non-member state.

150 ARTICLE V-TEACHER QUALIFICATIONS AND REQUIREMENTS

151 FOR LICENSURE UNDER THE COMPACT

152 (a) Except as provided for active military members or eligible military spouses in
153 subsection (d) of Article III of this Code section, a teacher may only be eligible to receive
154 a license under this compact where that teacher holds an unencumbered license in a
155 member state.

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

158 (1) Upon his or her application to receive a license under this compact, undergo a
159 criminal background check in the receiving state in accordance with the laws and
160 regulations of the receiving state; and

161 (2) Provide the receiving state with information in addition to the information required
162 for licensure for the purposes of determining compensation, if applicable.

163 ARTICLE VI-DISCIPLINE / ADVERSE ACTIONS

164 (a) Nothing in this compact shall be deemed or construed to limit the authority of a
165 Member state to investigate or impose disciplinary measures on teachers according to the
166 state practice laws thereof.

167 (b) Member states shall be authorized to receive, and shall provide, files and information
168 regarding the investigation and discipline, if any, of teachers in other Member states upon
169 request. Any Member state receiving such information or files shall protect and maintain
170 the security and confidentiality thereof, in at least the same manner that it maintains its own
171 investigatory or disciplinary files and information. Prior to disclosing any disciplinary or
172 investigatory information received from another Member state, the disclosing state shall
173 communicate its intention and purpose for such disclosure to the Member state which
174 originally provided that information.

175 ARTICLE VII-ESTABLISHMENT OF THE
176 INTERSTATE TEACHER MOBILITY COMPACT COMMISSION

177 (a) The interstate compact Member states hereby create and establish a joint public agency
178 known as the Interstate Teacher Mobility Compact Commission:

179 (1) The commission is a joint interstate governmental agency comprised of states that
180 have enacted the Interstate Teacher Mobility Compact.

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

183 (b) Membership, Voting, and Meetings

184 (1) Each Member state shall have and be limited to one (1) delegate to the commission,
185 who shall be given the title of commissioner.

186 (2) The commissioner shall be the primary administrative officer of the state licensing
187 authority or their designee.

188 (3) Any commissioner may be removed or suspended from office as provided by the law
189 of the state from which the commissioner is appointed.

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

191 (5) Each commissioner shall be entitled to one (1) vote about the promulgation of rules
192 and creation of bylaws and shall otherwise have an opportunity to participate in the

193 business and affairs of the commission. A commissioner shall vote in person or by such
194 other means as provided in the bylaws. The bylaws may provide for commissioners'
195 participation in meetings by telephone or other means of communication.

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

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

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

200 (1) Establish a code of ethics for the commission.

201 (2) Establish the fiscal year of the commission.

202 (3) Establish bylaws for the commission.

203 (4) Maintain its financial records in accordance with the bylaws of the commission.

204 (5) Meet and take such actions as are consistent with the provisions of this interstate
205 compact, the bylaws, and rules of the commission.

206 (6) Promulgate uniform rules to implement and administer this interstate compact. The
207 rules shall have the force and effect of law and shall be binding in all Member states. In
208 the event the commission exercises its rulemaking authority in a manner that is beyond
209 the scope of the purposes of the compact, or the powers granted hereunder, then such an
210 action by the commission shall be invalid and have no force and effect of law.

211 (7) Bring and prosecute legal proceedings or actions in the name of the commission,
212 provided that the standing of any Member state licensing authority to sue or be sued
213 under applicable law shall not be affected.

214 (8) Purchase and maintain insurance and bonds.

215 (9) Borrow, accept, or contract for services of personnel, including, but not limited to,
216 employees of a Member state, or an associated non²¹⁹ governmental organization that
217 is open to membership by all states.

218 (10) Hire employees, elect, or appoint officers, fix compensation, define duties, grant
219 such individuals appropriate authority to carry out the purposes of the compact, and

220 establish the commission's personnel policies and programs relating to conflicts of
221 interest, qualifications of personnel, and other related personnel matters.

222 (11) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
223 improve, or use, any property, real, personal or mixed, provided that at all times the
224 commission shall avoid any appearance of impropriety.

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

227 (13) Establish a budget and make expenditures.

228 (14) Borrow money.

229 (15) Appoint committees, including standing committees composed of members and
230 such other interested persons as may be designated in this interstate compact, rules, or
231 bylaws.

232 (16) Provide and receive information from, and cooperate with, law enforcement
233 agencies.

234 (17) Establish and elect an executive committee.

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

238 (19) Perform such other functions as may be necessary or appropriate to achieve the
239 purposes of this interstate compact consistent with the state regulation of teacher
240 licensure.

