

Senate Amendments to House Bill No. 1029

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7 **SECTION 1.** Wherever the term "Armed Forces" or "Uniformed
8 Services" shall appear in the Mississippi Code of 1972, the term
9 shall be construed to include members of the United States Space
10 Force.

11 **SECTION 2.** Section 23-15-673, Mississippi Code of 1972, is
12 amended as follows:

13 23-15-673. (1) For the purposes of this subarticle, the
14 term "absent voter" shall mean and include the following persons
15 if they are absent from their county of residence and are
16 otherwise qualified to vote in Mississippi:

17 (a) Any enlisted or commissioned members, male or
18 female, of the United States Army, or any of its respective
19 components or various divisions thereof; any enlisted or
20 commissioned members, male or female, of the United States Navy,
21 or any of its respective components or various divisions thereof;
22 any enlisted or commissioned members, male or female, of the
23 United States Air Force, or any of its respective components or

24 various divisions thereof; any enlisted or commissioned members,
25 male or female, of the United States Marines, or any of its
26 respective components or various divisions thereof; or any persons
27 in any division of the armed services of the United States; or any
28 persons who are members of the United States Space Force, who are
29 citizens of Mississippi;

30 (b) Any member of the Merchant Marine and the American
31 Red Cross who is a citizen of Mississippi;

32 (c) Any disabled war veteran who is a patient in any
33 hospital and who is a citizen of Mississippi;

34 (d) Any civilian attached to and serving outside of the
35 United States with any branch of the Armed Forces or with the
36 Merchant Marine or American Red Cross, and who is a citizen of
37 Mississippi;

38 (e) Any trained or certified emergency response
39 provider who is deployed during the time period authorized by law
40 for absentee voting, on election day, or during any state of
41 emergency declared by the President of the United States or any
42 Governor of any state within the United States;

43 (f) Any citizen of Mississippi temporarily residing
44 outside the territorial limits of the United States and the
45 District of Columbia;

46 (g) Any citizen of Mississippi enrolled as a student at
47 the United States Naval Academy, the United States Coast Guard
48 Academy, the United States Merchant Marine Academy, the United
49 States Air Force Academy or the United States Military Academy.

50 (2) The spouse and dependents of any absent voter as set out
51 in paragraphs (a) through (g) of subsection (1) of this section
52 shall also be included in the meaning of absent voter and may
53 register to vote and vote an absentee ballot as provided in this
54 subarticle if also absent from the county of their residence on
55 the date of the election and otherwise qualified to vote in
56 Mississippi.

57 (3) For the purpose of this subarticle, the term "election"
58 shall mean and include the following sets of elections: special
59 and runoff special elections, preferential and general elections,
60 first and second primary elections or general elections without
61 preferential elections, whichever system is applicable.

62 **SECTION 3.** Section 33-1-1, Mississippi Code of 1972, is
63 amended as follows:

64 33-1-1. In this chapter, and in Chapters 3, 5, 7, 9 and 11
65 of this title, the words:

66 (a) Military forces of the state shall mean the
67 organized militia, the state retired list, the state reserve list,
68 and the Mississippi State Guard, and all other components of the
69 militia of the state which may hereafter be organized.

70 (b) Organized militia shall mean the Mississippi
71 National Guard, including the Army National Guard and the Air
72 National Guard, and the Mississippi State Guard when organized,
73 and shall be deemed to include any unit, component, element,
74 headquarters, staff or cadre thereof, as well as any member or
75 members.

76 (c) Mississippi National Guard shall mean that part of
77 the organized militia of this state which is organized, equipped
78 and federally recognized under the provisions of the laws of the
79 United States and of the State of Mississippi relating to the
80 National Guard.

81 (d) Army National Guard shall mean the members of
82 federally recognized units and organizations of the Mississippi
83 National Guard which are a reserve component of the United States
84 Army.

85 (e) Air National Guard shall mean the members of
86 federally recognized units and organizations of the Mississippi
87 National Guard which are a reserve component of the United States
88 Air Force.

89 (f) Military shall include Army, Air and Naval Forces
90 and the United States Space Force.

91 (g) Military fund shall mean any and all monies
92 appropriated by the Legislature for the support of the militia and
93 such other revenues as may be received or collected by the
94 military department.

95 (h) Federal recognition or federally recognized shall
96 mean acknowledgment by the Secretary of the Air Force or the
97 Secretary of the Army that an individual has been appointed to an
98 authorized grade and position vacancy appropriate to his
99 qualifications in the Air National Guard, or the Army National
100 Guard, and that he meets the prescribed federal requirements for
101 such grade and position; or that the particular unit or

102 organization has been recognized by the Secretary of the Air Force
103 or the Secretary of the Army as a component of the Air National
104 Guard or Army National Guard of the United States.

105 (i) Unit or organization shall mean a single military
106 organization having a mission, function, and a structure
107 prescribed by competent authority.

108 (j) Active state duty shall mean active military duty
109 in other than a training status in or with a force of the
110 organized militia or with the Adjutant General's Department, upon
111 the orders of the Governor.

112 (k) State training duty shall mean military duty in a
113 training status authorized under Title 32 of the United States
114 Code, Annotated, and regulations issued thereunder.

115 (l) Service of the United States or active service of
116 the United States shall mean any active military duty in the Armed
117 Forces of the United States except duty for training purposes.

118 (m) Officer shall include commissioned officers and
119 warrant officers of the militia of this state unless otherwise
120 specified.

121 (n) Enlisted man shall be understood to designate
122 members of the militia of this state other than officers and
123 warrant officers.

124 (o) Gender-words importing the masculine gender only
125 shall apply to female as well as male.

126 **SECTION 4.** Section 37-135-31, Mississippi Code of 1972, is
127 amended as follows:

128 37-135-31.

129 **Interstate Compact on Educational**
130 **Opportunity for Military Children**

131 **ARTICLE I**

132 **PURPOSE**

133 **Section 1.** It is the purpose of this compact to remove
134 barriers to educational success imposed on children of military
135 families because of frequent moves and deployment of their parents
136 by:

137 A. Facilitating the timely enrollment of children of
138 military families and ensuring that they are not placed at a
139 disadvantage due to difficulty in the transfer of education
140 records from the previous school district(s) or variations in
141 entrance/age requirements.

