

By: Representative Pierce

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 38

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 BEGINNING MAY 8, 2004, THE BOARD
 5 SHALL CONSIST OF TWELVE MEMBERS APPOINTED BY THE GOVERNOR FOR
 6 EIGHT-YEAR TERMS; TO PROVIDE THAT THREE APPOINTMENTS SHALL BE MADE
 7 FROM EACH OF THE THREE SUPREME COURT DISTRICTS AND THREE
 8 APPOINTMENTS FROM THE STATE AT LARGE; AND FOR RELATED PURPOSES.

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

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

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



31 of such duties, to the end that such board shall perform the high
32 and honorable duties thereof to the greatest advantage of the
33 people of the state of such educational institutions, uninfluenced
34 by any political considerations. From and after May 8, 2004, the
35 board shall be reconstituted to consist of twelve (12) members to
36 be appointed by the Governor as follows: (a) three (3) members to
37 be appointed from each * * * Supreme Court district of the state
38 as such districts are constituted on January 1, 2004, with one (1)
39 member from each Supreme Court district to serve an initial term
40 of four (4) years, with one (1) member from each Supreme Court
41 district to serve an initial term of six (6) years and with one
42 (1) member from each Supreme Court district to serve an initial
43 term of eight (8) years; and (b) three (3) members to be appointed
44 from the state at large, with each member to serve an initial term
45 of eight (8) years. The Governor shall make such appointments
46 during the regular session of the Legislature of Mississippi that
47 convenes immediately preceding the beginning of the members' terms
48 of office. All appointees to the board subsequent to the initial
49 appointees shall hold office for a term of eight (8) years. The
50 members of the board of trustees as constituted at the time the
51 amendment proposed to this section by House Concurrent Resolution
52 No. , 2002 Regular Session, is ratified by the electorate and
53 inserted in the Constitution * * * shall continue to hold office
54 until their successors are appointed and take office on May 8,
55 2004. Any member of the board may be reappointed to the board if
56 he or she meets the residence requirements of this section and is
57 otherwise qualified. In case of a vacancy on the board by death
58 or resignation of a member, or for any * * * cause other than the
59 expiration of such member's term of office, the board shall elect
60 his or her successor, who shall hold office until the end of the
61 next session of the Legislature. During such * * * session of the
62 Legislature the Governor shall appoint the successor member of the
63 board and, if the member is required under this section to be



64 appointed from a Supreme Court district, the successor shall be
65 appointed from the same Supreme Court district from which his or
66 her predecessor was appointed * * *.

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

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

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

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

87 BE IT FURTHER RESOLVED, That the explanation of this proposed
88 amendment for the ballot shall read as follows: "This proposed
89 constitutional amendment reconstitutes the membership of the Board
90 of Trustees of State Institutions of Higher Learning by providing
91 that beginning May 8, 2004, the board shall consist of twelve
92 members appointed by the Governor. The Governor is required to
93 make three appointments from each of the three Supreme Court
94 districts and three appointments from the state at large. The
95 existing twelve-year terms of members is reduced to eight years."

