MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001

By: Representatives Frierson, Davis, Pierce
To: Constitution

COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 15

A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 213-A, MISSISSIPPI CONSTITUTION OF 1890, TO RECONSTITUTE THE MEMBERSHIP OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING BY PROVIDING THAT MEMBERS APPOINTED TO THE BOARD AFTER JANUARY 1, 2003, SHALL BE APPOINTED FOR EIGHT-YEAR TERMS FROM CONGRESSIONAL DISTRICTS AS THE DISTRICTS EXIST AFTER EACH FEDERAL DECENNIAL CENSUS; AND FOR RELATED PURPOSES.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the following amendment to the Mississippi Constitution of 1890 is proposed to the qualified electors of the state:

Amend Section 213-A, Mississippi Constitution of 1890, to read as follows:

"Section 213-A. The state institutions of higher learning as in Mississippi, to-wit: University of Mississippi, Mississippi State University of Agriculture and Applied Science, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, Mississippi Valley State University, and any others which may be hereafter organized or established by the State of Mississippi, shall be under the management and control of a board of trustees to be known as the Board of Trustees of State Institutions of Higher Learning. The Governor shall appoint the members of the board with the advice and consent of the Senate. The Governor shall appoint only individuals who are qualified electors residing in the district from which each is appointed, at least twenty-five (25) years of age, and of the highest order of intelligence, character, learning, and fitness for the performance of their duties, to the
end that the board shall perform its high and honorable duties to the greatest advantage of the people of the state and the educational institutions, uninfluenced by any political considerations. There shall be appointed three (3) members of such board from each congressional district of the state as such districts are constituted following the most recent federal decennial census, beginning with the 2000 federal decennial census. The term of office of the trustees provided for in this section shall begin on the first Monday of May; and it shall be the duty of the Governor to make such appointments during the regular session of the Legislature of Mississippi immediately preceding the beginning of their terms of office. All members appointed to the board from and after January 1, 2003, and their successors, shall hold office for a period of eight (8) years. The appointments shall be made, wherever possible, so that the members whose terms expire in the same year are from different congressional districts. The members of the board of trustees as constituted at the time the amendment proposed to this section by House Concurrent Resolution No. 15, 2001 Regular Session, is ratified by the electorate and inserted in the Constitution shall continue to hold office until the members of the board, as reconstituted pursuant to the amendment proposed to this section by House Concurrent Resolution No. 15, 2001 Regular Session, are appointed and take office. The Governor may reappoint any member of the board holding office at the time the amendment proposed to this section by House Concurrent Resolution No. 15, 2001 Regular Session, is ratified by the electorate and inserted in the Constitution if the member resides within the congressional district from which he is being appointed as such district exists following the 2000 federal decennial census. In case of a vacancy on the board by death or resignation of a member, or for any other cause than the expiration of such member's term of office, the board shall elect his successor, who shall hold office until
the end of the next session of the Legislature. During such

session of the Legislature, the Governor shall appoint the

successor member of the board from the district from which his

predecessor was appointed, to hold office until the end of the

period for which such original trustee was appointed.

The Legislature shall provide by law for the appointment of a

trustee for the La Bauve Fund at the University of Mississippi and

for the perpetuation of such fund.

Such board shall have the power and authority to elect the

heads of the various institutions of higher learning, and contract

with all deans, professors and other members of the teaching

staff, and all administrative employees of the institutions for a

term not exceeding four (4) years; but the board shall have the

power and authority to terminate any such contract at any time for

malfeasance, inefficiency or contumacious conduct, but never for

political reasons.

Nothing herein contained shall in any way limit or take away

the power the Legislature had and possessed, if any, at the time

of the adoption of this amendment, to consolidate, abolish or

change the status of any of the above named institutions."

BE IT FURTHER RESOLVED, That this proposed amendment shall be

submitted by the Secretary of State to the qualified electors at

an election to be held on the first Tuesday after the first Monday

of November 2002, as provided by Section 273 of the Constitution

and by general law.

BE IT FURTHER RESOLVED, That the explanation of this proposed

amendment for the ballot shall read as follows: "This proposed

constitutional amendment provides that members appointed to the

Board of Trustees of State Institutions of Higher Learning after

January 1, 2003, shall be appointed from congressional districts

as the districts are drawn following the most recent federal

decennial census. The amendment also changes the term of office

of the board members from twelve (12) years to eight (8) years."