

By: Representative Manning

To: Universities and
Colleges

HOUSE BILL NO. 53

1 AN ACT TO AMEND SECTIONS 37-4-3, 37-29-115, 37-101-15 AND
2 37-101-101, MISSISSIPPI CODE OF 1972, TO PROHIBIT OVERNIGHT
3 VISITATIONS BETWEEN PERSONS OF THE OPPOSITE SEX IN CAMPUS
4 DORMITORIES AND TO REQUIRE THE IMPOSITION OF A CURFEW FOR
5 VISITATIONS BETWEEN THE OPPOSITE SEXES IN DORMITORIES; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 37-4-3, Mississippi Code of 1972, is
9 amended as follows:

10 37-4-3. (1) From and after July 1, 1986, there shall be a
11 State Board for Community and Junior Colleges which shall receive
12 and distribute funds appropriated by the Legislature for the use
13 of the public community and junior colleges and funds from federal
14 and other sources that are transmitted through the state
15 governmental organization for use by said colleges. This board
16 shall provide general coordination of the public community and
17 junior colleges, assemble reports and such other duties as may be
18 prescribed by law.

19 (2) The board shall consist of ten (10) members of which
20 none shall be an elected official and none shall be engaged in the
21 educational profession. The Governor shall appoint two (2)
22 members from the First Mississippi Congressional District, one (1)
23 who shall serve an initial term of two (2) years and one (1) who
24 shall serve an initial term of five (5) years; two (2) members
25 from the Second Mississippi Congressional District, one (1) who
26 shall serve an initial term of five (5) years and one (1) who
27 shall serve an initial term of three (3) years; and two (2)
28 members from the Third Mississippi Congressional District, one (1)

29 who shall serve an initial term of four (4) years and one (1) who
30 shall serve an initial term of two (2) years; two (2) members from
31 the Fourth Mississippi Congressional District, one (1) who shall
32 serve an initial term of three (3) years and one (1) who shall
33 serve an initial term of four (4) years; and two (2) members from
34 the Fifth Mississippi Congressional District, one (1) who shall
35 serve an initial term of five (5) years and one (1) who shall
36 serve an initial term of two (2) years. All subsequent
37 appointments shall be for a term of six (6) years and continue
38 until their successors are appointed and qualify. An appointment
39 to fill a vacancy which arises for reasons other than by
40 expiration of a term of office shall be for the unexpired term
41 only. No two (2) appointees shall reside in the same junior
42 college district. All members shall be appointed with the advice
43 and consent of the Senate. (See Editor's Note) from the Fourth
44 Mississippi Congressional District, who shall serve an initial
45 term of five (5) years. All subsequent appointments shall be for
46 a term of six (6) years and continue until their successors are
47 appointed and qualify. An appointment to fill a vacancy which
48 arises for reasons other than by expiration of a term of office
49 shall be for the unexpired term only. All members shall be
50 appointed with the advice and consent of the Senate.

51 (3) There shall be a chairman and vice chairman of the
52 board, elected by and from the membership of the board; and the
53 chairman shall be the presiding officer of the board. The board
54 shall adopt rules and regulations governing times and places for
55 meetings and governing the manner of conducting its business.

56 (4) The members of the board shall receive no annual salary,
57 but shall receive per diem compensation as authorized by Section
58 25-3-69 for each day devoted to the discharge of official board
59 duties and shall be entitled to reimbursement for all actual and
60 necessary expenses incurred in the discharge of their duties,
61 including mileage as authorized by Section 25-3-41.

62 (5) The board shall name a director for the state system of
63 public junior and community colleges, who shall serve at the
64 pleasure of the board. Such director shall be the chief executive
65 officer of the board, give direction to the board staff, carry out

66 the policies set forth by the board, and work with the presidents
67 of the several community and junior colleges to assist them in
68 carrying out the mandates of the several boards of trustees and in
69 functioning within the state system and policies established by
70 the State Board for Community and Junior Colleges. The State
71 Board for Community and Junior Colleges shall set the salary of
72 the Director of the State System of Community and Junior Colleges.
73 The Legislature shall provide adequate funds for the State Board
74 for Community and Junior Colleges, its activities and its staff.

