

By: Senator(s) Harden

To: Universities and
CollegesSENATE BILL NO. 2915
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-101-3, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CURRENT PRESIDENT OF THE UNIVERSITY STUDENT
3 BODY PRESIDENT'S COUNCIL SHALL HAVE A RESERVED SEAT AT MEETINGS OF
4 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND
5 SHALL ADVISE THE BOARD ON AN ANNUAL BASIS; TO AMEND SECTION
6 25-41-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A QUORUM OF THE
7 MEMBERS OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER
8 LEARNING AND THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO
9 ASSEMBLE AT DIFFERENT PHYSICAL LOCATIONS AND MEET THROUGH
10 TELECONFERENCE OR VIDEO MEANS; TO AMEND SECTION 37-106-29,
11 MISSISSIPPI CODE OF 1972, TO CLARIFY THE INSTITUTIONS OF HIGHER
12 LEARNING ELIGIBLE TO PARTICIPATE IN THE MISSISSIPPI RESIDENT
13 TUITION ASSISTANCE GRANT PROGRAM; TO CODIFY SECTION 37-141-6,
14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE BOARD OF TRUSTEES OF
15 STATE INSTITUTIONS OF HIGHER LEARNING TO CHARGE STATE AGENCIES AND
16 OTHER ENTITIES THAT OCCUPY THE RESEARCH AND DEVELOPMENT CENTER FOR
17 CERTAIN SERVICES; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 37-101-3, Mississippi Code of 1972, is
20 amended as follows:

21 37-101-3. (1) The Governor, by and with the advice and
22 consent of the Senate, shall appoint the members of the Board of
23 Trustees of State Institutions of Higher Learning, one (1) member
24 from each congressional district of the state as existing as of
25 March 31, 1944, one (1) member from each Supreme Court district
26 and two (2) members from the state at large, with the terms of
27 each to begin on May 8, 1944. One-third (1/3) of the membership
28 of said board so appointed shall be appointed for a period of four
29 (4) years, one-third (1/3) for a period of eight (8) years and
30 one-third (1/3) for a period of twelve (12) years. On the
31 expiration of any of said terms of office the Governor shall
32 appoint successors, by and with the advice and consent of the
33 Senate, for terms of twelve (12) years in each case.

34 The current president, or his/her designee, of the Student
35 Body President's Council of Mississippi (SBPCM) shall have a
36 reserved seat at each meeting of the Board of Trustees of State
37 Institutions of Higher Learning. No less than once a year, the
38 board shall seek the advise and counsel of the student body
39 president's organization.

40 (2) In case of a vacancy on said board by death or
41 resignation of a member or from any other cause than the
42 expiration of such member's term of office, the board shall elect
43 his successor who shall hold office until the end of the next
44 session of the Legislature. During such term of the session of
45 the Legislature the Governor shall appoint the successor member of
46 the board from the district from which his predecessor was
47 appointed to hold office until the end of the period or term for
48 which said original trustee was appointed, to the end that
49 one-third (1/3) of such trustees' terms shall expire each four (4)
50 years.

51 (3) The Executive Director of the State Board for Community
52 and Junior Colleges, or his designee, and one (1) member of the
53 State Board for Community and Junior Colleges to be designated by
54 the chairman of said board, shall attend all regular meetings of
55 the Board of Trustees of State Institutions of Higher Learning.
56 Said community/junior college representatives shall have no
57 jurisdiction or vote on any matter within the jurisdiction of the
58 board. The Executive Director of the State Board for Community
59 and Junior Colleges and any designee who is a state employee shall
60 receive no per diem for attending meetings of the board, but shall
61 be entitled to actual and necessary expense reimbursement and
62 mileage for attending meetings at locations other than Jackson,
63 Mississippi. The designee of the State Board for Community and
64 Junior Colleges shall receive per diem compensation as authorized
65 by Section 25-3-69, Mississippi Code of 1972, for attending said
66 meetings, and shall be entitled to reimbursement for actual

67 expense reimbursement and mileage, which shall be paid from funds
68 appropriated to the Board of Trustees of State Institutions of
69 Higher Learning.

