

By: Representatives Henley, Criswell

To: Education

HOUSE BILL NO. 1072

1 AN ACT TO AMEND SECTION 37-135-11, MISSISSIPPI CODE OF 1972,
2 TO REVISE CERTAIN PROVISIONS OF THE SEVERABILITY CLAUSE OF THE
3 COMPACT FOR EDUCATION; TO REQUIRE THE MISSISSIPPI COMMISSIONERS TO
4 THE EDUCATION COMMISSION OF THE STATES TO URGE MEMBER STATES OF
5 THE COMMISSION TO ADOPT THE SAME AMENDMENTS IN ORDER TO EFFECTUATE
6 A REVISION TO THE COMPACT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 37-135-11, Mississippi Code of 1972, is
9 amended as follows:

10 37-135-11. **COMPACT FOR EDUCATION**

11 The Compact for Education is hereby entered into and enacted
12 into law with all jurisdictions legally joining therein, in the
13 form substantially as follows:

14 **ARTICLE I**

15 **PURPOSE AND POLICY**

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

- 17 1. Establish and maintain close cooperation and
18 understanding among executive, legislative, professional
19 educational and lay leadership on a nationwide basis at the state
20 and local levels.



21 2. Provide a forum for the discussion, development,
22 crystallization and recommendation of public policy alternatives
23 in the field of education.

24 3. Provide a clearinghouse of information on matters
25 relating to education problems and how they are being met in
26 different places throughout the nation, so that the executive and
27 legislative branches of state government and of local communities
28 may have ready access to the experience and record of the entire
29 country, and so that both lay and professional groups in the field
30 of education may have additional avenues for the sharing of
31 experience and the interchange of ideas in the formation of public
32 policy in education.

33 4. Facilitate the improvement of state and local
34 education systems so that all of them will be able to meet
35 adequate and desirable goals in a society that requires continuous
36 qualitative and quantitative advance in educational opportunities,
37 methods and facilities.

38 B. It is the policy of this compact to encourage and promote
39 local and state initiative in the development, maintenance,
40 improvement and administration of education systems and
41 institutions in a manner that will accord with the needs and
42 advantages of diversity among localities and states.

43 C. The party states recognize that each of them has an
44 interest in the quality and quantity of education furnished in
45 each of the other states, as well as in the excellence of its own



46 education systems and institutions, because of the highly mobile
47 character of individuals within the nation, and because the
48 products and services contributing to the health, welfare and
49 economic advancement of each state are supplied in significant
50 part by persons educated in other states.

51 **ARTICLE II**

52 **STATE DEFINED**

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

56 **ARTICLE III**

57 **THE COMMISSION**

58 A. The Education Commission of the States, hereinafter
59 called "the commission," is hereby established. The commission
60 shall consist of seven (7) members representing each party state.
61 One (1) of such members shall be the Governor of Mississippi; One
62 (1) shall be the Commissioner of Higher Education for the State of
63 Mississippi, or his designee; one (1) shall be the State
64 Superintendent of Public Education, or his designee; and four (4)
65 shall be members of the Mississippi State Legislature, consisting
66 of the Chairman of the Education Committee of the Senate, and the
67 Chairman of the Education Committee of the House of
68 Representatives, the Chairman of the Universities and Colleges
69 Committee of the Senate and the Chairman of the Universities and
70 Colleges Committee of the House of Representatives. In addition



71 to any other principles or requirements which a state may
72 establish for the appointment and service of its members of the
73 commission, the guiding principle for the composition of the
74 membership on the commission from each party state shall be that
75 the members representing such state shall, by virtue of their
76 training, experience, knowledge or affiliations, be in a position
77 collectively to reflect broadly the interests of the state
78 government, higher education, the state education system, local
79 education, lay and professional, public and nonpublic educational
80 leadership. Of those appointees, one (1) shall be the head of a
81 state agency or institution, designated by the Governor, having
82 responsibility for one or more programs of public education. In
83 addition to the members of the commission representing the party
84 states, there may be not to exceed ten (10) nonvoting
85 commissioners selected by the steering committee for terms of one
86 (1) year. Such commissioners shall represent leading national
87 organizations of professional educators or persons concerned with
88 educational administration.

89 B. The members of the commission shall be entitled to one
90 (1) vote each on the commission. No action of the commission
91 shall be binding unless taken at a meeting at which a majority of
92 the total number of votes on the commission are cast in favor
93 thereof. Action of the commission shall be only at a meeting at
94 which a majority of the commissioners are present. The commission
95 shall meet at least once a year. In its bylaws, and subject to



96 such directions and limitations as may be contained therein, the
97 commission may delegate the exercise of any of its powers to the
98 steering committee or the executive director, except for the power
99 to approve budgets or requests for appropriations, the power to
100 make policy recommendations pursuant to Article IV and adoption of
101 the annual report pursuant to Article III(J).

