

By: Representative Guice

To: Universities and
Colleges

HOUSE BILL NO. 241

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER
3 LEARNING FROM REQUIRING UNIVERSITIES TO PROVIDE REMEDIAL COURSES
4 FOR PERSONS WHO DO NOT MEET ENTRANCE REQUIREMENTS; AND FOR RELATED
5 PURPOSES.

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

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

9 37-101-15. (a) The Board of Trustees of State Institutions
10 of Higher Learning shall succeed to and continue to exercise
11 control of all records, books, papers, equipment, and supplies,
12 and all lands, buildings, and other real and personal property
13 belonging to or assigned to the use and benefit of the board of
14 trustees formerly supervising and controlling the institutions of
15 higher learning named in Section 37-101-1. The board shall have
16 and exercise control of the use, distribution and disbursement of
17 all funds, appropriations and taxes, now and hereafter in
18 possession, levied and collected, received, or appropriated for
19 the use, benefit, support, and maintenance or capital outlay
20 expenditures of the institutions of higher learning, including the
21 authorization of employees to sign vouchers for the disbursement
22 of funds for the various institutions, except where otherwise
23 specifically provided by law.

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



29 have general supervision of the conduct of libraries and
30 laboratories; the care of dormitories, buildings, and grounds; the
31 business methods and arrangement of accounts and records; the
32 organization of the administrative plan of each institution; and
33 all other matters incident to the proper functioning of the
34 institutions. The board shall have the authority to establish
35 minimum standards of achievement as a prerequisite for entrance
36 into any of the institutions under its jurisdiction, which
37 standards need not be uniform between the various institutions and
38 which may be based upon such criteria as the board may establish;
39 however, the board may not require any institution to provide
40 remedial courses for persons failing to meet the minimum standards
41 established for entrance into the respective institution.

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

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



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

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



95 every employee who is the custodian of funds belonging to one or
96 more of the institutions mentioned herein, which bond shall be in
97 a sum to be fixed by the board in an amount that will properly
98 safeguard the * * * funds, the premium for which shall be paid out
99 of the funds appropriated for the institutions.

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

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

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

123 (i) The Board of Trustees of State Institutions of Higher
124 Learning, for and on behalf of Jackson State University, is hereby
125 authorized to convey by donation or otherwise easements across
126 portions of certain real estate located in the City of Jackson,



127 Hinds County, Mississippi, for any right-of-way required for the
128 Metro Parkway Project.

129 SECTION 2. This act shall take effect and be in force from
130 and after July 1, 2001.

