

1992

SENATE FILE 2120

BY COMMITTEE ON EDUCATION

(Approved (p. 276))

(SUCCESSOR TO SSB 2004)

Passed Senate, Date 3/11/92 (p. 724) Passed House, Date _____

Vote: Ayes 20 Nays 29 Vote: Ayes _____ Nays _____

Approved _____

motion to reconsider 3/11 (p. 724)

" 20/22 4/1 (p. 1157)

A BILL FOR

1 An Act to establish a midwestern higher education compact.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2120

1 Section 1. NEW SECTION. 272.1 MIDWESTERN HIGHER
2 EDUCATION COMPACT.

3 The midwestern higher education compact is enacted into law
4 and entered into with all jurisdictions legally joining in the
5 compact, the form substantially as follows:

6 MIDWESTERN HIGHER EDUCATION COMPACT

7 ARTICLE I. PURPOSE

8 The purpose of the midwestern higher education compact
9 shall be to provide greater higher education opportunities and
10 services in the midwestern region, with the aim of furthering
11 regional access to, research in, and choice of higher
12 education for the citizens residing in the several states
13 which are parties to this compact.

14 ARTICLE II. THE COMMISSION

15 A. The midwestern higher education commission, referred to
16 in this compact as the commission, is hereby created by the
17 compacting states. The commission shall consist of
18 representatives from each of the compacting states and shall
19 be a body corporate of each compacting state. The commission
20 shall have all the responsibilities, powers, and duties set
21 forth in this compact, including the power to sue and be sued,
22 and such additional powers as may be conferred upon the
23 commission by subsequent action of the respective legislatures
24 of the compacting states in accordance with the terms of this
25 compact.

26 B. Each compacting state's representatives, who serve as
27 members of the commission, shall consist of the following five
28 residents of the state: the governor, or the governor's
29 designee, who shall serve during the tenure of office of the
30 governor; two legislators, one from each house, except that
31 Nebraska may appoint two legislators from its unicameral
32 legislature, who shall serve two-year terms and shall be
33 appointed by the appropriate appointing authority from each
34 house of the legislature; and two other at-large members, at
35 least one of whom shall be selected from the field of higher

1 education. One of the two at-large members initially
2 appointed in each state shall serve a two-year term. The
3 other, and any regularly appointed successor to either at-
4 large member position, shall serve a four-year term. All
5 vacancies shall be filled in accordance with the laws relating
6 to the filling of vacancies of the appointing states. Any
7 member appointed to fill a vacancy shall serve until the end
8 of the predecessor's incomplete term.

9 C. The commission shall select annually, from the
10 commission membership, a chairperson, a vice chairperson, and
11 a treasurer.

12 D. The commission shall appoint an executive director who
13 shall serve at the commission's pleasure and shall act as the
14 secretary to the commission. The treasurer, the executive
15 director, and all other commission personnel shall be bonded
16 in the amounts established and in the manner required by the
17 commission.

18 E. The commission shall meet at least once each calendar
19 year. The chairperson of the commission may call additional
20 meetings and, upon the request of a majority of commission
21 members of three or more compacting states, shall call
22 additional meetings. All meetings of the commission shall be
23 preceded by public notice and shall be held in open session.

24 F. Each compacting state represented at any meeting of the
25 commission is entitled to one vote. A majority of the
26 compacting states shall constitute a quorum for the
27 transaction of business, unless a larger quorum is required by
28 the bylaws of the commission.

29 ARTICLE III. POWERS AND DUTIES OF THE COMMISSION

30 A. The commission shall adopt a seal and suitable bylaws
31 governing the commission's management and operation.

32 B. Notwithstanding the civil service, personnel, or other
33 merit system laws of any of the compacting states, the
34 personnel policies and programs of this compact shall be
35 governed and provided for in the bylaws adopted by the

1 commission.

2 C. The commission shall submit a proposed budget to the
3 governor and legislature of each compacting state at the time,
4 and covering the fiscal periods, required by each compacting
5 state. The budget shall contain specific recommendations as
6 to the amount or amounts to be appropriated by each of the
7 compacting states.