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

243 (d) The executive committee of the Interstate Teacher Mobility Compact Commission

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

246 (2) The executive committee shall be composed of eight voting members:

- 247 (A) The commission chair, vice chair, and treasurer; and
248 (B) Five members who are elected by the commission from the current membership:
249 (i) Four voting members representing geographic regions in accordance with
250 commission rules; and
251 (ii) One at large voting member in accordance with commission rules.
252 (3) The commission may add or remove members of the executive committee as
253 provided in commission rules.
254 (4) The executive committee shall meet at least once annually.
255 (5) The executive committee shall have the following duties and responsibilities:
256 (A) Recommend to the entire commission changes to the rules or bylaws, changes to
257 the compact legislation, fees paid by interstate compact Member states such as annual
258 dues, and any compact fee charged by the Member states on behalf of the commission.
259 (B) Ensure commission administration services are appropriately provided, contractual
260 or otherwise.
261 (C) Prepare and recommend the budget.
262 (D) Maintain financial records on behalf of the commission.
263 (E) Monitor compliance of Member states and provide reports to the commission.
264 (F) Perform other duties as provided in rules or bylaws.
265 (6) Meetings of the commission.
266 (A) All meetings shall be open to the public, and public notice of meetings shall be
267 given in accordance with commission bylaws.
268 (B) The commission or the executive committee or other committees of the
269 commission may convene in a closed, non-public meeting if the commission or
270 executive committee or other committees of the commission must discuss:
271 (i) Non-compliance of a member state with its obligations under the compact.

- 272 (ii) The employment, compensation, discipline or other matters, practices or
273 procedures related to specific employees or other matters related to the commission's
274 internal personnel practices and procedures.
- 275 (iii) Current, threatened, or reasonably anticipated litigation.
- 276 (iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
277 estate.
- 278 (v) Accusing any person of a crime or formally censuring any person.
- 279 (vi) Disclosure of trade secrets or commercial or financial information that is
280 privileged or confidential.
- 281 (vii) Disclosure of information of a personal nature where disclosure would constitute
282 a clearly unwarranted invasion of personal privacy.
- 283 (viii) Disclosure of investigative records compiled for law enforcement purposes.
- 284 (ix) Disclosure of information related to any investigative reports prepared by or on
285 behalf of or for use of the commission or her committee charged with responsibility
286 of investigation or determination of compliance issues pursuant to the compact.
- 287 (x) Matters specifically exempted from disclosure by federal or member state statute.
- 288 (xi) Other matters as set forth by commission bylaws and rules.
- 289 (C) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
290 commission's legal counsel or designee shall certify that the meeting may be closed and
291 shall reference each relevant exempting provision.
- 292 (D) The commission shall keep minutes of commission meetings and shall provide a
293 full and accurate summary of actions taken, and the reasons therefore, including a
294 description of the views expressed. All documents considered in connection with an
295 action shall be identified in such minutes. All minutes and documents of a closed
296 meeting shall remain under seal, subject to release by a majority vote of the commission
297 or order of a court of competent jurisdiction.
- 298 (7) Financing of the commission.

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

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

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

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

311 (E) The commission shall keep accurate accounts of all receipts and disbursements.
312 The receipts and disbursements of the commission shall be subject to accounting
313 procedures established under commission bylaws. All receipts and disbursements of
314 funds of the commission shall be reviewed annually in accordance with commission
315 bylaws, and a report of the review shall be included in and become part of the annual
316 report of the commission.

317 (8) Qualified immunity, defense, and indemnification.

318 (A) The members, officers, executive director, employees and representatives of the
319 commission shall be immune from suit and liability, either personally or in their official
320 capacity, for any claim for damage to or loss of property or personal injury or other
321 civil liability caused by or arising out of any actual or alleged act, error or omission that
322 occurred, or that the person against whom the claim is made had a reasonable basis for
323 believing occurred within the scope of commission employment, duties or
324 responsibilities; provided that nothing in this paragraph shall be construed to protect

325 any such person from suit or liability for any damage, loss, injury, or liability caused
326 by the intentional or willful or wanton misconduct of that person.

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

336 (C) The commission shall indemnify and hold harmless any member, officer, executive
337 director, employee, or representative of the commission for the amount of any
338 settlement or judgment obtained against that person arising out of any actual or alleged
339 act, error or omission that occurred within the scope of commission employment,
340 duties, or responsibilities, or that such person had a reasonable basis for believing
341 occurred within the scope of commission employment, duties, or responsibilities,
342 provided that the actual or alleged act, error, or omission did not result from the
343 intentional or willful or wanton misconduct of that person.

344 ARTICLE VIII-RULEMAKING

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

348 (b) The commission shall promulgate reasonable rules to achieve the intent and purpose
349 of this interstate compact. In the event the commission exercises its rulemaking authority
350 in a manner that is beyond purpose and intent of this interstate compact, or the powers

351 granted hereunder, then such an action by the commission shall be invalid and have no
352 force and effect of law in the member states.

353 (c) If a majority of the legislatures of the member states rejects a rule, by enactment of
354 a statute or resolution in the same manner used to adopt the compact within four (4) years
355 of the date of adoption of the rule, then such rule shall have no further force and effect
356 in any member state.

