

By: Senator(s) DeBar, Michel, Parker

To: Education; Universities  
and Colleges

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2425

1 AN ACT TO AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE A LIMITATION ON THE SALARY OF THE STATE SUPERINTENDENT OF  
3 PUBLIC EDUCATION; TO AMEND SECTION 37-101-7, MISSISSIPPI CODE OF  
4 1972, TO PROVIDE A LIMITATION ON THE SALARY OF THE COMMISSIONER OF  
5 HIGHER EDUCATION; TO AMEND SECTION 37-4-3, MISSISSIPPI CODE OF  
6 1972, TO PROVIDE A LIMITATION ON THE SALARY OF THE EXECUTIVE  
7 DIRECTOR OF THE COMMUNITY COLLEGE BOARD; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-3-9, Mississippi Code of 1972, is  
10 amended as follows:

11 37-3-9. (1) There shall be a State Superintendent of Public  
12 Education who shall be appointed by the State Board of Education,  
13 with the advice and consent of the Senate, and serve at the  
14 board's will and pleasure. He shall be the Chief Administrative  
15 Officer for the State Department of Education and shall administer  
16 the department in accordance with the policies established by the  
17 State Board of Education. The State Superintendent of Education,  
18 serving on July 1, \* \* \* 2021, shall continue to receive the  
19 salary that he was receiving on January 1, \* \* \* 2021. From and  
20 after the \* \* \* date that such superintendent's period of



21 employment as superintendent ends, the salary of the State  
22 Superintendent of Education shall be established by the State  
23 Board of Education and shall not exceed Two Hundred Fifty Thousand  
24 Dollars (\$250,000.00) per year. The State Superintendent of  
25 Public Education shall have at least a master's degree in any  
26 field and a minimum of five (5) years' experience in  
27 administration in the educational field.

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

33 **SECTION 2.** Section 37-101-7, Mississippi Code of 1972, is  
34 amended as follows:

35 37-101-7. Within ten (10) days after the beginning of the  
36 terms of office of its members, upon call of the Governor, the  
37 Board of Trustees of State Institutions of Higher Learning shall  
38 meet in the City of Jackson and organize by electing one (1) of  
39 its number as president, whose term of office shall be for one (1)  
40 year or until a successor shall be elected, and shall transact  
41 such other business as may come before the meeting. When the  
42 presiding officer has voted and the result is a tie, he cannot  
43 vote again to break the tie.

44 The trustees shall have authority to appoint a nonmember as  
45 Commissioner of Higher Education, who shall possess the highest



46 qualifications as an administrator and research worker. The  
47 Commissioner of Higher Education shall maintain an office and be  
48 responsible to the board for the efficient functioning of the  
49 staff which the board may from time to time establish. It shall  
50 be the duty of the Commissioner of Higher Education to make  
51 constant inquiry into the problems of higher education, to survey  
52 and study carefully the organization, management and all other  
53 affairs of each institution under the control of said trustees, to  
54 make report of all findings and recommend such changes as will  
55 increase efficiency and economy in the operation of each  
56 institution, and to perform such other duties as the board may  
57 prescribe. The Commissioner of Higher Education shall be  
58 responsible for compiling all laws and all rules and regulations  
59 of a general nature adopted by the board for the governance of the  
60 various institutions of higher learning in pamphlet or loose-leaf  
61 form. Current copies of such compilations shall be furnished to  
62 all officials directly responsible for the carrying out of such  
63 laws, rules and regulations. The expenses for such compilation  
64 and publication shall be paid by the board out of any funds  
65 available for the operation of said board.

66 The trustees shall authorize the employment of such other  
67 personnel as may be required from time to time to carry out the  
68 functions of the board and may assign to the personnel so employed  
69 such functions and duties and may delegate to the commissioner or  
70 other personnel such powers of the board as may be necessary to



71 accomplish the purposes for which the board was established. All  
72 such personnel shall be employed by the commissioner with the  
73 approval of the board and shall hold office at the pleasure of the  
74 commissioner. The board shall also have the authority to employ  
75 on a fee basis such technical and professional assistance as may  
76 be necessary to carry out the powers, duties and purposes of the  
77 board.

