

By: Representative Massengill

To: Universities and
Colleges

HOUSE BILL NO. 36

1 AN ACT TO AMEND SECTIONS 37-4-3 AND 37-101-15, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THE MISSISSIPPI COMMUNITY COLLEGE BOARD
3 AND THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
4 TO DEVELOP A SYSTEM OF CLASS REGISTRATION THAT WILL GIVE STUDENTS
5 WHO ARE PERMANENT RESIDENTS OF THE STATE THE FIRST OPTION OF
6 REGISTERING; TO PROVIDE THAT AFTER ALL MISSISSIPPI RESIDENTS HAVE
7 BEEN AFFORDED THE OPPORTUNITY TO REGISTER, REGISTRATION SHALL THEN
8 BE MADE AVAILABLE FOR NONRESIDENT STUDENTS; AND FOR RELATED
9 PURPOSES.

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

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

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



22 (2) The board shall consist of ten (10) members of which
23 none shall be an elected official and none shall be engaged in the
24 educational profession. The Governor shall appoint two (2)
25 members from the First Mississippi Congressional District, one (1)
26 who shall serve an initial term of two (2) years and one (1) who
27 shall serve an initial term of five (5) years; two (2) members
28 from the Second Mississippi Congressional District, one (1) who
29 shall serve an initial term of five (5) years and one (1) who
30 shall serve an initial term of three (3) years; and two (2)
31 members from the Third Mississippi Congressional District, one (1)
32 who shall serve an initial term of four (4) years and one (1) who
33 shall serve an initial term of two (2) years; two (2) members from
34 the Fourth Mississippi Congressional District, one (1) who shall
35 serve an initial term of three (3) years and one (1) who shall
36 serve an initial term of four (4) years; and two (2) members from
37 the Fifth Mississippi Congressional District, one (1) who shall
38 serve an initial term of five (5) years and one (1) who shall
39 serve an initial term of two (2) years. All subsequent
40 appointments shall be for a term of six (6) years and continue
41 until their successors are appointed and qualify. An appointment
42 to fill a vacancy which arises for reasons other than by
43 expiration of a term of office shall be for the unexpired term
44 only. No two (2) appointees shall reside in the same junior
45 college district. All members shall be appointed with the advice
46 and consent of the Senate.



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

52 (4) The members of the board shall receive no annual salary,
53 but shall receive per diem compensation as authorized by Section
54 25-3-69, Mississippi Code of 1972, for each day devoted to the
55 discharge of official board duties and shall be entitled to
56 reimbursement for all actual and necessary expenses incurred in
57 the discharge of their duties, including mileage as authorized by
58 Section 25-3-41, Mississippi Code of 1972.

59 (5) The board shall name a director for the state system of
60 public junior and community colleges, who shall serve at the
61 pleasure of the board. Such director shall be the chief executive
62 officer of the board, give direction to the board staff, carry out
63 the policies set forth by the board, and work with the presidents
64 of the several community and junior colleges to assist them in
65 carrying out the mandates of the several boards of trustees and in
66 functioning within the state system and policies established by
67 the Mississippi Community College Board. The Mississippi
68 Community College Board shall set the salary of the Director of
69 the Board. The Legislature shall provide adequate funds for the
70 Mississippi Community College Board, its activities and its staff.



71 (6) The powers and duties of the Mississippi Community
72 College Board shall be:

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

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

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

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

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

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



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

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

100 (i) To appoint members to the Post-Secondary
101 Educational Assistance Board.

102 (j) To appoint members to the Authority for Educational
103 Television.

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

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

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

115 (n) To approve or disapprove of any proposed inclusion
116 within municipal corporate limits of state-owned buildings and
117 grounds of any community college or junior college and to approve
118 or disapprove of land use development, zoning requirements,
119 building codes and delivery of governmental services applicable to



120 state-owned buildings and grounds of any community college or
121 junior college. Any agreement by a local board of trustees of a
122 community college or junior college to annexation of state-owned
123 property or other conditions described in this paragraph shall be
124 void unless approved by the board and by the board of supervisors
125 of the county in which the state-owned property is located.

