

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 746

(By Mr. Speaker, Mr. White,
) and Mr. Curd)



PASSED February 15 1967

In Effect July 1, 1967 Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-28-67

746

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House Bill No. 746

(By MR. SPEAKER, MR. WHITE, and MR. AUVIL)

[Passed February 15, 1967; in effect July 1, 1967.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated ten-d, relating to interstate cooperation in education by adopting the compact for education.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-d, to read as follows:

ARTICLE 10D. COMPACT FOR EDUCATION.

§18-10D-1. Enactment of compact.

1 The compact for education is hereby enacted into law

2 and entered into by the state of West Virginia with any
3 and all states legally joining therein in accordance with
4 its terms, in the form substantially as follows:

5 “COMPACT FOR EDUCATION

“ARTICLE 1. PURPOSE AND POLICY.

1 “A. It is the purpose of this compact to:

2 1. Establish and maintain close cooperation and under-
3 standing among executive, legislative, professional edu-
4 cational and lay leadership on a nationwide basis at the
5 state and local levels.

6 2. Provide a forum for the discussion, development,
7 crystalization and recommendation of public policy alter-
8 natives in the field of education.

9 3. Provide a clearing house of information on matters
10 relating to educational problems and how they are being
11 met in different places throughout the Nation, so that the
12 executive and legislative branches of State Government
13 and of local communities may have ready access to the
14 experience and record of the entire country, and so that
15 both lay and professional groups in the field of education
16 may have additional avenues for the sharing of exper-

17 ience and the interchange of ideas in the formation of
18 public policy in education.

19 4. Facilitate the improvement of State and local edu-
20 cational systems so that all of them will be able to meet
21 adequate and desirable goals in a society which requires
22 continuous qualitative and quantitative advance in edu-
23 cational opportunities, methods and facilities.

24 "B. It is the policy of this compact to encourage and
25 promote local and State initiative in the development,
26 maintenance, improvement and administration of educa-
27 tional systems and institutions in a manner which will
28 accord with the needs and advantages of diversity among
29 localities and States.

30 "C. The party States recognize that each of them has
31 an interest in the quality and quantity of education fur-
32 nished in each of the other States, as well as in the ex-
33 cellence of its own educational systems and institutions,
34 because of the highly mobile character of individuals
35 within the Nation, and because the products and services
36 contributing to the health, welfare and economic advance-
37 ment of each State are supplied in significant part by per-
38 sons educated in other States.

“ARTICLE II. STATE DEFINED.

1 “As used in this compact, ‘State’ means a State, terri-
2 tory or possession of the United States, the District of
3 Columbia, or the Commonwealth of Puerto Rico.

“ARTICLE III. THE COMMISSION.

1 “A. The Education Commission of the States, hereinafter
2 called ‘the Commission,’ is hereby established. The Com-
3 mission shall consist of seven members representing each
4 party State. One of such members shall be the Governor;
5 two shall be members of the State legislature selected by
6 its respective houses and serving in such manner as the
7 legislature may determine; and four shall be appointed by
8 and serve at the pleasure of the Governor, unless the laws
9 of the State otherwise provide. If the laws of a State
10 prevent legislators from serving on the Commission, six
11 members shall be appointed and serve at the pleasure of
12 the Governor, unless the laws of the State otherwise pro-
13 vide. In addition to any other principles or requirements
14 which a State may establish for the appointment and
15 service of its members of the Commission, the guiding
16 principle for the composition of the membership on the

17 Commission from each party State shall be that the mem-
18 bers representing such State shall, by virtue of their
19 training, experience, knowledge or affiliations be in a
20 position collectively to reflect broadly the interests of
21 the State Government, higher education, the State edu-
22 cation system, local education, lay and professional, pub-
23 lic and nonpublic educational leadership. Of those ap-
24 pointees, one shall be the head of a State agency or in-
25 stitution, designated by the Governor, having responsi-
26 bility for one or more programs of public education. In
27 addition to the members of the Commission representing
28 the party States, there may be not to exceed ten non-
29 voting commissioners selected by the steering committee
30 for terms of one year. Such commissioners shall represent
31 leading national organizations of professional educators
32 or persons concerned with educational administration.