78 The Commissioner of Higher Education and other personnel  
79 employed by the board shall receive reasonable salaries  
80 commensurate with their duties and functions, the amount of which  
81 shall be fixed by the board. The commissioner serving on July 1,  
82 2021, shall continue to receive the salary that he was receiving  
83 on January 1, 2021. From and after the date that such  
84 commissioner's period of employment as commissioner ends, the  
85 salary of the commissioner shall be established by the board and  
86 shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00)  
87 per year. The reasonable traveling expenses and other authorized  
88 expenses incurred by the commissioner and other personnel in the  
89 performance of their duties, together with other expenses of the  
90 operation of the executive office, shall be prorated and deducted  
91 from the appropriations for the current expenses of the several  
92 institutions.

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



95           37-4-3. (1) From and after July 1, 1986, there shall be a  
96 Mississippi Community College Board which shall receive and  
97 distribute funds appropriated by the Legislature for the use of  
98 the public community and junior colleges and funds from federal  
99 and other sources that are transmitted through the state  
100 governmental organization for use by said colleges. This board  
101 shall provide general coordination of the public community and  
102 junior colleges, assemble reports and such other duties as may be  
103 prescribed by law.

104           (2) The board shall consist of ten (10) members of which  
105 none shall be an elected official. The Governor shall appoint two  
106 (2) members from the First Mississippi Congressional District, one  
107 (1) who shall serve an initial term of two (2) years and one (1)  
108 who shall serve an initial term of five (5) years; two (2) members  
109 from the Second Mississippi Congressional District, one (1) who  
110 shall serve an initial term of five (5) years and one (1) who  
111 shall serve an initial term of three (3) years; and two (2)  
112 members from the Third Mississippi Congressional District, one (1)  
113 who shall serve an initial term of four (4) years and one (1) who  
114 shall serve an initial term of two (2) years; two (2) members from  
115 the Fourth Mississippi Congressional District, one (1) who shall  
116 serve an initial term of three (3) years and one (1) who shall  
117 serve an initial term of four (4) years; and two (2) members from  
118 the Fifth Mississippi Congressional District, one (1) who shall  
119 serve an initial term of five (5) years and one (1) who shall



120 serve an initial term of two (2) years. All subsequent  
121 appointments shall be for a term of six (6) years and continue  
122 until their successors are appointed and qualify. An appointment  
123 to fill a vacancy which arises for reasons other than by  
124 expiration of a term of office shall be for the unexpired term  
125 only. All members shall be appointed with the advice and consent  
126 of the Senate.

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

132 (4) The members of the board shall receive no annual salary,  
133 but shall receive per diem compensation as authorized by Section  
134 25-3-69, Mississippi Code of 1972, for each day devoted to the  
135 discharge of official board duties and shall be entitled to  
136 reimbursement for all actual and necessary expenses incurred in  
137 the discharge of their duties, including mileage as authorized by  
138 Section 25-3-41, Mississippi Code of 1972.

139 (5) The board shall name a director for the state system of  
140 public junior and community colleges, who shall serve at the  
141 pleasure of the board. Such director shall be the chief executive  
142 officer of the board, give direction to the board staff, carry out  
143 the policies set forth by the board, and work with the presidents  
144 of the several community and junior colleges to assist them in



145 carrying out the mandates of the several boards of trustees and in  
146 functioning within the state system and policies established by  
147 the Mississippi Community College Board. The Mississippi  
148 Community College Board shall set the salary of the director of  
149 the board. The director serving on July 1, 2021, shall continue  
150 to receive the salary that he was receiving on January 1, 2021.  
151 From and after the date that such director's period of employment  
152 as director ends, the salary of the director shall be established  
153 by the board and shall not exceed Two Hundred Fifty Thousand  
154 Dollars (\$250,000.00) per year. The Legislature shall provide  
155 adequate funds for the Mississippi Community College Board, its  
156 activities and its staff.

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

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

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

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

166 (d) To require community and junior colleges to supply  
167 such information as the board may request and compile, publish and  
168 make available such reports based thereon as the board may deem  
169 advisable.



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

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

181 (g) To approve applications from community and junior  
182 colleges for state funds for vocational-technical education  
183 facilities.

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

186 (i) To appoint members to the Post-Secondary  
187 Educational Assistance Board.

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

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





195           (1) To fix standards for community and junior colleges  
196 to qualify for appropriations, and qualifications for community  
197 and junior college teachers.

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

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

212           **SECTION 4.** This act shall take effect and be in force from  
213 and after July 1, 2022.

