

SENATE BILL NO. 269

1/28 Introduced  
1/29 Referred to Education & Cultural Resources  
1/30 Fiscal Note Requested  
2/05 Fiscal Note Received  
2/08 Hearing  
2/16 Committee Report-Bill Pass As Amended  
2/19 2nd Reading Indefinitely Postponed

1 *Senate* BILL NO. *269*  
 2 INTRODUCED BY *Bob Brown - Garyloch O'Hara Rank*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROVE AND ENACT  
 5 THE COMPACT FOR EDUCATION TO ENABLE MONTANA TO JOIN THE  
 6 EDUCATION COMMISSION OF THE STATES; AND PROVIDING AN  
 7 EFFECTIVE DATE."  
 8

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

10 Section 1. Compact for education. The Compact for  
 11 Education is hereby enacted into law and entered into by  
 12 this state with all other jurisdictions legally joining  
 13 therein in the form substantially as follows:

14 COMPACT FOR EDUCATION

15 Article I. Purpose and Policy

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

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

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

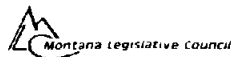
24 (c) provide a clearinghouse of information on matters  
 25 relating to educational problems and how they are being met

1 in different places throughout the nation, so that the  
 2 executive and legislative branches of state government and  
 3 of local communities may have ready access to the experience  
 4 and record of the entire country, and so that both lay and  
 5 professional groups in the field of education may have  
 6 additional avenues for the sharing of experience and the  
 7 interchange of ideas in the formation of public policy in  
 8 education;

9 (d) facilitate the improvement of state and local  
 10 educational systems so that all systems will be able to meet  
 11 adequate and desirable goals in a society which requires  
 12 continuous qualitative and quantitative advances in  
 13 educational opportunities, methods, and facilities.

14 (2) It is the policy of this compact to encourage and  
 15 promote local and state initiative in the development,  
 16 maintenance, improvement, and administration of educational  
 17 systems and institutions in a manner that will accord with  
 18 the needs and advantages of diversity among localities and  
 19 states.

20 (3) The party states recognize that each of them has  
 21 an interest in the quality and quantity of education  
 22 furnished in each of the other states, as well as in the  
 23 excellence of its own educational systems and institutions,  
 24 because of the highly mobile character of individuals within  
 25 the nation, and because the products and services



1 contributing to the health, welfare, and economic  
2 advancement of each state are supplied in significant part  
3 by persons educated in other states.

4 Article II. State Defined

5 As used in this compact, "state" means a state,  
6 territory, or possession of the United States, the District  
7 of Columbia, or the commonwealth of Puerto Rico.

8 Article III. The Commission

9 (1) The education commission of the states,  
10 hereinafter called "the commission", is hereby established.  
11 The commission shall consist of seven members representing  
12 each party state. One of the members must be the governor;  
13 two must be members of the house of representatives and two  
14 must be members of the senate, each appointed in the same  
15 manner as standing committees of the respective house are  
16 appointed; and two must be appointed by and serve at the  
17 pleasure of the governor. In addition to any other  
18 principles or requirements which a state may establish for  
19 the appointment and service of its members of the  
20 commission, the guiding principle for the composition of the  
21 membership on the commission from each party state must be  
22 that the members representing each state shall, by virtue of  
23 their training, experience, knowledge, or affiliations, be  
24 in a position collectively to reflect broadly the interests  
25 of the state government, higher education, the state

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

12 (2) The members of the commission are entitled to one  
13 vote each on the commission. No action of the commission is  
14 binding unless taken at a meeting at which a majority of the  
15 total number of votes on the commission are cast in favor  
16 thereof. Action of the commission may be only at a meeting  
17 at which a majority of the commissioners are present. The  
18 commission shall meet at least once a year. In its bylaws,  
19 and subject to such directions and limitations as may be  
20 contained therein, the commission may delegate the exercise  
21 of any of its powers to the steering committee or the  
22 executive director, except for the power to approve budgets  
23 or requests for appropriations, the power to make policy  
24 recommendations pursuant to Article IV, and adoption of the  
25 annual report pursuant to Article III(10).