70 **SECTION 2.** Section 25-41-5, Mississippi Code of 1972, is
71 amended as follows:

72 25-41-5. (1) All official meetings of any public body,
73 unless otherwise provided in this chapter or in the Constitutions
74 of the United States of America or the State of Mississippi, are
75 declared to be public meetings and shall be open to the public at
76 all times unless declared an executive session as provided in
77 Section 25-41-7.

78 (2) A public body may conduct any meeting, other than an
79 executive session called pursuant to Section 25-41-7, wherein
80 public business is discussed or transacted, through teleconference
81 or video means. If a quorum of the public body is physically
82 assembled at one (1) location for the purpose of conducting a
83 meeting, additional members of the public body may participate in
84 the meeting through teleconference or video means provided their
85 participation is available to the general public. A quorum of the
86 Board of Trustees of State Institutions of Higher Learning as
87 prescribed in Section 37-101-9 and the State Board for Community
88 and Junior Colleges as prescribed in Sections 37-4-3 and 37-4-4
89 may be at different locations for the purpose of conducting a
90 meeting through teleconference or video means provided their
91 participation is available to the general public.

92 (3) (a) Notice of any meetings held pursuant to subsection
93 (2) of this section shall be provided at least thirty (30) days in
94 advance of the date scheduled for the meeting. The notice shall
95 include the date, time, place and purpose for the meeting and
96 shall identify the locations for the meeting. All locations for
97 the meeting shall be made accessible to the public. All persons
98 attending the meeting at any of the meeting locations shall be
99 afforded the same opportunity to address the public body as

persons attending the primary or central location. Any interruption in the teleconference or video broadcast of the meeting shall result in the suspension of action at the meeting until repairs are made and public access restored.

(b) Thirty-day notice shall not be required for teleconference or video meetings continued to address an emergency as provided in subsection (5) of this section or to conclude the agenda of a teleconference or video meeting of the public body for which the proper notice has been given, when the date, time, place and purpose of the continued meeting are set during the meeting prior to adjournment.

(4) An agenda and materials that will be distributed to members of the public body and that have been made available to the staff of the public body in sufficient time for duplication and forwarding to all locations where public access will be provided shall be made available to the public at the time of the meeting. Minutes of all meetings held by teleconference or video means shall be recorded as required by Section 25-41-11. Votes taken during any meeting conducted through teleconference or video means shall be recorded by name in roll-call fashion and included in the minutes. In addition, the public body shall make an audio recording of the meeting, if a teleconference medium is used, or an audio/visual recording, if the meeting is held by video means. The recording shall be preserved by the public body for a period of three (3) years following the date of the meeting and shall be available to the public.

(5) A public body may meet by teleconference or video means as often as needed if an emergency exists and the public body is unable to meet in regular session. Public bodies conducting emergency meetings through teleconference or video means shall comply with the provisions of subsection (4) of this section requiring minutes, recordation and preservation of the audio or

audio/visual recording of the meeting. The nature of the emergency shall be stated in the minutes.

SECTION 3. Section 37-106-29, Mississippi Code of 1972, is amended as follows:

37-106-29. (1) There is established the Mississippi Resident Tuition Assistance Grant Program for college or university freshmen, sophomores, juniors and seniors to be administered by the Mississippi Postsecondary Education Financial Assistance Board established under Section 37-106-9, Mississippi Code of 1972, which shall set the dates and deadlines for applying for an award under this section. The board shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

(2) The college or university shall approve grants to full-time freshmen, sophomore, junior and senior Mississippi residents who meet the general requirements for student eligibility as provided in subsection (4) of this section.

(3) Mississippi Resident Tuition Assistance Grants shall be for Mississippi students from any Mississippi family whose prior year adjusted gross income (AGI) exceeds the maximum allowed to qualify for full Pell Grant eligibility and campus-based federal aid. Those Mississippi students receiving less than the full Pell Grant award, as determined by the institution, shall receive a Mississippi Resident Tuition Assistance Grant in an amount not to exceed the maximum Pell Grant allowable for that individual student. The award shall be applied to tuition, rooms and meals, books, materials and fees not to exceed One Thousand Dollars (\$1,000.00) for junior and senior students attending state institutions of higher learning in Mississippi or four-year regionally accredited, state-approved, nonprofit colleges and universities in Mississippi, and Five Hundred Dollars (\$500.00) for freshmen and sophomores attending state institutions of higher learning or public community or junior colleges in Mississippi, or

regionally accredited, state-approved, nonprofit two-year or four-year colleges in Mississippi, which will be prorated per term, semester or quarter of the academic year for costs of attendance, calculated according to the formula specified in subsection (8) of this section.

