

SECOND REGULAR SESSION

HOUSE BILL NO. 1201

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIFTON.

4031L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 173.300, RSMo, and to enact in lieu thereof one new section relating to the Compact for Education.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 173.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 173.300, to read as follows:

173.300. The Compact for Education is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

Article I Purpose and Policy

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among the 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 clearing house 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 the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 4. Facilitate the improvement of state and local educational systems so that all of them
17 will be able to meet adequate and desirable goals in a society which requires continuous
18 qualitative and quantitative advance in educational opportunities, methods and facilities.

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

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

29 Article II State Defined

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

32 Article III The Commission

33 A. The [Educational] **Education** Commission of the States, hereinafter called "the
34 commission", is hereby established. The commission shall consist of seven members
35 representing each party state. One of such members shall be the governor; two shall be members
36 of the state legislature selected by its respective houses and serving in such manner as the
37 legislature may determine; and four shall be appointed by and serve at the pleasure of the
38 governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators
39 from serving on the commission, six members shall be appointed and serve at the pleasure of the
40 governor, unless the laws of the state otherwise provide. In addition to any other principles or
41 requirements which a state may establish for the appointment and service of its members of the
42 commission, the guiding principle for the composition of the membership on the commission
43 from each party state shall be that the members representing such state shall, by virtue of their
44 training, experience, knowledge or affiliations be in a position collectively to reflect broadly the
45 interests of the state government, higher education, the state education system, local education,
46 lay and professional, public and non-public educational leadership. Of those appointees, one
47 shall be the head of a state agency or institution, designated by the governor, having
48 responsibility for one or more programs of public education. In addition to the members of the
49 commission representing the party states, there may be not to exceed ten non-voting
50 commissioners selected by the steering committee for terms of one year. Such commissioners

51 shall represent leading national organizations of professional educators or persons concerned
52 with educational administration.

53 B. The members of the commission shall be entitled to one vote each on the commission.
54 No action of the commission shall be binding unless taken at a meeting at which a majority of
55 the total number of votes on the commission are cast in favor thereof. Action of the commission
56 shall be only at a meeting at which a majority of the commissioners are present. The commission
57 shall meet at least once a year. In its bylaws, and subject to such directions and limitations as
58 may be contained therein, the commission may delegate the exercise of any of its powers to the
59 steering committee or the executive director, except for the power to approve budgets or requests
60 for appropriations, the power to make policy recommendations pursuant to Article IV and
61 adoption of the annual report pursuant to Article III(J).

62 C. The commission shall have a seal.

63 D. The commission shall elect annually, from among its members, a chairman, who shall
64 be a governor, a vice chairman and a treasurer. The commission shall provide for the
65 appointment of an executive director. Such executive director shall serve at the pleasure of the
66 commission, and together with the treasurer and such other personnel as the commission may
67 deem appropriate shall be bonded in such amount as the commission shall determine. The
68 executive director shall be secretary.

69 E. Irrespective of the civil service, personnel or other merit system laws of any of the
70 party states, the executive director subject to the approval of the steering committee shall
71 appoint, remove or discharge such personnel as may be necessary for the performance of the
72 functions of the commission, and shall fix the duties and compensation of such personnel. The
73 commission in its bylaws shall provide for the personnel policies and programs of the
74 commission.

75 F. The commission may borrow, accept or contract for the services of personnel from
76 any party jurisdiction, the United States, or any subdivision or agency of the aforementioned
77 governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

78 G. The commission may accept for any of its purposes and functions under this compact
79 any and all donations, and grants of money, equipment, supplies, materials and services,
80 conditional or otherwise, from any state, the United States, or any other governmental agency,
81 or from any person, firm, association, foundation, or corporation, and may receive, utilize and
82 dispose of the same. Any donation or grant accepted by the commission pursuant to this
83 paragraph or services borrowed pursuant to paragraph (F) of this article shall be reported in the
84 annual report of the commission. Such report shall include the nature, amount and conditions,
85 if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

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

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

93 J. The commission annually shall make to the governor and legislature of each party state
94 a report covering the activities of the commission for the preceding year. The commission may
95 make such additional reports as it may deem desirable.

96 Article IV Powers

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

99 1. Collect, correlate, analyze and interpret information and data concerning educational
100 needs and resources.

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

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

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

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

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

116 Article V Cooperation With Federal Government

117 A. If the laws of the United States specifically so provide, or if administrative provision
118 is made therefor within the federal government, the United States may be represented on the
119 commission by not to exceed ten representatives. Any such representative or representatives of
120 the United States shall be appointed and serve in such manner as may be provided by or pursuant

121 to federal law, and may be drawn from any one or more branches of the federal government, but
122 no such representative shall have a vote on the commission.