1 (3) The commission must have a seal.

2 (4) The commission shall elect annually, from among  
3 its members, a chairman, who must be a governor, a  
4 vice-chairman, and a treasurer. The commission shall provide  
5 for the appointment of an executive director. The executive  
6 director shall serve at the pleasure of the commission, and  
7 together with the treasurer and such other personnel as the  
8 commission considers appropriate must be bonded in such  
9 amount as the commission shall determine. The executive  
10 director is secretary.

11 (5) Irrespective of the civil service, personnel, or  
12 other merit system laws of any of the party states, the  
13 executive director, subject to the approval of the steering  
14 committee, shall appoint, remove, or discharge such  
15 personnel as may be necessary for the performance of the  
16 functions of the commission, and shall fix the duties and  
17 compensation of such personnel. The commission in its bylaws  
18 shall provide for the personnel policies and programs of the  
19 commission.

20 (6) The commission may borrow, accept, or contract for  
21 the services of personnel from any party jurisdiction, the  
22 United States, or any subdivision or agency of the  
23 aforementioned governments, or from any agency of two or  
24 more of the party jurisdictions or their subdivisions.

25 (7) The commission may accept for any of its purposes

1 and functions under this compact any and all donations and  
2 grants of money, equipment, supplies, materials, and  
3 services, conditional or otherwise, from any state, the  
4 United States, or any other governmental agency or from any  
5 person, firm, association, foundation, or corporation, and  
6 may receive, use, and dispose of the same. Any donation or  
7 grant accepted by the commission pursuant to this subsection  
8 or services borrowed pursuant to subsection (6) of this  
9 article must be reported in the annual report of the  
10 commission. Such report shall include the nature, amount,  
11 and conditions, if any, of the donation, grant, or services  
12 borrowed, and the identity of the donor or lender.

13 (8) The commission may establish and maintain such  
14 facilities as may be necessary for the transacting of its  
15 business. The commission may acquire, hold, and convey real  
16 and personal property and any interest therein.

17 (9) The commission shall adopt bylaws for the conduct  
18 of its business and has the power to amend and rescind these  
19 bylaws. The commission shall publish its bylaws in  
20 convenient form and shall file a copy thereof and a copy of  
21 any amendment thereto with the appropriate agency or officer  
22 in each of the party states.

23 (10) The commission annually shall make to the governor  
24 and legislature of each party state a report covering the  
25 activities of the commission for the preceding year. The

1 commission may make such additional reports as it considers  
2 desirable.

#### 3 Article IV. Powers

4 In addition to authority conferred on the commission by  
5 other provisions of the compact, the commission has  
6 authority to:

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

10 (2) encourage and foster research in all aspects of  
11 education, but with special reference to the desirable scope  
12 of instruction, organization, administration, and  
13 instructional methods and standards employed or suitable for  
14 employment in public educational systems;

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

17 (4) conduct or participate in research of the types  
18 referred to in this article in any instance in which the  
19 commission finds that such research is necessary for the  
20 advancement of the purposes and policies of this compact,  
21 utilizing fully the resources of national associations,  
22 regional compact organizations for higher education, and  
23 other agencies and institutions, both public and private;

24 (5) formulate suggested policies and plans for the  
25 improvement of public education as a whole, or for any

1 segment thereof, and make recommendations available to the  
2 appropriate governmental units, agencies, and public  
3 officials; and

4 (6) do such other things as may be necessary or  
5 incidental to the administration of any of its authority or  
6 functions pursuant to this compact.

