

By: Senator(s) White, Flowers

To: Universities and
Colleges; Appropriations

SENATE BILL NO. 2656

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 INSTITUTION'S
4 FULL-TIME EQUIVALENT ENROLLMENT AT THE CLOSE OF EACH GRADING TERM
5 TO BE USED AS THE BASIS FOR ALLOCATING FUNDS TO EACH INSTITUTION;
6 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 said 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 which arises for reasons other than by
40 expiration of a term of office shall be for the unexpired term
41 only. No two (2) appointees shall reside in the same junior
42 college district. All members shall be appointed with the advice
43 and consent of the 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, Mississippi Code of 1972, for each day devoted to the
52 discharge of official board duties and shall be entitled to
53 reimbursement for all actual and necessary expenses incurred in
54 the discharge of their duties, including mileage as authorized by
55 Section 25-3-41, Mississippi Code of 1972.

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

63 functioning with the state system and policies established by the
64 State Board for Community and Junior Colleges. The State Board
65 for Community and Junior Colleges shall set the salary of the
66 Director of the State System of Community and Junior Colleges.
67 The Legislature shall provide adequate funds for the State Board
68 for Community and Junior Colleges, its activities and its staff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

124 (o) To require that the Executive Director of the State
125 Board for Community and Junior Colleges, or another designee,
126 shall audit the enrollment of each community and junior college
127 and determine the full-time equivalent enrollment of each
128 community and junior college at the close of each grading term.

129 Such count shall be used as the basis for distributing funds to
130 each community and junior college. The Board shall direct the
131 Executive Director to report the audit results for the four most
132 recently completed semesters to the Legislature and the board no
133 later than December 15 of each year.

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