

MAY 29 1973

HOUSE FILE 774

Appropriations *Calendar*

By COMMITTEE ON APPROPRIATIONS

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House File 774
Appropriations—
Education

Passed House, Date 6-4-73 (1671)

Passed Senate, Date 6-19-73 (1865)

Vote: Ayes 85 Nays 0

Vote: Ayes 73 Nays 0

Approved June 29, 1973

A BILL FOR

1 An Act to enact the compact for education, to establish the
2 education commission of the states for this state, and to
3 make an appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. COMPACT FOR EDUCATION. The com-
2 pact for education is hereby entered into and enacted into
3 law with all jurisdictions legally joining therein, in the
4 form substantially as follows:

5 ARTICLE I.

6 PURPOSE AND POLICY.

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

8 1. Establish and maintain close cooperation and under-
9 standing among executive, legislative, professional educa-
10 tional and lay leadership on a nationwide basis at the state
11 and local levels.

12 2. Provide a forum for the discussion, development, crys-
13 talization and recommendation of public policy alternatives
14 in the field of education.

15 3. Provide a clearing house of information on matters
16 relating to educational problems and how they are being met
17 in different places throughout the nation, so that the execu-
18 tive and legislative branches of state government and of lo-
19 cal communities may have ready access to the experience and
20 record of the entire country, and so that both lay and pro-
21 fessional groups in the field of education may have addi-
22 tional avenues for the sharing of experience and the inter-
23 change of ideas in the formation of public policy in educa-
24 tion.

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

30 B. It is the policy of this compact to encourage and pro-
31 mote local and state initiative in the development, mainten-
32 ance, improvement and administration of educational systems
33 and institutions in a manner which will accord with the needs
34 and advantages of diversity among localities and states.

35 C. The party states recognize that each of them has an

1 interest in the quality and quantity of education furnished
2 in each of the other states, as well as in the excellence
3 of its own educational systems and institutions, because of
4 the highly mobile character of individuals within the na-
5 tion, and because the products and services contributing to
6 the health, welfare and economic advancement of each state
7 are supplied in significant part by persons educated in other
8 states.

9 ARTICLE II.

10 STATE DEFINED.

11 As used in this compact, "state" means a state, territory
12 or possession of the United States, the District of Columbia,
13 or the commonwealth of Puerto Rico.

14 ARTICLE III.

15 THE COMMISSION.

16 A. The education commission of the states, hereinafter
17 called "the commission", is hereby established. The commis-
18 sion shall consist of seven members representing each party
19 state. One of such members shall be the governor; two shall
20 be members of the state legislature selected by its respec-
21 tive houses and serving in such manner as the legislature
22 may determine; and four shall be appointed by and serve at
23 the pleasure of the governor, unless the laws of the state
24 otherwise provide. If the laws of a state prevent legisla-
25 tors from serving on the commission, six members shall be
26 appointed and serve at the pleasure of the governor, unless
27 the laws of the state otherwise provide. In addition to any
28 other principles or requirements which a state may estab-
29 lish for the appointment and service of its members of the
30 commission, the guiding principle for the composition of the
31 membership on the commission from each party state shall be
32 that the members representing such state shall, by virtue
33 of their training, experience, knowledge or affiliations be
34 in a position collectively to reflect broadly the interests
35 of the state government, higher education, the state educa-

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

11 B. The members of the commission shall be entitled to
12 one vote each on the commission. No action of the commis-
13 sion shall be binding unless taken at a meeting at which a
14 majority of the total number of votes on the commission are
15 cast in favor thereof. Action of the commission shall be
16 only at a meeting at which a majority of the commissioners
17 are present. The commission shall meet at least once a year.
18 In its bylaws, and subject to such directions and limitations
19 as may be contained therein, the commission may delegate the
20 exercise of any of its powers to the steering committee or
21 the executive director, except for the power to approve bud-
22 gets or requests for appropriations, the power to make policy
23 recommendations pursuant to article four (IV) and adoption
24 of the annual report pursuant to article three (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 chair-
28 man and a treasurer. The commission shall provide for the
29 appointment of an executive director. Such executive director
30 shall serve at the pleasure of the commission, and together
31 with the treasurer and such other personnel as the commis-
32 sion may deem appropriate shall be bonded in such amount as
33 the commission shall determine. The executive director shall
34 be secretary.

35 E. Irrespective of the civil service, personnel or other

1 merit system laws of any of the party states, the executive
2 director subject to the approval of the steering committee
3 shall appoint, remove or discharge such personnel as may be
4 necessary for the performance of the functions of the commis-
5 sion, and shall fix the duties and compensation of such per-
6 sonnel. The commission in its bylaws shall provide for the
7 personnel policies and programs of the commission.

