

By: Senator(s) Little, Gordon, Robertson,
Burton, Hewes, Kirby, Flowers, Chamberlin,
Brown, Michel, Carmichael, Nunnelee, Clarke,
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To: Appropriations

SENATE BILL NO. 2635

1 AN ACT TO AMEND SECTIONS 37-101-15 AND 37-4-3, MISSISSIPPI
2 CODE OF 1972, TO DIRECT THE BOARD OF TRUSTEES OF STATE
3 INSTITUTIONS OF HIGHER LEARNING AND THE STATE BOARD FOR COMMUNITY
4 AND JUNIOR COLLEGES TO CONDUCT A JOINT STUDY TO DETERMINE
5 OPPORTUNITIES FOR COST SAVINGS THROUGH CENTRALIZATION OR
6 COORDINATION OF ADMINISTRATIVE SERVICES, AND TO REPORT SUCH
7 FINDINGS TO THE LEGISLATURE NOT LATER THAN OCTOBER 1, 2004, WITH
8 SAID REPORT TO INCLUDE COST SAVINGS TO BE REALIZED ANNUALLY; AND
9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-101-15, Mississippi Code of 1972, is
12 amended as follows:

13 37-101-15. (a) The Board of Trustees of State Institutions
14 of Higher Learning shall succeed to and continue to exercise
15 control of all records, books, papers, equipment, and supplies,
16 and all lands, buildings, and other real and personal property
17 belonging to or assigned to the use and benefit of the board of
18 trustees formerly supervising and controlling the institutions of
19 higher learning named in Section 37-101-1. The board shall have
20 and exercise control of the use, distribution and disbursement of
21 all funds, appropriations and taxes, now and hereafter in
22 possession, levied and collected, received, or appropriated for
23 the use, benefit, support, and maintenance or capital outlay
24 expenditures of the institutions of higher learning, including the
25 authorization of employees to sign vouchers for the disbursement
26 of funds for the various institutions, except where otherwise
27 specifically provided by law.

28 (b) The board shall have general supervision of the affairs
29 of all the institutions of higher learning, including the
30 departments and the schools thereof. The board shall have the

31 power in its discretion to determine who shall be privileged to
32 enter, to remain in, or to graduate therefrom. The board shall
33 have general supervision of the conduct of libraries and
34 laboratories, the care of dormitories, buildings, and grounds; the
35 business methods and arrangement of accounts and records; the
36 organization of the administrative plan of each institution; and
37 all other matters incident to the proper functioning of the
38 institutions. The board shall have the authority to establish
39 minimum standards of achievement as a prerequisite for entrance
40 into any of the institutions under its jurisdiction, which
41 standards need not be uniform between the various institutions and
42 which may be based upon such criteria as the board may establish.

43 (c) The board shall exercise all the powers and prerogatives
44 conferred upon it under the laws establishing and providing for
45 the operation of the several institutions herein specified. The
46 board shall adopt such bylaws and regulations from time to time as
47 it deems expedient for the proper supervision and control of the
48 several institutions of higher learning, insofar as such bylaws
49 and regulations are not repugnant to the Constitution and laws,
50 and not inconsistent with the object for which these institutions
51 were established. The board shall have power and authority to
52 prescribe rules and regulations for policing the campuses and all
53 buildings of the respective institutions, to authorize the arrest
54 of all persons violating on any campus any criminal law of the
55 state, and to have such law violators turned over to the civil
56 authorities.

57 (d) For all institutions specified herein, the board shall
58 provide a uniform system of recording and of accounting approved
59 by the State Department of Audit. The board shall annually
60 prepare, or cause to be prepared, a budget for each institution of
61 higher learning for the succeeding year which must be prepared and
62 in readiness for at least thirty (30) days before the convening of
63 the regular session of the Legislature. All relationships and

64 negotiations between the State Legislature and its various
65 committees and the institutions named herein shall be carried on
66 through the board of trustees. No official, employee or agent
67 representing any of the separate institutions shall appear before
68 the Legislature or any committee thereof except upon the written
69 order of the board or upon the request of the Legislature or a
70 committee thereof.

