

Original

1951

1 IN THE HOUSE BY MESSRS. DUFFIELD, FAGERSTROM,
2 HOUSE BILL NO. 21 GREUEL AND KAY

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
4 TWENTY-FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to higher education,
7 ratifying a compact between this and
8 other territories or states; providing
9 for commissioners; and making an
10 appropriation."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. The Western Regional Higher Education Compact,
13 recommended by the Western Governors' Conference on November 10,
14 1950, for adoption by the states or territories of Arizona,
15 California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon,
16 Utah, Washington, Wyoming, Alaska and Hawaii, is hereby ratified
17 and approved and the adherence of this Territory to the
18 provisions of this Compact, upon its ratification and approval
19 by any four or more of such states or territories in addition to
20 this Territory, is hereby declared.

21 Section 2. The terms and provisions of the Compact referred
22 to in Section 1 of this Act are as follows:

23 WESTERN REGIONAL HIGHER EDUCATION COMPACT

24 ARTICLE I

25 Whereas, the future of this Nation and of the Western States
26 is dependent upon the quality of the education of its youth; and
27 Whereas, many of the Western States individually do not
28 have sufficient numbers of potential students to warrant the
29 establishment and maintenance within their borders of adequate

1 facilities in all of the essential fields of technical,
2 professional, and graduate training, nor do all of the States
3 have the financial ability to furnish within their borders
4 institutions capable of providing acceptable standards of
5 training in all of the fields mentioned above; and

6 Whereas, it is believed that the Western States, or groups
7 of such states within the Region, cooperatively can provide
8 acceptable and efficient educational facilities to meet the
9 needs of the Region and of the students thereof:

10 Now, therefore, the States of Arizona, California, Colorado,
11 Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and
12 Wyoming, and the Territories of Alaska and Hawaii do hereby
13 covenant and agree as follows:

14 ARTICLE II

15 Each of the compacting states and territories pledges to
16 each of the other compacting states and territories faithful
17 cooperation in carrying out all the purposes of this Compact.

18 ARTICLE III

19 The compacting states and territories hereby create the
20 Western Interstate Commission for Higher Education, hereinafter
21 called the Commission. Said Commission shall be a body corporate
22 of each compacting state and territory, and an agency thereof.
23 The Commission shall have all the powers and duties set forth
24 herein, including the power to sue and be sued, and such
25 additional powers as may be conferred upon it by subsequent
26 action of the respective legislatures of the compacting states
27 and territories.

28 ARTICLE IV

29 The Commission shall consist of three resident members from

1 each compacting state or territory. At all times one Commission-
2 er from each compacting state or territory shall be an educator
3 engaged in the field of higher education in the state or
4 territory from which he is appointed.

5 The Commissioners from each state and territory shall be
6 appointed by the Governor thereof as provided by law in such
7 state or territory. Any Commissioner may be removed or suspended
8 from office as provided by the law of the state or territory from
9 which he shall have been appointed.

10 The terms of each Commissioner shall be four years;
11 provided however that the first three Commissioners shall be
12 appointed as follows: one for two years, one for three years,
13 and one for four years. Each Commissioner shall hold office
14 until his successor shall be appointed and qualified. If any
15 office becomes vacant for any reason, the Governor shall appoint
16 a Commissioner to fill the office for the remainder of the
17 unexpired term.

18 ARTICLE V

19 Any business transacted at any meeting of the Commission
20 must be by affirmative vote of a majority of the whole number of
21 compacting states and territories.

22 One or more Commissioners from a majority of the compacting
23 states and territories shall constitute a quorum for the
24 transaction of business.

25 Each compacting state and territory represented at any
26 meeting of the Commission is entitled to one vote.

27 ARTICLE VI

28 The Commission shall elect from its number a chairman and a
29 vice chairman, and may appoint, and at its pleasure dismiss or

1 remove, such officers, agents, and employees as may be required
2 to carry out the purpose of this Compact; and shall fix and
3 determine their duties, qualifications and compensation, having
4 due regard for the importance of the responsibilities involved.

5 The Commissioners shall serve without compensation, but
6 shall be reimbursed for their actual and necessary expenses from
7 the funds of the Commission.

8 ARTICLE VII

9 The Commission shall adopt a seal and by-laws and shall
10 adopt and promulgate rules and regulations for its management
11 and control.

12 The Commission may elect such committees as it deems
13 necessary for the carrying out of its functions.

14 The Commission shall establish and maintain an office
15 within one of the compacting states for the transaction of its
16 business and may meet at any time, but in any event must meet at
17 least once a year. The Chairman may call such additional
18 meetings and upon the request of a majority of the Commissioners
19 of three or more compacting states or territories shall call
20 additional meetings.

21 The Commission shall submit a budget to the Governor of
22 each compacting state and territory at such time and for such
23 period as may be required.

24 The Commission shall, after negotiations with interested
25 institutions, determine the cost of providing the facilities for
26 graduate and professional education for use in its contractual
27 agreements throughout the Region.

28 On or before the fifteenth day of January of each year, the
29 Commission shall submit to the Governors and Legislatures of the

1 compacting states and territories a report of its activities for
2 the preceding calendar year.

