

WEST VIRGINIA LEGISLATURE

REGULAR THIRTY-DAY SESSION, 1956



ENROLLED

SENATE BILL NO. 11

(By Mr. Earl M. President)



PASSED February 8, 1956

In Effect 90 days Passage



RECEIVED IN THE CLERK OF THE HOUSE OF DELEGATES
OF WEST VIRGINIA
FEB 15 1956

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Senate Bill No. 11

(By MR. BEAN, MR. PRESIDENT)

[Passed February 8, 1956; in effect ninety days from passage.]

AN ACT to approve "The Southern Regional Education Compact" and to authorize the State of West Virginia to become a party thereto, subject to the approval of other states now parties to the compact.

Be it enacted by the Legislature of West Virginia:

Section 1. *Approval of Compact.*—The following compact is hereby approved and ratified, and the state of West Virginia is hereby declared to be a party thereto, subject to the approval of other states now parties to the compact, and all agreements, covenants and obligations therein shall be binding upon the state of West Virginia.

The Southern Regional Education Compact

WHEREAS, The states who are parties hereto have during

9 the past several years conducted careful investigation
10 looking toward the establishment and maintenance of
11 jointly owned and operated regional educational insti-
12 tutions in the southern states in the professional, tech-
13 nological, scientific, literary and other fields, so as to
14 provide greater educational advantages and facilities for
15 the citizens of the several states who reside within such
16 region; and

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

28 WHEREAS, The said states desire to enter into a compact
29 with each other providing for the planning and estab-

30 lishment of regional educational facilities; now, there-
31 fore,

32 In consideration of the mutual agreements, covenants
33 and obligations assumed by the respective states who are
34 parties hereto (hereinafter referred to as "states"), the
35 said several states do hereby form a geographical district
36 or region consisting of the areas lying within the bound-
37 aries of the contracting states which, for the purposes of
38 this compact, shall constitute an area for regional edu-
39 cation supported by public funds derived from taxation
40 by the constituent states and derived from other sources
41 for the establishment, acquisition, operation and main-
42 tenance of regional educational schools and institutions
43 for the benefit of citizens of the respective states resid-
44 ing within the region so established as may be deter-
45 mined from time to time in accordance with the terms
46 and provisions of this compact.

47 The states do further hereby establish and create a
48 joint agency which shall be known as the "Board of
49 Control for Southern Regional Education" (hereinafter
50 referred to as the "board"), the members of which board

51 shall consist of the governor of each state, *ex officio*, and
52 four additional citizens of each state to be appointed by
53 the governor thereof, with the advice and consent of the
54 Senate, at least one of whom shall be selected from the
55 field of education, and at least one of whom shall be a
56 member of the Legislature of that state. The governor
57 shall continue as a member of the board during his tenure
58 of office as governor of the state; but the members of the
59 board appointed by the governor shall hold office for a
60 period of four years, except that in the original appoint-
61 ments one board member so appointed by the governor
62 shall be designated at the time of his appointment to serve
63 an initial term of two years, one board member to serve
64 an initial term of three years, and the remaining board
65 members to serve the full term of four years, but there-
66 after the successor of each appointed board member shall
67 serve the full term of four years. Vacancies on the board
68 caused by death, resignation, refusal or inability to serve,
69 shall be filled by appointment by the governor for the
70 unexpired portion of the term. The officers of the board
71 shall be a chairman, a vice chairman, a secretary, a treas-

72 urer, and such additional officers as may be created by the
73 board from time to time. The board shall meet annually
74 and officers shall be elected to hold office until the next
75 annual meeting. The board shall have the right to formu-
76 late and establish by-laws not inconsistent with the pro-
77 visions of this compact to govern its own actions in the per-
78 formance of the duties delegated to it, including the right
79 to create and appoint an executive committee and a finance
80 committee with such powers and authority as the board
81 may delegate to them from time to time. The board may,
82 within its discretion, elect as its chairman, a person who is
83 not a member of the board, provided such person resides
84 within a signatory state; and upon such election, such per-
85 son shall become a member of the board with all the rights
86 and privileges of such membership.

