

By: Ishee

To: Universities and
Colleges;
Appropriations

HOUSE BILL NO. 947

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE STATE BOARD FOR
2 COMMUNITY AND JUNIOR COLLEGES AND THE BOARDS OF TRUSTEES OF THE
3 COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO TRANSFER THE POWERS AND
4 DUTIES OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO THE
5 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO
6 AMEND SECTIONS 37-4-3 AND 37-101-15, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY THERETO; TO AMEND SECTION 37-29-31, MISSISSIPPI CODE OF
8 1972, TO CONSOLIDATE THE FIFTEEN COMMUNITY AND JUNIOR COLLEGE
9 DISTRICTS EXISTING ON JUNE 30, 2000, INTO SIX COMMUNITY COLLEGE
10 DISTRICTS; TO AMEND SECTION 37-29-33, MISSISSIPPI CODE OF 1972, TO
11 PROVIDE FOR THE TRANSFER OF THE PROPERTY BELONGING TO THE EXISTING
12 COMMUNITY AND JUNIOR COLLEGE DISTRICTS TO THE COMMUNITY COLLEGES
13 IN THE NEWLY CREATED COMMUNITY COLLEGE DISTRICTS; TO PROVIDE THAT
14 THE TERM "JUNIOR COLLEGE" MEANS COMMUNITY COLLEGE; TO AMEND
15 SECTIONS 7-1-365, 25-3-39, 25-9-107, 25-15-9, 29-1-205, 29-17-3,
16 37-3-2, 37-4-1, 37-4-9, 37-4-11, 37-11-17, 37-13-92, 37-27-6,
17 37-27-51, 37-29-1 THROUGH 37-29-5, 37-29-61, 37-29-63, 37-29-69
18 THROUGH 37-29-79, 37-29-85, 37-29-87, 37-29-131 THROUGH 37-29-137,
19 37-29-141, 37-29-145, 37-29-161 THROUGH 37-29-175, 37-29-231,
20 37-29-241, 37-29-261, 37-29-267 THROUGH 37-29-269, 37-29-272,
21 37-29-275, 37-31-61 THROUGH 37-31-65, 37-31-73, 37-31-205, 37-35-1
22 THROUGH 37-35-11, 37-47-17, 37-47-19, 37-47-29, 37-57-107,
23 37-61-33, 37-63-3, 37-101-3, 37-102-3, 37-103-1, 37-103-9,
24 37-103-25, 37-103-29, 37-106-9, 37-149-1, 37-151-17, 37-151-69,
25 37-151-75, 37-155-9, 37-157-1, 41-87-5, 43-1-30, 45-4-3, 53-3-51,
26 69-2-5, 75-59-1, 75-60-3 THROUGH 75-60-5, 75-60-19 AND 75-60-43,
27 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
28 ACT; TO REPEAL SECTION 37-4-4, MISSISSIPPI CODE OF 1972, WHICH
29 REQUIRES THE COMMISSIONER OF HIGHER EDUCATION TO ATTEND MEETINGS
30 OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, SECTION
31 37-4-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE MEANING
32 OF THE TERM "JUNIOR COLLEGE COMMISSION," AND SECTION 37-4-7,
33 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE BOARD FOR
34 COMMUNITY AND JUNIOR COLLEGES TO STUDY THE FEASIBILITY OF
35 IMPLEMENTING A UNIFORM STATE EMPLOYMENT CONTRACT; TO REPEAL
36 SECTIONS 37-29-37 AND 37-29-39, MISSISSIPPI CODE OF 1972, WHICH
37 EXPRESSLY PROVIDE FOR THE CONTINUATION OF CERTAIN JUNIOR COLLEGE
38 DISTRICTS; TO REPEAL SECTIONS 37-29-65 AND 37-29-67, MISSISSIPPI
39 CODE OF 1972, WHICH PROVIDE FOR THE SELECTION OF THE TRUSTEES OF
40 THE COMMUNITY AND JUNIOR COLLEGE DISTRICTS AND ESTABLISH THE
41 GENERAL POWERS AND DUTIES OF SUCH BOARDS OF TRUSTEES; TO REPEAL
42 SECTION 37-29-81, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES
43 COMMUNITY AND JUNIOR COLLEGE DISTRICTS, IN THE DISCRETION OF THE
44 BOARD OF TRUSTEES, TO CHARGE TUITION AND FEES; TO REPEAL SECTIONS
45 37-29-101 THROUGH 37-29-127, MISSISSIPPI CODE OF 1972, WHICH
46 AUTHORIZE THE BOARDS OF TRUSTEES OF COMMUNITY AND JUNIOR COLLEGE
47 DISTRICTS TO BORROW MONEY AND ESTABLISH PROCEDURES FOR SUCH
48 BORROWING; TO REPEAL SECTION 37-29-143, MISSISSIPPI CODE OF 1972,
49 WHICH PROVIDES FOR THE RECEIPT AND EXPENDITURE OF TAX REVENUES BY
50 THE COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO REPEAL SECTION

51 37-29-177, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS A COMMUNITY
52 OR JUNIOR COLLEGE DISTRICT FROM CHARGING OUT-OF-DISTRICT STUDENTS
53 A GREATER FEE FOR SPECIALIZED PROGRAMS IN VOCATIONAL EDUCATION
54 WHICH ARE UNAVAILABLE TO THE STUDENTS IN THEIR HOME DISTRICT; TO
55 REPEAL SECTIONS 37-29-211 THROUGH 37-29-217, MISSISSIPPI CODE OF
56 1972, WHICH REQUIRE COMMUNITY COLLEGE FACULTY MEMBERS TO FILE AN
57 AFFIDAVIT AS TO MEMBERSHIP IN ORGANIZATIONS AS A CONDITION FOR
58 EMPLOYMENT; TO REPEAL SECTION 37-29-263, MISSISSIPPI CODE OF 1972,
59 WHICH AUTHORIZES THE COMMUNITY AND JUNIOR COLLEGES TO USE ANY
60 AVAILABLE FUNDS TO DEFRAY THE COST OF ELECTRONIC DATA PROCESSING
61 EQUIPMENT; TO REPEAL SECTION 37-29-273, MISSISSIPPI CODE OF 1972,
62 WHICH AUTHORIZES THE ATTENDANCE OF PUPILS IN A COUNTY SCHOOL
63 DISTRICT AT A MUNICIPAL JUNIOR COLLEGE IN SUCH COUNTY; TO REPEAL
64 SECTIONS 37-29-401 THROUGH 37-29-437, MISSISSIPPI CODE OF 1972,
65 WHICH PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE
66 MISSISSIPPI GULF COAST JUNIOR COLLEGE DISTRICT; TO REPEAL SECTIONS
67 37-29-451 THROUGH 37-29-471, MISSISSIPPI CODE OF 1972, WHICH
68 PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE COPIAH-LINCOLN
69 JUNIOR COLLEGE DISTRICT; TO REPEAL SECTIONS 37-29-501 THROUGH
70 37-29-515, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
71 ESTABLISHMENT AND OPERATION OF THE MERIDIAN JUNIOR COLLEGE
72 DISTRICT; TO REPEAL SECTIONS 37-29-551 THROUGH 37-29-571,
73 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ESTABLISHMENT AND
74 OPERATION OF THE COAHOMA COMMUNITY COLLEGE DISTRICT; TO REPEAL
75 SECTION 37-101-331, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE
76 STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO SUBMIT A REPORT
77 TO THE LEGISLATURE ON THE RENOVATION AND REPAIR NEEDS OF THE
78 COMMUNITY AND JUNIOR COLLEGES BEFORE JANUARY 3, 1989; TO REPEAL
79 SECTIONS 37-153-1 THROUGH 37-153-13, MISSISSIPPI CODE OF 1972,
80 WHICH IS THE DUPLICATIVE CODIFICATION OF THE WORK FORCE EDUCATION
81 ACT OF 1994, ALSO CODIFIED AS SECTIONS 37-151-63 THROUGH
82 37-151-75; AND FOR RELATED PURPOSES.

83
84 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

85 SECTION 1. (1) From and after July 1, 2000, the State Board
86 for Community and Junior Colleges is abolished, and all powers,
87 duties and responsibilities of the State Board for Community and
88 Junior Colleges are transferred to the Board of Trustees of State
89 Institutions of Higher Learning. All records, property,
90 contractual rights and obligations, unexpended balances of
91 appropriations, allocations or other funds of the State Board for
92 Community and Junior Colleges are transferred to the Board of
93 Trustees of State Institutions of Higher Learning.

94 (2) All references in the laws of this state to the "State
95 Board for Community and Junior Colleges" or to the "board" when
96 referring to the State Board for Community and Junior Colleges
97 means the Board of Trustees of State Institutions of Higher
98 Learning.

99 SECTION 2. Section 37-4-3, Mississippi Code of 1972, is
100 amended as follows:[LH1]

101 37-4-3. (1) From and after July 1, 2000, the Board of
102 Trustees of State Institutions of Higher Learning shall receive
103 and distribute funds appropriated by the Legislature for the use
104 of the public community * * * colleges and funds from federal and
105 other sources that are transmitted through the state governmental
106 organization for use by said colleges. The Board of Trustees of
107 State Institutions of Higher Learning shall provide general
108 coordination of the public community * * * colleges, assemble
109 reports and such other duties as may be prescribed by law.

110 * * *

111 (2) The powers and duties of the * * * Board of Trustees of
112 State Institutions of Higher Learning specifically relating to the
113 community colleges shall be:

114 (a) To authorize disbursements of state appropriated
115 funds to community * * * colleges * * *. In making the
116 disbursements, the board shall divide the total amount of funds
117 appropriated by the Legislature to the Board of Trustees of State
118 Institutions of Higher Learning for the support and maintenance of
119 the community colleges into seven (7) equal portions. Each
120 community college shall be allocated one (1) portion of the total
121 appropriation. The seventh portion shall be divided equally among
122 and allocated to the ten (10) counties with the highest
123 unemployment rate, as determined annually by the board using the
124 latest official annual unemployment rate statistical information
125 compiled by the Labor Marketing Information Department of the
126 Mississippi Employment Security Commission. If there is a tie
127 between two (2) counties for the tenth highest unemployment rate,
128 the seventh portion shall be divided equally among and allocated
129 to the eleven (11) counties having the highest unemployment rate.

130 (b) To make studies of the needs of the state as they
131 relate to the mission of the community * * * colleges.

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

134 (d) To require community * * * colleges to supply such
135 information as the board of trustees may request and compile,
136 publish and make available such reports based thereon as the board
137 of trustees may deem advisable.

138 (e) To approve proposed new attendance centers (campus
139 locations) * * * determined to be in the best interest of the
140 district. * * * However, * * * no new community * * * college
141 branch campus shall be approved without an authorizing act of the
142 Legislature.

143 (f) To serve as the state approving agency for federal
144 funds for proposed contracts to borrow money for the purpose of
145 acquiring land, erecting, repairing, etc. dormitories, dwellings
146 or apartments for students and/or faculty, such loans to be paid
147 from revenue produced by such facilities * * *.

148 (g) To approve applications from community * * *
149 colleges for state funds for vocational-technical education
150 facilities.

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

153 (i) To appoint members to the Post-Secondary
154 Educational Assistance Board.

155 (j) To appoint members to the Authority for Educational
156 Television.

157 (k) To contract with other boards, commissions,
158 governmental entities, foundations, corporations or individuals
159 for programs, services, grants and awards when such are needed for
160 the operation and development of the state public community * * *
161 college system.

162 (l) To fix standards for community * * * colleges to
163 qualify for appropriations, and qualifications for community * * *
164 college teachers.

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

168 (n) To approve or disapprove of any proposed inclusion
169 within municipal corporate limits of state-owned buildings and
170 grounds of any community college * * * and to approve or
171 disapprove of land use development, zoning requirements, building
172 codes and delivery of governmental services applicable to
173 state-owned buildings and grounds of any community college * * *.

174 Any agreement by a * * * community college * * * to annexation of
175 state-owned property or other conditions described in this
176 paragraph shall be void unless approved by the board of trustees
177 and by the board of supervisors of the county in which the
178 state-owned property is located.

179 SECTION 3. Section 37-101-15, Mississippi Code of 1972, is
180 amended as follows:[LH2]

181 37-101-15. (a) The Board of Trustees of State Institutions
182 of Higher Learning shall succeed to and continue to exercise
183 control of all records, books, papers, equipment, and supplies,
184 and all lands, buildings, and other real and personal property
185 belonging to or assigned to the use and benefit of the board of
186 trustees formerly supervising and controlling the institutions of
187 higher learning named in Section 37-101-1. The board shall have
188 and exercise control of the use, distribution and disbursement of
189 all funds, appropriations and taxes, now and hereafter in
190 possession, levied and collected, received, or appropriated for
191 the use, benefit, support, and maintenance or capital outlay
192 expenditures of the community colleges and institutions of higher
193 learning, including the authorization of employees to sign
194 vouchers for the disbursement of funds for the various community
195 colleges and institutions, except where otherwise specifically
196 provided by law.

197 (b) The board shall have general supervision of the affairs

198 of all the community colleges and institutions of higher learning,
199 including the departments and the schools thereof. The board
200 shall have the power in its discretion to determine who shall be
201 privileged to enter, to remain in, or to graduate therefrom. The
202 board shall have general supervision of the conduct of libraries
203 and laboratories, the care of dormitories, buildings, and grounds;
204 the business methods and arrangement of accounts and records; the
205 organization of the administrative plan of each college and
206 institution; and all other matters incident to the proper
207 functioning of the community colleges and institutions. The board
208 shall have the authority to establish minimum standards of
209 achievement as a prerequisite for entrance into any of the
210 community colleges and institutions under its jurisdiction, which
211 standards need not be uniform between the various community
212 colleges and institutions and which may be based upon such
213 criteria as the board may establish.

214 (c) The board shall exercise all the powers and prerogatives
215 conferred upon it under the laws establishing and providing for
216 the operation of the several community colleges and
217 institutions * * *. The board shall adopt such bylaws and
218 regulations from time to time as it deems expedient for the proper
219 supervision and control of the several community colleges and
220 institutions of higher learning, insofar as such bylaws and
221 regulations are not repugnant to the Constitution and laws, and
222 not inconsistent with the object for which these community
223 colleges and institutions were established. The board shall have
224 power and authority to prescribe rules and regulations for
225 policing the campuses and all buildings of the respective
226 community colleges and institutions, to authorize the arrest of
227 all persons violating on any campus any criminal law of the state,
228 and to have such law violators turned over to the civil
229 authorities.

230 (d) For all community colleges and institutions * * *, the

231 board shall provide a uniform system of recording and of
232 accounting approved by the State Department of Audit. The board
233 shall annually prepare, or cause to be prepared, a budget for each
234 community college and institution of higher learning for the
235 succeeding year which must be prepared and in readiness for at
236 least thirty (30) days before the convening of the regular session
237 of the Legislature. All relationships and negotiations between
238 the state Legislature and its various committees and the community
239 colleges and institutions * * * shall be carried on through the
240 board of trustees. No official, employee or agent representing
241 any of the separate community colleges or institutions shall
242 appear before the Legislature or any committee thereof except upon
243 the written order of the board or upon the request of the
244 Legislature or a committee thereof.

245 (e) For all community colleges and institutions * * *, the
246 board shall prepare an annual report to the Legislature setting
247 forth the disbursements of all monies appropriated to the
248 respective community colleges and institutions. Each report to
249 the Legislature shall show how the money appropriated to the
250 several community colleges and institutions has been expended,
251 beginning and ending with the fiscal years of the community
252 colleges and institutions, showing the name of each teacher,
253 officer, and employee, and the salary paid each, and an itemized
254 statement of each and every item of receipts and expenditures.
255 Each report must be balanced, and must begin with the former
256 balance. If any property belonging to the state or the community
257 college or institution is used for profit, the reports shall show
258 the expense incurred in managing the property and the amount
259 received therefrom. The reports shall also show a summary of the
260 gross receipts and gross disbursements for each year and shall
261 show the money on hand at the beginning of the fiscal period of
262 the community college and institution next preceding each session
263 of the Legislature and the necessary amount of expense to be

264 incurred from said date to January 1 following. The board shall
265 keep the annual expenditures of each community college and
266 institution * * * within the income derived from legislative
267 appropriations and other sources, but in case of emergency arising
268 from acts of providence, epidemics, fire or storm with the written
269 approval of the Governor and by written consent of a majority of
270 the Senators and of the Representatives it may exceed the income.

271 The board shall require a surety bond in a surety company
272 authorized to do business in this state, of every employee who is
273 the custodian of funds belonging to one or more of the community
274 colleges and institutions * * *, which bond shall be in a sum to
275 be fixed by the board in an amount that will properly safeguard
276 the said funds, the premium for which shall be paid out of the
277 funds appropriated for said community colleges and institutions.

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

296 (g) The board shall keep complete minutes and records of all

297 proceedings which shall be open for inspection by any citizen of
298 the state.

299 (h) The board shall have the power to contract, on a
300 shared-savings, lease or lease-purchase basis, for energy
301 efficiency services and/or equipment as prescribed in Section
302 31-7-14, not to exceed ten (10) years.

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

309 (j) From and after July 1, 2000, the Board of Trustees of
310 State Institutions of Higher Learning shall exercise control of
311 all records, books, papers, equipment and supplies, and all lands,
312 buildings and other real and personal property belonging to or
313 assigned to the use and benefit of the State Board for Community
314 and Junior Colleges on June 30, 2000. The Board of Trustees of
315 State Institutions of Higher Learning shall exercise all powers
316 and duties granted by law which, on June 30, 2000, were exercised
317 by the State Board for Community and Junior Colleges.

318 SECTION 4. Section 37-29-31, Mississippi Code of 1972, is
319 amended as follows:[LH3]

320 37-29-31. There are hereby created the following community
321 college districts comprising the entire counties therein named and
322 having boundaries coinciding with the external boundaries thereof,
323 each of which shall be under the jurisdiction and control of the
324 Board of Trustees of State Institutions of Higher Learning:

325 (a) Central Mississippi Community College District is
326 comprised of the counties of Attala, Hinds, Madison, Rankin and
327 Winston. The central administration offices of Central
328 Mississippi Community College shall be located in the City of
329 Raymond, Mississippi.

330 (b) East Central Mississippi Community College District
331 is comprised of the counties of Clarke, Covington, Forrest,
332 Greene, Jasper, Jones, Kemper, Lauderdale, Leake, Neshoba, Newton,
333 Perry, Scott, Simpson, Smith and Wayne. The central
334 administration offices of East Central Mississippi Community
335 College shall be located in the City of Ellisville, Mississippi.

336 (c) Northeast Mississippi Community College District is
337 comprised of the counties of Alcorn, Benton, Chickasaw, Choctaw,
338 Clay, Itawamba, Lee, Lowndes, Monroe, Noxubee, Oktibbeha,
339 Pontotoc, Prentiss, Tippah, Tishomingo, Union and Webster. The
340 central administration offices of Northeast Mississippi Community
341 College shall be situated at a location to be determined by the
342 Board of Trustees of State Institutions of Higher Learning. In
343 making this determination, the board shall give consideration to
344 the geographical and highest population centers of the district.

345 (d) Northwest Mississippi Community College District is
346 comprised of the counties of Bolivar, Calhoun, Coahoma, DeSoto,
347 Grenada, Lafayette, Leflore, Marshall, Montgomery, Panola,
348 Quitman, Sunflower, Tallahatchie, Tate, Tunica and Yalobusha. The
349 central administration offices of Northwest Mississippi Community
350 College shall be situated at a location to be determined by the
351 Board of Trustees of State Institutions of Higher Learning. In
352 making this determination, the board shall give consideration to
353 the geographical and highest population centers of the district.

