

By: Representative Ishee

To: Universities and  
Colleges; Ways and Means

HOUSE BILL NO. 59

1 AN ACT TO CREATE NEW SECTION 37-29-601, MISSISSIPPI CODE OF  
 2 1972, TO ESTABLISH THE HARRISON COUNTY COMMUNITY COLLEGE DISTRICT;  
 3 TO CREATE NEW SECTION 37-29-603, MISSISSIPPI CODE OF 1972, TO  
 4 PROVIDE FOR THE TRANSFER OF PROPERTY BELONGING TO THE MISSISSIPPI  
 5 GULF COAST COMMUNITY COLLEGE DISTRICT IN HARRISON COUNTY TO THE  
 6 HARRISON COUNTY COMMUNITY COLLEGE DISTRICT; TO CREATE NEW SECTION  
 7 37-29-605, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND  
 8 DUTIES OF THE PRESIDENT OF THE DISTRICT; TO CREATE NEW SECTION  
 9 37-29-607, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
 10 APPOINTMENT OF A BOARD OF TRUSTEES FOR THE DISTRICT; TO CREATE NEW  
 11 SECTION 37-29-609, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE  
 12 POWERS AND DUTIES OF THE BOARD OF TRUSTEES; TO CREATE NEW SECTION  
 13 37-29-611, MISSISSIPPI CODE OF 1972, TO REQUIRE THE BOARD OF  
 14 TRUSTEES TO PREPARE AN ANNUAL BUDGET FOR THE DISTRICT; TO CREATE  
 15 NEW SECTION 37-29-613, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE  
 16 BONDING AND TAXING AUTHORITY OF THE DISTRICT; TO AMEND SECTIONS  
 17 37-29-401, 37-29-409, 37-29-413, 37-29-431, 37-29-437 AND  
 18 37-29-65, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
 19 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** The following shall be codified as Section  
 22 37-29-601, Mississippi Code of 1972:

23 37-29-601. There is created the Harrison County Community  
 24 College District comprised of the territory lying within Harrison  
 25 County and having boundaries coinciding with the external  
 26 boundaries of the county. The district is constituted a legal  
 27 political governmental subdivision and a body corporate.

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

30 37-29-603. (1) All of the property belonging to the Board  
 31 of Trustees of Mississippi Gulf Coast Community College on June  
 32 30, 2002, which is situated in Harrison County and utilized or  
 33 held for the present or future use and benefit of the Mississippi  
 34 Gulf Coast Community College is transferred to and vested in the



35 Board of Trustees of the Harrison County Community College  
36 District and their successors in office.

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

48 **SECTION 3.** The following shall be codified as Section  
49 37-29-605, Mississippi Code of 1972:

50 37-29-605. (1) The Harrison County Community College  
51 District is under the executive direction of a president elected  
52 by the board of trustees of the district.

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

67 **SECTION 4.** The following shall be codified as Section



68 37-29-607, Mississippi Code of 1972:

69       37-29-607. (1) The control and operation of the Harrison  
70 County Community College District is vested in a board of trustees  
71 consisting of five (5) members appointed by the Harrison County  
72 Board of Supervisors. When the initial appointments are made, the  
73 first appointee shall serve for a term of one (1) year, the second  
74 appointee for a term of two (2) years, the third appointee for a  
75 term of three (3) years, the fourth appointee for a term of four  
76 (4) years and the fifth appointee for a term of five (5) years.  
77 Upon the expiration of the initial terms, all appointments must  
78 be for a term of five (5) years. Members of the board of trustees  
79 must be appointed by a majority vote of the full membership of the  
80 board of supervisors at the first meeting of the board held in the  
81 month of July of each year. The term of office of each trustee  
82 shall commence on the first Monday of August. Any vacancy on the  
83 board must be filled for the remainder of the unexpired term by  
84 appointment by majority vote of the full membership of the board  
85 of supervisors.

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

91       **SECTION 5.** The following shall be codified as Section  
92 37-29-609, Mississippi Code of 1972:

93       37-29-609. (1) The Harrison County Community College  
94 District is under the direction of the President and the Board of  
95 Trustees of the Harrison County Community College District, who  
96 may do all things necessary for the successful operation of the  
97 district and the different campuses, centers and programs of the  
98 district. The president and the board of trustees have the same  
99 powers as the presidents and trustees of other community and  
100 junior colleges in the State of Mississippi.



101           (2) The board of trustees shall provide, by resolution or  
102 order, for the government, maintenance and operation of the  
103 facilities of the district.

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

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

118           **SECTION 6.** The following shall be codified as Section  
119 37-29-611, Mississippi Code of 1972:

120           37-29-611. On or before the fifteenth day of June each year,  
121 the Board of Trustees of the Harrison County Community College  
122 District shall prepare and file the annual budget of the district.  
123 The budget must contain a detailed estimate of the revenues and  
124 expenses anticipated for the ensuing year for general operation  
125 and maintenance and must set forth reasonable requirements for  
126 anticipated needs for capital outlays for land, buildings,  
127 equipment and major repairs. Funds derived from the levy for  
128 capital outlay must be kept in a separate account and may be  
129 expended for capital outlay purposes only.