142 B. Facilitating the student placement process through which
143 children of military families are not disadvantaged by variations
144 in attendance requirements, scheduling, sequencing, grading,
145 course content or assessment.

146 C. Facilitating the qualification and eligibility for
147 enrollment, educational programs, and participation in
148 extracurricular academic, athletic, and social activities.

149 D. Facilitating the on-time graduation of children of
150 military families.

151 E. Providing for the promulgation and enforcement of
152 administrative rules implementing the provisions of this compact.

153 F. Providing for the uniform collection and sharing of
154 information between and among member states, schools, and military
155 families under this compact.

156 G. Promoting coordination between this compact and other
157 compacts affecting military children.

158 H. Promoting flexibility and cooperation between the
159 educational system, parents, and the student in order to achieve
160 educational success for the student.

161 **ARTICLE II**

162 **DEFINITIONS**

163 **Section 2.** As used in this compact, unless the context
164 clearly requires a different construction:

165 A. "Active duty" means full-time duty status in the active
166 uniformed service of the United States, including members of the
167 National Guard and Reserve on active duty orders pursuant to 10
168 USC, Sections 1209 and 1211.

169 B. "Children of military families" means school-aged
170 children, enrolled in Kindergarten through 12th Grade, in the
171 household of an active duty member.

172 C. "Compact commissioner" means the voting representative of
173 each compacting state appointed pursuant to Article VIII of this
174 compact.

175 D. "Deployment" means the period one (1) month prior to the
176 service members' departure from their home station on military
177 orders through six (6) months after return to their home station.

178 E. "Educational records" means those official records,
179 files, and data directly related to a student and maintained by
180 the school or local education agency, including, but not limited
181 to, records encompassing all the material kept in the student's
182 cumulative folder such as general identifying data, records of
183 attendance and of academic work completed, records of achievement
184 and results of evaluative tests, health data, disciplinary status,
185 test protocols, and individualized education programs.

186 F. "Extracurricular activities" means a voluntary activity
187 sponsored by the school or local education agency or an
188 organization sanctioned by the local education agency.
189 Extracurricular activities include, but are not limited to,
190 preparation for and involvement in public performances, contests,
191 athletic competitions, demonstrations, displays and club
192 activities.

193 G. "Interstate Commission on Educational Opportunity for
194 Military Children" means the commission that is created under
195 Article IX of this compact, which is generally referred to as the
196 Interstate Commission.

197 H. "Local education agency" means a public authority legally
198 constituted by the state as an administrative agency to provide
199 control of and direction for Kindergarten through 12th Grade
200 public educational institutions.

201 I. "Member state" means a state that has enacted this
202 compact.

203 J. "Military installation" means a base, camp, post,
204 station, yard, center, homeport facility for any ship, or other
205 activity under the jurisdiction of the Department of Defense,
206 including any leased facility, which is located within any of the
207 several states, the District of Columbia, the Commonwealth of
208 Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the
209 Northern Marianas Islands, and any other U.S. Territory. Such
210 term does not include any facility used primarily for civil works,
211 river and harbor projects, or flood control projects.

212 K. "Nonmember state" means a state that has not enacted this
213 compact.

214 L. "Receiving state" means the state to which a child of a
215 military family is sent, brought, or caused to be sent or brought.

216 M. "Rule" means a written statement by the Interstate
217 Commission promulgated pursuant to Article XII of this compact
218 that is of general applicability; implements, interprets, or
219 prescribes a policy or provision of the compact, or an
220 organizational, procedural, or practice requirement of the
221 Interstate Commission and has the force and effect of statutory
222 law in a member state; and includes the amendment, repeal, or
223 suspension of an existing rule.

224 N. "Sending state" means the state from which a child of a
225 military family is sent, brought, or caused to be sent or brought.

226 O. "State" means a state of the United States, the District
227 of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin

228 Islands, Guam, American Samoa, the Northern Marianas Islands, and
229 any other U.S. Territory.

230 P. "Student" means the child of a military family for whom
231 the local education agency receives public funding and who is
232 formally enrolled in Kindergarten through 12th Grade.

233 Q. "Transition" means: (i) the formal and physical process
234 of transferring from school to school or (ii) the period of time
235 in which a student moves from one school in the sending state to
236 another school in the receiving state.

237 R. "Uniformed services" means the Army, Navy, Air Force,
238 Space Force, Marine Corps, Coast Guard, as well as the
239 Commissioned Corps of the National Oceanic and Atmospheric
240 Administration, and Public Health Services.

241 S. "Veteran" means a person who served in the active
242 military, naval, or air service and who was discharged or released
243 therefrom under conditions other than dishonorable.

244 **ARTICLE III**

245 **APPLICABILITY**

246 **Section 3.** A. Except as otherwise provided in subsection B,
247 this compact shall apply to the children of:

248 1. Active duty members of the uniformed services as
249 defined in this compact, including members of the National Guard
250 and Reserve on active duty orders pursuant to 10 USC, Sections
251 1209 and 1211;

278 containing uniform information as determined by the Interstate
279 Commission. Upon receipt of the unofficial education records by a
280 school in the receiving state, the school shall enroll and
281 appropriately place the student based on the information provided
282 in the unofficial records pending validation by the official
283 records, as quickly as possible.

284 B. Official education records/transcripts. Simultaneous
285 with the enrollment and conditional placement of the student, the
286 school in the receiving state shall request the student's official
287 education records from the school in the sending state. Upon
288 receipt of this request, the school in the sending state will
289 process and furnish the official education records to the school
290 in the receiving state within ten (10) days or within such time as
291 is reasonably determined under the rules promulgated by the
292 Interstate Commission.

293 C. Immunizations. Compacting states shall give thirty (30)
294 days from the date of enrollment or within such time as is
295 reasonably determined under the rules promulgated by the
296 Interstate Commission for students to obtain any immunization(s)
297 required by the receiving state. For a series of immunizations,
298 initial vaccinations must be obtained within thirty (30) days or
299 within such time as is reasonably determined under the rules
300 promulgated by the Interstate Commission.

