

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 241
Senate Education Committee Substitute Adopted 6/13/91

Short Title: N.C. Education Council Abolished.

(Public)

Sponsors:

Referred to:

March 14, 1991

A BILL TO BE ENTITLED
AN ACT TO ABOLISH THE NORTH CAROLINA EDUCATION COUNCIL AND
TO MAKE CONFORMING TECHNICAL CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-104 reads as rewritten:

"§ 115C-104. Enactment of Compact.

The Compact for Education is hereby entered into and enacted into law, with all jurisdictions legally joining ~~therein,~~ therein. Pursuant to Article III(9) of the Compact, the commission shall file a copy of its bylaws and any amendment thereto with the Secretary of State of North Carolina. ~~in the~~ The form of the Compact is substantially as follows:

COMPACT FOR EDUCATION.

ARTICLE I. POLICY AND PURPOSE.

It is the purpose of this Compact to:

- (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.
- (2) Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.
- (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 branches of state government and of local communities may have ready access to

1 the experience and record of the entire country, and so that both lay
2 and professional groups in the field of education may have additional
3 avenues for the sharing of experience and the interchange of ideas in
4 the formation of public policy in education.

5 (4) Facilitate the improvement of state and local educational systems so
6 that all of them will be able to meet adequate and desirable goals in a
7 society which requires continuous qualitative and quantitative
8 advances in educational opportunities, methods and facilities.

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

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

22 **ARTICLE II. STATE DEFINED.**

23 As used in this Compact, 'state' means a state, territory or possession of the United
24 States, the District of Columbia, or the Commonwealth of Puerto Rico.

25 **ARTICLE III. THE COMMISSION.**

26 (1) The education commission of the states, hereinafter called 'the
27 commission,' is hereby established. The commission shall consist of
28 seven members representing each party state. One of such members
29 shall be the governor; two shall be members of the state legislature
30 selected by its respective houses and serving in such manner as the
31 legislature may determine; and four shall be appointed by and serve at
32 the pleasure of the governor, unless the laws of the state otherwise
33 provide. If the laws of a state prevent legislators from serving on the
34 commission, six members shall be appointed and serve at the pleasure
35 of the governor, unless the laws of the state otherwise provide. In
36 addition to any other principles or requirements which a state may
37 establish for the appointment and service of its members of the
38 commission, the guiding principle for the composition of the
39 membership on the commission from each party state shall be that the
40 members representing such state shall, by virtue of their training,
41 experience, knowledge or affiliations be in a position collectively to
42 reflect broadly the interests of the state government, higher education,
43 the state education system, local education, lay and professional,
44 public and nonpublic educational leadership. Of those appointees, one

1 shall be the head of a state agency or institution, designated by the
2 governor, having responsibility for one or more programs of public
3 education. In addition to the members of the commission representing
4 the party states, there may be not to exceed 10 nonvoting
5 commissioners selected by the steering committee for terms of one
6 year. Such commissioners shall represent leading national
7 organizations of professional educators or persons concerned with
8 educational administration.

9 (2) The members of the commission shall be entitled to one vote each on
10 the commission. No action of the commission shall be binding unless
11 taken at a meeting at which a majority of the total number of votes on
12 the commission are cast in favor thereof. Action of the commission
13 shall be only at a meeting at which a majority of the commissioners are
14 present. The commission shall meet at least once a year. In its bylaws,
15 and subject to such directions and limitations as may be contained
16 therein, the commission may delegate the exercise of any of its powers
17 to the steering committee or the executive director, except for the
18 power to approve budgets or requests for appropriations, the power to
19 make policy recommendations pursuant to Article IV and adoption of
20 the annual report pursuant to Article III(10).

21 (3) The commission shall have a seal.

22 (4) The commission shall elect annually, from among its members, a
23 chairman, who shall be a governor, a vice-chairman and a treasurer.
24 The commission shall provide for the appointment of an executive
25 director. Such executive director shall serve at the pleasure of the
26 commission, and together with the treasurer and such other personnel
27 as the commission may deem appropriate shall be bonded in such
28 amount as the commission shall determine. The executive director
29 shall be secretary.

30 (5) Irrespective of the civil service, personnel or other merit system laws
31 of any of the party states, the executive director subject to the approval
32 of the steering committee shall appoint, remove or discharge such
33 personnel as may be necessary for the performance of the functions of
34 the commission, and shall fix the duties and compensation of such
35 personnel. The commission in its bylaws shall provide for the
36 personnel policies and programs of the commission.

