

H.B. 386

INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

MARCH 3, 2010 11:16 AM

Representative **Merlynn T. Newbold** proposes the following amendments:

1. *Page 14, Lines 409 through 411:*

409 D. To ~~{enforce}~~ monitor compliance with the compact provisions, the rules promulgated by
the
410 Interstate Commission ~~{,}~~ and the bylaws ~~{, using all necessary and proper means, including, but~~
411 ~~not limited to, the use of judicial process}~~ . Any action to enforce compliance with the compact

2. *Page 18, Lines 548 through 550:*

548 1. ~~{The executive, legislative, and judicial branches of state government in each}~~ Each
549 member state shall enforce this compact ~~{and shall take all actions necessary and appropriate}~~ to
550 effectuate the compact's purposes and intent. The provisions of this compact and the rules

3. *Page 19, Lines 578 through 581:*

578 5. The state which has been suspended or terminated is responsible for all assessments,
579 obligations, and liabilities incurred through the effective date of suspension or termination
580 ~~{including obligations, the performance of which extends beyond the effective date of~~
581 ~~suspension or termination}~~ , not to exceed \$5,000 per year for each year the member state was a
member of the compact .

4. *Page 20, Lines 596 through 608:*

596 ~~{D. Enforcement:~~
597 ~~1. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce~~
598 ~~the provisions and rules of this compact.~~
599 ~~2. The Interstate Commission may, by majority vote of the members, initiate legal~~
600 ~~action in the U. S. District Court for the District of Columbia or, at the discretion of the~~
601 ~~Interstate Commission, in the federal district where the Interstate Commission has its principal~~
602 ~~offices, to enforce compliance with the provisions of the compact, its promulgated rules and~~
603 ~~bylaws, against a member state in default. The relief sought may include both injunctive relief~~

604 ~~and damages. In the event judicial enforcement is necessary, the prevailing party shall be~~
605 ~~awarded all costs of such litigation including reasonable attorney fees.~~
606 ~~3. The remedies herein shall not be the exclusive remedies of the Interstate~~
607 ~~Commission. The Interstate Commission may avail itself of any other remedies available~~
608 ~~under state law or the regulation of a profession. }~~

5. Page 20, Lines 613 through 616:

613 B. ~~{The}~~ Subject to the funding limit established in Subsection E, the Interstate
Commission may levy and collect an annual assessment from each
614 member state to cover the cost of the operations and activities of the Interstate Commission and
615 its staff which must be in a total amount sufficient to cover the Interstate Commission's annual
616 budget as approved each year. The aggregate annual assessment amount shall be allocated

6. Page 22, Lines 650 through 652:

650 2. Withdrawal from this compact shall be by the enactment of a statute repealing the
651 same ~~{, but shall not take effect until written notice of the withdrawal has been given by this~~
652 ~~state to the Governor of each other member jurisdiction} .~~

7. Page 22, Lines 657 through 659:

657 4. The withdrawing state is responsible for all assessments, obligations, and liabilities
658 incurred through the effective date of withdrawal ~~{, including obligations, the performance of~~
659 ~~which extend beyond the effective date of withdrawal} . , not to exceed \$5,000 per year for each year
the member state was a member of the compact .~~

8. Page 23, Lines 687 through 689:

687 3. In the event any provision of this compact exceeds the statutory or constitutional limits imposed
688 on the legislature of any member state, such provision shall be ineffective to the extent of the
689 conflict with the statutory or constitutional provision in question in that member state.