

By: Representative Sanford

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 1119

1 AN ACT TO PROVIDE THAT THE SALARY OF A PRESIDENT, CHANCELLOR
 2 OR PROVOST OF A STATE INSTITUTION OF HIGHER LEARNING UNDER THE
 3 GOVERNING AUTHORITY OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS
 4 OF HIGHER LEARNING SERVING ON THE EFFECTIVE DATE OF THIS ACT SHALL
 5 BE LIMITED TO HIS OR HER CURRENT RATE OF COMPENSATION; TO PROVIDE
 6 THAT THE SALARY OF SUCH INDIVIDUALS SHALL NOT BE INCREASED UNTIL
 7 THE INSTITUTION AT WHICH SUCH INDIVIDUAL SERVES AS PRESIDENT,
 8 CHANCELLOR OR PROVOST HAS EXPERIENCED THREE CONSECUTIVE YEARS OF A
 9 FLAT COST OF TUITION AND FEES OR DECREASING TUITION AND FEES; TO
 10 PRESCRIBE THE CONDITIONS UNDER WHICH THE BOARD IS AUTHORIZED TO
 11 REVISE THE CONTRACT OF A PRESIDENT, CHANCELLOR OR PROVOST TO
 12 PROVIDE A SALARY INCREASE; TO STIPULATE THE AUTHORITY OF THE BOARD
 13 TO ESTABLISH THE SALARY OF NEWLY SELECTED PRESIDENTS, CHANCELLORS
 14 OR PROVOSTS PROVIDED CERTAIN CONDITIONS ARE OR ARE NOT MET; TO
 15 DEFINE THE TERM SALARY; TO AMEND SECTION 37-101-15, MISSISSIPPI
 16 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR
 17 RELATED PURPOSES.

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

19 **SECTION 1.** (1) Effective upon the passage of this act, the
 20 salary of any individual serving as an executive head of any of
 21 the various state institutions of higher learning, which are
 22 subject to the governing authority of the Board of Trustees of
 23 State Institutions of Higher Learning, as president, chancellor or
 24 provost, which ever shall be the most senior administrative
 25 capacity for such institution of higher learning, shall have his



26 or her salary limited to the current rate of compensation as
27 determined by the contractual agreement entered into by such
28 individual and the Board of Trustees of State Institutions of
29 Higher Learning, until such time as conditioned by subsection (2)
30 of this section.

31 (2) (a) The salary of the president, chancellor or provost
32 of a state institution of higher learning shall not be increased
33 above his or her or current rate of compensation until such time
34 that the institution of higher learning at which he or she serves
35 in such capacity shall:

36 (i) Experience three (3) consecutive years of
37 stabilized in-state tuition and fees for attendance at such
38 institution of higher learning, in which the cost of attendance
39 remains unchanged as of the effective date of this act, or the
40 effective execution date that his or her contract is renewed or
41 extended; or

42 (ii) Experience three (3) consecutive years of
43 decreased in-state tuition and fees for attendance at such
44 institution of higher learning, as of the effective date of this
45 act, or the effective execution date that his or her contract is
46 renewed or extended. However, if such costs are reduced and
47 subsequently increased, the increased costs shall not exceed the
48 cost of attendance as such costs existed on the effective date of
49 this act, or the effective execution date that his or her contract
50 is renewed or extended; or



51 (iii) Experience a combination of three (3)
52 consecutive years of stabilized or decreasing in-state tuition and
53 fees, as provided in subparagraphs (i) and (ii) of this paragraph
54 (a).

55 (b) In any year that the contract of a president,
56 chancellor or provost of a state institution of higher learning is
57 subject to expiration, and the board exercises the option to renew
58 such individual's contract for a complete term, as authorized
59 under Section 37-101-15, or extend the contract until a date
60 certain that is less than a complete term, the terms of such
61 contract shall include a provision which authorizes the board, in
62 its discretion, to increase the salary of the contracting
63 president, chancellor or provost, as it deems appropriate, upon
64 the satisfying of any condition prescribed under paragraph (a) of
65 this subsection, through an addendum to the originally executed
66 contract for renewal or extension.

67 (3) In negotiating the contract of a newly selected
68 individual to serve as president, chancellor or provost of any of
69 the various state institutions of higher learning, the board shall
70 take into consideration the provisions of subsection (2)(a) being
71 satisfied as required under that subsection and the salary of the
72 immediate preceding president, chancellor or provost. If the
73 state institution of higher learning has failed to satisfy any of
74 the conditions of subsection (2)(a), the board shall not
75 compensate the newly selected president, chancellor or provost in



76 an amount that exceeds the salary of the immediate preceding
77 predecessor of such position. However, if the state institution
78 of higher learning has satisfied any of the conditions of
79 subsection (2) (a), the board shall have full autonomy in
80 establishing the rate of compensation of the newly selected
81 president, chancellor or provost.

