

SENATE BILL NO. 60

INTRODUCED BY B. MCCARTHY

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A BILL FOR AN ACT ENTITLED: "AN ACT APPROVING THE COMPACT FOR EDUCATION OF
ESTABLISHED BY THE EDUCATION COMMISSION OF THE STATES; PROVIDING FOR THE APPOINTMENT
OF SEVEN COMMISSIONERS FOR MONTANA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Compact for Education approved.** The Compact for Education
established by the education commission of the states is enacted into law and entered into with all other
jurisdictions legally joining in the compact, in the form substantially as follows:

THE COMPACT FOR EDUCATION

ARTICLE I

PURPOSE AND POLICY

(1) It is the purpose of this compact to:

(a) establish and maintain close cooperation and understanding among executive, legislative,
professional educational, and lay leadership on a nationwide basis at the state and local levels;

(b) provide a forum for the discussion, development, crystallization, and recommendation of public
policy alternatives in the field of education;

(c) provide a clearinghouse of information on matters relating to education problems and how they
are being met in different places throughout the nation; and

(d) facilitate the improvement of state and local education systems.

(2) It is the policy of this compact to encourage and promote local and state initiative in the
development, maintenance, improvement, and administration of education systems and institutions.

(3) The states that have entered into this compact 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 education systems and institutions.

ARTICLE II

STATE DEFINED



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

3 ARTICLE III

4 THE COMMISSION

5 (1) The education commission of the states (commission) is hereby established. The commission
6 consists of seven members representing each state that has entered into the compact. One of the state
7 members must be the governor, two must be members of the legislature selected by its respective houses
8 and serving in a manner as the legislature may determine, ONE MUST BE THE STATE SUPERINTENDENT OF PUBLIC
9 INSTRUCTION, and ~~four~~ THREE must be appointed by and serve at the pleasure of the governor. The guiding
10 principle for the composition of the membership on the commission from each party state must be that
11 the members representing the state shall, by virtue of their training, experience, knowledge, or affiliations,
12 reflect broadly the interests of the state government, higher education, the state education system, local
13 education, and public and nonpublic educational leadership. ~~Of those appointees, one must be the head~~
14 ~~of a state agency or institution, designated by the governor, having responsibility for one or more programs~~
15 ~~of public education.~~ In addition to the members of the commission representing the party states, there
16 may be no more than 10 nonvoting commissioners selected by the steering committee for terms of 1 year.
17 The commissioners shall represent leading national organizations of professional educators or persons
18 concerned with educational administration.

19 (2) The members of the commission are entitled to one vote each on the commission. Any action
20 of the commission is not binding unless taken at a meeting at which a majority of the total number of
21 votes on the commission are cast in favor of the action. Any action of the commission must be taken only
22 at a meeting at which a majority of the commissioners are present. The commission shall meet at least
23 once a year. In its bylaws, and subject to any directions and limitations as may be contained in the
24 bylaws, the commission may delegate the exercise of any of its powers to the steering committee or the
25 executive director, except for the power to approve budgets or requests for appropriations, the power to
26 make policy recommendations pursuant to Article IV, and adoption of the annual report pursuant to Article
27 III(10).

28 (3) The commission must have a seal.

29 (4) The commission shall elect annually, from among its members, a presiding officer, who must
30 be a governor; a vice presiding officer; and a treasurer. The commission shall appoint an executive

1 director. The executive director shall serve at the pleasure of the commission and, together with the
2 treasurer and other personnel as the commission may consider appropriate, must be bonded in an amount
3 determined by the commission. The executive director shall serve as secretary.

4 (5) The executive director, subject to the approval of the steering committee, shall appoint,
5 remove, or discharge any personnel as may be necessary for the performance of the functions of the
6 commission. The executive director shall fix the duties and compensation of the personnel. The
7 commission in its bylaws shall provide for the personnel policies and programs of the commission.

8 (6) The commission may borrow, accept, or contract for the services of personnel.

9 (7) The commission may accept for any of its purposes and functions under this compact any
10 donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise,
11 from any state, the United States, or any other governmental agency, or from any person, firm,
12 association, foundation, or corporation and may receive, utilize, and dispose of any gifts and grants. Any
13 donation or grant accepted by the commission pursuant to this section or services borrowed pursuant to
14 section (6) of this article must be reported in the annual report of the commission. The report must include
15 the nature, amount, and conditions, if any, of the donation, grant, or services borrowed and the identity
16 of the donor or lender.

