

By: Senator(s) Doxey

To: Constitution

SENATE CONCURRENT RESOLUTION NO. 536

1 A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO SECTION
2 213A, MISSISSIPPI CONSTITUTION OF 1890, TO PROVIDE THAT THE BOARD
3 OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING SHALL NOT
4 HAVE THE AUTHORITY TO REQUIRE REMEDIAL OR DEVELOPMENTAL COURSES IN
5 ANY SUBJECT AT THE STATE INSTITUTIONS OF HIGHER LEARNING AND TO
6 PROHIBIT THE STATE INSTITUTIONS OF HIGHER LEARNING FROM OFFERING
7 OR TEACHING REMEDIAL OR DEVELOPMENTAL COURSES.

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 213A, Mississippi Constitution of 1890, to read
13 as follows:

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

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

59 The Legislature shall provide by law for the appointment of a
60 trustee for the La Bauve Fund at the University of Mississippi and
61 for the perpetuation of such fund.

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

69 The board shall not have the power or authority to provide or
70 require remedial or developmental courses in any subject at the
71 state institutions of higher learning and is expressly prohibited
72 from providing or requiring such courses. The state institutions
73 of higher learning are prohibited from offering or teaching
74 remedial or developmental courses in any subject.

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

79 BE IT FURTHER RESOLVED, That this amendment shall be
80 submitted to the qualified electors at an election to be held on
81 the first Tuesday after the first Monday 2007, as provided by
82 Section 273 of the Constitution and by law.

83 BE IT FURTHER RESOLVED, That the explanation of the amendment
84 for the ballot shall read as follows: "This amendment prohibits
85 the Board of Trustees of State Institutions of Higher Learning and
86 the state institutions of higher learning from offering or
87 teaching remedial or developmental courses in any subject."