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Referred: Health, Education &
Social Services and Finance

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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SENATE BILL NO. 522

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act enacting and entering into the Compact for

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Education and designating the members of the Education

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Commission; and providing for an effective date."

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

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

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ARTICLE 8. COMPACT FOR EDUCATION.

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Sec. 14.40.700. Entry into Compact. The Compact for Education is enacted into law and entered into in behalf of the State of Alaska with all other states and jurisdictions legally joining in it in a form substantially as contained in AS 14.40.710.

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Sec. 14.40.710. TERMS AND PROVISIONS OF COMPACT. The terms and provisions of the compact referred to in AS 14.40.700 are as follows:

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COMPACT FOR EDUCATION.

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ARTICLE I. PURPOSE AND POLICY.

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Section A. It is the purpose of this compact to:

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(1) establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels;

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(2) provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education;

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(3) provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative

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1 branches of state government and of local communities may have ready
2 access to the experience and record of the entire country, and so that
3 both lay and professional groups in the field of education may have
4 additional avenues for the sharing of experience and the interchange of
5 ideas in the formation of public policy in education;

6 (4) facilitate the improvement of state and local educational
7 systems so that all of them will be able to meet adequate and desirable
8 goals in a society which requires continuous qualitative and quantita-
9 tive advance in educational opportunities, methods and facilities.

10 Section B. It is the policy of this compact to encourage and
11 promote local and state initiative in the development, maintenance,
12 improvement and administration of educational systems and institutions
13 in a manner which will accord with the needs and advantages of diversity
14 among localities and states.

15 Section C. The party states recognize that each of them has an
16 interest in the quality and quantity of education furnished in each of
17 the other states, as well as in the excellence of its own educational
18 systems and institutions, because of the highly mobile character of
19 individuals within the nation, and because the products and services
20 contributing to the health, welfare and economic advancement of each
21 state are supplied in significant part by persons educated in other
22 states.

23 ARTICLE II. THE COMMISSION.

24 Section A. The Education Commission of the States, hereinafter
25 called "the commission," is hereby established. The commission shall
26 consist of seven members representing each party state. In addition to
27 any other principles or requirements which a state may establish for the
28 appointment and service of its members of the commission, the guiding
29 principle for the composition of the membership on the commission from

1 each party state shall be that the members representing such state
2 shall, by virtue of their training, experience, knowledge or affili-
3 ations be in a position collectively to reflect broadly the interests of
4 the state government, higher education, the state education system,
5 local education and lay and professional public and nonpublic educa-
6 tional leadership. In addition to the members of the commission
7 representing the party states, there may be not to exceed 10 nonvoting
8 commissioners selected by the steering committee for terms of one year.
9 Such commissioners shall represent leading national organizations of
10 professional educators or persons concerned with educational adminis-
11 tration.

12 Section B. The members of the commission shall be entitled to one
13 vote each on the commission. No action of the commission shall be bind-
14 ing unless taken at a meeting at which a majority of the total number of
15 votes on the commission are cast in favor thereof. Action of the com-
16 mission shall be only at a meeting at which a majority of the commis-
17 sioners are present. The commission shall meet at least once a year.
18 In its bylaws, and subject to such directions and limitations as may be
19 contained therein, the commission may delegate the exercise of any of
20 its powers to the steering committee or the executive director, except
21 for the power to approve budgets or requests for appropriations, the
22 power to make policy recommendations pursuant to Article III and
23 adoption of the annual report pursuant to Article II (j).

24 Section C. The commission shall have a seal.

25 Section D. The commission shall elect annually, from among its
26 members, a chairman, who shall be a governor, a vice chairman and a
27 treasurer. The commission shall provide for the appointment of an
28 executive director. Such executive director shall serve at the pleasure
29 of the commission, and together with the treasurer and such other

1 personnel as the commission may deem appropriate shall be bonded in such
2 amount as the commission shall determine. The executive director shall
3 be secretary.

4 Section E. Irrespective of the civil service, personnel or other
5 merit system laws of any of the party states, the executive director
6 subject to the approval of the steering committee shall appoint, remove
7 or discharge such personnel as may be necessary for the performance of
8 the functions of the commission, and shall fix the duties and compensa-
9 tion of such personnel. The commission in its bylaws shall provide for
10 the personnel policies and programs of the commission.

11 Section F. The commission may borrow, accept or contract for the
12 services of personnel from any party jurisdiction, the United States, or
13 any subdivision or agency of the aforementioned governments, or from any
14 agency of two or more of the party jurisdictions or their subdivisions.

