

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. The * * *
31 appointing officials shall appoint only persons who are qualified
32 electors residing in the district from which each is appointed,
33 and at least twenty-five (25) years of age, and of the highest
34 order of intelligence, character, learning and fitness for the
35 performance of such duties, to the end that * * * the board shall
36 perform its high and honorable duties to the greatest advantage of
37 the people of the state and * * * the educational institutions,
38 uninfluenced by any political considerations. The board of
39 trustees shall be composed of twelve (12) members * * * who shall
40 be appointed for a term of nine (9) years. * * * Four (4) members
41 of the board of trustees shall be appointed from each of the three
42 (3) Mississippi Supreme Court districts and, as such vacancies
43 occur, the Governor, Lieutenant Governor and Speaker of the House
44 of Representatives shall make appointments from the Supreme Court
45 district having the smallest number of board members until the
46 membership includes four (4) members from each district. The
47 members of the board of trustees as constituted on January 1,
48 2020, shall continue to serve until the expiration of their



49 respective terms of office. Appointments made to fill vacancies
50 created by expiration of members' terms of office occurring after
51 January 1, 2020, shall be as follows: upon the expiration of
52 members' terms of office occurring in 2021, the Governor and the
53 Lieutenant Governor shall have one (1) appointment each, and the
54 Speaker of the House of Representatives shall have two (2)
55 appointments; upon the expiration of members' terms of office
56 occurring in 2024, the Governor and the Speaker of the House of
57 Representatives shall have one (1) appointment each, and the
58 Lieutenant Governor shall have two (2) appointments; upon the
59 expiration of members' terms of office occurring in 2027, the
60 Lieutenant Governor and the Speaker of the House of
61 Representatives shall have one (1) appointment each, and the
62 Governor shall have two (2) appointments. The frequency with
63 which an appointing official shall have two (2) appointments shall
64 occur every nine (9) years from the date when such official made
65 his or her first two (2) initial appointments. In case of a
66 vacancy on the board by death or resignation of a member, or from
67 any cause other than the expiration of such member's term of
68 office, the board shall elect his successor, who shall hold office
69 until the end of the next session of the Legislature. During such
70 term of the session of the Legislature, the * * * official who
71 made the original appointment of the trustee whose death or
72 resignation created the vacancy shall appoint the successor member
73 of the board from the district from which his predecessor was



74 appointed, to hold office for the balance of the unexpired term
75 for which such original trustee was appointed, to the end that
76 one-third (1/3) of such trustees' terms will expire each three (3)
77 years.

78 The Legislature shall provide by law for the appointment of a
79 trustee for the La Bauve Fund at the University of Mississippi and
80 for the perpetuation of such fund.

81 * * * The board shall have the power and authority to elect
82 the heads of the various institutions of higher learning, and
83 contract with all deans, professors and other members of the
84 teaching staff, and all administrative employees of the
85 institutions for a term not exceeding four (4) years; but the
86 board may terminate any such contract at any time for malfeasance,
87 inefficiency or contumacious conduct, but never for political
88 reasons.

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

93 BE IT FURTHER RESOLVED, That this amendment to the
94 Constitution shall be submitted to the qualified electors of this
95 state at an election to be held on the first Tuesday after the
96 first Monday of November 2020, in the manner provided by Section
97 273 of the Constitution and by law.



98 BE IT FURTHER RESOLVED, That the explanation of this proposed
99 amendment for the ballot shall read as follows: "This proposed
100 amendment provides that after January 1, 2020, as vacancies occur,
101 the twelve-member Board of Trustees of State Institutions of
102 Higher Learning shall be appointed from each of the three (3)
103 Mississippi Supreme Court districts by the Governor, the
104 Lieutenant Governor and the Speaker of the House of
105 Representatives of the State of Mississippi."

