

By: Representative Fleming

To: Universities and  
Colleges; Appropriations

## HOUSE BILL NO. 167

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 2005 AND ENDING WITH THE STATE FISCAL YEAR 2014, 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 2005 and ending with the state fiscal  
70 year 2014, 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, 2003.

