

By: Representative McInnis

To: Universities and  
Colleges;  
Appropriations

## HOUSE BILL NO. 636

1 AN ACT TO AMEND SECTIONS 37-29-67 AND 37-101-15, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE ALL INSTRUCTORS, PROFESSORS AND TEACHERS  
3 AT THE STATE'S INSTITUTIONS OF HIGHER LEARNING AND COMMUNITY AND  
4 JUNIOR COLLEGES WITH THE SAME NUMBER OF YEARS OF EXPERIENCE,  
5 EQUIVALENT POSTSECONDARY DEGREES AND OTHER SUCH CREDENTIALS TO BE  
6 PAID THE SAME SALARY AMOUNTS; TO REQUIRE ALL INSTRUCTORS,  
7 PROFESSORS AND TEACHERS TO TEACH A MINIMUM NUMBER OF HOURS IN THE  
8 CLASSROOM; AND FOR RELATED PURPOSES.

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

10 SECTION 1. Section 37-29-67, Mississippi Code of 1972, is  
11 amended as follows:

12 37-29-67. (1) The duties of the board of trustees shall be  
13 the general government of the junior college and directive of the  
14 administration thereof. Subject to the provisions of Sections  
15 37-29-1 through 37-29-273, the board shall have full power to do  
16 all things necessary to the successful operation of the district  
17 and the college or colleges or attendance centers located therein  
18 to insure educational advantages and opportunities to all the  
19 enrollees within the district.

20 (2) The delineation and enumeration of the powers and  
21 purposes set out in Sections 37-29-1 through 37-29-273 shall be  
22 deemed to be supplemental and additional, and shall not be  
23 construed to restrict the powers of the board of trustees of the  
24 district or of any college located therein so as to deny to the  
25 said district and the college or colleges therein the rights,  
26 privileges, and powers previously authorized by statute.

27 (3) The board of trustees shall have the power to contract,  
28 on a shared-savings, lease or lease-purchase basis, for energy  
29 efficiency services and/or equipment as prescribed in Section

30 31-7-14, not to exceed ten (10) years.

31 (4) The board of trustees shall be authorized with the  
32 approval of the State Board for Community and Junior Colleges, to  
33 change the name of the junior college to community college. The  
34 State Board for Community and Junior Colleges shall establish  
35 guidelines for the implementation of any junior college name  
36 change. Any reference to junior college district in this chapter  
37 shall hereinafter refer to the junior college district or its  
38 successor in name as changed by the board of trustees.

39 (5) The board of trustees shall establish a uniform salary  
40 system for all instructors, professors and teachers to ensure that  
41 individuals with the same credentials shall be paid the same  
42 salary amounts. A determination of whether or not employees  
43 possess the same credentials shall be based on the level of  
44 postsecondary education attained by such personnel, whether they  
45 possess equivalent degrees, and the number of years such personnel  
46 have worked as instructors, professors or teachers. The uniform  
47 salary system shall require that all instructors, professors and  
48 teachers who possess the same level of postsecondary education,  
49 including equivalent degrees, and also the same number of years of  
50 experience working as instructors, professors or teachers be paid  
51 the same salary amount. The board of trustees shall require all  
52 instructors, professors and teachers to spend at least  
53 seventy-five percent (75%) of their working time in actual  
54 classroom instruction.

55 SECTION 2. Section 37-101-15, Mississippi Code of 1972, is  
56 amended as follows:

57 37-101-15. (a) The Board of Trustees of State Institutions  
58 of Higher Learning shall succeed to and continue to exercise  
59 control of all records, books, papers, equipment, and supplies,  
60 and all lands, buildings, and other real and personal property  
61 belonging to or assigned to the use and benefit of the board of  
62 trustees formerly supervising and controlling the institutions of  
63 higher learning named in Section 37-101-1. The board shall have  
64 and exercise control of the use, distribution and disbursement of  
65 all funds, appropriations and taxes, now and hereafter in  
66 possession, levied and collected, received, or appropriated for

67 the use, benefit, support, and maintenance or capital outlay  
68 expenditures of the institutions of higher learning, including the  
69 authorization of employees to sign vouchers for the disbursement  
70 of funds for the various institutions, except where otherwise  
71 specifically provided by law.

72 (b) The board shall have general supervision of the affairs  
73 of all the institutions of higher learning, including the  
74 departments and the schools thereof. The board shall have the  
75 power in its discretion to determine who shall be privileged to  
76 enter, to remain in, or to graduate therefrom. The board shall  
77 have general supervision of the conduct of libraries and  
78 laboratories, the care of dormitories, buildings, and grounds; the  
79 business methods and arrangement of accounts and records; the  
80 organization of the administrative plan of each institution; and  
81 all other matters incident to the proper functioning of the  
82 institutions. The board shall have the authority to establish  
83 minimum standards of achievement as a prerequisite for entrance  
84 into any of the institutions under its jurisdiction, which  
85 standards need not be uniform between the various institutions and  
86 which may be based upon such criteria as the board may establish.

