

SECOND REGULAR SESSION

HOUSE BILL NO. 2274

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS.

4545H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 168, RSMo, by adding thereto one new section relating to the interstate teacher mobility compact.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 168, RSMo, is amended by adding thereto one new section, to be known as section 168.046, to read as follows:

168.046. 1. (1) This section shall be known and may be cited as the "Interstate Teacher Mobility Compact".

(2) The purpose of this compact is to facilitate the mobility of teachers across the member states, with the goal of supporting teachers through a new pathway to licensure. Through this compact, the member states seek to establish a collective regulatory framework that expedites and enhances the ability of teachers to move across state lines.

(3) This compact is intended to achieve the following objectives and should be interpreted accordingly, and the member states hereby ratify the same intentions by subscribing hereto:

(a) Create a streamlined pathway to licensure mobility for teachers;

(b) Support the relocation of eligible military spouses;

(c) Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the member states;

(d) Enhance the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (e) Support the retention of teachers in the profession by removing barriers to
19 relicensure in a new state; and

20 (f) Maintain state sovereignty in the regulation of the teaching profession.

21 2. As used in this compact and except as otherwise provided, the following
22 definitions shall govern the terms in this section:

23 (1) "Active military member", any person with full-time duty status in the
24 Armed Forces of the United States, including members of the National Guard and
25 Reserve;

26 (2) "Adverse action", any limitation or restriction imposed by a member state's
27 licensing authority, such as revocation, suspension, reprimand, probation, or limitation
28 on the licensee's ability to work as a teacher;

29 (3) "Bylaws", those bylaws established by the commission;

30 (4) "Career and technical education license", a current, valid authorization
31 issued by a member state's licensing authority allowing an individual to serve as a
32 teacher in P-12 public educational settings in a specific career and technical education
33 area;

34 (5) "Charter member states", a member state that has enacted legislation to
35 adopt this compact where such legislation predates the initial meeting of the commission
36 after the effective date of the compact;

37 (6) "Commission", the interstate administrative body whose membership
38 consists of delegates of all states that have enacted this compact, and which is known as
39 the interstate teacher mobility compact commission;

40 (7) "Commissioner", the delegate of a member state;

41 (8) "Eligible license", a license to engage in the teaching profession which
42 requires at least a bachelor's degree and the completion of a state-approved program for
43 teacher licensure;

44 (9) "Eligible military spouse", the spouse of any individual in full-time duty
45 status in the active Armed Forces of the United States including members of the
46 National Guard and Reserve moving as a result of a military mission or military career
47 progression requirements or are on their terminal move as a result of separation or
48 retirement, including surviving spouses of deceased military members;

49 (10) "Executive committee", a group of commissioners elected or appointed to
50 act on behalf of, and within the powers granted to them by, the commission as provided
51 for in this section;

52 (11) "Licensing authority", an official, agency, board, or other entity of a state
53 that is responsible for the licensing and regulation of teachers authorized to teach in P-
54 12 public educational settings;

55 (12) "Member state", any state that has adopted this compact, including all
56 agencies and officials of such a state;

57 (13) "Receiving state", any state where a teacher has applied for licensure under
58 this compact;

59 (14) "Rule", any regulation promulgated by the commission under this compact,
60 which shall have the force of law in each member state;

61 (15) "State", a state, territory, or possession of the United States, and the District
62 of Columbia;

63 (16) "State practice laws", a member state's laws, rules, and regulations that
64 govern the teaching profession, define the scope of such profession, and create the
65 methods and grounds for imposing discipline;

66 (17) "State-specific requirements", a requirement for licensure covered in
67 coursework or examination that includes content of unique interest to the state;

68 (18) "Teacher", an individual who currently holds an authorization from a
69 member state that forms the basis for employment in the P-12 public schools of the state
70 to provide instruction in a specific subject area, grade level, or student population;

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

75 3. (1) Licensure under this compact pertains only to the initial grant of a license
76 by the receiving state. Nothing in this section applies to any subsequent or ongoing
77 compliance requirements that a receiving state might require for teachers.

