

HOUSE BILL No. 5618

March 19, 1990, Introduced by Reps. Kosteva, Sofio, Miller, Emmons, Leland and DeMars and referred to the Committee on Colleges and Universities.

A bill entering into the midwestern higher education compact; and for related purposes.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. The midwestern higher education compact is enacted
2 into law and entered into with all jurisdictions legally joining
3 in the compact, in the form substantially as follows:

4 MIDWESTERN HIGHER EDUCATION COMPACT

5 ARTICLE I. PURPOSE

6 The purpose of the Midwestern Higher Education Compact shall
7 be to provide greater higher education opportunities and services
8 in the Midwestern region, with the aim of furthering regional
9 access to, research in and choice of higher education for the
10 citizens residing in the several states which are parties to this
11 Compact.

ARTICLE II. THE COMMISSION

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2 A. The compacting states hereby create the Midwestern Higher
3 Education Commission, hereinafter called the Commission. The
4 Commission shall be a body corporate of each compacting state.
5 The Commission shall have all the responsibilities, powers and
6 duties set forth herein, including the power to sue and be sued,
7 and such additional powers as may be conferred upon it by subse-
8 quent action of the respective legislatures of the compacting
9 states in accordance with the terms of this Compact.

10 B. The Commission shall consist of five resident members of
11 each state as follows: the governor or the governor's designee
12 who shall serve during the tenure of office of the governor; 2
13 legislators, one from each house (except Nebraska, which may
14 appoint two legislators from its Unicameral Legislature), who
15 shall serve two-year terms and be appointed by the appropriate
16 appointing authority in each house of the legislature; and two
17 other at-large members, at least one of whom shall be selected
18 from the field of higher education. The at-large members shall
19 be appointed in a manner provided by the laws of the appointing
20 state. One of the two at-large members initially appointed in
21 each state shall serve a two-year term. The other, and any regu-
22 larly appointed successor to either at-large member, shall serve
23 a four-year term. All vacancies shall be filled in accordance
24 with the laws of the appointing states. Any commissioner
25 appointed to fill a vacancy shall serve until the end of the
26 incomplete term.

1 C. The Commission shall select annually, from among its
2 members, a chairperson, a vice chairperson and a treasurer.

3 D. The Commission shall appoint an executive director who
4 shall serve at its pleasure and who shall act as secretary to the
5 Commission. The treasurer, the executive director and such other
6 personnel as the Commission may determine, shall be bonded in
7 such amounts as the Commission may require.

8 E. The Commission shall meet at least once each calendar
9 year. The chairperson may call additional meetings and, upon the
10 request of a majority of the Commission members of three or more
11 compacting states, shall call additional meetings. Public notice
12 shall be given of all meetings and meetings shall be open to the
13 public.

14 F. Each compacting state represented at any meeting of the
15 Commission is entitled to one vote. A majority of the compacting
16 states shall constitute a quorum for the transaction of business,
17 unless a larger quorum is required by the bylaws of the
18 Commission.

19 ARTICLE III. POWERS AND DUTIES OF THE COMMISSION

20 A. The Commission shall adopt a seal and suitable bylaws
21 governing its management and operations.

22 B. Irrespective of the civil service, personnel or other
23 merit system laws of any of the compacting states, the Commission
24 in its bylaws shall provide for the personnel policies and pro-
25 grams of the Compact.

26 C. The Commission shall submit a budget to the governor and
27 legislature of each compacting state at such time and for such

1 period as may be required. The budget shall contain specific
2 recommendations of the amount or amounts to be appropriated by
3 each of the compacting states.

4 D. The Commission shall report annually to the legislatures
5 and 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. Such
9 reports shall also embody any recommendations that may have been
10 adopted by the Commission.

11 E. The Commission may borrow, accept, or contract for the
12 services of personnel from any state or the United States or any
13 subdivision or agency thereof, from any interstate agency, or
14 from any institution, foundation, person, firm or corporation.

15 F. The Commission may accept for any of its purposes and
16 functions under the Compact any and all donations, and grants of
17 money, equipment, supplies, materials and services (conditional
18 or otherwise) from any state or the United States or any subdivi-
19 sion or agency thereof, or interstate agency, or from any insti-
20 tution, foundation, person, firm, or corporation, and may
21 receive, utilize and dispose of the same.

22 G. The Commission may enter into agreements with any other
23 interstate education organizations or agencies and with higher
24 education institutions located in non-member states and with any
25 of the various states of these United States to provide adequate
26 programs and services in higher education for the citizens of the
27 respective compacting states. The Commission shall, after

1 negotiations with interested institutions and interstate
2 organizations or agencies, determine the cost of providing the
3 programs and services in higher education for use of these
4 agreements.

5 H. The Commission may establish and maintain offices, which
6 shall be located within one or more of the compacting states.

7 I. The Commission may establish committees and hire staff as
8 it deems necessary for the carrying out of its functions.

9 J. The Commission may provide for actual and necessary
10 expenses for attendance of its members at official meetings of
11 the Commission or its designated committees.