354 (e) South Mississippi Community College District is
355 comprised of the counties of George, Hancock, Harrison, Jackson,
356 Lamar, Pearl River and Stone. The central administration offices
357 of South Mississippi Community College shall be located in the
358 City of Perkinston, Mississippi.

359 (f) Southwest Mississippi Community College District is
360 comprised of the counties of Adams, Amite, Carroll, Claiborne,
361 Copiah, Franklin, Holmes, Humphreys, Issaquena, Jefferson,
362 Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Sharkey,

363 Walthall, Warren, Washington, Wilkinson and Yazoo. The central
364 administration offices of Southwest Mississippi Community College
365 shall be situated at a location to be determined by the Board of
366 Trustees of State Institutions of Higher Learning. In making this
367 determination, the board shall give consideration to the
368 geographical and highest population centers of the district.

369 SECTION 5. Section 37-29-33, Mississippi Code of 1972, is
370 amended as follows:[LH4]

371 37-29-33. Except as otherwise provided in Sections 37-29-1
372 through 37-29-273, all of the property belonging to the board of
373 trustees of any community or junior college district existing on
374 June 30, 2000, and all of the property belonging to any or all of
375 the counties cooperating, as of June 30, 2000, in the existing
376 community and junior colleges or the agricultural high schools and
377 community and junior colleges located at the existing campuses and
378 utilized or held for the present or future use and benefit of such
379 community and junior colleges * * * or agricultural high schools
380 and community and junior colleges, shall be and the same is hereby
381 transferred to and vested in * * * the community colleges in the
382 respective community college districts created in Section
383 37-29-31.

384 SECTION 6. All references in the laws of this state to the
385 term "junior college district" means community college district,
386 and all references to the term "junior college" means community
387 college.

388 SECTION 7. Section 7-1-365, Mississippi Code of 1972, is
389 amended as follows:[LH5]

390 7-1-365. The State Department of Education,
391 Vocational-Technical Division, the Board of Trustees of State
392 Institutions of Higher Learning and the junior colleges, the board
393 of trustees of any school district, the Mississippi Employment
394 Security Commission, and the Department of Economic and Community
395 Development shall cooperate in carrying out the provisions of

396 Sections 7-1-351 through 7-1-371.

397 SECTION 8. Section 25-3-39, Mississippi Code of 1972, is
398 amended as follows:[LH6]

399 25-3-39. (1) No public officer, public employee,
400 administrator, or executive head of any arm or agency of the
401 state, in the executive branch of government, shall be paid a
402 salary or compensation, directly or indirectly, in excess of the
403 salary fixed in Section 25-3-31 for the Governor. All academic
404 officials, members of the teaching staffs and employees of the
405 state institutions of higher learning, * * * and community * * *
406 colleges, and licensed physicians who are public employees, shall
407 be exempt from this subsection.

408 (2) No public officer, employee or administrator shall be
409 paid a salary or compensation, directly or indirectly, in excess
410 of the salary of the executive head of the state agency or
411 department in which he is employed. The State Personnel Board,
412 based upon its findings of fact, may exempt physicians and
413 actuaries from this subsection when the acquisition of such
414 professional services is precluded based on the prevailing wage in
415 the relevant labor market.

416 SECTION 9. Section 25-9-107, Mississippi Code of 1972, is
417 amended as follows:[LH7]

418 25-9-107. The following terms, when used in this chapter,
419 unless a different meaning is plainly required by the context,
420 shall have the following meanings:

421 (a) "Board" shall mean the State Personnel Board
422 created under the provisions of this chapter.

423 (b) "State service" shall mean all employees of state
424 departments, agencies and institutions as defined herein, except
425 those officers and employees excluded by this chapter.

426 (c) "Nonstate service" shall mean the following
427 officers and employees excluded from the state service by this
428 chapter. The following are excluded from the state service:

429 (i) Members of the state Legislature, their staffs
430 and other employees of the legislative branch;

431 (ii) The Governor and staff members of the
432 immediate Office of the Governor;

433 (iii) Justices and judges of the judicial branch
434 or members of appeals boards on a per diem basis;

435 (iv) The Lieutenant Governor, staff members of the
436 immediate Office of the Lieutenant Governor and officers and
437 employees directly appointed by the Lieutenant Governor;

438 (v) Officers and officials elected by popular vote
439 and persons appointed to fill vacancies in elective offices;

440 (vi) Members of boards and commissioners appointed
441 by the Governor, Lieutenant Governor or the state Legislature;

442 (vii) All academic officials, members of the
443 teaching staffs and employees of the state institutions of higher
444 learning * * * and community * * * colleges;

445 (viii) Officers and enlisted members of the
446 National Guard of the state;

447 (ix) Prisoners, inmates, student or patient help
448 working in or about institutions;

449 (x) Contract personnel; provided, that any agency
450 which employs state service employees may enter into contracts for
451 personal and professional services only if such contracts are
452 approved in compliance with the rules and regulations promulgated
453 by the State Personal Service Contract Review Board under Section
454 25-9-120(3). Before paying any warrant for such contractual
455 services in excess of One Hundred Thousand Dollars (\$100,000.00),
456 the Auditor of Public Accounts, or the successor to those duties,
457 shall determine whether the contract involved was for personal or
458 professional services, and, if so, was approved by the State
459 Personal Service Contract Review Board;

460 (xi) Part-time employees; provided, however,
461 part-time employees shall only be hired into authorized employment

462 positions classified by the board, shall meet minimum
463 qualifications as set by the board, and shall be paid in
464 accordance with the Variable Compensation Plan as certified by the
465 board;

466 (xii) Persons appointed on an emergency basis for
467 the duration of the emergency; the effective date of the emergency
468 appointments shall not be earlier than the date approved by the
469 State Personnel Director, and shall be limited to thirty (30)
470 working days. Emergency appointments may be extended to sixty
471 (60) working days by the State Personnel Board;

472 (xiii) Physicians, dentists, veterinarians, nurse
473 practitioners and attorneys, while serving in their professional
474 capacities in authorized employment positions who are required by
475 statute to be licensed, registered or otherwise certified as such,
476 provided that the State Personnel Director shall verify that the
477 statutory qualifications are met prior to issuance of a payroll
478 warrant by the auditor;

479 (xiv) Personnel who are employed and paid from
480 funds received from a federal grant program which has been
481 approved by the Legislature or the Department of Finance and
482 Administration whose length of employment has been determined to
483 be time-limited in nature. This subparagraph shall apply to
484 personnel employed under the provisions of the Comprehensive
485 Employment and Training Act of 1973, as amended, and other special
486 federal grant programs which are not a part of regular federally
487 funded programs wherein appropriations and employment positions
488 are appropriated by the Legislature. Such employees shall be paid
489 in accordance with the Variable Compensation Plan and shall meet
490 all qualifications required by federal statutes or by the
491 Mississippi Classification Plan;

492 (xv) The administrative head who is in charge of
493 any state department, agency, institution, board or commission,
494 wherein the statute specifically authorizes the Governor, board,

495 commission or other authority to appoint said administrative head;
496 provided, however, that the salary of such administrative head
497 shall be determined by the State Personnel Board in accordance
498 with the Variable Compensation Plan unless otherwise fixed by
499 statute;

500 (xvi) The State Personnel Board shall exclude top
501 level positions if the incumbents determine and publicly advocate
502 substantive program policy and report directly to the agency head,
503 or the incumbents are required to maintain a direct confidential
504 working relationship with a key excluded official. Provided
505 further, a written job classification shall be approved by the
506 board for each such position, and positions so excluded shall be
507 paid in conformity with the Variable Compensation Plan;

508 (xvii) Employees whose employment is solely in
509 connection with an agency's contract to produce, store or
510 transport goods, and whose compensation is derived therefrom;

511 (xviii) Repealed;

512 (xix) The associate director, deputy directors and
513 bureau directors within the Department of Agriculture and
514 Commerce;

515 (xx) Personnel employed by the Mississippi
516 Industries for the Blind; provided, that any agency may enter into
517 contracts for the personal services of MIB employees without the
518 prior approval of the State Personnel Board or the State Personal
519 Service Contract Review Board; however, any agency contracting for
520 the personal services of an MIB employee shall provide the MIB
521 employee with not less than the entry level compensation and
522 benefits that the agency would provide to a full-time employee of
523 the agency who performs the same services.

524 (d) "Agency" means any state board, commission,
525 committee, council, department or unit thereof created by the
526 Constitution or statutes if such board, commission, committee,
527 council, department, unit or the head thereof, is authorized to

528 appoint subordinate staff by the Constitution or statute, except a
529 legislative or judicial board, commission, committee, council,
530 department or unit thereof.

531 SECTION 10. Section 25-15-9, Mississippi Code of 1972, is
532 amended as follows:[LH8]

533 25-15-9. (1) (a) The board shall design a plan of health
534 insurance for state employees which provides benefits for
535 semiprivate rooms in addition to other incidental coverages which
536 the board deems necessary. The amount of the coverages shall be
537 in such reasonable amount as may be determined by the board to be
538 adequate, after due consideration of current health costs in
539 Mississippi. The plan shall also include major medical benefits
540 in such amounts as the board shall determine. The board is also
541 authorized to accept bids for such alternate coverage and optional
542 benefits as the board shall deem proper. Any contract for
543 alternative coverage and optional benefits shall be awarded by the
544 board after it has carefully studied and evaluated the bids and
545 selected the best and most cost-effective bid. The board may
546 reject all such bids; however, the board shall notify all bidders
547 of the rejection and shall actively solicit new bids if all bids
548 are rejected. The board may employ or contract for such
549 consulting or actuarial services as may be necessary to formulate
550 the plan, and to assist the board in the preparation of
551 specifications and in the process of advertising for the bids for
552 the plan. Such contracts shall be solicited and entered into in
553 accordance with Section 25-15-5. The board shall keep a record of
554 all persons, agents and corporations who contract with or assist
555 the board in preparing and developing the plan. The board in a
556 timely manner shall provide copies of this record to the members
557 of the advisory council created in this section and those
558 legislators, or their designees, who may attend meetings of the
559 advisory council. The board shall provide copies of this record
560 in the solicitation of bids for the administration or servicing of

561 the self-insured program. Each person, agent or corporation
562 which, during the previous fiscal year, has assisted in the
563 development of the plan or employed or compensated any person who
564 assisted in the development of the plan, and which bids on the
565 administration or servicing of the plan, shall submit to the board
566 a statement accompanying the bid explaining in detail its
567 participation with the development of the plan. This statement
568 shall include the amount of compensation paid by the bidder to any
569 such employee during the previous fiscal year. The board shall
570 make all such information available to the members of the advisory
571 council and those legislators, or their designees, who may attend
572 meetings of the advisory council before any action is taken by the
573 board on the bids submitted. The failure of any bidder to fully
574 and accurately comply with this paragraph shall result in the
575 rejection of any bid submitted by that bidder or the cancellation
576 of any contract executed when the failure is discovered after the
577 acceptance of that bid. The board is authorized to promulgate
578 rules and regulations to implement the provisions of this
579 subsection.

580 The board shall develop plans for the insurance plan
581 authorized by this section in accordance with the provisions of
582 Section 25-15-5.

583 Any corporation, association, company or individual that
584 contracts with the board for the third-party claims administration
585 of the self-insured plan shall prepare and keep on file an
586 explanation of benefits for each claim processed. The explanation
587 of benefits shall contain such information relative to each
588 processed claim which the board deems necessary, and, at a
589 minimum, each explanation shall provide the claimant's name, claim
590 number, provider number, provider name, service dates, type of
591 services, amount of charges, amount allowed to the claimant and
592 reason codes. The information contained in the explanation of
593 benefits shall be available for inspection upon request by the

594 board. The board shall have access to all claims information
595 utilized in the issuance of payments to employees and providers.

596 (b) There is created an advisory council to advise the
597 board in the formulation of the State and School Employees Health
598 Insurance Plan. The council shall be composed of the State
599 Insurance Commissioner or his designee, an employee-representative
600 of the institutions of higher learning appointed by the board of
601 trustees thereof, an employee-representative of the Department of
602 Transportation appointed by the director thereof, an
603 employee-representative of the State Tax Commission appointed by
604 the Commissioner of Revenue, an employee-representative of the
605 Mississippi Department of Health appointed by the State Health
606 Officer, an employee-representative of the Mississippi Department
607 of Corrections appointed by the Commissioner of Corrections, and
608 an employee-representative of the Department of Human Services
609 appointed by the Executive Director of Human Services, two (2)
610 certificated public school administrators appointed by the State
611 Board of Education, two (2) certificated classroom teachers
612 appointed by the State Board of Education, a noncertificated
613 school employee appointed by the State Board of Education and a
614 community * * * college employee appointed by the * * * Board of
615 Trustees of State Institutions of Higher Learning.

616 The Lieutenant Governor may designate the Secretary of the
617 Senate, the Chairman of the Senate Appropriations Committee, the
618 Chairman of the Senate Education Committee and the Chairman of the
619 Senate Insurance Committee, and the Speaker of the House of
620 Representatives may designate the Clerk of the House, the Chairman
621 of the House Appropriations Committee, the Chairman of the House
622 Education Committee and the Chairman of the House Insurance
623 Committee, to attend any meeting of the State and School Employees
624 Insurance Advisory Council. The appointing authorities may
625 designate an alternate member from their respective houses to
626 serve when the regular designee is unable to attend such meetings

627 of the council. Such designees shall have no jurisdiction or vote
628 on any matter within the jurisdiction of the council. For
629 attending meetings of the council, such legislators shall receive
630 per diem and expenses which shall be paid from the contingent
631 expense funds of their respective houses in the same amounts as
632 provided for committee meetings when the Legislature is not in
633 session; however, no per diem and expenses for attending meetings
634 of the council will be paid while the Legislature is in session.
635 No per diem and expenses will be paid except for attending
636 meetings of the council without prior approval of the proper
637 committee in their respective houses.

638 (c) No change in the terms of the State and School
639 Employees Health Insurance Plan may be made effective unless the
640 board, or its designee, has provided notice to the State and
641 School Employees Health Insurance Advisory Council and has called
642 a meeting of the council at least fifteen (15) days before the
643 effective date of such change. In the event that the State and
644 School Employees Health Insurance Advisory Council does not meet
645 to advise the board on the proposed changes, the changes to the
646 plan shall become effective at such time as the board has informed
647 the council that the changes shall become effective.

648 (d) **Medical benefits for retired employees and**
649 **dependents under age sixty-five (65) years and not eligible for**
650 **Medicare benefits.** The same health insurance coverage as for all
651 other active employees and their dependents shall be available to
652 retired employees and all dependents under age sixty-five (65)
653 years who are not eligible for Medicare benefits, the level of
654 benefits to be the same level as for all other active
655 participants. This section will apply to those employees who
656 retire due to one hundred percent (100%) medical disability as
657 well as those employees electing early retirement.

658 (e) **Medical benefits for retired employees and**
659 **dependents over age sixty-five (65) years or otherwise eligible**

660 **for Medicare benefits.** The health insurance coverage available to
661 retired employees over age sixty-five (65) years or otherwise
662 eligible for Medicare benefits, and all dependents over age
663 sixty-five (65) years or otherwise eligible for Medicare benefits,
664 shall be the major medical coverage with the lifetime maximum of
665 One Million Dollars (\$1,000,000.00). Benefits shall be reduced by
666 Medicare benefits as though such Medicare benefits were the base
667 plan.

668 All covered individuals shall be assumed to have full
669 Medicare coverage, Parts A and B; and any Medicare payments under
670 both Parts A and B shall be computed to reduce benefits payable
671 under this plan.

672 (2) Nonduplication of benefits--reduction of benefits by
673 Title XIX benefits: When benefits would be payable under more
674 than one (1) group plan, benefits under those plans will be
675 coordinated to the extent that the total benefits under all plans
676 will not exceed the total expenses incurred.

677 Benefits for hospital or surgical or medical benefits shall
678 be reduced by any similar benefits payable in accordance with
679 Title XIX of the Social Security Act or under any amendments
680 thereto, or any implementing legislation.

681 Benefits for hospital or surgical or medical benefits shall
682 be reduced by any similar benefits payable by workers'
683 compensation.

684 (3) (a) Schedule of life insurance benefits--group term:
685 The amount of term life insurance for each active employee of a
686 department, agency or institution of the state government shall
687 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or
688 twice the amount of the employee's annual wage to the next highest
689 One Thousand Dollars (\$1,000.00), whichever may be less, but in no
690 case less than Thirty Thousand Dollars (\$30,000.00), with a like
691 amount for accidental death and dismemberment on a
692 twenty-four-hour basis. The plan will further contain a premium

693 waiver provision if a covered employee becomes totally and
694 permanently disabled prior to age sixty-five (65) years.
695 Employees retiring after June 30, 1999, shall be eligible to
696 continue life insurance coverage in an amount of Five Thousand
697 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
698 Thousand Dollars (\$20,000.00) into retirement.

699 (b) Effective October 1, 1999, schedule of life
700 insurance benefits--group term: The amount of term life insurance
701 for each active employee of any school district, community/junior
702 college, public library or university-based program authorized
703 under Section 37-23-31 for deaf, aphasic and emotionally disturbed
704 children or any regular nonstudent bus driver shall not be in
705 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the
706 amount of the employee's annual wage to the next highest One
707 Thousand Dollars (\$1,000.00), whichever may be less, but in no
708 case less than Thirty Thousand Dollars (\$30,000.00), with a like
709 amount for accidental death and dismemberment on a
710 twenty-four-hour basis. The plan will further contain a premium
711 waiver provision if a covered employee of any school district,
712 community/junior college, public library or university-based
713 program authorized under Section 37-23-31 for deaf, aphasic and
714 emotionally disturbed children or any regular nonstudent bus
715 driver becomes totally and permanently disabled prior to age
716 sixty-five (65) years. Employees of any school district,
717 community/junior college, public library or university-based
718 program authorized under Section 37-23-31 for deaf, aphasic and
719 emotionally disturbed children or any regular nonstudent bus
720 driver retiring after September 30, 1999, shall be eligible to
721 continue life insurance coverage in an amount of Five Thousand
722 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
723 Thousand Dollars (\$20,000.00) into retirement.

724 (4) Any eligible employee who on March 1, 1971, was
725 participating in a group life insurance program which has

726 provisions different from those included herein and for which the
727 State of Mississippi was paying a part of the premium may, at his
728 discretion, continue to participate in such plan. Such employee
729 shall pay in full all additional costs, if any, above the minimum
730 program established by this article. Under no circumstances shall
731 any individual who begins employment with the state after March 1,
732 1971, be eligible for the provisions of this paragraph.

733 (5) The board may offer medical savings accounts as defined
734 in Section 71-9-3 as a plan option.

735 (6) Any premium differentials, differences in coverages,
736 discounts determined by risk or by any other factors shall be
737 uniformly applied to all active employees participating in the
738 insurance plan. It is the intent of the Legislature that the
739 state contribution to the plan be the same for each employee
740 throughout the state.

741 (7) On October 1, 1999, any school district,
742 community/junior college district or public library may elect to
743 remain with an existing policy or policies of group life insurance
744 with an insurance company approved by the State and School
745 Employees Health Insurance Management Board, in lieu of
746 participation in the State and School Life Insurance Plan. The
747 state's contribution of up to fifty percent (50%) of the active
748 employee's premium under the State and School Life Insurance Plan
749 may be applied toward the cost of coverage for full-time employees
750 participating in the approved life insurance company group plan.
751 For purposes of this subsection (7), "life insurance company group
752 plan" means a plan administered or sold by a private insurance
753 company. After October 1, 1999, the board may assess charges in
754 addition to the existing State and School Life Insurance Plan
755 rates to such employees as a condition of enrollment in the State
756 and School Life Insurance Plan. In order for any life insurance
757 company group plan existing as of October 1, 1999, to be approved
758 by the State and School Employees Health Insurance Management

759 Board under this subsection (7), it shall meet the following
760 criteria:

761 (a) The insurance company offering the group life
762 insurance plan shall be rated "A-" or better by A.M. Best state
763 insurance rating service and be licensed as an admitted carrier in
764 the State of Mississippi by the Mississippi Department of
765 Insurance.

