

By: Representatives Roberson, McLean, Hulum

To: Education

HOUSE BILL NO. 1450
(As Sent to Governor)

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

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

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

16 **ARTICLE I**

17 **PURPOSE**

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



23 teachers from a variety of backgrounds to move across state lines.
24 This compact is intended to achieve the following objectives, as
25 applied in the State of Mississippi, and shall be interpreted
26 according to Mississippi law. The member states hereby ratify the
27 same intentions by subscribing hereto:

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

30 B. Support the relocation of eligible military spouses;

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

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

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

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

40 **ARTICLE II**

41 **DEFINITIONS**

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

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



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

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

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

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

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

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

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



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

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

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

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

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

89 N. "Rule" means any regulation promulgated by the
90 Commission under this compact, which shall have the force of law
91 in each member state. As applied in the State of Mississippi,
92 such rules shall only be binding and have the force of law if
93 consistent with Mississippi law.

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



96 P. "State practice laws" means a member state's laws,
97 rules, and regulations that govern the teaching profession, define
98 the scope of such profession, and create the methods and grounds
99 for imposing discipline.

100 Q. "State specific requirements" means a requirement
101 for licensure covered in coursework or examination that includes
102 content of unique interest to the state.

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

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

114 **ARTICLE III**

115 **LICENSURE UNDER THE COMPACT**

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



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

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

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



145 state, except where the receiving state does not have an
146 equivalent license.

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

158 **ARTICLE IV**

159 **LICENSURE NOT UNDER THE COMPACT**

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

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



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

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

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

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

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

188 3. Participate in any agreement or cooperative
189 arrangement with a nonmember state.

190 **ARTICLE V**

191 **TEACHER QUALIFICATIONS AND REQUIREMENTS**

192 **FOR LICENSURE UNDER THE COMPACT**



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

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

199 1. As the compact is applied in Mississippi, upon
200 their application to receive a license under this compact and
201 receipt of an employment offer by a school district, undergo a
202 criminal background check in the receiving state in accordance
203 with the laws and regulations of the receiving state; and

204 2. Provide the receiving state with information in
205 addition to the information required for licensure for the
206 purposes of determining compensation, if applicable.

207 **ARTICLE VI**

208 **DISCIPLINE AND ADVERSE ACTIONS**

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

213 B. Member states shall be authorized to receive, and
214 shall provide, files and information regarding the investigation
215 and discipline, if any, of teachers in other member states upon
216 request. Any member state receiving such information or files
217 shall protect and maintain the security and confidentiality



218 thereof, in at least the same manner that it maintains its own
219 investigatory or disciplinary files and information. Prior to
220 disclosing any disciplinary or investigatory information received
221 from another member state, the disclosing state shall communicate
222 its intention and purpose for such disclosure to the member state
223 which originally provided that information.

224 **ARTICLE VII**

225 **ESTABLISHMENT OF THE INTERSTATE TEACHER MOBILITY**

226 **COMPACT COMMISSION**

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

230 1. The Commission is a joint interstate
231 governmental agency comprised of states that have enacted the
232 Interstate Teacher Mobility Compact; and

233 2. Nothing in this compact shall be construed to
234 be a waiver of sovereign immunity.

235 B. Membership, Voting, and Meetings

236 1. Each member state shall have and be limited to
237 one (1) delegate to the Commission, who shall be given the title
238 of Commissioner.

239 2. The Commissioner shall be the primary
240 administrative officer of the state licensing authority or their
241 designee.



242 3. Any Commissioner may be removed or suspended
243 from office as provided by the law of the state from which the
244 Commissioner is appointed.

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

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

254 6. The Commission shall meet at least once during
255 each calendar year. Additional meetings shall be held as set
256 forth in the bylaws.

257 7. The Commission shall establish, by rule, a term
258 of office for Commissioners.

259 C. The Commission shall have the following powers and
260 duties:

- 261 1. Establish a Code of Ethics for the Commission;
262 2. Establish the fiscal year of the Commission;
263 3. Establish bylaws for the Commission;
264 4. Maintain its financial records in accordance
265 with the bylaws of the Commission;



266 5. Meet and take such actions as are consistent
267 with the provisions of this interstate compact, the bylaws and
268 rules of the Commission;

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

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

282 8. Purchase and maintain insurance and bonds;

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

287 10. Hire employees, elect or appoint officers, fix
288 compensation, define duties, grant such individuals appropriate
289 authority to carry out the purposes of the compact, and establish
290 the Commission's personnel policies and programs relating to



291 conflicts of interest, qualifications of personnel, and other
292 related personnel matters;

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

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

300 13. Establish a budget and make expenditures;

301 14. Borrow money;

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

305 16. Provide and receive information from, and
306 cooperate with, law enforcement agencies;