82 (4) For purposes of this section, the term "salary" means
83 the amount of money paid as compensation from all state allocated
84 funds, funds from private foundations established for the support
85 of institutions of higher learning, or any other public, private,
86 for-profit or nonprofit entity. The term shall also include any
87 supplemental compensation and fringe benefits.

88 **SECTION 2.** Section 37-101-15, Mississippi Code of 1972, is
89 amended as follows:

90 37-101-15. (a) The Board of Trustees of State Institutions
91 of Higher Learning shall succeed to and continue to exercise
92 control of all records, books, papers, equipment, and supplies,
93 and all lands, buildings, and other real and personal property
94 belonging to or assigned to the use and benefit of the board of
95 trustees formerly supervising and controlling the institutions of
96 higher learning named in Section 37-101-1. The board shall have
97 and exercise control of the use, distribution and disbursement of
98 all funds, appropriations and taxes, now and hereafter in
99 possession, levied and collected, received, or appropriated for
100 the use, benefit, support, and maintenance or capital outlay



101 expenditures of the institutions of higher learning, including the
102 authorization of employees to sign vouchers for the disbursement
103 of funds for the various institutions, except where otherwise
104 specifically provided by law.

105 (b) The board shall have general supervision of the affairs
106 of all the institutions of higher learning, including the
107 departments and the schools thereof. The board shall have the
108 power in its discretion to determine who shall be privileged to
109 enter, to remain in, or to graduate therefrom. The board shall
110 have general supervision of the conduct of libraries and
111 laboratories, the care of dormitories, buildings, and grounds; the
112 business methods and arrangement of accounts and records; the
113 organization of the administrative plan of each institution; and
114 all other matters incident to the proper functioning of the
115 institutions. The board shall have the authority to establish
116 minimum standards of achievement as a prerequisite for entrance
117 into any of the institutions under its jurisdiction, which
118 standards need not be uniform between the various institutions and
119 which may be based upon such criteria as the board may establish.

120 (c) The board shall exercise all the powers and prerogatives
121 conferred upon it under the laws establishing and providing for
122 the operation of the several institutions herein specified. The
123 board shall adopt such bylaws and regulations from time to time as
124 it deems expedient for the proper supervision and control of the
125 several institutions of higher learning, insofar as such bylaws



126 and regulations are not repugnant to the Constitution and laws,
127 and not inconsistent with the object for which these institutions
128 were established. The board shall have power and authority to
129 prescribe rules and regulations for policing the campuses and all
130 buildings of the respective institutions, to authorize the arrest
131 of all persons violating on any campus any criminal law of the
132 state, and to have such law violators turned over to the civil
133 authorities.

134 (d) For all institutions specified herein, the board shall
135 provide a uniform system of recording and of accounting approved
136 by the State Department of Audit. The board shall annually
137 prepare, or cause to be prepared, a budget for each institution of
138 higher learning for the succeeding year which must be prepared and
139 in readiness for at least thirty (30) days before the convening of
140 the regular session of the Legislature. All relationships and
141 negotiations between the State Legislature and its various
142 committees and the institutions named herein shall be carried on
143 through the board of trustees. No official, employee or agent
144 representing any of the separate institutions shall appear before
145 the Legislature or any committee thereof except upon the written
146 order of the board or upon the request of the Legislature or a
147 committee thereof.

148 (e) For all institutions specified herein, the board shall
149 prepare an annual report to the Legislature setting forth the
150 disbursements of all monies appropriated to the respective



151 institutions. Each report to the Legislature shall show how the
152 money appropriated to the several institutions has been expended,
153 beginning and ending with the fiscal years of the institutions,
154 showing the name of each teacher, officer, and employee, and the
155 salary paid each, and an itemized statement of each and every item
156 of receipts and expenditures. Each report must be balanced, and
157 must begin with the former balance. If any property belonging to
158 the state or the institution is used for profit, the reports shall
159 show the expense incurred in managing the property and the amount
160 received therefrom. The reports shall also show a summary of the
161 gross receipts and gross disbursements for each year and shall
162 show the money on hand at the beginning of the fiscal period of
163 the institution next preceding each session of the Legislature and
164 the necessary amount of expense to be incurred from said date to
165 January 1 following. The board shall keep the annual expenditures
166 of each institution herein mentioned within the income derived
167 from legislative appropriations and other sources, but in case of
168 emergency arising from acts of providence, epidemics, fire or
169 storm with the written approval of the Governor and by written
170 consent of a majority of the senators and of the representatives
171 it may exceed the income. The board shall require a surety bond
172 in a surety company authorized to do business in this state of
173 every employee who is the custodian of funds belonging to one or
174 more of the institutions mentioned herein, which bond shall be in
175 a sum to be fixed by the board in an amount that will properly



176 safeguard the said funds, the premium for which shall be paid out
177 of the funds appropriated for said institutions.