301 D. Kindergarten and First Grade entrance age. Students
302 shall be allowed to continue their enrollment at the grade level
303 in the receiving state commensurate with their grade level

304 (including kindergarten) from a local education agency in the
305 sending state at the time of transition, regardless of age. A
306 student who has satisfactorily completed the prerequisite grade
307 level in the local education agency in the sending state shall be
308 eligible for enrollment in the next highest grade level in the
309 receiving state, regardless of age. A student transferring after
310 the start of the school year in the receiving state shall enter
311 the school in the receiving state on their validated level from an
312 accredited school in the sending state.

313 **ARTICLE V**

314 **PLACEMENT AND ATTENDANCE**

315 **Section 5.** A. Course placement. When the student transfers
316 before or during the school year, the receiving state school shall
317 initially honor placement of the student in educational courses
318 based on the student's enrollment in the sending state school
319 and/or educational assessments conducted at the school in the
320 sending state if the courses are offered. Course placement
321 includes, but is not limited to, honors, International
322 Baccalaureate, advanced placement, vocational, technical, and
323 career pathway courses. Continuing the student's academic program
324 from the previous school and promoting placement in academically
325 and career challenging courses should be paramount when
326 considering placement. This does not preclude the school in the
327 receiving state from performing subsequent evaluations to ensure
328 appropriate placement and continued enrollment of the student in
329 the course(s).

330 B. Educational program placement. The receiving state
331 school shall initially honor placement of the student in
332 educational programs based on current educational assessments
333 conducted at the school in the sending state or
334 participation/placement in like programs in the sending state.
335 Such programs include, but are not limited to, (i) gifted and
336 talented programs, and (ii) English as a second language (ESL).
337 This does not preclude the school in the receiving state from
338 performing subsequent evaluations to ensure appropriate placement
339 of the student.

340 C. Special education services. In compliance with the
341 federal requirements of the Individuals with Disabilities
342 Education Act (IDEA), 20 USC, Section 1400 et seq., the receiving
343 state shall initially provide comparable services to a student
344 with disabilities based on his/her current Individualized
345 Education Program (IEP) and in compliance with the requirements of
346 Section 504 of the Rehabilitation Act, 29 USC, Section 794, and
347 with Title II of the Americans with Disabilities Act, 42 USC,
348 Sections 12131-12165, and the receiving state shall make
349 reasonable accommodations and modifications to address the needs
350 of incoming students with disabilities, subject to an existing 504
351 or Title II Plan, to provide the student with equal access to
352 education. This does not preclude the school in the receiving
353 state from performing subsequent evaluations to ensure appropriate
354 placement of the student.

355 D. Placement flexibility. Local education agency
356 administrative officials shall have flexibility in waiving
357 course/program prerequisites or other preconditions for placement
358 in courses/programs offered under the jurisdiction of the local
359 education agency.

360 E. Absence as related to deployment activities. A student
361 whose parent or legal guardian is an active duty member of the
362 uniformed services, as defined by the compact, and has been called
363 to duty for, is on leave from, or has immediately returned from
364 deployment to a combat zone or combat support posting, shall be
365 granted additional excused absences at the discretion of the local
366 education agency superintendent to visit with his or her parent or
367 legal guardian relative to such leave or deployment of the parent
368 or guardian.

369 **ARTICLE VI**

370 **ELIGIBILITY**

371 **Section 6.** A. Eligibility for enrollment.

372 1. Special power of attorney, relative to the
373 guardianship of a child of a military family, and executed under
374 applicable law, shall be sufficient for the purposes of enrollment
375 and all other actions requiring parental participation and
376 consent;

377 2. A local education agency shall be prohibited from
378 charging local tuition to a transitioning military child placed in
379 the care of a noncustodial parent or other person standing in loco

432 Interstate Commission activities. While each member state may
433 determine the membership of its own State Council, its membership
434 must include at least: (i) the State Superintendent of Education,
435 (ii) the superintendent of a school district with a high
436 concentration of military children, (iii) one (1) representative
437 from a military installation, (iv) one (1) representative each
438 from the legislative and executive branches of government, and
439 other offices and stakeholder groups the State Council deems
440 appropriate. A member state that does not have a school district
441 deemed to contain a high concentration of military children may
442 appoint a superintendent from another school district to represent
443 local education agencies on the State Council.

444 B. The State Council of each member state shall appoint or
445 designate a military family education liaison to assist military
446 families and the state in facilitating the implementation of this
447 compact.

448 C. The Governor of each member state shall appoint or
449 designate a compact commissioner responsible for the
450 administration and management of the state's participation in the
451 compact and who is empowered to establish statewide policy related
452 to matters governed by this compact.

453 D. The compact commissioner and the military family
454 education liaison designated herein shall be ex officio members of
455 the State Council, unless either is already a full voting member
456 of the State Council.

457 **ARTICLE IX**

458 **INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY**
459 **FOR MILITARY CHILDREN**

460 **Section 9.** The member states hereby create the Interstate
461 Commission on Educational Opportunity for Military Children. The
462 activities of the Interstate Commission are the formation of
463 public policy and are a discretionary state function. The
464 Interstate Commission shall:

465 A. Be a body corporate and joint agency of the member states
466 and shall have all the responsibilities, powers, and duties set
467 forth herein and such additional powers as may be conferred upon
468 it by a subsequent concurrent action of the respective
469 Legislatures of the member states in accordance with the terms of
470 this compact.

471 B. Consist of one (1) Interstate Commission voting
472 representative from each member state who shall be that state's
473 compact commissioner and who is empowered to establish statewide
474 policy related to matters governed by this compact.

475 1. Each member state represented at a meeting of the
476 Interstate Commission is entitled to one (1) vote;

477 2. A majority of the total member states shall
478 constitute a quorum for the transaction of business, unless a
479 larger quorum is required by the bylaws of the Interstate
480 Commission;

481 3. A representative shall not delegate a vote to
482 another member state. In the event the compact commissioner is
483 unable to attend a meeting of the Interstate Commission, the

484 Governor or State Council may delegate voting authority to another
485 person from the state for a specified meeting; and

486 4. The bylaws may provide for meetings of the
487 Interstate Commission to be conducted by telecommunication or
488 electronic communication.