130           **SECTION 7.** The following shall be codified as Section  
131 37-29-613, Mississippi Code of 1972:

132           37-29-613. The Board of Trustees of the Harrison County  
133 Community College District has the general borrowing and bonding



134 authority provided in Sections 37-29-101 through 37-29-127 and the  
135 taxation authority provided in Sections 37-29-141 through  
136 37-29-145.

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

139 37-29-401. There is \* \* \* created a community college  
140 district comprised of the territory lying within \* \* \* Stone,  
141 George and Jackson Counties and having boundaries coinciding with  
142 the external boundaries thereof.

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

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

149 37-29-409. The operation and control of the Mississippi Gulf  
150 Coast Community College District and the college or colleges  
151 operated in that district shall be vested in a board of trustees  
152 representing each of the three (3) counties lying within the  
153 district. The board of trustees shall consist of fifteen (15)  
154 members. Of that number \* \* \*, Stone County shall be entitled to  
155 three (3) members, George County shall be entitled to three (3)  
156 members, and Jackson County shall be entitled to eight (8)  
157 members. In no event \* \* \* shall any of the counties have more  
158 than the number \* \* \* established in this section. The members of  
159 the board of trustees from each county shall be elected by the  
160 board of supervisors of the county. Except as otherwise specified  
161 in this section, the term of office of each trustee shall be five  
162 (5) years. The members of the board of trustees serving on July  
163 1, 1989, shall continue to serve until their terms expire. All  
164 shall be appointed for a term of five (5) years each. There shall  
165 be one (1) additional member of the board who shall be selected by  
166 the members of the board of trustees who shall reside



167 alternatively in Jackson, Stone and George Counties, with the  
168 initial appointment to be made from Jackson County for a term of  
169 five (5) years.

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

172 37-29-413. The Mississippi Gulf Coast Community College  
173 District is \* \* \* authorized and empowered to operate community  
174 college attendance centers at Perkinston, Mississippi, \* \* \* in  
175 the vicinity of Pascagoula and Moss Point and at such other places  
176 within the district, subject to the approval of the State Board  
177 for Community and Junior Colleges, as the board of trustees shall  
178 determine to be in the best interest of the district.

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

181 37-29-431. If the board of trustees of the Mississippi Gulf  
182 Coast Community College District does not elect itself to cause an  
183 election to be held, it shall immediately, upon the adoption of  
184 the resolution mentioned in Section 37-29-429, certify the same to  
185 the boards of supervisors of each county and immediately cause  
186 notice of the proposed issuance of the bonds to be published once  
187 a week for three (3) consecutive weeks in each of the three (3)  
188 counties of the district in a newspaper having general circulation  
189 therein. The notice shall state that the determination to issue  
190 the bonds has been made by the board of trustees and the same will  
191 be issued unless, within thirty (30) days after the first  
192 publication of the notice, a petition signed by at least ten  
193 percent (10%) or twenty-five hundred (2500), whichever is less, of  
194 the qualified electors of the county is filed with the board of  
195 supervisors of the county protesting against the issuance of the  
196 bonds and seeking an election with respect thereto. If no protest  
197 is filed, the clerk of the board of supervisors shall immediately  
198 so certify to the secretary of the board of trustees of the



199 community college district, and the \* \* \* bonds may be then issued  
200 as proposed.

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

221 Within three (3) days, Sundays and legal holidays excluded,  
222 after the holding of the election, the election commissioners  
223 shall certify to the board of trustees of the community college  
224 district and to the board of supervisors of the county the result  
225 of the election. If, after all of the elections have been held in  
226 the counties where the same have been called and the results  
227 thereof duly certified, the board of trustees determines that the  
228 majority of the qualified electors voting in any two (2) counties  
229 of the district, one (1) of which shall border on the Gulf of  
230 Mexico, shall have voted for the \* \* \* bond issue, then the \* \* \*



231 bonds may be issued; otherwise, the \* \* \* bonds shall not be  
232 issued as proposed.

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

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

241 37-29-437. After the budget is prepared as is provided for  
242 in Section 37-29-415, the board of trustees of the Mississippi  
243 Gulf Coast Community College District shall certify the same in  
244 writing to the boards of supervisors of the several counties and  
245 shall certify to the \* \* \* boards of supervisors the number of  
246 mills of ad valorem taxation required to make provisions for the  
247 revenue required in the budget. It shall thereupon become the  
248 duty of the board of supervisors of each of the three (3) counties  
249 to levy the taxes in the number of mills specified by the board of  
250 trustees. The tax levy for maintenance and operation of the  
251 district shall not exceed four (4) mills nor shall the levy for  
252 capital outlay, including purchase of lands, construction and  
253 equipment of buildings and structures, making of major repairs,  
254 and for the retirement of bonds, exceed three (3) mills.

