

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 107

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO THE INTERSTATE COMPACT FOR WESTERN REGIONAL COOPERATION IN
2 HIGHER EDUCATION; AMENDING SECTION 33-3601, IDAHO CODE, TO CLARIFY THAT
3 ANY REFERENCE TO THE TERRITORIES OF ALASKA AND HAWAII IN THE INTERSTATE
4 COMPACT FOR WESTERN REGIONAL COOPERATION IN HIGHER EDUCATION MEANS THE
5 STATES OF ALASKA AND HAWAII.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 33-3601, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 33-3601. INTERSTATE COMPACT FOR WESTERN REGIONAL COOPERATION IN
11 HIGHER EDUCATION RATIFIED. The State of Idaho does hereby ratify, approve,
12 adopt and confirm the Interstate Compact for Western Regional Cooperation in
13 Higher Education heretofore entered into between the States of Arizona, Cal-
14 ifornia, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wash-
15 ington and, Wyoming, and the Territories of Alaska and Hawaii, ~~which said.~~
16 The compact is, in words and figures as follows, except that any reference to
17 the Territories of Alaska and Hawaii means the States of Alaska and Hawaii:

18 ARTICLE I

19 WHEREAS, the future of this Nation and of the Western States is depen-
20 dent upon the quality of the education of its youth; and

21 WHEREAS, many of the Western States individually do not have sufficient
22 numbers of potential students to warrant the establishment and maintenance
23 within their borders of adequate facilities in all of the essential fields
24 of technical, professional, and graduate training, nor do all of the States
25 have the financial ability to furnish within their borders institutions ca-
26 pable of providing acceptable standards of training in all of the fields men-
27 tioned above; and

28 WHEREAS, it is believed that the Western States, or groups of such
29 states within the Region, cooperatively can provide acceptable and ef-
30 ficient educational facilities to meet the needs of the Region and of the
31 students thereof:

32 Now, therefore, the States of Arizona, California, Colorado, Idaho,
33 Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and the
34 Territories of Alaska and Hawaii do hereby covenant and agree as follows:

35 ARTICLE II

36 Each of the compacting states and territories pledges to each of the
37 other compacting states and territories faithful cooperation in carrying

1 out all the purposes of this Compact.

2 ARTICLE III

3 The compacting states and territories hereby create the Western Inter-
4 state Commission for Higher Education, hereinafter called the Commission.
5 Said Commission shall be a body corporate of each compacting state and ter-
6 ritory and an agency thereof. The Commission shall have all the powers and
7 duties set forth herein, including the power to sue and be sued, and such ad-
8 ditional powers as may be conferred upon it by subsequent action of the re-
9 spective legislatures of the compacting states and territories.

10 ARTICLE IV

11 The Commission shall consist of three resident members from each com-
12 pacting state or territory. At all times one Commissioner from each compact-
13 ing state or territory shall be an educator engaged in the field of higher ed-
14 ucation in the state or territory from which he is appointed.

15 The Commissioners from each state and territory shall be appointed by
16 the Governor thereof as provided by law in such state or territory. Any Com-
17 missioner may be removed or suspended from office as provided by the law of
18 the state or territory from which he shall have been appointed.

19 The terms of each Commissioner shall be four years; provided however
20 that the first three Commissioners shall be appointed as follows: one for
21 two years, one for three years, and one for four years. Each Commissioner
22 shall hold office until his successor shall be appointed and qualified. If
23 any office becomes vacant for any reason, the Governor shall appoint a Com-
24 missioner to fill the office for the remainder of the unexpired term.

25 ARTICLE V

26 Any business transacted at any meeting of the Commission must be by af-
27 firmative vote of a majority of the whole number of compacting states and
28 territories.

29 One or more Commissioners from a majority of the compacting states and
30 territories shall constitute a quorum for the transaction of business.

31 Each compacting state and territory represented at any meeting of the
32 Commission is entitled to one vote.

33 ARTICLE VI

34 The Commission shall elect from its number a chairman and a vice chair-
35 man, and may appoint, and at its pleasure dismiss or remove, such officers,
36 agents, and employees as may be required to carry out the purpose of this Com-
37 pact; and shall fix and determine their duties, qualifications and compensa-
38 tion, having due regard for the importance of the responsibilities involved.

39 The Commissioners shall serve without compensation, but shall be reim-
40 bursed for their actual and necessary expenses from the funds of the Commis-
41 sion.

ARTICLE VII

1
2 The Commission shall adopt a seal and by-laws and shall adopt and pro-
3 mulgate rules and regulations for its management and control.

4 The Commission may elect such committees as it deems necessary for the
5 carrying out of its functions.

6 The Commission shall establish and maintain an office within one of the
7 compacting states for the transaction of its business and may meet at any
8 time, but in any event must meet at least once a year. The Chairman may call
9 such additional meetings and upon the request of a majority of the Commis-
10 sioners of three or more compacting states or territories shall call addi-
11 tional meetings.

