

By: Representative Robinson (63rd)

To: Universities and  
Colleges;  
Appropriations

HOUSE BILL NO. 1453

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER  
3 LEARNING TO ALLOW ALL HONORS GRADUATES OF PUBLIC HIGH SCHOOLS IN  
4 THE STATE TO ATTEND THEIR FIRST YEAR OF COLLEGE AT A PUBLIC  
5 INSTITUTION OF HIGHER LEARNING WITHOUT COST OF TUITION OR CAMPUS  
6 HOUSING; TO PROVIDE QUALIFICATIONS AND RESIDENCY REQUIREMENTS FOR  
7 THE TUITION ASSISTANCE; TO PROVIDE FOR THE ADMINISTRATION OF THE  
8 TUITION ASSISTANCE; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 37-101-15, Mississippi Code of 1972, is  
11 amended as follows:

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

27 (b) The board shall have general supervision of the affairs  
28 of all the institutions of higher learning, including the  
29 departments and the schools thereof. The board shall have the

30 power in its discretion to determine who shall be privileged to  
31 enter, to remain in, or to graduate therefrom. The board shall  
32 have general supervision of the conduct of libraries and  
33 laboratories, the care of dormitories, buildings, and grounds; the  
34 business methods and arrangement of accounts and records; the  
35 organization of the administrative plan of each institution; and  
36 all other matters incident to the proper functioning of the  
37 institutions. The board shall have the authority to establish  
38 minimum standards of achievement as a prerequisite for entrance  
39 into any of the institutions under its jurisdiction, which  
40 standards need not be uniform between the various institutions and  
41 which may be based upon such criteria as the board may establish.

42 The board shall require all the institutions of higher learning  
43 to allow all honors graduates of public or private high school in  
44 the state to attend any public or private institution of higher  
45 learning without cost of tuition or campus housing, as provided in  
46 Section 2 of House Bill No. \_\_\_\_\_, 1999 Regular Session.

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

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

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

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

100 every employee who is the custodian of funds belonging to one or  
101 more of the institutions mentioned herein, which bond shall be in  
102 a sum to be fixed by the board in an amount that will properly  
103 safeguard the said funds, the premium for which shall be paid out  
104 of the funds appropriated for said institutions.

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

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

124 (h) The board shall have the power to contract, on a  
125 shared-savings, lease or lease-purchase basis, for energy  
126 efficiency services and/or equipment as prescribed in Section  
127 31-7-14, not to exceed ten (10) years.

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

133 Parkway Project.

134        SECTION 2. (1) The tuition and cost of campus housing at  
135 any public or private institution of higher learning in the state  
136 shall be paid by the state on behalf of any honors graduate of a  
137 public or private high school who enrolls in the institution of  
138 higher learning to pursue an academic undergraduate degree, who  
139 applies for the payment thereof, and who meets all of the  
140 following qualifications:

141           (a) Actual residence in Mississippi during the  
142 twenty-four (24) months immediately preceding university  
143 enrollment. For the purposes of this paragraph, residency shall  
144 be demonstrated by proof of the following as required by the  
145 administering agency:

146                   (i) If registered to vote, being registered in  
147 Mississippi.

148                   (ii) If licensed to drive a motor vehicle, being  
149 in possession of a Mississippi driver's license.

150                   (iii) If owning a motor vehicle located within  
151 Mississippi, being in possession of Mississippi registration for  
152 that vehicle.

153                   (iv) If earning an income, having filed a  
154 Mississippi state income tax return and having complied with state  
155 income tax laws and regulations.

156           (b) Graduation from high school as an honors graduate  
157 within the two (2) years preceding the application with a minimum  
158 cumulative grade point average of 3.0 calculated on a 4.0 scale.  
159 Each of the public schools in the state shall determine which of  
160 their graduating seniors' academic standing warrants them being  
161 named honors graduates.

162        (3) To maintain continued state payment of tuition, once  
163 enrolled in college a student shall meet all of the following  
164 requirements:

165           (a) Make steady academic progress toward a degree,

166 earning not less than the minimum number of hours of credit  
167 required for full-time standing in each academic period requiring  
168 such enrollment;

169           (b) Maintain continuous enrollment for not less than  
170 two (2) semesters or three (3) quarters in each successive  
171 academic year, unless granted an exception for cause by the  
172 administering agency;

173           (c) Have a cumulative grade point average of at least  
174 3.0 calculated on a 4.0 scale at the end of the first academic  
175 semester.

176           (4) This section shall be administered by the Board of  
177 Trustees of State Institutions of Higher Learning. The board  
178 shall provide by rule for all matters necessary for the  
179 implementation of this section.

180           (5) By rule, the board shall provide for:

181           (a) A mechanism for informing all students of the  
182 availability of the assistance provided pursuant to this section  
183 early enough in their schooling that a salutary motivational  
184 effect is possible.

185           (b) Applications, forms, financial audit procedures,  
186 eligibility and other program audit procedures and other matters  
187 related to efficient operation.

188           (6) An appropriation of funds shall be made annually to the  
189 board sufficient to cover, in addition to any other available  
190 funds, the costs of tuition required to be paid, both initial and  
191 continuing, for the coming academic year. All such payments shall  
192 be made directly to the institution to which such tuition is due  
193 after notice to the school that the state shall pay the tuition of  
194 a student and after notice from the school that the student has  
195 actually enrolled.

196           (7) The board may seek, accept and expend funds from any  
197 source, including private business, industry, foundations and  
198 other groups, as well as any federal or other governmental funding

199 available for this purpose.

200 (8) No student shall receive tuition assistance under this  
201 section in an amount greater than the tuition charged by the  
202 school.

203 SECTION 3. This act shall take effect and be in force from  
204 and after July 1, 1999.