78 (2) Each member state shall, in accordance with the rules of the commission,
79 define, compile, and update as necessary, a list of eligible licenses and career and
80 technical education licenses that the member state is willing to consider for equivalency
81 under this compact and provide the list to the commission. The list shall include those
82 licenses that a receiving state is willing to grant to teachers from other member states,
83 pending a determination of equivalency by the receiving state's licensing authority.

84 (3) Upon the receipt of an application for licensure by a teacher holding an
85 unencumbered eligible license, the receiving state shall determine which of the receiving
86 state's eligible licenses the teacher is qualified to hold and shall grant such a license or
87 licenses to the applicant. Such a determination shall be made in the sole discretion of
88 the receiving state's licensing authority and may include a determination that the
89 applicant is not eligible for any of the receiving state's eligible licenses. For all teachers
90 who hold an unencumbered license, the receiving state shall grant one or more

91 unencumbered licenses that, in the receiving state's sole discretion, are equivalent to the
92 licenses held by the teacher in any other member state.

93 (4) For active military members and eligible military spouses who hold a license
94 that is not unencumbered, the receiving state shall grant an equivalent license or licenses
95 that, in the receiving state's sole discretion, is equivalent to the license or licenses held by
96 the teacher in any other member state, except where the receiving state does not have an
97 equivalent license.

98 (5) For a teacher holding an unencumbered career and technical education
99 license, the receiving state shall grant an unencumbered license equivalent to the career
100 and technical education license held by the applying teacher and issued by another
101 member state, as determined by the receiving state in its sole discretion, except where a
102 career and technical education teacher does not hold a bachelor's degree and the
103 receiving state requires a bachelor's degree for licenses to teach career and technical
104 education. A receiving state may require career and technical education teachers to
105 meet state industry-recognized requirements, if required by law in the receiving state.

106 4. (1) Except as provided in subsection 3 of this section, nothing in this compact
107 shall be construed to limit or inhibit the power of a member state to regulate licensure
108 or endorsements overseen by the member state's licensing authority.

109 (2) When a teacher is required to renew a license received pursuant to this
110 compact, the state granting such a license may require the teacher to complete state-
111 specific requirements as a condition of licensure renewal or advancement in that state.

112 (3) For the purposes of determining compensation, a receiving state may require
113 additional information from teachers receiving a license under the provisions of this
114 compact.

115 (4) Nothing in this compact shall be construed to limit the power of a member
116 state to control and maintain ownership of its information pertaining to teachers, or
117 limit the application of a member state's laws or regulations governing the ownership,
118 use, or dissemination of information pertaining to teachers.

119 (5) Nothing in this compact shall be construed to invalidate or alter any existing
120 agreement or other cooperative arrangement which a member state may already be a
121 party to, or limit the ability of a member state to participate in any future agreement or
122 other cooperative arrangement to:

123 (a) Award teaching licenses or other benefits based on additional professional
124 credentials including, but not limited to, national board certification;

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

127 (c) Participate in any agreement or cooperative arrangement with a nonmember
128 state.

129 5. (1) Except as provided for active military members or eligible military
130 spouses in subdivision (4) of subsection 3 of this section, a teacher may only be eligible to
131 receive a license under this compact where that teacher holds an unencumbered license
132 in a member state.

133 (2) A teacher eligible to receive a license under this compact shall, unless
134 otherwise provided for in this section:

135 (a) Upon their application to receive a license under this compact, undergo a
136 criminal background check in the receiving state in accordance with the laws and
137 regulations of the receiving state; and

138 (b) Provide the receiving state with information in addition to the information
139 required for licensure for the purposes of determining compensation, if applicable.

140 6. (1) Nothing in this compact shall be deemed or construed to limit the
141 authority of a member state to investigate or impose disciplinary measures on teachers
142 according to the state practice laws thereof.

143 (2) Member states shall be authorized to receive, and shall provide, files and
144 information regarding the investigation and discipline, if any, of teachers in other
145 member states upon request. Any member state receiving such information or files shall
146 protect and maintain the security and confidentiality thereof, in at least the same
147 manner that it maintains its own investigatory or disciplinary files and information.
148 Prior to disclosing any disciplinary or investigatory information received from another
149 member state, the disclosing state shall communicate its intention and purpose for such
150 disclosure to the member state which originally provided that information.

