

By: Representative Lamar

To: Rules

COMMITTEE SUBSTITUTE  
FOR  
HOUSE CONCURRENT RESOLUTION NO. 51

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND SECTION 213-A,  
2 MISSISSIPPI CONSTITUTION OF 1890, TO REQUIRE THE BOARD OF TRUSTEES  
3 OF STATE INSTITUTIONS OF HIGHER LEARNING TO ESTABLISH A POLICY TO  
4 GOVERN THE PROCESS BY WHICH INSTITUTIONAL EXECUTIVE OFFICERS ARE  
5 SELECTED, THROUGH THE USE OF AN APPOINTED SEVEN-MEMBER SEARCH  
6 COMMITTEE, ESTABLISHED SOLELY FOR THE PURPOSE OF RECOMMENDING  
7 QUALIFIED CANDIDATES IN ACCORDANCE WITH BOARD POLICY; TO PROVIDE  
8 THAT THE DELEGATION OF SUCH AUTHORITY TO A SEARCH COMMITTEE SHALL  
9 NOT BE CONSTRUED TO LIMIT THE POWER OF THE BOARD TO HAVE THE FINAL  
10 AUTHORITY TO SELECT THE INSTITUTIONAL EXECUTIVE OFFICERS OF THE  
11 VARIOUS STATE INSTITUTIONS OF HIGHER LEARNING; TO PROVIDE THAT THE  
12 BOARD SHALL NOT BE AUTHORIZED TO APPOINT AN INSTITUTIONAL  
13 EXECUTIVE OFFICER UNTIL THE SEARCH COMMITTEE HAS CONSIDERED AND  
14 EVALUATED THE CANDIDATE; AND FOR RELATED PURPOSES.

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

19 Amend Section 213-A, Mississippi Constitution of 1890, to  
20 read as follows:

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



25 State University, Alcorn State University, Jackson State  
26 University, Mississippi Valley State University, and any others  
27 which may be organized or established by the State of Mississippi,  
28 shall be under the management and control of a board of trustees  
29 to be known as the Board of Trustees of State Institutions of  
30 Higher Learning. The Governor shall appoint the members of the  
31 board with the advice and consent of the Senate. The Governor  
32 shall appoint only persons who are qualified electors residing in  
33 the district from which each is appointed, and at least  
34 twenty-five (25) years of age, and of the highest order of  
35 intelligence, character, learning and fitness for the performance  
36 of such duties, to the end that such board shall perform its high  
37 and honorable duties to the greatest advantage of the people of  
38 the state and such 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 trustees as  
41 constituted on January 1, 2004, shall continue to serve until  
42 expiration of their respective terms of office. Appointments made  
43 to fill vacancies created by expiration of members' terms of  
44 office occurring after January 1, 2004, shall be as follows: The  
45 initial term of the members appointed in 2004 shall be for eleven  
46 (11) years; the initial term of the members appointed in 2008  
47 shall be for ten (10) years; and the initial term of the members  
48 appointed in 2012 shall be for nine (9) years. After the  
49 expiration of the initial terms, all terms shall be for nine (9)



50 years. Four (4) members of the board of trustees shall be  
51 appointed from each of the three (3) Mississippi Supreme Court  
52 districts and, as such vacancies occur, the Governor shall make  
53 appointments from the Supreme Court district having the smallest  
54 number of board members until the membership includes four (4)  
55 members from each district. In case of a vacancy on the board by  
56 death or resignation of a member, or from any cause other than the  
57 expiration of such member's term of office, the board shall elect  
58 his successor, who shall hold office until the end of the next  
59 session of the Legislature. During such term of the session of  
60 the Legislature, the Governor shall appoint the successor member  
61 of the board from the district from which his predecessor was  
62 appointed, to hold office for the balance of the unexpired term  
63 for which such original trustee was appointed, to the end that  
64 one-third (1/3) of such trustees' terms will expire each three (3)  
65 years.

66 The Legislature shall provide by law for the appointment of a  
67 trustee for the La Bauve Fund at the University of Mississippi and  
68 for the perpetuation of such fund.

69 \* \* \* The board shall have the power and authority to elect  
70 the heads of the various institutions of higher learning, and  
71 contract with all deans, professors and other members of the  
72 teaching staff, and all administrative employees of the  
73 institutions for a term not exceeding four (4) years; but the  
74 board may terminate any such contract at any time for malfeasance,



inefficiency or contumacious conduct, but never for political reasons. In the exercise of its authority to elect the institutional executive officers of the various institutions of higher learning, the board shall establish a policy to govern the process by which such institutional executive officers are selected through the use of an appointed seven-member search committee, six (6) of whom shall be alumni of the institution for which such vacancy exists. These are established solely for the purpose of recommending qualified candidates in accordance with board policy, pursuant to the provision of this section or any statutory provision governing the authority of the board to select institutional executive officers. The delegation of such authority to a search committee shall not be construed to limit the power of the board to have the final authority to select the institutional executive officers of the various state institutions of higher learning. The board shall not be authorized to appoint any institutional executive officer until the search committee has considered and evaluated the qualified candidates and made a recommendation to the board regarding the candidates.

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

BE IT FURTHER RESOLVED, That this amendment to the Constitution shall be submitted to the qualified electors of this



100 state at an election to be held on the first Tuesday after the  
101 first Monday of November 2020, in the manner provided by Section  
102 273 of the Constitution and by law.

103 BE IT FURTHER RESOLVED, That the explanation of this proposed  
104 amendment for the ballot shall read as follows: "This proposed  
105 amendment provides that the Board of Trustees of State  
106 Institutions of Higher Learning shall establish a policy to govern  
107 the process by which institutional executive officers are elected,  
108 either of its own volition or through the use of an appointed  
109 seven-member search committee, as deemed necessary, established  
110 solely for the purpose of selecting qualified candidates in  
111 accordance with board policy. The delegation of such authority to  
112 a search committee shall not be construed to limit the power of  
113 the board to have the final authority to elect the institutional  
114 executive officers of the various state institutions of higher  
115 learning."

