

By: Senator(s) Tollison

To: Judiciary, Division A

SENATE BILL NO. 2982

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER  
3 LEARNING TO SUBMIT INTERNATIONAL CONTRACT DISPUTES TO BINDING  
4 ARBITRATION; AND FOR RELATED PURPOSES.

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

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

8 37-101-15. (a) The Board of Trustees of State Institutions  
9 of Higher Learning shall succeed to and continue to exercise  
10 control of all records, books, papers, equipment, and supplies,  
11 and all lands, buildings, and other real and personal property  
12 belonging to or assigned to the use and benefit of the board of  
13 trustees formerly supervising and controlling the institutions of  
14 higher learning named in Section 37-101-1. The board shall have  
15 and exercise control of the use, distribution and disbursement of  
16 all funds, appropriations and taxes, now and hereafter in  
17 possession, levied and collected, received, or appropriated for  
18 the use, benefit, support, and maintenance or capital outlay  
19 expenditures of the institutions of higher learning, including the  
20 authorization of employees to sign vouchers for the disbursement  
21 of funds for the various institutions, except where otherwise  
22 specifically provided by law.

23 (b) The board shall have general supervision of the affairs  
24 of all the institutions of higher learning, including the  
25 departments and the schools thereof. The board shall have the  
26 power in its discretion to determine who shall be privileged to  
27 enter, to remain in, or to graduate therefrom. The board shall  
28 have general supervision of the conduct of libraries and

29 laboratories, the care of dormitories, buildings, and grounds; the  
30 business methods and arrangement of accounts and records; the  
31 organization of the administrative plan of each institution; and  
32 all other matters incident to the proper functioning of the  
33 institutions. The board shall have the authority to establish  
34 minimum standards of achievement as a prerequisite for entrance  
35 into any of the institutions under its jurisdiction, which  
36 standards need not be uniform between the various institutions and  
37 which may be based upon such criteria as the board may establish.

38 (c) The board shall exercise all the powers and prerogatives  
39 conferred upon it under the laws establishing and providing for  
40 the operation of the several institutions herein specified. The  
41 board shall adopt such bylaws and regulations from time to time as  
42 it deems expedient for the proper supervision and control of the  
43 several institutions of higher learning, insofar as such bylaws  
44 and regulations are not repugnant to the Constitution and laws,  
45 and not inconsistent with the object for which these institutions  
46 were established. The board shall have power and authority to  
47 prescribe rules and regulations for policing the campuses and all  
48 buildings of the respective institutions, to authorize the arrest  
49 of all persons violating on any campus any criminal law of the  
50 state, and to have such law violators turned over to the civil  
51 authorities.

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

62 representing any of the separate institutions shall appear before  
63 the Legislature or any committee thereof except upon the written  
64 order of the board or upon the request of the Legislature or a  
65 committee thereof.

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

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

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

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

115 (h) The board shall have the power to contract, on a  
116 shared-savings, lease or lease-purchase basis, for energy  
117 efficiency services and/or equipment as prescribed in Section  
118 31-7-14, not to exceed ten (10) years.

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

125 (j) In connection with any international contract between  
126 the board or one of the state's institutions of higher learning

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

140       **SECTION 2.** This act shall take effect and be in force from  
141 and after July 1, 2004.