151 7. (1) The interstate compact member states hereby create and establish a joint
152 public agency known as the interstate teacher mobility compact commission, subject to
153 the following:

154 (a) The commission is a joint interstate governmental agency composed of states
155 that have enacted the interstate teacher mobility compact; and

156 (b) Nothing in this interstate compact shall be construed to be a waiver of
157 sovereign immunity.

158 (2) The commission membership, voting, and meetings shall be as follows:

159 (a) Each member state shall have and be limited to one delegate to the
160 commission, who shall be given the title of commissioner;

161 (b) The commissioner shall be the primary administrative officer of the state
162 licensing authority or their designee;

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed;

(d) The member state shall fill any vacancy occurring in the commission within ninety days;

(e) Each commissioner shall be entitled to one vote about the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication;

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

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

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

(a) Establish a code of ethics for the commission;

(b) Establish the fiscal year of the commission;

(c) Establish bylaws for the commission;

(d) Maintain its financial records in accordance with the bylaws of the commission;

(e) Meet and take such actions as are consistent with the provisions of this interstate compact, the bylaws, and rules of the commission;

(f) Promulgate uniform rules to implement and administer this interstate compact. The rules shall have the force and effect of law and shall be binding in all member states. In the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact or the powers granted in this section, such an action by the commission shall be invalid and have no force and effect of law;

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

(h) Purchase and maintain insurance and bonds;

(i) Borrow, accept, or contract for services of personnel including, but not limited to, employees of a member state, or an associated nongovernmental organization that is open to membership by all states;

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

199 and establish the commission's personnel policies and programs relating to conflicts of
200 interest, qualifications of personnel, and other related personnel matters;

201 (k) Lease, purchase, accept appropriate gifts or donations of, or otherwise own,
202 hold, improve, or use, any property, real, personal, or mixed, provided that at all times
203 the commission shall avoid any appearance of impropriety;

204 (l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
205 of any property real, personal, or mixed;

206 (m) Establish a budget and make expenditures;

207 (n) Borrow money;

208 (o) Appoint committees, including standing committees composed of members
209 and such other interested persons as may be designated in this interstate compact, rules,
210 or bylaws;

211 (p) Provide and receive information from, and cooperate with, law enforcement
212 agencies;

213 (q) Establish and elect an executive committee;

214 (r) Establish and develop a charter for an executive information governance
215 committee to advise on facilitating exchange of information, use of information, data
216 privacy, and technical support needs, and to provide reports as needed;

217 (s) Perform such other functions as may be necessary or appropriate to achieve
218 the purposes of this interstate compact consistent with the state regulation of teacher
219 licensure; and

220 (t) Determine whether a state's adopted language is materially different from the
221 model compact language such that the state would not qualify for participation in the
222 compact.

223 (4) There is hereby created the executive committee of the interstate teacher
224 mobility compact commission, subject to the following:

225 (a) The executive committee shall have the power to act on behalf of the
226 commission according to the terms of this interstate compact.

227 (b) The executive committee shall be composed of eight voting members:

228 a. The commission chair, vice chair, and treasurer; and

229 b. Five members who are elected by the commission from the current
230 membership;

231 (i) Four voting members representing geographic regions in accordance with
232 commission rules; and

233 (ii) One at-large voting member in accordance with commission rules.

234 (c) The commission may add or remove members of the executive committee as
235 provided in commission rules.

