

SB46 ENGROSSED



1 28NXIS-2
2 By Senators Orr, Chesteen
3 RFD: Education Policy
4 First Read: 07-Mar-23
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A BILL
TO BE ENTITLED
AN ACT

Relating to the mobility of P-12 teachers; to provide and adopt the Interstate Teacher Mobility Compact to allow licensed teachers to practice among compact states in a limited manner; to provide eligibility requirements for licensed teachers to teach pursuant to the compact; to provide for a coordinated licensure information system, joint investigations, and disciplinary actions; to establish the Interstate Teacher Mobility Compact Commission, and provide for membership, powers, duties, and rulemaking functions of the commission; and to provide for oversight of the compact, enforcement of the compact, default procedures, dispute resolution, withdrawal of compact states, and amendments to the compact.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Purpose.

(a) 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



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28 collective regulatory framework that expedites and enhances
29 the ability of teachers to move across state lines.

30 (b) This compact is intended to achieve all of the
31 following objectives and should be interpreted accordingly.
32 The member states hereby ratify the same intentions by
33 subscribing hereto.

34 (1) Create a streamlined pathway to licensure mobility
35 for teachers.

36 (2) Support the relocation of eligible military spouses.

37 (3) Facilitate and enhance the exchange of licensure,
38 investigative, and disciplinary information between the member
39 states.

40 (4) Enhance the power of state and district level
41 education officials to hire qualified, competent teachers by
42 removing barriers to the employment of out-of-state teachers.

43 (5) Support the retention of teachers in the profession
44 by removing barriers to relicensure in a new state.

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

47 Section 2. Definitions.

48 As used in this compact, and except as otherwise
49 provided, the following definitions shall govern the terms
50 herein:

51 (1) ACTIVE MILITARY MEMBER. Any individual with full-time
52 duty status in the Armed Forces of the United States,
53 including members of the National Guard and Reserve.

54 (2) ADVERSE ACTION. Any limitation or restriction imposed
55 by a member state's licensing authority, such as revocation,



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56 suspension, reprimand, probation, or limitation on the
57 licensee's ability to work as a teacher.

58 (3) BYLAWS. Those bylaws established by the commission.

59 (4) CAREER AND TECHNICAL EDUCATION LICENSE. A current,
60 valid authorization issued by a member state's licensing
61 authority allowing an individual to serve as a teacher in P-12
62 public educational settings in a specific career and technical
63 education area.

64 (5) CHARTER MEMBER STATES. A member state that has
65 enacted legislation to adopt this compact where such
66 legislation predates the initial meeting of the commission
67 after the effective date of the compact.

68 (6) COMMISSION. The interstate administrative body which
69 membership consists of delegates of all states that have
70 enacted this compact, and which is known as the Interstate
71 Teacher Mobility Compact Commission.

72 (7) COMMISSIONER. The delegate of a member state.

73 (8) ELIGIBLE LICENSE. A license to engage in the teaching
74 profession which requires at least a bachelor's degree and the
75 completion of a state approved program for teacher licensure.

76 (9) ELIGIBLE MILITARY SPOUSE. The spouse of any
77 individual in full-time duty status in the active Armed Forces
78 of the United States including members of the National Guard
79 and Reserve moving as a result of a military mission or
80 military career progression requirements or are on their
81 terminal move as a result of separation or retirement (to
82 include surviving spouses of deceased military members).



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83 (10) EXECUTIVE COMMITTEE. A group of commissioners
84 elected or appointed to act on behalf of, and within the
85 powers granted to them by, the commission as provided for
86 herein.

87 (11) LICENSING AUTHORITY. An official, agency, board, or
88 other entity of a state that is responsible for the licensing
89 and regulation of teachers authorized to teach in P-12 public
90 educational settings.

91 (12) MEMBER STATE. Any state that has adopted this
92 compact, including all agencies and officials of that state.

93 (13) RECEIVING STATE. Any state where a teacher has
94 applied for licensure under this compact.

95 (14) RULE. Any regulation adopted by the commission under
96 this compact, which shall have the force of law in each member
97 state.

98 (15) STATE. A state, territory, or possession of the
99 United States, and the District of Columbia.