37 (6) The commission may borrow, accept or contract for the services of
38 personnel from any party jurisdiction, the United States, or any
39 subdivision or agency of the aforementioned governments, or from any
40 agency of two or more of the party jurisdictions or their subdivisions.

41 (7) The commission may accept for any of its purposes and functions
42 under this Compact any and all donations, and grants of money,
43 equipment, supplies, materials and services, conditional or otherwise,
44 from any state, the United States, or any other governmental agency,

1 or from any person, firm, association, foundation, or corporation, and
2 may receive, utilize and dispose of the same. Any donation or grant
3 accepted by the commission pursuant to this paragraph or services
4 borrowed pursuant to paragraph (6) of this article shall be reported in
5 the annual report of the commission. Such report shall include the
6 nature, amount and conditions, if any, of the donation, grant, or
7 services borrowed, and the identity of the donor or lender.

8 (8) The commission may establish and maintain such facilities as may be
9 necessary for the transaction of its business. The commission may
10 acquire, hold, and convey real and personal property and any interest
11 therein.

12 (9) The commission shall adopt bylaws for the conduct of its business and
13 shall have the power to amend and rescind these bylaws. The
14 commission shall publish its bylaws in convenient form and shall file a
15 copy thereof and a copy of any amendment thereto, with the
16 appropriate agency or officer in each of the party states.

17 (10) The commission annually shall make to the governor and legislature of
18 each party state a report covering the activities of the commission for
19 the preceding year. The commission may make such additional reports
20 as it may deem desirable.

21 **ARTICLE IV. POWERS.**

22 In addition to authority conferred on the commission by other provisions of the
23 Compact, the commission shall have authority to:

24 (1) Collect, correlate, analyze and interpret information and data
25 concerning educational needs and resources.

26 (2) Encourage and foster research in all aspects of education, but with
27 special reference to the desirable scope of instruction, organization,
28 administration, and instructional methods and standards employed or
29 suitable for employment in public educational systems.

30 (3) Develop proposals for adequate financing of education as a whole and
31 at each of its many levels.

32 (4) Conduct or participate in research of the types referred to in this article
33 in any instance where the commission finds that such research is
34 necessary for the advancement of the purposes and policies of this
35 Compact, utilizing fully the resources of national associations, regional
36 compact organizations for higher education, and other agencies and
37 institutions, both public and private.

38 (5) Formulate suggested policies and plans for the improvement of public
39 education as a whole, or for any segment thereof, and make
40 recommendations with respect thereto available to the appropriate
41 governmental units, agencies and public officials.

42 (6) Do such other things as may be necessary or incidental to the
43 administration of any of its authority or functions pursuant to this
44 Compact.

ARTICLE V. COOPERATION WITH FEDERAL GOVERNMENT.

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- 2 (1) If the laws of the United States specifically so provide, or if
- 3 administrative provision is made therefor within the federal
- 4 government, the United States may be represented on the commission
- 5 by not to exceed 10 representatives. Any such representative or
- 6 representatives of the United States shall be appointed and serve in
- 7 such manner as may be provided by or pursuant to federal law, and
- 8 may be drawn from any one or more branches of the federal
- 9 government, but no such representatives shall have a vote on the
- 10 commission.
- 11 (2) The commission may provide information and make recommendations
- 12 to any executive or legislative agency or officer of the federal
- 13 government concerning the common educational policies of the states,
- 14 and may advise with any such agencies or officers concerning any
- 15 matter of mutual interest.

ARTICLE VI. COMMITTEES.

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- 17 (1) To assist in the expeditious conduct of its business when the full
- 18 commission is not meeting, the commission shall elect a steering
- 19 committee of 32 members which, subject to the provisions of this
- 20 Compact and consistent with the policies of the commission, shall be
- 21 constituted and function as provided in the bylaws of the commission.
- 22 One fourth of the voting membership of the steering committee shall
- 23 consist of governors, one fourth shall consist of legislators, and the
- 24 remainder shall consist of other members of the commission. A federal
- 25 representative on the commission may serve with the steering
- 26 committee, but without vote. The voting members of the steering
- 27 committee shall serve for terms of two years, except that members
- 28 elected to the first steering committee of the commission shall be
- 29 elected as follows: 16 for one year and 16 for two years. The chairman,
- 30 vice-chairman, and treasurer of the commission shall be members of
- 31 the steering committee and, anything in this paragraph to the contrary
- 32 notwithstanding, shall serve during their continuance in these offices.
- 33 Vacancies in the steering committee shall not affect its authority to act,
- 34 but the commission at its next regularly ensuing meeting following the
- 35 occurrence of any vacancy shall fill it for the unexpired term. No
- 36 person shall serve more than two terms as a member of the steering
- 37 committee; provided that service for a partial term of one year or less
- 38 shall not be counted toward the two-term limitation.
- 39 (2) The commission may establish advisory and technical committees
- 40 composed of state, local, and federal officials, and private persons to
- 41 advise it with respect to any one or more of its functions. Any advisory
- 42 or technical committee may, on request of the states concerned, be
- 43 established to consider any matter of special concern to two or more of
- 44 the party states.