17 (8) The commission may establish and maintain any facilities as may be necessary for the
18 transacting of its business. The commission may acquire, hold, and convey real and personal property and
19 any interest in property.

20 (9) The commission shall adopt bylaws for the conduct of its business and may amend and rescind
21 these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy of its
22 bylaws and any amendments with the appropriate agency or officer in each state that has entered into this
23 compact.

24 (10) The commission annually shall make and provide to the governor and legislature of each state
25 that has entered into the compact a report covering the activities of the commission for the preceding
26 year. The commission may make any additional reports as it considers desirable.

27 ARTICLE IV

28 POWERS

29 In addition to any authority conferred on the commission by other provisions of the compact, the
30 commission may:

1 (1) collect, correlate, analyze, and interpret information and data concerning educational needs
2 and resources;

3 (2) encourage and foster research in all aspects of education, but with special reference to the
4 desirable scope of instruction, organization, administration, and instructional methods and standards
5 employed or suitable for employment in public education systems;

6 (3) develop proposals for adequate financing of education as a whole and at each of its many
7 levels;

8 (4) conduct or participate in research in any instance where it finds that the research is necessary
9 for the advancement of the purposes and policies of this compact, utilizing fully the resources of national
10 associations, regional organizations for higher education, and other agencies and institutions, both public
11 and private;

12 (5) formulate suggested policies and plans for the improvement of public education as a whole,
13 or for any segment of public education, and make recommendations with respect to public education
14 available to the appropriate governmental units, agencies, and public officers; and

15 (6) do other things as may be necessary or incidental to the administration of any of its authority
16 or functions pursuant to the compact.

17 ARTICLE V

18 COOPERATION WITH FEDERAL GOVERNMENT

19 (1) If the laws of the United States specifically provide, or if administrative provision is made
20 within the federal government, the United States may be represented on the commission by not more than
21 10 representatives. A representative of the United States must be appointed and serve in the manner as
22 may be provided by federal law and may be drawn from any one or more branches of the federal
23 government. A representative of the United States may not have a vote on the commission.

24 (2) The commission may provide information and make recommendations to any executive or
25 legislative agency or officer of the federal government concerning the common educational policies of the
26 states and may confer with any federal agencies or officers concerning any matter of mutual interest.

27 ARTICLE VI

28 COMMITTEES

29 (1) To assist in the conduct of its business when the full commission is not meeting, the
30 commission shall elect a steering committee that, subject to the provisions of this compact and consistent

1 with the policies of the commission, is constituted and functions as provided in the bylaws of the
2 commission. One-fourth of the voting membership of the steering committee must consist of governors,
3 one-fourth must consist of legislators, and the remainder must consist of other members of the
4 commission. A federal representative on the commission may serve with the steering committee, but may
5 not vote. The voting members of the steering committee shall serve a term of 2 years. The presiding
6 officer, vice presiding officer, and treasurer of the commission must be members of the steering committee
7 and, notwithstanding anything in this section to the contrary, shall serve during their continuance in these
8 offices. Vacancies on the steering committee do not affect its authority to act, but the commission at its
9 next regular meeting following the occurrence of any vacancy shall fill it for the unexpired term. A person
10 may not serve more than two terms as a member of the steering committee, provided that service for a
11 partial term of 1 year or less may not be counted toward the limitation.

12 (2) The commission may establish advisory and technical committees composed of state, local,
13 or federal officers and private persons to advise it with respect to any one or more of its functions. An
14 advisory or technical committee may, on request of the states concerned, be established to consider any
15 matter of special concern to two or more of the states that have entered into this compact.

16 (3) The commission may establish any additional committees as its bylaws may provide.

17 ARTICLE VII

18 FINANCE

19 (1) The commission shall advise the governor or designated officer of each state that has entered
20 into this compact of its budget and estimated expenditures for any period as may be required by the laws
21 of that state. Each of the commission's budgets of estimated expenditures must contain specific
22 recommendations of the amount to be appropriated by each of the states.

23 (2) The total amount of appropriation requests under any budget must be apportioned among the
24 states. In making the apportionment, the commission shall devise and employ a formula that takes
25 equitable account of the population and per capita levels of income of the states.

26 (3) The commission may not pledge the credit of any state. The commission may meet any of
27 its obligations in whole or in part with money available to it pursuant to Article III of this compact, provided
28 that the commission takes specific action setting aside the money before incurring an obligation to be met
29 in whole or in part in that manner. Except when the commission makes use of money available to it
30 pursuant to Article III, the commission may not incur any obligation before receiving an allotment of money

1 from the states that is adequate to meet the obligation.

