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SENATE FILE 1168 EDUCATION
BY BOETTGER and KIBBIE

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

A BILL FOR

1 An Act entering Iowa into the midwestern higher education
2 compact.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 1168 EDUCATION

1 Section 1. NEW SECTION. 261D.1 DEFINITION.

2 As used in this chapter, unless the context otherwise
3 requires, "commission" means the midwestern higher education
4 compact commission.

5 Sec. 2. NEW SECTION. 261D.2 MIDWESTERN HIGHER EDUCATION
6 COMPACT.

7 The midwestern higher education compact is entered into
8 with all other states which enter into the compact in
9 substantially the following form:

10 ARTICLE I

11 PURPOSE

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

18 ARTICLE II

19 THE COMMISSION

20 The compacting states create the midwestern higher
21 education commission. The commission shall be a body
22 corporate of each compacting state. The commission shall have
23 all the responsibilities, powers, and duties set forth in this
24 chapter, including the power to sue and be sued, and such
25 additional powers as may be conferred upon it by subsequent
26 action of the respective legislatures of the compacting states
27 in accordance with the terms of this compact.

28 The commission shall consist of five resident members of
29 each state as follows: the governor or the governor's
30 designee, who shall serve during the tenure of office of the
31 governor; two legislators, one from each house (except
32 Nebraska, which may appoint two legislators from its
33 unicameral legislature), who shall serve two-year terms and be
34 appointed by the appropriate appointing authority in each
35 house of the legislature; and two other at-large members, at

1 least one of whom shall be selected from the field of higher
2 education. The at-large members shall be appointed in a
3 manner provided by the laws of the appointing state. One of
4 the two at-large members initially appointed in each state
5 shall serve a two-year term. The other, and any regularly
6 appointed successor to either at-large member, shall serve a
7 four-year term. All vacancies shall be filled in accordance
8 with the laws of the appointed states. Any commissioner
9 appointed to fill a vacancy shall serve until the end of the
10 incomplete term.

11 The commission shall select annually, from among its
12 members, a chairperson, a vice chairperson, and a treasurer.

13 The commission shall appoint an executive director who
14 shall serve at its pleasure and who shall act as secretary to
15 the commission. The treasurer, the executive director, and
16 such other personnel as the commission may determine shall be
17 bonded in such amounts as the commission may require.

18 The commission shall meet at least once each calendar year.
19 The chairperson may call additional meetings and, upon the
20 request of a majority of the commission members of three or
21 more compacting states, shall call additional meetings.
22 Public notice shall be given of all meetings and meetings
23 shall be open to the public.

24 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

30 POWERS AND DUTIES OF THE COMMISSION

31 The commission shall adopt a seal and suitable bylaws
32 governing its management and operations.

33 Irrespective of the civil service, personnel, or other
34 merit system laws of any of the compacting states, the
35 commission in its bylaws shall provide for the personnel

1 policies and programs of the compact.

2 The commission shall submit a budget to the governor and
3 legislature of each compacting state at such time and for such
4 period as may be required. The budget shall contain specific
5 recommendations of the amount or amounts to be appropriated by
6 each of the compacting states.

7 The commission shall report annually to the legislatures
8 and governors of the compacting states, to the midwestern
9 governors' conference, and to the midwestern legislative
10 conference of the council of state governments concerning the
11 activities of the commission during the preceding year. Such
12 reports shall also embody any recommendations that may have
13 been adopted by the commission.

14 The commission may borrow, accept, or contract for the
15 services of personnel from any state or the United States or
16 any subdivision or agency, from any interstate agency, or from
17 any institution, foundation, person, firm, or corporation.

18 The commission may accept for any of its purposes and
19 functions under the compact any and all donations and grants
20 of money, equipment, supplies, materials, and services
21 (conditional or otherwise) from any state or the United States
22 or any subdivision or agency thereof, or interstate agency, or
23 from any institution, foundation, person, firm, or
24 corporation, and may receive, utilize, and dispose of the
25 same.

26 The commission may enter into agreements with any other
27 interstate education organizations or agencies and with higher
28 education institutions located in nonmember states and with
29 any of the various states of these United States to provide
30 adequate programs and services in higher education for the
31 citizens of the respective compacting states. The commission
32 shall, after negotiations with interested institutions and
33 interstate organizations or agencies, determine the cost of
34 providing the programs and services in higher education for
35 use of these agreements.

1 The commission may establish and maintain offices, which
2 shall be located within one or more of the compacting states.

3 The commission may establish committees and hire staff as
4 it deems necessary for the carrying out of its functions.

5 The commission may provide for actual and necessary
6 expenses for attendance of its members at official meetings of
7 the commission or its designated committees.

8 ARTICLE IV

9 ACTIVITIES OF THE COMMISSION

10 The commission shall collect data on the long-range effects
11 of the compact on higher education. By the end of the fourth
12 year from the effective date of the compact and every two
13 years thereafter, the commission shall review its
14 accomplishments and make recommendations to the governors and
15 legislatures of the compacting states on the continuance of
16 the compact.