178 (f) The board shall have the power and authority to elect
179 the heads of the various institutions of higher learning and to
180 contract with all deans, professors, and other members of the
181 teaching staff, and all administrative employees of said
182 institutions for a term not exceeding four (4) years. The board
183 shall have the power and authority to terminate any such contract
184 at any time for malfeasance, inefficiency, or contumacious
185 conduct, but never for political reasons. It shall be the policy
186 of the board to permit the executive head of each institution to
187 nominate for election by the board all subordinate employees of
188 the institution over which he presides. It shall be the policy of
189 the board to elect all officials for a definite tenure of service
190 and to reelect during the period of satisfactory service. The
191 board shall have the power to make any adjustments it thinks
192 necessary between the various departments and schools of any
193 institution or between the different institutions. However, any
194 revisions to the salaries of the executive heads of the various
195 institutions of higher learning, which would result in an increase
196 to such individual's salary, shall be contingent upon satisfying
197 the provisions required under Section 1 of this act.

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



201 (h) The board shall have the power to enter into an energy
202 performance contract, energy services contract, on a
203 shared-savings, lease or lease-purchase basis, for energy
204 efficiency services and/or equipment as prescribed in Section
205 31-7-14.

206 (i) The Board of Trustees of State Institutions of Higher
207 Learning, for and on behalf of Jackson State University, is hereby
208 authorized to convey by donation or otherwise easements across
209 portions of certain real estate located in the City of Jackson,
210 Hinds County, Mississippi, for right-of-way required for the Metro
211 Parkway Project.

212 (j) In connection with any international contract between
213 the board or one (1) of the state's institutions of higher
214 learning and any party outside of the United States, the board or
215 institution that is the party to the international contract is
216 hereby authorized and empowered to include in the contract a
217 provision for the resolution by arbitration of any controversy
218 between the parties to the contract relating to such contract or
219 the failure or refusal to perform any part of the contract. Such
220 provision shall be valid, enforceable and irrevocable without
221 regard to the justiciable character of the controversy. Provided,
222 however, that in the event either party to such contract initiates
223 litigation against the other with respect to the contract, the
224 arbitration provision shall be deemed waived unless asserted as a



225 defense on or before the responding party is required to answer
226 such litigation.

227 (k) The Board of Trustees of State Institutions of Higher
228 Learning ("board"), on behalf of any institution under its
229 jurisdiction, shall purchase and maintain business property
230 insurance and business personal property insurance on all
231 university-owned buildings and/or contents as required by federal
232 law and regulations of the Federal Emergency Management Agency
233 (FEMA) as is necessary for receiving public assistance or
234 reimbursement for repair, reconstruction, replacement or other
235 damage to those buildings and/or contents caused by the Hurricane
236 Katrina Disaster of 2005 or subsequent disasters. The board is
237 authorized to expend funds from any available source for the
238 purpose of obtaining and maintaining that property insurance. The
239 board is authorized to enter into agreements with the Department
240 of Finance and Administration, local school districts,
241 community/junior college districts, community hospitals and/or
242 other state agencies to pool their liabilities to participate in a
243 group business property and/or business personal property
244 insurance program, subject to uniform rules and regulations as may
245 be adopted by the Department of Finance and Administration.

246 (l) The Board of Trustees of State Institutions of Higher
247 Learning, or its designee, may approve the payment or
248 reimbursement of reasonable travel expenses incurred by candidates
249 for open positions at the board's executive office or at any of



250 the state institutions of higher learning, when the job candidate
251 has incurred expenses in traveling to a job interview at the
252 request of the board, the Commissioner of Higher Education or a
253 state institution of higher learning administrator.

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

260 (ii) Additionally, the board is authorized to oversee,
261 administer and approve contracts for the construction and
262 maintenance of buildings and other facilities of the state
263 institutions of higher learning, including related contracts for
264 architectural and engineering services, which are funded in whole
265 or in part by general obligation bonds of the State of Mississippi
266 at institutions designated annually by the board as being capable
267 to procure and administer all such contracts. Prior to the
268 disbursement of funds, an agreement for each project between the
269 institution and the Department of Finance and Administration shall
270 be executed. The approval and execution of the agreement shall
271 not be withheld by either party unless the withholding party
272 provides a written, detailed explanation of the basis for
273 withholding to the other party. The agreement shall stipulate the
274 responsibilities of each party, applicable procurement



275 regulations, documentation and reporting requirements, conditions
276 prior to, and schedule of, disbursement of general obligation bond
277 funds to the institution and provisions concerning handling any
278 remaining general obligation bonds at the completion of the
279 project. Such agreement shall not include provisions that
280 constitute additional qualifications or criteria that act to
281 invalidate the designation of an institution as capable of
282 procuring and administering such project. Inclusion of any such
283 provisions may be appealed to the Public Procurement Review Board.
284 This subparagraph (ii) shall stand repealed from and after July 1,
285 2022.

286 **SECTION 3.** This act shall take effect and be in force from
287 and after July 1, 2022.