766 (b) The insurance company group life insurance plan
767 shall provide the same life insurance, accidental death and
768 dismemberment insurance and waiver of premium benefits as provided
769 in the State and School Life Insurance Plan.

770 (c) The insurance company group life insurance plan
771 shall be fully insured, and no form of self-funding life insurance
772 by such company shall be approved.

773 (d) The insurance company group life insurance plan
774 shall have one (1) composite rate per One Thousand Dollars
775 (\$1,000.00) of coverage for active employees regardless of age and
776 one (1) composite rate per One Thousand Dollars (\$1,000.00) of
777 coverage for all retirees regardless of age or type of retiree.

778 (e) The insurance company and its group life insurance
779 plan shall comply with any administrative requirements of the
780 State and School Employees Health Insurance Management Board. In
781 the event any insurance company providing group life insurance
782 benefits to employees under this subsection (7) fails to comply
783 with any requirements specified herein or any administrative
784 requirements of the board, the state shall discontinue providing
785 funding for the cost of such insurance.

786 SECTION 11. Section 29-1-205, Mississippi Code of 1972, is
787 amended as follows:[LH9]

788 29-1-205. (1) The Department of Finance and Administration,
789 Bureau of Building, Grounds and Real Property Management, is
790 hereby authorized, empowered and directed to sell and convey on
791 behalf of the State of Mississippi to a nationally recognized

792 organization which has as its purpose the recognition and
793 promotion of scholarship, leadership and service among two-year
794 college students throughout the country for the purpose of
795 constructing a national headquarters thereon, the following
796 described state-owned lands. The property authorized to be sold
797 and conveyed is a certain parcel of land situated in the Northwest
798 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
799 County, Mississippi, and being more particularly described as
800 follows, to-wit:

801 Commence at the Southwest corner of Lot 2 of Northeast
802 Heights, a subdivision on file and of record in the
803 office of the Chancery Clerk at Jackson, Hinds County,
804 Mississippi, in Plat Book 10 at Page 45; run thence
805 Southerly along the extension of the West line of said
806 Lot 2 for a distance of 80.00 feet to a point on the
807 South Line of Eastover Drive; turn thence right through
808 a deflection angle of 89 degrees 13 minutes and run
809 westerly along the South line of Eastover Drive for a
810 distance of 43.84 feet to the POINT OF BEGINNING; thence
811 leaving said South line of Eastover Drive, turn left
812 through a deflection angle of 95 degrees 41 minutes 50
813 seconds and run Southerly along a line twenty five feet
814 from and parallel to the centerline of a 31 foot asphalt
815 drive for a distance of 118.08 feet; turn thence right
816 through a deflection angle of 3 degrees 07 minutes 37
817 seconds and continue Southerly along a line twenty five
818 feet from and parallel to the centerline of a 31 foot
819 asphalt drive for a distance of 132.71 feet to a point
820 on the North line of a United Gas Pipe Line Company
821 easement; turn thence right through a deflection angle
822 of 59 degrees 18 minutes 47 seconds and run
823 Southwesterly along the North line of said United Gas
824 Pipe Line Company easement for a distance of 520.00

825 feet; turn thence right through a deflection angle of 90
826 degrees 00 minutes 00 seconds and run Northwesterly for
827 a distance of 410.00 feet; turn thence right through a
828 deflection angle of 69 degrees 42 minutes 33 seconds and
829 run Northeasterly for a distance of 238.99 feet to a
830 point on the South line of said Eastover Drive; said
831 point further being on a 2 degrees 27 minutes curve
832 bearing to the right, said curve having a central angle
833 of 8 degrees 58 minutes 45 seconds and a radius of
834 2258.60 feet; turn thence right through a deflection
835 angle of 53 degrees 12 minutes 08 seconds and run
836 Easterly along the chord of said 2 degrees 27 minutes
837 curve bearing to the right and the South line of said
838 Eastover Drive for a distance of 27.26 feet to the Point
839 of Tangency; turn thence right through a deflection
840 angle of 00 degrees 20 minutes 45 seconds and run
841 Easterly along the South line said Eastover Drive for a
842 distance of 472.74 feet to the POINT OF BEGINNING,
843 containing 5.44 acres more or less.

844 (2) The Legislature recognizes that Mississippi's public
845 two-year college system is the oldest system of its kind in the
846 nation, and further recognizes that this system enjoys national
847 notoriety and respect for its achievement and promotion of
848 educational, civic, social and cultural excellence. The
849 Legislature declares and finds that the purpose of this
850 legislation is to promote, enhance and foster continued excellence
851 in Mississippi's two-year college system and the overall
852 educational development and improvement of the State of
853 Mississippi and the educational, civic, social, cultural, moral
854 and economic welfare thereof, and that such purposes will be
855 accomplished by the conveyance of the above-described property to
856 an organization within the aforesaid classification for
857 construction of a national headquarters thereon.

858 (3) The conveyance to be executed by the Department of
859 Finance and Administration, acting through the Bureau of Building,
860 Grounds and Real Property Management, shall be within the limits
861 contained in Sections 29-1-205 and 29-1-209 and contain a
862 provision reserving unto the state all oil, gas and mineral rights
863 of every kind and character. The conveyance shall make provision
864 for reasonable access to the conveyed premises over existing
865 roadways and to existing utility lines for the benefit of the
866 conveyed premises. The conveyance shall include terms granting to
867 the Board of Trustees of State Institutions of Higher
868 Learning * * * and to the Mississippi Authority for Educational
869 Television reasonable rights to utilize the improvements to be
870 constructed thereon, or portions thereof, for conference or
871 meeting purposes, specifying the architectural style of the
872 improvements and providing a reasonable setback of wooded
873 undeveloped property contiguous to the improvements in order to
874 maintain the natural environment of the site.

875 (4) The conveyance herein shall be for such consideration as
876 determined appropriate by the Public Procurement Review Board.
877 Such consideration may be paid or provided in installments over a
878 period of time (not to exceed twenty-five (25) years) and may also
879 be provided in kind. In-kind consideration may include the
880 reasonable use of the improvements constructed on the property by
881 the Board of Trustees of State Institutions of Higher Learning and
882 its institutions * * * and the Mississippi Authority for
883 Educational Television and other state agencies, and the provision
884 of leadership training certification programs for community and
885 junior college faculty and others. Such in-kind consideration may
886 also constitute full and fair consideration for the property. In
887 establishing consideration, the board may take into account the
888 appraised value of the property, but shall allow reasonable credit
889 to the purchaser for benefits accruing to the State of
890 Mississippi, including the enhancement of the state's community

891 and junior college program and the promotion of excellence in
892 public education afforded by the location of such organization and
893 its headquarters in this state, the increase in employment made
894 possible, and that the only use which can be made of the conveyed
895 premises is for the organization's national headquarters with
896 reversion to the state otherwise.

897 SECTION 12. Section 29-17-3, Mississippi Code of 1972, is
898 amended as follows:[LH10]

899 29-17-3. (1) A special fund, to be designated the "1991
900 Mississippi Public Facilities Asbestos Abatement Fund," is hereby
901 created within the State Treasury. Monies deposited into such
902 fund shall be allocated and disbursed, in the discretion of the
903 Department of Finance and Administration, to pay costs of and
904 relating to asbestos abatement (removal of friable asbestos) in
905 public facilities.

906 (2) A special fund, to be designated the "1991 Mississippi
907 Public Facilities Roofing and Waterproofing Fund," is hereby
908 created within the State Treasury. Amounts deposited into such
909 fund shall be allocated and disbursed, in the discretion of the
910 Department of Finance and Administration, to pay costs of and
911 relating to the repair and replacement of roofs of public
912 facilities and the waterproofing of foundations and other parts of
913 public facilities.

914 (3) A special fund, to be designated the "1991 Mississippi
915 Public Facilities Paving Fund," is hereby created in the State
916 Treasury. Amounts deposited into such fund shall be allocated and
917 disbursed, in the discretion of the Department of Finance and
918 Administration, to pay costs of and relating to paving and
919 repairing parking lots, roads in public parks, and other paved
920 areas which are part of, or used in connection with, public
921 facilities.

922 (4) A special fund, to be designated the "1991 Mississippi
923 Public Facilities Mechanical Equipment and Utility Systems Repair

924 and Replacement Fund," is hereby created in the State Treasury.
 925 Monies deposited into such fund shall be allocated and disbursed,
 926 in the discretion of the Department of Finance and Administration,
 927 to pay costs of and relating to repair and replacement of
 928 mechanical, electrical, plumbing or other utility systems in
 929 public facilities.

930 (5) A special fund, to be designated the "1991 Mississippi
 931 Public Facilities Handicapped Accessibility Improvements Fund," is
 932 hereby created in the State Treasury. Monies deposited into such
 933 fund shall be allocated and disbursed, in the discretion of the
 934 Department of Finance and Administration, to pay costs of and
 935 relating to improvements necessary to make Mississippi public
 936 facilities accessible to handicapped individuals.

937 (6) A special fund, to be designated the "1991 Mississippi
 938 Public Facilities Energy Savings and Improvements Fund," is hereby
 939 created in the State Treasury. Monies deposited into such fund
 940 shall be allocated and disbursed, in the discretion of the
 941 Department of Finance and Administration, to pay costs of and
 942 relating to improvements necessary to make Mississippi public
 943 facilities energy efficient.

944 (7) A special fund, to be designated the "1991 Capital
 945 Improvement Fund," is hereby created in the State Treasury. Monies
 946 deposited into such fund shall be expended to construct and equip
 947 new facilities, to procure necessary land, and to expand or
 948 renovate existing facilities for agencies or their successors, as
 949 hereinafter described:

950	AGENCY NAME	PROJECT	AMOUNT ALLOCATED
951	INSTITUTIONS OF HIGHER LEARNING:		
952	Mississippi State	Library addition - Phase I.....	\$ 4,850,000
953	University		
954	MAFES	Complete School of Forest Resources.	1,000,000
955	University of	Library addition - Phase I.....	4,000,000
956	Mississippi		

957	Mississippi Valley	Misc. campus repairs	800,000
958	State University		
959	University of	Construct perinatal center	
960	Mississippi	Phase I.....	2,000,000
961	Medical Center	Expenditure of such funds is	
962		contingent upon federal funds	
963		being made available for such	
964		project.	
965	University of	Library addition - Phase I.....	4,850,000
966	Southern		
967	Mississippi		
968	Delta State	Construct fine arts facility.....	3,225,000
969	University		
970	Jackson State	University Park Auditorium	
971	University	Miscellaneous campus repairs.....	3,000,000
972	Alcorn State	Alcorn Stadium	
973	University	Miscellaneous campus repairs.....	2,500,000
974	Mississippi	Miscellaneous campus repairs.....	400,000
975	University		
976	For Women		
977	USM - Gulf Coast	Miscellaneous campus repairs.....	500,000
978	Research Lab and		
979	Gulf Park Campus		
980	COMMUNITY AND JUNIOR COLLEGES:		
981	These funds may only be used for the addition to or		
982	renovation of existing facilities on any community and junior		
983	college campuses as recommended by the * * * Board <u>of Trustees of</u>		
984	<u>State Institutions of Higher Learning</u> to the Department of Finance		
985	and Administration; provided, however, that funds allocated for		
986	expenditure on the campus of Coahoma Community College may be used		
987	for the construction and equipping of new facilities.		
988	Coahoma.....		1,473,400
989	Co-Lin.....		374,996

990	East Central.....	321,364
991	East Miss.....	295,021
992	Hinds.....	873,120
993	Holmes.....	357,910
994	Itawamba.....	421,036
995	Jones Co.....	549,303
996	Meridian.....	402,762
997	Miss. Delta.....	393,626
998	Mississippi Gulf Coast.....	786,754
999	Northeast Miss.....	489,975
1000	Northwest Miss.....	492,586
1001	Pearl River.....	428,155
1002	Southwest Miss.....	339,992

1003 **DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS:**

1004	J.P. Coleman	Addition of marina slips	
1005		and parking.....	675,000
1006	Buccaneer	Expand wave pool and	
1007		attendant facilities.....	460,000
1008	Roosevelt	Construct lodge and parking.....	650,000
1009	Roosevelt	Construct swimming pool and	
1010		attendant facilities.....	200,000
1011	Statewide	FY-91 Soil Stabilization Program.....	200,000
1012	Percy Quinn	Construction of a convention center	
1013		and additional lodge rooms.....	1,000,000
1014	Feasibility study.....		100,000

1015 The Department of Finance and Administration shall study
1016 appropriate measures to enhance revenues generated by the park
1017 system, including the desirability and feasibility of private
1018 investment ventures at state parks. In order to consider the
1019 feasibility of private investment at state parks the department
1020 shall employ a qualified firm with expertise to study and assist
1021 in this regard.

1022 **DEPARTMENT OF CORRECTIONS:** Construction, repair, and/or

1023 renovation of the following projects will be accomplished
1024 utilizing inmate labor where possible to affect cost savings. The
1025 Department of Correction Facilities Engineer shall determine the
1026 extent of inmate labor available to affect maximum savings. Such
1027 savings may be transferred to any of the following construction
1028 projects:

1029 **DEPARTMENT OF CORRECTIONS:**

1030 Calhoun County Replace Community Work Center.....50,000
1031 State Penitentiary FY-91 Housing renovation program.....700,000
1032 South Mississippi Construct emergency vehicle and
1033 Correctional repair building.....200,000
1034 Institution

1035 **MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION:**

1036 Replace production
1037 facility equipment.....2,400,000

1038 **DEPARTMENT OF FINANCE AND ADMINISTRATION:**

1039 Restoration of Central High
1040 Legislative Services Building.....2,000,000
1041 There is also hereby allocated
1042 for the restoration of such
1043 office facilities not more than
1044 \$6,575,000.00 of the proceeds of
1045 bonds issued under Chapter 2,
1046 First Extraordinary Session of
1047 1989, which proceeds were
1048 originally allocated therein
1049 for the construction of new
1050 facilities to house the Department
1051 of Rehabilitation Services.
1052 Install energy management system
1053 and related utility equipment
1054 in the "Capitol Complex".....2,000,000
1055 Acquire and improve land for parking

1056		in the "Capitol Complex".....	25,000
1057		Construct additional parking	
1058		facilities in the "Capitol	
1059		Complex".....	2,500,000
1060	DEPARTMENT OF MENTAL HEALTH:		
1061	Statewide	Construct eight ICF-MR community	
1062		group homes.....	2,640,000
1063	East Mississippi	Renovate shower facilities -	
1064	State Hospital	"Administration building".....	350,000
1065	Ellisville State	Replace dietary building.....	1,800,000
1066	Hudspeth	FY-91 cottage renovation project.....	310,000
1067	Retardation Center		
1068	Mississippi	Life-safety upgrade renovation	
1069	State Hospital	of building 34.....	1,400,000
1070		Life-safety upgrade renovation	
1071		of building 87.....	1,200,000
1072		Life-safety upgrade renovation	
1073		of building 90.....	1,500,000
1074	North Mississippi	Construct ICF-MR	
1075	Retardation	severely-handicapped building.....	2,400,000
1076	Center		
1077	South Mississippi	Construct ICF-MR	
1078	Retardation	severely-handicapped building.....	2,400,000
1079	Center		
1080	DEPARTMENT OF HUMAN SERVICES:		
1081	Department of	FY-91 Campus-housing renovation	
1082	Youth Services	program for the Columbia and	
1083		Oakley campuses.....	300,000
1084	DEPARTMENT OF ARCHIVES AND HISTORY:		
1085		Installation of movable shelving	
1086		in the Charlotte Capers Archives	
1087		and History Building.....	500,000
1088	TOTAL.....		\$63,085,000

1089 The Department of Finance and Administration is authorized to
1090 pay up to the amounts stipulated in this section for the purchase
1091 of land and buildings. In no case shall the department pay an
1092 amount in excess of the appraised value of the property to be
1093 acquired. The appraised value shall be determined by taking the
1094 average of two (2) appraisals performed by different competent
1095 appraisers, one (1) to be selected by the Department of Finance
1096 and Administration and one (1) to be selected by the Department of
1097 Audit.

1098 (8) A special fund, to be designated the "1991 Mississippi
1099 Public Facilities Capital Improvement Contingency Revolving Fund,"
1100 is hereby created in the State Treasury. Amounts deposited into
1101 such fund shall be disbursed to: (a) pay costs of projects
1102 identified in subsection (7) of this section in the event that the
1103 actual cost of such project not paid from sources other than the
1104 proceeds of the bonds authorized pursuant to this act shall exceed
1105 the amount specified in subsection (7), provided that the total
1106 amount disbursed from such fund with respect to any project may
1107 not exceed ten percent (10%) of the amount allocated to such
1108 project as set forth in subsection (7); and (b) pay costs of other
1109 projects as may be authorized in a subsequent act. Promptly after
1110 the State Bond Commission, by resolution duly adopted, shall have
1111 certified that all of the projects specified in subsection (7)
1112 (and all other projects, if any, the payment of all or part of the
1113 cost of which from the 1991 Mississippi Public Facilities Capital
1114 Improvement Contingency Revolving Fund shall have been authorized
1115 in a subsequent act) shall have been completed or abandoned, any
1116 amounts remaining in the 1991 Mississippi Public Facilities
1117 Capital Improvement Contingency Revolving Fund shall be applied to
1118 pay debt service on bonds issued pursuant to this act, in
1119 accordance with the proceedings authorizing issuance of such
1120 bonds. Any funds remaining after construction of the above
1121 buildings at Mississippi State Hospital can be used for

1122 furnishings and equipment in Buildings 34, 87, 90 and 33.

1123 (9) Each of the funds created pursuant to subsections (1),
1124 (2), (3), (4), (5), (6), (7) and (8) above shall be maintained by
1125 the State Treasurer as a separate and special fund, separate and
1126 apart from the General Fund of the state, and investment earnings
1127 on amounts in each such fund shall be deposited into such fund.
1128 The expenditure of monies deposited into such special funds shall
1129 be under the direction of the Department of Finance and
1130 Administration, and such funds shall be paid by the State
1131 Treasurer upon warrants issued by such department, which warrants
1132 shall be issued upon requisitions signed by the Executive Director
1133 of the Department of Finance and Administration.

1134 SECTION 13. Section 37-3-2, Mississippi Code of 1972, is
1135 amended as follows:[LH11]

1136 37-3-2. (1) There is hereby established within the State
1137 Department of Education the Commission on Teacher and
1138 Administrator Education, Certification and Licensure and
1139 Development. It shall be the purpose and duty of the commission
1140 to make recommendations to the State Board of Education regarding
1141 standards for the certification and licensure and continuing
1142 professional development of those who teach or perform tasks of an
1143 educational nature in the public schools of Mississippi.