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

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

26 H. The commission may establish and maintain such facili-
27 ties as may be necessary for the transacting of its business.
28 The commission may acquire, hold, and convey real and per-
29 sonal property and any interest therein.

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

1 J. The commission annually shall make to the governor
2 and legislature of each party state a report covering the
3 activities of the commission for the preceding year. The
4 commission may make such additional reports as it may deem
5 desirable.

6 ARTICLE IV.

7 POWERS.

8 In addition to authority conferred on the commission by
9 other provisions of the compact, the commission shall have
10 authority to:

11 1. Collect, correlate, analyze and interpret information
12 and data concerning educational needs and resources.

13 2. Encourage and foster research in all aspects of edu-
14 cation, but with special reference to the desirable scope
15 of instruction, organization, administration, and instruc-
16 tional methods and standards employed or suitable for employ-
17 ment in public educational systems.

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

20 4. Conduct or participate in research of the types re-
21 ferred to in this article in any instance where the commis-
22 sion finds that such research is necessary for the advance-
23 ment of the purposes and policies of this compact, utilizing
24 fully the resources of national associations, regional com-
25 pact organizations for higher education, and other agencies
26 and institutions, both public and private.

27 5. Formulate suggested policies and plans for the improve-
28 ment of public education as a whole, or for any segment there-
29 of, and make recommendations with respect thereto available
30 to the appropriate governmental units, agencies and public
31 officials.

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

35 ARTICLE V.

1 COOPERATION WITH FEDERAL GOVERNMENT.

2 A. If the laws of the United States specifically so pro-
3 vide, or if administrative provision is made therefor within
4 the federal government, the United States may be represented
5 on the commission by not to exceed ten representatives. Any
6 such representative or representatives of the United States
7 shall be appointed and serve in such manner as may be pro-
8 vided by or pursuant to federal law, and may be drawn from
9 any one or more branches of the federal government, but no
10 such representative shall have a vote on the commission.

11 B. The commission may provide information and make recom-
12 mendations to any executive or legislative agency or officer
13 of the federal government concerning the common educational
14 policies of the states, and may advise with any such agencies
15 or officers concerning any matter of mutual interest.

16 ARTICLE VI.

17 COMMITTEES.

18 A. To assist in the expeditious conduct of its business
19 when the full commission is not meeting, the commission shall
20 elect a steering committee of thirty-two members which, sub-
21 ject to the provisions of this compact and consistent with
22 the policies of the commission, shall be constituted and func-
23 tion as provided in the bylaws of the commission. One-fourth
24 of the voting membership of the steering committee shall con-
25 sist of governors, one-fourth shall consist of legislators,
26 and the remainder shall consist of other members of the
27 commission. A federal representative on the commission may
28 serve with the steering committee, but without vote. The
29 voting members of the steering committee shall serve for terms
30 of two years, except that members elected to the first steering
31 committee of the commission shall be elected as follows:
32 sixteen for one year and sixteen for two years. The chairman,
33 vice chairman, and treasurer of the commission shall be members
34 of the steering committee and, anything in this paragraph
35 to the contrary notwithstanding, shall serve during their

1 continuance in these offices. Vacancies in the steering
2 committee shall not affect its authority to act, but the
3 commission at its next regular ensuing meeting following the
4 occurrence of any vacancy shall fill it for the unexpired
5 term. No person shall serve more than two terms as a member
6 of the steering committee; provided that service for a par-
7 tial term of one year or less shall not be counted toward
8 the two term limitation.

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

16 C. The commission may establish such additional commit-
17 tees as its bylaws may provide.

18 ARTICLE VII.

19 FINANCE.

20 A. The commission shall advise the governor or designated
21 officer or officers of each party state of its budget and
22 estimated expenditures for such period as may be required
23 by the laws of that party state. Each of the commission's
24 budgets of estimated expenditures shall contain specific rec-
25 ommendations of the amount or amounts to be appropriated by
26 each of the party states.

27 B. The total amount of appropriation requests under any
28 budget shall be apportioned among the party states. In mak-
29 ing such apportionment, the commission shall devise and em-
30 ploy a formula which takes equitable account of the popula-
31 tions and per capita income levels of the party states.

32 C. The commission shall not pledge the credit of any party
33 states. The commission may meet any of its obligations in
34 whole or in part with funds available to it pursuant to arti-
35 cle three (III) (g) of this compact, provided that the com-

1 mission takes specific action setting aside such funds prior
2 to incurring an obligation to be met in whole or in part in
3 such manner. Except where the commission makes use of funds
4 available to it pursuant to article three (III) (g) thereof,
5 the commission shall not incur any obligation prior to the
6 allotment of funds by the party states adequate to meet the
7 same.

