An Act to Provide That Mississippi Residents Age Thirty or Older May Enroll, on a Space Available Basis, in Any State Funded Institution of Higher Learning in This State Without Any Preadmission Testing; To Amend Section 37-101-15, Mississippi Code of 1972, To Provide That the Board of Trustees of State Institutions of Higher Learning Shall Require All State Institutions of Higher Learning to Have All First-Year Students Maintain a Minimum Standard of Academic Achievement; and For Related Purposes.

Be It Enacted by the Legislature of the State of Mississippi:

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

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

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

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

(c) The board shall exercise all the powers and prerogatives
conferred upon it under the laws establishing and providing for
the operation of the several institutions herein specified. The
board shall adopt such bylaws and regulations from time to time as
it deems expedient for the proper supervision and control of the
several institutions of higher learning, insofar as such bylaws
and regulations are not repugnant to the Constitution and laws,
and not inconsistent with the object for which these institutions
were established. The board shall have power and authority to
prescribe rules and regulations for policing the campuses and all
buildings of the respective institutions, to authorize the arrest
of all persons violating on any campus any criminal law of the
state, and to have such law violators turned over to the civil
authorities.
(d) For all institutions specified herein, the board shall provide a uniform system of recording and of accounting approved by the State Department of Audit. The board shall annually prepare, or cause to be prepared, a budget for each institution of higher learning for the succeeding year which must be prepared and in readiness for at least thirty (30) days before the convening of the regular session of the Legislature. All relationships and negotiations between the State Legislature and its various committees and the institutions named herein shall be carried on through the board of trustees. No official, employee or agent representing any of the separate institutions shall appear before the Legislature or any committee thereof except upon the written order of the board or upon the request of the Legislature or a committee thereof.

(e) For all institutions specified herein, the board shall prepare an annual report to the Legislature setting forth the disbursements of all monies appropriated to the respective institutions. Each report to the Legislature shall show how the money appropriated to the several institutions has been expended, beginning and ending with the fiscal years of the institutions, showing the name of each teacher, officer, and employee, and the salary paid each, and an itemized statement of each and every item of receipts and expenditures. Each report must be balanced, and must begin with the former balance. If any property belonging to the state or the institution is used for profit, the reports shall show the expense incurred in managing the property and the amount received therefrom. The reports shall also show a summary of the gross receipts and gross disbursements for each year and shall show the money on hand at the beginning of the fiscal period of the institution next preceding each session of the Legislature and the necessary amount of expense to be incurred from said date to January 1 following. The board shall keep the annual expenditures of each institution herein mentioned within the income derived.
from legislative appropriations and other sources, but in case of
emergency arising from acts of providence, epidemics, fire or
storm with the written approval of the Governor and by written
consent of a majority of the Senators and of the Representatives
it may exceed the income. The board shall require a surety bond
in a surety company authorized to do business in this state, of
every employee who is the custodian of funds belonging to one or
more of the institutions mentioned herein, which bond shall be in
a sum to be fixed by the board in an amount that will properly
safeguard the said funds, the premium for which shall be paid out
of the funds appropriated for said institutions.

(f) The board shall have the power and authority to elect
the heads of the various institutions of higher learning and to
contract with all deans, professors, and other members of the
teaching staff, and all administrative employees of said
institutions for a term of not exceeding four (4) years. 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. It shall
be the policy of the board to permit the executive head of each
institution to nominate for election by the board all subordinate
employees of the institution over which he presides. It shall be
the policy of the board to elect all officials for a definite
tenure of service and to reelect during the period of satisfactory
service. The board shall have the power to make any adjustments
it thinks necessary between the various departments and schools of
any institution or between the different institutions.

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

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

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

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

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