71 (e) For all institutions specified herein, the board shall
72 prepare an annual report to the Legislature setting forth the
73 disbursements of all monies appropriated to the respective
74 institutions. Each report to the Legislature shall show how the
75 money appropriated to the several institutions has been expended,
76 beginning and ending with the fiscal years of the institutions,
77 showing the name of each teacher, officer, and employee, and the
78 salary paid each, and an itemized statement of each and every item
79 of receipts and expenditures. Each report must be balanced, and
80 must begin with the former balance. If any property belonging to
81 the state or the institution is used for profit, the reports shall
82 show the expense incurred in managing the property and the amount
83 received therefrom. The reports shall also show a summary of the
84 gross receipts and gross disbursements for each year and shall
85 show the money on hand at the beginning of the fiscal period of
86 the institution next preceding each session of the Legislature and
87 the necessary amount of expense to be incurred from said date to
88 January 1 following. The board shall keep the annual expenditures
89 of each institution herein mentioned within the income derived
90 from legislative appropriations and other sources, but in case of
91 emergency arising from acts of providence, epidemics, fire or
92 storm with the written approval of the Governor and by written
93 consent of a majority of the Senators and of the Representatives
94 it may exceed the income. The board shall require a surety bond
95 in a surety company authorized to do business in this state, of
96 every employee who is the custodian of funds belonging to one or

97 more of the institutions mentioned herein, which bond shall be in
98 a sum to be fixed by the board in an amount that will properly
99 safeguard the said funds, the premium for which shall be paid out
100 of the funds appropriated for said institutions.

101 (f) The board shall have the power and authority to elect
102 the heads of the various institutions of higher learning and to
103 contract with all deans, professors, and other members of the
104 teaching staff, and all administrative employees of said
105 institutions for a term of not exceeding four (4) years. The
106 board shall have the power and authority to terminate any such
107 contract at any time for malfeasance, inefficiency, or
108 contumacious conduct, but never for political reasons. It shall
109 be the policy of the board to permit the executive head of each
110 institution to nominate for election by the board all subordinate
111 employees of the institution over which he presides. It shall be
112 the policy of the board to elect all officials for a definite
113 tenure of service and to reelect during the period of satisfactory
114 service. The board shall have the power to make any adjustments
115 it thinks necessary between the various departments and schools of
116 any institution or between the different institutions.

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

120 (h) The board shall have the power to contract, on a
121 shared-savings, lease or lease-purchase basis, for energy
122 efficiency services and/or equipment as prescribed in Section
123 31-7-14, not to exceed ten (10) years.

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

130 (j) The Board of Trustees of State Institutions of Higher
131 Learning shall conduct a joint study with the State Board for
132 Community and Junior Colleges to determine opportunities for cost
133 savings, which shall include, but not be limited to, duplication
134 of services and other administrative functions that could be
135 centralized, eliminated or improved to produce savings. It is the
136 intention of the Legislature that the cost savings resulting from
137 implementation of the findings of this study shall be redirected
138 from administrative expenses to instruction and research programs
139 in fiscal year 2005. A report of the joint study, its findings
140 and implementation plan shall be provided to the Chairman of the
141 Senate Appropriations Committee, Chairman of the House
142 Appropriations Committee, Chairman of the Senate Universities and
143 Colleges Committee, Chairman of the House Universities and
144 Colleges Committee and the State Fiscal Officer not later than
145 October 1, 2004, and annually thereafter as deemed necessary.
146 Said report shall identify savings that shall be realized between
147 the Board of Trustees of State Institutions of Higher Learning and
148 the State Board for Community and Junior Colleges annually.

149 **SECTION 2.** Section 37-4-3, Mississippi Code of 1972, is
150 amended as follows:

151 37-4-3. (1) From and after July 1, 1986, there shall be a
152 State Board for Community and Junior Colleges which shall receive
153 and distribute funds appropriated by the Legislature for the use
154 of the public community and junior colleges and funds from federal
155 and other sources that are transmitted through the state
156 governmental organization for use by said colleges. This board
157 shall provide general coordination of the public community and
158 junior colleges, assemble reports and such other duties as may be
159 prescribed by law.

160 (2) The board shall consist of ten (10) members of which
161 none shall be an elected official and none shall be engaged in the
162 educational profession. The Governor shall appoint two (2)

163 members from the First Mississippi Congressional District, one (1)
164 who shall serve an initial term of two (2) years and one (1) who
165 shall serve an initial term of five (5) years; two (2) members
166 from the Second Mississippi Congressional District, one (1) who
167 shall serve an initial term of five (5) years and one (1) who
168 shall serve an initial term of three (3) years; and two (2)
169 members from the Third Mississippi Congressional District, one (1)
170 who shall serve an initial term of four (4) years and one (1) who
171 shall serve an initial term of two (2) years; two (2) members from
172 the Fourth Mississippi Congressional District, one (1) who shall
173 serve an initial term of three (3) years and one (1) who shall
174 serve an initial term of four (4) years; and two (2) members from
175 the Fifth Mississippi Congressional District, one (1) who shall
176 serve an initial term of five (5) years and one (1) who shall
177 serve an initial term of two (2) years. All subsequent
178 appointments shall be for a term of six (6) years and continue
179 until their successors are appointed and qualify. An appointment
180 to fill a vacancy which arises for reasons other than by
181 expiration of a term of office shall be for the unexpired term
182 only. No two (2) appointees shall reside in the same junior
183 college district. All members shall be appointed with the advice
184 and consent of the Senate.