8 D. The commission shall keep accurate accounts of all
9 receipts and disbursements. The receipts and disbursements
10 of the commission shall be subject to the audit and account-
11 ing procedures established by its bylaws. However, all re-
12 ceipts and disbursements of funds handled by the commission
13 shall be audited yearly by a qualified public accountant,
14 and the report of the audit shall be included in and become
15 part of the annual reports of the commission.

16 E. The accounts of the commission shall be open at any
17 reasonable time for inspection by duly constituted officers
18 of the party states and by any persons authorized by the com-
19 mission.

20 F. Nothing contained herein shall be construed to prevent
21 commission compliance with laws relating to audit or inspec-
22 tion of accounts by or on behalf of any government contribut-
23 ing to the support of the commission.

24 ARTICLE VIII.

25 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.

26 A. This compact shall have as eligible parties all states,
27 territories, and possessions of the United States, the Dis-
28 trict of Columbia, and the commonwealth of Puerto Rico. In
29 respect of any such jurisdiction not having a governor, the
30 term "governor", as used in this compact, shall mean the
31 closest equivalent official of such jurisdiction.

32 B. Any state or other eligible jurisdiction may enter
33 into this compact and it shall become binding thereon when
34 it has adopted the same: Provided that in order to enter
35 into initial effect, adoption by at least ten eligible party

1 jurisdictions shall be required.

2 C. Adoption of the compact may be either by enactment
3 thereof or by adherence thereto by the governor; provided
4 that in the absence of enactment, adherence by the governor
5 shall be sufficient to make his state a party only until De-
6 cember 31, 1967. During any period when a state is partici-
7 pating in this compact through gubernatorial action, the gov-
8 ernor shall appoint those persons who, in addition to himself,
9 shall serve as the members of the commission from his state,
10 and shall provide to the commission an equitable share of
11 the financial support of the commission from any source avail-
12 able to him.

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

22 ARTICLE IX.

23 CONSTRUCTION AND SEVERABILITY.

24 This compact shall be liberally construed so as to ef-
25 fectuate the purposes thereof. The provisions of this com-
26 pact shall be severable and if any phrase, clause, sentence
27 or provision of this compact is declared to be contrary to
28 the constitution of any state or of the United States, or
29 the application thereof to any government, agency, person
30 or circumstance is held invalid, the validity of the remain-
31 der of this compact and the applicability thereof to any gov-
32 ernment, agency, person or circumstance shall not be affected
33 thereby. If this compact shall be held contrary to the con-
34 stitution of any state participating therein, the compact
35 shall remain in full force and effect as to the state af-

1 fected as to all severable matters.

2 Sec. 2. NEW SECTION. EDUCATION COMMISSION OF THE STATES.

3 The provisions of article three (III), paragraph (a), of the
4 compact notwithstanding, the members of the education com-
5 mission of the states representing this state shall consist
6 of the governor, two members appointed by the governor, two
7 members of the senate appointed by the president of the senate,
8 and two members of the house of representatives appointed
9 by the speaker of the house of representatives. The members
10 shall serve four-year terms and for the initial appointments,
11 half of the membership shall be appointed to two-year terms
12 and half shall be appointed to four-year terms. Members shall
13 serve on the education commission of the states without
14 compensation, but shall receive their actual and necessary
15 expenses and travel. Vacancies on the commission shall be
16 filled for the unexpired portion of the term in the same
17 manner as the original appointment. If a member ceases to
18 be a member of the general assembly, he shall no longer serve
19 as a member of the education commission of the states.

20 Sec. 3. NEW SECTION. FILING BYLAWS. Pursuant to article
21 three (III), paragraph (i), of the compact, the commission
22 shall file a copy of its bylaws and any amendment thereto
23 with the governor.

24 Sec. 4. There is appropriated from the general fund of
25 the state for each fiscal year of the biennium beginning July
26 1, 1973 and ending June 30, 1975, to the governor of the state
27 of Iowa the sum of ten thousand five hundred (10,500) dollars,
28 or so much thereof as may be necessary, to be used for member-
29 ship fees for Iowa to become a member of the education commis-
30 sion of the states.

31 EXPLANATION

32 This bill authorizes Iowa to become a member of the Edu-
33 cation Commission of the States and establishes a commission
34 to represent Iowa and provides an appropriation for the mem-
35 bership dues.

LSB 369
db/jw/3