

By: Representative Martinson

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 130

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 2005-2006 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 2007-2008 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 said 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 said
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 (j) In connection with any international contract between
131 the board or one of the state's institutions of higher learning
132 and any party outside of the United States, the board or
133 institution that is the party to the international contract is
134 hereby authorized and empowered to include in the contract a
135 provision for the resolution by arbitration of any controversy
136 between the parties to the contract relating to such contract or
137 the failure or refusal to perform any part of the contract. Such
138 provision shall be valid, enforceable and irrevocable without
139 regard to the justiciable character of the controversy. Provided,
140 however, that in the event either party to such contract initiates
141 litigation against the other with respect to the contract, the
142 arbitration provision shall be deemed waived unless asserted as a
143 defense on or before the responding party is required to answer
144 such litigation.

145 **SECTION 2.** This act shall take effect and be in force from
146 and after July 1, 2005.