

By: Representative Massengill

To: Universities and
Colleges

HOUSE BILL NO. 527

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.



(2) The board shall consist of ten (10) members of which none shall be an elected official. Until January 1, 2028, 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 qualify. 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. All members shall be appointed with the advice and consent of the Senate.

The Mississippi Community College Board, created by former Section 37-4-3, is continued and reconstituted as follows:



Effective January 1, 2028, the Governor shall appoint three (3) members from each Mississippi Supreme Court District and one (1) from the state at large. The members shall be appointed by the Governor, with the advice and consent of the Senate, for a term of office of four (4) years, provided that six (6) members shall be appointed in 2028 to a term ending December 31, 2031, and four (4) members shall be appointed in 2030 to a term ending December 31, 2033. Appointments made at the beginning of the four-year cycle shall be made to fill any member's term which actually expires that year and any member's term which expires next until the majority of the membership of the board or commission is reached. Appointments made at the beginning of the third year of the four-year cycle shall be made for the remainder of the membership positions irrespective of the time of their prior appointment. Any question regarding the order of appointments shall be determined by the Secretary of State in accordance with the specific statute. All appointment procedures, vacancy provisions, interim appointment provisions and removal provisions specifically provided for in Section 7-1-35, Mississippi Code of 1972, shall be fully applicable to appointments to the Mississippi Community College Board, and to the position of executive director.

(3) There shall be a chairman and vice chairman of the board, elected by and from the membership of the board; and the chairman shall be the presiding officer of the board. The board



71 shall adopt rules and regulations governing times and places for
72 meetings and governing the manner of conducting its business.

73 (4) The members of the board shall receive no annual salary,
74 but shall receive per diem compensation as authorized by Section
75 25-3-69, Mississippi Code of 1972, for each day devoted to the
76 discharge of official board duties and shall be entitled to
77 reimbursement for all actual and necessary expenses incurred in
78 the discharge of their duties, including mileage as authorized by
79 Section 25-3-41, Mississippi Code of 1972.

80 (5) Effective July 1, 2028, the board shall name a director
81 for the state system of public junior and community colleges, who
82 shall serve at the will and pleasure of the board, with the advice
83 and consent of the Senate, not less than every four (4) years.
84 Such director shall be the chief executive officer of the board,
85 give direction to the board staff, carry out the policies set
86 forth by the board, and work with the presidents of the several
87 community and junior colleges to assist them in carrying out the
88 mandates of the several boards of trustees and in functioning
89 within the state system and policies established by the
90 Mississippi Community College Board. The Mississippi Community
91 College Board shall set the salary of the director of the board.
92 The Legislature shall provide adequate funds for the Mississippi
93 Community College Board, its activities and its staff.

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



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

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

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

103 (d) To require community and junior colleges to supply
104 such information as the board may request and compile, publish and
105 make available such reports based thereon as the board may deem
106 advisable.

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

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

118 (g) To approve applications from community and junior
119 colleges for state funds for vocational-technical education
120 facilities.



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

123 (i) To appoint members to the Post-Secondary
124 Educational Assistance Board.

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

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

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

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

138 (n) To approve or disapprove of any proposed inclusion
139 within municipal corporate limits of state-owned buildings and
140 grounds of any community college or junior college and to approve
141 or disapprove of land use development, zoning requirements,
142 building codes and delivery of governmental services applicable to
143 state-owned buildings and grounds of any community college or
144 junior college. Any agreement by a local board of trustees of a
145 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.

(o) To require community and junior colleges to develop a system of class registration that will give students who are permanent residents of the state the first option of registering, whether online or in person, for academic courses the resident students anticipate taking for the term or semester of enrollment immediately following the term or semester in which the resident students are presently enrolled. After all Mississippi residents, whether presently enrolled in a postsecondary institution or a recent graduate of a public or private secondary school or homeschool program in the state, have been afforded the opportunity to register, registration shall then be made available for nonresident students.

