

REFERENCE TITLE: technical correction; education; interstate compacts

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1007

Introduced by
Senator Begay

AN ACT

AMENDING SECTION 15-1901, ARIZONA REVISED STATUTES; RELATING TO INTERSTATE
COMPACTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1901, Arizona Revised Statutes, is amended to
3 read:

4 15-1901. Authority of governor to enter compact; terms of
5 compact for education

6 The governor is authorized in the name of this state to join with other
7 states legally joining in the compact for education, which compact shall be
8 in the following form:

9 COMPACT FOR EDUCATION

10 ARTICLE I-PURPOSE AND POLICY

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

12 1. Establish and maintain close cooperation and understanding among
13 executive, legislative, professional educational and lay leadership on a
14 nationwide basis at the state and local levels.

15 2. Provide a forum for the discussion, development, crystallization
16 and recommendation of public policy alternatives in the field of education.

17 3. Provide a clearinghouse of information on matters relating to
18 educational problems and how they are being met in different places
19 throughout the nation, so that the executive and legislative branches of
20 state government and of local communities may have ready access to the
21 experience and record of the entire country and so that both lay and
22 professional groups in the field of education may have additional avenues for
23 the sharing of experience and the interchange of ideas in the formation of
24 public policy in education.

25 4. Facilitate the improvement of state and local educational systems
26 so that they will be able to meet adequate and desirable goals in a society
27 which requires continuous qualitative and quantitative advance in educational
28 opportunities, methods and facilities.

29 Section B. It is the policy of this compact to encourage and promote
30 local and state initiative in the development, maintenance, improvement and
31 administration of educational systems and institutions in a manner which will
32 accord with the needs and advantages of diversity among localities and
33 states.

34 Section C. The party states recognize that each has an interest in the
35 quality and quantity of education furnished in each of the other states, as
36 well as in the excellence of its own educational systems and institutions,
37 because of the highly mobile character of individuals within the nation and
38 because the products and services contributing to the health, welfare and
39 economic advancement of each state are supplied in significant part by
40 persons educated in other states.

41 ARTICLE II-STATE DEFINED

42 ~~As used in~~ FOR THE PURPOSES OF this compact, "state" means a state,
43 territory or possession of the United States, the District of Columbia or the
44 Commonwealth of Puerto Rico.

ARTICLE III-THE COMMISSION

1
2 Section A. The education commission of the states, hereinafter called
3 "the commission", is hereby established. The commission shall consist of
4 seven members representing each party state. Four shall be members of the
5 state legislature, two selected by the president of the senate and two
6 selected by the speaker of the house of representatives and serving in such
7 manner as the legislature may determine and three shall be appointed by and
8 serve at the pleasure of the governor, unless the laws of the state otherwise
9 provide. In addition to any other principles or requirements which a state
10 may establish for the appointment and service of its members of the
11 commission, the guiding principle for the composition of the membership on
12 the commission from each party state shall be that the members representing
13 the state shall, by virtue of their training, experience, knowledge or
14 affiliations, be in a position collectively to reflect broadly the interests
15 of the state government, higher education, the state education system, local
16 education and lay and professional public and nonpublic educational
17 leadership. Of the gubernatorial appointees, one shall be the head of a
18 state agency or institution, designated by the governor, having
19 responsibility for one or more programs of public education. In addition to
20 the members of the commission representing the party states, there may be,
21 not to exceed ten, nonvoting commissioners selected by the steering committee
22 for terms of one year. The nonvoting commissioners shall represent leading
23 national organizations of professional educators or persons concerned with
24 educational administration.

25 Section B. The members of the commission shall be entitled to one vote
26 each on the commission. No action of the commission shall be binding unless
27 taken at a meeting at which a majority of the total number of votes on the
28 commission are cast in favor thereof. Action of the commission shall be only
29 at a meeting at which a majority of the commissioners are present. The
30 commission shall meet at least once a year. In its bylaws, and subject to
31 such directions and limitations as may be contained therein, the commission
32 may delegate the exercise of any of its powers to the steering committee or
33 the executive director, except for the power to approve budgets or requests
34 for appropriations, the power to make policy recommendations pursuant to
35 article IV and adoption of the annual report pursuant to section J of this
36 article.

37 Section C. The commission shall have a seal.

38 Section D. The commission shall elect annually, from among its
39 members, a chairman, who shall be a governor, a vice-chairman and a
40 treasurer. The commission shall provide for the appointment of an executive
41 director. The executive director shall serve at the pleasure of the
42 commission and, together with the treasurer and such other personnel as the
43 commission may deem appropriate, shall be bonded in such amount as the
44 commission shall determine. The executive director shall be the secretary.

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

8 Section F. The commission may borrow, accept or contract for the
9 services of personnel from any party jurisdiction, the United States or any
10 subdivision or agency of such governments, or from any agency of two or more
11 of the party jurisdictions or their subdivisions.

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

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

25 Section I. The commission shall adopt bylaws for the conduct of its
26 business and shall have the power to amend and rescind such bylaws. The
27 commission shall publish its bylaws in convenient form and shall file a copy
28 of the bylaws and a copy of any amendment to the bylaws with the appropriate
29 agency or officer in each of the party states.

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

34 ARTICLE IV-POWERS

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

37 1. Collect, correlate, analyze and interpret information and data
38 concerning educational needs and resources.

39 2. Encourage and foster research in all aspects of education, but with
40 special reference to the desirable scope of instruction, organization,
41 administration and instructional methods and standards employed or suitable
42 for employment in public educational systems.