1144 (2) The commission shall be composed of fifteen (15)
1145 qualified members. The membership of the commission shall be
1146 composed of the following members to be appointed three (3) from
1147 each congressional district: four (4) classroom teachers; three
1148 (3) school administrators; one (1) representative of schools of
1149 education of institutions of higher learning located within the
1150 state to be recommended by the Board of Trustees of State
1151 Institutions of Higher Learning; one (1) representative from the
1152 schools of education of independent institutions of higher
1153 learning to be recommended by the Board of the Mississippi
1154 Association of Independent Colleges; one (1) representative from

1155 public community * * * colleges located within the state to be
1156 recommended by the * * * Board of Trustees of State Institutions
1157 of Higher Learning; one (1) local school board member; and four
1158 (4) lay persons. All appointments shall be made by the State
1159 Board of Education after consultation with the State
1160 Superintendent of Public Education. The first appointments by the
1161 State Board of Education shall be made as follows: five (5)
1162 members shall be appointed for a term of one (1) year; five (5)
1163 members shall be appointed for a term of two (2) years; and five
1164 (5) members shall be appointed for a term of three (3) years.
1165 Thereafter, all members shall be appointed for a term of four (4)
1166 years.

1167 (3) The State Board of Education when making appointments
1168 shall designate a chairman. The commission shall meet at least
1169 once every two (2) months or more often if needed. Members of the
1170 commission shall be compensated at a rate of per diem as
1171 authorized by Section 25-3-69 and be reimbursed for actual and
1172 necessary expenses as authorized by Section 25-3-41.

1173 (4) An appropriate staff member of the State Department of
1174 Education shall be designated and assigned by the State
1175 Superintendent of Public Education to serve as executive secretary
1176 and coordinator for the commission. No less than two (2) other
1177 appropriate staff members of the State Department of Education
1178 shall be designated and assigned by the State Superintendent of
1179 Public Education to serve on the staff of the commission.

1180 (5) It shall be the duty of the commission to:

1181 (a) Set standards and criteria, subject to the approval
1182 of the State Board of Education, for all educator preparation
1183 programs in the state;

1184 (b) Recommend to the State Board of Education each year
1185 approval or disapproval of each educator preparation program in
1186 the state;

1187 (c) Establish, subject to the approval of the State

1188 Board of Education, standards for initial teacher certification
1189 and licensure in all fields;

1190 (d) Establish, subject to the approval of the State
1191 Board of Education, standards for the renewal of teacher licenses
1192 in all fields;

1193 (e) Review and evaluate objective measures of teacher
1194 performance, such as test scores, which may form part of the
1195 licensure process, and to make recommendations for their use;

1196 (f) Review all existing requirements for certification
1197 and licensure;

1198 (g) Consult with groups whose work may be affected by
1199 the commission's decisions;

1200 (h) Prepare reports from time to time on current
1201 practices and issues in the general area of teacher education and
1202 certification and licensure;

1203 (i) Hold hearings concerning standards for teachers'
1204 and administrators' education and certification and licensure with
1205 approval of the State Board of Education;

1206 (j) Hire expert consultants with approval of the State
1207 Board of Education;

1208 (k) Set up ad hoc committees to advise on specific
1209 areas; and

1210 (l) Perform such other functions as may fall within
1211 their general charge and which may be delegated to them by the
1212 State Board of Education.

1213 (6) (a) **Standard License - Approved Program Route.** An
1214 educator entering the school system of Mississippi for the first
1215 time and meeting all requirements as established by the State
1216 Board of Education shall be granted a standard five-year license.

1217 Persons who possess two (2) years of classroom experience as an
1218 assistant teacher or who have taught for one (1) year in an
1219 accredited public or private school shall be allowed to fulfill
1220 student teaching requirements under the supervision of a qualified

1221 participating teacher approved by an accredited college of
1222 education. The local school district in which the assistant
1223 teacher is employed shall compensate such assistant teachers at
1224 the required salary level during the period of time such
1225 individual is completing student teaching requirements.
1226 Applicants for a standard license shall submit to the department:
1227 (i) An application on a department form;
1228 (ii) An official transcript of completion of a
1229 teacher education program approved by the department or a
1230 nationally accredited program, subject to the following:
1231 Licensure to teach in Mississippi kindergarten through Grade 4
1232 shall require the completion of an interdisciplinary program of
1233 studies. Licenses for Grades 4 through 8 shall require the
1234 completion of an interdisciplinary program of studies with two (2)
1235 or more areas of concentration. Licensure to teach in Mississippi
1236 Grades 7 through 12 shall require a major in an academic field
1237 other than education, or a combination of disciplines other than
1238 education. Students preparing to teach a subject shall complete a
1239 major in the respective subject discipline. All applicants for
1240 standard licensure shall demonstrate that such person's college
1241 preparation in those fields was in accordance with the standards
1242 set forth by the National Council for Accreditation of Teacher
1243 Education (NCATE) or the National Association of State Directors
1244 of Teacher Education and Certification (NASDTEC);
1245 (iii) A copy of test scores evidencing
1246 satisfactory completion of nationally administered examinations of
1247 achievement, such as the Educational Testing Service's teacher
1248 testing examinations. The State Board of Education is directed to
1249 study and develop a report on the progress of the nationally
1250 administered examination of achievement for students in an
1251 approved teacher education program. This report shall develop
1252 data for the period beginning July 1, 1997, and ending June 30,
1253 1998. The state board, with the assistance of the commission,

1254 shall prepare the results of the study and make a report thereon
1255 to the Education Committees of the Legislature utilizing the
1256 following components:

- 1257 1. Collect data on entrance and exit
1258 performance of students in a teacher education program;
- 1259 2. Report on student performance as compared
1260 to the required examination score;
- 1261 3. Develop and make recommendations on
1262 necessary requirement revisions as may be appropriate based on
1263 student performance results;
- 1264 4. Include other such formats as may best
1265 describe the profile of the student examination results; and
1266 (iv) Any other document required by the State
1267 Board of Education.

1268 (b) **Standard License - Alternate Teaching Route.**

1269 Applicants for a standard license - alternate teaching route shall
1270 submit to the department:

- 1271 (i) An application on a department form;
- 1272 (ii) An official transcript evidencing a bachelors
1273 degree from an accredited institution of higher learning;
- 1274 (iii) A copy of test scores evidencing
1275 satisfactory completion of an examination of achievement specified
1276 by the commission and approved by the State Board of Education;
- 1277 (iv) An official transcript evidencing appropriate
1278 credit hours or a copy of test scores evidencing successful
1279 completion of tests as required by the State Board of Education;
1280 and
1281 (v) Any other document required by the State Board
1282 of Education.

1283 A Standard License - Approved Program Route and a Standard
1284 License - Alternate Teaching Route shall be issued for a five-year
1285 period, and may be renewed. Recognizing teaching as a profession,
1286 a hiring preference shall be granted to persons holding a Standard

1287 License - Approved Program Route or Standard License - Alternate
1288 Teaching Route over persons holding any other license.

1289 (c) **Special License - Expert Citizen.** In order to
1290 allow a school district to offer specialized or technical courses,
1291 the State Department of Education, in accordance with rules and
1292 regulations established by the State Board of Education, may grant
1293 a one-year expert citizen-teacher license to local business or
1294 other professional personnel to teach in a public school or
1295 nonpublic school accredited or approved by the state. Such person
1296 may begin teaching upon his employment by the local school board
1297 and licensure by the Mississippi Department of Education. The
1298 board shall adopt rules and regulations to administer the expert
1299 citizen-teacher license. A special license - expert citizen may
1300 be renewed in accordance with the established rules and
1301 regulations of the State Department of Education.

1302 (d) **Special License - Nonrenewable.** The State Board of
1303 Education is authorized to establish rules and regulations to
1304 allow those educators not meeting requirements in subsection
1305 (6)(a), (b) or (c) to be licensed for a period of not more than
1306 three (3) years, except by special approval of the State Board of
1307 Education.

1308 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1309 person may teach for a maximum of three (3) periods per teaching
1310 day in a public school or a nonpublic school accredited/approved
1311 by the state. Such person shall submit to the department a
1312 transcript or record of his education and experience which
1313 substantiates his preparation for the subject to be taught and
1314 shall meet other qualifications specified by the commission and
1315 approved by the State Board of Education. In no case shall any
1316 local school board hire nonlicensed personnel as authorized under
1317 this paragraph in excess of five percent (5%) of the total number
1318 of licensed personnel in any single school.

1319 (f) In the event any school district meets Level 4 or 5

1320 accreditation standards, the State Board of Education may, in its
1321 discretion, exempt such school district from any restrictions in
1322 paragraph (e) relating to the employment of nonlicensed teaching
1323 personnel.

1324 (7) **Administrator License.** The State Board of Education is
1325 authorized to establish rules and regulations and to administer
1326 the licensure process of the school administrators in the State of
1327 Mississippi. There will be four (4) categories of administrator
1328 licensure with exceptions only through special approval of the
1329 State Board of Education.

1330 (a) **Administrator License - Nonpracticing.** Those
1331 educators holding administrative endorsement but have no
1332 administrative experience or not serving in an administrative
1333 position on January 15, 1997.

1334 (b) **Administrator License - Entry Level.** Those
1335 educators holding administrative endorsement and having met the
1336 department's qualifications to be eligible for employment in a
1337 Mississippi school district. Administrator license - entry level
1338 shall be issued for a five-year period and shall be nonrenewable.

1339 (c) **Standard Administrator License - Career Level.** An
1340 administrator who has met all the requirements of the department
1341 for standard administrator licensure.

1342 (d) **Administrator License - Alternate Route.** The board
1343 may establish an alternate route for licensing administrative
1344 personnel. Such alternate route for administrative licensure
1345 shall be available for persons holding, but not limited to, a
1346 masters of business administration degree, a masters of public
1347 administration degree or a masters of public planning and policy
1348 degree from an accredited college or university, with five (5)
1349 years of administrative or supervisory experience. Successful
1350 completion of the requirements of alternate route licensure for
1351 administrators shall qualify the person for a standard
1352 administrator license.

1353 Beginning with the 1997-1998 school year, individuals seeking
1354 school administrator licensure under paragraph (b), (c) or (d)
1355 shall successfully complete a training program and an assessment
1356 process prescribed by the State Board of Education. Applicants
1357 seeking school administrator licensure prior to June 30, 1997, and
1358 completing all requirements for provisional or standard
1359 administrator certification and who have never practiced, shall be
1360 exempt from taking the Mississippi Assessment Battery Phase I.
1361 Applicants seeking school administrator licensure during the
1362 period beginning July 1, 1997, through June 30, 1998, shall
1363 participate in the Mississippi Assessment Battery, and upon
1364 request of the applicant, the department shall reimburse the
1365 applicant for the cost of the assessment process required. After
1366 June 30, 1998, all applicants for school administrator licensure
1367 shall meet all requirements prescribed by the department under
1368 paragraph (b), (c) or (d), and the cost of the assessment process
1369 required shall be paid by the applicant.

1370 (8) **Reciprocity.** (a) The department shall grant a standard
1371 license to any individual who possesses a valid standard license
1372 from another state and has a minimum of two (2) years of full-time
1373 teaching or administrator experience.

1374 (b) The department shall grant a nonrenewable special
1375 license to any individual who possesses a credential which is less
1376 than a standard license or certification from another state, or
1377 who possesses a standard license from another state but has less
1378 than two (2) years of full-time teaching or administration
1379 experience. Such special license shall be valid for the current
1380 school year plus one (1) additional school year to expire on June
1381 30 of the second year, not to exceed a total period of twenty-four
1382 (24) months, during which time the applicant shall be required to
1383 complete the requirements for a standard license in Mississippi.

1384 (9) **Renewal and Reinstatement of Licenses.** The State Board
1385 of Education is authorized to establish rules and regulations for

1386 the renewal and reinstatement of educator and administrator
1387 licenses.

1388 (10) All controversies involving the issuance, revocation,
1389 suspension or any change whatsoever in the licensure of an
1390 educator required to hold a license shall be initially heard in a
1391 hearing de novo, by the commission or by a subcommittee
1392 established by the commission and composed of commission members
1393 for the purpose of holding hearings. Any complaint seeking the
1394 denial of issuance, revocation or suspension of a license shall be
1395 by sworn affidavit filed with the Commission of Teacher and
1396 Administrator Education, Certification and Licensure and
1397 Development. The decision thereon by the commission or its
1398 subcommittee shall be final, unless the aggrieved party shall
1399 appeal to the State Board of Education, within ten (10) days, of
1400 the decision of the committee or its subcommittee. An appeal to
1401 the State Board of Education shall be on the record previously
1402 made before the commission or its subcommittee unless otherwise
1403 provided by rules and regulations adopted by the board. The State
1404 Board of Education in its authority may reverse, or remand with
1405 instructions, the decision of the committee or its subcommittee.
1406 The decision of the State Board of Education shall be final.

1407 (11) The State Board of Education, acting through the
1408 commission, may deny an application for any teacher or
1409 administrator license for one or more of the following:

1410 (a) Lack of qualifications which are prescribed by law
1411 or regulations adopted by the State Board of Education;

1412 (b) Has a physical, emotional or mental disability that
1413 renders the applicant unfit to perform the duties authorized by
1414 the license, as certified by a licensed psychologist or
1415 psychiatrist;

1416 (c) Is actively addicted to or actively dependent on
1417 alcohol or other habit-forming drugs or is a habitual user of
1418 narcotics, barbiturates, amphetamines, hallucinogens, or other

1419 drugs having similar effect, at the time of application for a
1420 license;

1421 (d) Revocation of a certificate or license by another
1422 state;

1423 (e) Committed fraud or deceit in securing or attempting
1424 to secure such certification and license;

1425 (f) Fails or refuses to furnish reasonable evidence of
1426 identification;

1427 (g) Has been convicted, has pled guilty or entered a
1428 plea of nolo contendere to a felony, as defined by federal or
1429 state law; or

1430 (h) Has been convicted, has pled guilty or entered a
1431 plea of nolo contendere to a sex offense as defined by federal or
1432 state law.

1433 (12) The State Board of Education, acting on the
1434 recommendation of the commission, may revoke or suspend any
1435 teacher or administrator license for specified periods of time for
1436 one or more of the following:

1437 (a) Breach of contract or abandonment of employment may
1438 result in the suspension of the license for one (1) school year as
1439 provided in Section 37-9-57, Mississippi Code of 1972;

1440 (b) Obtaining a license by fraudulent means shall
1441 result in immediate suspension and continued suspension for one
1442 (1) year after correction is made;

1443 (c) Suspension or revocation of a certificate or
1444 license by another state shall result in immediate suspension or
1445 revocation and shall continue until records in the prior state
1446 have been cleared;

1447 (d) Has been convicted, has pled guilty or entered a
1448 plea of nolo contendere to a felony, as defined by federal or
1449 state law;

1450 (e) Has been convicted, has pled guilty or entered a
1451 plea of nolo contendere to a sex offense, as defined by federal or

1452 state law; or

1453 (f) Knowingly and willfully committing any of the acts
1454 affecting validity of mandatory uniform test results as provided
1455 in Section 37-16-4(1), Mississippi Code of 1972.

1456 (13) (a) Dismissal or suspension of a licensed employee by
1457 a local school board pursuant to Section 37-9-59, Mississippi Code
1458 of 1972, may result in the suspension or revocation of a license
1459 for a length of time which shall be determined by the commission
1460 and based upon the severity of the offense.

1461 (b) Any offense committed or attempted in any other
1462 state shall result in the same penalty as if committed or
1463 attempted in this state.

1464 (c) A person may voluntarily surrender a license. The
1465 surrender of such license may result in the commission
1466 recommending any of the above penalties without the necessity of a
1467 hearing. However, any such license which has voluntarily been
1468 surrendered by a licensed employee may be reinstated by a
1469 unanimous vote of all members of the commission.

1470 (14) A person whose license has been suspended on any
1471 grounds except criminal grounds may petition for reinstatement of
1472 the license after one (1) year from the date of suspension, or
1473 after one-half (1/2) of the suspended time has lapsed, whichever
1474 is greater. A license suspended on the criminal grounds may be
1475 reinstated upon petition to the commission filed after expiration
1476 of the sentence and parole or probationary period imposed upon
1477 conviction. A revoked license may be reinstated upon satisfactory
1478 showing of evidence of rehabilitation. The commission shall
1479 require all who petition for reinstatement to furnish evidence
1480 satisfactory to the commission of good character, good mental,
1481 emotional and physical health and such other evidence as the
1482 commission may deem necessary to establish the petitioner's
1483 rehabilitation and fitness to perform the duties authorized by the
1484 license.

1485 (15) Reporting procedures and hearing procedures for dealing
1486 with infractions under this section shall be promulgated by the
1487 commission, subject to the approval of the State Board of
1488 Education. The revocation or suspension of a license shall be
1489 effected at the time indicated on the notice of suspension or
1490 revocation. The commission shall immediately notify the
1491 superintendent of the school district or school board where the
1492 teacher or administrator is employed of any disciplinary action
1493 and also notify the teacher or administrator of such revocation or
1494 suspension and shall maintain records of action taken. The State
1495 Board of Education may reverse or remand with instructions any
1496 decision of the commission regarding a petition for reinstatement
1497 of a license, and any such decision of the State Board of
1498 Education shall be final.

1499 (16) An appeal from the action of the State Board of
1500 Education in denying an application, revoking or suspending a
1501 license or otherwise disciplining any person under the provisions
1502 of this section, shall be filed in the Chancery Court of the First
1503 Judicial District of Hinds County on the record made, including a
1504 verbatim transcript of the testimony at the hearing. The appeal
1505 shall be filed within thirty (30) days after notification of the
1506 action of the board is mailed or served and the proceedings in
1507 chancery court shall be conducted as other matters coming before
1508 the court. The appeal shall be perfected upon filing notice of
1509 the appeal and by the prepayment of all costs, including the cost
1510 of preparation of the record of the proceedings by the State Board
1511 of Education, and the filing of a bond in the sum of Two Hundred
1512 Dollars (\$200.00) conditioned that if the action of the board be
1513 affirmed by the chancery court, the applicant or license holder
1514 shall pay the costs of the appeal and the action of the chancery
1515 court.

1516 (17) All such programs, rules, regulations, standards and
1517 criteria recommended or authorized by the commission shall become

1518 effective upon approval by the State Board of Education as
1519 designated by appropriate orders entered upon the minutes thereof.

1520 (18) The granting of a license shall not be deemed a
1521 property right nor a guarantee of employment in any public school
1522 district. A license is a privilege indicating minimal eligibility
1523 for teaching in the public schools of Mississippi. This section
1524 shall in no way alter or abridge the authority of local school
1525 districts to require greater qualifications or standards of
1526 performance as a prerequisite of initial or continued employment
1527 in such districts.

1528 (19) In addition to the reasons specified in subsection (8)
1529 of this section, the board shall be authorized to suspend the
1530 license of any licensee for being out of compliance with an order
1531 for support, as defined in Section 93-11-153. The procedure for
1532 suspension of a license for being out of compliance with an order
1533 for support, and the procedure for the reissuance or reinstatement
1534 of a license suspended for that purpose, and the payment of any
1535 fees for the reissuance or reinstatement of a license suspended
1536 for that purpose, shall be governed by Section 93-11-157 or
1537 93-11-163, as the case may be. Actions taken by the board in
1538 suspending a license when required by Section 93-11-157 or
1539 93-11-163 are not actions from which an appeal may be taken under
1540 this section. Any appeal of a license suspension that is required
1541 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1542 with the appeal procedure specified in Section 93-11-157 or
1543 93-11-163, as the case may be, rather than the procedure specified
1544 in this section. If there is any conflict between any provision
1545 of Section 93-11-157 or 93-11-163 and any provision of this
1546 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1547 case may be, shall control.

