MISSISSIPPI LEGISLATURE

By: Representative Ishee

To: Universities and Colleges; Ways and Means

HOUSE BILL NO. 59

AN ACT TO CREATE NEW SECTION 37-29-601, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE HARRISON COUNTY COMMUNITY COLLEGE DISTRICT; TO CREATE NEW SECTION 37-29-603, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE TRANSFER OF PROPERTY BELONGING TO THE MISSISSIPPI GULF COAST COMMUNITY COLLEGE DISTRICT IN HARRISON COUNTY TO THE HARRISON COUNTY COMMUNITY COLLEGE DISTRICT; TO CREATE NEW SECTION 37-29-605, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF THE PRESIDENT OF THE DISTRICT; TO CREATE NEW SECTION 37-29-607, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF A BOARD OF TRUSTEES FOR THE DISTRICT; TO CREATE NEW SECTION 37-29-609, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND DUTIES OF THE BOARD OF TRUSTEES; TO CREATE NEW SECTION 37-29-611, MISSISSIPPI CODE OF 1972, TO REQUIRE THE BOARD OF TRUSTEES TO PREPARE AN ANNUAL BUDGET FOR THE DISTRICT; TO CREATE NEW SECTION 37-29-613, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE BONDING AND TAXING AUTHORITY OF THE DISTRICT; TO AMEND SECTIONS 37-29-401, 37-29-409, 37-29-413, 37-29-431, 37-29-437 AND 37-29-65, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. The following shall be codified as Section 37-29-601, Mississippi Code of 1972:

There is created the Harrison County Community College District comprised of the territory lying within Harrison County and having boundaries coinciding with the external boundaries of the county. The district is constituted a legal political governmental subdivision and a body corporate.

SECTION 2. The following shall be codified as Section 37-29-603, Mississippi Code of 1972:

(1) All of the property belonging to the Board of Trustees of Mississippi Gulf Coast Community College on June 30, 2002, which is situated in Harrison County and utilized or held for the present or future use and benefit of the Mississippi Gulf Coast Community College is transferred to and vested in the
Board of Trustees of the Harrison County Community College and their successors in office.

(2) The former Jefferson Davis Campus of the Mississippi Gulf Coast Community College located in the City of Gulfport is the main campus of the Harrison County Community College District. The Board of Trustees of the Harrison County Community College District may continue to maintain and operate those campuses, centers and programs of the Mississippi Gulf Coast Community College District which are situated in Harrison County and may establish, subject to the approval of the State Board for Community and Junior Colleges, facilities at such other places within the district determined by the board of trustees to be in the best interest of the district.

SECTION 3. The following shall be codified as Section 37-29-605, Mississippi Code of 1972:

37-29-605. (1) The Harrison County Community College District is under the executive direction of a president elected by the board of trustees of the district.

(2) The president of the community college is the general manager of all fiscal and administrative affairs of the district with full authority to select, employ, direct and discharge any employee other than faculty; however, the board of trustees may establish policies for leave for faculty members and other designated personnel of the district. The president may recommend to the board of trustees all faculty to be employed and may remove or suspend any member of the faculty, subject to the approval of the board of trustees. The president, subject to the provisions of this chapter and the approval of the board of trustees, may arrange and survey courses of study, fix schedules and establish and enforce rules and discipline for the governing of faculty and students. The president is the general custodian of the property of the district.

SECTION 4. The following shall be codified as Section
37-29-607, Mississippi Code of 1972:

37-29-607. (1) The control and operation of the Harrison County Community College District is vested in a board of trustees consisting of five (5) members appointed by the Harrison County Board of Supervisors. When the initial appointments are made, the first appointee shall serve for a term of one (1) year, the second appointee for a term of two (2) years, the third appointee for a term of three (3) years, the fourth appointee for a term of four (4) years and the fifth appointee for a term of five (5) years. Upon the expiration of the initial terms, all appointments must be for a term of five (5) years. Members of the board of trustees must be appointed by a majority vote of the full membership of the board of supervisors at the first meeting of the board held in the month of July of each year. The term of office of each trustee shall commence on the first Monday of August. Any vacancy on the board must be filled for the remainder of the unexpired term by appointment by majority vote of the full membership of the board of supervisors.