#### 7 Article V. Cooperation with Federal Government

8 (1) If the laws of the United States specifically so  
9 provide, or if administrative provision is made therefor  
10 within the federal government, the United States may be  
11 represented on the commission by not more than 10  
12 representatives. Any such representative or representatives  
13 of the United States must be appointed and serve in such  
14 manner as may be provided by or pursuant to federal law, and  
15 may be drawn from any one or more branches of the federal  
16 government, but no such representative may have a vote on  
17 the commission.

18 (2) The commission may provide information and make  
19 recommendations to any executive or legislative agency or  
20 officer of the federal government concerning the common  
21 educational policies of the states, and may advise with any  
22 such agencies or officers concerning any matter of mutual  
23 interest.

#### 24 Article VI. Committees

25 (1) To assist in the expeditious conduct of its

1 business when the full commission is not meeting, the  
 2 commission shall elect a steering committee of 32 members  
 3 which, subject to the provisions of this compact and  
 4 consistent with the policies of the commission, must be  
 5 constituted and function as provided in the bylaws of the  
 6 commission. One-fourth of the voting membership of the  
 7 steering committee must consist of governors, one-fourth  
 8 must consist of legislators, and the remainder must consist  
 9 of other members of the commission. A federal representative  
 10 on the commission may serve with the steering committee, but  
 11 without vote. The voting members of the steering committee  
 12 shall serve for terms of 2 years, except that members  
 13 elected to the first steering committee of the commission  
 14 must be elected as follows: 16 for 1 year and 16 for 2  
 15 years. The chairman, vice-chairman, and treasurer of the  
 16 commission are members of the steering committee and,  
 17 anything in this subsection to the contrary notwithstanding,  
 18 shall serve during their continuance in these offices.  
 19 Vacancies in the steering committee do not affect its  
 20 authority to act, but the commission at its next regularly  
 21 ensuing meeting following the occurrence of any vacancy  
 22 shall fill it for the unexpired term. No person may serve  
 23 more than two terms as a member of the steering committee,  
 24 except that service for a partial term of 1 year or less may  
 25 not be counted toward the two-term limitation.

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

8 (3) The commission may establish such additional  
 9 committees as its bylaws may provide.

10 Article VII. Finance

11 (1) The commission shall advise the governor or  
 12 designated officer or officers of each party state of its  
 13 budget and estimated expenditures for such period as may be  
 14 required by the laws of that party state. Each of the  
 15 commission's budgets of estimated expenditures must contain  
 16 specific recommendations of the amount or amounts to be  
 17 appropriated by each of the party states.

18 (2) The total amount of appropriation requests under  
 19 any budget must be apportioned among the party states. In  
 20 making such apportionment, the commission shall devise and  
 21 employ a formula which takes equitable account of the  
 22 populations and per capita income levels of the party  
 23 states.

24 (3) The commission may not pledge the credit of any  
 25 party states. The commission may meet any of its obligations

1 in whole or in part with funds available to it pursuant to  
 2 Article III(7) of this compact if the commission takes  
 3 specific action setting aside such funds prior to incurring  
 4 an obligation to be met in whole or in part in such manner.  
 5 Except when the commission makes use of funds available to  
 6 it pursuant to Article III(7), the commission may not incur  
 7 any obligation prior to the allotment of funds by the party  
 8 states adequate to meet the same.

9 (4) The commission shall keep accurate accounts of all  
 10 receipts and disbursements. The receipts and disbursements  
 11 of the commission must be subject to the audit and  
 12 accounting procedures established by its bylaws. However,  
 13 all receipts and disbursements of funds handled by the  
 14 commission must be audited yearly by a qualified public  
 15 accountant, and the report of the audit must be included in  
 16 and become part of the annual reports of the commission.

17 (5) The accounts of the commission must be open at any  
 18 reasonable time for inspection by duly constituted officers  
 19 of the party states and by any person authorized by the  
 20 commission.

21 (6) Nothing in this article may be construed to  
 22 prevent commission compliance with laws relating to audit or  
 23 inspection of accounts by or on behalf of any government  
 24 contributing to the support of the commission.

