

Original sponsor: Health, Education and
Social Services Committee

Offered: 5/27/80
Referred: Rules

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 522

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act enacting and entering into the Compact for
7 Education and designating the members of the Education
8 Commission; adopting the Interstate Correction Compact;
9 and providing for an effective date."

10

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
14 enacted into law and entered into in behalf of the State of Alaska with
15 all other states and jurisdictions legally joining in it in a form
16 substantially as contained in AS 14.40.710.

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

19

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 understand-
23 ing among executive, legislative, professional educational and lay
24 leadership on a nationwide basis at the state and local levels;

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(2) provide a forum for the discussion, development, crystal-
26 lization and recommendation of public policy alternatives in the field
27 of education;

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(3) provide a clearinghouse of information on matters
29 relating to educational problems and how they are being met in different

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

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

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

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

24 ARTICLE II. THE COMMISSION.

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

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

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

25 Section C. The commission shall have a seal.

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

1 of the commission, and together with the treasurer and such other
2 personnel as the commission may deem appropriate shall be bonded in such
3 amount as the commission shall determine. The executive director shall
4 be secretary.

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

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

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

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

1 any interest therein.

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

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

11 ARTICLE III. POWERS.

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

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

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

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

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

28 (5) formulate suggested policies and plans for the improve-
29 ment of public education as a whole, or for any segment thereof, and

1 make recommendations with respect thereto available to the appropriate
2 governmental units, agencies and public officials;

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

6 ARTICLE IV. COOPERATION WITH FEDERAL GOVERNMENT.

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

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

20 ARTICLE V. COMMITTEES.

21 Section A. To assist in the expeditious conduct of its business
22 when the full commission is not meeting, the commission shall have a
23 steering committee of 32 members which, subject to the provisions of
24 this compact and consistent with the policies of the commission, shall
25 be constituted and function as provided in the bylaws of the commission.
26 One-fourth of the membership of the steering committee shall consist of
27 governors, one-fourth shall consist of legislators, and the remainder
28 shall consist of other members of the commission. A federal representa-
29 tive on the commission may serve with the steering committee, but

1 without vote. The voting members of the steering committee shall serve
2 for terms of two years, except that members elected to the first
3 steering committee of the commission shall be elected as follows: 16 for
4 one year and 16 for two years. The chairman, vice chairman, and
5 treasurer of the commission shall be members of the steering committee
6 and, anything in this paragraph to the contrary notwithstanding, shall
7 serve during their continuance in these offices. Vacancies in the
8 steering committee shall not affect its authority to act, but the
9 commission at its next regularly ensuing meeting following the occur-
10 rence of any vacancy shall fill it for the unexpired term. No person
11 shall serve more than two terms as a member of the steering committee;
12 provided that service for a partial term of one year or less shall not
13 be counted toward the two term limitation.

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

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

22 ARTICLE VI. FINANCE.

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

29 Section B. The total amount of appropriation requests under any

1 budget shall be apportioned among the party states as follows: one-third
2 in equal shares; and the remainder in proportion to the population of
3 each party state as shown in the most recent decennial census of popula-
4 tion taken by the United States Bureau of the Census, or any agency
5 successor thereto.

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

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

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

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

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

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

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

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

18 ARTICLE VIII. CONSTRUCTION AND SEVERABILITY.

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

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ARTICLE IX. STATE DEFINED.

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

Sec. 14.40.720. MEMBERS OF THE COMMISSION. (a) One of the commission members shall be the governor; one shall be the state commissioner of education; two shall be members of the state legislature selected by its respective houses and serving in the manner the legislature may determine; one shall be the president of the state Board of Education; and two shall be appointed at large by and serve at the pleasure of the governor.

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

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

* Sec. 2. AS 33 is amended by adding a new chapter to read:

CHAPTER 27. INTERSTATE CORRECTIONS COMPACT.

Sec. 33.27.010. COMPACT ENACTED. The Interstate Corrections Compact as contained in this section is enacted into law and entered into on behalf of the State of Alaska with any other states legally joining in it in a form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

Purpose and Policy

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for

1 the confinement, treatment and rehabilitation of various types of
2 offenders, declare that it is the policy of each of the party states to
3 provide those facilities and programs on a basis of cooperation with one
4 another, thereby serving the best interests of the offenders and of
5 society and effecting economies in capital expenditures and operational
6 costs. The purpose of this compact is to provide for the mutual
7 development and execution of programs of cooperation for the confine-
8 ment, treatment and rehabilitation of offenders with the most economical
9 use of human and material resources.

10 ARTICLE II

11 Definitions

12 As used in this compact, unless the context clearly requires
13 otherwise:

14 (a) "State" means a state of the United States, the United States
15 of America, a territory or possession of the United States, the District
16 of Columbia, the Commonwealth of Puerto Rico.