43 3. Develop proposals for adequate financing of education as a whole
44 and at each of its many levels.

1 4. Conduct or participate in research of the types referred to in this
2 article in any instance where the commission finds that such research is
3 necessary for the advancement of the purposes and policies of this compact,
4 utilizing fully the resources of national associations, regional compact
5 organizations for higher education and other agencies and institutions, both
6 public and private.

7 5. Formulate suggested policies and plans for the improvement of
8 public education as a whole, or for any segment of public education, and make
9 recommendations with respect thereto available to the appropriate
10 governmental units, agencies and public officials.

11 6. Do such other things as may be necessary or incidental to the
12 administration of any of its authority or functions pursuant to this compact.

13 ARTICLE V-COOPERATION WITH FEDERAL GOVERNMENT

14 Section A. If the laws of the United States specifically so provide,
15 or if administrative provision is made therefor within the federal
16 government, the United States may be represented on the commission by not to
17 exceed ten representatives. Any representative or representatives of the
18 United States shall be appointed and serve in such manner as may be provided
19 by or pursuant to federal law and may be drawn from any one or more branches
20 of the federal government, but no such representative shall have a vote on
21 the commission.

22 Section B. The commission may provide information and make
23 recommendations to any executive or legislative agency or officer of the
24 federal government concerning the common educational policies of the states
25 and may advise with any such agencies or officers concerning any matter of
26 mutual interest.

27 ARTICLE VI-COMMITTEES

28 Section A. To assist in the expeditious conduct of its business when
29 the full commission is not meeting, the commission shall elect a steering
30 committee of thirty-two members which, subject to the provisions of this
31 compact and consistent with the policies of the commission, shall be
32 constituted and function as provided in the bylaws of the commission.
33 One-fourth of the voting membership of the steering committee shall consist
34 of governors, one-fourth shall consist of legislators and the remainder shall
35 consist of other members of the commission. A federal representative on the
36 commission may serve with the steering committee, but without vote. The
37 voting members of the steering committee shall serve for terms of two years,
38 except that members elected to the first steering committee of the commission
39 shall be elected as follows: sixteen for one year and sixteen for two years.
40 The chairman, vice-chairman and treasurer of the commission shall be members
41 of the steering committee and, anything in this section to the contrary
42 notwithstanding, shall serve during their continuance in these offices.
43 Vacancies in the steering committee shall not affect its authority to act,
44 but the commission at its next regularly ensuing meeting following the
45 occurrence of any vacancy shall fill it for the unexpired term. No person

1 shall serve more than two terms as a member of the steering committee,
2 provided that service for a partial term of one year or less shall not be
3 counted toward the two term limitation.

4 Section B. The commission may establish advisory and technical
5 committees composed of state, local and federal officials and private persons
6 to advise it with respect to any one or more of its functions. Any advisory
7 or technical committee may, on request of the states concerned, be
8 established to consider any matter of special concern to two or more of the
9 party states.

10 Section C. The commission may establish such additional committees as
11 its bylaws may provide.

12 ARTICLE VII-FINANCE

13 Section A. The commission shall advise the governor or designated
14 officer or officers of each party state of its budget and estimated
15 expenditures for such period as may be required by the laws of that party
16 state. Each of the commissioner's budgets of estimated expenditures shall
17 contain specific recommendations of the amount or amounts to be appropriated
18 by each of the party states.

19 Section B. The total amount of appropriation requests under any budget
20 shall be apportioned among the party states. In making the apportionment,
21 the commission shall devise and employ a formula which takes equitable
22 account of the populations and per capita income levels of the party states.

23 Section C. The commission shall not pledge the credit of any party
24 state. The commission may meet any of its obligations in whole or in part
25 with funds available to it pursuant to article III, section G of this
26 compact, provided that the commission takes specific action setting aside
27 such funds prior to incurring an obligation to be met in whole or in part in
28 such manner. Except where the commission makes use of funds available to it
29 pursuant to article III, section G, the commission shall not incur any
30 obligation prior to the allotment of funds by the party states adequate to
31 meet the same.

32 Section D. The commission shall keep accurate accounts of all receipts
33 and disbursements. The receipts and disbursements of the commission shall be
34 subject to the audit and accounting procedures established by its bylaws.
35 All receipts and disbursements of funds handled by the commission shall be
36 audited yearly by a qualified public accountant, and the report of the audit
37 shall be included in and become part of the annual reports of the commission.

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

41 Section F. Nothing contained herein shall be construed to prevent
42 commission compliance with laws relating to audit or inspection of accounts
43 by or on behalf of any government contributing to the support of the
44 commission.

1 ARTICLE VIII-ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL

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

7 Section B. Any state or other eligible jurisdiction may enter into
8 this compact, and it shall become binding when it has adopted the compact.

9 Section C. Any party state may withdraw from this compact by enacting
10 a statute repealing the compact. No withdrawal shall affect any liability
11 already incurred by or chargeable to a party state prior to the time of such
12 withdrawal.

13 ARTICLE IX-CONSTRUCTION AND SEVERABILITY

14 The provisions of this compact shall be severable and if any phrase,
15 clause, sentence or provision of this compact is declared to be contrary to
16 the constitution of any state or of the United States, or if the application
17 thereof to any government, agency, person or circumstance is held invalid,
18 the validity of the remainder of this compact and the applicability of the
19 compact to any government, agency, person or circumstance shall not be
20 affected thereby. If this compact shall be held contrary to the constitution
21 of any state participating therein, the compact shall remain in full force
22 and effect as to the state affected as to all severable matters.