25 Article VIII. Eligible Parties;

#### 1 Entry Into and Withdrawal

2 (1) This compact has as eligible parties all states,  
 3 territories, and possessions of the United States, the  
 4 District of Columbia, and the commonwealth of Puerto Rico.  
 5 In respect of any such jurisdiction not having a governor,  
 6 the term "governor", as used in this compact, means the  
 7 closest equivalent official of such jurisdiction.

8 (2) Any state or other eligible jurisdiction may enter  
 9 into this compact and it becomes binding thereon when any  
 10 state or eligible jurisdiction has adopted it, except that  
 11 in order to enter into initial effect, adoption by at least  
 12 10 eligible party jurisdictions is required.

13 (3) Adoption of the compact may be either by enactment  
 14 thereof or by adherence thereto by the governor, except that  
 15 in the absence of enactment, adherence by the governor is  
 16 sufficient to make his state a party only until December 31,  
 17 1967. During any period when a state is participating in  
 18 this compact through gubernatorial action, the governor  
 19 shall appoint those persons who, in addition to himself,  
 20 shall serve as the members of the commission from his state  
 21 and shall provide to the commission an equitable share of  
 22 the financial support of the commission from any source  
 23 available to him.

24 (4) Except for a withdrawal effective on December 31,  
 25 1967, in accordance with subsection (3) of this article, any

1 party state may withdraw from this compact by enacting a  
 2 statute repealing the same, but no such withdrawal may take  
 3 effect until 1 year after the governor of the withdrawing  
 4 state has given notice in writing of the withdrawal to the  
 5 governors of all other party states. No withdrawal affects  
 6 any liability already incurred by or chargeable to a party  
 7 state prior to the time of such withdrawal.

8 Article IX. Amendments to the Compact

9 This compact may be amended by a vote of two-thirds of  
 10 the members of the commission present and voting when  
 11 ratified by the legislatures of two-thirds of the party  
 12 states.

13 Article X. Construction and Severability

14 This compact must be liberally construed so as to  
 15 effectuate its purposes. The provisions of this compact are  
 16 severable and if any phrase, clause, sentence, or provision  
 17 of this compact is declared to be contrary to the  
 18 constitution of any state or of the United States, or the  
 19 application thereof to any government, agency, person, or  
 20 circumstance is held invalid, the validity of the remainder  
 21 of this compact and the applicability thereof to any  
 22 government, agency, person, or circumstance is not affected  
 23 thereby. If this compact is held contrary to the  
 24 constitution of any state participating therein, the compact  
 25 remains in full force and effect as to the state affected as

1 to all severable matters.

2 Section 2. Education council established. There is  
 3 established the Montana education council composed of the  
 4 members of the education commission of the states  
 5 representing Montana, and six other persons appointed by the  
 6 governor for terms of 3 years. Such other persons must be  
 7 selected so as to be broadly representative of professional  
 8 and lay interest within this state having the  
 9 responsibilities for, knowledge with respect to, and  
 10 interest in educational matters. The chairman must be  
 11 designated by the governor from among its members. The  
 12 council shall meet on the call of its chairman or at the  
 13 request of a majority of its members, but the council shall  
 14 meet not less than three times in each year. The council may  
 15 consider any and all matters relating to recommendations of  
 16 the education commission of the states and the activities of  
 17 the members representing Montana on the commission.

18 Section 3. Filing of compact. Pursuant to Article  
 19 III(9) of the compact, the commission shall file a copy of  
 20 its bylaws and any amendments with the secretary of state.

21 Section 4. Effective date. This act is effective July  
 22 1, 1985.

-End-



STATE OF MONTANA  
FISCAL NOTE

REQUEST NO. FNN288-85

Form BD-15

In compliance with a written request received January 30 19 85, there is hereby submitted a Fiscal Note for S.B. 269 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 269 enables Montana to join the National Education Commission of the States (ECS) by approving and enacting the required Compact for Education. Enactment of the Compact requires the creation of a seven-member commission and an additional Montana Education Council composed of the seven commission members and six additional gubernatorial appointees.