126 (o) To require community and junior colleges to develop
127 a system of class registration that will give students who are
128 permanent residents of the state the first option of registering,
129 whether online or in person, for academic courses the resident
130 students anticipate taking for the term or semester of enrollment
131 immediately following the term or semester in which the resident
132 students are presently enrolled. After all Mississippi residents,
133 whether presently enrolled in a postsecondary institution or a
134 recent graduate of a public or private secondary school or home
135 school program in the state, have been afforded the opportunity to
136 register, registration shall then be made available for
137 nonresident students.

138 **SECTION 2.** Section 37-101-15, Mississippi Code of 1972, is
139 amended as follows:

140 37-101-15. (a) The Board of Trustees of State Institutions
141 of Higher Learning shall succeed to and continue to exercise
142 control of all records, books, papers, equipment, and supplies,
143 and all lands, buildings, and other real and personal property
144 belonging to or assigned to the use and benefit of the board of



145 trustees formerly supervising and controlling the institutions of
146 higher learning named in Section 37-101-1. The board shall have
147 and exercise control of the use, distribution and disbursement of
148 all funds, appropriations and taxes, now and hereafter in
149 possession, levied and collected, received, or appropriated for
150 the use, benefit, support, and maintenance or capital outlay
151 expenditures of the institutions of higher learning, including the
152 authorization of employees to sign vouchers for the disbursement
153 of funds for the various institutions, except where otherwise
154 specifically provided by law.

155 (b) The board shall have general supervision of the affairs
156 of all the institutions of higher learning, including the
157 departments and the schools thereof. The board shall have the
158 power in its discretion to determine who shall be privileged to
159 enter, to remain in, or to graduate therefrom. The board shall
160 have general supervision of the conduct of libraries and
161 laboratories, the care of dormitories, buildings, and grounds; the
162 business methods and arrangement of accounts and records; the
163 organization of the administrative plan of each institution; and
164 all other matters incident to the proper functioning of the
165 institutions. The board shall have the authority to establish
166 minimum standards of achievement as a prerequisite for entrance
167 into any of the institutions under its jurisdiction, which
168 standards need not be uniform between the various institutions and
169 which may be based upon such criteria as the board may establish.



170 (c) The board shall exercise all the powers and prerogatives
171 conferred upon it under the laws establishing and providing for
172 the operation of the several institutions herein specified. The
173 board shall adopt such bylaws and regulations from time to time as
174 it deems expedient for the proper supervision and control of the
175 several institutions of higher learning, insofar as such bylaws
176 and regulations are not repugnant to the Constitution and laws,
177 and not inconsistent with the object for which these institutions
178 were established. The board shall have power and authority to
179 prescribe rules and regulations for policing the campuses and all
180 buildings of the respective institutions, to authorize the arrest
181 of all persons violating on any campus any criminal law of the
182 state, and to have such law violators turned over to the civil
183 authorities.

184 (d) For all institutions specified herein, the board shall
185 provide a uniform system of recording and of accounting approved
186 by the State Department of Audit. The board shall annually
187 prepare, or cause to be prepared, a budget for each institution of
188 higher learning for the succeeding year which must be prepared and
189 in readiness for at least thirty (30) days before the convening of
190 the regular session of the Legislature. All relationships and
191 negotiations between the State Legislature and its various
192 committees and the institutions named herein shall be carried on
193 through the board of trustees. No official, employee or agent
194 representing any of the separate institutions shall appear before



195 the Legislature or any committee thereof except upon the written
196 order of the board or upon the request of the Legislature or a
197 committee thereof.

198 (e) For all institutions specified herein, the board shall
199 prepare an annual report to the Legislature setting forth the
200 disbursements of all monies appropriated to the respective
201 institutions. Each report to the Legislature shall show how the
202 money appropriated to the several institutions has been expended,
203 beginning and ending with the fiscal years of the institutions,
204 showing the name of each teacher, officer, and employee, and the
205 salary paid each, and an itemized statement of each and every item
206 of receipts and expenditures. Each report must be balanced, and
207 must begin with the former balance. If any property belonging to
208 the state or the institution is used for profit, the reports shall
209 show the expense incurred in managing the property and the amount
210 received therefrom. The reports shall also show a summary of the
211 gross receipts and gross disbursements for each year and shall
212 show the money on hand at the beginning of the fiscal period of
213 the institution next preceding each session of the Legislature and
214 the necessary amount of expense to be incurred from said date to
215 January 1 following. The board shall keep the annual expenditures
216 of each institution herein mentioned within the income derived
217 from legislative appropriations and other sources, but in case of
218 emergency arising from acts of providence, epidemics, fire or
219 storm with the written approval of the Governor and by written



220 consent of a majority of the senators and of the representatives
221 it may exceed the income. The board shall require a surety bond
222 in a surety company authorized to do business in this state, of
223 every employee who is the custodian of funds belonging to one or
224 more of the institutions mentioned herein, which bond shall be in
225 a sum to be fixed by the board in an amount that will properly
226 safeguard the said funds, the premium for which shall be paid out
227 of the funds appropriated for said institutions.