- 236 (d) The executive committee shall meet at least once annually.
- 237 (e) The executive committee shall have the following duties and responsibilities:
- 238 a. Recommend to the entire commission changes to the rules or bylaws, changes
- 239 to the compact legislation, fees paid by interstate compact member states such as annual
- 240 dues, and any compact fee charged by the member states on behalf of the commission;
- 241 b. Ensure commission administration services are appropriately provided,
- 242 contractual or otherwise;
- 243 c. Prepare and recommend the budget;
- 244 d. Maintain financial records on behalf of the commission;
- 245 e. Monitor compliance of member states and provide reports to the commission;
- 246 and
- 247 f. Perform other duties as provided in rules or bylaws.
- 248 (f) Meetings of the commission shall be subject to the following:
- 249 a. All meetings shall be open to the public, and public notice of meetings shall be
- 250 given in accordance with commission bylaws;
- 251 b. The commission or the executive committee or other committees of the
- 252 commission may convene in a closed, nonpublic meeting if the commission or executive
- 253 committee or other committees of the commission must discuss:
- 254 (i) Noncompliance of a member state with its obligations under the compact;
- 255 (ii) The employment, compensation, discipline or other matters, practices, or
- 256 procedures related to specific employees or other matters related to the commission's
- 257 internal personnel practices and procedures;
- 258 (iii) Current, threatened, or reasonably anticipated litigation;
- 259 (iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or
- 260 real estate;
- 261 (v) Accusing any person of a crime or formally censuring any person;
- 262 (vi) Disclosure of trade secrets or commercial or financial information that is
- 263 privileged or confidential;
- 264 (vii) Disclosure of information of a personal nature where disclosure would
- 265 constitute a clearly unwarranted invasion of personal privacy;
- 266 (viii) Disclosure of investigative records compiled for law enforcement purposes;
- 267 (ix) Disclosure of information related to any investigative reports prepared by or
- 268 on behalf of or for use of the commission or other committee charged with responsibility
- 269 of investigation or determination of compliance issues pursuant to the compact;
- 270 (x) Matters specifically exempted from disclosure by federal or member state
- 271 statute; or
- 272 (xi) Other matters as set forth by commission bylaws and rules;

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

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

282 (g) Financing of the commission shall be subject to the following:

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

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

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

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

295 e. The commission shall keep accurate accounts of all receipts and
296 disbursements. The receipts and disbursements of the commission shall be subject to
297 accounting procedures established under commission bylaws. All receipts and
298 disbursements of funds of the commission shall be reviewed annually in accordance
299 with commission bylaws, and a report of the review shall be included in and become
300 part of the annual report of the commission.

301 (h) The following qualified immunity, defense, and indemnification provisions
302 shall apply:

303 a. (i) The members, officers, executive director, employees, and representatives
304 of the commission shall be immune from suit and liability, either personally or in their
305 official capacity, for any claim for damage to or loss of property or personal injury or
306 other civil liability caused by or arising out of any actual or alleged act, error, or
307 omission that occurred, or that the person against whom the claim is made had a
308 reasonable basis for believing occurred within the scope of commission employment,
309 duties or responsibilities.

310 (ii) Nothing in item (i) of this subparagraph shall be construed to protect any
311 such person from suit or liability for any damage, loss, injury, or liability caused by the
312 intentional or willful or wanton misconduct of that person;

313 b. (i) The commission shall defend any member, officer, executive director,
314 employee, or representative of the commission in any civil action seeking to impose
315 liability arising out of any actual or alleged act, error, or omission that occurred within
316 the scope of commission employment, duties, or responsibilities, or that the person
317 against whom the claim is made had a reasonable basis for believing occurred within the
318 scope of commission employment, duties, or responsibilities.

319 (ii) Nothing in item (i) of this subparagraph shall be construed to prohibit that
320 person from retaining such person's own counsel.

321 (iii) Item (i) of this subparagraph shall apply only if the actual or alleged act,
322 error, or omission did not result from that person's intentional or willful or wanton
323 misconduct; and

324 c. (i) The commission shall indemnify and hold harmless any member, officer,
325 executive director, employee, or representative of the commission for the amount of any
326 settlement or judgment obtained against that person arising out of any actual or alleged
327 act, error, or omission that occurred within the scope of commission employment,
328 duties, or responsibilities, or that such person had a reasonable basis for believing
329 occurred within the scope of commission employment, duties, or responsibilities.

330 (ii) Item (i) of this subparagraph shall apply only if the actual or alleged act,
331 error, or omission did not result from the intentional or willful or wanton misconduct of
332 that person.

