

By: Representatives Banks, Evans

To: Universities and  
Colleges

HOUSE BILL NO. 1380

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT STUDENTS GRADUATING IN THE TOP TEN PERCENT OF  
3 THEIR HIGH SCHOOL CLASS SHALL NOT BE REQUIRED TO TAKE ANY FORM OF  
4 ENTRANCE EXAMINATION TO BE QUALIFIED TO ATTEND A STATE INSTITUTION  
5 OF HIGHER LEARNING; AND FOR RELATED PURPOSES. BE IT ENACTED BY  
6 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:  
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8 SECTION 1. Section 37-101-15, Mississippi Code of 1972, is  
9 amended as follows:

10 37-101-15. (a) The Board of Trustees of State Institutions  
11 of Higher Learning shall succeed to and continue to exercise  
12 control of all records, books, papers, equipment, and supplies,  
13 and all lands, buildings, and other real and personal property  
14 belonging to or assigned to the use and benefit of the board of  
15 trustees formerly supervising and controlling the institutions of  
16 higher learning named in Section 37-101-1. The board shall have  
17 and exercise control of the use, distribution and disbursement of  
18 all funds, appropriations and taxes, now and hereafter in  
19 possession, levied and collected, received, or appropriated for  
20 the use, benefit, support, and maintenance or capital outlay  
21 expenditures of the institutions of higher learning, including the  
22 authorization of employees to sign vouchers for the disbursement  
23 of funds for the various institutions, except where otherwise  
24 specifically provided by law.

25 (b) The board shall have general supervision of the affairs  
26 of all the institutions of higher learning, including the  
27 departments and the schools thereof. The board shall have the  
28 power in its discretion to determine who shall be privileged to

29 enter, to remain in, or to graduate therefrom. However, the board  
30 shall require all institutions of higher learning to admit all  
31 students who graduate from a public school in Mississippi in the  
32 top ten percent (10%) of their high school class without such  
33 students taking an American College Test (ACT) or Scholastic  
34 Aptitude Test (SAT) or any other entrance examination. The board  
35 shall have general supervision of the conduct of libraries and  
36 laboratories, the care of dormitories, buildings, and grounds; the  
37 business methods and arrangement of accounts and records; the  
38 organization of the administrative plan of each institution; and  
39 all other matters incident to the proper functioning of the  
40 institutions. The board shall have the authority to establish  
41 minimum standards of achievement as a prerequisite for entrance  
42 into any of the institutions under its jurisdiction, which  
43 standards need not be uniform between the various institutions and  
44 which may be based upon such criteria as the board may establish.

45 (c) The board shall exercise all the powers and prerogatives  
46 conferred upon it under the laws establishing and providing for  
47 the operation of the several institutions herein specified. The  
48 board shall adopt such bylaws and regulations from time to time as  
49 it deems expedient for the proper supervision and control of the  
50 several institutions of higher learning, insofar as such bylaws  
51 and regulations are not repugnant to the Constitution and laws,  
52 and not inconsistent with the object for which these institutions  
53 were established. The board shall have power and authority to  
54 prescribe rules and regulations for policing the campuses and all  
55 buildings of the respective institutions, to authorize the arrest  
56 of all persons violating on any campus any criminal law of the  
57 state, and to have such law violators turned over to the civil  
58 authorities.

59 (d) For all institutions specified herein, the board shall  
60 provide a uniform system of recording and of accounting approved  
61 by the State Department of Audit. The board shall annually  
62 prepare, or cause to be prepared, a budget for each institution of  
63 higher learning for the succeeding year which must be prepared and  
64 in readiness for at least thirty (30) days before the convening of  
65 the regular session of the Legislature. All relationships and

66 negotiations between the state Legislature and its various  
67 committees and the institutions named herein shall be carried on  
68 through the board of trustees. No official, employee or agent  
69 representing any of the separate institutions shall appear before  
70 the Legislature or any committee thereof except upon the written  
71 order of the board or upon the request of the Legislature or a  
72 committee thereof.

73 (e) For all institutions specified herein, the board shall  
74 prepare an annual report to the Legislature setting forth the  
75 disbursements of all monies appropriated to the respective  
76 institutions. Each report to the Legislature shall show how the  
77 money appropriated to the several institutions has been expended,  
78 beginning and ending with the fiscal years of the institutions,  
79 showing the name of each teacher, officer, and employee, and the  
80 salary paid each, and an itemized statement of each and every item  
81 of receipts and expenditures. Each report must be balanced, and  
82 must begin with the former balance. If any property belonging to  
83 the state or the institution is used for profit, the reports shall  
84 show the expense incurred in managing the property and the amount  
85 received therefrom. The reports shall also show a summary of the  
86 gross receipts and gross disbursements for each year and shall  
87 show the money on hand at the beginning of the fiscal period of  
88 the institution next preceding each session of the Legislature and  
89 the necessary amount of expense to be incurred from said date to  
90 January 1 following. The board shall keep the annual expenditures  
91 of each institution herein mentioned within the income derived  
92 from legislative appropriations and other sources, but in case of  
93 emergency arising from acts of providence, epidemics, fire or  
94 storm with the written approval of the Governor and by written  
95 consent of a majority of the Senators and of the Representatives  
96 it may exceed the income. The board shall require a surety bond  
97 in a surety company authorized to do business in this state, of  
98 every employee who is the custodian of funds belonging to one or

99 more of the institutions mentioned herein, which bond shall be in  
100 a sum to be fixed by the board in an amount that will properly  
101 safeguard the said funds, the premium for which shall be paid out  
102 of the funds appropriated for said institutions.

103 (f) The board shall have the power and authority to elect  
104 the heads of the various institutions of higher learning and to  
105 contract with all deans, professors, and other members of the  
106 teaching staff, and all administrative employees of said  
107 institutions for a term of not exceeding four (4) years. The  
108 board shall have the power and authority to terminate any such  
109 contract at any time for malfeasance, inefficiency, or  
110 contumacious conduct, but never for political reasons. It shall  
111 be the policy of the board to permit the executive head of each  
112 institution to nominate for election by the board all subordinate  
113 employees of the institution over which he presides. It shall be  
114 the policy of the board to elect all officials for a definite  
115 tenure of service and to reelect during the period of satisfactory  
116 service. The board shall have the power to make any adjustments  
117 it thinks necessary between the various departments and schools of  
118 any institution or between the different institutions.

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

122 (h) The board shall have the power to contract, on a  
123 shared-savings, lease or lease-purchase basis, for energy  
124 efficiency services and/or equipment as prescribed in Section  
125 31-7-14, not to exceed ten (10) years.

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

132           SECTION 2. This act shall take effect and be in force from  
133 and after July 1, 1999.