

By: Representatives Wallace, Straughter,
Thornton

To: Universities and
Colleges

HOUSE BILL NO. 1445

1 AN ACT TO AMEND SECTIONS 37-4-3 AND 37-101-15, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THE STATE BOARD FOR COMMUNITY AND
3 JUNIOR COLLEGES AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF
4 HIGHER LEARNING SHALL REQUIRE BONDING OR ERRORS AND OMISSIONS
5 INSURANCE COVERAGE FOR THE PRESIDENTS OF THE STATE COMMUNITY AND
6 JUNIOR COLLEGES AND INSTITUTIONS OF HIGHER LEARNING; AND FOR
7 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
8 OF MISSISSIPPI:

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10 SECTION 1. Section 37-4-3, Mississippi Code of 1972, is
11 amended as follows:

12 37-4-3. (1) From and after July 1, 1986, there shall be a
13 State Board for Community and Junior Colleges which shall receive
14 and distribute funds appropriated by the Legislature for the use
15 of the public community and junior colleges and funds from federal
16 and other sources that are transmitted through the state
17 governmental organization for use by said colleges. This board
18 shall provide general coordination of the public community and
19 junior colleges, assemble reports and such other duties as may be
20 prescribed by law.

21 (2) The board shall consist of ten (10) members of which
22 none shall be an elected official and none shall be engaged in the
23 educational profession. The Governor shall appoint two (2)
24 members from the First Mississippi Congressional District, one (1)
25 who shall serve an initial term of two (2) years and one (1) who
26 shall serve an initial term of five (5) years; two (2) members
27 from the Second Mississippi Congressional District, one (1) who
28 shall serve an initial term of five (5) years and one (1) who
29 shall serve an initial term of three (3) years; and two (2)

30 members from the Third Mississippi Congressional District, one (1)
31 who shall serve an initial term of four (4) years and one (1) who
32 shall serve an initial term of two (2) years; two (2) members from
33 the Fourth Mississippi Congressional District, one (1) who shall
34 serve an initial term of three (3) years and one (1) who shall
35 serve an initial term of four (4) years; and two (2) members from
36 the Fifth Mississippi Congressional District, one (1) who shall
37 serve an initial term of five (5) years and one (1) who shall
38 serve an initial term of two (2) years. All subsequent
39 appointments shall be for a term of six (6) years and continue
40 until their successors are appointed and qualify. An appointment
41 to fill a vacancy which arises for reasons other than by
42 expiration of a term of office shall be for the unexpired term
43 only. No two (2) appointees shall reside in the same junior
44 college district. All members shall be appointed with the advice
45 and consent of the Senate.

46 (3) There shall be a chairman and vice chairman of the
47 board, elected by and from the membership of the board; and the
48 chairman shall be the presiding officer of the board. The board
49 shall adopt rules and regulations governing times and places for
50 meetings and governing the manner of conducting its business.

51 (4) The members of the board shall receive no annual salary,
52 but shall receive per diem compensation as authorized by Section
53 25-3-69, Mississippi Code of 1972, for each day devoted to the
54 discharge of official board duties and shall be entitled to
55 reimbursement for all actual and necessary expenses incurred in
56 the discharge of their duties, including mileage as authorized by
57 Section 25-3-41, Mississippi Code of 1972.

58 (5) The board shall name a director for the state system of
59 public junior and community colleges, who shall serve at the
60 pleasure of the board. Such director shall be the chief executive
61 officer of the board, give direction to the board staff, carry out
62 the policies set forth by the board, and work with the presidents
63 of the several community and junior colleges to assist them in
64 carrying out the mandates of the several boards of trustees and in
65 functioning within the state system and policies established by
66 the State Board for Community and Junior Colleges. The State

67 Board for Community and Junior Colleges shall set the salary of
68 the Director of the State System of Community and Junior Colleges.
69 The Legislature shall provide adequate funds for the State Board
70 for Community and Junior Colleges, its activities and its staff.

