

reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws; (5) Those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained therein, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for deposit in the collections of the Minnesota historical society, shall be known as the state archives.

Sec. 3. Minnesota Statutes 1976, Section 138.35, Subdivision 1, is amended to read:

138.35 **STATE ARCHAEOLOGIST.** Subdivision 1. **APPOINTMENT.** The state archaeologist shall be a professional archaeologist ~~on the staff of the university who is not employed by the Minnesota historical society~~ and shall be appointed by the ~~director board~~ of the Minnesota historical society for a four year term.

Sec. 4. Minnesota Statutes 1976, Section 138.162 is repealed.

Approved March 28, 1978.

CHAPTER 718-S.F.No.1849

[Coded]

An act relating to education; adopting the Midwestern Education Compact; implementing the operation of such compact.

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

Section 1. **[121.843] MIDWESTERN EDUCATION COMPACT.** The Midwestern Education Compact is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

MIDWESTERN EDUCATION COMPACT

ARTICLE I

Purpose

The purpose of the Midwestern Education Compact shall be to provide greater educational opportunities and services utilizing both public and private institutions through the establishment and efficient operation and maintenance of coordinated educational programs and services for the citizens residing in the several states which are parties to this compact, with the aim of furthering access to and choice of education.

ARTICLE II

Changes or additions indicated by underline deletions by ~~strikeout~~

Definitions

As used in this compact:

(A) "Compact area" means the geographic area encompassing the compacting states.

(B) "Education" shall include those programs and services relating to higher education, post-secondary education, and vocational education.

(C) "Supplemental agreement" means those agreements to the compact which add to or extend this compact and which do not change or modify the text of this compact and which are not inconsistent with the provisions of this compact.

(D) "Amendment" means a change in the text of the compact, including additions or deletions.

ARTICLE III

The Board

(A) The compacting states hereby create the *Midwestern Education Board*, hereinafter called the board. The board shall be a body corporate of each compacting state. The board shall have all the responsibilities, powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

(B) The board shall consist of five resident members of each state as follows: the governor or the governor's designee who shall serve during the tenure of office of the governor; two legislators, one from each house (except Nebraska, which may appoint two legislators from its Unicameral Legislature), who shall serve two-year terms and be appointed by the appropriate appointing authority in each house of the legislature; and two other citizens of each state, at least one of whom shall be selected from the field of education, to be chosen in a manner and for the term provided by law of the state.

(C) The board shall select annually, from among its members, a chairperson, a vice chairperson and a treasurer. A governor shall serve as chairperson during even-numbered years. A legislator shall serve as chairperson during odd-numbered years. Filling of vacancies in these offices shall be provided for in the bylaws.

(D) The board may appoint an executive director who shall serve at its pleasure and who also shall act as secretary, and who, together with the treasurer and such other personnel as the board may determine, shall be bonded in such amounts as the board may require.

(E) Irrespective of the civil service, personnel or other merit system laws of any of the compacting states, the board in its bylaws shall provide for the personnel policies and

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programs of the compact.

(F) The board may establish and maintain, independently of or in conjunction with any one or more of the compacting states, a suitable retirement system for its full-time employees. Employees of the board shall be eligible for social security coverage in respect of old age and survivors insurance provided that the board takes such steps as may be necessary pursuant to federal law to participate in such program of insurance as a governmental agency or unit. The board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(G) The board may borrow, accept, or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, foundation, person, firm or corporation.

(H) The board may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, foundation, person, firm, or corporation, and may receive, utilize and dispose of the same.

(I) The board shall adopt a seal and suitable bylaws for its management and control.

(J) The board may establish and maintain an office within one or more of the compacting states.

(K) The board shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a majority of the board members of three or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

(L) Each compacting state represented at any meeting of the board is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the board.

(M) The board shall submit a budget to the governor and legislature of each compacting state at such time and for such period as may be required. The budget shall contain specific recommendations of the amount or amounts to be appropriated by each of the compacting states.

(N) The board may establish such committees as it may deem necessary for the carrying out of its functions.

(O) The board may provide for actual and necessary expenses for attendance of its members at official meetings of the board or its designated committees.

ARTICLE IV

Changes or additions indicated by underline deletions by ~~strikeout~~

Powers of the Board

(A) The board may enter into contractual agreements with any educational institution in the compact area and with any of the compacting states to provide adequate programs and services in education for the citizens of the respective compacting states. The board shall, after negotiations with interested institutions and the compacting states, determine the cost of providing the programs and services in education for use in its contractual agreements. The contracting states shall contribute the funds not otherwise provided, as determined by the board, for carrying out the contractual agreements. The board may also serve as the administrative and fiscal agent in carrying out contractual agreements for educational programs and services.

(B) The board may enter into contractual agreements with any other interstate education organizations or agencies and with educational institutions not in the compact area and with any of the various states of these United States to provide adequate programs and services in education for the citizens of the respective compacting states. The board shall, after negotiations with interested institutions and interstate organizations or agencies, determine the cost of providing the programs and services in education for use in these contractual agreements.

