

By: Representative Shanks

To: Universities and  
Colleges

## HOUSE BILL NO. 969

1       AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO EXTEND THE DATE OF THE REPEALER ON THE PROVISION OF LAW THAT  
3 AUTHORIZES THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER  
4 LEARNING TO ADMINISTER CERTAIN CONTRACTS FOR CONSTRUCTION AND  
5 MAINTENANCE PROJECTS AT THE STATE INSTITUTIONS WHICH ARE FUNDED BY  
6 STATE GENERAL OBLIGATION BONDS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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



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

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

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

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



96 safeguard \* \* \* those funds, the premium for which shall be paid  
97 out of the funds appropriated for \* \* \* the institutions.

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

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

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



120 efficiency services and/or equipment as prescribed in Section  
121 31-7-14.

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

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

143 (k) The Board of Trustees of State Institutions of Higher  
144 Learning \* \* \*, on behalf of any institution under its

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

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

169 request of the board, the Commissioner of Higher Education or a  
170 state institution of higher learning administrator.

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

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



194 funds to the institution and provisions concerning handling any  
195 remaining general obligation bonds at the completion of the  
196 project. Such agreement shall not include provisions that  
197 constitute additional qualifications or criteria that act to  
198 invalidate the designation of an institution as capable of  
199 procuring and administering such project. Inclusion of any such  
200 provisions may be appealed to the Public Procurement Review Board.  
201 This paragraph (ii) shall stand repealed from and after July  
202 1, \* \* \* 2028.

203 (n) The Board of Trustees of State Institutions of Higher  
204 Learning \* \* \* shall require all on-campus faculty and staff  
205 employed by, and all students attending, any of the state  
206 institutions of higher learning identified in Section 37-101-1 to  
207 be issued an identification badge in physical or electronic  
208 format. Any identification card issued or renewed pursuant to  
209 this section, whether physical or in an electronic format, shall  
210 include the words "Crisis Lifeline - Dial or Text 988, or chat  
211 988lifeline.org" or like language for formatting purposes.

212 **SECTION 2.** This act shall take effect and be in force from  
213 and after July 1, 2025.