100 (16) STATE PRACTICE LAWS. A member state's laws, rules,
101 and regulations that govern the teaching profession, define
102 the scope of the profession, and create the methods and
103 grounds for imposing discipline.

104 (17) STATE SPECIFIC REQUIREMENTS. A requirement for
105 licensure covered in coursework or examination that includes
106 content of unique interest to the state.

107 (18) TEACHER. An individual who currently holds an
108 authorization from a member state that forms the basis for
109 employment in the P-12 public schools of the state to provide



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110 instruction in a specific subject area, grade level, or
111 student population.

112 (19) UNENCUMBERED LICENSE. A current, valid authorization issued
113 by a member state's licensing authority allowing an individual to
114 serve as a teacher in P-12 public educational settings. An
115 unencumbered license is not a restricted, probationary, provisional,
116 substitute, or temporary credential.

117 Section 3. Licensure under the compact.

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

123 (b) Each member state, in accordance with the rules of
124 the commission, shall define, compile, and update as
125 necessary, a list of eligible licenses and career and
126 technical education licenses that the member state is willing
127 to consider for equivalency under this compact and provide the
128 list to the commission. The list shall include those licenses
129 that a receiving state is willing to grant to teachers from
130 other member states, pending a determination of equivalency by
131 the receiving state's licensing authority.

132 (c) Upon the receipt of an application for licensure by a
133 teacher holding an unencumbered eligible license, the
134 receiving state shall determine which of the receiving state's
135 eligible licenses the teacher is qualified to hold and shall
136 grant the license or licenses to the applicant. The
137 determination shall be made in the sole discretion of the



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138 receiving state's licensing authority and may include a
139 determination that the applicant is not eligible for any of
140 the receiving state's eligible licenses. For all teachers who
141 hold an unencumbered license, the receiving state shall grant
142 one or more unencumbered licenses that, in the receiving
143 state's sole discretion, are equivalent to the licenses held
144 by the teacher in any other member state.

145 (d) For active military members and eligible military
146 spouses who hold a license that is not unencumbered, the
147 receiving state shall grant an equivalent license or licenses
148 that, in the receiving state's sole discretion, is equivalent
149 to the license or licenses held by the teacher in any other
150 member state, except where the receiving state does not have
151 an equivalent license.

152 (e) For a teacher holding an unencumbered career and technical
153 education license, the receiving state shall grant an unencumbered
154 license equivalent to the career and technical education license held
155 by the applying teacher and issued by another member state, as
156 determined by the receiving state in its sole discretion, except
157 where a career and technical education teacher does not hold a
158 bachelor's degree and the receiving state requires a bachelor's
159 degree for licenses to teach career and technical education. A
160 receiving state may require career and technical education teachers
161 to meet state industry recognized requirements, if required by law in
162 the receiving state.

163 Section 4. Licensure not under the compact.

164 (a) Except as provided in Section 3, nothing in this
165 compact shall be construed to limit or inhibit the power of a



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166 member state to regulate licensure or endorsements overseen by
167 the member state's licensing authority.

168 (b) When a teacher is required to renew a license
169 received pursuant to this compact, the state granting the
170 license may require the teacher to complete state specific
171 requirements as a condition of licensure renewal or
172 advancement in that state.

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

176 (d) Nothing in this compact shall be construed to limit
177 the power of a member state to control and maintain ownership
178 of its information pertaining to teachers, or limit the
179 application of a member state's laws or regulations governing
180 the ownership, use, or dissemination of information pertaining
181 to teachers.

182 (e) Nothing in this compact shall be construed to
183 invalidate or alter any existing agreement or other
184 cooperative arrangement which a member state may already be a
185 party to, or limit the ability of a member state to
186 participate in any future agreement or other cooperative
187 arrangement to do any of the following:

188 (1) Award teaching licenses or other benefits based on
189 additional professional credentials including, but not limited
190 to, national board certification.

191 (2) Participate in the exchange of names of teachers
192 whose license has been subject to an adverse action by a
193 member state.



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194 (3) Participate in any agreement or cooperative
195 arrangement with a nonmember state.

196 Section 5. Teacher qualifications and requirements for
197 licensure under the compact.

198 (a) Except as provided for active military members or
199 eligible military spouses in subsection (d) of Section 3, a
200 teacher may only be eligible to receive a license under this
201 compact where that teacher holds an unencumbered license in a
202 member state.

