

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2468

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 of whom shall be selected from the field of education.
51 The governor shall continue as a member of the board during his
52 tenure of office as governor of the state but the members of the
53 board appointed by the governor shall hold office for a period of
54 five (5) years, except that in the original appointment one (1)
55 board member so appointed by the governor shall be designated at
56 the time of his appointment to serve an initial term of three (3)
57 years, but thereafter his successor shall serve the full term of
58 five (5) years. Vacancies on the board caused by death,
59 resignation, refusal or inability to serve, shall be filled by
60 appointment by the governor for the unexpired portion of the term.

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

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

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

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

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

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

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

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

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

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

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

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

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