8 D. The commission shall report annually to the
9 legislatures and governors of the compacting states, to the
10 midwestern governors' conference, and the midwestern
11 legislative conference of the council of state governments
12 concerning the activities of the commission during the
13 preceding year. The reports shall also embody any
14 recommendations that may have been adopted by the commission.
15 Any recommendation which has been adopted by the commission,
16 that provides for the participation of any state or
17 institution in any program, service, policy, or initiative
18 under the terms of the compact shall also provide that the
19 state or institution must agree to participate in the program,
20 service, policy, or initiative.

21 E. The commission may borrow, accept, or contract for the
22 services of personnel from any state, the United States, any
23 subdivision or agency of a state or the United States, from
24 any interstate agency, or from any institution, foundation,
25 person, firm, or corporation.

26 F. The commission may accept, receive, utilize, and
27 dispose of any conditional or unconditional donations and
28 grants of money, equipment, supplies, materials, and services
29 from any state, the United States, any subdivision or agency
30 of a state or the United States, from any interstate agency,
31 from any institution, foundation, person, firm, or
32 corporation, for any of the commission's purposes and
33 functions under this compact.

34 G. The commission may enter into agreements with any other
35 interstate education organizations or agencies, with higher

1 education institutions located in states which are not members
2 of this compact, or with any of the various states of the
3 United States to provide adequate higher education programs
4 and services for the citizens of the respective compacting
5 states. The commission, after negotiations with interested
6 interstate education organizations or agencies and higher
7 education institutions, shall determine the cost of providing
8 the higher education programs and services for use in the
9 agreements.

10 H. The commission may establish and maintain offices,
11 which shall be located in one or more of the compacting
12 states.

13 I. The commission may establish committees and hire staff
14 as the commission deems necessary for the carrying out of the
15 commission's functions.

16 J. The commission may provide for actual and necessary
17 expenses for the attendance of commission members at official
18 meetings of the commission or at official meetings of
19 committees established by the commission.

20 ARTICLE IV. ACTIVITIES OF THE COMMISSION

21 A. The commission shall collect data on the long-range
22 effects of this compact. By the end of the fourth year from
23 the effective date of this compact, and every two years
24 thereafter, the commission shall review commission
25 accomplishments and make recommendations to the governors and
26 legislatures of the compacting states on the continuance of
27 this compact.

28 B. The commission shall study issues in higher education
29 that are of particular concern to the midwestern region of the
30 United States. The commission shall also study the needs for
31 higher education programs and services in the compacting
32 states and the resources for meeting these needs. The
33 commission shall, from time to time, prepare reports of the
34 commission's research for presentation to the governors and
35 legislatures of the compacting states and other interested

1 parties. In conducting studies, the commission may confer
2 with any national or regional planning body. The commission
3 may draft and recommend to the governors and legislatures of
4 the compacting states suggested legislation dealing with
5 problems in higher education.

6 C. The commission shall study the need for provision of
7 adequate higher education programs and services, such as
8 undergraduate, graduate, or professional student exchanges in
9 the region. If a need for an exchange in a field is apparent,
10 the commission may enter into agreements with any higher
11 education institution and with any of the compacting states to
12 provide higher education programs and services for the
13 citizens of the compacting states. The commission, after
14 negotiations with interested compacting states and higher
15 education institutions, shall determine the costs of providing
16 the higher education programs and services under the
17 agreements. The contracting states shall contribute the funds
18 not otherwise provided, as determined by the commission, for
19 carrying out the agreements. The commission may also serve as
20 the administrative and fiscal agent in carrying out the
21 agreements for higher education programs and services.

22 D. The commission shall serve as a clearinghouse on
23 information regarding higher education activities among
24 institutions and agencies.

25 E. In addition to the activities of the commission
26 contained in this compact, the commission may provide services
27 and research in other areas in education which are of regional
28 concern.

29 ARTICLE V. FINANCE

30 A. The moneys not otherwise provided for but necessary to
31 finance the general operations of the commission and the
32 carrying out of commission duties, responsibilities, and
33 powers stated in this compact, shall be appropriated to the
34 commission by the compacting states, when the appropriation of
35 funds is authorized by the respective legislatures, and

1 equally apportioned among the compacting states.