489 C. Consist of ex officio, nonvoting representatives who are
490 members of interested organizations. Such ex officio members, as
491 defined in the bylaws, may include, but not be limited to, members
492 of the representative organizations of military family advocates,
493 local education agency officials, parent and teacher groups, the
494 U.S. Department of Defense, the Education Commission of the
495 States, the Interstate Agreement on the Qualification of
496 Educational Personnel, and other interstate compacts affecting the
497 education of children of military members.

498 D. Meet at least once each calendar year. The chairperson
499 may call additional meetings and, upon the request of a simple
500 majority of the member states, shall call additional meetings.

501 E. Establish an executive committee, whose members shall
502 include the officers of the Interstate Commission and such other
503 members of the Interstate Commission as determined by the bylaws.
504 Members of the executive committee shall serve a one-year term.
505 Members of the executive committee shall be entitled to one (1)
506 vote each. The executive committee shall have the power to act on
507 behalf of the Interstate Commission, with the exception of
508 rule-making, during periods when the Interstate Commission is not
509 in session. The executive committee shall oversee the day-to-day

510 activities of the administration of the compact, including
511 enforcement and compliance with the provisions of the compact, its
512 bylaws and rules, and other such duties as deemed necessary. The
513 U.S. Department of Defense shall serve as an ex officio, nonvoting
514 member of the executive committee.

515 F. Establish bylaws and rules that provide for conditions
516 and procedures under which the Interstate Commission shall make
517 its information and official records available to the public for
518 inspection or copying. The Interstate Commission may exempt from
519 disclosure information or official records to the extent they
520 would adversely affect personal privacy rights or proprietary
521 interests.

522 G. Public notice shall be given by the Interstate Commission
523 of all meetings, and all meetings shall be open to the public,
524 except as set forth in the rules or as otherwise provided in the
525 compact. The Interstate Commission and its committees may close a
526 meeting, or portion thereof, when it determines by two-thirds
527 (2/3) vote that an open meeting would be likely to:

- 528 1. Relate solely to the Interstate Commission's
529 internal personnel practices and procedures;
- 530 2. Disclose matters specifically exempted from
531 disclosure by federal and state statute;
- 532 3. Disclose trade secrets or commercial or financial
533 information that is privileged or confidential;
- 534 4. Involve accusing a person of a crime or formally
535 censuring a person;

536 5. Disclose information of a personal nature where
537 disclosure would constitute a clearly unwarranted invasion of
538 personal privacy;

539 6. Disclose investigative records compiled for law
540 enforcement purposes; or

541 7. Specifically relate to the Interstate Commission's
542 participation in a civil action or other legal proceeding.

543 H. For a meeting, or portion of a meeting, closed pursuant
544 to the provisions of subsection G, the Interstate Commission's
545 legal counsel or designee shall certify that the meeting may be
546 closed and shall reference each relevant exemptible provision.
547 The Interstate Commission shall keep minutes, which shall fully
548 and clearly describe all matters discussed in a meeting and shall
549 provide a full and accurate summary of actions taken, and the
550 reasons therefor, including a description of the views expressed
551 and the record of a roll call vote. All documents considered in
552 connection with an action shall be identified in such minutes.
553 All minutes and documents of a closed meeting shall remain under
554 seal, subject to release by a majority vote of the Interstate
555 Commission.

556 I. The Interstate Commission shall collect standardized data
557 concerning the educational transition of the children of military
558 families under this compact as directed through its rules, which
559 shall specify the data to be collected, the means of collection
560 and data exchange, and reporting requirements. Such methods of
561 data collection, exchange, and reporting shall, insofar as is

562 reasonably possible, conform to current technology and coordinate
563 its information functions with the appropriate custodian of
564 records as identified in the bylaws and rules.

565 J. The Interstate Commission shall create a process that
566 permits military officials, education officials, and parents to
567 inform the Interstate Commission if and when there are alleged
568 violations of the compact or its rules or when issues subject to
569 the jurisdiction of the compact or its rules are not addressed by
570 the state or local education agency. This subsection shall not be
571 construed to create a private right of action against the
572 Interstate Commission or any member state.

573 **ARTICLE X**

574 **POWERS AND DUTIES OF THE INTERSTATE COMMISSION**

575 **Section 10.** The Interstate Commission shall have the
576 following powers:

577 A. To provide for dispute resolution among member states.

578 B. To promulgate rules and take all necessary actions to
579 effect the goals, purposes, and obligations as enumerated in this
580 compact. The rules shall have the force and effect of statutory
581 law and shall be binding in the compact states to the extent and
582 in the manner provided in this compact.

583 C. To issue, upon request of a member state, advisory
584 opinions concerning the meaning or interpretation of the
585 interstate compact, its bylaws, rules, and actions.

586 D. To enforce compliance with the compact provisions, the
587 rules promulgated by the Interstate Commission, and the bylaws,

588 using all necessary and proper means, including, but not limited
589 to, the use of judicial process.

590 E. To establish and maintain offices, which shall be located
591 within one or more of the member states.

592 F. To purchase and maintain insurance and bonds.

593 G. To borrow, accept, hire, or contract for services of
594 personnel.

595 H. To establish and appoint committees, including, but not
596 limited to, an executive committee as required by Article IX,
597 subsection E, which shall have the power to act on behalf of the
598 Interstate Commission in carrying out its powers and duties
599 hereunder.

600 I. To elect or appoint such officers, attorneys, employees,
601 agents, or consultants, and to fix their compensation, define
602 their duties, and determine their qualifications and to establish
603 the Interstate Commission's personnel policies and programs
604 relating to conflicts of interest, rates of compensation, and
605 qualifications of personnel.

606 J. To accept any and all donations and grants of money,
607 equipment, supplies, materials, and services and to receive,
608 utilize, and dispose of them.

609 K. To lease, purchase, accept contributions or donations of,
610 or otherwise to own, hold, improve, or use any property, real,
611 personal, or mixed.

612 L. To sell, convey, mortgage, pledge, lease, exchange,
613 abandon, or otherwise dispose of any property, real, personal, or
614 mixed.

