

By: Senator(s) Little, Burton, Farris, King, Gordon, Johnson (19th), Jordan, Kirby, Lee, Mettetal, Moffatt, Minor, Nunnelee, Posey, Robertson, Hyde-Smith, White (29th), Hewes, Thames, Smith

To: Universities and Colleges; Constitution

SENATE CONCURRENT RESOLUTION NO. 522
(As Adopted by the Senate and House)

1 A CONCURRENT RESOLUTION PROPOSING TO AMEND SECTION 213-A,
2 MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT APPOINTMENTS BY
3 THE GOVERNOR AFTER JANUARY 1, 2004, TO FILL VACANCIES ON THE BOARD
4 OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING CREATED BY
5 EXPIRATION OF MEMBERS' TERMS OF OFFICE SHALL BE MADE FROM EACH OF
6 THE THREE MISSISSIPPI SUPREME COURT DISTRICTS; TO PROVIDE THAT
7 SUCH APPOINTMENTS SHALL BE MADE FROM THE SUPREME COURT DISTRICT
8 HAVING THE SMALLEST NUMBER OF BOARD MEMBERS UNTIL THE ENTIRE
9 MEMBERSHIP OF THE BOARD INCLUDES FOUR MEMBERS WHO ARE RESIDENTS OF
10 EACH SUPREME COURT DISTRICT; TO PROVIDE FOR STAGGERED NINE-YEAR
11 TERMS; AND FOR RELATED PURPOSES.

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

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

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



32 age, and of the highest order of intelligence, character, learning
33 and fitness for the performance of such duties, to the end that
34 such board shall perform its high and honorable duties * * * to
35 the greatest advantage of the people of the state and such
36 educational institutions, uninfluenced by any political
37 considerations. The board of trustees shall be composed of twelve
38 (12) members. The members of the board of trustees as constituted
39 on January 1, 2004, shall continue to serve until expiration of
40 their respective terms of office. Appointments made to fill
41 vacancies created by expiration of members' terms of office
42 occurring after January 1, 2004, shall be as follows: The initial
43 term of the members appointed in 2004 shall be for eleven (11)
44 years; the initial term of the members appointed in 2008 shall be
45 for ten (10) years; and the initial term of the members appointed
46 in 2012 shall be for nine (9) years. After the expiration of the
47 initial terms, all terms shall be for nine (9) years. Four (4)
48 members of the board of trustees shall be appointed from each of
49 the three (3) Mississippi Supreme Court districts and, as such
50 vacancies occur, the Governor shall make appointments from the
51 Supreme Court district having the smallest number of board members
52 until the membership includes four (4) members from each district.
53 In case of a vacancy on the board by death or resignation of a
54 member, or from any * * * cause other than the expiration of such
55 member's term of office, the board shall elect his successor, who
56 shall hold office until the end of the next session of the
57 Legislature. During such term of the session of the Legislature,
58 the Governor shall appoint the successor member of the board from
59 the district from which his predecessor was appointed, to hold
60 office for the balance of the unexpired term for which such
61 original trustee was appointed, to the end that one-third (1/3) of
62 such trustees' terms will expire each three (3) years.



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

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

74 Nothing herein contained shall in any way limit or take away
75 the power the Legislature had and possessed, if any, at the time
76 of the adoption of this amendment, to consolidate, abolish or
77 change the status of any of the above named institutions.

78 BE IT FURTHER RESOLVED, That this amendment to the
79 Constitution shall be submitted to the qualified electors of this
80 state at an election to be held on the first Tuesday after the
81 first Monday of November 2003, in the manner provided by Section
82 273 of the Constitution and by law.

83 BE IT FURTHER RESOLVED, That the explanation of this proposed
84 amendment for the ballot shall read as follows: "This proposed
85 amendment provides that after January 1, 2004, as vacancies occur,
86 the twelve-member Board of Trustees of State Institutions of
87 Higher Learning shall be appointed from each of the three
88 Mississippi Supreme Court districts, until there are four members
89 from each Supreme Court district. The terms of office are reduced
90 from twelve years to nine years. The terms are staggered so that
91 all members appointed after 2012 will have a term of nine years."

