To: Rules

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2020
By: Representative Lamar

COMMITTEE SUBSTITUTE
FOR
HOUSE CONCURRENT RESOLUTION NO. 51

A CONCURRENT RESOLUTION PROPOSING TO AMEND SECTION 213-A, MISSISSIPPI CONSTITUTION OF 1890, TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO ESTABLISH A POLICY TO GOVERN THE PROCESS BY WHICH INSTITUTIONAL EXECUTIVE OFFICERS ARE SELECTED, THROUGH THE USE OF AN APPOINTED SEVEN-MEMBER SEARCH COMMITTEE, ESTABLISHED SOLELY FOR THE PURPOSE OF RECOMMENDING QUALIFIED CANDIDATES IN ACCORDANCE WITH BOARD POLICY; TO PROVIDE THAT 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; TO PROVIDE THAT THE BOARD SHALL NOT BE AUTHORIZED TO APPOINT AN INSTITUTIONAL EXECUTIVE OFFICER UNTIL THE SEARCH COMMITTEE HAS CONSIDERED AND EVALUATED THE CANDIDATE; AND FOR RELATED PURPOSES.

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

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

"Section 213-A. The state institutions of higher learning in Mississippi, to wit: University of Mississippi, Mississippi State University of Agriculture and Applied Science, Mississippi University for Women, University of Southern Mississippi, Delta
State University, Alcorn State University, Jackson State University, Mississippi Valley State University, and any others which may be organized or established by the State of Mississippi, shall be under the management and control of a board of trustees to be known as the Board of Trustees of State Institutions of Higher Learning. The Governor shall appoint the members of the board with the advice and consent of the Senate. The Governor shall appoint only persons who are qualified electors residing in the district from which each is appointed, and at least twenty-five (25) years of age, and of the highest order of intelligence, character, learning and fitness for the performance of such duties, to the end that such board shall perform its high and honorable duties to the greatest advantage of the people of the state and such educational institutions, uninfluenced by any political considerations. The board of trustees shall be composed of twelve (12) members. The members of the board of trustees as constituted on January 1, 2004, shall continue to serve until expiration of their respective terms of office. Appointments made to fill vacancies created by expiration of members' terms of office occurring after January 1, 2004, shall be as follows: The initial term of the members appointed in 2004 shall be for eleven (11) years; the initial term of the members appointed in 2008 shall be for ten (10) years; and the initial term of the members appointed in 2012 shall be for nine (9) years. After the expiration of the initial terms, all terms shall be for nine (9)
years. Four (4) members of the board of trustees shall be
appointed from each of the three (3) Mississippi Supreme Court
districts and, as such vacancies occur, the Governor shall make
appointments from the Supreme Court district having the smallest
number of board members until the membership includes four (4)
members from each district. In case of a vacancy on the board by
death or resignation of a member, or from any cause other than the
expiration of such member's term of office, the board shall elect
his 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 Governor shall appoint the successor member
of the board from the district from which his predecessor was
appointed, to hold office for the balance of the unexpired term
for which such original trustee was appointed, to the end that
one-third (1/3) of such trustees' terms will expire each three (3)
years.

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

* * * * The board shall have the power and authority to elect
the heads of the various institutions of higher learning, and
contract with all deans, professors and other members of the
teaching staff, and all administrative employees of the
institutions for a term not exceeding four (4) years; but the
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
state at an election to be held on the first Tuesday after the first Monday of November 2020, in the manner provided by Section 273 of the Constitution and by law.

BE IT FURTHER RESOLVED, That the explanation of this proposed amendment for the ballot shall read as follows: "This proposed amendment provides that the Board of Trustees of State Institutions of Higher Learning shall establish a policy to govern the process by which institutional executive officers are elected, either of its own volition or through the use of an appointed seven-member search committee, as deemed necessary, established solely for the purpose of selecting qualified candidates in accordance with board policy. 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 elect the institutional executive officers of the various state institutions of higher learning."