MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bain

To: Universities and Colleges

HOUSE BILL NO. 113
(As Passed the House)

AN ACT TO AMEND SECTION 37-29-65, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REVISED COMPOSITION OF THE BOARDS OF TRUSTEES FOR THE NORTHEAST MISSISSIPPI COMMUNITY COLLEGE DISTRICT AND THE COAHOMA COMMUNITY COLLEGE DISTRICT TO REPRESENT THE BOARDS' MAKE UP AS IT EXISTED BEFORE JULY 1, 2019; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-29-65, Mississippi Code of 1972, is amended as follows:

37-29-65. (1) Except as provided in this section and in Sections 37-29-409, 37-29-457 and 37-29-505, there shall be five (5) trustees from each county of the community college district which originally entered into and gave financial aid in establishing the community college. On June 30, 1992, the offices of the six (6) trustees from each of the original counties in the Northwest Community College District shall stand vacated. The board of supervisors of those respective counties shall appoint two (2) members on July 1, 1992, to serve full terms of office as provided in this section. The board of supervisors of those respective counties shall appoint one (1) member who is a

qualified elector from each supervisors district to serve as a member, either of which may be the county superintendent of education if he or she resides in a respective supervisors district. Counties which subsequent to the establishment of the community college joined the district shall have only one (1) trustee. However, the board of trustees so constituted, by appropriate resolution, may enlarge its number to six (6) trustees from each county. The board of trustees shall also be authorized within its discretion to reduce its number to two (2) trustees at large from each county. In any case in which there is an equal number of trustees the board of trustees may appoint another person to membership.

(2) The county superintendent, if appointed by the county board of supervisors, may, in his discretion, choose not to serve as a member of such board of trustees. Such decision not to serve shall be in writing and entered on the minutes of the board of trustees of the community college district. The county board of supervisors of any county whose county superintendent of education appointed under the authority of this section, declines the appointment or resigns, pursuant to this subsection (2), shall fill the vacancy caused by such resignation by appointing a member who is a qualified elector of the county at large in accordance with subsection *** * *** (7) of this section. No county superintendent whose school district is located within the East

Mississippi Community College District shall serve on the board of trustees for that community college district.

(3) From and after March 24, 1990, the Board of Trustees of the East Mississippi Community College District shall consist of twelve (12) members. The appointing authorities shall appoint a new board of trustees as follows: Clay County shall be entitled to two (2) members, Kemper County shall be entitled to two (2) members, Lauderdale County shall be entitled to two (2) members, Lowndes County shall be entitled to two (2) members, Noxubee County shall be entitled to two (2) members and Oktibbeha County shall be entitled to two (2) members. No member of the Board of Trustees of the East Mississippi Community College District shall have served on such board prior to March 24, 1990.

(4) From and after July 1, 2021, the Board of Trustees of the Coahoma Community College District shall consist of * * * fourteen (14) members. The appointing authorities shall appoint the new board of trustees as follows: Coahoma County shall be entitled to * * * six 6 members appointed in the manner provided herein, Tunica County shall be entitled to * * * two (2) members, Quitman County shall be entitled to * * * two (2) members, Bolivar County shall be entitled to * * * two (2) members, and Tallahatchie County shall be entitled to * * * two (2) members one (1) of whom may be a superintendent of education within the county. One (1) member from each county that comprises the Coahoma Community College District shall be the county

superintendent of education. Persons who are currently serving as members of the Board of Trustees of the Mississippi Delta Community College District or Northwest Community College District shall not be eligible for appointment to the board.

(5) The terms of office shall be five (5) years; however, upon the first selection of trustees in each county, one (1) shall be elected for a term of five (5) years, one (1) for a term of four (4) years, one (1) for a term of three (3) years, one (1) for a term of two (2) years, and one (1) for a term of one (1) year, so as to prevent the retirement of more than one (1) member of any one (1) county in any one (1) year. Where the board chooses or is required by statute to reduce its number, the board shall specify the expiration dates of such terms of office in order to prevent the retirement of more than one (1) member of any one (1) county in any one (1) year.

(6) (a) From and after July 1, 2021, the Board of Trustees of the Northeast Mississippi Community College District shall consist of fifteen (15) members from the Prentiss, Alcorn, Tippah, Tishomingo and Union Counties. The appointing authorities, being the respective county boards of supervisors shall appoint the trustees as follows:

(i) Prentiss County shall be entitled to six (6) members;

(ii) Alcorn County shall be entitled to two (2) members;

(iii) Tippah County shall be entitled to two (2) members;

(iv) Tishomingo County shall be entitled to two (2) members;

(v) Union County shall be entitled to two (2) members; and

(vi) One (1) member shall be elected at-large by the members of the board, which shall be made from each of the counties having only two (2) members on a rotational at the expiration of each term.

(b) Of the members so appointed under paragraph (a) of this subsection, one (1) of the trustees from each county may be the county superintendent of education, provided that the president of the Northeast Community College submits a letter of recommendation to the boards of supervisors of each county requesting the appointment of the county superintendent of education. However, each county board of supervisors retains the sole discretion to appoint any qualified elector residing in the county to the board of trustees for the community college district despite the receipt of such recommendation. If the board of supervisors accepts the recommendation of the president of Northeast Community College for the appointment of the county superintendent of education for a term, the recommendation shall only be valid for the term of the superintendent then appointed by the board of supervisors, and must be renewed upon the expiration

of the term of the appointed superintendent with the submission of a new recommendation by the president for continued representation on the board by the county superintendent of education.

(c) The terms of office of each trustee shall be five (5) years. The members of the board of trustees serving on July 1, 2020, shall continue to serve until their terms expire. Where the board chooses or is required by statute to reduce or increase its number, the board shall specify the expiration dates of such terms of office in order to prevent the retirement of more than one (1) member of any one (1) county in any one (1) year.

(* * *7) The board of supervisors shall elect the requisite number of discreet persons of good moral character, sufficient education and experience, and of proven interest in public education, who are qualified electors of the county, as trustees of the community college; and annually thereafter the board of supervisors in like manner shall fill vacancies. All trustees so appointed shall be listed in the minutes of the board of supervisors and their appointment shall be certified by the chancery clerk to the president of the community college.

(* * *8) Each community college trustee may be paid, out of community college funds, a per diem as authorized in Section 25-3-69, Mississippi Code of 1972, per meeting of said board and, in addition thereto, the mileage authorized under Section 25-3-41, Mississippi Code of 1972, per mile in coming to and returning from said meeting, calculated upon the customary and normally traveled

route from the home of such trustee to the campus of said community college. Such allowance of per diem and mileage shall not, however, be allowed for more than fifteen (15) meetings for any one (1) fiscal year and shall only be paid for meetings actually attended by such trustees.

(* * *9) The provisions of this section, other than those provisions pertaining to per diem compensation and travel allowances for community college trustees, shall not apply to any existing publicly operated community college, lying in and operated by a county bordering on the Mississippi River, and the community college trustees of such community college shall be appointed and confirmed as heretofore.

(* * *10) No county superintendent of education, by virtue of his or her office, shall be automatically placed on the board of trustees for any community college district to which this section applies. The number of trustees from each county shall be reduced by one (1) member if such member is superintendent of education. However, if the county board of supervisors, in making an appointment to the community college district board of trustees, chooses to appoint the county superintendent of education at the expiration of the term of the at large member, the superintendent may serve, unless otherwise disqualified.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.