75 (6) The powers and duties of the State Board for Community
76 and Junior Colleges shall be:

77 (a) To authorize disbursements of state appropriated
78 funds to community and junior colleges through orders in the
79 minutes of the board.

80 (b) To make studies of the needs of the state as they
81 relate to the mission of the community and junior colleges.

82 (c) To approve new, changes to and deletions of
83 vocational and technical programs to the various colleges.

84 (d) To require community and junior colleges to supply
85 such information as the board may request and compile, publish and
86 make available such reports based thereon as the board may deem
87 advisable.

88 (e) To approve proposed new attendance centers (campus
89 locations) as the local boards of trustees should determine to be
90 in the best interest of the district. Provided, however, that no
91 new community/junior college branch campus shall be approved
92 without an authorizing act of the Legislature.

93 (f) To serve as the state approving agency for federal
94 funds for proposed contracts to borrow money for the purpose of
95 acquiring land, erecting, repairing, etc. dormitories, dwellings
96 or apartments for students and/or faculty, such loans to be paid
97 from revenue produced by such facilities as requested by local
98 boards of trustees.

99 (g) To approve applications from community and junior
100 colleges for state funds for vocational-technical education
101 facilities.

102 (h) To approve any university branch campus offering
103 lower undergraduate level courses for credit.

104 (i) To appoint members to the Post-Secondary
105 Educational Assistance Board.

106 (j) To appoint members to the Authority for Educational
107 Television.

108 (k) To contract with other boards, commissions,
109 governmental entities, foundations, corporations or individuals
110 for programs, services, grants and awards when such are needed for
111 the operation and development of the state public community and
112 junior college system.

113 (l) To fix standards for community and junior colleges
114 to qualify for appropriations, and qualifications for community
115 and junior college teachers.

116 (m) To have sign-off approval on the State Plan for
117 Vocational Education which is developed in cooperation with
118 appropriate units of the State Department of Education.

119 (n) To approve or disapprove of any proposed inclusion
120 within municipal corporate limits of state-owned buildings and
121 grounds of any community college or junior college and to approve
122 or disapprove of land use development, zoning requirements,
123 building codes and delivery of governmental services applicable to
124 state-owned buildings and grounds of any community college or
125 junior college. Any agreement by a local board of trustees of a
126 community college or junior college to annexation of state-owned
127 property or other conditions described in this paragraph shall be
128 void unless approved by the board and by the board of supervisors
129 of the county in which the state-owned property is located.

130 (o) To require community and junior colleges to
131 prohibit overnight visitation between unmarried persons of the

132 opposite sex in all community and junior college dormitories and
133 to require the community and junior colleges to impose a curfew on
134 all visitations between persons of the opposite sex in campus
135 dormitories.

136 SECTION 2. Section 37-29-115, Mississippi Code of 1972, is
137 amended as follows:

138 37-29-115. The boards of trustees, in the issuance of bonds
139 under the provisions of Section 37-29-109, in order to secure the
140 payment of such bonds and the interest thereon, shall have power
141 by resolution:

142 (a) To fix and maintain (1) fees, rentals and other
143 charges to be paid by students, faculty members, or officers or
144 employees using or being served by any dormitories, dwellings or
145 apartments erected, repaired, remodeled, maintained, added to,
146 extended, improved or acquired under the authority of Section
147 37-29-107; (2) fees, rentals and other charges to be paid by
148 students, faculty members, or officers or employees using or being
149 served by any other dormitories, dwellings or apartments or other
150 projects or facilities at any junior college for which bonds are
151 issued under the provisions of Section 37-29-109, which fees,
152 rentals and other charges shall be the same as those applicable to
153 the dormitories, dwellings or apartments referred to under (1)
154 above; in fixing such fees, rentals and other charges, there may
155 be allowed reasonable differentials based on the condition, type,
156 location and relative convenience of the dormitories, dwellings or
157 apartments or other projects or facilities in question, but such
158 differentials shall be uniform as to all students, faculty
159 members, officers or employees similarly accommodated;

160 (b) To provide that bonds issued under the provisions
161 of Section 37-29-109 shall be secured by a first lien on, and
162 shall be payable from, all or any part of the income and revenues
163 derived from fees, rentals and other charges to be paid by
164 students, faculty members, officers or employees using or being