615 M. To establish a budget and make expenditures.

616 N. To adopt a seal and bylaws governing the management and
617 operation of the Interstate Commission.

618 O. To report annually to the Legislatures, Governors,
619 judiciary, and state councils of the member states concerning the
620 activities of the Interstate Commission during the preceding year.
621 Such reports shall also include any recommendations that may have
622 been adopted by the Interstate Commission.

623 P. To coordinate education, training, and public awareness
624 regarding the compact, its implementation, and operation for
625 officials and parents involved in such activity.

626 Q. To establish uniform standards for the reporting,
627 collecting, and exchanging of data.

628 R. To maintain corporate books and records in accordance
629 with the bylaws.

630 S. To perform such functions as may be necessary or
631 appropriate to achieve the purposes of this compact.

632 T. To provide for the uniform collection and sharing of
633 information between and among member states, schools, and military
634 families under this compact.

635 **ARTICLE XI**

636 **ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION**

637 **Section 11.** A. The Interstate Commission shall, by a
638 majority of the members present and voting, within twelve (12)
639 months after the first Interstate Commission meeting, adopt bylaws
640 to govern its conduct as may be necessary or appropriate to carry
641 out the purposes of the compact, including, but not limited to:

642 1. Establishing the fiscal year of the Interstate
643 Commission;

644 2. Establishing an executive committee and such other
645 committees as may be necessary;

646 3. Providing for the establishment of committees and
647 for governing any general or specific delegation of authority or
648 function of the Interstate Commission;

649 4. Providing reasonable procedures for calling and
650 conducting meetings of the Interstate Commission and ensuring
651 reasonable notice of each such meetings;

652 5. Establishing the titles and responsibilities of the
653 officers and staff of the Interstate Commission;

654 6. Providing a mechanism for concluding the operations
655 of the Interstate Commission and the return of surplus funds that
656 may exist upon the termination of the compact after the payment
657 and reserving all of its debts and obligations; and

658 7. Providing "start-up" rules for initial
659 administration of the compact.

660 B. The Interstate Commission shall, by a majority of the
661 members, elect annually from among its members a chairperson, a
662 vice chairperson and a treasurer, each of whom shall have the

663 authority and duties as may be specified in the bylaws. The
664 chairperson or, in the chairperson's absence or disability, the
665 vice chairperson shall preside at all meetings of the Interstate
666 Commission. The officers so elected shall serve without
667 compensation or remuneration from the Interstate Commission
668 provided that, subject to the availability of budgeted funds, the
669 officers shall be reimbursed for ordinary and necessary costs and
670 expenses incurred by them in the performance of their
671 responsibilities as officers of the Interstate Commission.

672 C. Executive Committee, officers, and personnel.

673 1. The executive committee shall have such authority
674 and duties as may be set forth in the bylaws, including, but not
675 limited to: (a) managing the affairs of the Interstate Commission
676 in a manner consistent with the bylaws and purposes of the
677 Interstate Commission; (b) overseeing an organizational structure
678 within and appropriate procedures for the Interstate Commission to
679 provide for the creation of rules, operating procedures, and
680 administrative and technical support functions; and (c) planning,
681 implementing, and coordinating communications and activities with
682 other state, federal, and local government organizations in order
683 to advance the goals of the Interstate Commission.

684 2. The executive committee may, subject to the approval
685 of the Interstate Commission, appoint or retain an executive
686 director for such period, upon such terms and conditions, and for
687 such compensation as the Interstate Commission may deem
688 appropriate. The executive director shall serve as secretary to

689 the Interstate Commission, but shall not be a member of the
690 Interstate Commission. The executive director shall hire and
691 supervise such other persons as may be authorized by the
692 Interstate Commission.

693 D. The Interstate Commission's executive director and its
694 employees shall be immune from suit and liability, either
695 personally or in their official capacity, for a claim for damage
696 to or loss of property or personal injury or other civil liability
697 caused or arising out of or relating to an actual or alleged act,
698 error, or omission that occurred, or that such person had a
699 reasonable basis for believing occurred, within the scope of
700 Interstate Commission employment, duties, or responsibilities,
701 provided that such person shall not be protected from suit or
702 liability for damage, loss, injury, or liability caused by the
703 intentional or willful and wanton misconduct of such person.

704 1. The liability of the Interstate Commission's
705 executive director and employees or the Interstate Commission
706 representatives, acting within the scope of their employment or
707 duties for acts, errors, or omissions occurring within such
708 person's state, may not exceed the limits of liability set forth
709 under the constitution and laws of that state for state officials,
710 employees, and agents. The Interstate Commission is considered to
711 be an instrumentality of the states for the purposes of any such
712 action. Nothing in this subsection D shall be construed to
713 protect such person from suit or liability for damage, loss,

714 injury, or liability caused by the intentional or willful and
715 wanton misconduct of such person.

716 2. The Interstate Commission shall defend the executive
717 director and its employees and, subject to the approval of the
718 Attorney General or other appropriate legal counsel of the member
719 state represented by an Interstate Commission representative,
720 shall defend such Interstate Commission representative in any
721 civil action seeking to impose liability arising out of an actual
722 or alleged act, error, or omission that occurred within the scope
723 of Interstate Commission employment, duties, or responsibilities,
724 or that the defendant had a reasonable basis for believing
725 occurred within the scope of Interstate Commission employment,
726 duties, or responsibilities provided that the actual or alleged
727 act, error, or omission did not result from intentional or willful
728 and wanton misconduct on the part of such person.

729 3. To the extent not covered by the state involved,
730 member state, or the Interstate Commission, the representatives or
731 employees of the Interstate Commission shall be held harmless in
732 the amount of a settlement or judgment, including attorney's fees
733 and costs, obtained against such persons arising out of an actual
734 or alleged act, error, or omission that occurred within the scope
735 of Interstate Commission employment, duties, or responsibilities,
736 or that such persons had a reasonable basis for believing occurred
737 within the scope of Interstate Commission employment, duties, or
738 responsibilities, provided that the actual or alleged act, error,

739 or omission did not result from intentional or willful and wanton
740 misconduct on the part of such persons.