15 Section G. The commission may accept for any of its purposes and
16 functions under this compact any and all donations, and grants of money,
17 equipment, supplies, materials and services, conditional or otherwise,
18 from any state, the United States, or any other governmental agency, or
19 from any person, firm, association, foundation, or corporation, and may
20 receive, utilize and dispose of the same. Any donation or grant
21 accepted by the commission pursuant to this paragraph or services
22 borrowed pursuant to paragraph (f) of this article shall be reported in
23 the annual report of the commission. Such report shall include the
24 nature, amount and conditions, if any, of the donation, grant, or
25 services borrowed, and the identity of the donor or lender.

26 Section H. The commission may establish and maintain such facili-
27 ties as may be necessary for the transacting of its business. The
28 commission may acquire, hold, and convey real and personal property and
29 any interest therein.

1 Section I. The commission shall adopt bylaws for the conduct of
2 its business and shall have the power to amend and rescind these bylaws.
3 The commission shall publish its bylaws in convenient form and shall
4 file a copy thereof and a copy of any amendment thereto, with the
5 appropriate agency or officer in each of the party states.

6 Section J. The commission annually shall make to the governor and
7 legislature of each party state a report covering the activities of the
8 commission for the preceding year. The commission may make such
9 additional reports as it may deem desirable.

10 ARTICLE III. POWERS.

11 In addition to authority conferred on the commission by other
12 provisions of the compact, the commission shall have authority to:

13 (1) collect, correlate, analyze and interpret information and
14 data concerning educational needs and resources;

15 (2) encourage and foster research in all aspects of educa-
16 tion, but with special reference to the desirable scope of instruction,
17 organization, administration, and instructional methods and standards
18 employed or suitable for employment in public educational systems;

19 (3) develop methods for adequate financing of education as a
20 whole and at each of its may levels;

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

27 (5) formulate suggested policies and plans for the improve-
28 ment of public education as a whole, or for any segment thereof, and
29 make recommendations with respect thereto available to the appropriate

1 governmental units, agencies and public officials;

2 (6) do such other things as may be necessary or incidental to
3 the administration of any of its authority or functions pursuant to this
4 compact.

5 ARTICLE IV. COOPERATION WITH FEDERAL GOVERNMENT.

6 Section A. If the laws of the United States specifically so
7 provide, or if administrative provision is made therefor within the
8 federal government, the United States may be represented on the com-
9 mission by not to exceed 10 representatives. Any such representative or
10 representatives of the United States shall be appointed and serve in
11 such manner as may be provided by or pursuant to federal law, and may be
12 drawn from any one or more branches of the federal government, but no
13 such representative shall have a vote on the commission.

14 Section B. The commission may provide information and make
15 recommendations to any executive or legislative agency or officer of the
16 federal government concerning the common educational policies of the
17 states, and may advise with any such agencies or officers concerning any
18 matter of mutual interest.

19 ARTICLE V. COMMITTEES.

20 Section A. To assist in the expeditious conduct of its business
21 when the full commission is not meeting, the commission shall have a
22 steering committee of 32 members which, subject to the provisions of
23 this compact and consistent with the policies of the commission, shall
24 be constituted and function as provided in the bylaws of the commission.
25 One-fourth of the membership of the steering committee shall consist of
26 governors, one-fourth shall consist of legislators, and the remainder
27 shall consist of other members of the commission. A federal representa-
28 tive on the commission may serve with the steering committee, but
29 without vote. The voting members of the steering committee shall serve

1 for terms of two years, except that members elected to the first
2 steering committee of the commission shall be elected as follows: 16 for
3 one year and 16 for two years. The chairman, vice chairman, and
4 treasurer of the commission shall be members of the steering committee
5 and, anything in this paragraph to the contrary notwithstanding, shall
6 serve during their continuance in these offices. Vacancies in the
7 steering committee shall not affect its authority to act, but the
8 commission at its next regularly ensuing meeting following the occur-
9 rence of any vacancy shall fill it for the unexpired term. No person
10 shall serve more than two terms as a member of the steering committee;
11 provided that service for a partial term of one year or less shall not
12 be counted toward the two term limitation.

13 Section B. The commission may establish advisory and technical
14 committees composed of state, local and federal officials, and private
15 persons to advise it with respect to any one or more of its functions.
16 Any advisory or technical committee may, on request of the states
17 concerned, be established to consider any matter of special concern to
18 two or more of the party states.

