

By: Representative Shirley

To: Appropriations

HOUSE BILL NO. 296

1 AN ACT TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO  
 2 PROVIDE THAT THE STATE SUPERINTENDENT OF EDUCATION, THE  
 3 COMMISSIONER OF HIGHER EDUCATION AND THE EXECUTIVE DIRECTOR OF THE  
 4 MISSISSIPPI COMMUNITY COLLEGE BOARD SHALL NOT RECEIVE A SALARY,  
 5 WHETHER PAID DIRECTLY OR INDIRECTLY, THAT IS GREATER THAN ONE  
 6 HUNDRED FIFTY PERCENT OF THE SALARY FIXED FOR THE GOVERNOR OF THE  
 7 STATE OF MISSISSIPPI; TO AMEND SECTIONS 37-3-9, 37-101-7 AND  
 8 37-4-3, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
 9 SECTION; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 25-3-39, Mississippi Code of 1972, is  
 12 amended as follows:

13 25-3-39. (1) (a) Except as otherwise provided in this  
 14 section, no public officer, public employee, administrator, or  
 15 executive head of any arm or agency of the state, in the executive  
 16 branch of government, shall be paid a salary or compensation,  
 17 directly or indirectly, greater than one hundred fifty percent  
 18 (150%) of the salary fixed in Section 25-3-31 for the Governor,  
 19 nor shall the salary of any public officer, public employee,  
 20 administrator, or executive head of any arm or agency of the  
 21 state, in the executive branch of government, be supplemented with



22 any funds from any source, including federal or private funds.  
23 Such salaries shall be completely paid by the state. Except for  
24 the State Superintendent of Education, the Commissioner of Higher  
25 Education and the Executive Director of the Mississippi Community  
26 College Board, all academic officials, members of the teaching  
27 staffs and employees of the state institutions of higher learning,  
28 the Mississippi Community College Board, and community and junior  
29 colleges, and licensed physicians who are public employees, shall  
30 be exempt from this subsection. All professional employees who  
31 hold a bachelor's degree or more advanced degree from an  
32 accredited four-year college or university or a certificate or  
33 license issued by a state licensing board, commission or agency  
34 and who are employed by the Department of Mental Health shall be  
35 exempt from this subsection if the State Personnel Board approves  
36 the exemption. The Commissioner of Child Protection Services is  
37 exempt from this subsection. From and after July 1, 2018, the  
38 Executive Director of the Public Employees' Retirement System and  
39 the Chief Investment Officer of the Public Employees' Retirement  
40 System shall be exempt from this subsection.

41 (b) The Governor shall fix the annual salary of the  
42 Executive Director of the Mississippi Development Authority, the  
43 annual salary of the Commissioner of Child Protection Services,  
44 and the annual salary of the Chief of Staff of the Governor's  
45 Office. The salary of the Governor's Chief of Staff shall not be  
46 greater than one hundred fifty percent (150%) of the salary of the



47 Governor and shall be completely paid by the state without  
48 supplementation from another source. The salary of the Executive  
49 Director of the Mississippi Development Authority may be greater  
50 than one hundred fifty percent (150%) of the salary of the  
51 Governor and may be supplemented with funds from any source,  
52 including federal or private funds; however, any state funds used  
53 to pay the salary of the Executive Director of the Mississippi  
54 Development Authority shall not exceed one hundred fifty percent  
55 (150%) of the salary of the Governor. If the executive director's  
56 salary is supplemented with private funds, the Mississippi  
57 Development Authority shall publish on its website the amount of  
58 the supplement and the name of the donor of the private funds.

59 (2) No public officer, employee or administrator shall be  
60 paid a salary or compensation, directly or indirectly, in excess  
61 of the salary authorized to be paid the executive head of the  
62 state agency or department in which he or she is employed. The  
63 State Personnel Board, based upon its findings of fact, may exempt  
64 physicians and actuaries from this subsection when the acquisition  
65 of such professional services is precluded based on the prevailing  
66 wage in the relevant labor market.

67 (3) The executive head of any state agency or department  
68 appointed by the Governor, in such executive head's discretion,  
69 may waive all or any portion of the salary or compensation  
70 lawfully established for the position.