102 C. The commission shall have a seal.

103 D. The commission shall elect annually, from among its
104 members, a chairman, who shall be a governor; a vice chairman; and
105 a treasurer. The commission shall provide for the appointment of
106 an executive director. The executive director shall serve at the
107 pleasure of the commission, and together with the treasurer and
108 such other personnel as the commission may deem appropriate shall
109 be bonded in such amount as the commission shall determine. The
110 executive director shall be secretary.

111 E. Irrespective of the civil service, personnel or other
112 merit system laws of any of the party states, the executive
113 director, subject to the approval of the steering committee, shall
114 appoint, remove or discharge such personnel as may be necessary
115 for the performance of the functions of the commission, and shall
116 fix the duties and compensation of such personnel. The commission
117 in its bylaws shall provide for the personnel policies and
118 programs of the commission.

119 F. The commission may borrow, accept or contract for the
120 services of personnel from any party jurisdiction, the United



121 States or any subdivision or agency of the aforementioned
122 governments, or from any agency of two (2) or more of the party
123 jurisdictions or their subdivisions.

124 G. The commission may accept for any of its purposes and
125 functions under this compact any and all donations and grants of
126 money, equipment, supplies, materials and services, conditional or
127 otherwise, from any state, the United States or any other
128 governmental agency, or from any person, firm, association,
129 foundation or corporation, and may receive, utilize and dispose of
130 the same. Any donation or grant accepted by the commission
131 pursuant to this paragraph or services borrowed pursuant to
132 paragraph F of this article shall be reported in the annual report
133 of the commission. Such report shall include the nature, amount
134 and conditions, if any, of the donation, grant or services
135 borrowed, and the identity of the donor or lender.

136 H. The commission may establish and maintain such facilities
137 as may be necessary for the transacting of its business. The
138 commission may acquire, hold and convey real and personal property
139 and any interest therein.

140 I. The commission shall adopt bylaws for the conduct of its
141 business and shall have the power to amend and rescind these
142 bylaws. The commission shall publish its bylaws in convenient
143 form and shall file a copy thereof and a copy of any amendment
144 thereto with the appropriate agency or officer in each of the
145 party states.



146 J. The commission annually shall make to the governor and
147 legislature of each party state a report covering the activities
148 of the commission for the preceding year. The commission may make
149 such additional reports as it may deem desirable.

150 **ARTICLE IV**

151 **POWERS**

152 In addition to authority conferred on the commission by other
153 provisions of the compact, the commission shall have authority to:

154 A. Collect, correlate, analyze and interpret information and
155 data concerning educational needs and resources.

156 B. Encourage and foster research in all aspects of
157 education, but with special reference to the desirable scope of
158 instruction, organization, administration and instructional
159 methods and standards employed or suitable for employment in
160 public education systems.

161 C. Develop proposals for adequate financing of education as
162 a whole and at each of its many levels.

163 D. Conduct or participate in research of the types referred
164 to in this article in any instance where the commission finds that
165 such research is necessary for the advancement of the purposes and
166 policies of this compact, using fully the resources of national
167 associations, regional compact organizations for higher education,
168 and other agencies and institutions, both public and private.

169 E. Formulate suggested policies and plans for the
170 improvement of public education as a whole, or for any segment



171 thereof, and make recommendations with respect thereto available
172 to the appropriate governmental units, agencies and public
173 officials.

174 F. Do such other things as may be necessary or incidental to
175 the administration of any of its authority or functions pursuant
176 to this compact.

177 **ARTICLE V**

178 **COOPERATION WITH FEDERAL GOVERNMENT**

179 A. If the laws of the United States specifically so provide,
180 or if administrative provision is made therefore within the
181 federal government, the United States may be represented on the
182 commission by no more than ten (10) representatives. Any such
183 representative or representatives of the United States shall be
184 appointed and serve in such manner as may be provided by or
185 pursuant to federal law, and may be drawn from any one or more
186 branches of the federal government, but no such representative
187 shall have a vote on the commission.

188 B. The commission may provide information and make
189 recommendations to any executive or legislative agency or officer
190 of the federal government concerning the common education policies
191 of the states, and may advise with any such agencies or officers
192 concerning any matter of mutual interest.

