

By: Representatives Frierson, Pierce, Eaton, Barnett (116th), Broomfield, Brown, Compretta, Creel, Davis, Dedeaux, Ellzey, Evans, Fillingane, Formby, Fredericks, Green, Hamilton, Holloway, Hudson, Janus, Ketchings, Livingston, Mayo, Moore (60th), Myers, Nettles, Peranich, Read, Robinson (63rd), Robinson (84th), Rotenberry, Rushing, Shows, Simpson, Stringer, Taylor, Warren, Watson, Weathersby, Wells-Smith, Zuber

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 34

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 AFTER JANUARY 1, 2004, MEMBERS  
5 SHALL BE APPOINTED FROM SUPREME COURT DISTRICTS; AND FOR RELATED  
6 PURPOSES.

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

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

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



30 duties \* \* \* to the greatest advantage of the people of the state  
31 and the educational institutions, uninfluenced by any political  
32 considerations. Upon the expiration of the terms of office of the  
33 trustees serving on the board on January 1, 2004, there shall be  
34 appointed four (4) members of such board from each Supreme Court  
35 district of the state \* \* \*. The term of office of the  
36 trustees \* \* \* shall begin on the first Monday of May; and it  
37 shall be the duty of the Governor to make such appointments during  
38 the regular session of the Legislature of Mississippi immediately  
39 preceding the beginning of their terms of office. Each trustee  
40 shall hold office for a period of twelve (12) years. The members  
41 of the board of trustees as constituted on January 1, 2004, shall  
42 serve the balance of their terms, at which time the Governor shall  
43 appoint their successors from the Supreme Court district then  
44 having the smallest number of members until the membership  
45 includes four (4) members from each Supreme Court district. In  
46 case of a vacancy on the board by death or resignation of a  
47 member, or for any \* \* \* cause other than the expiration of such  
48 member's term of office, the board shall elect his successor, who  
49 shall hold office until the end of the next session of the  
50 Legislature. During such \* \* \* session of the Legislature, the  
51 Governor shall appoint the successor member of the board from the  
52 Supreme Court district from which his predecessor was appointed,  
53 to hold office until the end of the period for which such original  
54 trustee was appointed \* \* \*.

55 The Legislature shall provide by law for the appointment of a  
56 trustee for the La Bauve Fund at the University of Mississippi and  
57 for the perpetuation of such fund.

58 Such board shall have the power and authority to elect the  
59 heads of the various institutions of higher learning, and contract  
60 with all deans, professors and other members of the teaching  
61 staff, and all administrative employees of the institutions for a  
62 term not exceeding four (4) years; but the board shall have the



63 power and authority to terminate any such contract at any time for  
64 malfeasance, inefficiency or contumacious conduct, but never for  
65 political reasons.

66 Nothing in this section contained shall in any way limit or  
67 take away the power the Legislature had and possessed, if any, at  
68 the time of the adoption of this amendment, to consolidate,  
69 abolish or change the status of any of the above named  
70 institutions."

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

76 BE IT FURTHER RESOLVED, That the explanation of this proposed  
77 amendment for the ballot shall read as follows: "This proposed  
78 constitutional amendment provides that beginning in 2004, members  
79 of the Board of Trustees of State Institutions of Higher Learning  
80 shall be appointed by the Governor from Supreme Court districts.  
81 The term of office of the members of the board, twelve years,  
82 remains the same."

