

Introduced: 3/8/66
Referred: Health,
Welfare and Education

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 316

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Compact for
7 Education; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 14.40 is amended by adding new sections to
11 read:

12 Sec. 14.40.700. ENTRY INTO COMPACT. The Compact for
13 Education is enacted into law and entered into in behalf of
14 the State of Alaska with all other states and jurisdictions
15 legally joining in it in a form substantially as contained
16 in sec. 710 of this chapter.

17 Sec. 14.40.710. TERMS AND PROVISIONS OF COMPACT. The
18 terms and provisions of the compact referred to in sec. 700
19 of this chapter are as follows:

20 COMPACT FOR EDUCATION

21 Article I. Purpose and Policy.

22 SECTION A. It is the purpose of this compact to:

23 1. Establish and maintain close cooperation and
24 understanding among executive, legislative, professional
25 educational and lay leadership on a nationwide basis at the
26 state and local levels.

27 2. Provide a forum for the discussion, develop-
28 ment, crystallization and recommendation of public policy
29 alternatives in the field of education.

1 3. Provide a clearing house of information
2 on matters relating to educational problems and how they
3 are being met in different places throughout the Nation,
4 so that the executive and legislative branches of State
5 Government and of local communities may have ready access
6 to the experience and record of the entire country, and
7 so that both lay and professional groups in the field of
8 education may have additional avenues for the sharing of
9 experience and the interchange of ideas in the formation
10 of public policy in education.

11 4. Facilitate the improvement of State and
12 local educational systems so that all of them will be
13 able to meet adequate and desirable goals in a society
14 which requires continuous qualitative and quantitative
15 advance in educational opportunities, methods and facil-
16 ities.

17 SECTION B. It is the policy of this compact to
18 encourage and promote local and State initiative in the
19 development, maintenance, improvement and administration
20 of educational systems and institutions in a manner which
21 will accord with the needs and advantages of diversity
22 among localities and States.

23 SECTION C. The party States recognize that each of
24 them has an interest in the quality and quantity of edu-
25 cation furnished in each of the other States, as well as
26 in the excellence of its own educational systems and
27 institutions, because of the highly mobile character of
28 individuals within the Nation, and because the products
29 and services contributing to the health, welfare and

1 economic advancement of each State are supplied in sig-
2 nificant part by persons educated in other States.

3 Article II. The Commission.

4 SECTION A. The Educational Commission of the States,
5 hereinafter called "the Commission," is hereby established.
6 The Commission shall consist of seven members representing
7 each party State. In addition to any other principles or
8 requirements which a State may establish for the appoint-
9 ment and service of its members of the Commission, the
10 guiding principle for the composition of the membership on
11 the Commission from each party State shall be that the mem-
12 bers representing such State shall, by virtue of their
13 training, experience, knowledge or affiliations be in a
14 position collectively to reflect broadly the interests of
15 the State Government, higher education, the State education
16 system, local education and lay and professional educational
17 leadership. In addition to the members of the Commission
18 representing the party States, there may be not to exceed
19 ten nonvoting commissioners selected by the steering
20 committee for terms of one year. Such commissioners shall
21 represent leading national organizations of professional
22 educators or persons concerned with educational adminis-
23 tration.

24 SECTION B. The members of the Commission shall be
25 entitled to one vote each on the Commission. No action of
26 the Commission shall be binding unless taken at a meeting
27 at which a majority of the total number of votes on the
28 Commission are cast in favor thereof. Action of the
29 Commission shall be only at a meeting at which a majority

1 of the Commissioners are present. The Commission shall
2 meet at least once a year. In its bylaws, and subject to
3 such directions and limitations as may be contained therein,
4 the Commission may delegate the exercise of any of its
5 powers to the steering committee or the Executive Director,
6 except for the power to approve budgets or requests for
7 appropriations, the power to make policy recommendations
8 pursuant to Article III and adoption of the annual report
9 pursuant to Article II (j).

10 SECTION C. The Commission shall have a seal.

11 SECTION D. The Commission shall elect annually, from
12 among its members, a chairman, who shall be a Governor, a
13 vice chairman and a treasurer. The Commission shall pro-
14 vide for the appointment of an executive director. Such
15 executive director shall serve at the pleasure of the
16 Commission, and together with the treasurer and such other
17 personnel as the Commission may deem appropriate shall be
18 bonded in such amount as the Commission shall determine.
19 The executive director shall be secretary.

20 SECTION E. Irrespective of the civil service, per-
21 sonnel or other merit system laws of any of the party
22 States, the executive director subject to the approval
23 of the steering committee shall appoint, remove or dis-
24 charge such personnel as may be necessary for the per-
25 formance of the functions of the Commission, and shall
26 fix the duties and compensation of such personnel. The
27 Commission in its bylaws shall provide for the personnel
28 policies and programs of the Commission.

29 SECTION F. The Commission may borrow, accept or

1 contract for the services of personnel from any party
2 jurisdiction, the United States, or any subdivision or
3 agency of the aforementioned governments, or from any
4 agency of two or more of the party jurisdictions or their
5 subdivisions.