12 The Commission shall submit a budget to the Governor of each compacting
13 state and territory at such time and for such period as may be required.

14 The Commission shall, after negotiations with interested institutions,
15 determine the cost of providing the facilities for graduate and professional
16 education for use in its contractual agreements throughout the Region.

17 On or before the fifteenth day of January of each year, the Commission
18 shall submit to the Governors and Legislatures of the compacting states and
19 territories a report of its activities for the preceding calendar year.

20 The Commission shall keep accurate books of account, showing in full
21 its receipts and disbursements, and said books of account shall be open at
22 any reasonable time for inspection by the Governor of any compacting state
23 or territory or his designated representative. The Commission shall not be
24 subject to the audit and accounting procedure of any of the compacting states
25 or territories. The Commission shall provide for an independent annual au-
26 dit.

ARTICLE VIII

27
28 It shall be the duty of the Commission to enter into such contractual
29 agreements with any institutions in the Region offering graduate or profes-
30 sional education and with any of the compacting states or territories as may
31 be required in the judgment of the Commission to provide adequate services
32 and facilities of graduate and professional education for the citizens of
33 the respective compacting states or territories. The Commission shall first
34 endeavor to provide adequate services and facilities in the fields of den-
35 tistry, medicine, public health, and veterinary medicine, and may undertake
36 similar activities in other professional and graduate fields.

37 For this purpose the Commission may enter into contractual agreements--

38 (a) with the governing authority of any educational institution in the
39 Region, or with any compacting state or territory, to provide such graduate
40 or professional educational services upon terms and conditions to be agreed
41 upon between contracting parties, and

42 (b) with the governing authority of any educational institution in the
43 Region or with any compacting state or territory to assist in the placement
44 of graduate or professional students in educational institutions in the Re-
45 gion providing the desired services and facilities, upon such terms and con-
46 ditions as the Commission may prescribe.

1 It shall be the duty of the Commission to undertake studies of needs
2 for professional and graduate educational facilities in the Region, the
3 resources for meeting such needs, and the long-range effects of the Compact
4 on higher education; and from time to time to prepare comprehensive reports
5 on such research for presentation to the Western Governors' Conference and
6 to the legislatures of the compacting states and territories. In conducting
7 such studies, the Commission may confer with any national or regional plan-
8 ning body which may be established. The Commission shall draft and recommend
9 to the Governors of the various compacting states and territories, uniform
10 legislation dealing with problems of higher education in the Region.

11 For the purposes of this Compact the word "Region" shall be construed to
12 mean the geographical limits of the several compacting states and territo-
13 ries.

14 ARTICLE IX

15 The operating costs of the Commission shall be apportioned equally
16 among the compacting states and territories.

17 ARTICLE X

18 This Compact shall become operative and binding immediately as to those
19 states and territories adopting it whenever five or more of the states or
20 territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New
21 Mexico, Oregon, Utah, Washington, Wyoming, Alaska and Hawaii have duly
22 adopted it prior to July 1, 1953. This Compact shall become effective as to
23 any additional states or territories adopting thereafter at the time of such
24 adoption.

25 ARTICLE XI

26 This Compact may be terminated at any time by consent of a majority of
27 the compacting states or territories. Consent shall be manifested by pas-
28 sage and signature in the usual manner of legislation expressing such con-
29 sent by the legislature and Governor of such terminating state. Any state
30 or territory may at any time withdraw from this Compact by means of appropri-
31 ate legislation to that end. Such withdrawal shall not become effective un-
32 til two years after written notice thereof by the Governor of the withdrawing
33 state or territory accompanied by a certified copy of the requisite legisla-
34 tive action is received by the Commission. Such withdrawal shall not relieve
35 the withdrawing state or territory from its obligations hereunder accruing
36 prior to the effective date of withdrawal. The withdrawing state or terri-
37 tory may rescind its action of withdrawal at any time within the two-year pe-
38 riod. Thereafter, the withdrawing state or territory may be reinstated by
39 application to and the approval by a majority vote of the Commission.

40 ARTICLE XII

41 If any compacting state or territory shall at any time default in the
42 performance of any of its obligations assumed or imposed in accordance with

1 the provisions of this Compact, all rights, privileges and benefits con-
2 ferred by this Compact or agreements hereunder shall be suspended from the
3 effective date of such default as fixed by the Commission.

4 Unless such default shall be remedied within a period of two years fol-
5 lowing the effective date of such default, this Compact may be terminated
6 with respect to such defaulting state or territory by affirmative vote of
7 three-fourths of the other member states or territories.

8 Any such defaulting state may be reinstated by: (a) performing all acts
9 and obligations upon which it has heretofore defaulted, and (b) application
10 to and the approval by a majority vote of the Commission.