

By: Senator(s) Doxey

To: Universities and
Colleges; Appropriations

SENATE BILL NO. 2020

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER
3 LEARNING FROM USING ANY STATE GENERAL FUNDS FOR THE PURPOSE OF
4 TEACHING REMEDIAL COURSES IN ANY SUBJECT IN THE STATE
5 UNIVERSITIES; AND FOR RELATED PURPOSES.

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

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

9 37-101-15. (a) The Board of Trustees of State Institutions
10 of Higher Learning shall succeed to and continue to exercise
11 control of all records, books, papers, equipment, and supplies,
12 and all lands, buildings, and other real and personal property
13 belonging to or assigned to the use and benefit of the board of
14 trustees formerly supervising and controlling the institutions of
15 higher learning named in Section 37-101-1. The board shall have
16 and exercise control of the use, distribution and disbursement of
17 all funds, appropriations and taxes, now and hereafter in
18 possession, levied and collected, received, or appropriated for
19 the use, benefit, support, and maintenance or capital outlay
20 expenditures of the institutions of higher learning, including the
21 authorization of employees to sign vouchers for the disbursement
22 of funds for the various institutions, except where otherwise
23 specifically provided by law. Provided, however, that the board
24 is specifically prohibited from expending any State General Funds
25 appropriated by the Legislature for the purpose of teaching
26 remedial courses in any subject at an institution of higher
27 learning in this state, and the Legislature shall not appropriate
28 any funds for said purpose.

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

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

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

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

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

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

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

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

121 (h) The board shall have the power to contract, on a
122 shared-savings, lease or lease-purchase basis, for energy
123 efficiency services and/or equipment as prescribed in Section
124 31-7-14, not to exceed ten (10) years.

125 (i) The Board of Trustees of State Institutions of Higher
126 Learning, for and on behalf of Jackson State University, is hereby
127 authorized to convey by donation or otherwise easements across

128 portions of certain real estate located in the City of Jackson,
129 Hinds County, Mississippi, for right-of-way required for the Metro
130 Parkway Project.

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

146 (k) The Board of Trustees of State Institutions of Higher
147 Learning ("board"), on behalf of any institution under its
148 jurisdiction, shall purchase and maintain business property
149 insurance and business personal property insurance on all
150 university-owned buildings and/or contents as required by federal
151 law and regulations of the Federal Emergency Management Agency
152 (FEMA) as is necessary for receiving public assistance or
153 reimbursement for repair, reconstruction, replacement or other
154 damage to those buildings and/or contents caused by the Hurricane
155 Katrina Disaster of 2005 or subsequent disasters. The board is
156 authorized to expend funds from any available source for the
157 purpose of obtaining and maintaining that property insurance. The
158 board is authorized to enter into agreements with the Department
159 of Finance and Administration, local school districts,
160 community/junior college districts, community hospitals and/or

161 other state agencies to pool their liabilities to participate in a
162 group business property and/or business personal property
163 insurance program, subject to uniform rules and regulations as may
164 be adopted by the Department of Finance and Administration.

165 **SECTION 2.** This act shall take effect and be in force from
166 and after July 1, 2006.