2 B. The commission shall not incur any obligations of any
3 kind prior to the making of appropriations by the compacting
4 states that are adequate to meet the obligations. The
5 commission shall not pledge the credit of any of the
6 compacting states unless the commission is given the authority
7 to do so by the affected compacting state or states.

8 C. The commission shall keep accurate accounts of all
9 receipts and disbursements. The receipts and disbursements of
10 the commission shall be subject to the audit and accounting
11 procedures established under the commission's bylaws.
12 However, all receipts and disbursements of funds handled by
13 the commission shall be audited yearly by a certified or
14 licensed public accountant and the report of the audit shall
15 be included in and become part of the annual report of the
16 commission.

17 D. The accounts of the commission shall be open at any
18 reasonable time for inspection by duly authorized
19 representatives of the compacting states and persons
20 authorized by the commission.

21 ARTICLE VI. ELIGIBLE PARTIES AND ENTRY INTO FORCE

22 A. The states of Illinois, Indiana, Iowa, Kansas,
23 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
24 South Dakota, and Wisconsin shall be eligible to become party
25 to this compact. Additional states shall be eligible upon
26 approval by a majority of the compacting states.

27 B. This compact shall be effective for any eligible party
28 state upon enactment of the compact into the state's laws,
29 provided, however, that this compact shall not become
30 initially effective unless enacted by five states prior to
31 December 31, 1995.

32 C. Amendments to this compact shall take effect upon
33 enactment by the legislatures of all compacting states.

34 ARTICLE VII. WITHDRAWAL, DEFAULT, AND TERMINATION

35 A. A compacting state may withdraw from this compact by

1 enacting legislation repealing this compact, however, the
2 withdrawal shall not take effect until two years after the
3 enactment of the legislation. A state that withdraws from
4 this compact shall remain liable for any obligations incurred
5 as a result of the state's participation in this compact, up
6 to the effective date of the state's withdrawal from this
7 compact. Notwithstanding a state's withdrawal from this
8 compact, a state shall remain liable for the performance of
9 any obligation extending beyond the effective date of the
10 state's withdrawal from this compact, to the extent that the
11 state has specifically undertaken, reaffirmed, or committed
12 itself to the performance of that obligation beyond the
13 effective date of the state's withdrawal.

14 B. If a compacting state defaults at any time in the
15 performance of any of the compacting state's obligations that
16 are assumed or imposed under this compact, all rights,
17 privileges, and benefits conferred by or agreements reached
18 pursuant to this compact shall be suspended from the effective
19 date of the default. The commission shall determine and fix
20 the effective date of any default in the performance of
21 obligations by any of the compacting states and shall
22 stipulate the conditions and maximum time limits which a
23 defaulting state must meet in order to resume or obtain
24 reinstatement of regular compacting state status. If a
25 defaulting state fails to comply with the stipulations of the
26 commission within the time period set by the commission, the
27 state's participation in this compact may be terminated by an
28 affirmative vote of a majority of the remaining compacting
29 member states. A state whose membership in this compact has
30 been terminated may reapply for membership in this compact if
31 the state performs all acts and obligations required by the
32 commission for reinstatement.

33 ARTICLE VIII. SEVERABILITY AND CONSTRUCTION

34 The provisions of this compact shall be severable and if
35 any phrase, clause, sentence, or other provision of this

1 compact is declared to be contrary to the constitution of any
2 compacting state or to the Constitution of the United States,
3 or the applicability of this compact to any government,
4 agency, person, or circumstance is held invalid, the validity
5 of the remainder of this compact and the applicability of this
6 compact to any government, agency, person, or circumstance
7 shall not be affected by the declaration or holding of
8 unconstitutionality or invalidity. If this compact is held
9 contrary to the constitution of any compacting state, the
10 compact shall remain in full force and effect as to the
11 remaining states and in full force and effect in the affected
12 state with respect to all severable provisions. The
13 provisions of this compact shall be liberally construed to
14 effectuate the purposes of this compact.