(2) Members of the Board of Trustees of the Harrison County Community College District must meet the qualifications and may be paid the compensation and mileage expense allowance prescribed for trustees in other community and junior college districts in Section 37-29-65.

SECTION 5. The following shall be codified as Section 37-29-609, Mississippi Code of 1972:

37-29-609. (1) The Harrison County Community College District is under the direction of the President and the Board of Trustees of the Harrison County Community College District, who may do all things necessary for the successful operation of the district and the different campuses, centers and programs of the district. The president and the board of trustees have the same powers as the presidents and trustees of other community and junior colleges in the State of Mississippi.
(2) The board of trustees shall provide, by resolution or order, for the government, maintenance and operation of the facilities of the district.

(3) The delineation and enumeration of the powers and purposes set out in Sections 37-29-601 through 37-29-613 are supplemental and additional and may not be construed to restrict the powers of the governing authorities of the district or of any college or campus located within the district so as to deny any of the rights, privileges and powers enjoyed by other community and junior colleges and community and junior college districts in the State of Mississippi.

(4) The Harrison County Community College District is subject to the jurisdiction of the State Board for Community and Junior Colleges and to all rules and regulations and statutory limitations, except as those rules, regulations or statutory limitations may be in direct conflict with Sections 37-29-601 through 37-29-613.

SECTION 6. The following shall be codified as Section 37-29-611, Mississippi Code of 1972:

37-29-611. On or before the fifteenth day of June each year, the Board of Trustees of the Harrison County Community College District shall prepare and file the annual budget of the district. The budget must contain a detailed estimate of the revenues and expenses anticipated for the ensuing year for general operation and maintenance and must set forth reasonable requirements for anticipated needs for capital outlays for land, buildings, equipment and major repairs. Funds derived from the levy for capital outlay must be kept in a separate account and may be expended for capital outlay purposes only.

SECTION 7. The following shall be codified as Section 37-29-613, Mississippi Code of 1972:

37-29-613. The Board of Trustees of the Harrison County Community College District has the general borrowing and bonding authority to finance the construction of land, buildings, equipment and other plant facilities; and to acquire the land necessary for such construction.
authority provided in Sections 37-29-101 through 37-29-127 and the
taxation authority provided in Sections 37-29-141 through
37-29-145.

SECTION 8. Section 37-29-401, Mississippi Code of 1972, is
amended as follows:

37-29-401. There is *** created a community college
district comprised of the territory lying within *** Stone,
George and Jackson Counties and having boundaries coinciding with
the external boundaries thereof.

The name of the community college district shall be the
Mississippi Gulf Coast Community College District of Mississippi,
and the *** district shall be and the same is *** a legal
political governmental subdivision and a body corporate.

SECTION 9. Section 37-29-409, Mississippi Code of 1972, is
amended as follows:

37-29-409. The operation and control of the Mississippi Gulf
Coast Community College District and the college or colleges
operated in that district shall be vested in a board of trustees
representing each of the three (3) counties lying within the
district. The board of trustees shall consist of fifteen (15)
members. Of that number ***, Stone County shall be entitled to
three (3) members, George County shall be entitled to three (3)
members, and Jackson County shall be entitled to eight (8)
members. In no event *** shall any of the counties have more
than the number *** established in this section. The members of
the board of trustees from each county shall be elected by the
board of supervisors of the county. Except as otherwise specified
in this section, the term of office of each trustee shall be five
(5) years. The members of the board of trustees serving on July
1, 1989, shall continue to serve until their terms expire. All
shall be appointed for a term of five (5) years each. There shall
be one (1) additional member of the board who shall be selected by
the members of the board of trustees who shall reside
alternatively in Jackson, Stone and George Counties, with the initial appointment to be made from Jackson County for a term of five (5) years.

