

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2770

By: Randleman

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8 COMMITTEE SUBSTITUTE

9 An Act relating to the Psychology Interjurisdictional
10 Compact; amending Section 13, Chapter 187, O.S.L.
11 2019 (59 O.S. Supp. 2020, Section 1389), which
12 relates to Compact oversight, dispute resolution, and
13 enforcement; modifying court in which appeal or legal
14 action may be brought; and providing an effective
15 date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 13, Chapter 187, O.S.L.
18 2019 (59 O.S. Supp. 2020, Section 1389), is amended to read as
19 follows:

20 Section 1389. A. Oversight.

21 1. The executive, legislative and judicial branches of state
22 government in each compact state shall enforce this Compact and take
23 all actions necessary and appropriate to effectuate the Compact's
24 purposes and intent. The provisions of this Compact and the rules
promulgated hereunder shall have standing as statutory law.

1 2. All courts shall take judicial notice of the Compact and the
2 rules in any judicial or administrative proceeding in a compact
3 state pertaining to the subject matter of this Compact which may
4 affect the powers, responsibilities or actions of the Commission.

5 3. The Commission shall be entitled to receive service of
6 process in any such proceeding and shall have standing to intervene
7 in such a proceeding for all purposes. Failure to provide service
8 of process to the Commission shall render a judgment or order void
9 as to the Commission, this Compact or promulgated rules.

10 B. Default, Technical Assistance and Termination.

11 1. If the Commission determines that a compact state has
12 defaulted in the performance of its obligations or responsibilities
13 under this Compact or the promulgated rules, the Commission shall:

14 a. provide written notice to the defaulting state and
15 other compact states of the nature of the default, the
16 proposed means of remedying the default and any other
17 action to be taken by the Commission, and

18 b. provide remedial training and specific technical
19 assistance regarding the default.

20 2. If a state in default fails to remedy the default, the
21 defaulting state may be terminated from the Compact upon an
22 affirmative vote of the majority of the compact states, and all
23 rights, privileges and benefits conferred by this Compact shall be
24 terminated on the effective date of termination. A remedy of the

1 default does not relieve the offending state of obligations or
2 liabilities incurred during the period of default.

3 3. Termination of membership in the Compact shall be imposed
4 only after all other means of securing compliance have been
5 exhausted. Notice of intent to suspend or terminate shall be
6 submitted by the Commission to the Governor, the majority and
7 minority leaders of the defaulting state's legislature, and each of
8 the compact states.

9 4. A compact state which has been terminated is responsible for
10 all assessments, obligations and liabilities incurred through the
11 effective date of termination, including obligations which extend
12 beyond the effective date of termination.

13 5. The Commission shall not bear any costs incurred by the
14 state which is found to be in default or which has been terminated
15 from the Compact, unless agreed upon in writing between the
16 Commission and the defaulting state.

17 6. The defaulting state may appeal the action of the Commission
18 by petitioning the United States District Court for the State of
19 ~~Oklahoma~~ Georgia or the federal district where the Compact has its
20 principal offices. The prevailing member shall be awarded all costs
21 of such litigation, including reasonable attorney fees.

22 C. Dispute Resolution.
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1 1. Upon request by a compact state, the Commission shall
2 attempt to resolve disputes related to the Compact which arise among
3 compact states and between compact and noncompact states.

4 2. The Commission shall promulgate a rule providing for both
5 mediation and binding dispute resolution for disputes that arise
6 before the Commission.

7 D. Enforcement.

8 1. The Commission, in the reasonable exercise of its
9 discretion, shall enforce the provisions and rules of this Compact.

10 2. By majority vote, the Commission may initiate legal action
11 in the United States District Court for the State of ~~Oklahoma~~
12 Georgia or the federal district where the Compact has its principal
13 offices against a compact state in default to enforce compliance
14 with the provisions of the Compact and its promulgated rules and
15 bylaws. The relief sought may include both injunctive relief and
16 damages. In the event judicial enforcement is necessary, the
17 prevailing member shall be awarded all costs of such litigation,
18 including reasonable attorney fees.

19 3. The remedies herein shall not be the exclusive remedies of
20 the Commission. The Commission may pursue any other remedies
21 available under federal or state law.

22 SECTION 2. This act shall become effective November 1, 2021.

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