ASSUMPTIONS:

1. Annual membership fees for Montana are \$25,000 in FY86 and \$26,700 in FY87.
2. All expenses incurred by the Office of the Governor, the Montana Legislature, the Office of Public Instruction and the Office of the Commissioner of Higher Education will be paid from General Fund.
3. There will be one national meeting to which the 7-member commission will travel each year and there will be three meetings per year, in Helena, of the Montana Education Council.
4. Travel expenses of six gubernatorial appointees to the Montana Education Council will be paid for three meetings/year.

FISCAL IMPACT:

	<u>FISCAL YEAR 1986</u>	<u>FISCAL YEAR 1987</u>	<u>Biennial Total</u>
General Fund	\$ 35,915	\$ 37,615	\$ 73,530

*David L. Hunter*

BUDGET DIRECTOR  
Office of Budget and Program Planning

Date: Feb 5, 1985

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

SENATE BILL NO. 269

INTRODUCED BY B. BROWN, BLAYLOCK, O'HARA, PECK

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 9 of other members of the commission. A federal representative  
 10 on the commission may serve with the steering committee, but  
 11 without vote. The voting members of the steering committee  
 12 shall serve for terms of 2 years, except that members  
 13 elected to the first steering committee of the commission  
 14 must be elected as follows: 16 for 1 year and 16 for 2  
 15 years. The chairman, vice-chairman, and treasurer of the  
 16 commission are members of the steering committee and,  
 17 anything in this subsection to the contrary notwithstanding,  
 18 shall serve during their continuance in these offices.  
 19 Vacancies in the steering committee do not affect its  
 20 authority to act, but the commission at its next regularly  
 21 ensuing meeting following the occurrence of any vacancy  
 22 shall fill it for the unexpired term. No person may serve  
 23 more than two terms as a member of the steering committee,  
 24 except that service for a partial term of 1 year or less may  
 25 not be counted toward the two-term limitation.

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

8 (3) The commission may establish such additional  
 9 committees as its bylaws may provide.

#### 10 Article VII. Finance

11 (1) The commission shall advise the governor or  
 12 designated officer or officers of each party state of its  
 13 budget and estimated expenditures for such period as may be  
 14 required by the laws of that party state. Each of the  
 15 commission's budgets of estimated expenditures must contain  
 16 specific recommendations of the amount or amounts to be  
 17 appropriated by each of the party states.

18 (2) The total amount of appropriation requests under  
 19 any budget must be apportioned among the party states. In  
 20 making such apportionment, the commission shall devise and  
 21 employ a formula which takes equitable account of the  
 22 populations and per capita income levels of the party  
 23 states.

24 (3) The commission may not pledge the credit of any  
 25 party states. The commission may meet any of its obligations

1 in whole or in part with funds available to it pursuant to  
 2 Article III(7) of this compact if the commission takes  
 3 specific action setting aside such funds prior to incurring  
 4 an obligation to be met in whole or in part in such manner.  
 5 Except when the commission makes use of funds available to  
 6 it pursuant to Article III(7), the commission may not incur  
 7 any obligation prior to the allotment of funds by the party  
 8 states adequate to meet the same.

9 (4) The commission shall keep accurate accounts of all  
 10 receipts and disbursements. The receipts and disbursements  
 11 of the commission must be subject to the audit and  
 12 accounting procedures established by its bylaws. However,  
 13 all receipts and disbursements of funds handled by the  
 14 commission must be audited yearly by a qualified public  
 15 accountant, and the report of the audit must be included in  
 16 and become part of the annual reports of the commission.

17 (5) The accounts of the commission must be open at any  
 18 reasonable time for inspection by duly constituted officers  
 19 of the party states and by any person authorized by the  
 20 commission.

