

By: Representative Pierce

To: Education

HOUSE BILL NO. 760
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-135-1, MISSISSIPPI CODE OF 1972,
2 AS AMENDED BY SENATE BILL NO. 2468, 2005 REGULAR SESSION, TO
3 CLARIFY THAT APPOINTMENTS TO THE SOUTHERN REGIONAL EDUCATION BOARD
4 (SREB) SHALL BE IN COMPLIANCE WITH THE MOST RECENT BYLAWS OF THE
5 BOARD; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-135-1, Mississippi Code of 1972, as
8 amended by Senate Bill No. 2468, 2005 Regular Session, is amended
9 as follows:

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

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

21 Whereas, Meharry Medical College of Nashville, Tennessee, has
22 proposed that its lands, buildings, equipment, and the net income
23 from its endowment be turned over to the southern states, or to an
24 agency acting in their behalf, to be operated as a regional
25 institution for medical, dental and nursing education upon terms
26 and conditions to be hereafter agreed upon between the southern
27 states and Meharry Medical College, which proposal, because of the

28 present financial condition of the institution, has been approved
29 by the said states who are parties, hereto, and

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

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

46 (a) The states do further hereby establish and create a
47 joint agency which shall be known as the Board of Control for
48 Southern Regional Education (hereinafter referred to as the
49 "board"), the members of which board shall consist of the governor
50 of each state, ex officio, and four (4) additional citizens of
51 each state to be appointed by the governor thereof, at least one
52 (1) of whom shall be selected from the field of education, and at
53 least one (1) of whom shall be a member of the legislature of that
54 state. In making his appointments, the governor shall appoint
55 persons as broadly representative as possible of the variety of
56 higher education at institutions in the state. The governor shall
57 continue as a member of the board during his tenure of office as
58 governor of the state but the members of the board appointed by
59 the governor shall hold office for a period of four (4) years,
60 except that in the original appointment one (1) board member so

61 appointed by the governor shall be designated at the time of his
62 appointment to serve an initial term of three (3) years, but
63 thereafter his successor shall serve the full term of four (4)
64 years. Vacancies on the board caused by death, resignation,
65 refusal or inability to serve, shall be filled by appointment by
66 the governor for the unexpired portion of the term. The officers
67 of the board shall be a chairman, a vice chairman, a secretary, a
68 treasurer and such additional officers as may be created by the
69 board from time to time.

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

89 (c) In addition to the power and authority heretofore
90 granted, the board shall have the power to enter into such
91 agreements or arrangements with any of the states and with
92 educational institutions or agencies, as may be required in the
93 judgment of the board, to provide adequate services and facilities

94 for the graduate, professional, and technical education for the
95 benefit of the citizens of the respective states residing within
96 the region.

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

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

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

121 (f) This compact shall not take effect or be binding
122 upon any state unless and until it shall be approved by proper
123 legislative action of as many as six (6) or more of the states
124 whose governors have subscribed hereto within a period of eighteen
125 (18) months from the date hereof. When and if six (6) or more
126 states shall have given legislative approval to this compact

127 within said eighteen (18) months period, it shall be and become
128 binding upon such six (6) or more states sixty (60) days after the
129 date of legislative approval by the sixth state and the governors
130 of such six (6) or more states shall forthwith name the members of
131 the board from their states as hereinabove set out, and the board
132 shall then meet on call of the governor of any state approving
133 this compact, at which time the board shall elect officers, adopt
134 bylaws, appoint committees and otherwise fully organize. Other
135 states whose names are subscribed hereto shall thereafter become
136 parties hereto upon approval of this compact by legislative action
137 within two (2) years from the date hereof, upon such conditions as
138 may be agreed upon at the time.

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

153 If any state shall at any time become in default in the
154 performance of any of its obligations assumed herein or with
155 respect to any obligation imposed upon said state as authorized by
156 and in compliance with the terms and provisions of this compact,
157 all rights, privileges and benefits of such defaulting state, its
158 members on the board and its citizens shall ipso facto be and
159 become suspended from and after the date of such default. Unless

160 such default shall be remedied and made good within a period of
161 one (1) year immediately following the date of such default this
162 compact may be terminated with respect to such defaulting state by
163 an affirmative vote of three-fourths (3/4) of the members of the
164 board (exclusive of the members representing the state in
165 default), from and after which time such state shall cease to be a
166 party to this compact and shall have no further claim to or
167 ownership of any of the property held by or vested in the board or
168 to any of the funds of the board held under the terms of this
169 compact, but such termination shall in no manner release such
170 defaulting state from any accrued obligation or otherwise affect
171 this compact or the rights, duties, privileges or obligations of
172 the remaining states thereunder.

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

177	State of Florida,	State of Tennessee,
178	By _____	By _____
179	Governor	Governor
180	State of Maryland,	Commonwealth of Virginia,
181	By _____	By _____
182	Governor	Governor
183	State of Georgia,	State of Arkansas,
184	By _____	By _____
185	Governor	Governor
186	State of Louisiana,	State of North Carolina,
187	By _____	By _____
188	Governor	Governor
189	State of Alabama,	State of South Carolina
190	By _____	By _____
191	Governor	Governor
192	State of Mississippi,	State of Texas,

193 By _____ By _____
194 Governor Governor
195 Commonwealth of Kentucky, State of Oklahoma,
196 By _____ By _____
197 Governor Governor
198 State of West Virginia,
199 By _____
200 Governor

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