71 (6) The powers and duties of the State Board for Community
72 and Junior Colleges shall be:

73 (a) To authorize disbursements of state appropriated
74 funds to community and junior colleges through orders in the
75 minutes of the board.

76 (b) To make studies of the needs of the state as they
77 relate to the mission of the community and junior colleges.

78 (c) To approve new, changes to and deletions of
79 vocational and technical programs to the various colleges.

80 (d) To require community and junior colleges to supply
81 such information as the board may request and compile, publish and
82 make available such reports based thereon as the board may deem
83 advisable.

84 (e) To approve proposed new attendance centers (campus
85 locations) as the local boards of trustees should determine to be
86 in the best interest of the district. Provided, however, that no
87 new community/junior college branch campus shall be approved
88 without an authorizing act of the Legislature.

89 (f) To serve as the state approving agency for federal
90 funds for proposed contracts to borrow money for the purpose of
91 acquiring land, erecting, repairing, etc. dormitories, dwellings
92 or apartments for students and/or faculty, such loans to be paid
93 from revenue produced by such facilities as requested by local
94 boards of trustees.

95 (g) To approve applications from community and junior
96 colleges for state funds for vocational-technical education
97 facilities.

98 (h) To approve any university branch campus offering
99 lower undergraduate level courses for credit.

100 (i) To appoint members to the Post-Secondary
101 Educational Assistance Board.

102 (j) To appoint members to the Authority for Educational
103 Television.

104 (k) To contract with other boards, commissions,
105 governmental entities, foundations, corporations or individuals
106 for programs, services, grants and awards when such are needed for
107 the operation and development of the state public community and
108 junior college system.

109 (l) To fix standards for community and junior colleges
110 to qualify for appropriations, and qualifications for community
111 and junior college teachers.

112 (m) To have sign-off approval on the State Plan for
113 Vocational Education which is developed in cooperation with
114 appropriate units of the State Department of Education.

115 (n) To approve or disapprove of any proposed inclusion
116 within municipal corporate limits of state-owned buildings and
117 grounds of any community college or junior college and to approve
118 or disapprove of land use development, zoning requirements,
119 building codes and delivery of governmental services applicable to
120 state-owned buildings and grounds of any community college or
121 junior college. Any agreement by a local board of trustees of a
122 community college or junior college to annexation of state-owned
123 property or other conditions described in this paragraph shall be
124 void unless approved by the board and by the board of supervisors
125 of the county in which the state-owned property is located.

126 (o) To secure bonding or errors and omissions liability
127 insurance coverage for all presidents of community and junior
128 colleges.

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

131 37-101-15. (a) The Board of Trustees of State Institutions
132 of Higher Learning shall succeed to and continue to exercise

133 control of all records, books, papers, equipment, and supplies,
134 and all lands, buildings, and other real and personal property
135 belonging to or assigned to the use and benefit of the board of
136 trustees formerly supervising and controlling the institutions of
137 higher learning named in Section 37-101-1. The board shall have
138 and exercise control of the use, distribution and disbursement of
139 all funds, appropriations and taxes, now and hereafter in
140 possession, levied and collected, received, or appropriated for
141 the use, benefit, support, and maintenance or capital outlay
142 expenditures of the institutions of higher learning, including the
143 authorization of employees to sign vouchers for the disbursement
144 of funds for the various institutions, except where otherwise
145 specifically provided by law.

146 (b) The board shall have general supervision of the affairs
147 of all the institutions of higher learning, including the
148 departments and the schools thereof. The board shall have the
149 power in its discretion to determine who shall be privileged to
150 enter, to remain in, or to graduate therefrom. The board shall
151 have general supervision of the conduct of libraries and
152 laboratories, the care of dormitories, buildings, and grounds; the
153 business methods and arrangement of accounts and records; the
154 organization of the administrative plan of each institution; and
155 all other matters incident to the proper functioning of the
156 institutions. The board shall have the authority to establish
157 minimum standards of achievement as a prerequisite for entrance
158 into any of the institutions under its jurisdiction, which
159 standards need not be uniform between the various institutions and
160 which may be based upon such criteria as the board may establish.