255 Promptly upon having certified the requirements of the  
256 district to the several boards of supervisors, the board of  
257 trustees of the district shall cause publication of notice to be  
258 made in each county in a newspaper published or having general  
259 circulation therein giving notice of the filing of the request for  
260 the levy authorized under this section. The notice shall be  
261 published at least one time and within ten (10) days after the  
262 certification of the request for such levy to the boards of  
263 supervisors. The \* \* \* notice shall provide that the \* \* \* levy





264 requested will be made in each county unless a petition signed by  
265 twenty percent (20%) of the qualified electors of the district is  
266 filed with the secretary of the board of trustees of the \* \* \*  
267 district within thirty (30) days from the date of the first  
268 publication protesting against the \* \* \* levy and demanding an  
269 election thereon. In the event of the filing of such a petition,  
270 it shall be the duty of the secretary forthwith to call a special  
271 meeting of the board of trustees of the district setting forth the  
272 fact of the filing of such petition in the notice of the call, and  
273 the \* \* \* board shall promptly meet and consider the \* \* \*  
274 petition. If it finds that the same does in fact protest against  
275 the \* \* \* levies and is in fact signed by at least twenty percent  
276 (20%) of the qualified electors of the \* \* \* district, it shall  
277 then so certify to the boards of supervisors of the several  
278 counties. As early as possible but not later than fifteen (15)  
279 days after the receipt of such notice, it shall be the duty of the  
280 board of supervisors of each county to enter an order directing  
281 the election commissioners of the county to proceed to hold an  
282 election in all of the voting precincts of the county to determine  
283 whether or not the levy shall be made as requested by the board of  
284 trustees of the district.

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

291 The election shall be held in accordance with the laws  
292 governing general elections as nearly as is practicable, and the  
293 election commissioners of each county shall, promptly after the  
294 holding of the election, certify to the secretary of the board of  
295 trustees of the district the result thereof in each county,  
296 certifying also the number of qualified electors in each county on



297 the date of the holding of the election. The board of trustees of  
298 the district shall promptly meet and consider the several  
299 certificates of the election commissioners and shall determine the  
300 result of the election in the district. If it is determined that  
301 a majority of the qualified electors of the district have voted  
302 against the levy requested, the same shall not be made, but the  
303 board of supervisors in each county shall continue in effect the  
304 levy made for the preceding fiscal year. If it is determined that  
305 a majority of the qualified electors has not voted against the  
306 levy, it shall be the duty of the board of supervisors of each  
307 county to make the levy as requested. In any event, the levy for  
308 full faith and credit bonds outstanding as obligations of the  
309 county before May 10, 1962, for capital outlays and improvements  
310 for Perkinson Junior College and/or bonds subsequently issued  
311 shall be continued in effect in accordance with the obligations  
312 undertaken in the issuance of said bonds. All of such bond  
313 levies, however, as are reasonably required to meet the annual  
314 maturities and interest on outstanding bonds shall be considered a  
315 part of the three-mill maximum \* \* \* provided in this section for  
316 capital outlays, buildings, purchase of land and other similar  
317 items \* \* \* mentioned in this section.

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

320 37-29-65. (1) Except as provided in this section and in  
321 Sections 37-29-409, 37-29-457, 37-29-505 and 37-29-607, there  
322 shall be six (6) trustees from each county of the community or  
323 junior college district which originally entered into and gave  
324 financial aid in establishing the community college. On June 30,  
325 1992, the offices of the six (6) trustees from each of the  
326 original counties in the Northwest Community College District  
327 shall stand vacated. The board of supervisors of those respective  
328 counties shall appoint two (2) members on July 1, 1992, to serve  
329 full terms of office as provided in this section. Unless he



330 chooses not to serve as provided in subsection (2), the county  
331 superintendent of education shall be a member, and there shall be  
332 one (1) member from each supervisors district. Counties which  
333 subsequent to the establishment of the community or junior college  
334 joined the district shall have only two (2) trustees, one (1) of  
335 whom shall be the county superintendent of education. However,  
336 the board of trustees so constituted, by appropriate resolution,  
337 may enlarge its number to six (6) trustees from each county, in  
338 which case one (1) shall be the county superintendent of  
339 education, unless he chooses not to serve as provided in  
340 subsection (2), and there shall be one (1) chosen from each  
341 supervisors district. The board of trustees shall also be  
342 authorized within its discretion to reduce its number to two (2)  
343 trustees at large from each county, in which case one (1) shall be  
344 the county superintendent of education, unless he chooses not to  
345 serve as provided in subsection (2). In any case in which there  
346 is an equal number of trustees, the board of trustees may appoint  
347 another person to membership.

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



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

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

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

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



396 the expiration dates of such terms of office in order to prevent  
397 the retirement of more than one (1) member of any one (1) county  
398 in any one (1) year.

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

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

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

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