307 17. Establish and elect an Executive Committee;

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

313 19. Perform such other functions as may be
314 necessary or appropriate to achieve the purposes of this



315 interstate compact consistent with the state regulation of teacher
316 licensure; and

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

320 D. The Executive Committee of the Interstate Teacher
321 Mobility Compact Commission

322 1. The Executive Committee shall have the power to
323 act on behalf of the Commission according to the terms of this
324 interstate compact;

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

327 a. The Commission chair, vice chair and
328 treasurer; and

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

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

333 ii. One (1) at-large voting member in
334 accordance with commission rules;

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

337 4. The Executive Committee shall meet at least
338 once annually;



339 5. The Executive Committee shall have the
340 following duties and responsibilities:

341 a. Recommend to the entire Commission changes
342 to the rules or bylaws, changes to the compact legislation, fees
343 paid by interstate compact member states such as annual dues, and
344 any compact fee charged by the member states on behalf of the
345 Commission. As applied in Mississippi, implementation of any
346 recommendation or rules or bylaws related to annual dues shall be
347 subject to appropriation by the Legislature;

348 b. Ensure Commission administration services
349 are appropriately provided, contractual or otherwise;

350 c. Prepare and recommend the budget;

351 d. Maintain financial records on behalf of
352 the Commission;

353 e. Monitor compliance of member states and
354 provide reports to the Commission; and

355 f. Perform other duties as provided in rules
356 or bylaws.

357 6. Meetings of the Commission

358 a. All meetings shall be open to the public,
359 and public notice of meetings shall be given in accordance with
360 Commission bylaws;

361 b. The Commission or the Executive Committee
362 or other committees of the Commission may convene in a closed,



363 nonpublic meeting if the Commission or Executive Committee or
364 other committees of the Commission must discuss:

365 i. Noncompliance of a member state with
366 its obligations under the compact;

367 ii. The employment, compensation,
368 discipline or other matters, practices or procedures related to
369 specific employees or other matters related to the Commission's
370 internal personnel practices and procedures;

371 iii. Current, threatened, or reasonably
372 anticipated litigation;

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

375 v. Accusing any person of a crime or
376 formally censuring any person;

377 vi. Disclosure of trade secrets or
378 commercial or financial information that is privileged or
379 confidential;

380 vii. Disclosure of information of a
381 personal nature where disclosure would constitute a clearly
382 unwarranted invasion of personal privacy;

383 viii. Disclosure of investigative
384 records compiled for law enforcement purposes;

385 ix. Disclosure of information related to
386 any investigative reports prepared by or on behalf of or for use
387 of the Commission or other committee charged with responsibility



388 of investigation or determination of compliance issues pursuant to
389 the compact;

390 x. Matters specifically exempted from
391 disclosure by federal or member state statute; and

392 xi. Others matters as set forth by
393 Commission bylaws and rules;

394 c. If a meeting, or portion of a meeting, is
395 closed pursuant to this provision, the Commission's legal counsel
396 or designee shall certify that the meeting may be closed and shall
397 reference each relevant exempting provision; and

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

406 7. Financing of the Commission

407 a. The Commission shall pay, or provide for
408 the payment of, the reasonable expenses of its establishment,
409 organization and ongoing activities;

410 b. The Commission may accept all appropriate
411 donations and grants of money, equipment, supplies, materials and
412 services, and receive, utilize and dispose of the same, provided



413 that at all times the Commission shall avoid any appearance of
414 impropriety or conflict of interest;

415 c. The Commission may levy on and collect an
416 annual assessment from each member state or impose fees on other
417 parties to cover the cost of the operations and activities of the
418 Commission, in accordance with the commission rules, but the
419 requirement to pay the assessment in Mississippi, shall be subject
420 to appropriation by the Legislature;

421 d. The Commission shall not incur obligations
422 of any kind prior to securing the funds adequate to meet the same;
423 nor shall the Commission pledge the credit of any of the member
424 states, except by and with the authority of the member state; and

425 e. The Commission shall keep accurate
426 accounts of all receipts and disbursements. The receipts and
427 disbursements of the Commission shall be subject to accounting
428 procedures established under Commission bylaws. All receipts and
429 disbursements of funds of the Commission shall be reviewed
430 annually in accordance with Commission bylaws, and a report of the
431 review shall be included in and become part of the annual report
432 of the Commission.

433 8. Qualified Immunity, Defense and Indemnification

434 a. The members, officers, executive director,
435 employees and representatives of the Commission shall be immune
436 from suit and liability, either personally or in their official
437 capacity, for any claim for damage to or loss of property or



438 personal injury or other civil liability caused by or arising out
439 of any actual or alleged act, error or omission that occurred, or
440 that the person against whom the claim is made had a reasonable
441 basis for believing occurred within the scope of Commission
442 employment, duties or responsibilities; provided that nothing in
443 this paragraph shall be construed to protect any such person from
444 suit or liability for any damage, loss, injury or liability caused
445 by the intentional or willful or wanton misconduct of that person.