**SECTION 10.** Section 37-29-413, Mississippi Code of 1972, is amended as follows:

37-29-413. The Mississippi Gulf Coast Community College District is ***authorized and empowered to operate community college attendance centers at Perkinston, Mississippi, ***in the vicinity of Pascagoula and Moss Point and at such other places within the district, subject to the approval of the State Board for Community and Junior Colleges, as the board of trustees shall determine to be in the best interest of the district.

**SECTION 11.** Section 37-29-431, Mississippi Code of 1972, is amended as follows:

37-29-431. If the board of trustees of the Mississippi Gulf Coast Community College District does not elect itself to cause an election to be held, it shall immediately, upon the adoption of the resolution mentioned in Section 37-29-429, certify the same to the boards of supervisors of each county and immediately cause notice of the proposed issuance of the bonds to be published once a week for three (3) consecutive weeks in each of the three (3) counties of the district in a newspaper having general circulation therein. The notice shall state that the determination to issue the bonds has been made by the board of trustees and the same will be issued unless, within thirty (30) days after the first publication of the notice, a petition signed by at least ten percent (10%) or twenty-five hundred (2500), whichever is less, of the qualified electors of the county is filed with the board of supervisors of the county protesting against the issuance of the bonds and seeking an election with respect thereto. If no protest is filed, the clerk of the board of supervisors shall immediately so certify to the secretary of the board of trustees of the
community college district, and the * * * bonds may be then issued as proposed.

If ten percent (10%) or twenty-five hundred (2500), whichever is less, of the qualified electors of any of the counties files their protest with the clerk of the board of supervisors of the county demanding an election on the issuance of the bonds, the board of supervisors shall promptly meet and consider the petition. If the * * * board finds the petition to be sufficient, it shall enter an order directing the election commission of that county to cause an election to be held in the * * * county, fixing the date therefor in the order, to determine whether or not bonds shall be issued for the purposes set out in the resolution of the board of trustees and in the maximum amount therein provided. It shall thereupon become the duty of the election commissioners of the county to hold an election on the date fixed by the board of supervisors. The election shall be held as nearly as is practicable in accordance with the laws governing general elections, and three (3) weeks notice of the election shall be given by publication in a newspaper having general circulation in the county. The ballot used shall substantially describe the bond issue proposal and electors shall be permitted to vote for the bond issue or against the bond issue.

Within three (3) days, Sundays and legal holidays excluded, after the holding of the election, the election commissioners shall certify to the board of trustees of the community college district and to the board of supervisors of the county the result of the election. If, after all of the elections have been held in the counties where the same have been called and the results thereof duly certified, the board of trustees determines that the majority of the qualified electors voting in any two (2) counties of the district, one (1) of which shall border on the Gulf of Mexico, shall have voted for the * * * bond issue, then the * * *
bonds may be issued; otherwise, the bonds shall not be issued as proposed.

If an election on the issuance of the bonds is called in any county and it appears that no elections are being called in other counties or in a sufficient number of counties to result in an effective election, then the board of supervisors of the county having called the election may give notice of the cancellation thereof at any time prior to the actual date of the election.

SECTION 12. Section 37-29-437, Mississippi Code of 1972, is amended as follows:

37-29-437. After the budget is prepared as is provided for in Section 37-29-415, the board of trustees of the Mississippi Gulf Coast Community College District shall certify the same in writing to the boards of supervisors of the several counties and shall certify to the boards of supervisors the number of mills of ad valorem taxation required to make provisions for the revenue required in the budget. It shall thereupon become the duty of the board of supervisors of each of the three counties to levy the taxes in the number of mills specified by the board of trustees. The tax levy for maintenance and operation of the district shall not exceed four (4) mills nor shall the levy for capital outlay, including purchase of lands, construction and equipment of buildings and structures, making of major repairs, and for the retirement of bonds, exceed three (3) mills.

