

By: Representative Lamar

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 31

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND SECTION 213-A,
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE FOR THE APPOINTMENT
3 OF MEMBERS TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
4 HIGHER LEARNING BY THE GOVERNOR, LIEUTENANT GOVERNOR AND SPEAKER
5 OF THE HOUSE OF REPRESENTATIVES AFTER JANUARY 1, 2020, FOR
6 VACANCIES CREATED BY THE EXPIRATION OF MEMBERS' TERMS OF OFFICE;
7 TO PROVIDE THAT THE GOVERNOR, LIEUTENANT GOVERNOR AND SPEAKER OF
8 THE HOUSE OF REPRESENTATIVES SHALL HAVE ONE APPOINTMENT EACH MADE
9 FROM EACH OF THE MISSISSIPPI SUPREME COURT DISTRICTS; TO PRESCRIBE
10 THE PROCESS FOR MAKING SUCH APPOINTMENTS UPON THE EXPIRATIONS OF
11 MEMBERS' TERMS BEGINNING WITH APPOINTMENTS TO BE MADE IN 2021; AND
12 FOR RELATED PURPOSES.

13 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF
14 MISSISSIPPI, That the following amendment to the Mississippi
15 Constitution of 1890 is proposed to the qualified electors of the
16 state:

17 Amend Section 213-A, Mississippi Constitution of 1890, to
18 read as follows:

19 "Section 213-A. The state institutions of higher learning in
20 Mississippi, to wit: University of Mississippi, Mississippi State
21 University of Agriculture and Applied Science, Mississippi
22 University for Women, University of Southern Mississippi, Delta
23 State University, Alcorn State University, Jackson State



24 University, Mississippi Valley State University, and any others
25 which may be organized or established by the State of Mississippi,
26 shall be under the management and control of a board of trustees
27 to be known as the Board of Trustees of State Institutions of
28 Higher Learning. The Governor, Lieutenant Governor and Speaker of
29 the House of Representatives shall appoint the members of the
30 board with the advice and consent of the Senate.

31 The * * * ~~Governor~~ appointing officials shall appoint only persons
32 who are qualified electors residing in the district from which
33 each is appointed, and at least twenty-five (25) years of age, and
34 of the highest order of intelligence, character, learning and
35 fitness for the performance of such duties, to the end
36 that * * * ~~such~~ the board shall perform its high and honorable
37 duties to the greatest advantage of the people of the state
38 and * * * ~~such~~ the educational institutions, uninfluenced by any
39 political considerations. The board of trustees shall be composed
40 of twelve (12) members * * *. ~~The members of the board of~~
41 ~~trustees as constituted on January 1, 2004, shall continue to~~
42 ~~serve until expiration of their respective terms of office.~~
43 ~~Appointments made to fill vacancies created by expiration of~~
44 ~~members' terms of office occurring after January 1, 2004, shall be~~
45 ~~as follows: The initial term of the members appointed in 2004~~
46 ~~shall be for eleven (11) years; the initial term of the members~~
47 ~~appointed in 2008 shall be for ten (10) years; and the initial~~
48 ~~term of the members appointed in 2012~~ who shall be appointed for a



49 term of nine (9) years. * * *After the expiration of the initial
50 terms, all terms shall be for nine (9) years. Four (4) members of
51 the board of trustees shall be appointed from each of the three
52 (3) Mississippi Supreme Court districts and, as such vacancies
53 occur, the Governor, Lieutenant Governor and Speaker of the House
54 of Representatives shall make appointments from the Supreme Court
55 district having the smallest number of board members until the
56 membership includes four (4) members from each district. The
57 members of the board of trustees as constituted on January 1,
58 2020, shall continue to serve until the expiration of their
59 respective terms of office. Appointments made to fill vacancies
60 created by expiration of members' terms of office occurring after
61 January 1, 2020, shall be as follows: upon the expiration of
62 members' terms of office occurring in 2021, the Governor and the
63 Lieutenant Governor shall have one (1) appointment each, and the
64 Speaker of the House of Representatives shall have two (2)
65 appointments; upon the expiration of members' terms of office
66 occurring in 2024, the Governor and the Speaker of the House of
67 Representatives shall have one (1) appointment each, and the
68 Lieutenant Governor shall have two (2) appointments; upon the
69 expiration of members' terms of office occurring in 2027, the
70 Lieutenant Governor and the Speaker of the House of
71 Representatives shall have one (1) appointment each, and the
72 Governor shall have two (2) appointments. The frequency with
73 which an appointing official shall have two (2) appointments shall



74 occur every nine (9) years from the date when such official made
75 his or her first two (2) initial appointments. In case of a
76 vacancy on the board by death or resignation of a member, or from
77 any cause other than the expiration of such member's term of
78 office, the board shall elect his successor, who shall hold office
79 until the end of the next session of the Legislature. During such
80 term of the session of the Legislature, the * * *~~Governor~~ official
81 who made the original appointment of the trustee whose death or
82 resignation created the vacancy shall appoint the successor member
83 of the board from the district from which his predecessor was
84 appointed, to hold office for the balance of the unexpired term
85 for which such original trustee was appointed, to the end that
86 one-third (1/3) of such trustees' terms will expire each three (3)
87 years.

88 The Legislature shall provide by law for the appointment of a
89 trustee for the La Bauve Fund at the University of Mississippi and
90 for the perpetuation of such fund.

91 * * *~~Such~~ The board shall have the power and authority to
92 elect the heads of the various institutions of higher learning,
93 and contract with all deans, professors and other members of the
94 teaching staff, and all administrative employees of the
95 institutions for a term not exceeding four (4) years; but the
96 board may terminate any such contract at any time for malfeasance,
97 inefficiency or contumacious conduct, but never for political
98 reasons.



99 Nothing herein contained shall in any way limit or take away
100 the power the Legislature had and possessed, if any, at the time
101 of the adoption of this amendment, to consolidate, abolish or
102 change the status of any of the above named institutions."

103 BE IT FURTHER RESOLVED, That this amendment to the
104 Constitution shall be submitted to the qualified electors of this
105 state at an election to be held on the first Tuesday after the
106 first Monday of November 2020, in the manner provided by Section
107 273 of the Constitution and by law.

108 BE IT FURTHER RESOLVED, That the explanation of this proposed
109 amendment for the ballot shall read as follows: "This proposed
110 amendment provides that after January 1, 2020, as vacancies occur,
111 the twelve-member Board of Trustees of State Institutions of
112 Higher Learning shall be appointed from each of the three (3)
113 Mississippi Supreme Court districts by the Governor, the
114 Lieutenant Governor and the Speaker of the House of
115 Representatives of the State of Mississippi."