(4) The general requirements for initial eligibility of students for Mississippi Resident Tuition Assistance Grants consist of the following:

(a) Member of a Mississippi family whose prior year adjusted gross income (AGI) exceeds the maximum allowed to qualify for Pell Grant eligibility and campus-based federal aid.

(b) Acceptance for enrollment at any state institution of higher learning or public community or junior college located in Mississippi, or any regionally accredited, state-approved, nonprofit four- or two-year college or university located in Mississippi as listed in subsection (d) of this Section

37-106-29(4): (i) a minimum grade point average of 2.5 calculated on a 4.0 scale after seven (7) semesters certified by the high school counselor or other authorized school official on the application and graduation from high school verified by the institution before disbursement of award and has scored fifteen (15) on the American College Test Program (ACT); or (ii) has attended a home education program during grade levels 9 through 12, and has scored fifteen (15) on the American College Testing Program; or (iii) satisfactory completion of the General Educational Development Test (GED) or have successfully completed the International Baccalaureate Program and has scored fifteen (15) on the American College Testing Program; provided, however, that any student entering a vocational or technical program of study, or who has satisfactorily completed the General Education Development Test and attends a community or junior college will not be required to have a test score under the American College Testing Program except those students enrolled in courses of

academic study. Any student currently enrolled in any qualified institution shall have to only meet the same requirements as students who are applying for a renewal award.

(c) Resident status for purposes of receiving grants under this section shall be determined in the same manner as resident status for tuition purposes as set forth in Sections 37-103-1 through 37-103-29, with the exception of 37-103-17.

(d) Must attend one (1) of the following institutions of higher learning: Alcorn State University, Delta State University, Jackson State University, Mississippi State University, Mississippi University for Women, Mississippi Valley State University, University of Mississippi, University of Southern Mississippi, Coahoma Community College, Copiah-Lincoln Community College, East Central Community College, East Mississippi Community College, Hinds Community College, Holmes Community College, Itawamba Community College, Jones County Junior College, Meridian Community College, Mississippi Delta Community College, Mississippi Gulf Coast Community College, Northeast Mississippi Community College, Northwest Mississippi Community College, Pearl River Community College, Southwest Mississippi Community College, Belhaven College, Blue Mountain College, Millsaps College, Mississippi College, Rust College, Tougaloo College, William Carey College, Mary Holmes College, Magnolia Bible College, Wood College and Wesley College.

(5) By accepting a Mississippi Resident Tuition Assistance Grant, the student is attesting to the accuracy, completeness and correctness of information provided to demonstrate the student's eligibility. Falsification of such information shall result in the denial of any pending grant and revocation of any award currently held to the extent that no further payments shall be made. Any student knowingly making false statements in order to receive a grant shall be guilty of a misdemeanor punishable, upon conviction thereof, by a fine of up to Ten Thousand Dollars

231 (\$10,000.00), a prison sentence of up to one (1) year in the
232 county jail, or both, and shall be required to return all
233 Mississippi Resident Tuition Assistance Grants wrongfully
234 obtained.

235 (6) Eligibility for renewal of Mississippi Resident Tuition
236 Assistance Grants shall be evaluated at the end of each semester,
237 or term, of each academic year. As a condition for renewal, a
238 student shall:

239 (a) Make steady academic progress toward a certificate
240 or degree, as outlined in the school Satisfactory Academic
241 Progress Standards and certified by the institution's registrar.

242 (b) Maintain continuous enrollment for not less than
243 two (2) semesters or three (3) quarters in each successive
244 academic year, unless granted an exception for cause by the
245 administering agency; examples of cause may include student
246 participation in a cooperative program, internship program or
247 foreign study program. If a student fails to maintain continuous
248 enrollment, and is not granted an exception for cause by the
249 administering agency, the student is ineligible to receive the
250 Mississippi Resident Tuition Assistance Grant during the following
251 semester or trimester or term of the regular academic year.

252 (c) Have a cumulative grade point average of at least
253 2.50 calculated on a 4.0 scale at the end of each semester or
254 trimester or term.