333 8. Rulemaking powers under this section shall be subject to the following:

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

337 (2) The commission shall promulgate reasonable rules to achieve the intent and
338 purpose of this interstate compact. In the event the commission exercises its rulemaking
339 authority in a manner that is beyond purpose and intent of this interstate compact, or
340 the powers granted hereunder, such an action by the commission shall be invalid and
341 have no force and effect of law in the member states;

342 (3) If a majority of the legislatures of the member states rejects a rule, by
343 enactment of a statute or resolution in the same manner used to adopt the compact
344 within four years of the date of adoption of the rule, such rule shall have no further
345 force and effect in any member state;

346 (4) Rules or amendments to the rules shall be adopted or ratified at a regular or
347 special meeting of the commission in accordance with commission rules and bylaws; and

348 (5) (a) Upon determination that an emergency exists, the commission may
349 consider and adopt an emergency rule with forty-eight hours' notice, with opportunity
350 to comment, provided that the usual rulemaking procedures shall be retroactively
351 applied to the rule as soon as reasonably practicable but in no event later than ninety
352 days after the effective date of the rule.

353 (b) For the purposes of this subdivision, an emergency rule is one that must be
354 adopted immediately in order to:

- 355 a. Meet an imminent threat to public health, safety, or welfare;
- 356 b. Prevent a loss of commission or member state funds;
- 357 c. Meet a deadline for the promulgation of an administrative rule that is
358 established by federal law or rule; or
- 359 d. Protect public health and safety.

360 9. (1) The commission shall provide for facilitating the exchange of information
361 to administer and implement the provisions of this compact in accordance with the rules
362 of the commission, consistent with generally accepted data protection principles.

363 (2) Nothing in this compact shall be deemed or construed to alter, limit, or
364 inhibit the power of a member state to control and maintain ownership of its licensee
365 information or alter, limit, or inhibit the laws or regulations governing licensee
366 information in the member state.

367 10. Matters relating to oversight, default, technical assistance, termination,
368 dispute resolution, and enforcement of this compact shall be accomplished as provided
369 in this subsection.

370 (1) Oversight shall be subject to the following:

371 (a) The executive and judicial branches of state government in each member
372 state shall enforce this compact and take all actions necessary and appropriate to
373 effectuate the compact's purposes and intent. The provisions of this compact shall have
374 standing as statutory law;

375 (b) Venue is proper and judicial proceedings by or against the commission shall
376 be brought solely and exclusively in a court of competent jurisdiction where the
377 principal office of the commission is located. The commission may waive venue and
378 jurisdictional defenses to the extent it adopts or consents to participate in alternative
379 dispute resolution proceedings. Nothing in this section shall affect or limit the selection
380 or propriety of venue in any action against a licensee for professional malpractice,
381 misconduct, or any such similar matter;

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

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

(2) Matters relating to default, technical assistance, and termination shall be subject to the following:

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

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

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

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

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

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination;

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

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

(3) Dispute resolution shall be subject to the following:

(a) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states; and

(b) The commission shall promulgate a rule providing for both binding and nonbinding alternative dispute resolution for disputes as appropriate.

(4) Enforcement shall be subject to the following:

(a) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact; and

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

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

(b) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different from the model compact statute;

(c) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in subsection 10 of this section; and

(d) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in paragraph (t) of subdivision (3) of subsection 7 of this section to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

455 (2) If any member state is later found to be in default, or is terminated or
456 withdraws from the compact, the commission shall remain in existence and the compact
457 shall remain in effect even if the number of member states should be fewer than ten.

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

464 (4) (a) Any member state may withdraw from this compact by repealing this
465 section;

466 (b) A member state's withdrawal shall not take effect until six months after
467 enactment of the repeal of this section; and

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

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

474 12. (1) This compact shall be liberally construed to effectuate the purposes
475 thereof.

476 (2) The provisions of this compact shall be severable and if any phrase, clause,
477 sentence, or provision of this compact is declared to be contrary to the constitution of
478 any member state or a state seeking membership in the compact, or of the United States
479 or the applicability thereof to any other government, agency, person, or circumstance is
480 held invalid, the validity of the remainder of this compact and the applicability thereof
481 to any government, agency, person, or circumstance shall not be affected thereby.

482 (3) If this compact shall be held contrary to the constitution of any member
483 state, the compact shall remain in full force and effect as to the remaining member states
484 and in full force and effect as to the member state affected as to all severable matters.

485 13. (1) Nothing in this section shall prevent or inhibit the enforcement of any
486 other law of a member state that is not inconsistent with the compact.

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

489 **(3) All permissible agreements between the commission and the member states**
490 **are binding in accordance with their terms.**

✓