1548 SECTION 14. Section 37-4-1, Mississippi Code of 1972, is
1549 amended as follows:[LH12]

1550 37-4-1. The Legislature finds and determines that the

1551 social, cultural and economic well-being of the people of
1552 Mississippi, and hence the state, are enhanced by various
1553 educational experiences beyond the elementary and secondary school
1554 years. The Legislature hereby provides a means for the
1555 continuation of a system of community * * * colleges and declares
1556 the following to be the policy of the State of Mississippi:

1557 (a) The general purpose of the community * * * colleges
1558 is to provide educational services for the people of its
1559 geographic area within the legal structure of the comprehensive
1560 community college. These services include the teaching and
1561 guiding of students who intend to transfer to senior colleges to
1562 pursue an academic degree and the teaching and guiding of
1563 career-oriented students in academic, technical and vocational
1564 programs. These services also include providing opportunities for
1565 continuing education in academic, technical, vocational and adult
1566 education, and providing leadership in civic, economic and
1567 cultural growth.

1568 (b) Different geographic regions of the state have
1569 differing needs for human development.

1570 * * *

1571 (c) All post-high school youth and adults who have the
1572 motivation and ability to benefit from additional educational
1573 services and experiences should be provided such an opportunity.

1574 (d) Community * * * colleges should provide quality
1575 instructional activities that are accessible geographically and
1576 financially to the people of the state, within the resources
1577 available for this purpose.

1578 (e) Instructional activities should be related to the
1579 needs of the individual, region and state, and should be available
1580 throughout one's life regardless of prior educational experiences
1581 or attainment.

1582 (f) An appropriate relationship between local district
1583 and state financial support of community * * * colleges shall be

1584 established.

1585 (g) Coordination between public schools,
1586 community * * * colleges and universities shall complement the
1587 educational goals and attainments of individuals and the state.

1588 (h) The associate degree should be a definitive and
1589 accepted higher educational degree, recognized for transfer to
1590 four-year institutions and for employment and promotion in
1591 business and industry.

1592 (i) The community * * * colleges shall be the
1593 presumptive deliverers of public post-secondary training designed
1594 to meet the needs of individuals, business and state development
1595 objectives. This includes, but is not limited to, post-secondary
1596 training conducted under federal and state vocational and
1597 technical acts.

1598 * * *

1599 SECTION 15. Section 37-4-9, Mississippi Code of 1972, is
1600 amended as follows:[LH13]

1601 37-4-9. The * * * Board of Trustees of State Institutions of
1602 Higher Learning is authorized to receive income from voluntary
1603 fees, contributions, donations, other forms of financial
1604 assistance, materials or manpower from persons, corporations,
1605 organizations and other sources, private or public, to be utilized
1606 and expended by the board in carrying out the incentive
1607 certification program mandated by the Work Force and Education Act
1608 of 1994 in Sections 37-151-63 through 37-151-75 * * *.
1609 Additionally, awards or scholarships to industry or to students or
1610 both are authorized.

1611 SECTION 16. Section 37-4-11, Mississippi Code of 1972, is
1612 amended as follows:

1613 37-4-11. (1) The purpose of this section is to insure the
1614 uniform management, oversight and accountability of the
1615 state-funded Industrial Training Programs, and postsecondary Adult
1616 Short-term Training Programs and Workforce Education Programs

1617 administered by the * * * Board of Trustees of State Institutions
1618 of Higher Learning for adults provided to the citizens of
1619 Mississippi.

1620 (2) Effective July 1, 1999, all state-funded Industrial
1621 Training Programs and postsecondary Adult Short-term Training
1622 Programs administered by and through the State Department of
1623 Education on June 30, 1999, shall be transferred to the Workforce
1624 Education Program of the * * * Board of Trustees of State
1625 Institutions of Higher Learning. The Legislature shall
1626 appropriate annually to the * * * Board of Trustees of State
1627 Institutions of Higher Learning funds necessary to administer
1628 these programs.

1629 (3) Effective July 1, 1999, all funds, unexpended balances,
1630 assets, liabilities and property of the State Department of
1631 Education which are used in the delivery of postsecondary Adult
1632 Short-term Training Programs and Industrial Training Programs,
1633 excluding funds, unexpended balances, assets, liabilities and
1634 property associated with the Research and Curriculum Unit at
1635 Mississippi State University, shall be transferred to the
1636 Workforce Education Program funds of the * * * Board of Trustees
1637 of State Institutions of Higher Learning. The State Department of
1638 Education also shall transfer to the * * * Board of Trustees of
1639 State Institutions of Higher Learning all positions and funds
1640 employed by the State Department of Education and community
1641 colleges which render industrial training, postsecondary adult
1642 short-term training or workforce education services, including the
1643 seven (7) administrative and support positions providing support
1644 to these programs. Sufficient staff positions shall be
1645 transferred from the State Department of Education, which will
1646 have a reduction in training and educational responsibilities by
1647 virtue of this act, to the * * * Board of Trustees of State
1648 Institutions of Higher Learning to assure that the transferred
1649 responsibilities will be properly managed and administered. Any

1650 funds available to the State Department of Education for
1651 Industrial Training Programs and state-funded postsecondary Adult
1652 Short-term Training Programs which are subject to carryover shall
1653 be transferred to the Work Force Carryover Fund established by
1654 Chapter 498, Laws of 1995, for use by the * * * Board of Trustees
1655 of State Institutions of Higher Learning, on or before August 15,
1656 1999.

1657 (4) The * * * Board of Trustees of State Institutions of
1658 Higher Learning shall develop an accountability system that shall
1659 report and describe all classes taught in the area of workforce
1660 education, the number of persons taught in these classes, and the
1661 location and cost of each class taught. To assess the impact of
1662 these programs, the Board of Trustees of State Institutions of
1663 Higher Learning also shall report:

1664 (a) Whether the needs of industry have been met through
1665 training program offerings;

1666 (b) Any changes in the income of trainees between the
1667 completion of training and the date of the report;

1668 (c) The number of jobs created and the number of jobs
1669 retained through the programs; and

1670 (d) Trainee success in passing proficiency tests, where
1671 applicable.

1672 This information shall be reported on a fiscal year basis and
1673 shall be provided to the House and Senate Education Committees
1674 before December 15 of each year.

1675 (5) This section shall be repealed on July 1, 2003.

1676 SECTION 17. Section 37-11-17, Mississippi Code of 1972, is
1677 amended as follows:[LH14]

1678 37-11-17. (1) The State Board of Education, the Board of
1679 Trustees of State Institutions of Higher Learning, * * * the
1680 county boards of education, the governing authorities of any
1681 county, municipal or other public school districts, such other
1682 boards set up by law for any educational institution, school,

1683 college or university, or their authorized representative, or the
1684 State Health Officer or his authorized representative, may require
1685 any teacher, supervisor, janitor or other employee of the school
1686 to submit to a thorough physical examination, deemed advisable to
1687 determine whether he has any infectious or communicable disease.

1688 (2) The State Board of Education may develop a program to
1689 accomplish the identification of public school students with
1690 abnormal spinal curvature. No state funds shall be expended for
1691 the purposes of implementing this subsection. Such program shall:

1692 (a) Provide that an adequate number of school personnel
1693 in each district be instructed by qualified medical experts in the
1694 proper examination of students for abnormal spinal curvatures;

1695 (b) Provide that all public school students who are at
1696 least ten (10) years old be screened at least every two (2) years
1697 but at least in the fourth, sixth, eighth and tenth grades or at
1698 such other times as may be recommended by medical experts on a per
1699 case basis;

1700 (c) Provide that students identified as having abnormal
1701 spinal curvatures or potential for abnormal spinal curvatures be
1702 referred to the county health officer or to the student's personal
1703 physician or chiropractor with notice of the evaluation; and

1704 (d) Provide for notification of the parent or guardian
1705 of any student identified under this program and for the supplying
1706 to such parent or guardian information on the condition and
1707 resources available for the correction or treatment of such
1708 condition. However, the requirement for screening shall not apply
1709 to a child whose parent or guardian objects thereto on grounds
1710 that the requirement conflicts with his conscientiously held
1711 religious beliefs.

1712 SECTION 18. Section 37-13-92, Mississippi Code of 1972, is
1713 amended as follows:[LH15]

1714 37-13-92. (1) Beginning with the school year 1993-1994, the
1715 school boards of all school districts shall establish, maintain

1716 and operate, in connection with the regular programs of the school
1717 district, an alternative school program for, but not limited to,
1718 the following categories of compulsory-school-age students:

1719 (a) Any compulsory-school-age child who has been
1720 suspended for more than ten (10) days or expelled from school,
1721 except for any student expelled for possession of a weapon or
1722 other felonious conduct;

1723 (b) Any compulsory-school-age child referred to such
1724 alternative school based upon a documented need for placement in
1725 the alternative school program by the parent, legal guardian or
1726 custodian of such child due to disciplinary problems; and

1727 (c) Any compulsory-school-age child referred to such
1728 alternative school program by the dispositive order of a
1729 chancellor or youth court judge, with the consent of the
1730 superintendent of the child's school district.

1731 (2) The principal or program administrator of any such
1732 alternative school program shall require verification from the
1733 appropriate guidance counselor of any such child referred to the
1734 alternative school program regarding the suitability of such child
1735 for attendance at the alternative school program. Before a
1736 student may be removed to an alternative school education program,
1737 the superintendent of the student's school district must determine
1738 that the written and distributed disciplinary policy of the local
1739 district is being followed. The policy shall include standards
1740 for:

1741 (a) The removal of a student to an alternative
1742 education program that will include a process of educational
1743 review to develop the student's individual instruction plan and
1744 the evaluation at regular intervals of the student's educational
1745 progress; the process shall include classroom teachers and/or
1746 other appropriate professional personnel, as defined in the
1747 district policy, to ensure a continuing educational program for
1748 the removed student;

1749 (b) The duration of alternative placement; and
1750 (c) The notification of parents or guardians, and their
1751 appropriate inclusion in the removal and evaluation process, as
1752 defined in the district policy. Nothing in this paragraph should
1753 be defined in a manner to circumvent the principal's or the
1754 superintendent's authority to remove a student to alternative
1755 education.

1756 (3) The local school board or the superintendent shall
1757 provide for the continuing education of a student who has been
1758 removed to an alternative school program.

1759 (4) A school district, in its discretion, may provide a
1760 program of general educational development (GED) preparatory
1761 instruction in the alternative school program. However, any GED
1762 preparation program offered in an alternative school program must
1763 be administered in compliance with the rules and regulations
1764 established for such programs under Sections 37-35-1 through
1765 37-35-11 and by the Board of Trustees of State Institutions of
1766 Higher Learning. The school district may administer the General
1767 Educational Development (GED) Testing Program under the policies
1768 and guidelines of the GED Testing Service of the American Council
1769 on Education in the alternative school program or may authorize
1770 the test to be administered through the community * * * college
1771 district in which the alternative school is situated.

1772 (5) Any such alternative school program operated under the
1773 authority of this section shall meet all appropriate accreditation
1774 requirements of the State Department of Education.

1775 (6) The alternative school program may be held within such
1776 school district or may be operated by two (2) or more adjacent
1777 school districts, pursuant to a contract approved by the State
1778 Board of Education. When two (2) or more school districts
1779 contract to operate an alternative school program, the school
1780 board of a district designated to be the lead district shall serve
1781 as the governing board of the alternative school program.

1782 Transportation for students attending the alternative school
1783 program shall be the responsibility of the local school district.

1784 The expense of establishing, maintaining and operating such
1785 alternative school program may be paid from funds contributed or
1786 otherwise made available to the school district for such purpose
1787 or from local district maintenance funds.

1788 (7) The State Board of Education shall promulgate minimum
1789 guidelines for alternative school programs. The guidelines shall
1790 require, at a minimum, the formulation of an individual
1791 instruction plan for each student referred to the alternative
1792 school program and, upon a determination that it is in a student's
1793 best interest for that student to receive general educational
1794 development (GED) preparatory instruction, that the local school
1795 board assign the student to a GED preparatory program established
1796 under subsection (4) of this section. The minimum guidelines for
1797 alternative school programs shall also require the following
1798 components:

1799 (a) Clear guidelines and procedures for placement of
1800 students into alternative education programs which at a minimum
1801 shall prescribe due process procedures for disciplinary and
1802 general educational development (GED) placement;

1803 (b) Clear and consistent goals for students and
1804 parents;

1805 (c) Curricula addressing cultural and learning style
1806 differences;

1807 (d) Direct supervision of all activities on a closed
1808 campus;

1809 (e) Full-day attendance with a rigorous workload and
1810 minimal time off;

1811 (f) Selection of program from options provided by the
1812 local school district, Division of Youth Services or the youth
1813 court, including transfer to a community-based alternative school;

1814 (g) Continual monitoring and evaluation and formalized

1815 passage from one step or program to another;

1816 (h) A motivated and culturally diverse staff;

1817 (i) Counseling for parents and students;

1818 (j) Administrative and community support for the
1819 program; and

1820 (k) Clear procedures for annual alternative school
1821 program review and evaluation.

1822 (8) On request of a school district, the State Department of
1823 Education shall provide the district informational material on
1824 developing an alternative school program that takes into
1825 consideration size, wealth and existing facilities in determining
1826 a program best suited to a district.

1827 (9) Any compulsory-school-age child who becomes involved in
1828 any criminal or violent behavior shall be removed from such
1829 alternative school program and, if probable cause exists, a case
1830 shall be referred to the youth court.

1831 (10) The State Board of Education, in its discretion, may
1832 exempt not more than four (4) school district alternative school
1833 programs in the state from any compulsory standard of
1834 accreditation for a period of three (3) years. During this
1835 period, the State Department of Education shall conduct a study of
1836 all alternative school programs in the state, and on or before
1837 January 1, 2000, shall develop and promulgate accreditation
1838 standards for all alternative school programs, including any
1839 recommendations for necessary legislation relating to such
1840 alternative school programs.

1841 SECTION 19. Section 37-27-6, Mississippi Code of 1972, is
1842 amended as follows:

1843 37-27-6. The board of supervisors of any county wherein the
1844 control, operation and maintenance of the agricultural high school
1845 has been transferred to the county board of education under
1846 provisions of Section 37-29-272, is hereby authorized, in its
1847 discretion, upon request in writing of the president of the

1848 community college district in which such county is located, to
1849 levy on the taxable property in the county at the time the annual
1850 tax levy is made, a tax under Section 37-27-5 as is necessary for
1851 the retirement of debt service on bonds heretofore issued for the
1852 building, repair and equipment of such agricultural high school.

1853 SECTION 20. Section 37-27-51, Mississippi Code of 1972, is
1854 amended as follows:[LH16]

1855 37-27-51. The board of trustees of any agricultural high
1856 school or the president of any community college, in connection
1857 with which an agricultural high school is operated, and the board
1858 of trustees of any school district, or a county board of
1859 education, under the conditions hereinafter provided for, are
1860 hereby authorized and empowered to enter into agreements, one with
1861 the other, providing for the attendance of any high school pupils
1862 of such school district or any grades thereof, at such
1863 agricultural high school or community college, and for the
1864 instruction of such high school pupils or grades at such
1865 agricultural high school or community college. Subject to the
1866 provisions of Sections 37-27-53 through 37-27-59, all such
1867 contracts so executed shall be upon such terms and conditions as
1868 may be agreed upon by and between the boards of trustees or the
1869 county board of education involved. All such contracts shall be
1870 subject to the approval of the State Board of Education.

1871 Any parent or guardian of such high school pupil or pupils,
1872 as to an individual pupil or as to any grade or grades, may
1873 request in writing that such agreement be entered into with the
1874 board of trustees of said agricultural high school or president of
1875 any community college in connection with which an agricultural
1876 high school is operated. Such request shall be filed or lodged
1877 with the president or secretary of the board of trustees of such
1878 school district. Said board of trustees of said school district
1879 shall no later than the date of its next regular meeting approve
1880 or disapprove the request therein made to provide for the

1881 attendance of the pupil or pupils, or grade or grades, at such
1882 agricultural high school; failure of said board of trustees of
1883 such school district to act upon said request not later than said
1884 date shall be and will constitute a disapproval or rejection
1885 thereof.

1886 In the event such board of trustees of said school district
1887 shall either disapprove or reject said request, or fail to act
1888 thereon on or before said date, then and in that event the county
1889 board of education is hereby authorized to act upon such request
1890 not later than the next regular meeting date of the said county
1891 board of education after the filing or lodging by such parent or
1892 guardian of a true copy of the request theretofore filed or lodged
1893 with the said board of trustees of the said school district, with
1894 the president or secretary of the said county board of education,
1895 and with said copy shall be filed or lodged a written statement of
1896 the action, if any, or nonaction, taken by the board of trustees
1897 of the said school district upon the request made to it. If such
1898 request be approved by the county board of education, then it may
1899 proceed to enter into such agreement with the board of trustees of
1900 said agricultural high school or the president of said community
1901 college, but subject to the approval of the State Board of
1902 Education.

1903 SECTION 21. Section 37-29-1, Mississippi Code of 1972, is
1904 amended as follows:[LH17]

1905 37-29-1. (1) The creation, establishment, maintenance and
1906 operation of community * * * colleges is authorized. From and
1907 after May 1, 1998, community * * * colleges may admit students if
1908 they have earned one (1) unit less than the number of units
1909 required for high school graduation established by State Board of
1910 Education policy or have earned a General Education Diploma (GED)
1911 in courses correlated to those of senior colleges or professional
1912 schools. They shall offer education and training preparatory for
1913 occupations such as agriculture, industry, business, homemaking

1914 and for other occupations on the semi-professional and
1915 vocational-technical level. They may offer courses and services
1916 to students regardless of their previous educational attainment or
1917 further academic plans.

1918 (2) The * * * community * * * college districts are
1919 authorized to establish a dual enrollment program under which high
1920 school students meeting the requirements prescribed herein may
1921 enroll at a community * * * college while they are still attending
1922 high school and enrolled in high school courses. Students may be
1923 admitted to enroll in community * * * college courses under the
1924 dual enrollment program if they meet the following recommended
1925 admission requirements:

1926 (a) Students must have completed a minimum of fourteen
1927 (14) core high school units;

1928 (b) Students must have a minimum ACT composite score of
1929 twenty-one (21) or the equivalent SAT score;

1930 (c) Students must have a 3.0 grade point average on a
1931 4.0 scale, or better, on all high school courses, as documented by
1932 an official high school transcript; a home-schooled student must
1933 submit a transcript prepared by a parent, guardian or custodian
1934 with a signed, sworn affidavit to meet the requirement of this
1935 paragraph (c); and

1936 (d) Students must have an unconditional written
1937 recommendation from their high school principal and/or guidance
1938 counselor. A home-schooled student must submit a parent, legal
1939 guardian or custodian's written recommendation to meet the
1940 requirement of this paragraph (d).

1941 Students may be considered for the dual enrollment program
1942 who have not completed the minimum of fourteen (14) core high
1943 school units if they have a minimum ACT composite score of thirty
1944 (30) or the equivalent SAT score, and have the required grade
1945 point average and recommendations prescribed above.

1946 Students admitted in the dual enrollment program shall be

1947 counted for minimum program funding purposes in the average daily
1948 attendance of the public school district in which they attend high
1949 school. Any additional transportation required by a student to
1950 participate in the dual enrollment program shall be the
1951 responsibility of the parents or legal guardians of the student.
1952 Grades and college credits earned by students admitted to the dual
1953 enrollment program shall be recorded on the college transcript at
1954 the community * * * college where the student attends classes.
1955 The transcript of such college course work may be released to
1956 another institution or used for college graduation requirements
1957 only after the student has received his high school diploma.

1958 (3) The * * * community * * * college districts are
1959 authorized to establish an early admission program under which
1960 applicants meeting all requirements prescribed in subsection
1961 (2)(a), (c) and (d) and have a minimum ACT composite score of
1962 twenty-six (26) or the equivalent SAT score may be admitted as
1963 full-time college students if the principal or guidance counsellor
1964 of the student recommends in writing that it is in the best
1965 educational interest of the student. Such recommendation shall
1966 also state that the student's age will not keep him from being a
1967 successful full-time college student. Students admitted in the
1968 early admission program shall not be counted for minimum program
1969 funding purposes in the average daily attendance of the school
1970 district in which they reside, and transportation required by a
1971 student to participate in the early admission program shall be the
1972 responsibility of the parents or legal guardians of the student.
1973 Grades and college credits earned by students admitted to the
1974 early admission program shall be recorded on the college
1975 transcript at the community * * * college where the student
1976 attends classes, and may be released to another institution or
1977 used for college graduation requirements only after the student
1978 has successfully completed one (1) full semester of course work.