123 B. The commission may provide information and make recommendations to any
124 executive or legislative agency or officer of the federal government concerning the common
125 educational policies of the states, and may advise with any such agencies or officers concerning
126 any matter of mutual interest.

127

Article VI Committees

128 A. To assist in the expeditious conduct of its business when the full commission is not
129 meeting, the commission shall elect a steering committee of thirty-two members which, subject
130 to the provisions of this compact and consistent with the policies of the commission, shall be
131 constituted and function as provided in the bylaws of the commission. Eight of the voting
132 membership of the steering committee shall consist of governors, eight shall be legislators, and
133 the remainder shall consist of other members of the commission. A federal representative on the
134 commission may serve with the steering committee, but without vote. The voting members of
135 the steering committee shall serve for terms of two years, except that members elected to the first
136 steering committee of the commission shall be elected as follows: sixteen for one year and
137 sixteen for two years. The chairman, vice chairman, and treasurer of the commission shall be
138 members of the steering committee and, anything in this paragraph to the contrary
139 notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering
140 committee shall not affect its authority to act, but the commission at its next regularly ensuing
141 meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person
142 shall serve more than two terms as a member of the steering committee; provided that service
143 for a partial term of one year or less shall not be counted toward the two term limitation.

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

148 C. The commission may establish such additional committees as its bylaws may provide.

149

Article VII Finance

150 A. The commission shall advise the governor or designated officer or officers of each
151 party state of its budget and estimated expenditures for such period as may be required by the
152 laws of that party state. Each of the commission's budgets of estimated expenditures shall
153 contain specific recommendations of the amount or amounts to be appropriated by each of the
154 party states.

155 B. The total amount of appropriation requests under any budget shall be apportioned
156 among the party states. In making such apportionment, the commission shall devise and employ

157 a formula which takes equitable account of the populations and per capita income levels of the
158 party states.

159 C. The commission shall not pledge the credit of any party states. The commission may
160 meet any of its obligations in whole or in part with funds available to it pursuant to Article III(G)
161 of this compact, provided that the commission takes specific action setting aside such funds prior
162 to incurring an obligation to be met in whole or in part in such manner. Except where the
163 commission makes use of funds available to it pursuant to Article III(G) thereof, the commission
164 shall not incur any obligation prior to the allotment of funds by the party states adequate to meet
165 the same.

166 D. The commission shall keep accurate accounts of all receipts and disbursements. The
167 receipts and disbursements of the commission shall be subject to the audit and accounting
168 procedures established by its bylaws. However, all receipts and disbursements of funds handled
169 by the commission shall be audited yearly by a qualified public accountant, and the report of the
170 audit shall be included in and become part of the annual reports of the commission.

171 E. The accounts of the commission shall be open at any reasonable time for inspection
172 by duly constituted officers of the party states and by any person authorized by the commission.

173 F. Nothing contained herein shall be construed to prevent commission compliance with
174 laws relating to audit or inspection of accounts by or on behalf of any government contributing
175 to the support of the commission.

176 Article VIII Eligible Parties; Entry Into and Withdrawal

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

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

184 C. Adoption of the compact may be either by enactment thereof or by adherence thereto
185 by the governor; provided that in the absence of enactment, adherence by the governor shall be
186 sufficient to make his state a party only until December 31, 1967. During any period when a
187 state is participating in this compact through gubernatorial action, the governor shall appoint
188 those persons who, in addition to himself, shall serve as the members of the commission from
189 his state, and shall provide to the commission an equitable share of the financial support of the
190 commission from any source available to him.

191 D. Except for a withdrawal effective on December 31, 1967 in accordance with
192 paragraph C of this article, any party state may withdraw from this compact by enacting a statute

193 repealing the same, but no such withdrawal shall take effect until one year after the governor of
194 the withdrawing state has given notice in writing of the withdrawal to the governors of all other
195 party states. No withdrawal shall affect any liability already incurred by or chargeable to a party
196 state prior to the time of such withdrawal.

197 **Article IX Construction and Severability**

198 This compact shall be liberally construed so as to effectuate the purposes thereof. The
199 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of
200 this compact is declared to be contrary to the constitution of any state or of the United States, or
201 the application thereof to any government, agency, person or circumstance is held invalid, the
202 validity of the remainder of this compact and the applicability thereof to any government, agency,
203 person or circumstance shall not be affected thereby. If this compact shall be held contrary to
204 the constitution of any state participating therein, the compact shall remain in full force and
205 effect as to the state affected as to all severable matters.

✓