

By: Representatives Lamar, Boyd

To: Universities and  
Colleges

HOUSE BILL NO. 1571

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE MANNER BY WHICH THE EXECUTIVE OFFICES OF STATE  
3 INSTITUTIONS OF HIGHER LEARNING ARE ELECTED; TO REMOVE THE SOLE  
4 AUTHORITY FROM THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF  
5 HIGHER LEARNING TO A SEVEN MEMBER SEARCH COMMITTEE COMPRISED OF  
6 APPOINTED ALUMNI OF THE INSTITUTION IN WHICH A VACANCY IN THE  
7 EXECUTIVE OFFICE EXIST; TO PROVIDE FOR THE COMPOSITION OF THE  
8 SEARCH COMMITTEES AND PRESCRIBE ITS RESPONSIBILITIES; AND FOR  
9 RELATED PURPOSES.

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

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

13 37-101-15. (a) The Board of Trustees of State Institutions  
14 of Higher Learning shall succeed to and continue to exercise  
15 control of all records, books, papers, equipment, and supplies,  
16 and all lands, buildings, and other real and personal property  
17 belonging to or assigned to the use and benefit of the board of  
18 trustees formerly supervising and controlling the institutions of  
19 higher learning named in Section 37-101-1. The board shall have  
20 and exercise control of the use, distribution and disbursement of  
21 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



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



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) (i) 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 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 elect the institutional executive offices utilizing the following process:

1. The institutional executive officers shall be selected from one or more qualified candidates whose names are submitted to the board by a search committee established solely for the purpose of selecting qualified candidates. A search committee shall be established and convene its first meeting not more than thirty (30) days after the board determines there is a vacancy at the head of an institution. The search committee shall be comprised of seven (7) members who, except for the one (1) member selected by the board, shall be alumni of the institution, and each member shall be appointed in the following manner:



121                    a. Two (2) members appointed by the Governor;  
122                    b. Two (2) members appointed by the  
123 Lieutenant Governor;  
124                    c. Two (2) members appointed by the Speaker  
125 of the House of Representatives; and  
126                    d. One (1) member appointed by the board.  
127                    2. A search committee shall establish the  
128 qualifications for the position in accordance with board policy  
129 and shall also establish a reasonable search process to include,  
130 but not be limited to, local public hearings for the purpose of  
131 informing its decision. Proceedings of a search committee and the  
132 board in selecting the head of an institution are not subject to  
133 the state laws regarding public records requests and open meetings  
134 for a period of three (3) years after the head of the institution  
135 is elected by the board. In the event that a search committee  
136 fails to submit one or more candidates to the board within one (1)  
137 year of its creation, the search committee shall be dissolved, and  
138 the board shall have the power and authority to elect the head of  
139 the institution.  
140                    3. Any search committee created under the  
141 authority of this act shall automatically dissolve within twelve  
142 (12) months of its creation.  
143                    4. The members of any search committee created  
144 under the authority of this act shall receive no annual salary,  
145 but shall receive per diem compensation as authorized by Section



146 25-3-69, for each day devoted to the discharge of official search  
147 committee duties and shall be entitled to reimbursement for all  
148 actual and necessary expenses incurred in the discharged of their  
149 duties, including mileage as authorized by Section 25-3-41.

150 5. Nothing in this paragraph (i) shall be  
151 construed to limit the power of the board to have the final  
152 authority to elect the heads of the various institutions of higher  
153 learning.

154 (ii) It shall be the policy of the board to permit the  
155 executive head of each institution to nominate for election by the  
156 board all subordinate employees of the institution over which he  
157 presides.

158 (iii) It shall be the policy of the board to elect all  
159 officials for a definite tenure of service and to reelect during  
160 the period of satisfactory service.

161 (iv) The board shall have the power to make any  
162 adjustments it thinks necessary between the various departments  
163 and schools of any institution or between the different  
164 institutions.

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

168 (h) The board shall have the power to enter into an energy  
169 performance contract, energy services contract, on a  
170 shared-savings, lease or lease-purchase basis, for energy



efficiency services and/or equipment as prescribed in Section 31-7-14.

(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) In connection with any international contract between the board or one (1) of the state's institutions of higher learning and any party outside of the United States, the board or institution that is the party to the international contract is hereby authorized and empowered to include in the contract a provision for the resolution by arbitration of any controversy between the parties to the contract relating to such contract or the failure or refusal to perform any part of the contract. Such provision shall be valid, enforceable and irrevocable without regard to the justiciable character of the controversy. Provided, however, that in the event either party to such contract initiates litigation against the other with respect to the contract, the arbitration provision shall be deemed waived unless asserted as a defense on or before the responding party is required to answer such litigation.

(k) The Board of Trustees of State Institutions of Higher Learning ("board"), on behalf of any institution under its





jurisdiction, shall purchase and maintain business property insurance and business personal property insurance on all university-owned buildings and/or contents as required by federal law and regulations of the Federal Emergency Management Agency (FEMA) as is necessary for receiving public assistance or reimbursement for repair, reconstruction, replacement or other damage to those buildings and/or contents caused by the Hurricane Katrina Disaster of 2005 or subsequent disasters. The board is authorized to expend funds from any available source for the purpose of obtaining and maintaining that property insurance. The board is authorized to enter into agreements with the Department of Finance and Administration, local school districts, community/junior college districts, community hospitals and/or other state agencies to pool their liabilities to participate in a group business property and/or business personal property insurance program, subject to uniform rules and regulations as may be adopted by the Department of Finance and Administration.

(1) The Board of Trustees of State Institutions of Higher Learning, or its designee, may approve the payment or reimbursement of reasonable travel expenses incurred by candidates for open positions at the board's executive office or at any of the state institutions of higher learning, when the job candidate has incurred expenses in traveling to a job interview at the request of the board, the Commissioner of Higher Education or a state institution of higher learning administrator.



(m) (i) The Board of Trustees of State Institutions of Higher Learning is authorized to administer and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are paid for with self-generated funds.

(ii) Additionally, the board is authorized to oversee, administer and approve contracts for the construction and maintenance of buildings and other facilities of the state institutions of higher learning, including related contracts for architectural and engineering services, which are funded in whole or in part by general obligation bonds of the State of Mississippi at institutions designated annually by the board as being capable to procure and administer all such contracts. Prior to the disbursement of funds, an agreement for each project between the institution and the Department of Finance and Administration shall be executed. The approval and execution of the agreement shall not be withheld by either party unless the withholding party provides a written, detailed explanation of the basis for withholding to the other party. The agreement shall stipulate the responsibilities of each party, applicable procurement regulations, documentation and reporting requirements, conditions prior to, and schedule of, disbursement of general obligation bond funds to the institution and provisions concerning handling any remaining general obligation bonds at the completion of the



246 project. Such agreement shall not include provisions that  
247 constitute additional qualifications or criteria that act to  
248 invalidate the designation of an institution as capable of  
249 procuring and administering such project. Inclusion of any such  
250 provisions may be appealed to the Public Procurement Review Board.  
251 This \* \* \* paragraph (ii) shall stand repealed from and after July  
252 1, 2022.

253       **SECTION 2.** This act shall take effect and be in force from  
254 and after its passage.

