

By: Representatives Massengill, Lancaster

To: Universities and Colleges

HOUSE BILL NO. 17

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 paragraph (ii) shall stand repealed from and after July 1,  
329 2025.

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, 2023.