15 Sec. 2. NEW SECTION. 272.2 IOWA REPRESENTATIVES TO
16 MIDWESTERN HIGHER EDUCATION COMMISSION.

17 The state's representatives who shall serve as members of
18 the midwestern higher education commission created in section
19 272.1 shall be as follows:

20 1. The governor, or the governor's designee.

21 2. One member of the senate, who shall be appointed by the
22 majority leader of the senate.

23 3. One member of the house of representatives, who shall
24 be appointed by the speaker of the house of representatives.

25 4. Two public members, who shall also be engaged in a
26 profession in the field of higher education and who shall be
27 appointed by the governor, subject to confirmation by the
28 senate.

29 Legislative members shall receive compensation for actual
30 and necessary expenses pursuant to sections 2.10 and 2.12. If
31 a member ceases to be a member of the general assembly, the
32 member shall no longer serve as a member of the midwestern
33 higher education commission. Public members and the governor
34 or the governor's designee shall receive compensation for
35 actual and necessary expenses pursuant to section 7E.6.

EXPLANATION

1
2 This bill provides for Iowa's and Iowa institutions'
3 voluntary participation in the midwestern higher education
4 compact. Under the terms of the compact, a midwestern higher
5 education commission is established to which Iowa will provide
6 five representatives. The commission is a corporate body in
7 each of the compacting states and will maintain offices in at
8 least one of the compacting midwestern states. The commission
9 will be responsible for conducting research, assessing needs
10 and problems, serving as an information clearinghouse, and
11 assisting in or facilitating program development in the area
12 of higher education for the midwestern region. Members of the
13 commission will receive compensation for actual and necessary
14 expenses incurred as a result of their duties.

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SENATE FILE 2120

S-5111

1 Amend Senate File 2120 as follows:

2 1. Page 1, line 21, by striking the words "
3 including the power to sue and be sued,".

By JIM LIND

WALLY E. HORN

RICHARD J. VARN

WILMER RENSINK

S-5111 FILED FEBRUARY 28, 1992

Adopted 3/11 (p. 723)

SENATE FILE 2120

S-5112

1 Amend Senate File 2120 as follows:

2 1. Page 7, lines 1 through 3, by striking the
3 words ", however, the withdrawal shall not take effect
4 until two years after the enactment of the
5 legislation".

By JIM LIND

WALLY E. HORN

RICHARD J. VARN

WILMER RENSINK

S-5112 FILED FEBRUARY 28, 1992

Adopted 3/11 (p. 723)

SENATE FILE 2120

S-5113

1 Amend Senate File 2120 as follows:

2 1. Page 6, line 1, by inserting after the word
3 "states." the following: "Funds necessary to finance
4 Iowa's share of the moneys necessary under this
5 paragraph shall be paid from funds specifically
6 appropriated for that purpose."

7 2. By renumbering as necessary.

By JIM LIND

S-5113 FILED FEBRUARY 28, 1992

Adopted 3/11 (p. 723)

SENATE FILE 2120

S-5115

1 Amend Senate File 2120 as follows:

2 1. Page 5, line 19, by inserting after the word
3 "agreements" the following: ", except that no
4 institution of higher education in this state shall be
5 assessed any fee or sum in addition to any
6 appropriated funds necessary to support the activities
7 of the commission".

By DERRYL McLAREN

S-5115 FILED FEBRUARY 28, 1992

Adopted 3/11 (p. 723)

SENATE FILE 2120

S-5105

1 Amend Senate File 2120 as follows:

2 1. Page 3, line 18, by striking the words "that
3 the" and inserting the following: "that each".4 2. Page 3, line 19, by inserting after the word
5 "must" the following: "also".

By MIKE CONNOLLY

S-5105 FILED FEBRUARY 27, 1992

DEFERRED

Adopted 3/11 (p. 723)

CONNOLLY, CH.
VARW
KRAMER 11-14-98

SSB. 2004
EDUCATIONAL Now -

SENATE FILE 2120
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON CONNOLLY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to establish a midwestern higher education compact.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 272.1 MIDWESTERN HIGHER
2 EDUCATION COMPACT.

