

By: Senator(s) Harkins

To: Universities and
Colleges

SENATE BILL NO. 2700

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THE PROVISION OF LAW AUTHORIZING THE
3 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO
4 ADMINISTER CERTAIN CONSTRUCTION AND MAINTENANCE PROJECTS OF THE
5 INSTITUTIONS UNDER ITS JURISDICTION; AND FOR RELATED PURPOSES.

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

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

9 37-101-15. (a) The Board of Trustees of State Institutions
10 of Higher Learning shall succeed to and continue to exercise
11 control of all records, books, papers, equipment, and supplies,
12 and all lands, buildings, and other real and personal property
13 belonging to or assigned to the use and benefit of the board of
14 trustees formerly supervising and controlling the institutions of
15 higher learning named in Section 37-101-1. The board shall have
16 and exercise control of the use, distribution and disbursement of
17 all funds, appropriations and taxes, now and hereafter in
18 possession, levied and collected, received, or appropriated for
19 the use, benefit, support, and maintenance or capital outlay



20 expenditures of the institutions of higher learning, including the
21 authorization of employees to sign vouchers for the disbursement
22 of funds for the various institutions, except where otherwise
23 specifically provided by law.

24 (b) The board shall have general supervision of the affairs
25 of all the institutions of higher learning, including the
26 departments and the schools thereof. The board shall have the
27 power in its discretion to determine who shall be privileged to
28 enter, to remain in, or to graduate therefrom. The board shall
29 have general supervision of the conduct of libraries and
30 laboratories, the care of dormitories, buildings, and grounds; the
31 business methods and arrangement of accounts and records; the
32 organization of the administrative plan of each institution; and
33 all other matters incident to the proper functioning of the
34 institutions. The board shall have the authority to establish
35 minimum standards of achievement as a prerequisite for entrance
36 into any of the institutions under its jurisdiction, which
37 standards need not be uniform between the various institutions and
38 which may be based upon such criteria as the board may establish.

39 (c) The board shall exercise all the powers and prerogatives
40 conferred upon it under the laws establishing and providing for
41 the operation of the several institutions herein specified. The
42 board shall adopt such bylaws and regulations from time to time as
43 it deems expedient for the proper supervision and control of the
44 several institutions of higher learning, insofar as such bylaws



45 and regulations are not repugnant to the Constitution and laws,
46 and not inconsistent with the object for which these institutions
47 were established. The board shall have power and authority to
48 prescribe rules and regulations for policing the campuses and all
49 buildings of the respective institutions, to authorize the arrest
50 of all persons violating on any campus any criminal law of the
51 state, and to have such law violators turned over to the civil
52 authorities.

53 (d) For all institutions specified herein, the board shall
54 provide a uniform system of recording and of accounting approved
55 by the State Department of Audit. The board shall annually
56 prepare, or cause to be prepared, a budget for each institution of
57 higher learning for the succeeding year which must be prepared and
58 in readiness for at least thirty (30) days before the convening of
59 the regular session of the Legislature. All relationships and
60 negotiations between the State Legislature and its various
61 committees and the institutions named herein shall be carried on
62 through the board of trustees. No official, employee or agent
63 representing any of the separate institutions shall appear before
64 the Legislature or any committee thereof except upon the written
65 order of the board or upon the request of the Legislature or a
66 committee thereof.

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



70 institutions. Each report to the Legislature shall show how the
71 money appropriated to the several institutions has been expended,
72 beginning and ending with the fiscal years of the institutions,
73 showing the name of each teacher, officer, and employee, and the
74 salary paid each, and an itemized statement of each and every item
75 of receipts and expenditures. Each report must be balanced, and
76 must begin with the former balance. If any property belonging to
77 the state or the institution is used for profit, the reports shall
78 show the expense incurred in managing the property and the amount
79 received therefrom. The reports shall also show a summary of the
80 gross receipts and gross disbursements for each year and shall
81 show the money on hand at the beginning of the fiscal period of
82 the institution next preceding each session of the Legislature and
83 the necessary amount of expense to be incurred from said date to
84 January 1 following. The board shall keep the annual expenditures
85 of each institution herein mentioned within the income derived
86 from legislative appropriations and other sources, but in case of
87 emergency arising from acts of providence, epidemics, fire or
88 storm with the written approval of the Governor and by written
89 consent of a majority of the senators and of the representatives
90 it may exceed the income. The board shall require a surety bond
91 in a surety company authorized to do business in this state of
92 every employee who is the custodian of funds belonging to one or
93 more of the institutions mentioned herein, which bond shall be in
94 a sum to be fixed by the board in an amount that will properly



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

97 (f) The board shall have the power and authority to elect
98 the heads of the various institutions of higher learning and to
99 contract with all deans, professors, and other members of the
100 teaching staff, and all administrative employees of said
101 institutions for a term not exceeding four (4) years. The board
102 shall have the power and authority to terminate any such contract
103 at any time for malfeasance, inefficiency, or contumacious
104 conduct, but never for political reasons. It shall be the policy
105 of the board to permit the executive head of each institution to
106 nominate for election by the board all subordinate employees of
107 the institution over which he presides. It shall be the policy of
108 the board to elect all officials for a definite tenure of service
109 and to reelect during the period of satisfactory service. The
110 board shall have the power to make any adjustments it thinks
111 necessary between the various departments and schools of any
112 institution or between the different institutions.

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

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



119 efficiency services and/or equipment as prescribed in Section
120 31-7-14.

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

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

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



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

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



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

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



194 project. Such agreement shall not include provisions that
195 constitute additional qualifications or criteria that act to
196 invalidate the designation of an institution as capable of
197 procuring and administering such project. Inclusion of any such
198 provisions may be appealed to the Public Procurement Review Board.
199 This subparagraph (ii) shall stand repealed from and after July
200 1, * * * 2025.

201 **SECTION 2.** This act shall take effect and be in force from
202 and after July 1, 2022.

