WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 746

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

PASSED February 15, 1967
In Effect July 1, 1967

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-28-67
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
“ARTICLE 1. PURPOSE AND POLICY.

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

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

2. Provide a forum for the discussion, development, crystalization and recommendation of public policy alternatives in the field of education.

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

4. Facilitate the improvement of State and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

"B. It is the policy of this compact to encourage and promote local and State initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and States.

"C. The party States recognize that each of them has an interest in the quality and quantity of education furnished in each of the other States, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the Nation, and because the products and services contributing to the health, welfare and economic advancement of each State are supplied in significant part by persons educated in other States.
"ARTICLE II. STATE DEFINED.

1 "As used in this compact, 'State' means a State, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

"ARTICLE III. THE COMMISSION.

1 "A. The Education Commission of the States, hereinafter called 'the Commission,' is hereby established. The Commission shall consist of seven members representing each party State. One of such members shall be the Governor; two shall be members of the State legislature selected by its respective houses and serving in such manner as the legislature may determine; and four shall be appointed by and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. If the laws of a State prevent legislators from serving on the Commission, six members shall be appointed and serve at the pleasure of the Governor, unless the laws of the State otherwise provide. In addition to any other principles or requirements which a State may establish for the appointment and service of its members of the Commission, the guiding principle for the composition of the membership on the
Commission from each party State shall be that the members representing such State shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the State Government, higher education, the State education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a State agency or institution, designated by the Governor, having responsibility for one or more programs of public education. In addition to the members of the Commission representing the party States, there may be not to exceed ten non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

"B. The members of the Commission shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Com-
mission shall be only at a meeting at which a majority
of the commissioners are present. The Commision shall
meet at least once a year. In its bylaws, and subject to
such directions and limitations as may be contained
therein, the Commission may delegate the exercise of any
of its powers to the steering committee or the executive
director, except for the power to approve budgets or re-
quests for appropriations, the power to make policy
recommendations pursuant to Article IV and adoption of
the annual report pursuant to Article III J.

“C. The Commission shall have a seal.

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

“E. Irrespective of the civil service, personnel or other
merit system laws of any of the party States, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the Commission, and shall fix the duties and compensation of such personnel. The Commission in its by-laws shall provide for the personnel policies and programs of the Commission.

"F. The Commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

"G. The Commission 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, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the Commission pursuant
to this paragraph or services borrowed pursuant to paragraph F of this Article shall be reported in the annual report of the Commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

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

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

"J. The Commission annually shall make to the Governor and legislature of each party State a report covering the activities of the Commission for the preceding year. The Commission may make such additional reports as it may deem desirable.
"ARTICLE IV. POWERS.

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

2 1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.
3 2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.
4 3. Develop proposals for adequate financing of education as a whole and at each of its many levels.
5 4. Conduct or participate in research of the types referred to in this Article in any instance where the Commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.
6 5. Formulate suggested policies and plans for the im-
provement of public education as a whole, or for any
segment thereof, and make recommendations with respect
thereto available to the appropriate governmental units,
agencies and public officials.

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

"ARTICLE V. COOPERATION WITH FEDERAL
GOVERNMENT.

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

"B. The Commission may provide information and make
recommendations to any executive or legislative agency
or officer of the Federal Government concerning the com-
mon educational policies of the States, and may advise
with any such agencies or officers concerning any matter
of mutual interest.

"ARTICLE VI. COMMITTEES.

"A. To assist in the expeditious conduct of its business
when the full Commission is not meeting, the Commis-
sion shall elect a steering committee of thirty-two mem-
ers which, subject to the provisions of this compact and
consistent with the policies of the Commission, shall be
constituted and function as provided in the bylaws of the
Commission. One-fourth of the voting membership of the
steering committee shall consist of Governors, one-fourth
shall consist of legislators, and the remainder shall con-
sist of other members of the Commission. A Federal repre-
sentative on the Commission may serve with the steering
committee, but without vote. The voting members of
the steering committee shall serve for terms of two years,
except that members elected to the first steering com-
mittee of the Commission shall be elected as follows:
sixteen for one year and sixteen for two years. The chair-
man, vice chairman, and treasurer of the Commission
shall be members of the steering committee and, any-
thing in this paragraph to the contrary notwithstanding,
shall serve during their continuance in these offices.
Vacancies in the steering committee shall not affect its
authority to act, but the Commission at its next regularly
ensuing meeting following the occurrence of any vacancy
shall fill it for the unexpired term. No person shall serve
more than two terms as a member of the steering com-
mittee; provided that service for a partial term of one
year or less shall not be counted toward the two term
limitation.

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

“C. The Commission may establish such additional com-
mittees as its bylaws may provide.
"ARTICLE VII. FINANCE.

A. The Commission shall advise the Governor or designated officer or officers of each party State of its budget and estimated expenditures for such period as may be required by the laws of that party State. Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the Party States.

B. The total amount of appropriation requests under any budget shall be apportioned among the party States. In making such apportionment, the Commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party States.

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

A. This compact shall have as eligible parties all States, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a Governor, the term 'Governor,' as used in this compact, shall mean the closest equivalent official of such jurisdiction.

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

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the Governor; provided that in the absence of enactment, adherence by the Governor shall be sufficient to make his State a party only until December 31, 1967. During any period when a State is participating in this compact through gubernatorial action, the Governor shall appoint those
persons who, in addition to himself, shall serve as the
members of the Commission from his State, and shall
provide to the Commission an equitable share of the
financial support of the Commission from any source
available to him.

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

"ARTICLE IX. CONSTRUCTION AND SEVERABILITY.

"This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any State or of the United
States, or the application thereof to any Government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any Government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any State participating therein, the compact shall remain in full force and effect as to the State affected as to all severable matters."

* * *

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

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

§18-10d-3. West Virginia education council; composition; meetings; duties.
1 There is hereby established the "West Virginia Education Council" composed of the members of the education commission of the states representing this state. The chairman shall be designated by the governor from among its members. The council shall meet on the call of its chairman or at the request of a majority of its members, but in any event the council shall meet not less than three times each year. The council may consider any and all matters relating to recommendations of the education commission of the states and the activities of the members in representing this state thereon.

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

1 Pursuant to article III of the compact, the commission shall file a copy of its by-laws and any amendments 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 and employees of the state and its subdivisions are authorized to cooperate with the council in the furtherance of any of its activities pursuant to this compact.
§18-10d-6. Appropriations.

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

§18-10d-7. Severability clause.

1 If for any reason any section or provisions of this article shall be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remainder of the article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempo
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1967.

James Mc
Clerk of the Senate

C A Blankenship
Clerk of the House of Delegates

Howard Rector
President of the Senate

H. Faber White
Speaker House of Delegates

The within approved this the 27
day of February, 1968.

Hillert C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Date 2-22-67
Time 9:55 AM