

By: Representative Fleming

To: Universities and
Colleges

HOUSE BILL NO. 215

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT FOR THE PERIOD BEGINNING WITH THE STATE FISCAL
 3 YEAR 2004 AND ENDING WITH THE STATE FISCAL YEAR 2013, THE BOARD OF
 4 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING SHALL PREPARE
 5 THE ANNUAL BUDGETS FOR THE INSTITUTIONS OF HIGHER LEARNING IN SUCH
 6 A MANNER TO PROVIDE THE LARGEST BUDGET FOR THE INSTITUTION OF
 7 HIGHER LEARNING WITH THE LOWEST STUDENT ENROLLMENT FOR THE
 8 PREVIOUS SCHOOL YEAR AND TO PROVIDE THE SMALLEST BUDGET FOR THE
 9 INSTITUTION OF HIGHER LEARNING WITH THE HIGHEST STUDENT ENROLLMENT
 10 FOR THE PREVIOUS SCHOOL YEAR; TO PROVIDE THAT DURING SUCH PERIOD,
 11 EACH INSTITUTION OF HIGHER LEARNING SHALL SUBMIT AN ANNUAL PLAN TO
 12 THE BOARD OF TRUSTEES INDICATING HOW THE INSTITUTION OF HIGHER
 13 LEARNING WILL USE THE FUNDS ALLOCATED TO IT; AND FOR RELATED
 14 PURPOSES.

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

16 **SECTION 1.** Section 37-101-15, Mississippi Code of 1972, is
 17 amended as follows:

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



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

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

62 (d) For all institutions specified herein, the board shall
63 provide a uniform system of recording and of accounting approved
64 by the State Department of Audit. The board shall annually
65 prepare, or cause to be prepared, a budget for each institution of



66 higher learning for the succeeding year which must be prepared and
67 in readiness for at least thirty (30) days before the convening of
68 the regular session of the Legislature. For the period beginning
69 with the state fiscal year 2004 and ending with the state fiscal
70 year 2013, the board shall prepare, or cause to be prepared, the
71 budgets in such a manner to provide the largest budget for the
72 institution of higher learning with the lowest student enrollment
73 for the previous school year and to provide the smallest budget
74 for the institution of higher learning with the highest student
75 enrollment for the previous school year. During such period, each
76 institution of higher learning shall submit an annual plan to the
77 board indicating how the institution of higher learning will use
78 the funds allocated to it. All relationships and negotiations
79 between the state Legislature and its various committees and the
80 institutions named herein shall be carried on through the board of
81 trustees. No official, employee or agent representing any of the
82 separate institutions shall appear before the Legislature or any
83 committee thereof except upon the written order of the board or
84 upon the request of the Legislature or a committee thereof.

85 (e) For all institutions specified herein, the board shall
86 prepare an annual report to the Legislature setting forth the
87 disbursements of all monies appropriated to the respective
88 institutions. Each report to the Legislature shall show how the
89 money appropriated to the several institutions has been expended,
90 beginning and ending with the fiscal years of the institutions,
91 showing the name of each teacher, officer, and employee, and the
92 salary paid each, and an itemized statement of each and every item
93 of receipts and expenditures. Each report must be balanced, and
94 must begin with the former balance. If any property belonging to
95 the state or the institution is used for profit, the reports shall
96 show the expense incurred in managing the property and the amount
97 received therefrom. The reports shall also show a summary of the
98 gross receipts and gross disbursements for each year and shall



99 show the money on hand at the beginning of the fiscal period of
100 the institution next preceding each session of the Legislature and
101 the necessary amount of expense to be incurred from said date to
102 January 1 following. The board shall keep the annual expenditures
103 of each institution herein mentioned within the income derived
104 from legislative appropriations and other sources, but in case of
105 emergency arising from acts of providence, epidemics, fire or
106 storm with the written approval of the Governor and by written
107 consent of a majority of the Senators and of the Representatives
108 it may exceed the income. The board shall require a surety bond
109 in a surety company authorized to do business in this state, of
110 every employee who is the custodian of funds belonging to one or
111 more of the institutions mentioned herein, which bond shall be in
112 a sum to be fixed by the board in an amount that will properly
113 safeguard the said funds, the premium for which shall be paid out
114 of the funds appropriated for said institutions.

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



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

134 (h) The board shall have the power to contract, on a
135 shared-savings, lease or lease-purchase basis, for energy
136 efficiency services and/or equipment as prescribed in Section
137 31-7-14, not to exceed ten (10) years.

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

144 **SECTION 2.** This act shall take effect and be in force from
145 and after July 1, 2002.