203 (b) A teacher eligible to receive a license under this
204 compact, unless otherwise provided for herein, shall do all of
205 the following:

206 (1) Upon his or her application to receive a license
207 under this compact, undergo a criminal background check in the
208 receiving state in accordance with the laws and regulations of
209 the receiving state.

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

213 Section 6. Discipline and adverse actions.

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

218 (b) Member states may receive, and shall provide, files
219 and information regarding the investigation and discipline, if
220 any, of teachers in other member states upon request. Any
221 member state receiving the information or files shall protect



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222 and maintain the security and confidentiality thereof, in at
223 least the same manner that the member state maintains its own
224 investigatory or disciplinary files and information. Prior to
225 disclosing any disciplinary or investigatory information
226 received from another member state, the disclosing state shall
227 communicate its intention and purpose for the disclosure to
228 the member state which originally provided that information.

229 Section 7. Establishment of the Interstate Teacher
230 Mobility Compact Commission.

231 (a) The compact member states hereby create and establish
232 a joint public agency known as the Interstate Teacher Mobility
233 Compact Commission:

234 (1) The commission is a joint interstate governmental
235 agency comprised of states that have enacted this compact.

236 (2) Nothing in this compact shall be construed to be a
237 waiver of sovereign immunity.

238 (b) Membership, voting, and meetings.

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

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

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

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



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249 (5) Each commissioner shall be entitled to one vote about
250 the adoption of rules and creation of bylaws and shall
251 otherwise have an opportunity to participate in the business
252 and affairs of the commission. A commissioner shall vote in
253 person or by other means as provided in the bylaws. The bylaws
254 may provide for commissioners' participation in meetings by
255 telephone or other means of communication.

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

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

261 (c) The commission shall have all of the following powers
262 and duties:

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

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

265 (3) Establish bylaws for the commission.

266 (4) Maintain financial records in accordance with the
267 bylaws of the commission.

268 (5) Meet and take any actions as are consistent with this
269 compact, the bylaws, and rules of the commission.

270 (6) Adopt uniform rules to implement and administer this
271 compact. The rules shall have the force and effect of law and
272 shall be binding in all member states. In the event the
273 commission exercises its rulemaking authority in a manner that
274 is beyond the scope of the purposes of the compact, or the
275 powers granted hereunder, then the action by the commission
276 shall be invalid and have no force and effect of law.



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277 (7) Bring and prosecute legal proceedings or actions in
278 the name of the commission, provided that the standing of any
279 member state licensing authority to sue or be sued under
280 applicable law shall not be affected.

281 (8) Purchase and maintain insurance and bonds.

282 (9) Borrow, accept, or contract for services of personnel
283 including, but not limited to, employees of a member state, or
284 an associated nongovernmental organization that is open to
285 membership by all states.

286 (10) Hire employees, elect or appoint officers, fix
287 compensation, define duties, grant such individuals
288 appropriate authority to carry out the purposes of the
289 compact, and establish the commission's personnel policies and
290 programs relating to conflicts of interest, qualifications of
291 personnel, and other related personnel matters.

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

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

299 (13) Establish a budget and make expenditures.

300 (14) Borrow money.

301 (15) Appoint committees, including standing committees
302 composed of members and other interested individuals as may be
303 designated in this compact, rules, or bylaws.



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304 (16) Provide and receive information from, and cooperate
305 with, law enforcement agencies.

306 (17) Establish and elect an executive committee.

307 (18) Establish and develop a charter for an executive
308 information governance committee to advise on facilitating
309 exchange of information, use of information, data privacy, and
310 technical support needs, and provide reports as needed.

311 (19) Perform other functions as may be necessary or
312 appropriate to achieve the purposes of this compact consistent
313 with the state regulation of teacher licensure.

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

317 (d) The executive committee of the compact commission.

318 (1) The executive committee may act on behalf of the
319 commission according to the terms of this compact.

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

322 a. The commission chair, vice chair, and treasurer.

323 b. Five members who are elected by the commission from
324 the current membership, including the following:

325 1. Four voting members representing geographic regions in
326 accordance with commission rules.

327 2. One at-large voting member in accordance with
328 commission rules.

