

By: Representative Martinson

To: Universities and  
Colleges

HOUSE BILL NO. 263

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE STATE INSTITUTIONS OF HIGHER LEARNING TO PHASE OUT  
3 REMEDIAL COURSES IN READING AND READING COMPREHENSION; AND FOR  
4 RELATED PURPOSES.

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

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

8 37-101-15. (a) The Board of Trustees of State Institutions  
9 of Higher Learning shall succeed to and continue to exercise  
10 control of all records, books, papers, equipment, and supplies,  
11 and all lands, buildings, and other real and personal property  
12 belonging to or assigned to the use and benefit of the board of  
13 trustees formerly supervising and controlling the institutions of  
14 higher learning named in Section 37-101-1. The board shall have  
15 and exercise control of the use, distribution and disbursement of  
16 all funds, appropriations and taxes, now and hereafter in  
17 possession, levied and collected, received, or appropriated for  
18 the use, benefit, support, and maintenance or capital outlay  
19 expenditures of the institutions of higher learning, including the  
20 authorization of employees to sign vouchers for the disbursement  
21 of funds for the various institutions, except where otherwise  
22 specifically provided by law.

23 (b) The board shall have general supervision of the affairs  
24 of all the institutions of higher learning, including the  
25 departments and the schools thereof. The board shall have the  
26 power, in its discretion, to determine who shall be privileged to  
27 enter, to remain in, or to graduate therefrom. The board shall  
28 have general supervision of the conduct of libraries and



29 laboratories, the care of dormitories, buildings, and grounds; the  
30 business methods and arrangement of accounts and records; the  
31 organization of the administrative plan of each institution; and  
32 all other matters incident to the proper functioning of the  
33 institutions. The board shall have the authority to establish  
34 minimum standards of achievement as a prerequisite for entrance  
35 into any of the institutions under its jurisdiction, which  
36 standards need not be uniform between the various institutions and  
37 which may be based upon such criteria as the board may establish.  
38 Beginning in the 2003-2004 school year, the board shall require  
39 each institution to begin to phase out remedial courses in reading  
40 and reading comprehension so that before the 2006-2007 school  
41 year, all remedial courses in reading and reading comprehension  
42 will have been eliminated.

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

57 (d) For all institutions specified herein, the board shall  
58 provide a uniform system of recording and of accounting approved  
59 by the State Department of Audit. The board shall annually  
60 prepare, or cause to be prepared, a budget for each institution of  
61 higher learning for the succeeding year which must be prepared and



62 in readiness for at least thirty (30) days before the convening of  
63 the regular session of the Legislature. All relationships and  
64 negotiations between the state Legislature and its various  
65 committees and the institutions named herein shall be carried on  
66 through the board of trustees. No official, employee or agent  
67 representing any of the separate institutions shall appear before  
68 the Legislature or any committee thereof except upon the written  
69 order of the board or upon the request of the Legislature or a  
70 committee thereof.

71 (e) For all institutions specified herein, the board shall  
72 prepare an annual report to the Legislature setting forth the  
73 disbursements of all monies appropriated to the respective  
74 institutions. Each report to the Legislature shall show how the  
75 money appropriated to the several institutions has been expended,  
76 beginning and ending with the fiscal years of the institutions,  
77 showing the name of each teacher, officer, and employee, and the  
78 salary paid each, and an itemized statement of each and every item  
79 of receipts and expenditures. Each report must be balanced, and  
80 must begin with the former balance. If any property belonging to  
81 the state or the institution is used for profit, the reports shall  
82 show the expense incurred in managing the property and the amount  
83 received therefrom. The reports shall also show a summary of the  
84 gross receipts and gross disbursements for each year and shall  
85 show the money on hand at the beginning of the fiscal period of  
86 the institution next preceding each session of the Legislature and  
87 the necessary amount of expense to be incurred from that date to  
88 January 1 following. The board shall keep the annual expenditures  
89 of each institution herein mentioned within the income derived  
90 from legislative appropriations and other sources, but in case of  
91 emergency arising from acts of providence, epidemics, fire or  
92 storm with the written approval of the Governor and by written  
93 consent of a majority of the Senators and of the Representatives,  
94 it may exceed the income. The board shall require a surety bond



95 in a surety company authorized to do business in this state, of  
96 every employee who is the custodian of funds belonging to one or  
97 more of the institutions mentioned herein, which bond shall be in  
98 a sum to be fixed by the board in an amount that will properly  
99 safeguard the \* \* \* funds, the premium for which shall be paid out  
100 of the funds appropriated for the institutions.

101 (f) The board shall have the power and authority to elect  
102 the heads of the various institutions of higher learning and to  
103 contract with all deans, professors, and other members of the  
104 teaching staff, and all administrative employees of the  
105 institutions for a term of not exceeding four (4) years. The  
106 board shall have the power and authority to terminate any such  
107 contract at any time for malfeasance, inefficiency, or  
108 contumacious conduct, but never for political reasons. It shall  
109 be the policy of the board to permit the executive head of each  
110 institution to nominate for election by the board all subordinate  
111 employees of the institution over which he presides. It shall be  
112 the policy of the board to elect all officials for a definite  
113 tenure of service and to reelect during the period of satisfactory  
114 service. The board shall have the power to make any adjustments  
115 it thinks necessary between the various departments and schools of  
116 any institution or between the different institutions.

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

120 (h) The board shall have the power to contract, on a  
121 shared-savings, lease or lease-purchase basis, for energy  
122 efficiency services and/or equipment as prescribed in Section  
123 31-7-14, not to exceed ten (10) years.

124 (i) The Board of Trustees of State Institutions of Higher  
125 Learning, for and on behalf of Jackson State University, is hereby  
126 authorized to convey by donation or otherwise easements across  
127 portions of certain real estate located in the City of Jackson,



128 Hinds County, Mississippi, for any right-of-way required for the  
129 Metro Parkway Project.

130           **SECTION 2.** This act shall take effect and be in force from  
131 and after July 1, 2003.