17 (b) "Sending state" means a state party to this compact in which
18 conviction or court commitment was had.

19 (c) "Receiving state" means a state party to this compact to which
20 an inmate is sent for confinement other than a state in which conviction
21 or court commitment was had.

22 (d) "Inmate" means a male or female offender who is committed,
23 under sentence to or confined in a penal or correctional institution.

24 (e) "Institution" means any penal or correctional facility,
25 including but not limited to a facility for the mentally ill or mentally
26 defective, in which inmates, as defined in (d) of this article, may
27 lawfully be confined.

28 ARTICLE III

29 Contracts

1 (a) Each party state may make one or more contracts with any one
2 or more of the other party states for the confinement of inmates on
3 behalf of a sending state in institutions situated within receiving
4 states. Such a contract shall provide for:

5 (1) its duration;

6 (2) payments to be made to the receiving state by the sending
7 state for inmate maintenance, extraordinary medical and dental expenses,
8 and the participation in or receipt by inmates of rehabilitative or
9 correctional services, facilities, programs or treatment not reasonably
10 included as part of normal maintenance;

11 (3) participation in programs of inmate employment, if any;
12 the disposition or crediting of any payments received by inmates on
13 account of their employment; and the crediting of proceeds from or
14 disposal of any products resulting from their employment;

15 (4) delivery and retaking of inmates;

16 (5) other matters as may be necessary and appropriate to fix
17 the obligations, responsibilities and rights of the sending and re-
18 ceiving states.

19 (b) The terms and provisions of this compact shall be a part of a
20 contract entered into under this compact, and nothing in such a contract
21 may be inconsistent with this compact.

22 ARTICLE IV

23 Procedures and Rights

24 (a) Whenever the duly constituted authorities in a state party to
25 this compact, which state has entered into a contract under Article III,
26 decide that confinement in, or transfer of an inmate to, an institution
27 within the territory of another party state is necessary or desirable in
28 order to provide adequate quarters and care or an appropriate program of
29 rehabilitation or treatment, those authorities may direct that the

1 confinement be in an institution within the territory of the other party
2 state, the receiving state to act in that regard solely as agent for the
3 sending state.

4 (b) The appropriate officials of a state party to this compact
5 shall have access, at all reasonable times, to an institution in which
6 it has a contractual right to confine inmates, for the purpose of
7 inspecting the facilities of the institution and visiting those of its
8 inmates who may be confined in the institution.

9 (c) Inmates confined in an institution under this compact are at
10 all times subject to the jurisdiction of the sending state and may at
11 any time be removed from the institution for transfer to a prison or
12 other institution in the sending state, for transfer to another in-
13 stitution in which the sending state may have a contractual or other
14 right to confine inmates, for release on probation or parole, for
15 discharge, or for any other purpose permitted by the laws of the sending
16 state; however, the sending state continues to be obligated to make any
17 payments that may be required under a contract entered into under the
18 terms of Article III of this compact.

19 (d) A receiving state shall provide regular reports to a sending
20 state on the inmates of that sending state in institutions under this
21 compact, including a conduct record of each inmate, and certify that
22 record to the official designated by the sending state in order that
23 each inmate may have official review of his or her record in determining
24 and altering the disposition of that inmate in accordance with the law
25 in the sending state and in order that the record may be a source of
26 information for the sending state.

27 (e) All inmates who may be confined in an institution under the
28 provisions of this compact shall be treated in a reasonable and humane
29 manner and shall be treated equally with similar inmates of the re-

1 ceiving state as may be confined in the same institution.

2 (f) Any hearing to which an inmate, confined under this compact,
3 may be entitled by the laws of the sending state may be had before the
4 appropriate authorities of the sending state or of the receiving state
5 if authorized by the sending state. The receiving state shall provide
6 adequate facilities for those hearings which may be conducted by the
7 appropriate officials of a sending state. If a hearing is had before
8 officials of the receiving state, the governing law shall be that of the
9 sending state and a record of the hearing as prescribed by the sending
10 state shall be made. That record together with any recommendations of
11 the hearing officials shall be transmitted immediately to the officials
12 before whom the hearing would have been had if it had taken place in the
13 sending state. In a proceeding had under the provisions of this sub-
14 section, the officials of the receiving state shall act solely as agents
15 of the sending state and no final determination may be made in any
16 matter except by the appropriate officials of the sending state.

17 (g) An inmate confined under this compact shall be released within
18 the territory of the sending state unless the inmate, and the sending
19 and receiving states, agree upon release in some other place. The
20 sending state shall bear the cost of the return of an inmate to its
21 territory.

22 (h) An inmate confined under the terms of this compact has all
23 rights to participate in and derive any benefits or incur or be relieved
24 of any obligations or have those obligations modified or his status
25 changed on account of an action or proceeding in which he could have
26 participated if confined in an appropriate institution of the sending
27 state located in that state.