87 It shall be the duty of the board to submit plans and rec-
88 ommendations to the states from time to time for their ap-
89 proval and adoption by appropriate legislative action for
90 the development, establishment, acquisition, operation and
91 maintenance of educational schools and institutions within
92 the geographical limits of the regional area of the states, of

93 such character and type and for such educational purposes,
94 professional, technological, scientific, literary, or other-
95 wise, as they may deem and determine to be proper, neces-
96 sary or advisable. Title to all such educational institutions
97 when so established by appropriate legislative actions of
98 the states and to all properties and facilities used in con-
99 nection therewith shall be vested in said board as the
100 agency of and for the use and benefit of the said states and
101 the citizens thereof; and all such educational institutions
102 shall be operated, maintained and financed in the manner
103 herein set out, subject to any provisions or limitations
104 which may be contained in the legislative acts of the
105 state² authorizing the creation, establishment and opera-
106 tion of such educational institutions.

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107 In addition to the power and authority heretofore
108 granted, the board shall have the power to enter into such
109 agreements or arrangements with any of the states and
110 with educational institutions or agencies, as may be re-
111 quired in the judgment of the board, to provide adequate
112 services and facilities for the graduate, professional, and
113 technical education for the benefit of the citizens of the re-

114 spective states residing within the region, and such addi-
115 tional and general power and authority as may be vested
116 in the board from time to time by legislative enactment
117 of the said states.

118 Any two or more states who are parties of this compact
119 shall have the right to enter into supplemental agreements
120 providing for the establishment, financing and operation of
121 regional educational institutions for the benefit of citizens
122 residing within an area which constitutes a portion of the
123 general region herein created, such institutions to be fi-
124 nanced exclusively by such states and to be controlled ex-
125 clusively by the members of the board representing such
126 states provided such agreement is submitted to and ap-
127 proved by the board prior to the establishment of such
128 institution.

129 Each state agrees that, when authorized by the legisla-
130 ture, it will from time to time make available and pay over
131 to said board such funds as may be required for the estab-
132 lishment, acquisition, operation and maintenance of such
133 regional educational institutions as may be authorized by
134 the states under the terms of this compact, the contribu-

135 tion of each state at all times to be in the proportion that
136 its population bears to the total combined population of
137 the states who are parties hereto as shown from time to
138 time by the most recent official published report of the
139 bureau of the census of the United States of America; or
140 upon such other basis as may be agreed upon.

141 This compact shall not take effect or be binding upon any
142 state unless and until it shall be approved by proper legis-
143 lative action of as many as six or more of the states whose
144 governors have subscribed hereto within a period of
145 eighteen months from the date hereof. When and if six or
146 more states shall have given legislative approval of this
147 compact within said eighteen months period, it shall be
148 and become binding upon such six or more states sixty
149 days after the date of legislative approval by the sixth
150 state; and the governors of such six or more states shall
151 forthwith name the members of the board from their
152 states as hereinabove set out, and the board shall then
153 meet on call of the governor of any state approving this
154 compact, at which time the board shall elect officers, adopt
155 by-laws, appoint committees and otherwise fully organize.

156 Other states whose names are subscribed hereto shall
157 thereafter become parties hereto upon approval of this
158 compact by legislative action within two years from the
159 date hereof, upon such conditions as may be agreed upon
160 at the time: *Provided, however,* That with respect to any
161 state whose constitution may require amendment in order
162 to permit legislative approval of the compact, such state
163 or states shall become parties hereto upon approval of
164 this compact by legislative action within seven years from
165 the date hereof, upon such conditions as may be agreed
166 upon at the time.

167 After becoming effective this compact shall thereafter
168 continue without limitation of time: *Provided, however,*
169 That it may be terminated at any time by unanimous
170 action of the states; and

171 *Provided further,* That any state may withdraw from
172 this compact if such withdrawal is approved by its legis-
173 lature, such withdrawal to become effective two years
174 after written notice thereof to the board accompanied by
175 a certified copy of the requisite legislative action, but
176 such withdrawal shall not relieve the withdrawing state

177 from its obligations hereunder accruing up to the effec-
178 tive date of such withdrawal. Any state so withdrawing
179 shall *ipso facto* cease to have any claim to or ownership
180 of any of the property held or vested in the board or to
181 any of the funds of the board held under the terms of
182 this compact.