446 b. The Commission shall defend any member,
447 officer, executive director, employee or representative of the
448 Commission in any civil action seeking to impose liability arising
449 out of any actual or alleged act, error or omission that occurred
450 within the scope of Commission employment, duties or
451 responsibilities, or that the person against whom the claim is
452 made had a reasonable basis for believing occurred within the
453 scope of Commission employment, duties, or responsibilities;
454 provided that nothing herein shall be construed to prohibit that
455 person from retaining his or her own counsel; and provided
456 further, that the actual or alleged act, error or omission did not
457 result from that person's intentional or willful or wanton
458 misconduct.

459 c. The Commission shall indemnify and hold
460 harmless any member, officer, executive director, employee or
461 representative of the Commission for the amount of any settlement
462 or judgment obtained against that person arising out of any actual



463 or alleged act, error or omission that occurred within the scope
464 of Commission employment, duties or responsibilities, or that such
465 person had a reasonable basis for believing occurred within the
466 scope of Commission employment, duties or responsibilities,
467 provided that the actual or alleged act, error or omission did not
468 result from the intentional or willful or wanton misconduct of
469 that person.

470 **ARTICLE VIII**

471 **RULEMAKING**

472 A. The Commission shall exercise its rulemaking powers
473 pursuant to the criteria set forth in this interstate compact and
474 the rules adopted thereunder. Rules and amendments shall become
475 binding as of the date specified in each rule or amendment,
476 provided that as applied in the State of Mississippi, the rules
477 shall only be binding if consistent with Mississippi law.

478 B. The Commission shall promulgate reasonable rules to
479 achieve the intent and purpose of this interstate compact. In the
480 event the Commission exercises its rulemaking authority in a
481 manner that is beyond purpose and intent of this interstate
482 compact, or the powers granted hereunder, then such an action by
483 the Commission shall be invalid and have no force and effect of
484 law in the member states.

485 C. If a majority of the legislatures of the member
486 states rejects a rule, by enactment of a statute or resolution in
487 the same manner used to adopt the compact within four (4) years of



488 the date of adoption of the rule, then such rule shall have no
489 further force and effect in any member state.

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

493 E. Upon determination that an emergency exists, the
494 Commission may consider and adopt an emergency rule with
495 forty-eight (48) hours' notice, with opportunity to comment,
496 provided that the usual rulemaking procedures shall be
497 retroactively applied to the rule as soon as reasonably possible,
498 in no event later than ninety (90) days after the effective date
499 of the rule. For the purposes of this provision, an emergency
500 rule is one that must be adopted immediately in order to:

501 1. Meet an imminent threat to public health,
502 safety, or welfare;

503 2. Prevent a loss of Commission or member state
504 funds;

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

507 4. Protect public health and safety.

508 F. As applied in the State of Mississippi, if a rule or
509 amendment promulgated by the Commission conflicts with Mississippi
510 law, Mississippi law shall control and the rule or amendment
511 promulgated by the Commission shall have no effect.

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ARTICLE IX



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FACILITATING INFORMATION EXCHANGE

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

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

ARTICLE X

OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight

1. The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent, provided that as applied in the State of Mississippi, the compact shall only be binding if consistent with Mississippi law. The provisions of this compact shall have standing as statutory law, provided that as applied in the State of Mississippi, the compact shall only be binding if consistent with Mississippi law.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in



538 a court of competent jurisdiction where the principal office of
539 the Commission is located. The Commission may waive venue and
540 jurisdictional defenses to the extent it adopts or consents to
541 participate in alternative dispute resolution proceedings.
542 Nothing herein shall affect or limit the selection or propriety of
543 venue in any action against a licensee for professional
544 malpractice, misconduct or any such similar matter.

545 3. All courts and all administrative agencies
546 shall take judicial notice of the compact, the rules of the
547 Commission, and any information provided to a member state
548 pursuant thereto in any judicial or quasi-judicial proceeding in a
549 member state pertaining to the subject matter of this compact, or
550 which may affect the powers, responsibilities or actions of the
551 Commission.

552 4. The Commission shall be entitled to receive
553 service of process in any proceeding regarding the enforcement or
554 interpretation of the compact and shall have standing to intervene
555 in such a proceeding for all purposes. Failure to provide the
556 Commission service of process shall render a judgment or order
557 void as to the Commission, this compact or promulgated rules.

