

RCW 18.83A.120 Enforcement—Default—Termination of compact membership—Dispute resolution. (1)(a) The executive, legislative, and judicial branches of state government in each compact state must enforce the psychology interjurisdictional compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules adopted under this compact have standing as statutory law.

(b) All courts must take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(c) The commission must receive service of process in any such proceeding and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact, or rules adopted under this compact.

(2)(a) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under the psychology interjurisdictional compact or rules adopted under this compact, the commission must:

(i) Provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default, or any other action to be taken by the commission; and

(ii) Provide remedial training and specific technical assistance regarding the default.

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

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

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

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

(f) The defaulting state may appeal the action of the commission by petitioning the United States district court for the state of Georgia or the federal district where the compact has its principal offices. The prevailing member must be awarded all costs of the litigation, including reasonable attorneys' fees.

(3)(a) Upon request by a compact state, the commission must attempt to resolve disputes related to the compact that arise among compact states and between compact and noncompact states.

(b) The commission must adopt a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(4) (a) The commission, in the reasonable exercise of its discretion, must enforce the provisions and rules of the psychology interjurisdictional compact.

(b) By majority vote, the commission may initiate legal action in the United States district court for the state of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing member must be awarded all costs of such litigation, including reasonable attorneys' fees.

(c) The remedies in this section are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law. [2022 c 5 s 13.]