741 **ARTICLE XII**

742 **RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION**

743 **Section 12.** A. Rule-making authority. The Interstate
744 Commission shall promulgate reasonable rules in order to
745 effectively and efficiently achieve the purposes of this compact.
746 Notwithstanding the foregoing, in the event the Interstate
747 Commission exercises its rule-making authority in a manner that is
748 beyond the scope of the purposes of this compact, or the powers
749 granted hereunder, then such an action by the Interstate
750 Commission shall be invalid and have no force or effect.

751 B. Rule-making procedure. Rules shall be made pursuant to a
752 rule-making process that substantially conforms to the "Model
753 State Administrative Procedure Act," of 1981 Act, Uniform Laws
754 Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate
755 to the operations of the Interstate Commission.

756 C. Not later than thirty (30) days after a rule is
757 promulgated, any person may file a petition for judicial review of
758 the rule provided that the filing of such a petition shall not
759 stay or otherwise prevent the rule from becoming effective unless
760 the court finds that the petitioner has a substantial likelihood
761 of success. The court shall give deference to the actions of the
762 Interstate Commission consistent with applicable law and shall not
763 find the rule to be unlawful if the rule represents a reasonable
764 exercise of the Interstate Commission's authority.

765 D. If a majority of the Legislatures of the compacting
766 states rejects a rule by enactment of a statute or resolution in
767 the same manner used to adopt the compact, then such rule shall
768 have no further force and effect in any compacting state.

769 **ARTICLE XIII**

770 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**

771 **Section 13.** A. Oversight.

772 1. The executive, legislative, and judicial branches of
773 state government in each member state shall enforce this compact
774 and shall take all actions necessary and appropriate to effectuate
775 the compact's purposes and intent. The provisions of this compact
776 and the rules promulgated hereunder shall have standing as
777 statutory law;

778 2. All courts shall take judicial notice of the compact
779 and the rules in any judicial or administrative proceeding in a
780 member state pertaining to the subject matter of this compact
781 which may affect the powers, responsibilities, or actions of the
782 Interstate Commission; and

783 3. The Interstate Commission shall be entitled to
784 receive all service of process in any such proceeding and shall
785 have standing to intervene in the proceeding for all purposes.
786 Failure to provide service of process to the Interstate Commission
787 shall render a judgment or order void as to the Interstate
788 Commission, this compact, or promulgated rules.

789 B. Default, technical assistance, suspension, and
790 termination.

791 If the Interstate Commission determines that a member state
792 has defaulted in the performance of its obligations or
793 responsibilities under this compact, or the bylaws or promulgated
794 rules, the Interstate Commission shall:

795 1. Provide written notice to the defaulting state and
796 other member states of the nature of the default, the means of
797 curing the default, and any action taken by the Interstate
798 Commission. The Interstate Commission shall specify the
799 conditions by which the defaulting state must cure its default;

800 2. Provide remedial training and specific technical
801 assistance regarding the default;

802 3. If the defaulting state fails to cure the default,
803 the defaulting state shall be terminated from the compact upon an
804 affirmative vote of a majority of the member states, and all
805 rights, privileges, and benefits conferred by this compact shall
806 be terminated from the effective date of termination. A cure of
807 the default does not relieve the offending state of obligations or
808 liabilities incurred during the period of the default;

809 4. Suspension or termination of membership in the
810 compact shall be imposed only after all other means of securing
811 compliance have been exhausted. Notice of intent to suspend or
812 terminate shall be given by the Interstate Commission to the
813 Governor, the majority and minority leaders of the defaulting
814 state's Legislature, and each of the member states;

815 5. The state which has been suspended or terminated is
816 responsible for all assessments, obligations, and liabilities

817 incurred through the effective date of suspension or termination,
818 including obligations the performance of which extends beyond the
819 effective date of suspension or termination;

820 6. The Interstate Commission shall not bear any costs
821 relating to any state that has been found to be in default or
822 which has been suspended or terminated from the compact, unless
823 otherwise mutually agreed upon in writing between the Interstate
824 Commission and the defaulting state; and

825 7. The defaulting state may appeal the action of the
826 Interstate Commission by petitioning the United States District
827 Court for the District of Columbia or the federal district where
828 the Interstate Commission has its principal offices. The
829 prevailing party shall be awarded all costs of such litigation
830 including reasonable attorney's fees.

831 C. Dispute resolution.

832 1. The Interstate Commission shall attempt, upon the
833 request of a member state, to resolve disputes that are subject to
834 the compact and that may arise among member states and between
835 member and nonmember states.

836 2. The Interstate Commission shall promulgate a rule
837 providing for both mediation and binding dispute resolution for
838 disputes as appropriate.

839 D. Enforcement.

840 1. The Interstate Commission, in the reasonable
841 exercise of its discretion, shall enforce the provisions and rules
842 of this compact.

869 formula to be determined by the Interstate Commission, which shall
870 promulgate a rule binding upon all member states.

871 C. The Interstate Commission shall not incur obligations of
872 any kind prior to securing the funds adequate to meet the same nor
873 shall the Interstate Commission pledge the credit of any of the
874 member states, except by and with the authority of the member
875 state.

876 D. The Interstate Commission shall keep accurate accounts of
877 all receipts and disbursements. The receipts and disbursements of
878 the Interstate Commission shall be subject to the audit and
879 accounting procedures established under its bylaws. However, all
880 receipts and disbursements of funds handled by the Interstate
881 Commission shall be audited yearly by a certified or licensed
882 public accountant and the report of the audit shall be included in
883 and become part of the annual report of the Interstate Commission.

884 **ARTICLE XV**

885 **MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT**

886 **Section 15.** A. Any state is eligible to become a member
887 state.

888 B. The compact shall become effective and binding upon
889 legislative enactment of the compact into law by no less than ten
890 (10) of the states. The effective date shall be no earlier than
891 December 1, 2008. Thereafter it shall become effective and
892 binding as to any other member state upon enactment of the compact
893 into law by that state. The Governors of nonmember states or
894 their designees shall be invited to participate in the activities

895 of the Interstate Commission on a nonvoting basis prior to
896 adoption of the compact by all states.