33 "B. The members of the Commission shall be entitled to
34 one vote each on the Commission. No action of the Com-
35 mission shall be binding unless taken at a meeting at
36 which a majority of the total number of votes on the
37 Commission are cast in favor thereof. Action of the Com-

38 mission shall be only at a meeting at which a majority
39 of the commissioners are present. The Commission shall
40 meet at least once a year. In its bylaws, and subject to
41 such directions and limitations as may be contained
42 therein, the Commission may delegate the exercise of any
43 of its powers to the steering committee or the executive
44 director, except for the power to approve budgets or re-
45 quests for appropriations, the power to make policy
46 recommendations pursuant to Article IV and adoption of
47 the annual report pursuant to Article III J.

48 "C. The Commission shall have a seal.

49 "D. The Commission shall elect annually, from among
50 its members, a chairman, who shall be a Governor, a vice
51 chairman and a treasurer. The Commission shall provide
52 for the appointment of an executive director. Such execu-
53 tive director shall serve at the pleasure of the Commis-
54 sion, and together with the treasurer and such other per-
55 sonnel as the Commission may deem appropriate shall
56 be bonded in such amount as the Commission shall deter-
57 mine. The executive director shall be secretary.

58 "E. Irrespective of the civil service, personnel or other

59 merit system laws of any of the party States, the execu-
60 tive director subject to the approval of the steering com-
61 mittee shall appoint, remove or discharge such personnel
62 as may be necessary for the performance of the func-
63 tions of the Commission, and shall fix the duties and com-
64 pensation of such personnel. The Commission in its by-
65 laws shall provide for the personnel policies and pro-
66 grams of the Commission.

67 "F. The Commission may borrow, accept or contract for
68 the services of personnel from any party jurisdiction, the
69 United States, or any subdivision or agency of the afore-
70 mentioned governments, or from any agency of two or
71 more of the party jurisdictions or their subdivisions.

72 "G. The Commission may accept for any of its purposes
73 and functions under this compact any and all donations,
74 and grants of money, equipment, supplies, materials and
75 services, conditional or otherwise, from any State, the
76 United States, or any other governmental agency, or from
77 any person, firm, association, foundation, or corporation,
78 and may receive, utilize and dispose of the same. Any
79 donation or grant accepted by the Commission pursuant

80 to this paragraph or services borrowed pursuant to para-
81 graph F of this Article shall be reported in the annual
82 report of the Commission. Such report shall include the
83 nature, amount and conditions, if any, of the donation,
84 grant, or services borrowed, and the identity of the donor
85 or lender.

86 "H. The Commission may establish and maintain such
87 facilities as may be necessary for the transacting of its
88 business. The Commission may acquire, hold, and convey
89 real and personal property and any interest therein.

90 "I. The Commission shall adopt bylaws for the conduct
91 of its business and shall have the power to amend and
92 rescind these bylaws. The Commission shall publish its
93 bylaws in convenient form and shall file a copy thereof
94 and a copy of any amendment thereto, with the appro-
95 priate agency or officers in each of the party States.

96 "J. The Commission annually shall make to the Gover-
97 nor and legislature of each party State a report covering
98 the activities of the Commission for the preceding year.
99 The Commission may make such additional reports as it
100 may deem desirable.

“ARTICLE IV. POWERS.

1 “In addition to authority conferred on the Commission
2 by other provisions of the compact, the Commission shall
3 have authority to:

4 1. Collect, correlate, analyze and interpret informa-
5 tion and data concerning educational needs and resources.

6 2. Encourage and foster research in all aspects of
7 education, but with special reference to the desirable
8 scope of instruction, organization, administration, and
9 instructional methods and standards employed or suit-
10 able for employment in public educational systems.

11 3. Develop proposals for adequate financing of educa-
12 tion as a whole and at each of its many levels.

13 4. Conduct or participate in research of the types re-
14 ferred to in this Article in any instance where the Com-
15 mission finds that such research is necessary for the
16 advancement of the purposes and policies of this com-
17 pact, utilizing fully the resources of national associations,
18 regional compact organizations for higher education, and
19 other agencies and institutions, both public and private.

20 5. Formulate suggested policies and plans for the im-

21 provement of public education as a whole, or for any
22 segment thereof, and make recommendations with respect
23 thereto available to the appropriate governmental units,
24 agencies and public officials.

25 6. Do such other things as may be necessary or in-
26 cidental to the administration of any of its authority or
27 functions pursuant to this compact.