(C) The board annually shall report to the member legislatures and governors, to the Midwestern Governors' Conference and the Midwestern Conference of the Council of State Governments covering the activities of the board for the preceding year, embodying such recommendations as may have been adopted by the board. The board shall also undertake studies of needs for educational programs and services in the compact area, the resources for meeting such needs, and the long-range effects of the compact on education, and from time to time to prepare reports on such research for presentation to the governors and legislatures of the compacting states and other interested parties. In conducting such studies, the board may confer with any national or regional planning body which may be established. The board may draft and recommend to the governors and legislatures of the various compacting states suggested legislation dealing with problems of education in the compact area as it deems advisable. By no later than the end of the fourth year from the effective date of the compact and every two years thereafter, the board shall review its accomplishments and make recommendations to the governors and legislatures of the compacting states on the continuance of the compact.

(D) Before any two or more states who are parties to this compact enter into an agreement between and among themselves providing for the establishment, financing and operation of educational services and programs, they shall submit such proposed agreements for the timely informational review and comment by the board or its designated committee. Agreements in force on the date this compact becomes initially effective are exempt from this section.

(E) The board shall inventory educational services and programs and shall serve as a clearinghouse on information regarding educational activities among institutions and agencies.

(F) The board shall prepare and adopt, after such research and study as may be

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necessary, a comprehensive education guide for the compacting states. It shall consist of a compilation of policy statements, goals and standards prescribing guides for an orderly educational development of the compact area. The comprehensive development guide shall recognize and encompass educational needs of the compact area and those future developments which are of compact area significance. Upon completion, a report on the comprehensive education guide shall be made to the governor and legislature of each compacting state. The board shall review and update the education guide at least every five years.

(G) Any compacting state may request that the board review and comment on any proposed educational service which may have compact area educational significance or a substantial effect on compact area educational services. Within 90 days of receipt of the request, the board shall conduct its review of the submitted proposal and shall comment thereon. All comments shall include a statement of the relationship of the proposal to the comprehensive compact area education guide and of its impact upon the educational development of the compact area. In addition, the board may, on its own initiative, review and comment on matters it determines to be of compact area significance. Copies of each proposal comment shall be sent to the appropriate legislative officials of each compacting state.

(H) The board may provide consultative services to states and institutions.

ARTICLE V

Finance

(A) The moneys necessary to finance the general operations of the board not otherwise provided for in carrying forth its duties, responsibilities and powers as stated herein shall be appropriated to the board by the compacting states, when authorized by the respective legislatures, in the following manner: one half of the total amount shall be apportioned among the compacting states in equal shares; the other half of the total amount shall be apportioned among the compacting states in accordance with the ratio of their populations to the total population of the entire group of compacting states. Populations shall be determined by the most recent federal census.

(B) The board shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the board pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

(C) The board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the board.

(D) The accounts of the board shall be open at any reasonable time for inspection by duly authorized representatives of the compacting states and persons authorized by the

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board.

ARTICLE VI

Eligible Parties and Entry Into Force

(A) The states of Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia and Wisconsin, shall be eligible to become party to this compact. Additional states will be eligible if approved by a majority of compacting states.

(B) As to any eligible party state, this compact shall become effective when its legislature shall have enacted the same into law; provided that it shall not become initially effective until enacted into law by six states prior to December 31, 1981.

(C) Amendments to the compact shall become effective upon their enactment by the legislatures of all compacting states. A supplemental agreement to this compact shall become effective upon its approval by the board and upon its enactment by two or more of the legislatures of the compacting states and shall be in force for only those states enacting such supplemental agreement.

ARTICLE VII

Withdrawal, Default and Termination

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

(B) If any compacting state shall at any time default in the performance of any of its obligations, assumed or imposed, in accordance with the provisions of this compact, all rights, privileges and benefits conferred by this compact or agreements hereunder, shall be suspended from the effective date of such default as fixed by the board, and the board shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless such default shall be remedied under the stipulations and within the time period set forth by the board, this compact may be terminated with respect to such defaulting state by affirmative vote of a majority of the other member states. Any such defaulting state may be reinstated by performing all acts and obligations as originally stipulated by the board.

ARTICLE VIII

Severability and Construction

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The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any compacting state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any compacting state, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof.

Sec. 2. [121.844] MEMBERS OF THE BOARD. Subdivision 1. **APPOINTMENT.** Legislative members of the midwestern education board established in article III of the Midwestern Education Compact are appointed as follows: one member of the house of representatives appointed by the speaker of the house for a term coinciding with the term of office of the member; one member of the senate appointed by the subcommittee on committees of the rules and administration committee for a two year term. Two citizen members, one of whom shall be from the field of education, shall be appointed by the governor with the advice and consent of the senate for a term which coincides with the term of the appointing governor. Members appointed from the legislature and members appointed by the governor serve until their successors are appointed and qualified.

Subd. 2. **VACANCIES.** Vacancies are filled by the appointing power. If the legislature is not in session, vacancies in the office of legislative members are filled as follows: A vacancy in the office held by a house member is filled by the last speaker of the house, or if he be not available, by the last chairman of the house rules committee; a vacancy in the office held by a senate member is filled by the last senate subcommittee on committees of the rules and administration committee or other appointing authority designated by the senate rules in case of a senate vacancy.

Sec. 3. [121.845] FILING OF BYLAWS AND AMENDMENTS. The midwestern education board shall file a copy of its bylaws and any amendment thereto with the secretary of state.

Approved March 28, 1978.

CHAPTER 719-S.F.No.1891

[Coded]

An act relating to taxation; property tax; exempting certain cities containing utility plants from per capita levy limitations; amending Minnesota Statutes 1976, Section 275.11, by adding a subdivision.

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