

HOUSE**AMENDMENT NO. _____****Offered by****of**

1 AMEND House Committee Substitute for Senate Bill No. 455, Page 7,
 2 Section 173.040, Line 19, by inserting after all of said line the
 3 following:

4 "173.300. The Compact for Education is hereby entered into
 5 and enacted into law with all jurisdictions legally joining
 6 therein, in the form substantially as follows:

7 Article I Purpose and Policy

8 A. It is the purpose of this compact to:

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

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

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

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

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

6 C. The party states recognize that each of them has an
7 interest in the quality and quantity of education furnished in
8 each of the other states, as well as in the excellence of its own
9 educational systems and institutions, because of the highly
10 mobile character of individuals within the nation, and because
11 the products and services contributing to the health, welfare and
12 economic advancement of each state are supplied in significant
13 part by persons educated in other states.

14 Article II State Defined

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

18 Article III The Commission

19 A. The **[Educational]** Education Commission of the States,
20 hereinafter called "the commission", is hereby established. The
21 commission shall consist of seven members representing each party
22 state. One of such members shall be the governor; two shall be
23 members of the state legislature selected by its respective
24 houses and serving in such manner as the legislature may
25 determine; and four shall be appointed by and serve at the
26 pleasure of the governor, unless the laws of the state otherwise
27 provide. If the laws of a state prevent legislators from serving
28 on the commission, six members shall be appointed and serve at
29 the pleasure of the governor, unless the laws of the state
30 otherwise provide. In addition to any other principles or
31 requirements which a state may establish for the appointment and
32 service of its members of the commission, the guiding principle
33 for the composition of the membership on the commission from each
34 party state shall be that the members representing such state
35 shall, by virtue of their training, experience, knowledge or
36 affiliations be in a position collectively to reflect broadly the
37 interests of the state government, higher education, the state

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

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

25 C. The commission shall have a seal.

26 D. The commission shall elect annually, from among its
27 members, a chairman, who shall be a governor, a vice chairman and
28 a treasurer. The commission shall provide for the appointment of
29 an executive director. Such executive director shall serve at
30 the pleasure of the commission, and together with the treasurer
31 and such other personnel as the commission may deem appropriate
32 shall be bonded in such amount as the commission shall determine.
33 The executive director shall be secretary.

34 E. Irrespective of the civil service, personnel or other
35 merit system laws of any of the party states, the executive
36 director subject to the approval of the steering committee shall
37 appoint, remove or discharge such personnel as may be necessary

1 for the performance of the functions of the commission, and shall
2 fix the duties and compensation of such personnel. The
3 commission in its bylaws shall provide for the personnel policies
4 and programs of the commission.

5 F. The commission may borrow, accept or contract for the
6 services of personnel from any party jurisdiction, the United
7 States, or any subdivision or agency of the aforementioned
8 governments, or from any agency of two or more of the party
9 jurisdictions or their subdivisions.

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

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

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

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

36 Article IV Powers

37 In addition to authority conferred on the commission by

1 other provisions of the compact, the commission shall have
2 authority to:

3 1. Collect, correlate, analyze and interpret information
4 and data concerning educational needs and resources.

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

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

12 4. Conduct or participate in research of the types referred
13 to in this article in any instance where the commission finds
14 that such research is necessary for the advancement of the
15 purposes and policies of this compact, utilizing fully the
16 resources of national associations, regional compact
17 organizations for higher education, and other agencies and
18 institutions, both public and private.

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

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

27 Article V Cooperation With Federal Government

28 A. If the laws of the United States specifically so
29 provide, or if administrative provision is made therefor within
30 the federal government, the United States may be represented on
31 the commission by not to exceed ten representatives. Any such
32 representative or representatives of the United States shall be
33 appointed and serve in such manner as may be provided by or
34 pursuant to federal law, and may be drawn from any one or more
35 branches of the federal government, but no such representative
36 shall have a vote on the commission.

37 B. The commission may provide information and make

1 recommendations to any executive or legislative agency or officer
2 of the federal government concerning the common educational
3 policies of the states, and may advise with any such agencies or
4 officers concerning any matter of mutual interest.

5 Article VI Committees

6 A. To assist in the expeditious conduct of its business
7 when the full commission is not meeting, the commission shall
8 elect a steering committee of thirty-two members which, subject
9 to the provisions of this compact and consistent with the
10 policies of the commission, shall be constituted and function as
11 provided in the bylaws of the commission. Eight of the voting
12 membership of the steering committee shall consist of governors,
13 eight shall be legislators, and the remainder shall consist of
14 other members of the commission. A federal representative on the
15 commission may serve with the steering committee, but without
16 vote. The voting members of the steering committee shall serve
17 for terms of two years, except that members elected to the first
18 steering committee of the commission shall be elected as follows:
19 sixteen for one year and sixteen for two years. The chairman,
20 vice chairman, and treasurer of the commission shall be members
21 of the steering committee and, anything in this paragraph to the
22 contrary notwithstanding, shall serve during their continuance in
23 these offices. Vacancies in the steering committee shall not
24 affect its authority to act, but the commission at its next
25 regularly ensuing meeting following the occurrence of any vacancy
26 shall fill it for the unexpired term. No person shall serve more
27 than two terms as a member of the steering committee; provided
28 that service for a partial term of one year or less shall not be
29 counted toward the two term limitation.

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

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

Article VII Finance

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

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

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

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

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

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

1 support of the commission.

2 Article VIII Eligible Parties; Entry Into and Withdrawal

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

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

14 C. Adoption of the compact may be either by enactment
15 thereof or by adherence thereto by the governor; provided that in
16 the absence of enactment, adherence by the governor shall be
17 sufficient to make his state a party only until December 31,
18 1967. During any period when a state is participating in this
19 compact through gubernatorial action, the governor shall appoint
20 those persons who, in addition to himself, shall serve as the
21 members of the commission from his state, and shall provide to
22 the commission an equitable share of the financial support of the
23 commission from any source available to him.

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

33 Article IX Construction and Severability

34 This compact shall be liberally construed so as to
35 effectuate the purposes thereof. The provisions of this compact
36 shall be severable and if any phrase, clause, sentence or
37 provision of this compact is declared to be contrary to the

1 constitution of any state or of the United States, or the
2 application thereof to any government, agency, person or
3 circumstance is held invalid, the validity of the remainder of
4 this compact and the applicability thereof to any government,
5 agency, person or circumstance shall not be affected thereby. If
6 this compact shall be held contrary to the constitution of any
7 state participating therein, the compact shall remain in full
8 force and effect as to the state affected as to all severable
9 matters."; and

10 Further amend said title, enacting clause and intersectional
11 references accordingly.