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



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

333 (5) The executive committee shall have the following
334 duties and responsibilities:

335 a. Recommend to the entire commission changes to the
336 rules or bylaws, changes to the compact legislation, fees paid
337 by compact member states including annual dues and any compact
338 fee charged by the member states on behalf of the commission.

339 b. Ensure commission administration services are
340 appropriately provided, contractual or otherwise.

341 c. Prepare and recommend the budget.

342 d. Maintain financial records on behalf of the
343 commission.

344 e. Monitor compliance of member states and provide
345 reports to the commission.

346 f. Perform other duties as provided in rules or bylaws.

347 (6) Meetings of the commission.

348 a. All meetings shall be open to the public, and public
349 notice of meetings shall be given in accordance with
350 commission bylaws.

351 b. The commission or the executive committee or other
352 committees of the commission may convene in a closed,
353 nonpublic meeting if the commission or executive committee or
354 other committees of the commission must discuss any of the
355 following:

356 1. Noncompliance of a member state with its obligations
357 under the compact.



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358 2. The employment, compensation, discipline, or other
359 matters, practices, or procedures related to specific
360 employees or other matters related to the commission's
361 internal personnel practices and procedures.

362 3. Current, threatened, or reasonably anticipated
363 litigation.

364 4. Negotiation of contracts for the purchase, lease, or
365 sale of goods, services, or real estate.

366 5. Accusing any individual of a crime or formally
367 censuring any individual.

368 6. Disclosure of trade secrets or commercial or financial
369 information that is privileged or confidential.

370 7. Disclosure of information of a personal nature where
371 disclosure would constitute a clearly unwarranted invasion of
372 personal privacy.

373 8. Disclosure of investigative records compiled for law
374 enforcement purposes.

375 9. Disclosure of information related to any investigative
376 reports prepared by or on behalf of or for use of the
377 commission or other committee charged with responsibility of
378 investigation or determination of compliance issues pursuant
379 to the compact.

380 10. Matters specifically exempted from disclosure by
381 federal or member state statute.

382 11. Other matters as set forth by commission bylaws and
383 rules.

384 c. If a meeting, or portion of a meeting, is closed
385 pursuant to this subdivision, the commission's legal counsel



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386 or designee shall certify that the meeting may be closed and
387 shall reference each relevant exempting provision.

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

396 (7) Financing of the commission.

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

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

405 c. The commission may levy on and collect an annual
406 assessment from each member state or impose fees on other
407 parties to cover the cost of the operations and activities of
408 the commission, in accordance with the commission rules.

409 d. The commission shall not incur obligations of any kind
410 prior to securing the funds adequate to meet the same; nor
411 shall the commission pledge the credit of any of the member
412 states, except by and with the authority of the member state.



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

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

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

435 b. The commission shall defend any member, officer,
436 executive director, employee, or representative of the
437 commission in any civil action seeking to impose liability
438 arising out of any actual or alleged act, error, or omission
439 that occurred within the scope of commission employment,
440 duties, or responsibilities, or that the individual against



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441 whom the claim is made had a reasonable basis for believing
442 occurred within the scope of commission employment, duties, or
443 responsibilities; provided that nothing herein shall be
444 construed to prohibit that individual from retaining his or
445 her own counsel; and provided further, that the actual or
446 alleged act, error, or omission did not result from that
447 individual's intentional or willful or wanton misconduct.

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

460 Section 8. Rulemaking.

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

465 (b) The commission shall adopt reasonable rules to
466 achieve the intent and purpose of this compact. In the event
467 the commission exercises its rulemaking authority in a manner
468 that is beyond purpose and intent of this compact, or the



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469 powers granted hereunder, then the action by the commission
470 shall be invalid and have no force and effect of law in the
471 member states.

472 (c) If a majority of the legislatures of the member
473 states rejects a rule, by enactment of a statute or resolution
474 in the same manner used to adopt this compact within four
475 years of the date of adoption of the rule, then the rule shall
476 have no further force and effect in any member state.

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

480 (e) Upon determination that an emergency exists, the
481 commission may consider and adopt an emergency rule with 48
482 hours' notice, with opportunity to comment, provided that the
483 usual rulemaking procedures shall be retroactively applied to
484 the rule as soon as reasonably possible, in no event later
485 than 90 days after the effective date of the rule. For the
486 purposes of this subsection, an emergency rule is one that
487 must be adopted immediately in order to do any of the
488 following:

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

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

492 (3) Meet a deadline for the adoption of an administrative
493 rule that is established by federal law or rule.