1979 (4) In addition to the foregoing, the community * * *

1980 colleges shall provide, through courses or other acceptable
1981 educational measures, the general education necessary to
1982 individuals and groups which will tend to make them capable of
1983 living satisfactory lives consistent with the ideals of a
1984 democratic society.

1985 SECTION 22. Section 37-29-3, Mississippi Code of 1972, is
1986 amended as follows:[LH18]

1987 37-29-3. Each community college shall have an official seal
1988 to be impressed upon all instruments of the community college
1989 requiring seal. Said seal may be in the form of a circle. Said
1990 seal shall imprint the name and location of the college and the
1991 words "Official Seal."

1992 SECTION 23. Section 37-29-5, Mississippi Code of 1972, is
1993 amended as follows:[LH19]

1994 37-29-5. Title to lands may be acquired and buildings and
1995 other improvements may be erected thereon for the use and benefit
1996 of community colleges. Title to all such property hereafter
1997 acquired shall be vested in the Board of Trustees of State
1998 Institutions of Higher Learning.

1999 Any board of supervisors or board of trustees of any
2000 municipal separate school district which presently holds title to
2001 the lands, buildings, and improvements of a community college may
2002 convey title to same to the community college pursuant to a
2003 resolution of such board of supervisors or board of trustees of a
2004 municipal separate school district, duly adopted and spread on the
2005 minutes of said board of supervisors.

2006 SECTION 24. Section 37-29-61, Mississippi Code of 1972, is
2007 amended as follows:

2008 37-29-61. The executive head of a community college shall be
2009 the president of the college who shall be selected by the Board of
2010 Trustees of State Institutions of Higher Learning for a term not
2011 to exceed four (4) years.

2012 SECTION 25. Section 37-29-63, Mississippi Code of 1972, is

2013 amended as follows:[LH20]

2014 37-29-63. The president of any community college shall have
2015 the power to recommend the employment of all teachers to be
2016 employed in the district. He may remove or suspend any member of
2017 the faculty * * *. He shall be the general manager of all fiscal
2018 and administrative affairs of the community college with full
2019 authority to select, direct, employ and discharge any and all
2020 employees * * *.

2021 The president shall have the authority, subject to the
2022 provisions of Sections 37-29-1 through 37-29-273 * * *, to arrange
2023 and survey courses of study, fix schedules, and establish and
2024 enforce rules and discipline for the governing of teachers and
2025 students. He shall be the general custodian of the property of
2026 the community college.

2027 SECTION 26. Section 37-29-69, Mississippi Code of 1972, is
2028 amended as follows:[LH21]

2029 37-29-69. Each community college district created under
2030 House Bill No. _____, 2000 Regular Session, is hereby authorized
2031 and empowered to operate community college attendance centers at
2032 existing sites of community college plants and facilities and at
2033 such other places within the district, subject to the approval of
2034 the * * * Board of Trustees of State Institutions of Higher
2035 Learning, as the board of trustees * * * determines to be in the
2036 best interest of the district.

2037 Two (2) or more community colleges may cooperate in
2038 establishing, operating and maintaining attendance centers.

2039 SECTION 27. Section 37-29-71, Mississippi Code of 1972, is
2040 amended as follows:[LH22]

2041 37-29-71. Each community college shall annually prepare and
2042 submit to the Board of Trustees of State Institutions of Higher
2043 Learning a budget which shall contain a detailed estimate of the
2044 revenues and expenses anticipated for the ensuing year for general
2045 operation and maintenance and which shall set forth the reasonable

2046 requirements for anticipated needs for capital outlays for land,
2047 buildings, initial equipment for new buildings and major
2048 repairs * * *.

2049 SECTION 28. Section 37-29-73, Mississippi Code of 1972, is
2050 amended as follows:[LH23]

2051 37-29-73. Each community college, acting by and through the
2052 Board of Trustees of State Institutions of Higher Learning, is
2053 authorized to execute oil, gas and mineral leases on any of the
2054 property owned by the community college, but such leases shall not
2055 extend for a term beyond five (5) years unless oil, gas or other
2056 minerals shall be in production under said leases at the
2057 expiration of said period. The terms and conditions of said
2058 lease, within the limitations above set out, shall be for the
2059 determination and within the discretion of the community college.

2060 SECTION 29. Section 37-29-75, Mississippi Code of 1972, is
2061 amended as follows:[LH24]

2062 37-29-75. When any land or other property owned by a * * *
2063 community college * * * ceases to be used or needed by the
2064 community college, the land or property may be sold by the
2065 community college upon sealed bids or at public auction after
2066 three (3) weeks' advertisement in a newspaper in the county where
2067 the said property is located. Personal property having a value
2068 determined by the community college of less than Five Hundred
2069 Dollars (\$500.00) may be sold without such advertisement; however,
2070 in such event, notice shall be posted in at least three (3) public
2071 places in the county where such property is situated or where it
2072 is to be sold, giving notice of the time and place of such sale,
2073 and such property shall be sold to the highest and best bidder for
2074 cash. Such notice shall be posted for ten (10) days before the
2075 sale.

2076 SECTION 30. Section 37-29-76, Mississippi Code of 1972, is
2077 amended as follows:[LH25]

2078 37-29-76. When any community college campus * * * located in

2079 a county having a population in excess of two hundred thousand
2080 (200,000) according to the 1970 federal decennial census owns
2081 lands adjacent to lands owned by any county forming a part of that
2082 community college district, the community college, acting through
2083 the Board of Trustees of State Institutions of Higher Learning,
2084 and the board of supervisors of any such county may make such
2085 exchanges of land and may execute such instruments perfecting the
2086 title of the county and that of the community college as they, by
2087 appropriate resolutions, may find proper, all without the
2088 necessity of advertisement for or receiving bids.

2089 SECTION 31. Section 37-29-77, Mississippi Code of 1972, is
2090 amended as follows:[LH26]

2091 37-29-77. A community college is hereby authorized to lease
2092 the buildings and equipment thereof to any responsible individual
2093 for the purpose of carrying on a private school when there are no
2094 funds available for running said institution, and to lease the
2095 lands of said institution to some responsible person for
2096 agricultural purposes. Said leases shall not extend for any
2097 greater length of time than a period of three (3) years from date
2098 of granting said lease.

2099 SECTION 32. Section 37-29-79, Mississippi Code of 1972, is
2100 amended as follows:[LH27]

2101 37-29-79. Each community college * * * is charged with the
2102 responsibility for providing preprofessional courses, liberal
2103 arts, technical, vocational, and adult education courses and shall
2104 undertake to provide the same as conveniently as is possible to
2105 the residents of the community college district, and to this end,
2106 the community college is authorized and empowered to transport
2107 such enrollees as, in its discretion, should be transported in the
2108 best interest of the community college. However, no additional
2109 allocation of any appropriation shall be made for such
2110 transportation. The community college shall promulgate uniform
2111 rules to prevent discrimination in all matters of transportation.

2112 SECTION 33. Section 37-29-85, Mississippi Code of 1972, is
2113 amended as follows:[LH28]

2114 37-29-85. The community colleges are authorized to purchase
2115 liability insurance to cover the official actions of * * *
2116 employees of the colleges. Such coverage shall be in an amount
2117 judged by the community college to be adequate. The costs of such
2118 insurance shall be paid out of the community college's general
2119 maintenance fund.

2120 SECTION 34. Section 37-29-87, Mississippi Code of 1972, is
2121 amended as follows:[LH29]

2122 37-29-87. A community college, acting through the Board of
2123 Trustees of State Institutions of Higher Learning, is hereby
2124 authorized, in its * * * discretion, to convey real property and
2125 improvements thereon to any county within the community college
2126 district without the necessity of advertising for and receiving
2127 bids and without receiving compensation therefor, provided the
2128 following requirements are met:

2129 (a) Where the county received title to the property and
2130 conveyed said property to the community college * * *, or where
2131 the community college received title to the property from any
2132 source and the purchase price therefor was paid by the county, for
2133 the purpose of operating an attendance center; and

2134 (b) Where the community college * * * has not received
2135 approvals from necessary state agencies or authorities to use said
2136 land for the operation of an attendance center; and

2137 (c) Where the community college has expressed that such
2138 land and improvements are not needed for community college
2139 purposes and * * * the desire to convey such land and improvements
2140 back to the county.

2141 SECTION 35. Section 37-29-131, Mississippi Code of 1972, is
2142 amended as follows:[LH30]

2143 37-29-131. * * * Any community * * * college is hereby
2144 authorized and empowered to enter into lease agreements or service

2145 contracts with any governmental agency or political subdivision,
2146 corporation, partnership, joint venture, or individual under which
2147 the college may acquire by lease, lease purchase or service
2148 contract for a primary term not to exceed twenty (20) years lands,
2149 buildings and related facilities which the community college
2150 determines necessary to provide additional facilities, services or
2151 educational opportunities to the college, its students, faculty
2152 and the community.

2153 Any machinery, furnishings, fixtures and equipment for these
2154 facilities and use by the college may be acquired by lease or
2155 lease purchase provided that the primary term of such lease shall
2156 not exceed the estimated useful economic life of such machinery or
2157 equipment.

2158 SECTION 36. Section 37-29-133, Mississippi Code of 1972, is
2159 amended as follows:[LH31]

2160 37-29-133. All such leases shall contain an option granting
2161 the community college the right to purchase the leased property
2162 upon the expiration of the primary term or upon such earlier date
2163 as may be agreed upon. With respect to leased machinery,
2164 furniture, fixtures and equipment, the purchase price shall be
2165 specified in the lease contract separately and distinctly from
2166 that portion of lease payments attributable to interest. With
2167 respect to other property, the purchase price, excluding payments
2168 attributable to interest, shall not exceed the appraised fair
2169 market value of the leased property at the time the college takes
2170 possession of the property for occupancy.

2171 SECTION 37. Section 37-29-135, Mississippi Code of 1972, is
2172 amended as follows:[LH32]

2173 37-29-135. The community college is authorized to lease land
2174 and/or buildings owned by the college to any governmental agency,
2175 political subdivision, corporation, partnership, joint venture, or
2176 individual for the purpose of enabling such persons to construct
2177 thereon or repair, renovate and rehabilitate any buildings or

2178 facilities the community college determines as necessary and
2179 beneficial for additional facilities, services or educational
2180 opportunities to the college, students, faculty or the community,
2181 and to lease such building and facilities to the college.

2182 SECTION 38. Section 37-29-137, Mississippi Code of 1972, is
2183 amended as follows:[LH33]

2184 37-29-137. Subject to the provisions of Sections 37-29-131
2185 through 37-29-139, any lease agreement shall be binding on the
2186 community college and any party thereto in accordance with its
2187 terms; * * * however, * * * any such lease shall include a
2188 provision that the lessee's obligation to pay any amounts due or
2189 perform any covenants requiring or resulting in the expenditure of
2190 money shall be contingent and expressly limited to the
2191 extent * * * of any appropriation made to fund such lease
2192 agreement and that nothing contained in the lease agreement shall
2193 be construed as creating any monetary obligations on the part of
2194 the lessee beyond such current and specific support
2195 appropriations. Rentals payable by the community * * * college
2196 under leases pursuant to Sections 37-29-131 through 37-29-139
2197 shall be payable from any revenue available for the support and
2198 enlargement, improvement, and repair of the college.

2199 SECTION 39. Section 37-29-141, Mississippi Code of 1972, is
2200 amended as follows:

2201 37-29-141. * * * Each community college may fix the amount
2202 of enrollee tuition in an amount commensurate with the per capita
2203 cost of operating the community college district.

2204 * * *

2205 SECTION 40. Section 37-29-145, Mississippi Code of 1972, is
2206 amended as follows:[LH34]

2207 37-29-145. In the event any county shall have outstanding
2208 bonds or other indebtedness which were sold or levied for the
2209 support and maintenance of a public junior or community college
2210 which was in operation as of July 1, 2000, and such county becomes

2211 a part of a community college district as provided in Section
2212 37-29-31 on the effective date of House Bill No. _____, 2000
2213 Regular Session, the board of supervisors of such county shall
2214 continue to levy taxes upon such county until such bonds or other
2215 indebtedness shall be fully paid according to the terms thereof.

2216 SECTION 41. Section 37-29-161, Mississippi Code of 1972, is
2217 amended as follows:

2218 37-29-161. Sections 37-29-161 through 37-29-173 may be cited
2219 as the "Mississippi Community College Vocational and Technical
2220 Training Law * * *."

2221 SECTION 42. Section 37-29-163, Mississippi Code of 1972, is
2222 amended as follows:[LH35]

2223 37-29-163. It is hereby declared to be the intent of the
2224 Legislature that those funds appropriated to the Department of
2225 Finance and Administration for the Community College Vocational
2226 and Technical Training Fund shall be expended to expand
2227 immediately and improve existing programs, to institute new
2228 programs and to provide adequate equipment and facilities for
2229 existing and new programs for vocational and technical training
2230 individually or collectively within the public community colleges
2231 of the state. The Legislature further declares its intent to be
2232 that the presently existing physical facilities of the community
2233 colleges shall be utilized in the development and implementation
2234 of such vocational and technical training programs where possible.

2235 SECTION 43. Section 37-29-165, Mississippi Code of 1972, is
2236 amended as follows:[LH36]

2237 37-29-165. There is hereby created within the Department of
2238 Finance and Administration a fund for the stimulation of the
2239 vocational and technical training programs of the community
2240 colleges of the State of Mississippi. All sums of money received
2241 by the Department of Finance and Administration to carry out the
2242 provisions of the Mississippi Community College Vocational and
2243 Technical Training Law * * * shall be maintained in the State

2244 Treasury and shall constitute a fund to be known as the "Community
2245 College Vocational and Technical Training Fund." All expenditures
2246 therefrom shall be authorized by the Department of Finance and
2247 Administration in the manner set forth in Section 37-29-171. Such
2248 expenditures shall be paid therefrom by the State Treasurer on
2249 warrants issued by the State Auditor * * *. Said State Auditor
2250 shall issue his warrant upon requisition signed by the Executive
2251 Director of the Department of Finance and Administration.

2252 SECTION 44. Section 37-29-167, Mississippi Code of 1972, is
2253 amended as follows:[LH37]

2254 37-29-167. Any state public community college desiring any
2255 benefit available under the provisions of the Mississippi
2256 Community College Vocational and Technical Training Law * * *
2257 shall make application in triplicate therefor to the Board of
2258 Trustees of State Institutions of Higher Learning, and submit the
2259 same in the form and manner as the board of trustees may direct.

2260 The community college * * * is required * * * to allocate
2261 nonstate funds on at least a fifty-fifty basis to supplement state
2262 funds, and the Board of Trustees of State Institutions of Higher
2263 Learning shall determine the rules and conditions appertaining to
2264 same.

2265 The community college is authorized to receive all grants,
2266 scholarships or donations in carrying out the provisions of said
2267 law.

2268 SECTION 45. Section 37-29-169, Mississippi Code of 1972, is
2269 amended as follows:[LH38]

2270 37-29-169. The formula for allocating funds to the state's
2271 public community colleges in support of the purposes set forth in
2272 Section 37-29-163 shall be determined by the Board of Trustees of
2273 State Institutions of Higher Learning based upon need for the
2274 program set forth in the application.

2275 Said board of trustees shall furnish a copy of the
2276 application to the Department of Finance and Administration and a

2277 copy to the Department of Economic and Community Development. The
2278 Department of Economic and Community Development shall review each
2279 application, and if said department finds and determines there
2280 exists a need for said training programs, facilities and
2281 equipment, it shall issue a certificate of necessity to the * * *
2282 Board of Trustees of State Institutions of Higher Learning, which
2283 certificate of necessity shall be a prerequisite for approval.

2284 The * * * Board of Trustees of State Institutions of Higher
2285 Learning shall consider each application with reference to
2286 adequacy of the past, present and prospective use of the
2287 instruction, personnel, curriculum, equipment, budget, operation,
2288 facilities, grants, scholarships, tuition, maintenance and other
2289 similar administrative and technical data as relates to each
2290 community college. The * * * board of trustees shall, by
2291 resolution or order, approve or disapprove the application.

2292 SECTION 46. Section 37-29-171, Mississippi Code of 1972, is
2293 amended as follows:[LH39]

2294 37-29-171. No expenditures shall be made under the
2295 provisions of the Mississippi Community College Vocational and
2296 Technical Training Law * * * for the construction of new
2297 buildings, renovation or expansion of existing buildings, the
2298 purchase of any new or used instructional equipment, machinery and
2299 instructional facilities, or for any other purpose under the
2300 provisions of said law until approval of the Department of Finance
2301 and Administration is obtained by resolution duly entered upon its
2302 minutes.

2303 SECTION 47. Section 37-29-173, Mississippi Code of 1972, is
2304 amended as follows:[LH40]

2305 37-29-173. * * * Funds made available to the community
2306 colleges or supporting funds allocated in support of the
2307 Mississippi Community College Vocational and Technical Training
2308 Law * * *, or both, may be used to supplement any other funds that
2309 may now be, or that may hereafter become, available for the

2310 purposes of carrying out the intent of said law. In no event,
2311 however, shall any expenditures be made under the provisions of
2312 said law unless the amount of nonstate funds involved shall be
2313 equal to or exceed the amount of state funds made available for
2314 the projects or programs involved.

2315 SECTION 48. Section 37-29-175, Mississippi Code of 1972, is
2316 amended as follows:[LH41]

2317 37-29-175. If a community college now or hereafter
2318 establishes facilities for the industrial training of students and
2319 it appears * * * that the training of students will be facilitated
2320 by the continuous operation of such facilities, the community
2321 college is authorized to lease to individual firms or corporations
2322 such facilities or a part thereof upon such terms and conditions
2323 as the community college may approve, provided that all students
2324 desirous of securing training of the kind offered by the lessee
2325 shall be given a reasonable opportunity therefor.

2326 SECTION 49. Section 37-29-231, Mississippi Code of 1972, is
2327 amended as follows:[LH42]

2328 37-29-231. The provisions of Sections 37-103-1 through
2329 37-103-29 relating to the legal residence of and tuition to be
2330 charged any student applying for admission to state educational
2331 institutions shall be applicable to the * * * administrative
2332 authorities of each community college governed by the Board of
2333 Trustees of State Institutions of Higher Learning.

2334 SECTION 50. Section 37-29-241, Mississippi Code of 1972, is
2335 amended as follows:[LH43]

2336 37-29-241. All community colleges shall prohibit
2337 fraternities, sororities, or secret societies * * *. It shall be
2338 the duty of the community colleges to suspend or expel from the
2339 community colleges * * *, any pupil or pupils who shall be or
2340 remain a member of, or shall join or promise to join, or who shall
2341 become pledged to become a member, or who shall solicit or
2342 encourage any other person to join, promise to join, or be pledged

2343 to become a member of, any such public community college
2344 fraternity, sorority or secret society, as defined in Section
2345 37-29-235.

2346 SECTION 51. Section 37-29-261, Mississippi Code of 1972, is
2347 amended as follows:

2348 37-29-261. The board of supervisors of any county * * * may,
2349 in its discretion, permit county road department employees or road
2350 district employees, if any, to operate county-owned equipment and
2351 machinery to assist in the maintenance of the public property on
2352 such community college campus.

