

By: Representative Shirley

To: Appropriations

HOUSE BILL NO. 173

1 AN ACT TO AMEND SECTION 25-3-39, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC 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



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

(b) The Governor shall fix the annual salary of the Executive Director of the Mississippi Development Authority, the annual salary of the Commissioner of Child Protection Services, and the annual salary of the Chief of Staff of the Governor's Office. The salary of the Governor's Chief of Staff shall not be



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

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

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



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

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

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

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



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

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



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

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

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



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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



270 **SECTION 5.** This act shall take effect and be in force from
271 and after July 1, 2019.

