HOUSE CONCURRENT RESOLUTION NO. 38

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 BEGINNING MAY 8, 2004, THE BOARD SHALL CONSIST OF TWELVE MEMBERS APPOINTED BY THE GOVERNOR FOR EIGHT-YEAR TERMS; TO PROVIDE THAT THREE APPOINTMENTS SHALL BE MADE FROM EACH OF THE THREE SUPREME COURT DISTRICTS AND THREE APPOINTMENTS FROM THE STATE AT LARGE; 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 now existing 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 of like kind 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 members thereof to be appointed by the Governor of the state with the advice and consent of the Senate. The Governor shall appoint only men or women as such members as shall be qualified electors residing in the district from which each is appointed, and at least twenty-five (25) years of age, and of the highest order of intelligence, character, learning, and fitness for the performance
of such duties, to the end that such board shall perform the high
and honorable duties thereof to the greatest advantage of the
people of the state of such educational institutions, uninfluenced
by any political considerations. From and after May 8, 2004, the
board shall be reconstituted to consist of twelve (12) members to
be appointed by the Governor as follows: (a) three (3) members to
be appointed from each *** Supreme Court district of the state
as such districts are constituted on January 1, 2004, with one (1)
member from each Supreme Court district to serve an initial term
of four (4) years, with one (1) member from each Supreme Court
district to serve an initial term of six (6) years and with one
(1) member from each Supreme Court district to serve an initial
term of eight (8) years; and (b) three (3) members to be appointed
from the state at large, with each member to serve an initial term
of eight (8) years. The Governor shall make such appointments
during the regular session of the Legislature of Mississippi that
convenes immediately preceding the beginning of the members' terms
of office. All appointees to the board subsequent to the initial
appointees shall hold office for a term of eight (8) years. The
members of the board of trustees as constituted at the time the
amendment proposed to this section by House Concurrent Resolution
No. , 2002 Regular Session, is ratified by the electorate and
inserted in the Constitution *** shall continue to hold office
until their successors are appointed and take office on May 8,
2004. Any member of the board may be reappointed to the board if
he or she meets the residence requirements of this section and is
otherwise qualified. In case of a vacancy on the board by death
or resignation of a member, or for any *** cause other than the
expiration of such member's term of office, the board shall elect
his or her 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 and, if the member is required under this section to be
appointed from a Supreme Court district, the successor shall be appointed from the same Supreme Court district from which his or her predecessor 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 reconstitutes the membership of the Board of Trustees of State Institutions of Higher Learning by providing that beginning May 8, 2004, the board shall consist of twelve members appointed by the Governor. The Governor is required to make three appointments from each of the three Supreme Court districts and three appointments from the state at large. The existing twelve-year terms of members is reduced to eight years."