

By: Representative Guice

To: Constitution

HOUSE CONCURRENT RESOLUTION NO. 7

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 213-A, MISSISSIPPI CONSTITUTION OF 1890, TO RECONSTITUTE THE
3 MEMBERSHIP OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
4 HIGHER LEARNING BY PROVIDING THAT AFTER JANUARY 1, 2004, MEMBERS
5 SHALL BE APPOINTED FOR EIGHT-YEAR TERMS FROM CONGRESSIONAL
6 DISTRICTS AS THE DISTRICTS EXIST AFTER EACH FEDERAL DECENNIAL
7 CENSUS; AND FOR RELATED PURPOSES.

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

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

14 "Section 213-A. The state institutions of higher
15 learning * * * in Mississippi * * * (University of Mississippi,
16 Mississippi State University of Agriculture and Applied Science,
17 Mississippi University for Women, University of Southern
18 Mississippi, Delta State University, Alcorn State University,
19 Jackson State University, Mississippi Valley State University, and
20 any others * * * which may be * * * organized or established by
21 the State of Mississippi) shall be under the management and
22 control of a board of trustees to be known as the Board of
23 Trustees of State Institutions of Higher Learning. * * * The
24 Governor shall appoint the members of the board with the advice
25 and consent of the Senate. The Governor shall appoint only
26 individuals who are qualified electors residing in the district
27 from which each is appointed, * * * at least twenty-five (25)
28 years of age, and of the highest order of intelligence, character,
29 learning, and fitness for the performance of their duties, to the



30 end that the board shall perform its high and honorable
31 duties * * * to the greatest advantage of the people of the state
32 and the educational institutions, uninfluenced by any political
33 considerations. Beginning in 2004, there shall be appointed three
34 (3) members of such board from each congressional district of the
35 state as those districts are constituted following the most recent
36 federal decennial census, beginning with the 2000 federal
37 decennial census, and one (1) member shall be appointed from the
38 state at large. The term of office of the trustees * * * provided
39 for in this section shall begin on the first Monday of May; and it
40 shall be the duty of the Governor to make such appointments during
41 the regular session of the Legislature of Mississippi immediately
42 preceding the beginning of their terms of office. Members of the
43 board whose terms begin on the first Monday of May 2004 shall be
44 appointed according to the following: one (1) member from each
45 congressional district shall be appointed for a term of two (2)
46 years; one (1) member from each congressional district shall be
47 appointed for a term of four (4) years; one (1) member from each
48 congressional district shall be appointed for a term of six (6)
49 years; and the member appointed from the state at large shall be
50 appointed for a term of eight (8) years. Upon the expiration of
51 the terms of office of these members, their successors shall hold
52 office for a period of eight (8) years. The members of the board
53 of trustees as constituted at the time the amendment proposed to
54 this section by House Concurrent Resolution No. , 2002 Regular
55 Session, is ratified by the electorate and inserted in the
56 Constitution * * * shall continue to hold office until the members
57 of the board, as reconstituted pursuant to the amendment proposed
58 to this section by House Concurrent Resolution No. , 2002
59 Regular Session, are appointed and take office. In case of a
60 vacancy on the board by death or resignation of a member, or for
61 any * * * cause other than the expiration of such member's term of
62 office, the board shall elect his successor, who shall hold office



63 until the end of the next session of the Legislature. During
64 such * * * session of the Legislature, the Governor shall appoint
65 the successor member of the board from the district from which his
66 predecessor was appointed, to hold office until the end of the
67 period for which such original trustee was appointed * * *.

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

71 Such board shall have the power and authority to elect the
72 heads of the various institutions of higher learning, and contract
73 with all deans, professors and other members of the teaching
74 staff, and all administrative employees of the institutions for a
75 term not exceeding four (4) years; but the board shall have the
76 power and authority to terminate any such contract at any time for
77 malfeasance, inefficiency or contumacious conduct, but never for
78 political reasons.

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

83 BE IT FURTHER RESOLVED, That this proposed amendment shall be
84 submitted by the Secretary of State to the qualified electors at
85 an election to be held on the first Tuesday after the first Monday
86 of November 2002, as provided by Section 273 of the Constitution
87 and by general law.

88 BE IT FURTHER RESOLVED, That the explanation of this proposed
89 amendment for the ballot shall read as follows: "This proposed
90 constitutional amendment provides that beginning in 2004, members
91 of the Board of Trustees of State Institutions of Higher Learning
92 shall be appointed from congressional districts as the districts
93 are drawn following the most recent federal decennial census. The
94 amendment also changes the board members' terms of office from
95 twelve years to eight years."