17 The commission shall study issues in higher education of
18 particular concern to the midwestern region. The commission
19 shall also study the needs for higher education programs and
20 services in the compacting states and the resources for
21 meeting such needs. The commission shall from time to time
22 prepare reports on such research for presentation to the
23 governors and legislatures of the compacting states and other
24 interested parties. In conducting such studies, the
25 commission may confer with any national or regional planning
26 body. The commission may redraft and recommend to the
27 governors and legislatures of the various compacting states
28 suggested legislation dealing with problems of higher
29 education.

30 The commission shall study the need for provision of
31 adequate programs and services in higher education, such as
32 undergraduate, graduate, or professional student exchanges in
33 the region. If a need for exchange in a field is apparent,
34 the commission may enter into such agreements with any higher
35 education institution and with any of the compacting states to

1 provide programs and services in higher education for the
2 citizens of the respective compacting states. The commission
3 shall, after negotiations with interested institutions and the
4 compacting states, determine the costs of providing the
5 programs and services in higher education for use in its
6 agreements. The contracting states shall contribute the funds
7 not otherwise provided, as determined by the commission, for
8 carrying out the agreements. The commission may also serve as
9 the administrative and fiscal agent in carrying out agreements
10 for higher education programs and services.

11 The commission shall serve as a clearinghouse on
12 information regarding higher education activities among
13 institutions and agencies.

14 In addition to the activities of the commission previously
15 noted, the commission may provide services and research in
16 other areas of regional concern.

17 ARTICLE V

18 FINANCE

19 The moneys necessary to finance the general operations of
20 the commission, not otherwise provided for, in carrying forth
21 its duties, responsibilities, and powers as stated herein
22 shall be appropriated to the commission by the compacting
23 states, when authorized by the respective legislatures, by
24 equal apportionment among the compacting states.

25 The commission shall not incur any obligations of any kind
26 prior to the making of appropriations adequate to meet the
27 same; nor shall the commission pledge the credit of any of the
28 compacting states, except by and with the authority of the
29 compacting state.

30 The commission shall keep accurate accounts of all receipts
31 and disbursements. The receipts and disbursements of the
32 commission shall be subject to the audit and accounting
33 procedures established under its bylaws. However, all
34 receipts and disbursements of funds handled by the commission
35 shall be audited yearly by a certified or licensed public

1 accountant and the report of the audit shall be included in
2 and become part of the annual report of the commission.

3 The accounts of the commission shall be open at any
4 reasonable time for inspection by duly authorized
5 representatives of the compacting states and persons
6 authorized by the commission.

7 ARTICLE VI

8 ELIGIBLE PARTIES AND ENTRY INTO FORCE

9 The states of Illinois, Indiana, Iowa, Kansas, Michigan,
10 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South
11 Dakota, and Wisconsin shall be eligible to become party to
12 this compact. Additional states will be eligible if approved
13 by a majority of the compacting states.

14 As to any eligible party state, this compact shall become
15 effective when its legislature shall have enacted the same
16 into law.

17 Amendments to the compact shall become effective upon their
18 enactment by the legislatures of all compacting states.

19 ARTICLE VII

20 WITHDRAWAL, DEFAULT, AND TERMINATION

21 Any compacting state may withdraw from this compact by
22 enacting a statute repealing the compact, but such withdrawal
23 shall not become effective until two years after the enactment
24 of such statute. A withdrawing state shall be liable for any
25 obligations which it may have incurred on account of its party
26 status up to the effective date of withdrawal, except that if
27 the withdrawing state has specifically undertaken or committed
28 itself to any performance of an obligation extending beyond
29 the effective date of withdrawal, it shall remain liable to
30 the extent of such obligation.

31 If any compacting state shall at any time default in the
32 performance of any of its obligations, assumed or imposed, in
33 accordance with the provisions of this compact, all rights,
34 privileges, and benefits conferred by this compact or
35 agreements hereunder shall be suspended from the effective

1 date of such default as fixed by the commission, and the
2 commission shall stipulate the conditions and maximum time for
3 compliance under which the defaulting state may resume its
4 regular status. Unless such default shall be remedied under
5 the stipulations and within the time period set forth by the
6 commission, this compact may be terminated with respect to
7 such defaulting state by affirmative vote of a majority of the
8 other member states. Any such defaulting state may be
9 reinstated by performing all acts and obligations as
10 stipulated by the commission.