71           **SECTION 2.** Section 37-3-9, Mississippi Code of 1972, is  
72 amended as follows:

73           37-3-9. (1) There shall be a State Superintendent of Public  
74 Education who shall be appointed by the State Board of Education,  
75 with the advice and consent of the Senate, and serve at the  
76 board's will and pleasure. He or she shall be the Chief  
77 Administrative Officer for the State Department of Education and  
78 shall administer the department in accordance with the policies  
79 established by the State Board of Education. \* \* \* From and after  
80 the completion of the term of the \* \* \* superintendent serving on  
81 July 1, 2011, the salary of the State Superintendent of Education  
82 shall be established by the State Board of Education; however,  
83 such salary, whether paid directly or indirectly, shall not be  
84 greater than one hundred fifty percent (150%) of the salary fixed  
85 in Section 25-3-31 for the Governor. The State Superintendent of  
86 Public Education shall have at least a master's degree in any  
87 field and a minimum of five (5) years' experience in  
88 administration in the educational field.

89           (2) The State Superintendent shall give bond in the penalty  
90 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be  
91 approved by the Governor, conditioned according to law. The bond,  
92 when approved, shall be filed and recorded in the Office of the  
93 Secretary of State.

94           **SECTION 3.** Section 37-101-7, Mississippi Code of 1972, is  
95 amended as follows:



96           37-101-7. Within ten (10) days after the beginning of the  
97 terms of office of its members, upon call of the Governor, the  
98 Board of Trustees of State Institutions of Higher Learning shall  
99 meet in the City of Jackson and organize by electing one (1) of  
100 its number as president, whose term of office shall be for one (1)  
101 year or until a successor shall be elected, and shall transact  
102 such other business as may come before the meeting. When the  
103 presiding officer has voted and the result is a tie, he or she  
104 cannot vote again to break the tie.

105           The trustees shall have authority to appoint a nonmember as  
106 Commissioner of Higher Education, who shall possess the highest  
107 qualifications as an administrator and research worker. The  
108 Commissioner of Higher Education shall maintain an office and be  
109 responsible to the board for the efficient functioning of the  
110 staff which the board may from time to time establish. It shall  
111 be the duty of the Commissioner of Higher Education to make  
112 constant inquiry into the problems of higher education, to survey  
113 and study carefully the organization, management and all other  
114 affairs of each institution under the control of \* \* \* the  
115 trustees, to make report of all findings and recommend such  
116 changes as will increase efficiency and economy in the operation  
117 of each institution, and to perform such other duties as the board  
118 may prescribe. The Commissioner of Higher Education shall be  
119 responsible for compiling all laws and all rules and regulations  
120 of a general nature adopted by the board for the governance of the



121 various institutions of higher learning in pamphlet or loose-leaf  
122 form. Current copies of such compilations shall be furnished to  
123 all officials directly responsible for the carrying out of such  
124 laws, rules and regulations. The expenses for such compilation  
125 and publication shall be paid by the board out of any funds  
126 available for the operation of \* \* \* the board.

127 The trustees shall authorize the employment of such other  
128 personnel as may be required from time to time to carry out the  
129 functions of the board and may assign to the personnel so employed  
130 such functions and duties and may delegate to the commissioner or  
131 other personnel such powers of the board as may be necessary to  
132 accomplish the purposes for which the board was established. All  
133 such personnel shall be employed by the commissioner with the  
134 approval of the board and shall hold office at the pleasure of the  
135 commissioner. The board shall also have the authority to employ  
136 on a fee basis such technical and professional assistance as may  
137 be necessary to carry out the powers, duties and purposes of the  
138 board.

139 The Commissioner of Higher Education and other personnel  
140 employed by the board shall receive reasonable salaries  
141 commensurate with their duties and functions, the amount of which  
142 shall be fixed by the board; however, the salary of the  
143 Commissioner of Higher Education, whether paid directly or  
144 indirectly, shall not be greater than one hundred fifty percent  
145 (150%) of the salary fixed in Section 25-3-31 for the Governor.