897 C. The Interstate Commission may propose amendments to the
898 compact for enactment by the member states. No amendment shall
899 become effective and binding upon the Interstate Commission and
900 the member states unless and until it is enacted into law by
901 unanimous consent of the member states.

902 **ARTICLE XVI**

903 **WITHDRAWAL AND DISSOLUTION**

904 **Section 16. A. Withdrawal.**

905 1. Once effective, the compact shall continue in force
906 and remain binding upon each and every member state, provided that
907 a member state may withdraw from the compact specifically by
908 repealing the statute which enacted the compact into law.

909 2. Withdrawal from this compact shall be by the
910 enactment of a statute repealing the same, but shall not take
911 effect until one (1) year after the effective date of such statute
912 and until written notice of the withdrawal has been given by the
913 withdrawing state to the Governor of each other member
914 jurisdiction.

915 3. The withdrawing state shall immediately notify the
916 chairperson of the Interstate Commission in writing upon the
917 introduction of legislation repealing this compact in the
918 withdrawing state. The Interstate Commission shall notify the
919 other member states of the withdrawing state's intent to withdraw
920 within sixty (60) days of its receipt thereof.

946 C. Nothing in this compact shall be construed to prohibit
947 the applicability of other interstate compacts to which the states
948 are members.

949 **ARTICLE XVIII**

950 **BINDING EFFECT OF COMPACT AND OTHER LAWS**

951 **Section 18.** A. Other laws.

952 1. Nothing herein prevents the enforcement of any other
953 law of a member state that is not inconsistent with this compact.

954 2. All member states' laws conflicting with this
955 compact are superseded to the extent of the conflict.

956 B. Binding effect of the compact.

957 1. All lawful actions of the Interstate Commission,
958 including all rules and bylaws promulgated by the Interstate
959 Commission, are binding upon the member states.

960 2. All agreements between the Interstate Commission and
961 the member states are binding in accordance with their terms.

962 3. In the event any provision of this compact exceeds
963 the constitutional limits imposed on the Legislature of any member
964 state, such provision shall be ineffective to the extent of the
965 conflict with the constitutional provision in question in that
966 member state.

967 **SECTION 5.** Section 49-7-351, Mississippi Code of 1972, is
968 amended as follows:

969 49-7-351. (1) The purpose of this section is to honor
970 wounded veterans and active duty service members by providing

971 hunting, fishing and other recreational opportunities for them in
972 state wildlife management areas and wildlife refuges.

973 (2) As used in this section, the term:

974 (a) "Active duty" means full-time duty in the Armed
975 Forces, Reserves or National Guard during wartime service as
976 defined by the United States Congress.

977 (b) "Armed Forces" means the United States Army, Navy,
978 Marine Corps, Air Force, Space Force and Coast Guard.

979 (c) "National Guard" means the Army National Guard and
980 the Air Force National Guard of the United States.

981 (d) "Reserves" means the Army Reserve, Navy Reserve,
982 Marine Corps Reserve, Air Force Reserve and Coast Guard Reserve.

983 (3) The Commission on Wildlife, Fisheries and Parks may
984 designate an area or areas or establish special seasons within
985 wildlife management areas and wildlife refuges for hunting,
986 fishing and other recreational activities for eligible veterans
987 and active duty service members to be known as "Wounded Warrior
988 Special Programs."

989 (4) The designated areas or special seasons shall be open to
990 a person who:

991 (a) Is an active duty member of the Armed Forces,
992 National Guard or Reserves and has a combat-related physical
993 injury as determined by the member's branch of service; or

994 (b) Is a veteran member of the Armed Forces, National
995 Guard or Reserves who served on active duty during a period of war
996 as defined by the United States Congress, and:

997 (i) Has a service-connected physical disability as
998 determined by the United States Department of Veterans Affairs; or
999 (ii) Was discharged or released from military
1000 service because of a physical disability acquired or aggravated
1001 while serving on active duty during a period of war.

1002 (5) The department may allow one (1) person to accompany an
1003 eligible veteran or active duty service member who requires
1004 assistance to hunt, fish or participate in the recreational
1005 activity.

1006 (6) The commission may adopt any rules and regulations
1007 deemed necessary to administer this section.

1008 **SECTION 6.** Section 73-50-1, Mississippi Code of 1972, is
1009 amended as follows:

1010 73-50-1. (1) This section shall be known as the "Military
1011 Family Freedom Act."

1012 (2) As used in this section, the term:

1013 (a) "License" means any license (other than a privilege
1014 license), certificate, registration or other evidence of
1015 qualification that an individual is required to obtain before he
1016 or she may engage in or represent himself or herself to be a
1017 member of a particular profession or occupation.

1018 (b) "Occupational licensing board" means any state
1019 board, commission, department or other agency in Mississippi that
1020 is established for the primary purpose of regulating the entry of
1021 persons into, and/or the conduct of persons within, a particular
1022 profession or occupation, and which is authorized to issue

1023 licenses. For the purposes of this section, the State Department
1024 of Education shall be considered an occupational licensing board
1025 when issuing teacher licenses under Section 37-3-2.

1026 (c) "Military" means the Armed Forces or Reserves of
1027 the United States, including the Army, Navy, Marine Corps, Coast
1028 Guard, Air Force, Space Force and the reserve components thereof,
1029 the National Guard of any state, the military reserves of any
1030 state, or the naval militia of any state.