558 B. Default, Technical Assistance and Termination

559 1. If the Commission determines that a member
560 state has defaulted in the performance of its obligations or
561 responsibilities under this compact or the promulgated rules, the
562 Commission shall:



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

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

569 2. If a state in default fails to cure the
570 default, the defaulting state may be terminated from the compact
571 upon an affirmative vote of a majority of the Commissioners of the
572 member states, and all rights, privileges and benefits conferred
573 on that state by this compact may be terminated on the effective
574 date of termination.

575 3. Termination of membership in the compact shall
576 be imposed only after all other means of securing compliance have
577 been exhausted. Notice of intent to suspend or terminate shall be
578 given by the Commission to the Governor, the majority and minority
579 leaders of the defaulting state's Legislature, the state licensing
580 authority and each of the member states.

581 4. A state that has been terminated is responsible
582 for all assessments, obligations and liabilities incurred through
583 the effective date of termination.

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



588 6. The defaulting state may appeal the action of
589 the Commission by petitioning the United States District Court for
590 the District of Columbia or the federal district where the
591 Commission has its principal offices.

592 C. Dispute Resolution

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

596 2. The Commission shall promulgate a rule
597 providing for nonbinding alternative dispute resolution for
598 disputes as appropriate.

599 D. Enforcement

600 1. The Commission, in the reasonable exercise of
601 its discretion, shall enforce the provisions and rules of this
602 compact.

603 2. By majority vote, the Commission may initiate
604 legal action in a court of competent jurisdiction to enforce
605 compliance with the provisions of the compact and its promulgated
606 rules and bylaws. The relief sought may include injunctive
607 relief.

608 **ARTICLE XI**

609 **EFFECTUATION, WITHDRAWAL, AND AMENDMENT**

610 A. The compact shall come into effect on the date on
611 which the compact statute is enacted into law in the tenth member
612 state.



613 1. On or after the effective date of the compact,
614 the Commission shall convene and review the enactment of each of
615 the charter member states to determine if the statute enacted by
616 each such charter member state is materially different from
617 the model compact statute.

618 2. A charter member state whose enactment is found
619 to be materially different from the model compact statute shall be
620 entitled to the default process set forth in Article X.

621 3. Member states enacting the compact subsequent
622 to the charter member states shall be subject to the process set
623 forth in Article VII.C.20 to determine if their enactments are
624 materially different from the model compact statute and whether
625 they qualify for participation in the compact.

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

630 C. Any state that joins the compact after the
631 Commission's initial adoption of the rules and bylaws shall be
632 subject to the rules and bylaws as they exist on the date on which
633 the compact becomes law in that state, provided that as applied in
634 the State of Mississippi, the compact shall only be binding if
635 consistent with Mississippi law. Any rule that has been
636 previously adopted by the Commission shall have the full force and
637 effect of law on the day the compact becomes law in that state,



638 provided that as applied in the State of Mississippi, the compact
639 shall only be binding if consistent with Mississippi law, as the
640 rules and bylaws may be amended as provided in this compact.

641 D. Any member state may withdraw from this compact by
642 enacting a statute repealing the same. A member state's
643 withdrawal shall not take effect until six (6) months after
644 enactment of the repealing statute.

645 E. This compact may be amended by the member states.
646 No amendment to this compact shall become effective and binding
647 upon any other member state until it is enacted into the laws of
648 all member states.

649 **ARTICLE XII**

650 **CONSTRUCTION AND SEVERABILITY**

651 The provisions of this compact shall be severable and if any
652 phrase, clause, sentence or provision of this compact is declared
653 to be contrary to the constitution of any member state or a state
654 seeking membership in the compact, contrary to Mississippi law, or
655 of the United States or the applicability thereof to any other
656 government, agency, person or circumstance is held invalid, the
657 validity of the remainder of this compact and the applicability
658 thereof to any government, agency, person or circumstance shall
659 not be affected thereby. If this compact shall be held contrary
660 to the constitution of any member state, or as applicable in the
661 State of Mississippi, with Mississippi law, the compact shall
662 remain in full force and effect as to the remaining member states



663 and in full force and effect as to the member state affected as to
664 all severable matters.

665 **ARTICLE XIII**

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

667 A. Nothing herein shall prevent or inhibit the
668 enforcement of Mississippi law that is not inconsistent with the
669 compact.

670 B. Any laws, statutes, regulations or other legal
671 requirements in a member state in conflict with the compact are
672 superseded to the extent of the conflict, provided that as applied
673 in the State of Mississippi, the compact shall only be binding if
674 consistent with Mississippi law.

675 C. All permissible agreements between the Commission
676 and the member states are binding in accordance with their terms,
677 provided that as applied in the State of Mississippi, the
678 agreements shall only be binding if consistent with Mississippi
679 law.

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

