MISSISSIPPI LEGISLATURE
REGULAR SESSION 2020

By: Representatives Lamar, Boyd

To: Universities and Colleges

HOUSE BILL NO. 870

AN ACT TO AMEND SECTION 37-101-3, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF MEMBERS TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING BY THE GOVERNOR, LIEUTENANT GOVERNOR AND SPEAKER OF THE HOUSE OF REPRESENTATIVES AFTER JANUARY 1, 2020, FOR VACANCIES CREATED BY EXPIRATION OF MEMBERS' TERMS OF OFFICE; TO PROVIDE THAT THE GOVERNOR, LIEUTENANT GOVERNOR AND SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL HAVE ONE APPOINTMENT EACH MADE FROM EACH OF THE MISSISSIPPI SUPREME COURT DISTRICTS; TO PRESCRIBE THE PROCESS FOR MAKING SUCH APPOINTMENTS UPON THE EXPIRATIONS OF MEMBERS' TERMS BEGINNING WITH APPOINTMENTS TO BE MADE IN 2021; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-101-3, Mississippi Code of 1972, is amended as follows:

37-101-3. (1) (a) The Governor, Lieutenant Governor and the Speaker of the House of Representatives, by and with the advice and consent of the Senate, shall appoint the members of the Board of Trustees of State Institutions of Higher Learning. The board shall be composed of twelve (12) members, * * * consisting of * * * four (4) members from each Mississippi Supreme Court district * * *, each of whom shall serve a term of nine (9) years. * * * The members of the board of trustees as constituted on
January 1, 2020, shall continue to serve until the expiration of their respective terms of office. Appointments made to fill vacancies created by expiration of members' terms of office occurring after January 1, 2020, shall be as follows:

(i) Upon the expiration of members' terms of office occurring in 2021, the Governor and the Lieutenant Governor shall have one (1) appointment each, and the Speaker of the House of Representatives shall have two (2) appointments;

(ii) Upon the expiration of members' terms of office occurring in 2024, the Governor and the Speaker of the House of Representatives shall have one (1) appointment each, and the Lieutenant Governor shall have two (2) appointments; and

(iii) Upon the expiration of members' terms of office occurring in 2027, the Lieutenant Governor and the Speaker of the House of Representatives shall have one (1) appointment each, and the Governor shall have two (2) appointments.

The frequency with which an appointing official shall have two (2) appointments shall occur every nine (9) years from the date when such official made his or her first two (2) initial appointments.

(b) The current president, or his/her designee, of the Student Body President's Council of Mississippi (SBPCM) shall have a reserved seat at each meeting of the Board of Trustees of State Institutions of Higher Learning. No less than once a year, the
board shall seek the advice and counsel of the student body president's organization.

(2) In case of a vacancy on said board by death or resignation of a member or from any other cause than the expiration of such member's term of office, the board shall elect his or her successor who shall hold office until the end of the next session of the Legislature. During such term of the session of the Legislature, the official who made the original appointment of the trustee whose death or resignation created the vacancy shall appoint the successor member of the board from the district from which his or her predecessor was appointed to hold office until the end of the period or term for which said original trustee was appointed, to the end that one-third (1/3) of such trustees' terms shall expire each three (3) years.

(3) The Executive Director of the Mississippi Community College Board, or his or her designee, and one (1) member of the Mississippi Community College Board, to be designated by the chairman of said board, shall attend all regular meetings of the Board of Trustees of State Institutions of Higher Learning. Said community/junior college representatives shall have no jurisdiction or vote on any matter within the jurisdiction of the board. The Executive Director of the Mississippi Community College Board and any designee who is a state employee shall receive no per diem for attending meetings of the board, but shall be entitled to actual and necessary expense reimbursement and
mileage for attending meetings at locations other than Jackson, Mississippi. The designee of the Mississippi Community College Board shall receive per diem compensation as authorized by Section 25-3-69, Mississippi Code of 1972, for attending said meetings, and shall be entitled to reimbursement for actual expense reimbursement and mileage, which shall be paid from funds appropriated to the Board of Trustees of State Institutions of Higher Learning.

**SECTION 2.** This act shall take effect and be in force from and after the date House Concurrent Resolution No. 31, 2020 Regular Session is ratified by the electorate.