3 The midwestern higher education compact is enacted into law
4 and entered into with all jurisdictions legally joining in the
5 compact, the form substantially as follows:

6 MIDWESTERN HIGHER EDUCATION COMPACT

7 ARTICLE I. PURPOSE

8 The purpose of the midwestern higher education compact
9 shall be to provide greater higher education opportunities and
10 services in the midwestern region, with the aim of furthering
11 regional access to, research in, and choice of higher
12 education for the citizens residing in the several states
13 which are parties to this compact.

14 ARTICLE II. THE COMMISSION

15 A. The midwestern higher education commission, referred to
16 in this compact as the commission, is hereby created by the
17 compacting states. The commission shall consist of
18 representatives from each of the compacting states and shall
19 be a body corporate of each compacting state. The commission
20 shall have all the responsibilities, powers, and duties set
21 forth in this compact, including the power to sue and be sued,
22 and such additional powers as may be conferred upon the
23 commission by subsequent action of the respective legislatures
24 of the compacting states in accordance with the terms of this
25 compact.

26 B. Each compacting state's representatives, who serve as
27 members of the commission, shall consist of the following five
28 residents of the state: the governor, or the governor's
29 designee, who shall serve during the tenure of office of the
30 governor; two legislators, one from each house, except that
31 Nebraska may appoint two legislators from its unicameral
32 legislature, who shall serve two-year terms and shall be
33 appointed by the appropriate appointing authority from each
34 house of the legislature; and two other at-large members, at
35 least one of whom shall be selected from the field of higher

1 education. One of the two at-large members initially
2 appointed in each state shall serve a two-year term. The
3 other, and any regularly appointed successor to either at-
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7 member appointed to fill a vacancy shall serve until the end
8 of the predecessor's incomplete term.

9 C. The commission shall select annually, from the
10 commission membership, a chairperson, a vice chairperson, and
11 a treasurer.

12 D. The commission shall appoint an executive director who
13 shall serve at the commission's pleasure and shall act as the
14 secretary to the commission. The treasurer, the executive
15 director, and all other commission personnel shall be bonded
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17 commission.

18 E. The commission shall meet at least once each calendar
19 year. The chairperson of the commission may call additional
20 meetings and, upon the request of a majority of commission
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22 additional meetings. All meetings of the commission shall be
23 preceded by public notice and shall be held in open session.

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25 commission is entitled to one vote. A majority of the
26 compacting states shall constitute a quorum for the
27 transaction of business, unless a larger quorum is required by
28 the bylaws of the commission.

29 ARTICLE III. POWERS AND DUTIES OF THE COMMISSION

30 A. The commission shall adopt a seal and suitable bylaws
31 governing the commission's management and operation.

32 B. Notwithstanding the civil service, personnel, or other
33 merit system laws of any of the compacting states, the
34 personnel policies and programs of this compact shall be
35 governed and provided for in the bylaws adopted by the

1 commission.

2 C. The commission shall submit a proposed budget to the
3 governor and legislature of each compacting state at the time,
4 and covering the fiscal periods, required by each compacting
5 state. The budget shall contain specific recommendations as
6 to the amount or amounts to be appropriated by each of the
7 compacting states.

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9 legislatures and governors of the compacting states, to the
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11 legislative conference of the council of state governments
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13 preceding year. The reports shall also embody any
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27 functions under this compact.

28 G. The commission may enter into agreements with any other
29 interstate education organizations or agencies, with higher
30 education institutions located in states which are not members
31 of this compact, or with any of the various states of the
32 United States to provide adequate higher education programs
33 and services for the citizens of the respective compacting
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1 education institutions, shall determine the cost of providing
2 the higher education programs and services for use in the
3 agreements.

4 H. The commission may establish and maintain offices,
5 which shall be located in one or more of the compacting
6 states.