28 (i) The parent, guardian, trustee, or other person or persons
29 entitled under the laws of the sending state to act for or otherwise

1 function with respect to an inmate may not be deprived of or restricted
2 in the exercise of any power in respect to an inmate confined under the
3 terms of this compact.

4 ARTICLE V

5 Acts Not Reviewable in Receiving State: Extradition

6 (a) A decision of the sending state in respect to a matter over
7 which it retains jurisdiction under this compact is conclusive upon and
8 not reviewable in the receiving state, but if at the time the sending
9 state seeks to remove an inmate from an institution in the receiving
10 state there is pending against the inmate in that state any criminal
11 charge or if the inmate is formally accused of having committed in that
12 state a criminal offense, the inmate may not be returned without the
13 consent of the receiving state until discharged from prosecution or
14 other form of proceeding, imprisonment or detention for the offense.
15 The duly accredited officers of the sending state shall be permitted to
16 transport inmates under this compact through any state party to this
17 compact without interference.

18 (b) An inmate who escapes from an institution in which he is
19 confined under this compact is considered a fugitive from the sending
20 state and from the state in which the institution is situated. In the
21 case of an escape to a jurisdiction other than the sending or receiving
22 state, the responsibility for institution of extradition or rendition
23 proceedings is that of the sending state, but nothing contained in this
24 compact may be construed to prevent or affect the activities of officers
25 and agencies of any jurisdiction directed toward the apprehension and
26 return of an escapee.

27 ARTICLE VI

28 Federal Aid

29 A state party to this compact may accept federal aid for use in

1 connection with any institution or program, the use of which is or may
2 be affected by this compact or a contract under it and an inmate in a
3 receiving state under this compact may participate in a federally aided
4 program or activity for which the sending and receiving states have made
5 contractual provision; however, if the program or activity is not part
6 of the customary correctional regimen, the express consent of the
7 appropriate official of the sending state shall be required.

8 ARTICLE VII

9 Becoming Effective

10 When this compact has been enacted into law by any two states, it
11 becomes effective and binding upon them. Thereafter, this compact
12 becomes effective and binding as to any other state upon similar action
13 by that state.

14 ARTICLE VIII

15 Withdrawal and Termination

16 This compact continues in force and remains binding upon a party
17 state until the state enacts a statute repealing the compact and
18 providing for sending formal written notice of withdrawal from the
19 compact to the appropriate officials of all other party states. An
20 actual withdrawal does not take effect until one year after the notices
21 provided in the statute have been sent. A withdrawal does not relieve
22 the withdrawing state from its obligations assumed under this compact
23 before the effective date of withdrawal. Before the effective date of
24 withdrawal, a withdrawing state shall remove to its territory, at its
25 own expense, those inmates it may have confined under the provisions of
26 this compact.

27 ARTICLE IX

28 Other Arrangements Unaffected

29 Nothing contained in this compact may be construed to abrogate or

1 impair any agreement or other arrangement which a party state may have
2 with a nonparty state for the confinement, rehabilitation or treatment
3 of inmates nor to repeal any other laws of a party state authorizing the
4 making of cooperative institutional arrangements.

5 ARTICLE X

6 Construction and Severability

7 The provisions of this compact shall be liberally construed and are
8 severable. If any phrase, clause, sentence or provision of this compact
9 is declared to be contrary to the constitution of a participating state
10 or of the United States, or the applicability of it to a government,
11 agency, person or circumstance is held invalid, the validity of the
12 remainder of this compact and the applicability of it to a government,
13 agency, person or circumstance is not affected by that holding. If this
14 compact is held contrary to the constitution of a state participating in
15 it, the compact shall remain in full force and effect as to the remain-
16 ing states and in full force and effect as to the state affected as to
17 all severable matters.

18 Sec. 33.27.020. COMMITMENT OR TRANSFER OF INMATES UNDER COMPACT.

19 An agency or officer of the State of Alaska having power to commit or
20 transfer an inmate to an institution for confinement may commit or
21 transfer the inmate to an institution inside or outside the State of
22 Alaska, if the State of Alaska has entered into a contract for the
23 confinement of inmates in the institution under Article III of the
24 Interstate Corrections Compact.

25 Sec. 33.27.030. ENFORCEMENT OF COMPACT. The courts, departments,

26 agencies, and officers of the State of Alaska and its subdivisions shall
27 enforce the Interstate Corrections Compact and shall do all things
28 appropriate to carry out its purposes and intent which may be within
29 their respective jurisdictions but not limited to making and submitting

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required reports.

Sec. 33.27.040. IMPLEMENTATON. The commissioner of health and social services or his designee shall do all things necessary or incidental to the carrying out of the Interstate Corrections Compact. However, no contract is of any force or effect until approved by the commissioner of administration.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-070(c).