11 ARTICLE VIII

12 SEVERABILITY AND CONSTRUCTION

13 The provisions of this compact entered into hereunder shall
14 be severable and if any phrase, clause, sentence, or provision
15 of this compact is declared to be contrary to the Constitution
16 of any compacting state or of the United States or the
17 applicability thereof to any government, agency, person, or
18 circumstance is held invalid, the validity of the remainder of
19 this compact and the applicability thereof to any government,
20 agency, person, or circumstance shall not be affected thereby.
21 If this compact entered into hereunder shall be held contrary
22 to the constitution of any compacting state, the compact shall
23 remain in full force and effect as to the remaining states and
24 in full force and effect as to the state affected as to all
25 severable matters. The provisions of this compact entered
26 into pursuant hereto shall be liberally construed to
27 effectuate the purposes thereof.

28 This compact is now in full force and effect, having been
29 approved by the governors and legislatures of more than five
30 of the eligible states.

31 Sec. 3. NEW SECTION. 261D.3 COMMISSION MEMBERS
32 REPRESENTING IOWA -- TERMS -- VACANCIES.

33 1. The members of the commission representing this state
34 shall consist of the following:

35 a. The governor or the governor's designee.

1 b. One member of the senate appointed by the president of
2 the senate after consultation with the majority leader and
3 minority leader of the senate.

4 c. One member of the house of representatives appointed by
5 the speaker of the house of representatives after consultation
6 with the majority leader and minority leader of the house of
7 representatives.

8 d. One member appointed by the state board of regents.

9 e. One member appointed by the Iowa association of
10 community college trustees.

11 2. In order to maximize participation in and knowledge of
12 commission activities, alternate members of the commission
13 representing Iowa shall be designated in the following manner:

14 a. One alternate member appointed by the governor.

15 b. One alternate member from the senate from the opposite
16 political party of the commissioner appointed pursuant to
17 subsection 1, paragraph "b", selected in the manner provided
18 in subsection 1, paragraph "b".

19 c. One alternate member from the house of representatives
20 from the opposite political party of the commissioner
21 appointed pursuant to subsection 1, paragraph "c", selected in
22 the manner provided in subsection 1, paragraph "c".

23 d. One alternate member appointed by the Iowa association
24 of independent colleges and universities.

25 e. One alternate member appointed by the Iowa college
26 student aid commission.

27 3. The members shall serve two-year terms except as
28 otherwise provided under the terms of the compact.

29 Nonlegislative members shall serve without compensation, but
30 shall receive their actual and necessary expenses and travel.

31 Legislative members shall receive actual and necessary
32 expenses pursuant to sections 2.10 and 2.12. Vacancies on the
33 commission shall be filled for the unexpired portion of the
34 term in the same manner as the original appointments. If a
35 member ceases to be a member of the general assembly, the

1 member shall no longer serve as a member of the commission.

2 4. It is the intent of the general assembly that
3 commissioners representing the senate and the house of
4 representatives be members of different political parties from
5 one another.

6 EXPLANATION

7 This bill brings Iowa in as a member state to the
8 midwestern higher education compact. The stated purpose of
9 the compact is to provide greater higher education
10 opportunities and services in the midwestern region, with the
11 aim of furthering regional access to, research in, and choice
12 of higher education for the citizens residing in the several
13 states that are parties to the compact.

14 The bill describes the commission as a body corporate of
15 each compacting state. The commission consists of five
16 resident members of each state, including the governor or the
17 governor's designee; two legislators, one from each house; a
18 member appointed by the state board of regents; and a member
19 appointed by the Iowa association of community college
20 trustees. The bill also provides for the appointment of
21 alternate members. The commission must meet at least once
22 each calendar year. Commission meetings are open to the
23 public. Each compacting state represented at any meeting of
24 the commission is entitled to one vote. The duties and
25 responsibilities of the commission are set forth in the bill,
26 including a requirement that the commission submit a budget,
27 containing specific recommendations of the amount to be
28 appropriated by each of the compacting states, to the governor
29 and legislature of each compacting state.

30 The commission must study issues in higher education of
31 particular concern to the midwestern region. If a need for
32 exchange in a field is apparent, the commission may enter into
33 such agreements with any higher education institution and with
34 any of the compacting states to provide programs and services
35 in higher education for the citizens of the respective

1 compacting states. The contracting states must contribute the
2 funds, as determined by the commission, for carrying out the
3 agreements.

4 The commission must report annually to the legislatures and
5 governors of the compacting states, to the midwestern
6 governors' conference, and to the midwestern legislative
7 conference of the council of state governments concerning the
8 activities of the commission during the preceding year. The
9 commission must also collect data on the long-range effects of
10 the compact on higher education, biennially review its
11 accomplishments, and make recommendations to the governors and
12 legislatures of the compacting states on the continuance of
13 the compact.

14 The commission shall serve as a clearinghouse on
15 information regarding higher education activities among
16 institutions and agencies.

17 Member states are the states of Illinois, Indiana, Kansas,
18 Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio,
19 and Wisconsin. Iowa and South Dakota are the only other
20 states currently eligible to become a member.

21 Any compacting state may withdraw from the compact
22 effective two years after the enactment of a statute repealing
23 the compact. A withdrawing state is liable for any
24 obligations it may have incurred on account of its party
25 status.

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