6 SECTION G. The Commission may accept for any of its
7 purposes and functions under this compact any and all
8 donations, and grants of money, equipment, supplies,
9 materials and services, conditional or otherwise, from
10 any State, the United States, or any other governmental
11 agency, or from any person, firm, association, foundation,
12 or corporation, and may receive, utilize and dispose of
13 the same. Any donation or grant accepted by the Commission
14 pursuant to this paragraph or services borrowed pursuant
15 to paragraph (f) of this Article shall be reported in the
16 annual report of the Commission. Such report shall include
17 the nature, amount and conditions, if any, of the donation,
18 grant, or services borrowed, and the identity of the donor
19 or lender.

20 SECTION H. The Commission may establish and maintain
21 such facilities as may be necessary for the transacting
22 of its business. The Commission may acquire, hold, and
23 convey real and personal property and any interest therein.

24 SECTION I. The Commission shall adopt bylaws for
25 the conduct of its business and shall have the power to
26 amend and rescind these bylaws. The Commission shall
27 publish its bylaws in convenient form and shall file a
28 copy thereof and a copy of any amendment thereto, with
29 the appropriate agency or officer in each of the party

1 States.

2 SECTION J. The Commission annually shall make to
3 the Governor and legislature of each party State a report
4 covering the activities of the Commission for the pre-
5 ceding year. The Commission may make such additional
6 reports as it may deem desirable.

7 Article III. Powers.

8 In addition to authority conferred on the Commission
9 by other provisions of the compact, the Commission shall
10 have authority to:

11 1. Collect, correlate, analyze and interpret
12 information and data concerning educational needs and
13 resources.

14 2. Encourage and foster research in all aspects of
15 education, but with special reference to the desirable
16 scope of instruction, organization, administration, and
17 instructional methods and standards employed or suitable
18 for employment in public educational systems.

19 3. Develop methods for adequate financing of edu-
20 cation as a whole and at each of its many levels.

21 4. Conduct or participate in research of the types
22 referred to in this Article in any instance where the
23 Commission finds that such research is necessary for the
24 advancement of the purposes and policies of this compact,
25 utilizing fully the resources of national associations,
26 regional compact organizations for higher education, and
27 other agencies and institutions, both public and private.

28 5. Formulate suggested policies and plans for the
29 improvement of public education as a whole, or for any

1 segment thereof, and make recommendations with respect
2 thereto available to the appropriate governmental units,
3 agencies and public officials.

4 6. Do such other things as may be necessary or in-
5 cidental to the administration of any of its authority or
6 functions pursuant to this compact.

7 Article IV. Cooperation With Federal Government.

8 SECTION A. If the laws of the United States specifi-
9 cally so provide, or if administrative provision is made
10 therefore within the Federal Government, the United States
11 may be represented on the Commission by not to exceed ten
12 representatives. Any such representative or represent-
13 atives of the United States shall be appointed and serve
14 in such manner as may be provided by or pursuant to
15 Federal law, and may be drawn from any one or more branches
16 of the Federal Government, but no such representative
17 shall have a vote on the Commission.

18 SECTION B. The Commission may provide information
19 and make recommendations to any executive or legislative
20 agency or officer of the Federal Government concerning
21 the common educational policies of the States, and may
22 advise with any such agencies or officers concerning any
23 matter of mutual interest.

24 Article V. Committees.

25 SECTION A. To assist in the expeditious conduct of
26 its business when the full Commission is not meeting, the
27 Commission shall have a steering committee of thirty mem-
28 bers which, subject to the provisions of this compact and
29 consistent with the policies of the Commission, shall be

1 constituted and function as provided in the bylaws of the
2 Commission. One-third of the membership of the steering
3 committee shall consist of Governors, and the remainder
4 shall consist of other members of the Commission. A
5 Federal representative on the Commission may serve with
6 the steering committee, but without vote. The voting
7 members of the steering committee shall serve for terms
8 of two years, except that members elected to the first
9 steering committee of the Commission shall be elected as
10 follows: fifteen for one year and fifteen for two years.
11 The chairman, vice chairman, and treasurer of the Com-
12 mission shall be members of the steering committee and,
13 anything in this paragraph to the contrary notwithstanding,
14 shall serve during their continuance in these offices.
15 Vacancies in the steering committee shall not affect its
16 authority to act, but the Commission at its next regularly
17 ensuing meeting following the occurrence of any vacancy
18 shall fill it for the unexpired term. No person shall
19 serve more than two terms as a member of the steering
20 committee: provided that service for a partial term of
21 one year or less shall not be counted toward the two term
22 limitation.

23 SECTION B. The Commission may establish advisory
24 and technical committees composed of State, local, and
25 Federal officials, and private persons to advise it with
26 respect to any one or more of its functions. Any advisory
27 or technical committee may, on request of the States con-
28 cerned, be established to consider any matter of special
29 concern to two or more of the party States.