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8 as the commission deems necessary for the carrying out of the
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10 J. The commission may provide for actual and necessary
11 expenses for the attendance of commission members at official
12 meetings of the commission or at official meetings of
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16 effects of this compact. By the end of the fourth year from
17 the effective date of this compact, and every two years
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23 that are of particular concern to the midwestern region of the
24 United States. The commission shall also study the needs for
25 higher education programs and services in the compacting
26 states and the resources for meeting these needs. The
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28 commission's research for presentation to the governors and
29 legislatures of the compacting states and other interested
30 parties. In conducting studies, the commission may confer
31 with any national or regional planning body. The commission
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1 adequate higher education programs and services, such as
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5 education institution and with any of the compacting states to
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24 A. The moneys not otherwise provided for but necessary to
25 finance the general operations of the commission and the
26 carrying out of commission duties, responsibilities, and
27 powers stated in this compact, shall be appropriated to the
28 commission by the compacting states, when the appropriation of
29 funds is authorized by the respective legislatures, and
30 equally apportioned among the compacting states.

31 B. The commission shall not incur any obligations of any
32 kind prior to the making of appropriations by the compacting
33 states that are adequate to meet the obligations. The
34 commission shall not pledge the credit of any of the
35 compacting states unless the commission is given the authority

1 to do so by the affected compacting state or states.

2 C. The commission shall keep accurate accounts of all
3 receipts and disbursements. The receipts and disbursements of
4 the commission shall be subject to the audit and accounting
5 procedures established under the commission's bylaws.
6 However, all receipts and disbursements of funds handled by
7 the commission shall be audited yearly by a certified or
8 licensed public accountant and the report of the audit shall
9 be included in and become part of the annual report of the
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11 D. The accounts of the commission shall be open at any
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14 authorized by the commission.

15 ARTICLE VI. ELIGIBLE PARTIES AND ENTRY INTO FORCE

16 A. The states of Illinois, Indiana, Iowa, Kansas,
17 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
18 South Dakota, and Wisconsin shall be eligible to become party
19 to this compact. Additional states shall be eligible upon
20 approval by a majority of the compacting states.

21 B. This compact shall be effective for any eligible party
22 state upon enactment of the compact into the state's laws,
23 provided, however, that this compact shall not become
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25 December 31, 1995.

26 C. Amendments to this compact shall take effect upon
27 enactment by the legislatures of all compacting states.

28 ARTICLE VII. WITHDRAWAL, DEFAULT, AND TERMINATION

29 A. A compacting state may withdraw from this compact by
30 enacting legislation repealing this compact, however, the
31 withdrawal shall not take effect until two years after the
32 enactment of the legislation. A state that withdraws from
33 this compact shall remain liable for any obligations incurred
34 as a result of the state's participation in this compact, up
35 to the effective date of the state's withdrawal from this

1 compact. Notwithstanding a state's withdrawal from this
2 compact, a state shall remain liable for the performance of
3 any obligation extending beyond the effective date of the
4 state's withdrawal from this compact, to the extent that the
5 state has specifically undertaken, reaffirmed, or committed
6 itself to the performance of that obligation beyond the
7 effective date of the state's withdrawal.

8 B. If a compacting state defaults at any time in the
9 performance of any of the compacting state's obligations that
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19 defaulting state fails to comply with the stipulations of the
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24 been terminated may reapply for membership in this compact if
25 the state performs all acts and obligations required by the
26 commission for reinstatement.

27 ARTICLE VIII. SEVERABILITY AND CONSTRUCTION

28 The provisions of this compact shall be severable and if
29 any phrase, clause, sentence, or other provision of this
30 compact is declared to be contrary to the constitution of any
31 compacting state or to the Constitution of the United States,
32 or the applicability of this compact to any government,
33 agency, person, or circumstance is held invalid, the validity
34 of the remainder of this compact and the applicability of this
35 compact to any government, agency, person, or circumstance

1 states and will maintain offices in at least one of the
2 compacting midwestern states. The commission will be
3 responsible for conducting research, assessing needs and
4 problems, serving as an information clearinghouse, and
5 assisting in or facilitating program development in the area
6 of higher education for the midwestern region. Members of the
7 commission will receive compensation for actual and necessary
8 expenses incurred as a result of their duties.

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