

By: Representative Pierce

To: Education

HOUSE BILL NO. 760

1 AN ACT TO AMEND SECTION 37-135-1, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT APPOINTMENTS TO THE SOUTHERN REGIONAL EDUCATION
3 BOARD (SREB) SHALL BE IN COMPLIANCE WITH THE MOST RECENT BYLAWS OF
4 THE BOARD; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 37-135-1, Mississippi Code of 1972, is
7 amended as follows:

8 37-135-1. The following compact of the southern states for
9 the purpose of operating regional educational institutions in the
10 southern states be, and the same is, hereby ratified and approved:

11 WHEREAS, the states who are parties hereto have during the
12 past several years conducted careful investigation looking toward
13 the establishment and maintenance of jointly owned and operated
14 regional educational institutions in the southern states in the
15 professional, technological, scientific, literary and other
16 fields, so as to provide greater educational advantages and
17 facilities for the citizens of the several states who reside
18 within such region, and

19 WHEREAS, Meharry Medical College of Nashville, Tennessee, has
20 proposed that its lands, buildings, equipment, and the net income
21 from its endowment be turned over to the southern states, or to an
22 agency acting in their behalf, to be operated as a regional
23 institution for medical, dental and nursing education upon terms
24 and conditions to be hereafter agreed upon between the southern
25 states and Meharry Medical College, which proposal, because of the
26 present financial condition of the institution, has been approved
27 by the said states who are parties, hereto, and

28 WHEREAS, the said states desire to enter into a compact with
29 each other providing for the planning and establishment of
30 regional educational facilities;

31 NOW THEREFORE, in consideration of the mutual agreements,
32 covenants and obligations assumed by the respective states who are
33 parties hereto (hereinafter referred to as "states"), the said
34 several states do hereby form a geographical district or region
35 consisting of the areas lying within the boundaries of the
36 contracting states which, for the purposes of this compact, shall
37 constitute an area for regional education supported by public
38 funds derived from taxation by the constituent states for the
39 establishment, acquisition, operation and maintenance of regional
40 educational schools and institutions for the benefit of citizens
41 of the respective states residing within the region so established
42 as may be determined from time to time in accordance with the
43 terms and provisions of this compact.

44 (a) The states do further hereby establish and create a
45 joint agency which shall be known as the Board of Control for
46 Southern Regional Education (hereinafter referred to as the
47 "board"), the members of which board shall consist of the governor
48 of each state, ex officio, and, at a minimum, two (2) additional
49 citizens of each state to be appointed by the governor thereof, at
50 least one (1) of whom shall be selected from the field of
51 education. The governor shall continue as a member of the board
52 during his tenure of office as governor of the state but the
53 members of the board appointed by the governor shall hold office
54 for a period of five (5) years, except that in the original
55 appointment one (1) board member so appointed by the governor
56 shall be designated at the time of his appointment to serve an
57 initial term of three (3) years, but thereafter his successor
58 shall serve the full term of five (5) years. Vacancies on the
59 board caused by death, resignation, refusal or inability to serve,
60 shall be filled by appointment by the governor for the unexpired

61 portion of the term. The officers of the board shall be a
62 chairman, a vice chairman, a secretary, a treasurer and such
63 additional officers as may be created by the board from time to
64 time. The board shall meet annually and officers shall be elected
65 to hold office until the next annual meeting. The board shall
66 have the right to formulate and establish bylaws not inconsistent
67 with the provisions of this compact to govern its own actions in
68 the performance of the duties delegated to it including the right
69 to create and appoint an executive committee and a finance
70 committee with such powers and authority as the board may delegate
71 to them from time to time. Any changes to the composition and
72 membership of the original board herein created shall be in
73 compliance with the bylaws formulated and established by the
74 current existing board.

75 (b) It shall be the duty of the board to submit plans
76 and recommendations to the states from time to time for their
77 approval and adoption by appropriate legislative action for the
78 development, establishment, acquisition, operation and maintenance
79 of educational schools and institutions within the geographical
80 limits of the regional area of the states, of such character and
81 type and for such educational purposes, professional,
82 technological, scientific, literary or otherwise, as they may deem
83 and determine to be proper, necessary or advisable. Title to all
84 such educational institutions when so established by appropriate
85 legislative actions of the states and to all properties and
86 facilities used in connection therewith shall be vested in said
87 board as the agency of and for the use and benefit of the said
88 states and the citizens thereof, and all such educational
89 institutions shall be operated, maintained and financed in the
90 manner herein set out, subject to any provisions or limitations
91 which may be contained in the legislative acts of the states
92 authorizing the creation, establishment and operation of such
93 educational institutions.

94 (c) In addition to the power and authority heretofore
95 granted, the board shall have the power to enter into such
96 agreements or arrangements with any of the states and with
97 educational institutions or agencies, as may be required in the
98 judgment of the board, to provide adequate services and facilities
99 for the graduate, professional and technical education for the
100 benefit of the citizens of the respective states residing within
101 the region.