1 SECTION C. The Commission may establish such addi-
2 tional committees as its bylaws may provide.

3 Article VI. Finance.

4 SECTION A. The Commission shall advise the Governor
5 or designated officer or officers of each party State of
6 its budget and estimated expenditures for such period as
7 may be required by the laws of that party State. Each of
8 the Commission's budgets of estimated expenditures shall
9 contain specific recommendations of the amount or amounts
10 to be appropriated by each of the party States.

11 SECTION B. The total amount of appropriation requests
12 under any budget shall be apportioned among the party
13 States as follows: one-third in equal shares; and the re-
14 mainder in proportion to the population of each party
15 State as shown in the most recent decennial census of
16 population taken by the United States Bureau of the Census,
17 or any agency successor thereto.

18 SECTION C. The Commission shall not pledge the credit
19 of any party State. The Commission may meet any of its
20 obligations in whole or in part with funds available to
21 it pursuant to Article II (g) of this compact, provided
22 that the Commission takes specific action setting aside
23 such funds prior to incurring an obligation to be met in
24 whole or in part in such manner. Except where the Com-
25 mission makes use of funds available to it pursuant to
26 Article II (g) thereof, the Commission shall not incur any
27 obligation prior to the allotment of funds by the party
28 States adequate to meet the same.

29 SECTION D. The Commission shall keep accurate accounts

1 of all receipts and disbursements. The receipts and dis-
2 bursements of the Commission shall be subject to the audit
3 and accounting procedures established by its bylaws. How-
4 ever, all receipts and disbursements of funds handled by
5 the Commission shall be audited yearly by a qualified
6 public accountant, and the report of the audit shall be
7 included in and become part of the annual reports of the
8 Commission.

9 SECTION E. The accounts of the Commission shall be
10 open at any reasonable time for inspection by duly con-
11 stituted officers of the party States and by any persons
12 authorized by the Commission.

13 SECTION F. Nothing contained herein shall be con-
14 strued to prevent Commission compliance with laws relating
15 to audit or inspection of accounts by or on behalf of any
16 government contributing to the support of the Commission.

17 Article VII. Eligible Parties;

18 Entry Into and Withdrawal.

19 SECTION A. This compact shall have as eligible
20 parties all States, Territories, and Possessions of the
21 United States, the District of Columbia, and the Common-
22 wealth of Puerto Rico. In respect of any such jurisdiction
23 not having a Governor, the term "Governor," as used in
24 this compact, shall mean the closest equivalent official
25 of such jurisdiction.

26 SECTION B. Any State or other eligible jurisdiction
27 may enter into this compact and it shall become binding
28 thereon when it has adopted the same: provided that in
29 order to enter into initial effect, adoption by at least

1 ten eligible party jurisdictions shall be required.

2 SECTION C. Any party State or jurisdiction may with-
3 draw from this compact by enacting a statute repealing the
4 same, but no such withdrawal shall take effect until one
5 year after the Governor of the withdrawing State or other
6 jurisdiction has given notice in writing of the withdrawal
7 to the Governors of all other party States and jurisdictions.
8 No withdrawal shall affect any liability already incurred
9 by or chargeable to a party State or jurisdiction prior
10 to the time of such withdrawal.

11 Article VIII. Construction and Severability.

12 This compact shall be liberally construed so as to
13 effectuate the purposes thereof. The provisions of this
14 compact shall be severable and if any phrase, clause,
15 sentence or provision of this compact is declared to be
16 contrary to the constitution of any State or of the United
17 States, or the applicability thereof to any Government,
18 agency, person or circumstance is held valid, the validity
19 of the remainder of this compact and the applicability
20 thereof to any Government, agency, person or circumstance
21 shall not be affected thereby. If this compact shall be
22 held contrary to the constitution of any State partici-
23 pating therein, the compact shall remain in full force and
24 effect as to the State affected as to all severable matters.

25 Sec. 14.40.720. EXECUTION OF COMPACT BY GOVERNOR.

26 Upon ratification and approval of the Compact for Education
27 by 10 or more of the eligible party jurisdictions, in-
28 cluding the State of Alaska, the governor shall execute
29 the compact on behalf of the state and perform other acts

1 requisite to its formal ratification and promulgation.

2 Sec. 14.40.730. MEMBERS OF THE COMMISSION. (a) One
3 of the commission members shall be the governor; one shall
4 be the State Commissioner of Education; two shall be mem-
5 bers of the state legislature selected by its respective
6 houses and serving in such manner as the legislature may
7 determine; one shall be the president of the State Board
8 of Education; and two shall be appointed at large by and
9 serve at the pleasure of the governor.

10 (b) The terms of office of the at-large members shall
11 be four years; provided, however, that the first members
12 shall be appointed as follows: one for two years, and one
13 for four years. Each member shall hold office until his
14 successor shall be appointed and qualified.

15 (c) The legislative and at-large members of the
16 commission shall not receive any compensation for their
17 services, but they shall receive the travel expenses and
18 per diem provided by AS 39.20.180(2).

19 * Sec. 2. This Act takes effect on the day after its passage
20 and approval or on the day it becomes law without such approval.
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