12 ARTICLE IV. ACTIVITIES OF THE COMMISSION

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

19 B. The Commission shall study issues in higher education of
20 particular concern to the Midwestern region. The Commission
21 shall also study the needs for higher education programs and
22 services in the compacting states and the resources for meeting
23 such needs. The Commission shall from time to time prepare
24 reports on such research for presentation to the governors and
25 legislatures of the compacting states and other interested
26 parties. In conducting such studies, the Commission may confer
27 with any national or regional planning body. The Commission may

1 draft and recommend to the governors and legislatures of the
2 various compacting states suggested legislation dealing with
3 problems of higher education.

4 C. The Commission shall study the need for provision of ade-
5 quate programs and services in higher education, such as under-
6 graduate, graduate or professional student exchanges in the
7 region. If a need for exchange in a field is apparent, the
8 Commission may enter into such agreements with any higher educa-
9 tion institution and with any of the compacting states to provide
10 programs and services in higher education for the citizens of the
11 respective compacting states. The Commission shall, after nego-
12 tiations with interested institutions and the compacting states,
13 determine the costs of providing the programs and services in
14 higher education for use in its agreements. The contracting
15 states shall contribute the funds not otherwise provided, as
16 determined by the Commission, for carrying out the agreements.
17 The Commission may also serve as the administrative and fiscal
18 agent in carrying out agreements for higher education programs
19 and services.

20 D. The Commission shall serve as a clearinghouse on informa-
21 tion regarding higher education activities among institutions and
22 agencies.

23 E. In addition to the activities of the Commission previ-
24 ously noted, the Commission may provide services and research in
25 other areas of regional concern.

ARTICLE V. FINANCE

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2 A. The monies necessary to finance the general operations of
3 the Commission not otherwise provided for in carrying forth its
4 duties, responsibilities and powers as stated herein shall be
5 appropriated to the Commission by the compacting states, when
6 authorized by the respective legislatures by equal apportionment
7 among the compacting states.

8 B. The Commission shall not incur any obligations of any
9 kind prior to the making of appropriations adequate to meet the
10 same; nor shall the Commission pledge the credit of any of the
11 compacting states, except by and with the authority of the com-
12 pacting state.

13 C. The Commission shall keep accurate accounts of all
14 receipts and disbursements. The receipts and disbursements of
15 the Commission shall be subject to the audit and accounting pro-
16 cedures established under its bylaws. However, all receipts and
17 disbursements of funds handled by the Commission shall be audited
18 yearly by a certified or licensed public accountant and the
19 report of the audit shall be included in and become part of the
20 annual report of the Commission.

21 D. The accounts of the Commission shall be open at any rea-
22 sonable time for inspection by duly authorized representatives of
23 the compacting states and persons authorized by the Commission.

24 ARTICLE VI. ELIGIBLE PARTIES AND ENTRY INTO FORCE

25 A. The states of Illinois, Indiana, Iowa, Kansas, Michigan,
26 Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota,
27 and Wisconsin shall be eligible to become party to this Compact.

1 Additional states will be eligible if approved by a majority of
2 the compacting states.

3 B. As to any eligible party state, this Compact shall become
4 effective when its legislature shall have enacted the same into
5 law; provided that it shall not become initially effective until
6 enacted into law by five states prior to the 31st day of
7 December 1995.

8 C. Amendments to the Compact shall become effective upon
9 their enactment by the legislatures of all compacting states.

10 ARTICLE VII. WITHDRAWAL, DEFAULT AND TERMINATION

11 A. Any compacting state may withdraw from this Compact by
12 enacting a statute repealing the Compact, but such withdrawal
13 shall not become effective until two years after the enactment of
14 such statute. A withdrawing state shall be liable for any obli-
15 gations which it may have incurred on account of its party status
16 up to the effective date of withdrawal, except that if the with-
17 drawing state has specifically undertaken or committed itself to
18 any performance of an obligation extending beyond the effective
19 date of withdrawal, it shall remain liable to the extent of such
20 obligation.

21 B. If any compacting state shall at any time default in the
22 performance of any of its obligations, assumed or imposed, in
23 accordance with the provisions of this Compact, all rights, priv-
24 ileges and benefits conferred by this Compact or agreements here-
25 under shall be suspended from the effective date of such default
26 as fixed by the Commission, and the Commission shall stipulate
27 the conditions and maximum time for compliance under which the

1 defaulting state may resume its regular status. Unless such
2 default shall be remedied under the stipulations and within the
3 time period set forth by the Commission, this Compact may be ter-
4 minated with respect to such defaulting state by affirmative vote
5 of a majority of the other member states. Any such defaulting
6 state may be reinstated by performing all acts and obligations as
7 stipulated by the Commission.

8 ARTICLE VIII. SEVERABILITY AND CONSTRUCTION

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

23 Sec. 2. (1) The state's members of the midwestern higher
24 education commission created in section 1 shall be all of the
25 following:

26 (a) The governor or the governor's designee.

1 (b) One member of the senate, appointed by the legislative
2 council.

3 (c) One member of the house of representatives, appointed by
4 the legislative council.

5 (d) One at-large member appointed by the president's council
6 of state universities to represent public 4-year institutions of
7 higher education.

8 (e) One at-large member appointed by the Michigan community
9 college association to represent public 2-year institutions of
10 higher education.

11 (2) In addition to the state's members designated in
12 subsection (1), the state board of education may appoint an indi-
13 vidual to serve as an ex officio member of the state's
14 delegation. This individual is not a member of the midwestern
15 higher education commission and does not have a vote in decisions
16 made by the state's members.