21 (6) Nothing in this article may be construed to  
 22 prevent commission compliance with laws relating to audit or  
 23 inspection of accounts by or on behalf of any government  
 24 contributing to the support of the commission.

25 Article VIII. Eligible Parties;

#### 1 Entry Into and Withdrawal

2 (1) This compact has as eligible parties all states,  
 3 territories, and possessions of the United States, the  
 4 District of Columbia, and the commonwealth of Puerto Rico.  
 5 In respect of any such jurisdiction not having a governor,  
 6 the term "governor", as used in this compact, means the  
 7 closest equivalent official of such jurisdiction.

8 (2) Any state or other eligible jurisdiction may enter  
 9 into this compact and it becomes binding thereon when any  
 10 state or eligible jurisdiction has adopted it, except that  
 11 in order to enter into initial effect, adoption by at least  
 12 10 eligible party jurisdictions is required.

13 (3) Adoption of the compact may be either by enactment  
 14 thereof or by adherence thereto by the governor, except that  
 15 in the absence of enactment, adherence by the governor is  
 16 sufficient to make his state a party only until December 31,  
 17 1967. During any period when a state is participating in  
 18 this compact through gubernatorial action, the governor  
 19 shall appoint those persons who, in addition to himself,  
 20 shall serve as the members of the commission from his state  
 21 and shall provide to the commission an equitable share of  
 22 the financial support of the commission from any source  
 23 available to him.

24 (4) Except for a withdrawal effective on December 31,  
 25 1967, in accordance with subsection (3) of this article, any

1 party state may withdraw from this compact by enacting a  
 2 statute repealing the same, but no such withdrawal may take  
 3 effect until 1 year after the governor of the withdrawing  
 4 state has given notice in writing of the withdrawal to the  
 5 governors of all other party states. No withdrawal affects  
 6 any liability already incurred by or chargeable to a party  
 7 state prior to the time of such withdrawal.

8 Article IX. Amendments to the Compact

9 This compact may be amended by a vote of two-thirds of  
 10 the members of the commission present and voting when  
 11 ratified by the legislatures of two-thirds of the party  
 12 states.

13 Article X. Construction and Severability

14 This compact must be liberally construed so as to  
 15 effectuate its purposes. The provisions of this compact are  
 16 severable and if any phrase, clause, sentence, or provision  
 17 of this compact is declared to be contrary to the  
 18 constitution of any state or of the United States, or the  
 19 application thereof to any government, agency, person, or  
 20 circumstance is held invalid, the validity of the remainder  
 21 of this compact and the applicability thereof to any  
 22 government, agency, person, or circumstance is not affected  
 23 thereby. If this compact is held contrary to the  
 24 constitution of any state participating therein, the compact  
 25 remains in full force and effect as to the state affected as

1 to all severable matters.

2 ~~Section 2. Education council established. There is~~  
 3 ~~established the Montana education council composed of the~~  
 4 ~~members of the education commission of the states~~  
 5 ~~representing Montana and six other persons appointed by the~~  
 6 ~~governor for terms of 3 years. Such other persons must be~~  
 7 ~~selected so as to be broadly representative of professional~~  
 8 ~~and lay interest within this state having the~~  
 9 ~~responsibilities for, knowledge with respect to, and~~  
 10 ~~interest in educational matters. The chairman must be~~  
 11 ~~designated by the governor from among its members. The~~  
 12 ~~council shall meet on the call of its chairman or at the~~  
 13 ~~request of a majority of its members, but the council shall~~  
 14 ~~meet not less than three times in each year. The council may~~  
 15 ~~consider any and all matters relating to recommendations of~~  
 16 ~~the education commission of the states and the activities of~~  
 17 ~~the members representing Montana on the commission.~~

18 Section 2. Filing of compact. Pursuant to Article  
 19 III(9) of the compact, the commission shall file a copy of  
 20 its bylaws and any amendments with the secretary of state.

21 Section 3. Effective date. This act is effective July  
 22 1, 1985.

-End-