

By: Representatives Massengill, Anderson
(122nd), Lancaster

To: Universities and
Colleges

HOUSE BILL NO. 157

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. The Governor shall appoint two
24 (2) members from the First Mississippi Congressional District, one
25 (1) who shall serve an initial term of two (2) years and one (1)
26 who shall serve an initial term of five (5) years; two (2) members
27 from the Second Mississippi Congressional District, one (1) who
28 shall serve an initial term of five (5) years and one (1) who
29 shall serve an initial term of three (3) years; and two (2)
30 members from the Third Mississippi Congressional District, one (1)
31 who shall serve an initial term of four (4) years and one (1) who
32 shall serve an initial term of two (2) years; two (2) members from
33 the Fourth Mississippi Congressional District, one (1) who shall
34 serve an initial term of three (3) years and one (1) who shall
35 serve an initial term of four (4) years; and two (2) members from
36 the Fifth Mississippi Congressional District, one (1) who shall
37 serve an initial term of five (5) years and one (1) who shall
38 serve an initial term of two (2) years. All subsequent
39 appointments shall be for a term of six (6) years and continue
40 until their successors are appointed and qualify. An appointment
41 to fill a vacancy which arises for reasons other than by
42 expiration of a term of office shall be for the unexpired term
43 only. All members shall be appointed with the advice and consent
44 of the Senate.

45 (3) There shall be a chairman and vice chairman of the
46 board, elected by and from the membership of the board; and the



47 chairman shall be the presiding officer of the board. The board
48 shall adopt rules and regulations governing times and places for
49 meetings and governing the manner of conducting its business.

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

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

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

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

138 37-101-15. (a) The Board of Trustees of State Institutions
139 of Higher Learning shall succeed to and continue to exercise
140 control of all records, books, papers, equipment, and supplies,
141 and all lands, buildings, and other real and personal property
142 belonging to or assigned to the use and benefit of the board of
143 trustees formerly supervising and controlling the institutions of
144 higher learning named in Section 37-101-1. The board shall have
145 and exercise control of the use, distribution and disbursement of



146 all funds, appropriations and taxes, now and hereafter in
147 possession, levied and collected, received, or appropriated for
148 the use, benefit, support, and maintenance or capital outlay
149 expenditures of the institutions of higher learning, including the
150 authorization of employees to sign vouchers for the disbursement
151 of funds for the various institutions, except where otherwise
152 specifically provided by law.

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

168 (c) The board shall exercise all the powers and prerogatives
169 conferred upon it under the laws establishing and providing for
170 the operation of the several institutions herein specified. The



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

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



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



221 every employee who is the custodian of funds belonging to one or
222 more of the institutions mentioned herein, which bond shall be in
223 a sum to be fixed by the board in an amount that will properly
224 safeguard the said funds, the premium for which shall be paid out
225 of the funds appropriated for said institutions.

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

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



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

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

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



269 defense on or before the responding party is required to answer
270 such litigation.

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

290 (l) The Board of Trustees of State Institutions of Higher
291 Learning, or its designee, may approve the payment or
292 reimbursement of reasonable travel expenses incurred by candidates
293 for open positions at the board's executive office or at any of



294 the state institutions of higher learning, when the job candidate
295 has incurred expenses in traveling to a job interview at the
296 request of the board, the Commissioner of Higher Education or a
297 state institution of higher learning administrator.

298 (m) (i) The Board of Trustees of State Institutions of
299 Higher Learning is authorized to administer and approve contracts
300 for the construction and maintenance of buildings and other
301 facilities of the state institutions of higher learning, including
302 related contracts for architectural and engineering services,
303 which are paid for with self-generated funds.

304 (ii) Additionally, the board is authorized to oversee,
305 administer and approve contracts for the construction and
306 maintenance of buildings and other facilities of the state
307 institutions of higher learning, including related contracts for
308 architectural and engineering services, which are funded in whole
309 or in part by general obligation bonds of the State of Mississippi
310 at institutions designated annually by the board as being capable
311 to procure and administer all such contracts. Prior to the
312 disbursement of funds, an agreement for each project between the
313 institution and the Department of Finance and Administration shall
314 be executed. The approval and execution of the agreement shall
315 not be withheld by either party unless the withholding party
316 provides a written, detailed explanation of the basis for
317 withholding to the other party. The agreement shall stipulate the
318 responsibilities of each party, applicable procurement



319 regulations, documentation and reporting requirements, conditions
320 prior to, and schedule of, disbursement of general obligation bond
321 funds to the institution and provisions concerning handling any
322 remaining general obligation bonds at the completion of the
323 project. Such agreement shall not include provisions that
324 constitute additional qualifications or criteria that act to
325 invalidate the designation of an institution as capable of
326 procuring and administering such project. Inclusion of any such
327 provisions may be appealed to the Public Procurement Review Board.
328 This subparagraph (ii) shall stand repealed from and after July 1,
329 2022.

330 (n) For all institutions specified herein, the board shall
331 develop a system of class registration that will give students who
332 are permanent residents of the state the first option of
333 registering, whether online or in person, for academic courses the
334 resident students anticipate taking for the term or semester of
335 enrollment immediately following the term or semester in which the
336 resident students are presently enrolled. After all Mississippi
337 residents, whether presently enrolled in a postsecondary
338 institution or a recent graduate of a public or private secondary
339 school or homeschool program in the state, have been afforded the
340 opportunity to register, registration shall then be made available
341 for nonresident students.

342 **SECTION 3.** This act shall take effect and be in force from
343 and after July 1, 2022.