2 (4) The commission shall keep accurate accounts of all receipts and disbursements. The receipts
3 and disbursements of the commission are subject to the procedures for audit and accounting established
4 by its bylaws. However, all receipts and disbursements of money handled by the commission must be
5 audited yearly by a qualified public accountant. The report of the audit must be included in and become
6 part of the annual report of the commission.

7 (5) The accounts of the commission must be open at any reasonable time for inspection by
8 officers of the states that have entered into this compact and by any other persons authorized by the
9 commission.

10 (6) The provisions in this compact may not prohibit compliance with laws relating to audit or
11 inspection of accounts by or on behalf of any government contributing to the support of the commission.

12 ARTICLE VIII

13 ELIGIBLE PARTIES--ENTRY INTO AND WITHDRAWAL

14 (1) This compact has as eligible parties all states, territories, and possessions of the United States,
15 the District of Columbia, and the Commonwealth of Puerto Rico. With respect to any jurisdiction not
16 having a governor, the term "governor", as used in this compact, means the closest equivalent officer of
17 the jurisdiction.

18 (2) Any state or other eligible jurisdiction may enter into this compact and it becomes binding
19 when it is adopted by that state or jurisdiction, except that in order to enter into initial effect, adoption by
20 at least 10 eligible jurisdictions is required.

21 (3) Any state may withdraw from this compact by enacting a statute repealing the compact, but
22 withdrawal may not take effect until 1 year after the governor of the withdrawing state has given notice
23 in writing of the withdrawal to the governors of all other states that have entered into this compact.
24 Withdrawal does not affect any liability already incurred by or chargeable to a state before its withdrawal.

25 ARTICLE IX

26 AMENDMENTS TO THE COMPACT

27 This compact may be amended by a vote of two-thirds of the members of the commission present
28 and voting when ratified by the legislatures of two-thirds of the states that have entered into this compact.

29 ARTICLE X

30 CONSTRUCTION AND SEVERABILITY

1 This compact must be liberally construed so as to accomplish its purposes. The provisions of this
 2 compact are severable, and if any phrase, clause, sentence, or provision of this compact is declared to be
 3 unconstitutional, or the application of the compact to any government, agency, person, or circumstance
 4 is held invalid, the validity of the remainder of this compact may not be affected. If this compact is held
 5 to be contrary to the constitution of any state participating in the compact, the compact remains in effect
 6 as to the state affected as to all severable matters.

7

8 **NEW SECTION. Section 2. Appointment of commissioners to the education commission of the**

9 **states.** (1) The seven members of the education commission of the states representing Montana are:

- 10 (a) the governor;
- 11 (b) one senator appointed by the committee on committees;
- 12 (c) one representative appointed by the speaker of the house;
- 13 (d) the superintendent of public instruction; and
- 14 (e) three persons appointed by the governor, including:
- 15 (i) ~~two educators~~ ONE EDUCATOR engaged in the field of higher education; and
- 16 (ii) ~~one educator~~ TWO EDUCATORS engaged in the field of K-12 education.

17 (2) The term of each commissioner APPOINTED BY THE LEGISLATURE is 4 years. ~~The, AND~~ legislators
 18 ~~appointed~~ shall serve until the expiration of their appointments, even though their legislative terms may
 19 have ended. THE COMMISSIONERS APPOINTED BY THE GOVERNOR SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

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21 **NEW SECTION. Section 3. State obligations or rights under compact not altered.** The provisions
 22 of [sections 1 through 5] may not be construed to alter any of the obligations or restrict or impair any
 23 rights that this state may have under the compact.

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25 **NEW SECTION. Section 4. Bylaws filed.** Pursuant to Article III(9) of [section 1], the commission
 26 shall file a copy of its bylaws and amendments to the bylaws with the secretary of state.

27

28 **NEW SECTION. Section 5. Limitation on power -- adoption of rules.** (1) The provisions of
 29 [sections 1 through 5] may not be construed to bind or obligate the state of Montana to enact any new
 30 legislation or to amend any current laws pertaining to the administration and financing of education in

1 Montana.

2 (2) The superintendent of public instruction may adopt rules that incorporate by reference the
3 bylaws and any amendments to the bylaws provided for in Article III(9) of [section 1].

4

5 NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 5] are intended to be
6 codified as an integral part of Title 20, and the provisions of Title 20 apply to [sections 1 through 5].

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8 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2001.

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