Promptly upon having certified the requirements of the district to the several boards of supervisors, the board of trustees of the district shall cause publication of notice to be made in each county in a newspaper published or having general circulation therein giving notice of the filing of the request for the levy authorized under this section. The notice shall be published at least one time and within ten (10) days after the certification of the request for such levy to the boards of supervisors. The notice shall provide that the levy
requested will be made in each county unless a petition signed by twenty percent (20%) of the qualified electors of the district is filed with the secretary of the board of trustees of the district within thirty (30) days from the date of the first publication protesting against the levy and demanding an election thereon. In the event of the filing of such a petition, it shall be the duty of the secretary forthwith to call a special meeting of the board of trustees of the district setting forth the fact of the filing of such petition in the notice of the call, and the board shall promptly meet and consider the petition. If it finds that the same does in fact protest against the levies and is in fact signed by at least twenty percent (20%) of the qualified electors of the district, it shall then so certify to the boards of supervisors of the several counties. As early as possible but not later than fifteen (15) days after the receipt of such notice, it shall be the duty of the board of supervisors of each county to enter an order directing the election commissioners of the county to proceed to hold an election in all of the voting precincts of the county to determine whether or not the levy shall be made as requested by the board of trustees of the district.

The election shall be held within thirty (30) days from the date of the order of the board of supervisors requesting that the same be called and notice thereof shall be published once a week for three (3) weeks during the period between the order directing the election commissioners to hold the same and the actual date thereof.

The election shall be held in accordance with the laws governing general elections as nearly as is practicable, and the election commissioners of each county shall, promptly after the holding of the election, certify to the secretary of the board of trustees of the district the result thereof in each county, certifying also the number of qualified electors in each county on the date thereof.
the date of the holding of the election. The board of trustees of
the district shall promptly meet and consider the several
certificates of the election commissioners and shall determine the
result of the election in the district. If it is determined that
a majority of the qualified electors of the district have voted
against the levy requested, the same shall not be made, but the
board of supervisors in each county shall continue in effect the
levy made for the preceding fiscal year. If it is determined that
a majority of the qualified electors has not voted against the
levy, it shall be the duty of the board of supervisors of each
county to make the levy as requested. In any event, the levy for
full faith and credit bonds outstanding as obligations of the
county before May 10, 1962, for capital outlays and improvements
for Perkinston Junior College and/or bonds subsequently issued
shall be continued in effect in accordance with the obligations
undertaken in the issuance of said bonds. All of such bond
levies, however, as are reasonably required to meet the annual
maturities and interest on outstanding bonds shall be considered a
part of the three-mill maximum ** provided in this section ** for
capital outlays, buildings, purchase of land and other similar
items ** mentioned in this section **.

SECTION 13. Section 37-29-65, Mississippi Code of 1972, is
amended as follows:

37-29-65. (1) Except as provided in this section and in
Sections 37-29-409, 37-29-457, 37-29-505 and 37-29-607, there
shall be six (6) trustees from each county of the community or
junior college district which originally entered into and gave
financial aid in establishing the community college. On June 30,
1992, the offices of the six (6) trustees from each of the
original counties in the Northwest Community College District
shall stand vacated. The board of supervisors of those respective
counties shall appoint two (2) members on July 1, 1992, to serve
full terms of office as provided in this section. Unless he
chooses not to serve as provided in subsection (2), the county superintendent of education shall be a member, and there shall be one (1) member from each supervisors district. Counties which subsequent to the establishment of the community or junior college joined the district shall have only two (2) trustees, one (1) of whom shall be the county superintendent of education. However, the board of trustees so constituted, by appropriate resolution, may enlarge its number to six (6) trustees from each county, in which case one (1) shall be the county superintendent of education, unless he chooses not to serve as provided in subsection (2), and there shall be one (1) chosen from each supervisors district. The board of trustees shall also be authorized within its discretion to reduce its number to two (2) trustees at large from each county, in which case one (1) shall be the county superintendent of education, unless he chooses not to serve as provided in subsection (2). In any case in which there is an equal number of trustees, the board of trustees may appoint another person to membership.

