

By: Representatives Frierson, Davis, Pierce

To: Constitution

COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 15

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 213-A, MISSISSIPPI CONSTITUTION OF 1890, TO RECONSTITUTE THE
3 MEMBERSHIP OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
4 HIGHER LEARNING BY PROVIDING THAT MEMBERS APPOINTED TO THE BOARD
5 AFTER JANUARY 1, 2003, SHALL BE APPOINTED FOR EIGHT-YEAR TERMS
6 FROM CONGRESSIONAL DISTRICTS AS THE DISTRICTS EXIST AFTER EACH
7 FEDERAL DECENNIAL CENSUS; AND FOR RELATED PURPOSES.

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

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

14 "Section 213-A. The state institutions of higher
15 learning * * * in Mississippi, to-wit: University of Mississippi,
16 Mississippi State University of Agriculture and Applied Science,
17 Mississippi University for Women, University of Southern
18 Mississippi, Delta State University, Alcorn State University,
19 Jackson State University, Mississippi Valley State University, and
20 any others * * * which may be hereafter organized or established
21 by the State of Mississippi, shall be under the management and
22 control of a board of trustees to be known as the Board of
23 Trustees of State Institutions of Higher Learning. * * * The
24 Governor shall appoint the members of the board with the advice
25 and consent of the Senate. The Governor shall appoint only
26 individuals who are qualified electors residing in the district
27 from which each is appointed, * * * at least twenty-five (25)
28 years of age, and of the highest order of intelligence, character,
29 learning, and fitness for the performance of their duties, to the



30 end that the board shall perform its high and honorable
31 duties * * * to the greatest advantage of the people of the state
32 and the educational institutions, uninfluenced by any political
33 considerations. There shall be appointed three (3) members of
34 such board from each congressional district of the state as such
35 districts are constituted following the most recent federal
36 decennial census, beginning with the 2000 federal decennial
37 census. The term of office of the trustees * * * provided for in
38 this section shall begin on the first Monday of May; and it shall
39 be the duty of the Governor to make such appointments during the
40 regular session of the Legislature of Mississippi immediately
41 preceding the beginning of their terms of office. All members
42 appointed to the board from and after January 1, 2003, and their
43 successors, shall hold office for a period of eight (8) years.
44 The appointments shall be made, wherever possible, so that the
45 members whose terms expire in the same year are from different
46 congressional districts. The members of the board of trustees as
47 constituted at the time the amendment proposed to this section by
48 House Concurrent Resolution No. 15, 2001 Regular Session, is
49 ratified by the electorate and inserted in the Constitution * * *
50 shall continue to hold office until the members of the board, as
51 reconstituted pursuant to the amendment proposed to this section
52 by House Concurrent Resolution No. 15, 2001 Regular Session, are
53 appointed and take office. The Governor may reappoint any member
54 of the board holding office at the time the amendment proposed to
55 this section by House Concurrent Resolution No. 15, 2001 Regular
56 Session, is ratified by the electorate and inserted in the
57 Constitution if the member resides within the congressional
58 district from which he is being appointed as such district exists
59 following the 2000 federal decennial census. In case of a vacancy
60 on the board by death or resignation of a member, or for any * * *
61 cause other than the expiration of such member's term of office,
62 the board shall elect his successor, who shall hold office until



63 the end of the next session of the Legislature. During such * * *
64 session of the Legislature, the Governor shall appoint the
65 successor member of the board from the district from which his
66 predecessor was appointed, to hold office until the end of the
67 period for which such original trustee was appointed * * *.

68 The Legislature shall provide by law for the appointment of a
69 trustee for the La Bauve Fund at the University of Mississippi and
70 for the perpetuation of such fund.

71 Such board shall have the power and authority to elect the
72 heads of the various institutions of higher learning, and contract
73 with all deans, professors and other members of the teaching
74 staff, and all administrative employees of the institutions for a
75 term not exceeding four (4) years; but the board shall have the
76 power and authority to terminate any such contract at any time for
77 malfeasance, inefficiency or contumacious conduct, but never for
78 political reasons.

79 Nothing herein contained shall in any way limit or take away
80 the power the Legislature had and possessed, if any, at the time
81 of the adoption of this amendment, to consolidate, abolish or
82 change the status of any of the above named institutions."

83 BE IT FURTHER RESOLVED, That this proposed amendment shall be
84 submitted by the Secretary of State to the qualified electors at
85 an election to be held on the first Tuesday after the first Monday
86 of November 2002, as provided by Section 273 of the Constitution
87 and by general law.

88 BE IT FURTHER RESOLVED, That the explanation of this proposed
89 amendment for the ballot shall read as follows: "This proposed
90 constitutional amendment provides that members appointed to the
91 Board of Trustees of State Institutions of Higher Learning after
92 January 1, 2003, shall be appointed from congressional districts
93 as the districts are drawn following the most recent federal
94 decennial census. The amendment also changes the term of office
95 of the board members from twelve (12) years to eight (8) years."