19 Section C. The commission may establish such additional committees
20 as its bylaws may provide.

21 ARTICLE VI. FINANCE.

22 Section A. The commission shall advise the governor or designated
23 officer or officers of each party state of its budget and estimated
24 expenditures for such period as may be required by the laws of that
25 party state. Each of the commission's budgets of estimated expenditures
26 shall contain specific recommendations of the amount or amounts to be
27 appropriated by each of the party states.

28 Section B. The total amount of appropriation requests under any
29 budget shall be apportioned among the party states as follows: one-third

1 in equal shares; and the remainder in proportion to the population of
2 each party state as shown in the most recent decennial census of popula-
3 tion taken by the United States Bureau of the Census, or any agency
4 successor thereto.

5 Section C. The commission shall not pledge the credit of any party
6 state. The commission may meet any of its obligations in whole or in
7 part with funds available to it pursuant to article II(g) of this com-
8 pact, provided that the commission takes specific action setting aside
9 such funds prior to incurring an obligation to be met in whole or in
10 part in such manner. Except where the commission makes use of funds
11 available to it pursuant to article II(g) thereof, the commission shall
12 not incur any obligation prior to the allotment of funds by the party
13 states adequate to meet the same.

14 Section D. The commission shall keep accurate accounts of all
15 receipts and disbursements. The receipts and disbursements of the
16 commission shall be subject to the audit and accounting procedures
17 established by its bylaws. However, all receipts and disbursement of
18 funds handled by the commission shall be audited yearly by a qualified
19 public accountant, and the report of the audit shall be included in and
20 become part of the annual reports of the commission.

21 Section E. The accounts of the commission shall be open at any
22 reasonable time for inspection by duly constituted officers of the party
23 states and by any persons authorized by the commission.

24 Section F. Nothing contained herein shall be construed to prevent
25 commission compliance with laws relating to audit or inspection of
26 accounts by or on behalf of any government contributing to the support
27 of the commission.

28 **ARTICLE VII. ELIGIBLE PARTIES: ENTRY INTO AND WITHDRAWAL.**

29 Section A. This compact shall have as eligible parties all states,

1 territories, and possessions of the United States, the District of
2 Columbia, and the Commonwealth of Puerto Rico. In respect of any such
3 jurisdiction not having a governor, the term "governor," as used in this
4 compact, shall mean the closest equivalent official of such jurisdic-
5 tion.

6 Section B. Any state or other eligible jurisdiction may enter into
7 this compact and it shall become binding thereon when it has adopted the
8 same; provided that in order to enter into initial effect, adoption by
9 at least 10 eligible party jurisdictions shall be required.

10 Section C. Any party state or jurisdiction may withdraw from this
11 compact by enacting a statute repealing the same, but no such withdrawal
12 shall take effect until one year after the governor of the withdrawing
13 state or other jurisdiction has given notice in writing of the with-
14 drawal to the governors of all other party states and jurisdictions. No
15 withdrawal shall affect any liability already incurred by or chargeable
16 to a party state or jurisdiction prior to the time of such withdrawal.

17 ARTICLE VIII. CONSTRUCTION AND SEVERABILITY.

18 This compact shall be liberally construed so as to effectuate the
19 purposes thereof. The provisions of this compact shall be severable and
20 if any phrase, clause, sentence or provision of this compact is declared
21 to be contrary to the constitution of any state or of the United States,
22 or the applicability thereof to any government, agency, person or
23 circumstance is held invalid, the validity of the remainder of this
24 compact and the applicability thereof to any government, agency, person,
25 or circumstance shall not be affected thereby. If this compact shall be
26 held contrary to the constitution of any state participating therein,
27 the compact shall remain in full force and effect as to the state
28 affected as to all severable matters.

29 ARTICLE IX. STATE DEFINED.

1 As used in this compact, "state," means a state, territory, or
2 possession of the United States, the District of Columbia or the
3 Commonwealth of Puerto Rico.

4 Sec. 14.40.720. MEMBERS OF THE COMMISSION. (a) One of the com-
5 mission members shall be the governor; one shall be the state commis-
6 sioner of education; two shall be members of the state legislature
7 selected by its respective houses and serving in the manner the legis-
8 lature may determine; one shall be the president of the state Board of
9 Education; and two shall be appointed at large by and serve at the
10 pleasure of the governor.

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

15 (c) The legislative and at-large members of the commission serve
16 without compensation but are entitled to per diem and travel expenses
17 provided by law for other state boards and commissions.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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