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

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



171 all funds, appropriations and taxes, now and hereafter in
172 possession, levied and collected, received, or appropriated for
173 the use, benefit, support, and maintenance or capital outlay
174 expenditures of the institutions of higher learning, including the
175 authorization of employees to sign vouchers for the disbursement
176 of funds for the various institutions, except where otherwise
177 specifically provided by law.

178 (b) The board shall have general supervision of the affairs
179 of all the institutions of higher learning, including the
180 departments and the schools thereof. The board shall have the
181 power in its discretion to determine who shall be privileged to
182 enter, to remain in, or to graduate therefrom. The board shall
183 have general supervision of the conduct of libraries and
184 laboratories, the care of dormitories, buildings, and grounds; the
185 business methods and arrangement of accounts and records; the
186 organization of the administrative plan of each institution; and
187 all other matters incident to the proper functioning of the
188 institutions. The board shall have the authority to establish
189 minimum standards of achievement as a prerequisite for entrance
190 into any of the institutions under its jurisdiction, which
191 standards need not be uniform between the various institutions and
192 which may be based upon such criteria as the board may establish.

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



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

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



221 (e) For all institutions specified herein, the board shall
222 prepare an annual report to the Legislature setting forth the
223 disbursements of all monies appropriated to the respective
224 institutions. Each report to the Legislature shall show how the
225 money appropriated to the several institutions has been expended,
226 beginning and ending with the fiscal years of the institutions,
227 showing the name of each teacher, officer, and employee, and the
228 salary paid each, and an itemized statement of each and every item
229 of receipts and expenditures. Each report must be balanced, and
230 must begin with the former balance. If any property belonging to
231 the state or the institution is used for profit, the reports shall
232 show the expense incurred in managing the property and the amount
233 received therefrom. The reports shall also show a summary of the
234 gross receipts and gross disbursements for each year and shall
235 show the money on hand at the beginning of the fiscal period of
236 the institution next preceding each session of the Legislature and
237 the necessary amount of expense to be incurred from said date to
238 January 1 following. The board shall keep the annual expenditures
239 of each institution herein mentioned within the income derived
240 from legislative appropriations and other sources, but in case of
241 emergency arising from acts of providence, epidemics, fire or
242 storm with the written approval of the Governor and by written
243 consent of a majority of the senators and of the representatives
244 it may exceed the income. The board shall require a surety bond
245 in a surety company authorized to do business in this state of



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

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

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



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

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

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



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

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

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



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

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

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



regulations, documentation and reporting requirements, conditions prior to, and schedule of, disbursement of general obligation bond funds to the institution and provisions concerning handling any remaining general obligation bonds at the completion of the project. Such agreement shall not include provisions that constitute additional qualifications or criteria that act to invalidate the designation of an institution as capable of procuring and administering such project. Inclusion of any such provisions may be appealed to the Public Procurement Review Board. This paragraph (ii) shall stand repealed from and after July 1, 2025.

(n) The Board of Trustees of State Institutions of Higher Learning ("board") shall require all on-campus faculty and staff employed by, and all students attending, any of the state institutions of higher learning identified in Section 37-101-1 to be issued an identification badge in physical or electronic format. Any identification card issued or renewed pursuant to this section, whether physical or in an electronic format, shall include the words "Crisis Lifeline - Dial or Text 988, or chat 988lifeline.org" or like language for formatting purposes.

(o) For all institutions specified herein, the board shall develop a system of class registration that will give students who are permanent residents of the state the first option of registering, whether online or in person, for academic courses the resident students anticipate taking for the term or semester of



369 enrollment immediately following the term or semester in which the
370 resident students are presently enrolled. After all Mississippi
371 residents, whether presently enrolled in a postsecondary
372 institution or a recent graduate of a public or private secondary
373 school or homeschool program in the state, have been afforded the
374 opportunity to register, registration shall then be made available
375 for nonresident students.

376 **SECTION 3.** This act shall take effect and be in force from
377 and after July 1, 2025.