193 **ARTICLE VI**

194 **COMMITTEES**



195 A. To assist in the expeditious conduct of its business when
196 the full commission is not meeting, the commission shall elect a
197 steering committee of thirty-two (32) members which, subject to
198 the provisions of this compact and consistent with the policies of
199 the commission, shall be constituted and function as provided in
200 the bylaws of the commission. One-fourth (1/4) of the voting
201 membership of the steering committee shall consist of governors,
202 one-fourth (1/4) shall consist of legislators, and the remainder
203 shall consist of other members of the commission. A federal
204 representative on the commission may serve with the steering
205 committee, but without vote. The voting members of the steering
206 committee shall serve for terms of two (2) years, except that
207 members elected to the first steering committee of the commission
208 shall be elected as follows: sixteen (16) for one (1) year and
209 sixteen (16) for two (2) years. The chairman, vice chairman and
210 treasurer of the commission shall be members of the steering
211 committee and, anything in this paragraph to the contrary
212 notwithstanding, shall serve during their continuance in these
213 offices. Vacancies in the steering committee shall not affect its
214 authority to act, but the commission at its next regularly ensuing
215 meeting following the occurrence of any vacancy shall fill it for
216 the unexpired term. No person shall serve more than two (2) terms
217 as a member of the steering committee, provided that service for a
218 partial term of one (1) year or less shall not be counted toward
219 the two-term limitation.



220 B. The commission may establish advisory and technical
221 committees composed of state, local and federal officials, and
222 private persons to advise it with respect to any one (1) or more
223 of its functions. Any advisory or technical committee may, on
224 request of the states concerned, be established to consider any
225 matter of special concern to two (2) or more of the party states.

226 C. The commission may establish such additional committees
227 as its bylaws may provide.

228 **ARTICLE VII**

229 **FINANCE**

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

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

242 C. The commission shall not pledge the credit of any party
243 states. The commission may meet any of its obligations, in whole
244 or in part, with funds available to it pursuant to Article III(G)



245 of this compact, provided that the commission takes specific
246 action setting aside such funds prior to incurring an obligation
247 to be met, in whole or in part, in such manner. Except where the
248 commission makes funds available to it pursuant to Article III(G)
249 thereof, the commission shall not incur any obligation prior to
250 the allotment of funds by the party states adequate to meet the
251 same.

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

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

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

267 **ARTICLE VIII**

268 **ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL**



269 A. This compact shall have as eligible parties all states,
270 territories and possessions of the United States, the District of
271 Columbia and the Commonwealth of Puerto Rico. In respect of any
272 such jurisdiction not having a governor, the term "governor," as
273 used in this compact, shall mean the closest equivalent official
274 of such jurisdiction.

275 B. Any state or other eligible jurisdiction may enter into
276 this compact, and it shall become binding thereon when it has
277 adopted the same, provided that in order to enter into initial
278 effect, adoption by at least ten (10) eligible party jurisdictions
279 shall be required.

280 C. Adoption of the compact may be either by enactment
281 thereof or by adherence thereto by the governor. During any
282 period when a state is participating in this compact through
283 gubernatorial action, the governor shall appoint those persons
284 who, in addition to himself, shall serve as the members of the
285 commission from his state, and shall provide to the commission an
286 equitable share of the financial support of the commission from
287 any source available to him.

288 D. Any party state may withdraw from this compact by
289 enacting a statute repealing the same, but no such withdrawal
290 shall take effect until one (1) year after the governor of the
291 withdrawing state has given notice in writing of the withdrawal to
292 the governors of all other party states. No withdrawal shall



293 affect any liability already incurred by or chargeable to a party
294 state prior to the time of such withdrawal.

295 **ARTICLE IX**

296 **AMENDMENTS TO THE COMPACT**

297 This compact may be amended by a vote of two-thirds (2/3) of
298 the members of the commission present and voting when ratified by
299 the legislatures of two-thirds (2/3) of the party states.

300 **ARTICLE X**

301 **CONSTRUCTION AND SEVERABILITY**

302 * * * The provisions of this compact shall not be severable
303 and if any phrase, clause, sentence or provision of this compact
304 is declared to be contrary to the constitution of any state or of
305 the United States, or the application thereof to any government,
306 agency, person or circumstance is held invalid, the validity of
307 the remainder of this compact and the applicability thereof to any
308 government, agency, person or circumstance shall * * * thereby be
309 held invalid. If this compact shall be held contrary to the
310 constitution of any state participating therein, the compact
311 shall * * * be held invalid and therefore, null and void, as to
312 the state affected * * *.

313 **SECTION 2.** The Legislature finds and declares that Article
314 IX of the Compact for Education provides that the Compact may be
315 amended by a vote of two-thirds (2/3) of the members of the
316 commission present and voting when ratified by the legislatures of
317 two-thirds (2/3) of the party states. It is the intent of the



318 Mississippi Legislature that the Mississippi commissioners to the
319 Education Commission of the States urge the adoption of the
320 amendments made to the Compact, which is codified as Section
321 37-135-11, Mississippi Code of 1972, as set forth in Section 1 of
322 this act. No later than thirty (30) days after the effective date
323 of this act, the Mississippi commissioners shall take such action
324 as may be necessary to urge the legislatures of the member states
325 of the Education Commission of the States to adopt, in
326 substantially the same form, the amendments made to the Compact by
327 the Mississippi Legislature's passage of this act.

328 **SECTION 3.** This act shall take effect and be in force from
329 and after its passage.