102 (d) The board shall have such additional and general
103 power and authority as may be vested in it by the states from time
104 to time by legislative enactments of the said states.

105 (e) Any two (2) or more states who are parties of this
106 compact shall have the right to enter into supplemental agreements
107 providing for the establishment, financing and operation of
108 regional educational institutions for the benefit of citizens
109 residing within an area which constitutes a portion of the general
110 region herein created, such institutions to be financed
111 exclusively by such states and to be controlled exclusively by the
112 members of the board representing such states, provided such
113 agreement is submitted to and approved by the board prior to the
114 establishment of such institutions.

115 Each state agrees that, when authorized by the legislature,
116 it will from time to time make available and pay over to said
117 board such funds as may be required for the establishment,
118 acquisition, operation and maintenance of such regional
119 educational institutions as may be authorized by the states under
120 the terms of this compact, the contribution of each state at all
121 times to be in the proportion that its population bears to the
122 total combined population of the states who are parties hereto as
123 shown from time to time by the most recent official published
124 report of the Bureau of Census of the United States of America or
125 upon such other basis as may be agreed upon.

126 (f) This compact shall not take effect or be binding
127 upon any state unless and until it shall be approved by proper
128 legislative action of as many as six (6) or more of the states
129 whose governors have subscribed hereto within a period of eighteen
130 (18) months from the date hereof. When and if six (6) or more
131 states shall have given legislative approval to this compact
132 within said eighteen-month period, it shall be and become binding
133 upon such six (6) or more states sixty (60) days after the date of
134 legislative approval by the sixth state and the governors of such
135 six (6) or more states shall forthwith name the members of the
136 board from their states as hereinabove set out, and the board
137 shall then meet on call of the governor of any state approving
138 this compact, at which time the board shall elect officers, adopt
139 bylaws, appoint committees and otherwise fully organize. Other
140 states whose names are subscribed hereto shall thereafter become
141 parties hereto upon approval of this compact by legislative action
142 within two (2) years from the date hereof, upon such conditions as
143 may be agreed upon at the time.

144 (g) After becoming effective this compact shall
145 thereafter continue without limitation of time, provided, however,
146 that it may be terminated at any time by unanimous action of the
147 states and provided, further, that any state may withdraw from
148 this compact if such withdrawal is approved by its legislature,
149 such withdrawal to become effective two (2) years after written
150 notice thereof to the board accompanied by a certified copy of the
151 requisite legislative action, but such withdrawal shall not
152 relieve the withdrawing state from its obligations hereunder
153 accruing up to the effective date of such withdrawal. Any state
154 so withdrawing shall ipso facto cease to have any claim to or
155 ownership of any of the property held or vested in the board or to
156 any of the funds of the board held under the terms of this
157 compact.

158 If any state shall at any time become in default in the
 159 performance of any of its obligations assumed herein or with
 160 respect to any obligation imposed upon said state as authorized by
 161 and in compliance with the terms and provisions of this compact,
 162 all rights, privileges and benefits of such defaulting state, its
 163 members on the board and its citizens shall ipso facto be and
 164 become suspended from and after the date of such default. Unless
 165 such default shall be remedied and made good within a period of
 166 one (1) year immediately following the date of such default this
 167 compact may be terminated with respect to such defaulting state by
 168 an affirmative vote of three-fourths (3/4) of the members of the
 169 board (exclusive of the members representing the state in
 170 default), from and after which time such state shall cease to be a
 171 party to this compact and shall have no further claim to or
 172 ownership of any of the property held by or vested in the board or
 173 to any of the funds of the board held under the terms of this
 174 compact, but such termination shall in no manner release such
 175 defaulting state from any accrued obligation or otherwise affect
 176 this compact or the rights, duties, privileges or obligations of
 177 the remaining states thereunder.

178 (h) In witness whereof this compact has been approved
 179 and signed by the governors of the several states, subject to the
 180 approval of their respective legislatures in the manner
 181 hereinabove set out, as of the _____ day of _____, 1948.

182	State of Florida,	State of Tennessee,
183	By _____	By _____
184	Governor	Governor
185	State of Maryland,	Commonwealth of Virginia,
186	By _____	By _____
187	Governor	Governor
188	State of Georgia,	State of Arkansas,
189	By _____	By _____
190	Governor	Governor

191 State of Louisiana, State of North Carolina,
192 By _____ By _____
193 Governor Governor
194 State of Alabama, State of South Carolina
195 By _____ By _____
196 Governor Governor
197 State of Mississippi, State of Texas,
198 By _____ By _____
199 Governor Governor
200 Commonwealth of Kentucky, State of Oklahoma,
201 By _____ By _____
202 Governor Governor
203 State of West Virginia,
204 By _____
205 Governor

206 **SECTION 2.** This act shall take effect and be in force from
207 and after July 1, 2005.