**“ARTICLE V. COOPERATION WITH FEDERAL
GOVERNMENT.**

1 “A. If the laws of the United States specifically so pro-
2 vide, or if administrative provision is made therefor
3 within the Federal Government, the United States may be
4 represented on the Commission but not to exceed ten
5 representatives. Any such representative or representa-
6 tives of the United States shall be appointed and serve in
7 such manner as may be provided by or pursuant to
8 Federal law, and may be drawn from any one or more
9 branches of the Federal Government, but no such repre-
10 sentative shall have a vote on the Commission.

11 “B. The Commission may provide information and make
12 recommendations to any executive or legislative agency
13 or officer of the Federal Government concerning the com-

14 mon educational policies of the States, and may advise
15 with any such agencies or officers concerning any matter
16 of mutual interest.

“ARTICLE VI. COMMITTEES.

1 “A. To assist in the expeditious conduct of its business
2 when the full Commission is not meeting, the Commis-
3 sion shall elect a steering committee of thirty-two mem-
4 bers which, subject to the provisions of this compact and
5 consistent with the policies of the Commission, shall be
6 constituted and function as provided in the bylaws of the
7 Commission. One-fourth of the voting membership of the
8 steering committee shall consist of Governors, one-fourth
9 shall consist of legislators, and the remainder shall con-
10 sist of other members of the Commission. A Federal repre-
11 sentative on the Commission may serve with the steering
12 committee, but without vote. The voting members of
13 the steering committee shall serve for terms of two years,
14 except that members elected to the first steering com-
15 mittee of the Commission shall be elected as follows:
16 sixteen for one year and sixteen for two years. The chair-
17 man, vice chairman, and treasurer of the Commission

18 shall be members of the steering committee and, any-
19 thing in this paragraph to the contrary notwithstanding,
20 shall serve during their continuance in these offices.
21 Vacancies in the steering committee shall not affect its
22 authority to act, but the Commission at its next regularly
23 ensuing meeting following the occurrence of any vacancy
24 shall fill it for the unexpired term. No person shall serve
25 more than two terms as a member of the steering com-
26 mittee; provided that service for a partial term of one
27 year or less shall not be counted toward the two term
28 limitation.

29 "B. The Commission may establish advisory and tech-
30 nical committees composed of State, local, and Federal
31 officials, and private persons to advise it with respect
32 to any one or more of its functions. Any advisory or
33 technical committee may, on request of the States con-
34 cerned be established to consider any matter of special
35 concern to two or more of the party States.

36 "C. The Commission may establish such additional com-
37 mittees as its bylaws may provide.

“ARTICLE VII. FINANCE.

1 “A. The Commission shall advise the Governor or desig-
2 nated officer or officers of each party State of its budget
3 and estimated expenditures for such period as may be
4 required by the laws of that party State. Each of the
5 Commission’s budgets of estimated expenditures shall
6 contain specific recommendations of the amount or
7 amounts to be appropriated by each of the Party States.

8 “B. The total amount of appropriation requests under
9 any budget shall be apportioned among the party States.
10 In making such apportionment, the Commission shall
11 devise and employ a formula which takes equitable ac-
12 count of the populations and per capita income levels of
13 the party States.

14 “C. The Commission shall not pledge the credit of any
15 party States. The Commission may meet any of its obli-
16 gations in whole or in part with funds available to it
17 pursuant to Article III G. of this compact, provided that
18 the Commission take specific action setting aside such
19 funds prior to incurring an obligation to be met in whole
20 or in part in such manner. Except where the Commission

21 makes use of funds available to it pursuant to Article
22 III G thereof, the Commission shall not incur any obli-
23 gation prior to the allotment of funds by the party States
24 adequate to meet the same.

25 "D. The Commission shall keep accurate accounts of
26 receipts and disbursements. The receipts and disburse-
27 ments of the Commission shall be subject to the audit and
28 accounting procedures established by its bylaws. How-
29 ever, all receipts and disbursements of funds handled by
30 the Commission shall be audited yearly by a qualified
31 public accountant, and the report of the audit shall be
32 included in and become part of the annual reports of
33 the Commission.

34 "E. The accounts of the Commission shall be open at
35 any reasonable time for inspection by duly constituted
36 officers of the party States and by any persons authorized
37 by the Commission.

38 "F. Nothing contained herein shall be construed to
39 prevent Commission compliance with laws relating to
40 audit or inspection of accounts by or on behalf of any
41 Government contributing to the support of the Com-
42 mission.