- 1 (3) The commission may establish such additional committees as its
2 bylaws may provide.

3 **ARTICLE VII. FINANCE.**

- 4 (1) The commission shall advise the governor or designated officer or
5 officers of each party state of its budget and estimated expenditures for
6 such period as may be required by the laws of that party state. Each of
7 the commission's budgets of estimated expenditures shall contain
8 specific recommendations of the amount or amounts to be appropriated
9 by each of the party states.

- 10 (2) The total amount of appropriation requests under any budget shall be
11 apportioned among the party states. In making such apportionment, the
12 commission shall devise and employ a formula which takes equitable
13 account of the populations and per capita income levels of the party
14 states.

- 15 (3) The commission shall not pledge the credit of any party states. The
16 commission may meet any of its obligations in whole or in part with
17 funds available to it pursuant to Article III(7) of this Compact,
18 provided that the commission takes specific action setting aside such
19 funds prior to incurring an obligation to be met in whole or in part in
20 such manner. Except where the commission makes use of funds
21 available to it pursuant to Article III(7) thereof, the commission shall
22 not incur any obligation prior to the allotment of funds by the party
23 states adequate to meet the same.

- 24 (4) The commission shall keep accurate accounts of all receipts and
25 disbursements. The receipts and disbursements of the commission
26 shall be subject to the audit and accounting procedures established by
27 its bylaws. However, all receipts and disbursements of funds handled
28 by the commission shall be audited yearly by a qualified public
29 accountant, and the report of the audit shall be included in and become
30 part of the annual reports of the commission.

- 31 (5) The accounts of the commission shall be open at any reasonable time
32 for inspection by duly constituted officers of the party states and by
33 any persons authorized by the commission.

- 34 (6) Nothing contained herein shall be construed to prevent commission
35 compliance with laws relating to audit or inspection of accounts by or
36 on behalf of any government contributing to the support of the
37 commission.

38 **ARTICLE VIII. ELIGIBLE PARTIES' ENTRY INTO AND WITHDRAWAL.**

- 39 (1) This Compact shall have as eligible parties all states, territories, and
40 possessions of the United States, the District of Columbia, and the
41 Commonwealth of Puerto Rico. In respect of any such jurisdiction not
42 having a governor, the term 'governor,' as used in this Compact, shall
43 mean the closest equivalent official of such jurisdiction.

- 1 (2) Any state or other eligible jurisdiction may enter into this Compact
2 and it shall become binding thereon when it has adopted the same:
3 Provided that in order to enter into initial effect, adoption by at least 10
4 eligible party jurisdictions shall be required.
- 5 (3) Adoption of the Compact may be either by enactment thereof or by
6 adherence thereto by the governor; provided that in the absence of
7 enactment, adherence by the governor shall be sufficient to make his
8 state a party only until December 31, 1967. During any period when a
9 state is participating in this Compact through gubernatorial action, the
10 governor shall appoint those persons who, in addition to himself, shall
11 serve as the members of the commission from his state, and shall
12 provide to the commission an equitable share of the financial support
13 of the commission from any source available to him.
- 14 (4) Except for a withdrawal effective on December 31, 1967, in
15 accordance with paragraph (3) of this article, any party state may
16 withdraw from this Compact by enacting a statute repealing the same,
17 but no such withdrawal shall take effect until one year after the
18 governor of the withdrawing state has given notice in writing of the
19 withdrawal to the governors of all other party states. No withdrawal
20 shall affect any liability already incurred by or chargeable to a party
21 state prior to the time of such withdrawal.

22 **ARTICLE IX. CONSTRUCTION AND SEVERABILITY.**

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

32 Sec. 2. G.S. 115C-105 is repealed.

33 Sec. 3. This act is effective upon ratification.