2353 The community college * * * and the board of supervisors may
2354 agree as to the terms and conditions under which such public
2355 property may be worked and supplies or materials may be furnished.

2356 SECTION 52. Section 37-29-267, Mississippi Code of 1972, is
2357 amended as follows:[LH44]

2358 37-29-267. Any municipality, county or counties, acting
2359 alone or jointly with other counties or municipalities, which have
2360 organized or shall hereafter organize a community college under
2361 the provisions of Sections 37-29-1 through 37-29-273, shall be
2362 authorized to purchase lands or buildings for such college for
2363 cash or upon the installment plan. The deferred balance shall not
2364 bear interest in excess of that allowed for tax anticipation notes
2365 in Section 75-17-105, and any deferred balance may be secured by a
2366 vendor's lien or by promissory notes and a deed of trust to be
2367 executed by the community college, acting through the Board of
2368 Trustees of State Institutions of Higher Learning. Title to such
2369 property shall be taken in the name of the community college,
2370 acting through the Board of Trustees of State Institutions of
2371 Higher Learning.

2372 The board of supervisors of such county or counties * * * and
2373 the mayor and board of aldermen or other governing authority of
2374 such municipalities, are hereby authorized to levy annually a
2375 sufficient ad valorem tax to pay the down payment or yearly

2376 installments provided in the deed or deed of trust, or may use the
2377 three (3) mills provided in subsection (2) of Section 37-29-141,
2378 allowed for enlargement and improvements.

2379 At the time of the purchase of said lands or buildings there
2380 shall be entered on the minutes of the board of supervisors of
2381 each county or board of aldermen or other governing authority of
2382 each municipality participating, an order specifying the amount to
2383 be paid for such property and providing for the annual
2384 installments, and obligating the governing authorities of such
2385 county, counties, or municipalities to levy annually a sufficient
2386 ad valorem tax to pay such installment. The funds collected by
2387 such tax levy shall be paid into the hands of the county
2388 superintendent of the county in which such community college is
2389 located, and disbursed by him as said installments become due.

2390 In the event there is, at the time of the purchase of said
2391 property, an indebtedness due secured by a lien on such property,
2392 then the community college * * * shall have the authority to
2393 assume such indebtedness and pay same as a part of the purchase
2394 price of said property.

2395 The community college * * * shall have the privilege of
2396 prepaying all or a portion of the deferred balance at any time
2397 without penalty, and for this purpose may use any appropriate
2398 available funds.

2399 Unneeded land or buildings or facilities located on property
2400 so acquired may be leased, or the buildings may be sold and
2401 removed.

2402 By the authority given in this section for the home county of
2403 a community college district to purchase land for community
2404 college purposes, such indebtedness incurred or funds expended
2405 cannot become a binding obligation on other counties in the
2406 community college district unless the boards of supervisors of
2407 such counties expressly consent thereto.

2408 SECTION 53. Section 37-29-268, Mississippi Code of 1972, is

2409 amended as follows:

2410 37-29-268. (1) There is hereby created in the State
2411 Treasury a special fund to be designated as the "Community College
2412 Repair and Renovation Fund" which shall consist of monies
2413 appropriated or otherwise made available therefor by the
2414 Legislature. Within the special fund, the State Treasury shall
2415 establish a subaccount for each community * * * college. Interest
2416 earned on monies in the special fund shall be deposited to the
2417 credit of such fund and money shall not lapse at the end of the
2418 fiscal year into the State General Fund. Money in the special
2419 fund shall be appropriated by the Legislature and allocated by the
2420 Bureau of Building, Grounds and Real Property Management,
2421 Department of Finance and Administration, for the repair,
2422 renovation and improvement of existing facilities owned by the
2423 community * * * colleges, including utility infrastructure
2424 projects; heating, ventilation and air conditioning systems; and
2425 the replacement of furniture and equipment. However, the cost of
2426 such repair, renovation and improvement for any one (1) project
2427 shall not exceed One Million Dollars (\$1,000,000.00).

2428 (2) Monies in the special fund shall be allocated to each
2429 community college's subaccount as follows:

2430 (a) One-half (1/2) divided equally among the six (6)
2431 public community * * * colleges; and

2432 (b) One-half (1/2) divided upon the basis of the number
2433 of full-time academic, technical and vocational public
2434 community * * * college students actually enrolled and in
2435 attendance on the last day of the sixth week of the Fall semester
2436 of the preceding year counting only those students who reside
2437 within the State of Mississippi. On or before December 1 of each
2438 year, the * * * Board of Trustees of State Institutions of Higher
2439 Learning shall furnish the Bureau of Building, Grounds and Real
2440 Property Management, Department of Finance and Administration, the
2441 enrollment information required in this paragraph (b), including

2442 the percentage of statewide enrollment attributed to each
2443 community * * * college.

2444 (3) For the purposes of this section, the term "furniture
2445 and equipment" shall be limited to the types of furniture and
2446 equipment items previously recorded in the community college's
2447 inventory.

2448 SECTION 54. Section 37-29-269, Mississippi Code of 1972, is
2449 amended as follows:[LH45]

2450 37-29-269. Nothing in Sections 37-29-1 through 37-29-273
2451 shall be construed to repeal any statute relating to county
2452 agricultural high schools, and it is expressly provided that such
2453 schools may be operated in conjunction with community colleges.
2454 However, when so operated they shall be under control of the
2455 president * * * of the community college * * *.

2456 Any agricultural high school which is not located on or
2457 adjacent to an existing community college shall continue to be
2458 operated as heretofore and shall in no way be affected by the
2459 provisions of Sections 37-29-1 through 37-29-273.

2460 When a community college through the agricultural high school
2461 provides high school facilities of any school district, then the
2462 pupils from that district may be enumerated as other pupils in the
2463 common schools and the school district or county superintendent
2464 may pay to the community college tuition such as determined by the
2465 State Department of Education for any other schools, and no
2466 agricultural high school funds shall be disbursed for pupils for
2467 whom such tuition is paid.

2468 SECTION 55. Section 37-29-272, Mississippi Code of 1972, is
2469 amended as follows:[LH46]

2470 37-29-272. * * * Any community college * * * in the state
2471 maintaining and operating an agricultural high school on July 1,
2472 1994, is hereby authorized, through the Board of Trustees of State
2473 Institutions of Higher Learning, to transfer the control,
2474 maintenance and operation of said agricultural high school,

2475 including the transfer of title to all real and personal property
2476 used for agricultural high school purposes, to the county board of
2477 education of the county in which the school is located. Upon the
2478 acceptance by the county board of education and before an order
2479 authorizing such transfer shall be entered, * * * the community
2480 college * * * and the county board of education in which such
2481 school is located shall * * * agree in writing on the terms of
2482 such transfer, the extent of the rights of use and occupancy of
2483 the school and grounds, and the control, management, preservation
2484 and responsibility of transportation of students to such
2485 premises * * *. Upon such transfer, the county board of education
2486 may abolish the agricultural high school as a distinct school, and
2487 merge its activities, programs and students into the regular high
2488 school curricula of the school district. When a community college
2489 has transferred operation of an agricultural high school as
2490 provided herein, the pupils attending such school shall be
2491 reported, accounted for allocation of minimum education program
2492 funds and entitled to school transportation as though such pupils
2493 were attending the schools of the school district in which they
2494 reside, as provided in Sections 37-27-53 and 37-27-55. When any
2495 agricultural high school is transferred by * * * a community
2496 college to the county board of education as provided in this
2497 section, all laws relating to agricultural high school tax levies
2498 for the support or retirement of bonded indebtedness for
2499 agricultural high schools shall continue in full force and effect
2500 for the transferring community college district until current
2501 obligations on all bonded indebtednesses related to agriculture
2502 high schools have been satisfied and retired.

2503 SECTION 56. Section 37-29-275, Mississippi Code of 1972, is
2504 amended as follows:[LH47]

2505 37-29-275. Any act, which, if committed within the limits of
2506 a city, town or village, or in any public place, would be a
2507 violation of the general laws of this state, shall be criminal and

2508 punishable if done on the campus, grounds or roads of any of the
2509 state-supported community colleges. The peace officers duly
2510 appointed by the * * * community * * * colleges or officers of
2511 private security firms licensed by the State of Mississippi
2512 contracted by the * * * community * * * colleges are vested with
2513 the powers and subjected to the duties of a constable for the
2514 purpose of preventing and punishing all violations of law on
2515 community college grounds and for preserving order and decorum
2516 thereon. Peace officers appointed by the community colleges or
2517 officers of private security firms licensed by the State of
2518 Mississippi contracted by the community colleges shall have
2519 authority to bear arms in order to carry out their law enforcement
2520 responsibilities if such officers have been certified according to
2521 the minimum standards established by the Board on Law Enforcement
2522 Officer Standards and Training.

2523 SECTION 57. Section 37-31-61, Mississippi Code of 1972, is
2524 amended as follows:[LH48]

2525 37-31-61. The State Board of Education is hereby authorized
2526 and empowered to establish and conduct schools, classes or
2527 courses, for preparing, equipping and training citizens of the
2528 State of Mississippi for employment in gainful vocational and
2529 technical occupations which do not terminate in a bachelors
2530 degree, in conjunction with any public school, agricultural high
2531 school or community * * * college.

2532 The trustees of such school districts, as classified and
2533 defined by law, including those already having this
2534 authority, * * * the trustees of agricultural high schools, and
2535 community * * * colleges may, with the consent in writing of the
2536 State Board of Education, establish and conduct such schools,
2537 classes or courses, under the provisions herein stated and under
2538 the general supervision of the board.

2539 SECTION 58. Section 37-31-63, Mississippi Code of 1972, is
2540 amended as follows:[LH49]

2541 37-31-63. The State Board of Education, the trustees of the
2542 school districts as classified and defined by law, * * * the
2543 trustees of agricultural high schools and community * * *
2544 colleges, are hereby authorized and empowered to accept and use
2545 any land, building or buildings, being either the property of the
2546 State of Mississippi or of any of the school districts or
2547 agricultural high schools or community * * * colleges, or being
2548 the property of private sources, which may be designated, donated
2549 or leased for the purpose expressed in Section 37-31-61, and to
2550 use such funds as may be made available, and to accept donations
2551 and contributions for supplies, equipment, and materials incident
2552 to the purpose for which any such schools, classes or courses are
2553 established.

2554 The board, the trustees of the school districts, as
2555 classified and defined by law, * * * the trustees of agricultural
2556 high schools and community * * * colleges, are hereby authorized
2557 and empowered to accept and receive donations, contributions and
2558 endowments, to charge tuition and registration fees, to receive
2559 payment for services rendered or commodities produced incident to
2560 training in said schools, courses or classes, and to accept any
2561 funds which may be made available for the purpose sought to be
2562 accomplished in Section 37-31-61 from any sources.

2563 SECTION 59. Section 37-31-65, Mississippi Code of 1972, is
2564 amended as follows:[LH50]

2565 37-31-65. The funds derived from any sources for any trade
2566 school, such as the Mississippi School for the Deaf, Mississippi
2567 School for the Blind, Oakley Training School or Parchman
2568 Vocational School or other agencies or institutions receiving
2569 funds for the purposes of this chapter, which are not operated in
2570 connection with any public school, agricultural high school or
2571 community * * * college, or by virtue of any tuition, registration
2572 fees, or payment for services rendered or commodities produced,
2573 shall be the property of the State Board of Education. In the

2574 event any public school, agricultural high school or
2575 community * * * college establishes any trade school, classes or
2576 courses under Section 37-31-61, such funds shall be the property
2577 of such public school, agricultural high school or community * * *
2578 college, * * * and shall be expended solely for the expense of
2579 operating and conducting the trade school, classes or courses in
2580 connection with such public school, agricultural high school or
2581 community * * * college. None of such funds shall be commingled
2582 with the funds of any other of such schools, and none of such
2583 funds shall be commingled with any of the other funds of any of
2584 the public schools, agricultural high schools or community * * *
2585 colleges. All of such funds so created shall be and are hereby
2586 declared to be public funds, as defined by law.

2587 SECTION 60. Section 37-31-73, Mississippi Code of 1972, is
2588 amended as follows:[LH51]

2589 37-31-73. The various school districts, counties,
2590 municipalities and community * * * colleges * * * of this state
2591 are hereby authorized to enter into agreements between such school
2592 districts and between such school districts and any of the boards
2593 of supervisors of any county, the governing authorities of any
2594 municipality, or * * * any community * * * college * * * providing
2595 for the construction or operation of regional vocational education
2596 centers. Any such agreement shall be subject to the approval of
2597 the State Board of Education. Any such agreement will designate
2598 the fiscal agent, among other provisions, provide for the method
2599 of financing the construction and operation of such facilities,
2600 the manner in which such facilities are to be controlled, operated
2601 and staffed, and the basis upon which students are to be admitted
2602 thereto and transportation provided for students in attendance
2603 therein. Any such agreement or any subsequent modification
2604 thereof shall be spread at large upon the minutes of each party
2605 thereto after having been duly adopted by the governing
2606 authorities of each party.

2607 Such agreements may provide for the establishment of regional
2608 vocational education advisory councils to serve in an advisory
2609 capacity to such regional vocational education centers, to be made
2610 up of representatives of the board of trustees of school districts
2611 and community * * * colleges * * * which may be parties thereto.
2612 Said regional vocational education advisory councils of the
2613 parties to such agreement will operate at the will of the fiscal
2614 agent for the regional vocational education center. The fiscal
2615 agent shall have all powers designated to it in the agreement by
2616 the parties to the agreement, except for the power to request or
2617 require the levy of taxes or the power to issue or require the
2618 issuance of any bonds, notes or other evidences of indebtedness,
2619 or to call for an election on the question of the issuance
2620 thereof.

2621 SECTION 61. Section 37-31-205, Mississippi Code of 1972, is
2622 amended as follows:[LH52]

2623 37-31-205. (1) The State Board of Education shall have the
2624 authority to:

2625 (a) Expend funds received either by appropriation or
2626 directly from federal or private sources;

2627 (b) Channel funds to secondary schools,
2628 community * * * colleges and regional vocational-technical
2629 facilities according to priorities set by the board;

2630 (c) Allocate funds on an annual budgetary basis;

2631 (d) Set standards for and approve all vocational and
2632 technical education programs in the public school system and
2633 community * * * colleges or other agencies or institutions which
2634 receive state funds and federal funds for such purposes,
2635 including, but not limited to, the following vocational and
2636 technical education programs: agriculture, trade and industry,
2637 occupational home economics, consumer and homemaking education,
2638 distributive education, business and office, health, industrial
2639 arts, guidance services, technical education, cooperative

2640 education, and all other specialized training not requiring a
2641 bachelors degree, with the exception of programs of nursing
2642 education regulated under the provisions of Section 37-129-1. The
2643 State Board of Education shall authorize local schools boards,
2644 within such school board's discretion, to offer distributive
2645 education as a one-hour or two-hour block course. There shall be
2646 no reduction of reimbursements from state funding for distributive
2647 education due to the selection of either the one-hour or two-hour
2648 course offering;

2649 (e) Set and publish certification standards for
2650 vocational and technical education personnel;

2651 (f) Require data and information on program performance
2652 from those programs receiving state funds;

2653 (g) Expend funds to expand career information;

2654 (h) Supervise and maintain the division of vocational
2655 and technical education and to utilize to the greatest extent
2656 possible said division as the administrative unit of the board
2657 responsible for coordinating programs and services with local
2658 institutions;

2659 (i) Promulgate such rules and regulations necessary to
2660 carry out the provisions of this chapter in accordance with
2661 Section 25-43-1 et seq.;

2662 (j) Set standards and approve all vocational and
2663 technical education equipment and facilities purchased and/or
2664 leased with state and federal vocational funds;

2665 (k) Encourage provisions for lifelong learning and
2666 changing personal career preferences and advancement of vocational
2667 and technical education students through articulated programs
2668 between high schools and community * * * colleges;

2669 (l) Encourage the establishment of new linkages with
2670 business and industry which will provide for a better
2671 understanding of essential labor market concepts;

2672 (m) Periodically review the funding and reporting

2673 processes required of local school districts by the board or
2674 division with the aim of simplifying or eliminating inefficient
2675 practices and procedures;

2676 (n) Assist in the development of high technology
2677 programs and resource centers to support current and projected
2678 industrial needs;

2679 (o) Assist in the development of a technical assistance
2680 program for business and industry which will provide for
2681 industrial training and services, including the transfer of
2682 information relative to new applications and advancements in
2683 technology; and

2684 (p) Enter into contracts and agreements with the * * *
2685 Board of Trustees of State Institutions of Higher Learning for
2686 conditions under which vocational and technical education programs
2687 in community * * * colleges shall receive state and federal funds
2688 which flow through the State Board of Education for such purposes.

2689 (2) It is the intent of the Legislature that no vocational
2690 and technical education course or program existing on June 30,
2691 1982, shall be eliminated by the State Board of Education under
2692 the authority vested in paragraph (d) of subsection (1) of this
2693 section prior to June 30, 1985. It is further the intent of the
2694 Legislature that no vocational and technical education teacher or
2695 other personnel employed on June 30, 1983, shall be discharged due
2696 to certification standards promulgated by the board under
2697 paragraph (e) of subsection (1) of this section, if any such
2698 teacher or personnel shall have complied with any newly published
2699 certification standards by June 30, 1985. Nothing contained in
2700 this section shall be construed to abrogate or affect in any
2701 manner the authority of local public school districts or
2702 community * * * colleges to eliminate vocational and technical
2703 education courses or programs or to discharge any vocational and
2704 technical education teacher or other personnel.

2705 (3) The State Board of Education and the * * * Board of

2706 Trustees of State Institutions of Higher Learning may provide that
2707 beginning with the 1995-1996 school year, every vocational and
2708 technical education course or program in Mississippi may integrate
2709 academic and vocational-technical education through coherent
2710 sequences of courses, so that students in such programs achieve
2711 both academic and occupational competencies. The boards may
2712 expend federal funds available from the 1990 Perkins Act, or other
2713 available federal funds, for the alignment of vocational-technical
2714 programs with academic programs through the accreditation process
2715 and the teacher certification process. * * *

2716 SECTION 62. Section 37-35-1, Mississippi Code of 1972, is
2717 amended as follows:[LH53]

2718 37-35-1. The * * * Board of Trustees of State Institutions
2719 of Higher Learning is authorized and directed to prescribe rules
2720 and regulations, which said rules and regulations when properly
2721 promulgated and not inconsistent with the provisions of this
2722 chapter shall have the force and effect of law, under which a
2723 program may be established, maintained and supervised for the
2724 purpose of supplying educational advantages to adults, which shall
2725 include all persons sixteen (16) years of age and over, not
2726 enrolled in school or required to be enrolled in school by the
2727 compulsory school attendance law, Section 37-13-91. The aim and
2728 purpose of such a program shall be to reduce illiteracy and to
2729 provide a general plan of continuing education in the fundamental
2730 principles of democratic society, citizenship, public affairs,
2731 forums, home family life, arts and crafts, general cultural
2732 subjects with priority to be given to academic training through
2733 high school and training in technical skills and trades needed by
2734 industries, and such other subjects as the * * * Board of Trustees
2735 of State Institutions of Higher Learning may prescribe for the
2736 social and economic advancement of adults. The * * * Board of
2737 Trustees of State Institutions of Higher Learning is authorized to
2738 employ such additional supervisory, secretarial and clerical

2739 personnel as may be necessary to carry out the provisions of this
2740 chapter.