146 The reasonable traveling expenses and other authorized expenses  
147 incurred by the commissioner and other personnel in the  
148 performance of their duties, together with other expenses of the  
149 operation of the executive office, shall be prorated and deducted  
150 from the appropriations for the current expenses of the several  
151 institutions.

152 **SECTION 4.** Section 37-4-3, Mississippi Code of 1972, is  
153 amended as follows:

154 37-4-3. (1) \* \* \* There shall be a Mississippi Community  
155 College Board which shall receive and distribute funds  
156 appropriated by the Legislature for the use of the public  
157 community and junior colleges and funds from federal and other  
158 sources that are transmitted through the state governmental  
159 organization for use by said colleges. This board shall provide  
160 general coordination of the public community and junior colleges,  
161 assemble reports and such other duties as may be prescribed by  
162 law.

163 (2) The board shall consist of ten (10) members of which  
164 none shall be an elected official and none shall be engaged in the  
165 educational profession. The Governor shall appoint two (2)  
166 members from the First Mississippi Congressional District, one (1)  
167 who shall serve an initial term of two (2) years and one (1) who  
168 shall serve an initial term of five (5) years; two (2) members  
169 from the Second Mississippi Congressional District, one (1) who  
170 shall serve an initial term of five (5) years and one (1) who



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

188 (3) There shall be a \* \* \* chair and vice \* \* \* chair of the  
189 board, elected by and from the membership of the board; and  
190 the \* \* \* chair shall be the presiding officer of the board. The  
191 board shall adopt rules and regulations governing times and places  
192 for meetings and governing the manner of conducting its business.

193 (4) The members of the board shall receive no annual salary,  
194 but shall receive per diem compensation as authorized by Section  
195 25-3-69, \* \* \* for each day devoted to the discharge of official





196 board duties and shall be entitled to reimbursement for all actual  
197 and necessary expenses incurred in the discharge of their duties,  
198 including mileage as authorized by Section 25-3-41 \* \* \*.

199 (5) The board shall name a director for the state system of  
200 public junior and community colleges, who shall serve at the  
201 pleasure of the board. Such director shall be the chief executive  
202 officer of the board, give direction to the board staff, carry out  
203 the policies set forth by the board, and work with the presidents  
204 of the several community and junior colleges to assist them in  
205 carrying out the mandates of the several boards of trustees and in  
206 functioning within the state system and policies established by  
207 the Mississippi Community College Board. The Mississippi  
208 Community College Board shall set the salary of the Director of  
209 the Board; however, such salary, whether paid directly or  
210 indirectly, shall not be greater than one hundred fifty percent  
211 (150%) of the salary fixed in Section 25-3-31 for the Governor.  
212 The Legislature shall provide adequate funds for the Mississippi  
213 Community College Board, its activities and its staff.

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

216 (a) To authorize disbursements of state appropriated  
217 funds to community and junior colleges through orders in the  
218 minutes of the board.

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



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

223 (d) To require community and junior colleges to supply  
224 such information as the board may request and compile, publish and  
225 make available such reports based thereon as the board may deem  
226 advisable.

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

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

238 (g) To approve applications from community and junior  
239 colleges for state funds for vocational-technical education  
240 facilities.

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

243 (i) To appoint members to the Post-Secondary  
244 Educational Assistance Board.



245           (j) To appoint members to the Authority for Educational  
246 Television.

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

252           (l) To fix standards for community and junior colleges  
253 to qualify for appropriations, and qualifications for community  
254 and junior college teachers.

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

258           (n) To approve or disapprove of any proposed inclusion  
259 within municipal corporate limits of state-owned buildings and  
260 grounds of any community college or junior college and to approve  
261 or disapprove of land use development, zoning requirements,  
262 building codes and delivery of governmental services applicable to  
263 state-owned buildings and grounds of any community college or  
264 junior college. Any agreement by a local board of trustees of a  
265 community college or junior college to annexation of state-owned  
266 property or other conditions described in this paragraph shall be  
267 void unless approved by the board and by the board of supervisors  
268 of the county in which the state-owned property is located.



269           **SECTION 5.** This act shall take effect and be in force from  
270 and after July 1, 2018.

