

By: Senator(s) DeBar, Michel

To: Education; Universities
and Colleges

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 completion of the term of the said superintendent



21 serving on July 1, * * * 2021, 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 completion of the term of
84 the said Commissioner serving on July 1, 2021, the salary of the
85 Commissioner shall be established by the board and shall not
86 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) per year.
87 The reasonable traveling expenses and other authorized expenses
88 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 completion of the term of the said director
152 serving on July 1, 2021, the salary of the director shall be
153 established by the board and shall not exceed Two Hundred Fifty
154 Thousand Dollars (\$250,000.00) per year. The Legislature shall
155 provide adequate funds for the Mississippi Community College
156 Board, its 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.