255 (7) Each student, each year, must complete a Free
256 Application for Federal Student Aid form or a Statement of
257 Certification as designed by the administering board to determine
258 his/her eligibility for a Mississippi Resident Tuition Assistance
259 Grant.

260 (8) (a) The amount of the Mississippi Resident Tuition
261 Assistance Grant awarded to any one (1) student, up to the maximum
262 amount provided in subsection (3) of this section, shall be the
263 difference of the student's cost of attendance at his accredited

264 college of choice and the amount of federal aid such student may
265 receive, not to supplant but to supplement the amount of any
266 federal aid awarded to the student. Cost of attendance is the
267 tuition and fees of the applicable institution plus an allowance
268 for room and meals and books and materials.

269 (b) Payment of the Mississippi Resident Tuition
270 Assistance Grant shall be made payable to the recipient and the
271 educational institution and mailed directly to the institution, to
272 be applied first to tuition.

273 (9) In order for an institution to remain eligible for its
274 students to participate in the Mississippi Resident Tuition
275 Assistance Grant Program, the institution shall comply with the
276 following requirements:

277 (a) A complete and accurate roster of the eligibility
278 status of each awarded student shall be made to the board for each
279 term, semester or quarter of the academic year the student
280 receives a Mississippi Resident Tuition Assistance Grant.

281 (b) The institution is required to make refunds to the
282 Mississippi Resident Tuition Assistance Grant Fund for any funds
283 which have not been disbursed to the recipient, in the case of
284 students who have received a grant but who terminate enrollment
285 during the academic term, semester or quarter of the academic year
286 if an institution's refund policies permit a student to receive a
287 refund in such instance. The recipient shall be responsible for
288 the refund of any funds which have been disbursed by the
289 institution in such instance.

290 (c) If a student drops below full-time status but does
291 not terminate all enrollment during the term, semester or quarter
292 of the academic year no refund will be required for that term.
293 However, that student is ineligible to receive the Mississippi
294 Resident Tuition Assistance Grant during the following term,
295 semester or quarter of the regular academic year.

296 (d) The board may conduct its own annual audits of any
297 institution participating in the Mississippi Resident Tuition
298 Assistance Grant Program. The board may suspend or revoke an
299 institution's eligibility to receive future monies under the
300 program if it finds that the institution has not complied with the
301 provisions of this section. In determining a student's initial
302 eligibility, the number of prior semesters enrolled will not be
303 counted against the student.

304 (10) No student may receive a Mississippi Resident Tuition
305 Assistance Grant for more than the equivalent semesters or
306 quarters required to complete one (1) baccalaureate degree or one
307 (1) certificate or associate degree program per institution.

308 (11) Subject to the availability of funds specifically
309 appropriated therefor, it is the intent of the Legislature to
310 fully fund grant awards to eligible students. If funds are
311 insufficient to fully fund grant awards to eligible students,
312 grant awards shall be prorated among all eligible students. No
313 student shall receive any combination of student financial aid in
314 excess of the cost of attendance as defined in subsection (8)(a).

315 (12) No student receiving a Mississippi Eminent Scholars
316 Grant as provided in Section 37-106-31 shall be eligible to
317 receive the Mississippi Resident Tuition Assistance Grant pursuant
318 to Section 37-106-29 unless he is eligible for such award after
319 the Mississippi Eminent Scholars Grant has been considered by the
320 board when conducting an assessment of the financial resources
321 available to the student. In no case shall any student receive
322 any combination of student financial aid that would exceed the
323 cost of attendance, as defined in subsection (8)(a).

324 For purposes of this section, certificated shall mean, but
325 not be limited to, all postsecondary vocational programs in
326 eligible institutions as identified in subsection (4)(d) of this
327 section.

328 **SECTION 4.** The following provision shall be codified as
329 Section 37-141-6, Mississippi Code of 1972:
330 37-141-6. The Board of Trustees of State Institutions of
331 Higher Learning shall be authorized to charge state agencies and
332 other entities that occupy portions of the Paul B. Johnson, Jr.,
333 Building, the Edsel E. Thrash Universities Center and the ETV
334 Building for utilities, maintenance and security. Entities shall
335 be charged at a rate of One Dollar and Fifty Cents (\$1.50) per
336 square foot for services provided by the board.
337 **SECTION 5.** This act shall take effect and be in force from
338 and after July 1, 2006.