165 served by any dormitories, dwellings or apartments, or other
166 projects or facilities operated at such junior colleges,
167 respectively, and erected, repaired, remodeled, maintained, added
168 to, extended, improved or acquired under the authority of Section
169 37-29-107 or any other law, or otherwise, and not then currently
170 pledged;

171 (c) To pledge and assign to or in trust for the benefit
172 of the holder or holders of any bond or bonds, coupon or coupons
173 issued under the provisions of Section 37-29-109, an amount of the
174 income and revenues derived from such fees, rentals and other
175 charges to be paid by students, faculty members, officers or
176 employees, using or being served by any dormitories, dwellings or
177 apartments, or other projects or facilities operated at such
178 junior colleges, and erected, repaired, remodeled, maintained,
179 added to, extended, improved or acquired under the authority of
180 Section 37-29-107 or any other law, or otherwise, and not then
181 currently pledged, which rentals, fees and charges imposed and
182 pledged shall be sufficient to pay when due the bonds issued under
183 the provisions of Section 37-29-109 and interest thereon, to
184 create and maintain a reasonable reserve therefor, and to operate
185 and maintain the project constructed under the terms of Section
186 37-29-107, including insurance thereon, and to create and at all
187 times maintain an adequate reserve for contingencies and for major
188 repairs and replacements;

189 (d) To covenant with or for the benefit of the holder
190 or holders of any bond or bonds, coupon or coupons issued under
191 the provisions of Section 37-29-109 to erect, repair, remodel,
192 maintain, add to, extend, improve or acquire any dormitories,
193 dwellings or apartments, and, so long as any such bonds or coupons
194 shall remain outstanding and unpaid, to fix, maintain and collect
195 fees, rentals or other charges from students, faculty members,
196 officers or employees using or being served by any such facilities
197 erected, repaired, remodeled, maintained, added to, extended,

198 improved, or acquired under the authority of Section 37-29-107 or
199 any other law, or otherwise, which fees, rentals or other charges
200 shall be sufficient to pay when due any bond or bonds, coupon or
201 coupons, issued under the provisions of Section 37-29-109, and
202 create and maintain a reasonable reserve therefor, and to pay the
203 cost of operation and maintenance of such facilities, including
204 insurance thereon, and to create and at all times maintain an
205 adequate reserve for contingencies and for major repairs and
206 replacements;

207 (e) To make and enforce and to agree to make and
208 enforce parietal rules that shall insure the use of any such
209 dormitory, dwelling or apartment, by students, faculty members,
210 officers or employees of such junior college to the maximum extent
211 to which such facilities are capable of serving same, so long as
212 such rules are not in conflict with existing covenants. Such
213 rules shall prohibit overnight visitation between unmarried
214 persons of the opposite sex in campus dormitories, dwellings and
215 apartments and shall provide a curfew on all visitations between
216 persons of the opposite sex in campus dormitories, dwellings and
217 apartments;

218 (f) To covenant that as long as any bonds or coupons
219 issued under the provisions of Section 37-29-109 shall remain
220 outstanding and unpaid, it will not, except upon such terms and
221 conditions as may be determined by the resolution issuing such
222 bonds, (1) voluntarily create, or cause to be created, any debt,
223 lien, pledge, assignment, encumbrance, or other charge having
224 priority to or being on a parity with the lien of the bonds so
225 issued upon any of the income and revenues derived from fees,
226 rentals and other charges to be paid by students, faculty members,
227 officers or employees using or being served by any dormitories,
228 dwellings or apartments operated at any such junior college and
229 erected, repaired, remodeled, maintained, added to, extended,
230 improved or acquired under the authority of Section 37-29-107 or

231 any other law, or otherwise, or (2) convey or otherwise alienate
232 any such dormitories, dwellings or apartments, or the real estate
233 upon which the same shall be located, except at a price sufficient
234 to pay all the bonds then outstanding and interest thereon payable
235 from the revenues of such facilities, and then only in accordance
236 with any agreements with the holder or holders of such bonds, or
237 (3) mortgage or otherwise voluntarily create, or cause to be
238 created, any encumbrance on any such dormitory, dwelling or
239 apartment, or the real estate upon which it shall be located;