3 The Commission shall keep accurate books of account, showing
4 in full its receipts and disbursements, and said books of account
5 shall be open at any reasonable time for inspection by the
6 Governor of any compacting state or territory or his designated
7 representatives. The Commission shall not be subject to the audit
8 and accounting procedure of any of the compacting states or
9 territories. The Commission shall provide for an independent
10 annual audit.

11 ARTICLE VIII

12 It shall be the duty of the Commission to enter into such
13 contractual agreements with any institutions in the Region
14 offering graduate or professional education and with any of the
15 compacting states or territories as may be required in the
16 judgment of the Commission to provide adequate services and
17 facilities of graduate and professional education for the citizens
18 of the respective compacting states or territories. The
19 Commission shall first endeavor to provide adequate services and
20 facilities in the fields of dentistry, medicine, public health,
21 and veterinary medicine, and may undertake similar activities in
22 other professional and graduate fields.

23 For this purpose the Commission may enter into contractual
24 agreements --

25 (a) with the governing authority of any educational
26 institution in the Region, or with any compacting state or
27 territory, to provide such graduate or professional educational
28 services upon terms and conditions to be agreed upon between
29 contracting parties, and

1 (b) with the governing authority of any educational
2 institution in the Region or with any compacting state or
3 territory to assist in the placement of graduate or professional
4 students in educational institutions in the Region providing the
5 desired services and facilities, upon such terms and conditions
6 as the Commission may prescribe.

7 It shall be the duty of the Commission to undertake studies
8 of needs for professional and graduate educational facilities in
9 the Region, the resources for meeting such needs, and the
10 long-range effects of the Compact on higher education; and from
11 time to time prepare comprehensive reports on such research for
12 presentation to the Western Governors' Conference and to the
13 legislatures of the compacting states and territories. In
14 conducting such studies, the Commission may confer with any
15 national or regional planning body which may be established. The
16 Commission shall draft and recommend to the Governors of the
17 various compacting states and territories, uniform legislation
18 dealing with problems of higher education in the Region.

19 For the purposes of this Compact the word "Region" shall be
20 construed to mean the geographical limits of the several
21 compacting states and territories.

22 ARTICLE IX

23 The operating costs of the Commission shall be apportioned
24 equally among the compacting states and territories.

25 ARTICLE X

26 This Compact shall become operative and binding immediately
27 as to those states and territories adopting it whenever five or
28 more of the states or territories of Arizona, California,
29 Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah,

1 Washington, Wyoming, Alaska and Hawaii have duly adopted it prior
2 to July 1, 1953. This Compact shall become effective as to any
3 additional states or territories adopting thereafter at the time
4 of such adoption.

5 ARTICLE XI

6 This Compact may be terminated at any time by consent of a
7 majority of the compacting states or territories. Consent shall
8 be manifested by passage and signature in the usual manner of
9 legislation expressing such consent by the legislature and
10 Governor of such terminating state. Any state or territory may
11 at any time withdraw from this Compact by means of appropriate
12 legislation to that end. Such withdrawal shall not become
13 effective until two years after written notice thereof by the
14 Governor of the withdrawing state or territory accompanied by a
15 certified copy of the requisite legislative action is received
16 by the Commission. Such withdrawal shall not relieve the
17 withdrawing state or territory from its obligations hereunder
18 accruing prior to the effective date of withdrawal. The
19 withdrawing state or territory may rescind its action of
20 withdrawal at any time within the two year period. Thereafter,
21 the withdrawing state or territory may be reinstated by
22 application to and the approval by a majority vote of the
23 Commission.

24 ARTICLE XII

25 If any compacting state or territory shall at any time
26 default in the performance of any of its obligations assumed or
27 imposed in accordance with the provisions of this Compact, all
28 rights, privileges and benefits conferred by this Compact or
29 agreements hereunder, shall be suspended from the effective date

1 of such default as fixed by the Commission.

2 Unless such default shall be remedied within a period of
3 two years following the effective date of such default, this
4 Compact may be terminated with respect to such defaulting state
5 or territory by affirmative vote of three-fourths of the other
6 member states or territories.

7 Any such defaulting state may be reinstated by: (a)
8 performing all acts and obligations upon which it has heretofore
9 defaulted, and (b) application to and the approval by a majority
10 vote of the Commission.

11 Section 3. Upon ratification and approval of the Western
12 Regional Higher Education Compact by any four or more of the
13 specified states or territories in addition to this territory,
14 the Governor of this territory is authorized and directed to
15 execute said Compact on behalf of this territory and to perform
16 any other acts which may be deemed requisite to its formal
17 ratification and promulgation.

18 Section 4. (a) The Governor ^{with the advice and consent of the Legislature} shall appoint the members, for
19 this territory, of the Western Interstate Commission for Higher
20 Education; which is created under the provisions of Article III
21 of the Western Regional Higher Education Compact.

22 (b) The qualifications and terms of office of the members
23 of the Commission for this territory shall conform with the
24 provisions of Article IV of said Compact.

25 Section 5. There is hereby appropriated from the general
26 fund to the office of the Governor the sum of \$5,000.00, or so
27 much thereof as may be necessary, to be distributed on vouchers
28 approved by the Governor, for the purpose of defraying ^{the} this
29 ^{Secretary's} state's portion of the operating costs of the Western Interstate

Commission for Higher Education in conformity with the provisions
of Article IX of said Compact.

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