228 (f) The board shall have the power and authority to elect
229 the heads of the various institutions of higher learning and to
230 contract with all deans, professors, and other members of the
231 teaching staff, and all administrative employees of said
232 institutions for a term of not exceeding four (4) years. The
233 board shall have the power and authority to terminate any such
234 contract at any time for malfeasance, inefficiency, or
235 contumacious conduct, but never for political reasons. It shall
236 be the policy of the board to permit the executive head of each
237 institution to nominate for election by the board all subordinate
238 employees of the institution over which he presides. It shall be
239 the policy of the board to elect all officials for a definite
240 tenure of service and to reelect during the period of satisfactory
241 service. The board shall have the power to make any adjustments
242 it thinks necessary between the various departments and schools of
243 any institution or between the different institutions.



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

247 (h) The board shall have the power to enter into an energy
248 performance contract, energy services contract, on a
249 shared-savings, lease or lease-purchase basis, for energy
250 efficiency services and/or equipment as prescribed in Section
251 31-7-14.

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

258 (j) In connection with any international contract between
259 the board or one (1) of the state's institutions of higher
260 learning and any party outside of the United States, the board or
261 institution that is the party to the international contract is
262 hereby authorized and empowered to include in the contract a
263 provision for the resolution by arbitration of any controversy
264 between the parties to the contract relating to such contract or
265 the failure or refusal to perform any part of the contract. Such
266 provision shall be valid, enforceable and irrevocable without
267 regard to the justiciable character of the controversy. Provided,
268 however, that in the event either party to such contract initiates



269 litigation against the other with respect to the contract, the
270 arbitration provision shall be deemed waived unless asserted as a
271 defense on or before the responding party is required to answer
272 such litigation.

273 (k) The Board of Trustees of State Institutions of Higher
274 Learning ("board"), on behalf of any institution under its
275 jurisdiction, shall purchase and maintain business property
276 insurance and business personal property insurance on all
277 university-owned buildings and/or contents as required by federal
278 law and regulations of the Federal Emergency Management Agency
279 (FEMA) as is necessary for receiving public assistance or
280 reimbursement for repair, reconstruction, replacement or other
281 damage to those buildings and/or contents caused by the Hurricane
282 Katrina Disaster of 2005 or subsequent disasters. The board is
283 authorized to expend funds from any available source for the
284 purpose of obtaining and maintaining that property insurance. The
285 board is authorized to enter into agreements with the Department
286 of Finance and Administration, local school districts,
287 community/junior college districts, community hospitals and/or
288 other state agencies to pool their liabilities to participate in a
289 group business property and/or business personal property
290 insurance program, subject to uniform rules and regulations as may
291 be adopted by the Department of Finance and Administration.

292 (l) The Board of Trustees of State Institutions of Higher
293 Learning, or its designee, may approve the payment or



294 reimbursement of reasonable travel expenses incurred by candidates
295 for open positions at the board's executive office or at any of
296 the state institutions of higher learning, when the job candidate
297 has incurred expenses in traveling to a job interview at the
298 request of the board, the Commissioner of Higher Education or a
299 state institution of higher learning administrator.

300 (m) For all institutions specified herein, the board
301 shall develop a system of class registration that will give
302 students who are permanent residents of the state the first option
303 of registering, whether online or in person, for academic courses
304 the resident students anticipate taking for the term or semester
305 of enrollment immediately following the term or semester in which
306 the resident students are presently enrolled. After all
307 Mississippi residents, whether presently enrolled in a
308 postsecondary institution or a recent graduate of a public or
309 private secondary school or home school program in the state, have
310 been afforded the opportunity to register, registration shall then
311 be made available for nonresident students.

312 **SECTION 3.** This act shall take effect and be in force from
313 and after July 1, 2018.