240 (g) To covenant as to the proceedings by which the
241 terms of any contract with a holder or holders of such bonds may
242 be amended or rescinded, the amount or percentage of bonds the
243 holder or holders of which must consent thereto, and the manner in
244 which such consent may be given;

245 (h) To vest in the holder or holders of any specified
246 amount or percentage of bonds the right to apply to any court of
247 competent jurisdiction for and to have granted the appointment of
248 a receiver or receivers of the income and revenues pledged to or
249 for the benefit of the holder or holders of any such bonds, which
250 receiver or receivers may have and be granted such powers and
251 duties as are usually granted under the laws of the State of
252 Mississippi to a receiver or receivers appointed in connection
253 with the foreclosure of a mortgage made by a private corporation.

254 SECTION 3. Section 37-101-15, Mississippi Code of 1972, is
255 amended as follows:

256 37-101-15. (a) The Board of Trustees of State Institutions
257 of Higher Learning shall succeed to and continue to exercise
258 control of all records, books, papers, equipment, and supplies,
259 and all lands, buildings, and other real and personal property
260 belonging to or assigned to the use and benefit of the board of
261 trustees formerly supervising and controlling the institutions of
262 higher learning named in Section 37-101-1. The board shall have
263 and exercise control of the use, distribution and disbursement of

264 all funds, appropriations and taxes, now and hereafter in
265 possession, levied and collected, received, or appropriated for
266 the use, benefit, support, and maintenance or capital outlay
267 expenditures of the institutions of higher learning, including the
268 authorization of employees to sign vouchers for the disbursement
269 of funds for the various institutions, except where otherwise
270 specifically provided by law.

271 (b) The board shall have general supervision of the affairs
272 of all the institutions of higher learning, including the
273 departments and the schools thereof. The board shall have the
274 power in its discretion to determine who shall be privileged to
275 enter, to remain in, or to graduate therefrom. The board shall
276 have general supervision of the conduct of libraries and
277 laboratories, the care of dormitories, buildings, and grounds; the
278 business methods and arrangement of accounts and records; the
279 organization of the administrative plan of each institution; and
280 all other matters incident to the proper functioning of the
281 institutions. The board shall have the authority to establish
282 minimum standards of achievement as a prerequisite for entrance
283 into any of the institutions under its jurisdiction, which
284 standards need not be uniform between the various institutions and
285 which may be based upon such criteria as the board may establish.

286 The board shall prohibit overnight visitation between unmarried
287 persons of the opposite sex in all campus dormitories and shall
288 require the institutions to impose a curfew on all visitation
289 persons of the opposite sex in campus dormitories.

290 (c) The board shall exercise all the powers and prerogatives
291 conferred upon it under the laws establishing and providing for
292 the operation of the several institutions herein specified. The
293 board shall adopt such bylaws and regulations from time to time as
294 it deems expedient for the proper supervision and control of the
295 several institutions of higher learning, insofar as such bylaws
296 and regulations are not repugnant to the Constitution and laws,

297 and not inconsistent with the object for which these institutions
298 were established. The board shall have power and authority to
299 prescribe rules and regulations for policing the campuses and all
300 buildings of the respective institutions, to authorize the arrest
301 of all persons violating on any campus any criminal law of the
302 state, and to have such law violators turned over to the civil
303 authorities.

304 (d) For all institutions specified herein, the board shall
305 provide a uniform system of recording and of accounting approved
306 by the State Department of Audit. The board shall annually
307 prepare, or cause to be prepared, a budget for each institution of
308 higher learning for the succeeding year which must be prepared and
309 in readiness for at least thirty (30) days before the convening of
310 the regular session of the Legislature. All relationships and
311 negotiations between the state Legislature and its various
312 committees and the institutions named herein shall be carried on
313 through the board of trustees. No official, employee or agent
314 representing any of the separate institutions shall appear before
315 the Legislature or any committee thereof except upon the written
316 order of the board or upon the request of the Legislature or a
317 committee thereof.

