

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for House Bill No. 1042, Page 7, Section 173.040, Line 19,
by adding after all of said line the following:

“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.

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

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

C. The party states recognize that each of them has an interest in the quality and quantity
of education furnished in each of the other states, as well as in the excellence of its own
educational systems and institutions, because of the highly mobile character of individuals within

1 the nation, and because the products and services contributing to the health, welfare and economic
2 advancement of each state are supplied in significant part by persons educated in other states.

3 Article II State Defined

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

6 Article III The Commission

7 A. The [Educational] Education Commission of the States, hereinafter called "the
8 commission", is hereby established. The commission shall consist of seven members representing
9 each party state. One of such members shall be the governor; two shall be members of the state
10 legislature selected by its respective houses and serving in such manner as the legislature may
11 determine; and four shall be appointed by and serve at the pleasure of the governor, unless the
12 laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the
13 commission, six members shall be appointed and serve at the pleasure of the governor, unless the
14 laws of the state otherwise provide. In addition to any other principles or requirements which a
15 state may establish for the appointment and service of its members of the commission, the guiding
16 principle for the composition of the membership on the commission from each party state shall be
17 that the members representing such state shall, by virtue of their training, experience, knowledge
18 or affiliations be in a position collectively to reflect broadly the interests of the state government,
19 higher education, the state education system, local education, lay and professional, public and
20 non-public educational leadership. Of those appointees, one shall be the head of a state agency or
21 institution, designated by the governor, having responsibility for one or more programs of public
22 education. In addition to the members of the commission representing the party states, there may
23 be not to exceed ten non-voting commissioners selected by the steering committee for terms of
24 one year. Such commissioners shall represent leading national organizations of professional
25 educators or persons concerned with educational administration.

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

35 C. The commission shall have a seal.

36 D. The commission shall elect annually, from among its members, a chairman, who shall

1 be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment
2 of an executive director. Such executive director shall serve at the pleasure of the commission,
3 and together with the treasurer and such other personnel as the commission may deem appropriate
4 shall be bonded in such amount as the commission shall determine. The executive director shall
5 be secretary.

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

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

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

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

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

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

32 Article IV Powers

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

35 1. Collect, correlate, analyze and interpret information and data concerning educational
36 needs and resources.

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

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

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

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

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

16 Article V Cooperation With Federal Government

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

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

27 Article VI Committees

28 A. To assist in the expeditious conduct of its business when the full commission is not
29 meeting, the commission shall elect a steering committee of thirty-two members which, subject to
30 the provisions of this compact and consistent with the policies of the commission, shall be
31 constituted and function as provided in the bylaws of the commission. Eight of the voting
32 membership of the steering committee shall consist of governors, eight shall be legislators, and
33 the remainder shall consist of other members of the commission. A federal representative on the
34 commission may serve with the steering committee, but without vote. The voting members of the
35 steering committee shall serve for terms of two years, except that members elected to the first
36 steering committee of the commission shall be elected as follows: sixteen for one year and sixteen

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

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

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

13 Article VII Finance

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

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

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

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

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

36 F. Nothing contained herein shall be construed to prevent commission compliance with

1 laws relating to audit or inspection of accounts by or on behalf of any government contributing to
2 the support of the commission.

3 Article VIII Eligible Parties; Entry Into and Withdrawal

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

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

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

18 D. Except for a withdrawal effective on December 31, 1967 in accordance with paragraph
19 C of this article, any party state may withdraw from this compact by enacting a statute repealing
20 the same, but no such withdrawal shall take effect until one year after the governor of the
21 withdrawing state has given notice in writing of the withdrawal to the governors of all other party
22 states. No withdrawal shall affect any liability already incurred by or chargeable to a party state
23 prior to the time of such withdrawal.

24 Article IX Construction and Severability

25 This compact shall be liberally construed so as to effectuate the purposes thereof. The
26 provisions of this compact shall be severable and if any phrase, clause, sentence or provision of
27 this compact is declared to be contrary to the constitution of any state or of the United States, or
28 the application thereof to any government, agency, person or circumstance is held invalid, the
29 validity of the remainder of this compact and the applicability thereof to any government, agency,
30 person or circumstance shall not be affected thereby. If this compact shall be held contrary to the
31 constitution of any state participating therein, the compact shall remain in full force and effect as
32 to the state affected as to all severable matters." ; and
33

34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.