185 (3) There shall be a chairman and vice chairman of the
186 board, elected by and from the membership of the board; and the
187 chairman shall be the presiding officer of the board. The board
188 shall adopt rules and regulations governing times and places for
189 meetings and governing the manner of conducting its business.

190 (4) The members of the board shall receive no annual salary,
191 but shall receive per diem compensation as authorized by Section
192 25-3-69, Mississippi Code of 1972, for each day devoted to the
193 discharge of official board duties and shall be entitled to
194 reimbursement for all actual and necessary expenses incurred in

195 the discharge of their duties, including mileage as authorized by
196 Section 25-3-41, Mississippi Code of 1972.

197 (5) The board shall name a director for the state system of
198 public junior and community colleges, who shall serve at the
199 pleasure of the board. Such director shall be the chief executive
200 officer of the board, give direction to the board staff, carry out
201 the policies set forth by the board, and work with the presidents
202 of the several community and junior colleges to assist them in
203 carrying out the mandates of the several boards of trustees and in
204 functioning within the state system and policies established by
205 the State Board for Community and Junior Colleges. The State
206 Board for Community and Junior Colleges shall set the salary of
207 the Director of the State System of Community and Junior Colleges.
208 The Legislature shall provide adequate funds for the State Board
209 for Community and Junior Colleges, its activities and its staff.

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

212 (a) To authorize disbursements of state appropriated
213 funds to community and junior colleges through orders in the
214 minutes of the board.

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

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

219 (d) To require community and junior colleges to supply
220 such information as the board may request and compile, publish and
221 make available such reports based thereon as the board may deem
222 advisable.

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

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

234 (g) To approve applications from community and junior
235 colleges for state funds for vocational-technical education
236 facilities.

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

239 (i) To appoint members to the Post-Secondary
240 Educational Assistance Board.

241 (j) To appoint members to the Authority for Educational
242 Television.

243 (k) To contract with other boards, commissions,
244 governmental entities, foundations, corporations or individuals
245 for programs, services, grants and awards when such are needed for
246 the operation and development of the state public community and
247 junior college system.

248 (l) To fix standards for community and junior colleges
249 to qualify for appropriations, and qualifications for community
250 and junior college teachers.

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

254 (n) To approve or disapprove of any proposed inclusion
255 within municipal corporate limits of state-owned buildings and
256 grounds of any community college or junior college and to approve
257 or disapprove of land use development, zoning requirements,
258 building codes and delivery of governmental services applicable to
259 state-owned buildings and grounds of any community college or
260 junior college. Any agreement by a local board of trustees of a

261 community college or junior college to annexation of state-owned
262 property or other conditions described in this paragraph shall be
263 void unless approved by the board and by the board of supervisors
264 of the county in which the state-owned property is located.

265 (o) To conduct a joint study with the Board of Trustees
266 of State Institutions of Higher Learning to determine
267 opportunities for cost savings, which shall include, but not be
268 limited to, duplication of services and other administrative
269 functions that could be centralized, eliminated or improved to
270 produce savings. It is the intention of the Legislature that the
271 cost savings resulting from implementation of the findings of this
272 study shall be redirected from administrative expenses to
273 instruction and research programs in fiscal year 2005. A report
274 of the joint study, its findings and implementation plan shall be
275 provided to the Chairman of the Senate Appropriations Committee,
276 Chairman of the House Appropriations Committee, Chairman of the
277 Senate Universities and Colleges Committee, Chairman of the House
278 Universities and Colleges Committee and the State Fiscal Officer
279 not later than October 1, 2004, and annually thereafter as deemed
280 necessary. Said report shall identify savings that shall be
281 realized between the Board of Trustees of State Institutions of
282 Higher Learning and the State Board for Community and Junior
283 Colleges annually.

284 **SECTION 3.** This act shall take effect and be in force from
285 and after its passage.