318 (e) For all institutions specified herein, the board shall
319 prepare an annual report to the Legislature setting forth the
320 disbursements of all monies appropriated to the respective
321 institutions. Each report to the Legislature shall show how the
322 money appropriated to the several institutions has been expended,
323 beginning and ending with the fiscal years of the institutions,
324 showing the name of each teacher, officer, and employee, and the
325 salary paid each, and an itemized statement of each and every item
326 of receipts and expenditures. Each report must be balanced, and
327 must begin with the former balance. If any property belonging to
328 the state or the institution is used for profit, the reports shall
329 show the expense incurred in managing the property and the amount

330 received therefrom. The reports shall also show a summary of the
331 gross receipts and gross disbursements for each year and shall
332 show the money on hand at the beginning of the fiscal period of
333 the institution next preceding each session of the Legislature and
334 the necessary amount of expense to be incurred from said date to
335 January 1 following. The board shall keep the annual expenditures
336 of each institution herein mentioned within the income derived
337 from legislative appropriations and other sources, but in case of
338 emergency arising from acts of providence, epidemics, fire or
339 storm with the written approval of the Governor and by written
340 consent of a majority of the Senators and of the Representatives
341 it may exceed the income. The board shall require a surety bond
342 in a surety company authorized to do business in this state, of
343 every employee who is the custodian of funds belonging to one or
344 more of the institutions mentioned herein, which bond shall be in
345 a sum to be fixed by the board in an amount that will properly
346 safeguard the said funds, the premium for which shall be paid out
347 of the funds appropriated for said institutions.

348 (f) The board shall have the power and authority to elect
349 the heads of the various institutions of higher learning and to
350 contract with all deans, professors, and other members of the
351 teaching staff, and all administrative employees of said
352 institutions for a term of not exceeding four (4) years. The
353 board shall have the power and authority to terminate any such
354 contract at any time for malfeasance, inefficiency, or
355 contumacious conduct, but never for political reasons. It shall
356 be the policy of the board to permit the executive head of each
357 institution to nominate for election by the board all subordinate
358 employees of the institution over which he presides. It shall be
359 the policy of the board to elect all officials for a definite
360 tenure of service and to reelect during the period of satisfactory
361 service. The board shall have the power to make any adjustments
362 it thinks necessary between the various departments and schools of

363 any institution or between the different institutions.

364 (g) The board shall keep complete minutes and records of all
365 proceedings which shall be open for inspection by any citizen of
366 the state.

367 (h) The board shall have the power to contract, on a
368 shared-savings, lease or lease-purchase basis, for energy
369 efficiency services and/or equipment as prescribed in Section
370 31-7-14, not to exceed ten (10) years.

371 (i) The Board of Trustees of State Institutions of Higher
372 Learning, for and on behalf of Jackson State University, is hereby
373 authorized to convey by donation or otherwise easements across
374 portions of certain real estate located in the City of Jackson,
375 Hinds County, Mississippi, for right-of-way required for the Metro
376 Parkway Project.

377 SECTION 4. Section 37-101-101, Mississippi Code of 1972, is
378 amended as follows:

379 37-101-101. The Board of Trustees of State Institutions of
380 Higher Learning in connection with the issuance of the bonds for
381 the purposes enumerated in Section 37-101-91, or in order to
382 secure the payment of such bonds and interest thereon, shall have
383 power by resolutions:

384 (a) To fix and maintain (1) fees, rentals, and other
385 charges to be paid by students, faculty members and others using
386 or being served by any dormitories, dwellings, apartments,
387 athletic stadiums, gymnasiums, student union buildings, student
388 service centers, athletic fields, swimming pools, or other
389 projects or facilities, erected, repaired, remodeled, maintained,
390 added to, extended, improved, or acquired under the authority of
391 Section 37-101-91; (2) fees, rentals and other charges to be paid
392 by students, faculty members, and others using or being served by
393 any other dormitories, dwellings, apartments, athletic stadiums,
394 gymnasiums, student union buildings, student service centers,
395 athletic fields, swimming pools, or other projects or facilities