**“ARTICLE VIII. ELIGIBLE PARTIES; ENTRY INTO AND
WITHDRAWAL.**

1 “A. This compact shall have as eligible parties all
2 States, territories, and possessions of the United States,
3 the District of Columbia, and the Commonwealth of
4 Puerto Rico. In respect of any such jurisdiction not hav-
5 ing a Governor, the term ‘Governor,’ as used in this com-
6 pact, shall mean the closest equivalent official of such
7 jurisdiction.

8 “B. Any State or other eligible jurisdiction may enter
9 into this compact and it shall become binding thereon
10 when it has adopted the same, provided that in order to
11 enter into initial effect, adoption by at least ten eligible
12 party jurisdictions shall be required.

13 “C. Adoption of the compact may be either by enact-
14 ment thereof or by adherence thereto by the Governor;
15 provided that in the absence of enactment, adherence
16 by the Governor shall be sufficient to make his State a
17 party only until December 31, 1967. During any period
18 when a State is participating in this compact through
19 gubernatorial action, the Governor shall appoint those

20 persons who, in addition to himself, shall serve as the
21 members of the Commission from his State, and shall
22 provide to the Commission an equitable share of the
23 financial support of the Commission from any source
24 available to him.

25 "D. Except for a withdrawal effective on December 31,
26 1967, in accordance with paragraph C of this Article, any
27 party State may withdraw from this compact by enacting
28 a statute repealing the same, but no such withdrawal
29 shall take effect until one year after the Governor of the
30 withdrawing State has given notice in writing of the
31 withdrawal to the Governors of all other party States.
32 No withdrawal shall affect any liability already incurred
33 by or chargeable to a party State prior to the time of
34 such withdrawal.

"ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

1 "This compact shall be liberally construed so as to
2 effectuate the purposes thereof. The provisions of this
3 compact shall be severable and if any phrase, clause,
4 sentence or provision of this compact is declared to be
5 contrary to the constitution of any State or of the United

6 States, or the application thereof to any Government,
7 agency, person or circumstance is held invalid, the
8 validity of the remainder of this compact and the applica-
9 bility thereof to any Government, agency, person or cir-
10 cumstance shall not be affected thereby. If this compact
11 shall be held contrary to the constitution of any State
12 participating therein, the compact shall remain in full
13 force and effect as to the State affected as to all severable
14 matters.”

* * *

§18-10d-2. Members of the commission; term; qualifications.

1 In pursuance of article III A of said compact, there
2 shall be seven members of the education commission of
3 the states from the state of West Virginia consisting of the
4 governor and six persons appointed by the governor, by
5 and with the advice and consent of the senate, who shall
6 serve at the pleasure of the governor. Members so ap-
7 pointed shall have the qualifications specified in said
8 article III A of the compact.

**§18-10d-3. West Virginia education council; composition;
meetings; duties.**

1 There is hereby established the “West Virginia Educa-
2 tion Council” composed of the members of the education
3 commission of the states representing this state. The
4 chairman shall be designated by the governor from among
5 its members. The council shall meet on the call of its
6 chairman or at the request of a majority of its members,
7 but in any event the council shall meet not less than three
8 times each year. The council may consider any and all
9 matters relating to recommendations of the education
10 commission of the states and the activities of the mem-
11 bers in representing this state thereon.

§18-10d-4. By-laws filed with secretary of state.

1 Pursuant to article III I of the compact, the commis-
2 sion shall file a copy of ~~its~~ by-laws and any amendments
3 thereto with the secretary of state of West Virginia.

**§18-10d-5. Cooperation of state agencies, boards, departments,
etc.**

1 The departments, boards, agencies, commissions, officers
2 and employees of the state and its subdivisions are au-
3 thorized to cooperate with the council in the furtherance
4 of any of its activities pursuant to this compact.

§18-10d-6. Appropriations.

1 The Legislature may appropriate such funds as it deems
2 necessary to carry out the provisions of this chapter,
3 article, and sections.

§18-10d-7. Severability clause.

1 If for any reason any section or provisions of this article
2 shall be held to be unconstitutional or invalid, such uncon-
3 stitutionality or invalidity shall not affect the remainder
4 of the article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompa

Chairman Senate Committee

Clayton C. Davidson

Chairman House Committee

Originated in the House.

Takes effect July 1, 1967.

Howard Meyers

Clerk of the Senate

C. Blankenship

Clerk of the House of Delegates

Howard Roberson

President of the Senate

H. Fabian White

Speaker House of Delegates

The within approved this the 27
day of February, 1967.

Hullett C. Smith

Governor



PRESENTED TO THE
GOVERNOR

Date 2-22-67

Time 9:55 AM