161 (c) The board shall exercise all the powers and prerogatives
162 conferred upon it under the laws establishing and providing for
163 the operation of the several institutions herein specified. The
164 board shall adopt such bylaws and regulations from time to time as
165 it deems expedient for the proper supervision and control of the

166 several institutions of higher learning, insofar as such bylaws
167 and regulations are not repugnant to the Constitution and laws,
168 and not inconsistent with the object for which these institutions
169 were established. The board shall have power and authority to
170 prescribe rules and regulations for policing the campuses and all
171 buildings of the respective institutions, to authorize the arrest
172 of all persons violating on any campus any criminal law of the
173 state, and to have such law violators turned over to the civil
174 authorities.

175 (d) For all institutions specified herein, the board shall
176 provide a uniform system of recording and of accounting approved
177 by the State Department of Audit. The board shall annually
178 prepare, or cause to be prepared, a budget for each institution of
179 higher learning for the succeeding year which must be prepared and
180 in readiness for at least thirty (30) days before the convening of
181 the regular session of the Legislature. All relationships and
182 negotiations between the state Legislature and its various
183 committees and the institutions named herein shall be carried on
184 through the board of trustees. No official, employee or agent
185 representing any of the separate institutions shall appear before
186 the Legislature or any committee thereof except upon the written
187 order of the board or upon the request of the Legislature or a
188 committee thereof.

189 (e) For all institutions specified herein, the board shall
190 prepare an annual report to the Legislature setting forth the
191 disbursements of all monies appropriated to the respective
192 institutions. Each report to the Legislature shall show how the
193 money appropriated to the several institutions has been expended,
194 beginning and ending with the fiscal years of the institutions,
195 showing the name of each teacher, officer, and employee, and the
196 salary paid each, and an itemized statement of each and every item
197 of receipts and expenditures. Each report must be balanced, and
198 must begin with the former balance. If any property belonging to

199 the state or the institution is used for profit, the reports shall
200 show the expense incurred in managing the property and the amount
201 received therefrom. The reports shall also show a summary of the
202 gross receipts and gross disbursements for each year and shall
203 show the money on hand at the beginning of the fiscal period of
204 the institution next preceding each session of the Legislature and
205 the necessary amount of expense to be incurred from said date to
206 January 1 following. The board shall keep the annual expenditures
207 of each institution herein mentioned within the income derived
208 from legislative appropriations and other sources, but in case of
209 emergency arising from acts of providence, epidemics, fire or
210 storm with the written approval of the Governor and by written
211 consent of a majority of the Senators and of the Representatives
212 it may exceed the income. The board shall require a surety bond
213 in a surety company authorized to do business in this state, of
214 every employee who is the custodian of funds belonging to one or
215 more of the institutions mentioned herein, which bond shall be in
216 a sum to be fixed by the board in an amount that will properly
217 safeguard the said funds, the premium for which shall be paid out
218 of the funds appropriated for said institutions.

219 (f) The board shall have the power and authority to elect
220 the heads of the various institutions of higher learning and to
221 contract with all deans, professors, and other members of the
222 teaching staff, and all administrative employees of said
223 institutions for a term of not exceeding four (4) years. The
224 board shall have the power and authority to terminate any such
225 contract at any time for malfeasance, inefficiency, or
226 contumacious conduct, but never for political reasons. It shall
227 be the policy of the board to permit the executive head of each
228 institution to nominate for election by the board all subordinate
229 employees of the institution over which he presides. It shall be
230 the policy of the board to elect all officials for a definite
231 tenure of service and to reelect during the period of satisfactory

232 service. The board shall have the power to make any adjustments
233 it thinks necessary between the various departments and schools of
234 any institution or between the different institutions.

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

238 (h) The board shall have the power to contract, on a
239 shared-savings, lease or lease-purchase basis, for energy
240 efficiency services and/or equipment as prescribed in Section
241 31-7-14, not to exceed ten (10) years.

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

248 (j) The board shall secure bonding or errors and omissions
249 liability insurance coverage for all presidents of state
250 institutions of higher learning.

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