396 at any institution which so issues bonds, which fees, rentals and
397 other charges to be paid by students, faculty members, and others
398 using or being served by such other dormitories, dwellings,
399 apartments, athletic stadiums, gymnasiums, student union
400 buildings, student service centers, athletic fields, swimming
401 pools, or other projects or facilities, shall be the same as those
402 applicable to the dormitories, dwellings, apartments, athletic
403 stadiums, gymnasiums, student union buildings, student service
404 centers, athletic fields, swimming pools, or other projects or
405 facilities referred to in the preceding subdivision (1); however,
406 in fixing such fees, rentals and other charges, there may be
407 allowed reasonable differentials based on the condition, type,
408 location and relative convenience of the dormitories, dwellings,
409 apartments, athletic stadiums, gymnasiums, student union
410 buildings, student service centers, athletic fields, swimming
411 pools, or other projects or facilities in question, but such
412 differentials shall be uniform as to all such students or faculty
413 members and others similarly accommodated;

414 (b) To provide that bonds so issued shall be secured by
415 a first, exclusive and closed lien on, and shall be payable from,
416 all or any part of the income and revenues derived from fees,
417 rentals and other charges to be paid by students, faculty members
418 or others using or being served by any dormitories, dwellings,
419 apartments, athletic stadiums, gymnasiums, student union
420 buildings, student service centers, athletic fields, swimming
421 pools, or other projects or facilities operated at any such
422 institution, and erected, repaired, remodeled, maintained, added
423 to, extended, improved or acquired under Section 37-101-91, or any
424 other law, or otherwise, and not theretofore so pledged;

425 (c) To pledge and assign to, or in trust for the
426 benefit of the holder or holders of any bond or bonds, coupon or
427 coupons so issued, an amount of the income and revenues derived
428 from such fees, rentals and other charges to be paid by students,

429 faculty members, or others using or being served by any
430 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
431 student union buildings, student service centers, athletic fields,
432 swimming pools, or other projects or facilities operated at any
433 such institution, and erected, repaired, remodeled, maintained,
434 added to, extended, improved or acquired under Section 37-101-91,
435 or any other law, or otherwise, and not theretofore so pledged,
436 which rentals, fees and charges imposed and pledged pursuant to
437 the terms of this section shall be sufficient to pay when due the
438 bonds so issued and interest thereon, to create and maintain a
439 reasonable reserve therefor and to operate and maintain the
440 project so constructed, and to create and at all times maintain an
441 adequate reserve for contingencies and for major repairs and
442 replacements;

443 (d) To covenant with or for the benefit of the holder
444 or holders of any bond or bonds, coupon or coupons so issued to
445 erect, repair, remodel, maintain, add to, extend, improve or
446 acquire any dormitories, dwellings, apartments, athletic stadiums,
447 gymnasiums, student union buildings, student service centers,
448 athletic fields, swimming pools, or other projects or facilities,
449 that so long as any of said bonds or coupons shall remain
450 outstanding and unpaid, such institution shall fix, maintain and
451 collect, in such installments as may be agreed upon, an amount of
452 fees, rentals or other charges from students, faculty members, and
453 others using or being served by any dormitories, dwellings,
454 apartments, athletic stadiums, gymnasiums, student union
455 buildings, student service centers, athletic fields, swimming
456 pools, or other projects or facilities operated at any such
457 institution and erected, repaired, remodeled, maintained, added
458 to, extended, improved or acquired under Section 37-101-91, or any
459 other law, or otherwise, which shall be sufficient to pay when due
460 any bond or bonds, coupons or coupons so issued, and to create and
461 maintain a reasonable reserve therefor, and to pay the cost of

462 operation and maintenance of such dormitories, dwellings,
463 apartments, athletic stadiums, gymnasiums, student union
464 buildings, student service centers, athletic fields, swimming
465 pools, or other projects or facilities, including a sum sufficient
466 to pay the cost of insuring such dormitories, dwellings,
467 apartments, athletic stadiums, gymnasiums, student union
468 buildings, student service centers, athletic fields, swimming
469 pools, or other projects or facilities against loss or damage by
470 fire and windstorm or other calamities, in such sum as may be
471 acceptable to the purchaser or purchasers of such bonds. The
472 rentals, fees and other charges shall at all times be sufficient
473 to maintain an adequate bond sinking fund to provide for the
474 payment of interest on and principal of the bonds as and when they
475 accrue and mature, to create a reasonable reserve therein and to
476 pay the cost of operation and maintenance and insurance as herein
477 provided and to create and at all times maintain an adequate
478 reserve for contingencies and for major repairs and replacements;