494 (4) Protect public health and safety.

495 Section 9. Facilitating information exchange.



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496 (a) The commission shall provide for facilitating the
497 exchange of information to administer and implement this
498 compact in accordance with the rules of the commission,
499 consistent with generally accepted data protection principles.

500 (b) Nothing in this compact shall be deemed or construed to
501 alter, limit, or inhibit the power of a member state to control and
502 maintain ownership of its licensee information or alter, limit, or
503 inhibit the laws or regulations governing licensee information in the
504 member state.

505 Section 10. Oversight, dispute resolution, and
506 enforcement.

507 (a) Oversight.

508 (1) The executive and judicial branches of state
509 government in each member state shall enforce this compact and
510 take all actions necessary and appropriate to effectuate the
511 compact's purposes and intent. This compact shall have
512 standing as statutory law.

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



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

530 (4) The commission may receive service of process in any
531 proceeding regarding the enforcement or interpretation of this
532 compact and shall have standing to intervene in any proceeding
533 for all purposes. Failure to provide the commission service of
534 process shall render a judgment or order void as to the
535 commission, this compact, or adopted rules.

536 (b) Default, technical assistance, and termination. If
537 the commission determines that a member state has defaulted in
538 the performance of its obligations or responsibilities under
539 this compact or the adopted rules, the commission shall do all
540 of the following:

541 (1) Provide written notice to the defaulting state and
542 other member states of the nature of the default, the proposed
543 means of curing the default, or any other action to be taken
544 by the commission.

545 (2) Provide remedial training and specific technical
546 assistance regarding the default.

547 (c) If a state in default fails to cure the default, the
548 defaulting state may be terminated from the compact upon an
549 affirmative vote of a majority of the commissioners of the
550 member states, and all rights, privileges, and benefits



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551 conferred on that state by this compact may be terminated on
552 the effective date of termination. A cure of the default does
553 not relieve the offending state of obligations or liabilities
554 incurred during the period of default.

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

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

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

569 (g) The defaulting state may appeal the action of the
570 commission by petitioning the United States District Court for
571 the District of Columbia or the federal district where the
572 commission has its principal office. The prevailing party
573 shall be awarded all costs of the litigation, including
574 reasonable attorney's fees.

575 (h) Dispute resolution.

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



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579 (2) The commission shall adopt a rule providing for both
580 binding and nonbinding alternative dispute resolution for
581 disputes as appropriate.

582 (i) Enforcement.

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

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

597 Section 11. Effectuation, withdrawal, and amendment.

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

601 (1) On or after the effective date of this compact, the
602 commission shall convene and review the enactment of each of
603 the charter member states to determine if the statute enacted
604 by each charter member state is materially different from the
605 model compact statute.



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606 (2) A charter member state whose enactment is found to be
607 materially different from the model compact statute shall be
608 entitled to the default process set forth in Section 10.

609 (3) Member states enacting the compact subsequent to the
610 charter member states shall be subject to the process set
611 forth in subdivision (c)(20) of Section 7 to determine if
612 their enactments are materially different from the model
613 compact statute and whether they qualify for participation in
614 this compact.

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

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

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

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

632 (2) Withdrawal shall not affect the continuing
633 requirement of the withdrawing state's licensing authority to



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634 comply with the investigative and adverse action reporting
635 requirements of this compact prior to the effective date of
636 withdrawal.

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

641 Section 12. Construction and severability.

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

656 Section 13. Consistent effect and conflict with other state
657 laws.

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



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

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

666 Section 14. This act shall become effective on the
667 first day of the third month following its passage and
668 approval by the Governor, or its otherwise becoming law.



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669
670
671 Senate

672 Read for the first time and referred07-Mar-23
673 to the Senate committee on Education
674 Policy
675
676 Read for the second time and placed21-Mar-23
677 on the calendar:
678 1 amendment
679
680 Read for the third time and passed05-Apr-23
681 as amended
682 Yeas 30
683 Nays 0
684 Abstains 0
685
686

687 Patrick Harris,
688 Secretary.
689