183 If any state shall at any time become in default in
184 the performance of any of its obligations assumed herein
185 or with respect to any obligation imposed upon said state
186 as authorized by and in compliance with the terms and
187 provisions of this compact, all rights, privileges and
188 benefits of such defaulting state, its members on the
189 board and its citizens shall *ipso facto* be and become
190 suspended from and after the date of such default. Unless
191 such default shall be remedied and made good within a
192 period of one year immediately following the date of
193 such default, this compact may be terminated with re-
194 spect to such defaulting state by an affirmative vote of
195 three-fourths of the members of the board (exclusive
196 of the members representing the state in default), from
197 and after which time such state shall cease to be a party

198 to this compact and shall have no further claim to or own-
199 ership of any of the property held by or vested in the
200 board or to any of the funds of the board held under
201 the terms of this compact; but such termination shall
202 in no manner release such defaulting state from any
203 accrued obligations or otherwise affect this compact or
204 the rights, duties, privileges or obligations of the remain-
205 ing states thereunder.

206 IN WITNESS WHEREOF this compact has been ap-
207 proved and signed by governors of the several states,
208 subject to the approval of their respective legislatures in
209 the manner hereinabove set out, as of the eighth day of
210 February, one thousand nine hundred forty-eight.

STATE OF ALABAMA
By James E. Folsom, Governor

STATE OF ARKANSAS
By Ben Laney, Governor

STATE OF FLORIDA
By Millard F. Caldwell, Governor

STATE OF GEORGIA
By M. E. Thompson, Governor

STATE OF KENTUCKY
By Earle D. Clements, Governor

STATE OF LOUISIANA
By J. H. Davis, Governor

STATE OF MARYLAND
By Wm. Preston Lane, Jr.,
Governor

STATE OF MISSISSIPPI
By F. L. Wright, Governor

STATE OF NORTH CAROLINA
By R. Gregg Cherry, Governor

STATE OF OKLAHOMA
By Roy J. Turner, Governor

(Continued on Next Page)

STATE OF SOUTH CAROLINA
By J. Strom Thurmond, Governor

STATE OF TENNESSEE
By Jim McCord, Governor

STATE OF TEXAS
By Beauford H. Jester, Governor

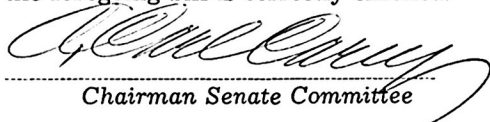
COMMONWEALTH OF VIR-
GINIA
By Wm. M. Tuck, Governor

STATE OF WEST VIRGINIA
By Clarence W. Meadows,
Governor

Sec. 2. Engrossed Copies to be Furnished Other States.—

2 Immediately upon the enactment hereof, the Governor
3 shall sign and send to the Governor of each state that
4 is a party to the above compact an engrossed copy of
5 this act.

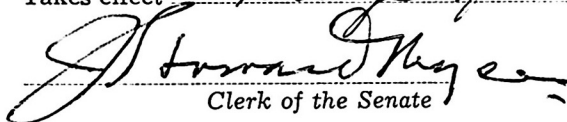
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

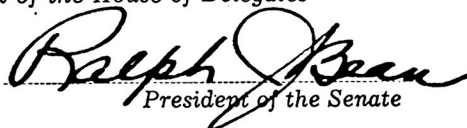

Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

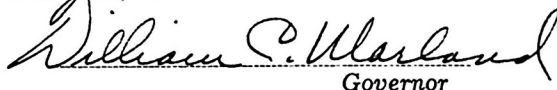

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 14
day of February, 1956.


Governor



Filed in the Office of the Secretary of State
of West Virginia

FEB 15 1956

D. PITT O'BRIEN
SECRETARY OF STATE