

By: Representatives Moss, Bailey, Clarke,
Dedeaux, Ellis, Robinson (63rd)

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 1422

1 AN ACT TO AMEND SECTION 37-4-3, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE EXECUTIVE DIRECTOR OF THE STATE BOARD FOR COMMUNITY
3 AND JUNIOR COLLEGES TO CONDUCT AN AUDIT OF EACH COLLEGE'S
4 FULL-TIME EQUIVALENT ENROLLMENT AT THE CLOSE OF EACH GRADING TERM,
5 WHICH SHALL BE USED AS THE BASIS FOR DISTRIBUTING FUNDS TO EACH
6 COLLEGE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-4-3, Mississippi Code of 1972, is
9 amended as follows:

10 37-4-3. (1) From and after July 1, 1986, there shall be a
11 State Board for Community and Junior Colleges, which shall receive
12 and distribute funds appropriated by the Legislature for the use
13 of the public community and junior colleges and funds from federal
14 and other sources that are transmitted through the state
15 governmental organization for use by those colleges. This board
16 shall provide general coordination of the public community and
17 junior colleges, assemble reports and such other duties as may be
18 prescribed by law.

19 (2) The board shall consist of ten (10) members of which
20 none shall be an elected official and none shall be engaged in the
21 educational profession. The Governor shall appoint two (2)
22 members from the First Mississippi Congressional District, one (1)
23 who shall serve an initial term of two (2) years and one (1) who
24 shall serve an initial term of five (5) years; two (2) members
25 from the Second Mississippi Congressional District, one (1) who
26 shall serve an initial term of five (5) years and one (1) who
27 shall serve an initial term of three (3) years; and two (2)
28 members from the Third Mississippi Congressional District, one (1)
29 who shall serve an initial term of four (4) years and one (1) who

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

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

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

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

63 the State Board for Community and Junior Colleges. The State
64 Board for Community and Junior Colleges shall set the salary of
65 the Director of the State System of Community and Junior Colleges.
66 The Legislature shall provide adequate funds for the State Board
67 for Community and Junior Colleges, its activities and its staff.

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

70 (a) To authorize disbursements of state appropriated
71 funds to community and junior colleges through orders in the
72 minutes of the board.

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

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

77 (d) To require community and junior colleges to supply
78 such information as the board may request and compile, publish and
79 make available the reports based on that information as the board
80 may deem advisable.

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

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

92 (g) To approve applications from community and junior
93 colleges for state funds for vocational-technical education
94 facilities.

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

97 (i) To appoint members to the Post-Secondary
98 Educational Assistance Board.

99 (j) To appoint members to the Authority for Educational
100 Television.

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

106 (l) To fix standards for community and junior colleges
107 to qualify for appropriations, and qualifications for community
108 and junior college teachers.

109 (m) To have sign-off approval on the State Plan for
110 Vocational Education that is developed in cooperation with
111 appropriate units of the State Department of Education.

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

123 (o) To require the executive director of the board, or
124 another designee, to audit the enrollment of each community and
125 junior college and determine the full-time equivalent enrollment
126 of each community and junior college at the close of each grading
127 term. That full-time equivalent enrollment count shall be used as

128 the basis for distributing funds to each community and junior
129 college. The board shall direct the executive director to report
130 the audit results for the four (4) most recently completed
131 semesters to the Legislature and the board not later than December
132 15 of each year.

133 **SECTION 2.** This act shall take effect and be in force from
134 and after July 1, 2007.