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

359 (e) Upon determination that an emergency exists, the commission may consider and
360 adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided
361 that the usual rulemaking procedures shall be retroactively applied to the rule as soon as
362 reasonably possible, in no event later than ninety (90) days after the effective date of the
363 rule. For the purposes of this provision, an emergency rule is one that must be adopted
364 immediately in order to:

365 (1) Meet an imminent threat to public health, safety, or welfare.

366 (2) Prevent a loss of commission or member state funds.

367 (3) Meet a deadline for the promulgation of an administrative rule that is established
368 by federal law or rule; or

369 (4) Protect public health and safety.

370 ARTICLE IX-FACILITATING INFORMATION EXCHANGE

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

374 (b) Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the
375 power of a member state to control and maintain ownership of its licensee information or

376 alter, limit, or inhibit the laws or regulations governing licensee information in the member
377 state.

378 ARTICLE X-OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

379 (a) Oversight.

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

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

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

396 (4) The commission shall be entitled to receive service of process in any proceeding
397 regarding the enforcement or interpretation of the compact and shall have standing to
398 intervene in such a proceeding for all purposes. Failure to provide the commission
399 service of process shall render a judgment or order void as to the commission, this
400 compact, or promulgated rules.

401 (b) Default, technical assistance, and termination.

402 (1) If the commission determines that a member state has defaulted in the performance
403 of its obligations or responsibilities under this compact or the promulgated rules, the
404 commission shall:

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

408 (B) Provide remedial training and specific technical assistance regarding the default.

409 (c) If a state in default fails to cure the default, the defaulting state may be terminated from
410 the compact upon an affirmative vote of a majority of the commissioners of the member
411 states, and all rights, privileges and benefits conferred on that state by this compact may
412 be terminated on the effective date of termination. A cure of the default does not relieve
413 the offending state of obligations or liabilities incurred during the period of default.

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

418 (e) A state that has been terminated is responsible for all assessments, obligations, and
419 liabilities incurred through the effective date of termination, including obligations that
420 extend beyond the effective date of termination.

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

424 (g) The defaulting state may appeal the action of the commission by petitioning the U.S.
425 District Court for the District of Columbia or the federal district where the commission has
426 its principal offices. The prevailing party shall be awarded all costs of such litigation,
427 including reasonable attorney's fees.

428 (h) Dispute resolution.

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

432 (2) The commission shall promulgate a rule providing for both binding and non481
433 binding alternative dispute resolution for disputes as appropriate.

434 (i) Enforcement.

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

437 (2) By majority vote, the commission may initiate legal action in the United States
438 District Court for the District of Columbia or the federal district where the commission
439 has its principal offices against a member state in default to enforce compliance with the
440 provisions of the compact and its promulgated rules and bylaws. The relief sought may
441 include both injunctive relief and damages. In the event judicial enforcement is
442 necessary, the prevailing party shall be awarded all costs of such litigation, including
443 reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the
444 commission. The commission may pursue any other remedies available under federal or
445 state law.

446 ARTICLE XI-EFFECTUATION, WITHDRAWAL, AND AMENDMENT

447 (a) The compact shall come into effect on the date on which the compact statute is enacted
448 into law in the tenth member state.

449 (1) On or after the effective date of the compact, the commission shall convene and
450 review the enactment of each of the Charter member states to determine if the statute
451 enacted by each such Charter member state is materially different from the model
452 compact statute.

453 (2) A Charter member state whose enactment is found to be materially different from
454 the model compact statute shall be entitled to the default process set forth in Article X.

455 (3) member states enacting the compact subsequent to the Charter member states shall
456 be subject to the process set forth in Article VII.C.20 to determine if their enactments are
457 materially different from the model compact statute and whether they qualify for
458 participation in the compact.

459 (b) If any member state is later found to be in default, or is terminated or withdraws from
460 the compact, the commission shall remain in existence and the compact shall remain in
461 effect even if the number of member states should be less than 10.

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

467 (d) Any member state may withdraw from this compact by enacting a statute repealing the
468 same.

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

471 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
472 licensing authority to comply with the investigative and adverse action reporting
473 requirements of this act prior to the effective date of withdrawal.

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

477 ARTICLE XII-CONSTRUCTION AND SEVERABILITY

478 This compact shall be liberally construed to effectuate the purposes thereof. The
479 provisions of this compact shall be severable and if any phrase, clause, sentence, or
480 provision of this compact is declared to be contrary to the constitution of any member state

481 or a state seeking membership in the compact, or of the United States or the applicability
482 thereof to any other government, agency, person or circumstance is held invalid, the
483 validity of the remainder of this compact and the applicability thereof to any government,
484 agency, person, or circumstance shall not be affected thereby. If this compact shall be held
485 contrary to the constitution of any member state, the compact shall remain in full force and
486 effect as to the remaining member states and in full force and effect as to the member state
487 affected as to all severable matters.

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

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

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

493 (c) All permissible agreements between the commission and the member states are
494 binding in accordance with their terms."

495 **SECTION 2.**

496 All laws and parts of laws in conflict with this Act are repealed.