

By: Representative Martinson

To: Universities and  
Colleges

HOUSE BILL NO. 733

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE STATE INSTITUTIONS OF HIGHER LEARNING TO PHASE OUT  
3 REMEDIAL COURSES IN READING AND READING COMPREHENSION FOR CERTAIN  
4 STUDENTS; 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 Beginning in the 2007-2008 school year, the board shall require  
39 each institution to begin to phase out remedial courses in reading  
40 and reading comprehension for students under twenty (20) years of  
41 age who hold a high school diploma or a General Equivalency  
42 Diploma (GED) so that before the 2009-2010 school year, all  
43 remedial courses in reading and reading comprehension for such  
44 students will have been eliminated.

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

59 (d) For all institutions specified herein, the board shall  
60 provide a uniform system of recording and of accounting approved  
61 by the State Department of Audit. The board shall annually

62 prepare, or cause to be prepared, a budget for each institution of  
63 higher learning for the succeeding year which must be prepared and  
64 in readiness for at least thirty (30) days before the convening of  
65 the regular session of the Legislature. All relationships and  
66 negotiations between the State Legislature and its various  
67 committees and the institutions named herein shall be carried on  
68 through the board of trustees. No official, employee or agent  
69 representing any of the separate institutions shall appear before  
70 the Legislature or any committee thereof except upon the written  
71 order of the board or upon the request of the Legislature or a  
72 committee thereof.

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

95 consent of a majority of the senators and of the representatives,  
96 it may exceed the income. The board shall require a surety bond  
97 in a surety company authorized to do business in this state, of  
98 every employee who is the custodian of funds belonging to one or  
99 more of the institutions mentioned herein, which bond shall be in  
100 a sum to be fixed by the board in an amount that will properly  
101 safeguard the \* \* \* funds, the premium for which shall be paid out  
102 of the funds appropriated for the institutions.

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

119 (g) The board shall keep complete minutes and records of all  
120 proceedings, which shall be open for inspection by any citizen of  
121 the state.

122 (h) The board shall have the power to contract, on a  
123 shared-savings, lease or lease-purchase basis, for energy  
124 efficiency services and/or equipment as prescribed in Section  
125 31-7-14, not to exceed ten (10) years.

126 (i) The Board of Trustees of State Institutions of Higher  
127 Learning, for and on behalf of Jackson State University, is \* \* \*

128 authorized to convey, by donation or otherwise, easements across  
129 portions of certain real estate located in the City of Jackson,  
130 Hinds County, Mississippi, for any right-of-way required for the  
131 Metro Parkway Project.

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

147 (k) The Board of Trustees of State Institutions of Higher  
148 Learning \* \* \*, on behalf of any institution under its  
149 jurisdiction, shall purchase and maintain business property  
150 insurance and business personal property insurance on all  
151 university-owned buildings and/or contents as required by federal  
152 law and regulations of the Federal Emergency Management Agency  
153 (FEMA) as is necessary for receiving public assistance or  
154 reimbursement for repair, reconstruction, replacement or other  
155 damage to those buildings and/or contents caused by the Hurricane  
156 Katrina Disaster of 2005 or subsequent disasters. The board is  
157 authorized to expend funds from any available source for the  
158 purpose of obtaining and maintaining that property insurance. The  
159 board is authorized to enter into agreements with the Department  
160 of Finance and Administration, local school districts,

161 community/junior college districts, community hospitals and/or  
162 other state agencies to pool their liabilities to participate in a  
163 group business property and/or business personal property  
164 insurance program, subject to uniform rules and regulations as may  
165 be adopted by the Department of Finance and Administration.

166         **SECTION 2.** This act shall take effect and be in force from  
167 and after July 1, 2007.