1031 (3) Notwithstanding any other provision of law, an
1032 occupational licensing board shall issue a license to an applicant
1033 who is a member of the military, or an applicant who is married to
1034 or is a dependent of a member of the military, if, upon
1035 application to an occupational licensing board, the applicant
1036 satisfies the following conditions:

1037 (a) The applicant has been awarded a military
1038 occupational specialty, completed a military program of training,
1039 completed testing or equivalent training and experience, and
1040 performed in the occupational specialty; or

1041 (b) The applicant holds a current and valid license in
1042 another state in an occupation with a similar scope of practice,
1043 as determined by the occupational licensing board in Mississippi
1044 and has held this license from the occupational licensing board in
1045 the other state for at least one (1) year; and

1046 (c) The applicant has not committed any act in the
1047 other state that would have constituted grounds for refusal,
1048 suspension or revocation of a license to practice that occupation

1049 in Mississippi at the time the act was committed, the occupational
1050 licensing board in the other state holds the applicant in good
1051 standing, and the applicant does not have a disqualifying criminal
1052 record as determined by the occupational licensing board in
1053 Mississippi under Mississippi law; and

1054 (d) The applicant did not surrender a license because
1055 of negligence or intentional misconduct related to the applicant's
1056 work in the occupation in another state; and

1057 (e) The applicant does not have a complaint, allegation
1058 or investigation pending before an occupational licensing board or
1059 other board in another state that relates to unprofessional
1060 conduct or an alleged crime. If the applicant has a complaint,
1061 allegation or investigation pending, the occupational licensing
1062 board in Mississippi shall not issue or deny a license to the
1063 applicant until the complaint, allegation or investigation is
1064 resolved, or the applicant otherwise satisfies the criteria for
1065 licensure in Mississippi to the satisfaction of the occupational
1066 licensing board in Mississippi; and

1067 (f) The applicant pays all applicable fees in
1068 Mississippi.

1069 (4) Notwithstanding any other law, the occupational
1070 licensing board shall issue a license to an applicant who is a
1071 member of the military, or an applicant who is married to or is a
1072 dependent of a member of the military, upon application based on
1073 work experience in another state, if all the following apply:

1074 (a) The applicant worked in a state that does not use a
1075 license to regulate a lawful occupation, but Mississippi uses a
1076 license to regulate a lawful occupation with a similar scope of
1077 practice, as determined by the occupational licensing board;

1078 (b) The applicant worked for at least three (3) years
1079 in the lawful occupation; and

1080 (c) The applicant satisfies the provisions of
1081 paragraphs (c) through (f) of subsection (3) of this section.

1082 (5) An occupational licensing board may require an applicant
1083 to pass a jurisprudential examination specific to relevant state
1084 laws in Mississippi that regulate the occupation if the issuance
1085 of a license in Mississippi requires an applicant to pass a
1086 jurisprudential examination specific to relevant state statutes
1087 and administrative rules in Mississippi that regulate the
1088 occupation.

1089 (6) The occupational licensing board shall issue or deny the
1090 license to the applicant within one hundred twenty days (120) days
1091 after receiving an application.

1092 If the application requires longer than two (2) weeks to
1093 process, the occupational licensing board shall issue a temporary
1094 practice permit within thirty (30) days after receiving the
1095 application if the applicant submits an affidavit, under penalties
1096 of perjury, affirming that he or she satisfies the provisions of
1097 subsection (3) (a) or subsection (3) (b) of this section and
1098 subsection (3) (c) through (e) and pays all applicable fees as
1099 required by subsection (3) (f), or satisfies the provisions of

1100 subsection (4) (a) through (c) and pays all applicable fees as
1101 required by subsection (3) (f).

1102 The applicant may practice under the temporary permit until a
1103 license is granted, or until a notice to deny the license is
1104 issued, in accordance with rules adopted by the occupational
1105 licensing board. A temporary license will expire in three hundred
1106 sixty-five (365) days after its issuance if the applicant fails to
1107 satisfy the requirement for licensure in subsection (5), if
1108 applicable.

1109 (7) (a) The applicant may appeal any of the following
1110 decisions of an occupational licensing board to a court of general
1111 jurisdiction:

- 1112 (i) Denial of a license;
- 1113 (ii) Determination of the occupation;
- 1114 (iii) Determination of the similarity of the scope
1115 of practice of the license issued; or
- 1116 (iv) Other determinations under this section.

1117 (b) The court shall determine all questions of law,
1118 including the interpretation of a constitutional or statutory
1119 provision or a rule adopted by an occupational licensing board,
1120 without regard to any previous determination that may have been
1121 made on the question in any action before the occupational
1122 licensing board.

1123 (8) An occupational licensing board shall prominently print
1124 the following on all license applications, any communication
1125 denying a license, and on the board's website: "Pursuant to the

1126 provisions of the Military Family Freedom Act, Mississippi shall
1127 recognize occupational licenses obtained from other states for
1128 military members and their families." An occupational licensing
1129 board shall prepare and place on the board's website an annual
1130 report detailing the number of applications submitted to the
1131 licensing board under this section during a calendar year and the
1132 actions taken by the board on the applications.

1133 (9) An occupational licensing board shall adopt rules
1134 necessary to implement this section by January 1, 2021. In
1135 addition, an occupational licensing board shall make all
1136 reasonable efforts to issue a license to an applicant for a
1137 license under this section.

1138 (10) Nothing in this section shall be construed to prohibit
1139 a military applicant, spouse or dependent from proceeding under
1140 the existing licensure requirements established by an occupational
1141 licensing board in Mississippi.

1142 (11) Nothing in this chapter shall be construed to prevent
1143 Mississippi from entering into a licensing compact or reciprocity
1144 agreement with another state, foreign province or foreign country.
1145 A license issued under this section is valid only in Mississippi.
1146 It does not make the person eligible to work in another state
1147 under an interstate compact or reciprocity agreement unless
1148 otherwise provided in Mississippi law.

1149 (12) Nothing in this section shall be construed to apply to
1150 the practice of law as regulated under Section 73-3-1 et seq.

1151 (13) This section preempts any ordinances of any
1152 municipality, county and other political subdivisions of the State
1153 of Mississippi that regulate licenses.

1154 **SECTION 7.** This act shall take effect and be in force from
1155 and after July 1, 2023, and shall stand repealed from and after
1156 June 30, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO PROVIDE THAT REFERENCES IN THE MISSISSIPPI CODE TO
2 "ARMED FORCES" OR "UNIFORMED SERVICES" SHALL INCLUDE MEMBERS OF
3 THE UNITED STATES SPACE FORCE; TO AMEND SECTIONS 23-15-673,
4 33-1-1, 37-135-31, 49-7-351 AND 73-50-1, MISSISSIPPI CODE OF 1972,
5 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

SS26\HB1029A.J

Eugene S. Clarke
Secretary of the Senate