

By: Representatives Straughter, Coleman
(29th)

To: Universities and
Colleges

HOUSE BILL NO. 1126

1 AN ACT TO PROVIDE THAT MISSISSIPPI RESIDENTS AGE THIRTY OR
2 OLDER MAY ENROLL, ON A SPACE AVAILABLE BASIS, IN ANY STATE FUNDED
3 INSTITUTION OF HIGHER LEARNING IN THIS STATE WITHOUT ANY
4 PREADMISSION TESTING; TO AMEND SECTION 37-101-15, MISSISSIPPI CODE
5 OF 1972, TO PROVIDE THAT THE BOARD OF TRUSTEES OF STATE
6 INSTITUTIONS OF HIGHER LEARNING SHALL REQUIRE ALL STATE
7 INSTITUTIONS OF HIGHER LEARNING TO HAVE ALL FIRST-YEAR STUDENTS
8 MAINTAIN A MINIMUM STANDARD OF ACADEMIC ACHIEVEMENT; AND FOR
9 RELATED PURPOSES.

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

11 **SECTION 1.** Any resident of Mississippi who is thirty (30)
12 years of age or older may enroll, on a space available basis, in
13 any state funded institution of higher learning in this state
14 without any preadmission testing. This section shall not affect
15 the institution's ability to enforce preadmissions testing on
16 out-of-state students or its ability to test all students for
17 competency for a particular degree.

18 **SECTION 2.** Section 37-101-15, Mississippi Code of 1972, is
19 amended as follows:

20 37-101-15. (a) The Board of Trustees of State Institutions
21 of Higher Learning shall succeed to and continue to exercise
22 control of all records, books, papers, equipment, and supplies,
23 and all lands, buildings, and other real and personal property
24 belonging to or assigned to the use and benefit of the board of
25 trustees formerly supervising and controlling the institutions of
26 higher learning named in Section 37-101-1. The board shall have
27 and exercise control of the use, distribution and disbursement of
28 all funds, appropriations and taxes, now and hereafter in
29 possession, levied and collected, received, or appropriated for
30 the use, benefit, support, and maintenance or capital outlay



31 expenditures of the institutions of higher learning, including the
32 authorization of employees to sign vouchers for the disbursement
33 of funds for the various institutions, except where otherwise
34 specifically provided by law.

35 (b) The board shall have general supervision of the affairs
36 of all the institutions of higher learning, including the
37 departments and the schools thereof. The board shall have the
38 power in its discretion to determine who shall be privileged to
39 enter, to remain in, or to graduate therefrom. The board shall
40 have general supervision of the conduct of libraries and
41 laboratories, the care of dormitories, buildings, and grounds; the
42 business methods and arrangement of accounts and records; the
43 organization of the administrative plan of each institution; and
44 all other matters incident to the proper functioning of the
45 institutions. The board shall have the authority to establish
46 minimum standards of achievement as a prerequisite for entrance
47 into any of the institutions under its jurisdiction, which
48 standards need not be uniform between the various institutions and
49 which may be based upon such criteria as the board may establish.

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



64 (d) For all institutions specified herein, the board shall
65 provide a uniform system of recording and of accounting approved
66 by the State Department of Audit. The board shall annually
67 prepare, or cause to be prepared, a budget for each institution of
68 higher learning for the succeeding year which must be prepared and
69 in readiness for at least thirty (30) days before the convening of
70 the regular session of the Legislature. All relationships and
71 negotiations between the State Legislature and its various
72 committees and the institutions named herein shall be carried on
73 through the board of trustees. No official, employee or agent
74 representing any of the separate institutions shall appear before
75 the Legislature or any committee thereof except upon the written
76 order of the board or upon the request of the Legislature or a
77 committee thereof.

78 (e) For all institutions specified herein, the board shall
79 prepare an annual report to the Legislature setting forth the
80 disbursements of all monies appropriated to the respective
81 institutions. Each report to the Legislature shall show how the
82 money appropriated to the several institutions has been expended,
83 beginning and ending with the fiscal years of the institutions,
84 showing the name of each teacher, officer, and employee, and the
85 salary paid each, and an itemized statement of each and every item
86 of receipts and expenditures. Each report must be balanced, and
87 must begin with the former balance. If any property belonging to
88 the state or the institution is used for profit, the reports shall
89 show the expense incurred in managing the property and the amount
90 received therefrom. The reports shall also show a summary of the
91 gross receipts and gross disbursements for each year and shall
92 show the money on hand at the beginning of the fiscal period of
93 the institution next preceding each session of the Legislature and
94 the necessary amount of expense to be incurred from said date to
95 January 1 following. The board shall keep the annual expenditures
96 of each institution herein mentioned within the income derived



97 from legislative appropriations and other sources, but in case of
98 emergency arising from acts of providence, epidemics, fire or
99 storm with the written approval of the Governor and by written
100 consent of a majority of the Senators and of the Representatives
101 it may exceed the income. The board shall require a surety bond
102 in a surety company authorized to do business in this state, of
103 every employee who is the custodian of funds belonging to one or
104 more of the institutions mentioned herein, which bond shall be in
105 a sum to be fixed by the board in an amount that will properly
106 safeguard the said funds, the premium for which shall be paid out
107 of the funds appropriated for said institutions.

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

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

127 (h) The board shall have the power to contract, on a
128 shared-savings, lease or lease-purchase basis, for energy



129 efficiency services and/or equipment as prescribed in Section
130 31-7-14, not to exceed ten (10) years.

131 (i) The Board of Trustees of State Institutions of Higher
132 Learning, for and on behalf of Jackson State University, is hereby
133 authorized to convey by donation or otherwise easements across
134 portions of certain real estate located in the City of Jackson,
135 Hinds County, Mississippi, for right-of-way required for the Metro
136 Parkway Project.

137 (j) The board shall require all state institutions of higher
138 learning to have all first-year students entering the institution
139 on or after July 1, 2003, maintain a minimum standard of academic
140 achievement and proficiency. The board shall establish the
141 standards by which each institution will measure each first-year
142 student's academic achievement and proficiency at the end of each
143 academic semester. The board shall require any remedial training,
144 tutoring, or counseling as to other post-secondary education
145 choices and possibilities to all students who, at the end of their
146 first academic year, have not met the minimum standard of academic
147 achievement and proficiency required by the board.

148 **SECTION 3.** This act shall take effect and be in force from
149 and after July 1, 2003.