(2) The county superintendent may, in his discretion, choose not to serve as a member of such board of trustees. Such decision not to serve shall be in writing and entered on the minutes of the board of trustees of the community or junior college district. The county board of supervisors of any county whose county superintendent of education has resigned pursuant to this paragraph shall fill the vacancy caused by such resignation. In all counties where the office of "administrative superintendent" is abolished from and after January 1, 1992, the county board of supervisors shall appoint one (1) additional member to the board of trustees of their community or junior college district to serve in lieu of the county superintendent's position on such board. The provisions of this subsection shall not be applicable to any county superintendent whose school district is located within the East Mississippi Community College District and such county

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superintendents shall not serve on the board of trustees for that community college district.

(3) From and after March 24, 1990, the Board of Trustees of the East Mississippi Community College District shall consist of twelve (12) members. The appointing authorities shall appoint a new board of trustees as follows: Clay County shall be entitled to two (2) members; Kemper County shall be entitled to two (2) members; Lauderdale County shall be entitled to two (2) members; Lowndes County shall be entitled to two (2) members; Noxubee County shall be entitled to two (2) members; and Oktibbeha County shall be entitled to two (2) members. No member of the Board of Trustees of the East Mississippi Community College District shall have served on such board prior to March 24, 1990.

(4) The Board of Trustees of the Coahoma Community College District shall consist of fourteen (14) members. The appointing authorities shall appoint the new board of trustees as follows: Coahoma County shall be entitled to six (6) members appointed in the manner provided herein; Tunica County shall be entitled to two (2) members; Quitman County shall be entitled to two (2) members; Bolivar County shall be entitled to two (2) members; and Tallahatchie County shall be entitled to two (2) members. Persons who are currently serving as members of the Board of Trustees of the Mississippi Delta Community College District or Northwest Community College District shall be eligible for appointment to the board.

(5) The terms of office shall be five (5) years; however, upon the first selection of trustees in each county, one (1) shall be elected for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year, so as to prevent the retirement of more than one (1) member of any one (1) county in any one (1) year. Where the board chooses or is required by statute to reduce its number, the board shall specify
the expiration dates of such terms of office in order to prevent
the retirement of more than one (1) member of any one (1) county
in any one (1) year.

(6) The board of supervisors shall elect the requisite
number of discreet persons of good moral character, sufficient
education and experience, and of proven interest in public
education, who are qualified electors of the county, as trustees
of the community or junior college; and annually thereafter the
board of supervisors in like manner shall fill vacancies. All
trustees so appointed shall be listed in the minutes of the board
of supervisors and their appointment shall be certified by the
chancery clerk to the president of the community or junior
college.

(7) Each community or junior college trustee may be paid,
out of community or junior college funds, a per diem as authorized
in Section 25-3-69 per meeting of the board and, in addition
thereto, the mileage authorized under Section 25-3-41 in
coming to and returning from the meeting, calculated upon the
customary and normally traveled route from the home of such
trustee to the campus of the community or junior college. Such
allowance of per diem and mileage shall not, however, be allowed
for more than fifteen (15) meetings for any one (1) fiscal year
and shall only be paid for meetings actually attended by such
trustees.

(8) The provisions of this section, other than those
provisions pertaining to per diem compensation and travel
allowances for community and junior college trustees, shall not
apply to any existing publicly operated community college, lying
in and operated by a county bordering on the Mississippi River,
and the community college trustees of that community college shall
be appointed and confirmed as heretofore.

SECTION 14. This act shall take effect and be in force from
and after July 1, 2002.

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