

IN THE HOUSE

BY MESSRS. RAY AND STEWART

HOUSE BILL NO. 49

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-SECOND SESSION

A BILL

For an Act entitled: "An Act relating to higher education, ratifying a compact between this and other territories or states; providing for amendments."

AS IT PASSED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. The Western Regional Higher Education Compact, recommended by the Western Governors' Conference on November 10, 1957, for adoption by the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii, is hereby ratified and approved and the adherence of this Territory to the provisions of this Compact, upon its ratification and approval by any four or more of such states or territories in addition to this Territory, is hereby declared.

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

WESTERN REGIONAL HIGHER EDUCATION COMPACT

ARTICLE I

Whereas, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

Whereas, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, profes-

p. 1, line 9: after word "commissioners" insert following: "and
authorizing an appropriation."

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

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

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

13
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 addi-
25 tional powers as may be conferred upon it by subsequent action of
26 the respective legislatures of the compacting states and terri-
27 tories.

28 **ARTICLE IV**

29 The Commission shall consist of three resident members from
30 each compacting state or territory. At all times one Commis-

1 siener from each compacting state or territory shall be an edu-
2 cator engaged in the field of higher education in the state or
3 territory from which he is appointed.

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

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

16 ARTICLE V

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

20 One or more Commissioners from a majority of the compacting
21 states and territories shall constitute a quorum for the trans-
22 action of business.

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

25 ARTICLE VI

26 The Commission shall elect from its number a chairman and a
27 vice chairman, and may appoint, and at its pleasure dismiss or
28 remove, such officers, agents, and employees as may be required
29 to carry out the purpose of this Compact; and shall fix and

1 determine their duties, qualifications and compensation, having
2 due regard for the importance of the responsibilities involved.

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

6 ARTICLE VII

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

10 The Commission may elect such committees as it deems neces-
11 sary for the carrying out of its functions.

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

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

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

26 On or before the fifteenth day of January of each year, the
27 Commission shall submit to the Governors and Legislatures of the
28 compacting states and territories a report of its activities for
29 the preceding calendar year.

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

9 ARTICLE VIII

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

21 For this purpose the Commission may enter into contractual
22 agreements --

23 (a) with the governing authority of any educational
24 institution in the Region, or with any compacting state or terri-
25 tory, to provide such graduate or professional educational ser-
26 vices upon terms and conditions to be agreed upon between con-
27 tracting parties, and

28 (b) with the governing authority of any educational
29 institution in the Region or with any compacting state or

1 territory to assist in the placement of graduate or professional
2 students in educational institutions in the Region providing the
3 desired services and facilities, upon such terms and conditions
4 as the Commission may prescribe.

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

17 For the purposes of this Compact the word "Region" shall be
18 construed to mean the geographical limits of the several com-
19 pacting states and territories.

20 ARTICLE IX

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

23 ARTICLE X

24 This Compact shall become operative and binding immediately
25 as to those states and territories adopting it whenever five or
26 more of the states or territories of Arizona, California,
27 Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah,
28 Washington, Wyoming, Alaska and Hawaii have duly adopted it prior
29 to July 1, 1955. This Compact shall become effective as to any

1 additional states or territories adopting thereafter at the time
2 of such adoption.

3 ARTICLE XI

4 This Compact may be terminated at any time by consent of a
5 majority of the compacting states or territories. Consent shall
6 be manifested by passage and signature in the usual manner of
7 legislation expressing such consent by the legislature and Govern-
8 nor of such terminating state. Any state or territory may at any
9 time withdraw from this Compact by means of appropriate legisla-
10 tion to that end. Such withdrawal shall not become effective
11 until two years after written notice thereof by the Governor of
12 the withdrawing state or territory accompanied by a certified
13 copy of the requisite legislative action is received by the Com-
14 mission. Such withdrawal shall not relieve the withdrawing state
15 or territory from its obligations hereunder accruing prior to the
16 effective date of withdrawal. The withdrawing state or territory
17 may rescind its action of withdrawal at any time within the two
18 year period. Thereafter, the withdrawing state or territory may
19 be reinstated by application to and the approval by a majority
20 vote of the Commission.

21 ARTICLE XII

22 If any compacting state or territory shall at any time de-
23 fault in the performance of any of its obligations assumed or
24 imposed in accordance with the provisions of this Compact, all
25 rights, privileges and benefits conferred by this Compact or
26 agreements hereunder, shall be suspended from the effective date
27 of such default as fixed by the Commission.

28 Unless such default shall be remedied within a period of
29 two years following the effective date of such default, this

1 Compact may be terminated with respect to such defaulting state
2 or territory by affirmative vote of three-fourths of the other
3 member states or territories.

4 Any such defaulting state may be reinstated by: (a) per-
5 forming all acts and obligations upon which it has heretofore
6 defaulted, and (b) application to and the approval by a majority
7 vote of the Commission.

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

15 Sec. 4. (a) The Governor, with the advice and consent of
16 the Legislature, shall appoint the members, for this Territory,
17 of the Western Interstate Commission for Higher Education, which
18 is created under the provisions of Article III of the Western
19 Regional Higher Education Compact.

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

23 (c) The Commissioners shall serve without compensa-
24 tion and they shall be reimbursed for their actual and necessary
25 expenses by the Western Interstate Commission for Higher Educa-
26 tion.

27 Sec. 5. There is hereby authorized to be appropriated from
28 the General Fund to the office of the Governor the sum of \$1,000.00
29 or so much thereof as may be necessary, to be distributed on

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vouchers approved by the Governor, for the purpose of defraying
the Territory'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; and the sum of ^{17,000} ~~\$20,000~~
for other expenses of the Territory in carrying out the program
of the Compact.

p. 9, line 4: delete the figure "\$20,000" and insert in lieu thereof
the figure "\$12,000"