87 (c) The board shall exercise all the powers and prerogatives  
88 conferred upon it under the laws establishing and providing for  
89 the operation of the several institutions herein specified. The  
90 board shall adopt such bylaws and regulations from time to time as  
91 it deems expedient for the proper supervision and control of the  
92 several institutions of higher learning, insofar as such bylaws  
93 and regulations are not repugnant to the Constitution and laws,  
94 and not inconsistent with the object for which these institutions  
95 were established. The board shall have power and authority to  
96 prescribe rules and regulations for policing the campuses and all  
97 buildings of the respective institutions, to authorize the arrest  
98 of all persons violating on any campus any criminal law of the  
99 state, and to have such law violators turned over to the civil

100 authorities.

101 (d) For all institutions specified herein, the board shall  
102 provide a uniform system of recording and of accounting approved  
103 by the State Department of Audit. The board shall annually  
104 prepare, or cause to be prepared, a budget for each institution of  
105 higher learning for the succeeding year which must be prepared and  
106 in readiness for at least thirty (30) days before the convening of  
107 the regular session of the Legislature. All relationships and  
108 negotiations between the state Legislature and its various  
109 committees and the institutions named herein shall be carried on  
110 through the board of trustees. No official, employee or agent  
111 representing any of the separate institutions shall appear before  
112 the Legislature or any committee thereof except upon the written  
113 order of the board or upon the request of the Legislature or a  
114 committee thereof.

115 (e) For all institutions specified herein, the board shall  
116 prepare an annual report to the Legislature setting forth the  
117 disbursements of all monies appropriated to the respective  
118 institutions. Each report to the Legislature shall show how the  
119 money appropriated to the several institutions has been expended,  
120 beginning and ending with the fiscal years of the institutions,  
121 showing the name of each teacher, officer, and employee, and the  
122 salary paid each, and an itemized statement of each and every item  
123 of receipts and expenditures. Each report must be balanced, and  
124 must begin with the former balance. If any property belonging to  
125 the state or the institution is used for profit, the reports shall  
126 show the expense incurred in managing the property and the amount  
127 received therefrom. The reports shall also show a summary of the  
128 gross receipts and gross disbursements for each year and shall  
129 show the money on hand at the beginning of the fiscal period of  
130 the institution next preceding each session of the Legislature and  
131 the necessary amount of expense to be incurred from said date to  
132 January 1 following. The board shall keep the annual expenditures

133 of each institution herein mentioned within the income derived  
134 from legislative appropriations and other sources, but in case of  
135 emergency arising from acts of providence, epidemics, fire or  
136 storm with the written approval of the Governor and by written  
137 consent of a majority of the Senators and of the Representatives  
138 it may exceed the income. The board shall require a surety bond  
139 in a surety company authorized to do business in this state, of  
140 every employee who is the custodian of funds belonging to one or  
141 more of the institutions mentioned herein, which bond shall be in  
142 a sum to be fixed by the board in an amount that will properly  
143 safeguard the said funds, the premium for which shall be paid out  
144 of the funds appropriated for said institutions.

145 (f) The board shall have the power and authority to elect  
146 the heads of the various institutions of higher learning and to  
147 contract with all deans, professors, and other members of the  
148 teaching staff, and all administrative employees of said  
149 institutions for a term of not exceeding four (4) years. The  
150 board shall have the power and authority to terminate any such  
151 contract at any time for malfeasance, inefficiency, or  
152 contumacious conduct, but never for political reasons. It shall  
153 be the policy of the board to permit the executive head of each  
154 institution to nominate for election by the board all subordinate  
155 employees of the institution over which he presides. It shall be  
156 the policy of the board to elect all officials for a definite  
157 tenure of service and to reelect during the period of satisfactory  
158 service. The board shall have the power to make any adjustments  
159 it thinks necessary between the various departments and schools of  
160 any institution or between the different institutions.

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

164 (h) The board shall have the power to contract, on a  
165 shared-savings, lease or lease-purchase basis, for energy

166 efficiency services and/or equipment as prescribed in Section  
167 31-7-14, not to exceed ten (10) years.

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

174 (j) The board shall establish a uniform salary system for  
175 all instructors, professors and teachers to ensure that  
176 individuals with the same credentials shall be paid the same  
177 salary amounts. A determination of whether or not employees  
178 possess the same credentials shall be based on the level of  
179 postsecondary education attained by such personnel, whether they  
180 possess equivalent degrees, and the number of years such personnel  
181 have worked as instructors, professors or teachers. The uniform  
182 salary system shall require that all instructors, professors and  
183 teachers who possess the same level of postsecondary education,  
184 including equivalent degrees, and also the same number of years of  
185 experience working as instructors, professors or teachers be paid  
186 the same salary amount. The board shall require all instructors,  
187 professors and teachers to spend at least seventy-five percent  
188 (75%) of their working time in actual classroom instruction.

189 SECTION 3. This act shall take effect and be in force from  
190 and after July 1, 1999.