479 (e) To make and enforce and agree to make and enforce
480 parietal rules that shall insure the use of any such dormitory,
481 dwelling, apartment, athletic stadium, gymnasium, student union
482 building, student service center, athletic field, swimming pool,
483 or other project or facility by all students in attendance at such
484 institution, and faculty members thereof, to the maximum extent to
485 which such dormitories, dwellings, apartments, athletic stadiums,
486 gymnasiums, student union buildings, student service centers,
487 athletic fields, swimming pools, or other projects or facilities
488 are capable of serving same, so long as it does not interfere with
489 any existing contract. Such rules shall prohibit overnight
490 visitation between unmarried persons of the opposite sex in campus
491 dormitories, dwellings and apartments and shall provide a curfew
492 on all visitations between persons of the opposite sex in campus
493 dormitories, dwellings and apartments;

494 (f) To covenant that as long as any of the bonds so

495 issued shall remain outstanding and unpaid, it will not, except
496 upon such terms and conditions as may be determined by the
497 resolution issuing such bonds, (1) voluntarily create, or cause to
498 be created, any debt, lien, pledge, assignment, encumbrance, or
499 other charge having priority to or being on a parity with the lien
500 of the bonds so issued upon any of the income and revenues derived
501 from fees, rentals and other charges to be paid by students,
502 faculty members and others using or being served by any
503 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
504 student union buildings, student service centers, athletic fields,
505 swimming pools, or other projects or facilities operated at any
506 such institution and erected, repaired, remodeled, maintained,
507 added to, extended, improved or acquired under Section 37-101-91,
508 or any other law, or otherwise, or (2) convey or otherwise
509 alienate any such dormitories, dwellings, apartments, athletic
510 stadiums, gymnasiums, student union buildings, student service
511 centers, athletic fields, swimming pools, or other projects or
512 facilities, or the real estate upon which the same shall be
513 located, except at a price sufficient to pay all the bonds then
514 outstanding payable from the revenues derived therefrom and
515 interest accrued on such bonds, and then only in accordance with
516 any agreements with the holder or holders of such bonds, or (3)
517 mortgage or otherwise voluntarily create, or cause to be created,
518 any encumbrance on any such dormitory, dwelling, apartment,
519 athletic stadium, gymnasium, student union building, student
520 service center, athletic field, swimming pool, or other project or
521 facility, or the real estate upon which it shall be located;

522 (g) To covenant as to the proceedings by which the
523 terms of any contract with a holder or holders of such bonds may
524 be amended or rescinded, the amount or percentage of bonds the
525 holder or holders of which must consent thereto and the manner in
526 which such consent may be given;

527 (h) To vest in a trustee or trustees the right to

528 receive all or any part of the income and revenue and proceeds of
529 insurance pledged and assigned to, or for the benefit of, the
530 holder or holders of such bonds, and to hold, apply and dispose of
531 the same and the right to enforce any covenant made to secure or
532 pay or in relation to such bonds;

533 (i) To authorize the chairman and the secretary of said
534 board to execute and deliver, in the name of the institution for
535 which such bonds are being issued, a trust agreement or agreements
536 which may set forth the powers and duties of such trustee or
537 trustees, and limiting the liabilities thereof, and describing
538 what occurrences shall constitute events of default and
539 prescribing the terms and conditions upon which such trustee or
540 trustees or the holder or holders of bonds of any specified amount
541 or percentage of such bonds may exercise such right and enforce
542 any and all such covenants and resort to any such remedies as may
543 be appropriate; and

544 (j) To vest in a trustee or trustees or the holder or
545 holders of any specified amount or percentage of bonds the right
546 to apply to any court of competent jurisdiction for and have
547 granted the appointment of a receiver or receivers of the income
548 and revenue pledged and assigned to or for the benefit of the
549 holder or holders of such bonds, which receiver or receivers may
550 have and be granted such powers and duties as are usually granted
551 under the laws of the State of Mississippi to a receiver or
552 receivers appointed in connection with the foreclosure of a
553 mortgage made by a private corporation.

554 SECTION 5. This act shall take effect and be in force from
555 and after July 1, 1999.