2741 SECTION 63. Section 37-35-3, Mississippi Code of 1972, is
2742 amended as follows:[LH54]

2743 37-35-3. (1) The board of trustees of any school district
2744 and any community * * * college may establish and maintain classes
2745 for adults, including general educational development classes,
2746 under the regulations authorized in this chapter and pursuant to
2747 the standards prescribed in subsection (3). The property and
2748 facilities of the public school districts may be used for this
2749 purpose where such use does not conflict with uses already
2750 established.

2751 (2) The trustees of any school district desiring to
2752 establish such program may request the taxing authority of the
2753 district to levy additional ad valorem taxes for the support of
2754 this program. The board of supervisors, in the case of a county
2755 school district or a special municipal separate school
2756 district * * *, and the governing authority of any municipality,
2757 in the case of a municipal separate school district, is
2758 authorized, in its discretion, to levy a tax not exceeding one (1)
2759 mill upon all the taxable property of the district for the support
2760 of this program. The tax shall be in addition to all other taxes
2761 authorized by law to be levied. In addition to the funds realized
2762 from any such levy, the board of trustees of any school district
2763 is authorized to use any surplus funds that it may have or that
2764 may be made available to it from local sources to supplement this
2765 program.

2766 (3) (a) Any student participating in an approved General
2767 Educational Development (GED) program administered by a local
2768 school district or the appropriate community college shall not be
2769 considered a dropout. Students in such a program administered by
2770 a local school district shall be considered as enrolled within the
2771 school district of origin for the purpose of enrollment for

2772 minimum program funding only. Such students shall not be
2773 considered as enrolled in the regular school program for academic
2774 or programmatic purposes. Students in such a program administered
2775 by a community college shall be considered as enrolled in the
2776 school district of origin for funding purposes.

2777 (b) Students participating in an approved General
2778 Educational Development (GED) program shall have an individual
2779 career plan developed at the time of placement to insure that the
2780 student's academic and job skill needs will be met. The
2781 Individual Career Plan will address, but is not limited to, the
2782 following:

2783 (i) Academic/instructional needs of the student;
2784 (ii) Job readiness needs of the student; and
2785 (iii) Work experience program options available
2786 for the student.

2787 (c) Students participating in an approved General
2788 Educational Development (GED) program may participate in existing
2789 job and skills development programs or in similar programs
2790 developed in conjunction with the GED program and the vocational
2791 director.

2792 (d) General Educational Development (GED) programs may
2793 be operated by local school districts or may be operated by two
2794 (2) or more adjacent school districts, pursuant to a contract
2795 approved by the State Board of Education. When two (2) or more
2796 school districts contract to operate a General Educational
2797 Development (GED) program, the school board of a district
2798 designated to be the lead district shall serve as the governing
2799 board of the General Educational Development (GED) program.
2800 Transportation for students placed in the General Educational
2801 Development (GED) program shall be the responsibility of the
2802 school district of origin. The expense of establishing,
2803 maintaining and operating such GED programs may be paid from funds
2804 made available to the school district through contributions,

2805 minimum program funds or from local district maintenance funds.

2806 (e) Students participating in an approved General
2807 Educational Development (GED) program within a community college
2808 shall be included in the average daily attendance of the school
2809 district of origin. The school district of origin is authorized
2810 to contract with the community college to provide GED services for
2811 the student.

2812 (f) The State Department of Education will develop
2813 procedures and criteria for placement of a student in the General
2814 Educational Development (GED) programs. Students placed in
2815 General Educational Development (GED) programs shall have parental
2816 approval for such placement and must meet the following criteria:

2817 (i) The student must be at least sixteen (16)
2818 years of age;

2819 (ii) The student must be at least two (2) grade
2820 levels behind or acquired less than four (4) Carnegie units;

2821 (iii) The student must have taken every
2822 opportunity to continue to participate in coursework leading to a
2823 diploma; and

2824 (iv) The student must be certified to be eligible
2825 to participate in the GED course by the school district
2826 superintendent, based on the developed criteria.

2827 (g) Students participating in an approved General
2828 Educational Development (GED) program may be excluded from the
2829 Mississippi Student Assessment Program, based on the existence of
2830 appropriate alternate accountability measures that have been
2831 approved by the State Department of Education.

2832 SECTION 64. Section 37-35-5, Mississippi Code of 1972, is
2833 amended as follows:[LH55]

2834 37-35-5. For the purpose of supporting the adult education
2835 program authorized in this chapter, the * * * Board of Trustees of
2836 State Institutions of Higher Learning is authorized to accept for
2837 and on behalf of the State of Mississippi, federal funds made

2838 available to the state for the purpose of adult education. Such
2839 funds shall be used by the * * * Board of Trustees of State
2840 Institutions of Higher Learning for the administration of the
2841 program and to supplement the local funds made available by any
2842 school district, provided such program is conducted under the
2843 rules and regulations established by the * * * Board of Trustees
2844 of State Institutions of Higher Learning. All programs of adult
2845 basic education administered by the State Department of Education
2846 on July 1, 1992, shall be continued with at least the same level
2847 of funding, until July 1, 1995, provided that such programs are
2848 financially and programmatically sound and meet the requirements
2849 of federal rules and regulations. Nothing in Sections 37-35-1
2850 through 37-35-11 shall be interpreted in a manner to prevent or
2851 interfere with the independent operation or administration of
2852 adult education under the Department of Human Services, including
2853 but not limited to those programs administered by the Governor's
2854 Office of Literacy and Workplace Enhancement, or of any general
2855 educational development preparatory instruction and testing
2856 administered by a school district in an alternative school
2857 program.

2858 SECTION 65. Section 37-35-7, Mississippi Code of 1972, is
2859 amended as follows:[LH56]

2860 37-35-7. Any funds that may be appropriated by the State
2861 Legislature for the purpose of carrying out a program of adult
2862 education may be used to supplement local funds or to meet the
2863 minimum requirements of the federal government for a program of
2864 adult education in the state, provided such program is conducted
2865 under the rules and regulations established by the * * * Board of
2866 Trustees of State Institutions of Higher Learning.

2867 SECTION 66. Section 37-35-9, Mississippi Code of 1972, is
2868 amended as follows:[LH57]

2869 37-35-9. The * * * Board of Trustees of State Institutions
2870 of Higher Learning is authorized to develop and establish general

2871 educational development preparatory classes in secondary schools
2872 and community * * * colleges and to provide financial assistance
2873 from the state for the specific purpose of preparing persons
2874 sixteen (16) years of age and older, not enrolled in school or
2875 required to be enrolled in school by the Compulsory School
2876 Attendance Law (Section 37-13-91) to successfully write the
2877 general educational development test and earn a certificate of
2878 equivalency which is equivalent to the high school diploma.

2879 The * * * Board of Trustees of State Institutions of Higher
2880 Learning is authorized to administer the General Educational
2881 Development (GED) Testing Program under the policies and
2882 guidelines of the GED Testing Service of the American Council on
2883 Education.

2884 This program shall be administered by the * * * Board of
2885 Trustees of State Institutions of Higher Learning through the
2886 secondary schools and community * * * colleges as the local needs
2887 indicate and are practical.

2888 Full and general supervision over the program by the * * *
2889 Board of Trustees of State Institutions of Higher Learning shall
2890 insure that duplication of effort by secondary schools and
2891 community * * * colleges will be eliminated; however, nothing in
2892 this section shall be construed to prohibit a school district from
2893 implementing a program of general educational development (GED)
2894 preparatory instruction and testing in an alternative school
2895 program.

2896 Adult students for general educational development
2897 preparatory classes may be accepted by schools and community
2898 colleges from any area of the state provided students are bona
2899 fide residents of Mississippi.

2900 Instructors, counselors and supervisors utilized in the
2901 teaching of general educational development preparatory classes
2902 shall be licensed in the appropriate area as required by the * * *
2903 Board of Trustees of State Institutions of Higher Learning.

2904 SECTION 67. Section 37-35-11, Mississippi Code of 1972, is
2905 amended as follows:[LH58]

2906 37-35-11. The * * * Board of Trustees of State Institutions
2907 of Higher Learning shall determine policies and procedures for
2908 administration of this program.

2909 Funds provided under this section and Section 37-35-9 can be
2910 used for matching federal funds if such become available.

2911 Funds provided under this section and Section 37-35-9 shall
2912 be allocated to schools and community * * * colleges on an average
2913 of twelve (12) to fifteen (15) adult students per class in average
2914 attendance, for one hundred fifty (150) hours maximum instruction
2915 per class. Funds will be allocated on a basis of target
2916 population by county for general educational development
2917 preparatory classes based on adults who have from nine (9) to
2918 eleven (11) years of schooling as indicated by the 1990 census.
2919 Schools and community * * * colleges will receive one hundred
2920 percent (100%) of the cost of general educational development
2921 preparatory classes. All classes funded under this section and
2922 Section 37-35-9 shall be considered temporary and shall be renewed
2923 only as long as participation is adequate for continued funding.

2924 An annual report on program activities, adult participation
2925 and results shall be prepared by the * * * Board of Trustees of
2926 State Institutions of Higher Learning and submitted to the
2927 Mississippi Legislature within the first month of regular
2928 legislative session each year.

2929 SECTION 68. Section 37-47-17, Mississippi Code of 1972, is
2930 amended as follows:[LH59]

2931 37-47-17. Applications for the expenditure of funds to the
2932 credit of any school district in the State Public School Building
2933 Fund shall originate with the school board of the school district
2934 entitled to such funds. Before any funds to the credit of a
2935 school district shall be expended for capital improvements or the
2936 retirement of outstanding bonded indebtedness, the school board of

2937 such school district shall prepare and submit an application in
2938 such form as may be prescribed by the board. There shall be
2939 included with such application a statement in which there is set
2940 forth the enrollment and average daily attendance in the schools
2941 of the district divided as to schools and grades, the number of
2942 teachers employed, the facilities in use, the facilities to be
2943 provided with the funds to be expended, the outstanding school
2944 indebtedness, and such other information as the board may require.

2945 Such application and statement shall be submitted directly to the
2946 board and approved or disapproved by it. The decision of the
2947 board shall be final, unless an appeal to the chancery court shall
2948 be taken in the manner provided by law. In the event any
2949 application shall be disapproved by the board, the school board
2950 submitting same shall be notified of such disapproval, which
2951 notice of disapproval shall be accompanied by a statement of the
2952 reason or reasons for such disapproval.

2953 The board shall approve only those applications which are
2954 found to be proper under the provisions of this chapter and the
2955 applicable rules and regulations of the board. When an
2956 application is approved for the expenditure of funds for capital
2957 improvements, the contract for the construction of such capital
2958 improvements shall be entered into and awarded by the school board
2959 of the school district in the manner provided in this chapter;
2960 however, the contract for construction of a secondary vocational
2961 and technical training center for exclusive use and operation by a
2962 school district may be entered into and awarded by the president
2963 of a community college district where a grant of federal funds by
2964 the Appalachian Commission has been made to * * * such community
2965 college district to assist in financing construction of such
2966 secondary vocational and technical training facility for such
2967 school district.

2968 SECTION 69. Section 37-47-19, Mississippi Code of 1972, is
2969 amended as follows:[LH60]

2970 37-47-19. Where the expenditure of any funds to which any
2971 school district may be entitled has been authorized, as provided
2972 in Section 37-47-17, such funds shall be withdrawn from the public
2973 school building fund by the board and deposited in the school
2974 depository to the credit of the school district entitled thereto
2975 as a special fund to be known as the "Public School Building Fund"
2976 of the school district entitled thereto. Such money so deposited
2977 shall be paid out and expended in the same manner as may be now or
2978 hereafter provided by law for the expenditure of other school
2979 funds belonging to such district; however, where the contract for
2980 construction of a secondary vocational and technical training
2981 center shall have been entered into and awarded by * * * a
2982 community college district as authorized by Section 37-47-29, the
2983 money so deposited in the public school building fund of the
2984 school district for which said facility is being constructed may
2985 be paid out and expended to pay a part of the cost of construction
2986 of such facility.

2987 SECTION 70. Section 37-47-29, Mississippi Code of 1972, is
2988 amended as follows:[LH61]

2989 37-47-29. All contracts for capital improvements by any
2990 school district which are financed in whole or in part with funds
2991 received from the State Public School Building Fund pursuant to an
2992 application approved by the board shall be awarded and entered
2993 into upon receipt of sealed bids or proposals after the time and
2994 place of letting such contracts and the manner of bidding has been
2995 duly advertised. The contract shall be let and awarded to the
2996 lowest and best bidder but the board of trustees or other
2997 governing body of the school district shall have the power to
2998 reject any and all bids. No such contract shall be finally
2999 awarded or entered into without the prior written approval of the
3000 board. It is hereby expressly provided that in order to bid upon
3001 and be awarded contracts for the construction of school facilities
3002 under the provisions of this chapter, if such contract,

3003 subcontract or undertaking is less than Fifty Thousand Dollars
3004 (\$50,000.00), it shall not be necessary that the bidder obtain a
3005 certificate of responsibility from the Board of Public Contractors
3006 under the provisions of Chapter 3, Title 31, of the Mississippi
3007 Code of 1972, or otherwise be qualified under said chapter, and
3008 none of the provisions of said chapter shall be applicable to such
3009 contracts for the construction of school facilities under the
3010 provisions hereof. Notwithstanding the foregoing provisions of
3011 this section or any other provisions of law, the contract for
3012 construction of a secondary vocational and technical training
3013 center for exclusive use and operation by a county school district
3014 may be entered into and awarded by * * * a community college
3015 district where a grant of federal funds by the Appalachian
3016 Commission has been made to * * * such community college district
3017 to assist in financing construction of such secondary vocational
3018 and technical training facility for such county school district.

3019 SECTION 71. Section 37-57-107, Mississippi Code of 1972, is
3020 amended as follows:[LH62]

3021 **[Until July 1, 2002, this section shall read as follows:]**

3022 37-57-107. Beginning with the tax levy for the 1997 fiscal
3023 year and for each fiscal year thereafter, the aggregate receipts
3024 from taxes levied for school district purposes pursuant to
3025 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
3026 receipts from those sources during any one (1) of the immediately
3027 preceding three (3) fiscal years, as determined by the school
3028 board, plus an increase not to exceed seven percent (7%). For the
3029 purpose of this limitation, the term "aggregate receipts" when
3030 used in connection with the amount of funds generated in a
3031 preceding fiscal year shall not include excess receipts required
3032 by law to be deposited into a special account, and shall not
3033 include amounts received by school districts from the School Ad
3034 Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
3035 additional revenue from the ad valorem tax on any newly

3036 constructed properties or any existing properties added to the tax
3037 rolls or any properties previously exempt which were not assessed
3038 in the next preceding year may be excluded from the seven percent
3039 (7%) increase limitation set forth herein. Taxes levied for
3040 payment of principal of and interest on general obligation school
3041 bonds issued heretofore or hereafter shall be excluded from the
3042 seven percent (7%) increase limitation set forth herein. Any
3043 additional millage levied to fund any new program mandated by the
3044 Legislature shall be excluded from the limitation for the first
3045 year of the levy and included within such limitation in any year
3046 thereafter. For the purposes of this section, the term "new
3047 program" shall include, but shall not be limited to, (a) the Early
3048 Childhood Education Program required to commence with the
3049 1986-1987 school year as provided by Section 37-21-7 and any
3050 additional millage levied and the revenue generated therefrom,
3051 which is excluded from the limitation for the first year of the
3052 levy, to support the mandated Early Childhood Education Program
3053 shall be specified on the minutes of the school board and of the
3054 governing body making such tax levy, (b) any additional millage
3055 levied and the revenue generated therefrom which shall be excluded
3056 from the limitation for the first year of the levy, for the
3057 purpose of generating additional local contribution funds required
3058 for the minimum education program for the 1987 fiscal year and for
3059 each fiscal year thereafter through the 1996 fiscal year under
3060 Section 37-19-35; (c) any additional millage levied and the
3061 revenue generated therefrom which shall be excluded from the
3062 limitation for the first and each subsequent year of the levy, for
3063 the purpose of generating additional local contributions mandated
3064 under Section 37-57-105 requiring the board of trustees of a
3065 school district to reach the millage levy certified by the State
3066 Board of Education as the uniform minimum school district ad
3067 valorem tax levy or the millage levy which would generate funds in
3068 an amount equal to a school district's "district entitlement" as

3069 defined in Section 37-22-1(2)(e); and (d) any additional millage
3070 levied and the revenue generated therefrom which shall be excluded
3071 from the limitation for the first year of the levy, for the
3072 purpose of support and maintenance of any agricultural high school
3073 which has been transferred to the control, operation and
3074 maintenance of the school board by a community college district
3075 under provisions of Section 37-29-272.

3076 The seven percent (7%) increase limitation prescribed in this
3077 section may be increased an additional amount only when the school
3078 board has determined the need for additional revenues and has held
3079 an election on the question of raising the limitation prescribed
3080 in this section. The limitation may be increased only if
3081 three-fifths (3/5) of those voting in the election shall vote for
3082 the proposed increase. The resolution, notice and manner of
3083 holding the election shall be as prescribed by law for the holding
3084 of elections for the issuance of bonds by the respective school
3085 boards. Revenues collected for the fiscal year in excess of the
3086 seven percent (7%) increase limitation pursuant to an election
3087 shall be included in the tax base for the purpose of determining
3088 aggregate receipts for which the seven percent (7%) increase
3089 limitation applies for subsequent fiscal years.

3090 Except as otherwise provided for excess revenues generated
3091 pursuant to an election, if revenues collected as the result of
3092 the taxes levied for the fiscal year pursuant to this section and
3093 Section 37-57-1 exceed the increase limitation, then it shall be
3094 the mandatory duty of the school board of the school district to
3095 deposit such excess receipts over and above the increase
3096 limitation into a special account and credit it to the fund for
3097 which the levy was made. It will be the further duty of such
3098 board to hold said funds and invest the same as authorized by law.
3099 Such excess funds shall be calculated in the budgets for the
3100 school districts for the purpose for which such levies were made,
3101 for the succeeding fiscal year. Taxes imposed for the succeeding

3102 year shall be reduced by the amount of excess funds available.
3103 Under no circumstances shall such excess funds be expended during
3104 the fiscal year in which such excess funds are collected.

3105 For the purposes of determining ad valorem tax receipts for a
3106 preceding fiscal year under this section, the term "fiscal year"
3107 means the fiscal year beginning October 1 and ending September 30.

3108 **[From and after July 1, 2002, this section shall read as**
3109 **follows:]**

3110 37-57-107. Beginning with the tax levy for the 1997 fiscal
3111 year and for each fiscal year thereafter, the aggregate receipts
3112 from taxes levied for school district purposes pursuant to
3113 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
3114 receipts from those sources during any one (1) of the immediately
3115 preceding three (3) fiscal years, as determined by the school
3116 board, plus an increase not to exceed seven percent (7%). For the
3117 purpose of this limitation, the term "aggregate receipts" when
3118 used in connection with the amount of funds generated in a
3119 preceding fiscal year shall not include excess receipts required
3120 by law to be deposited into a special account, and shall not
3121 include any amounts received by school districts from the School
3122 Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
3123 additional revenue from the ad valorem tax on any newly
3124 constructed properties or any existing properties added to the tax
3125 rolls or any properties previously exempt which were not assessed
3126 in the next preceding year may be excluded from the seven percent
3127 (7%) increase limitation set forth herein. Taxes levied for
3128 payment of principal of and interest on general obligation school
3129 bonds issued heretofore or hereafter shall be excluded from the
3130 seven percent (7%) increase limitation set forth herein. Any
3131 additional millage levied to fund any new program mandated by the
3132 Legislature shall be excluded from the limitation for the first
3133 year of the levy and included within such limitation in any year
3134 thereafter. For the purposes of this section, the term "new

3135 program" shall include, but shall not be limited to, (a) the Early
3136 Childhood Education Program required to commence with the
3137 1986-1987 school year as provided by Section 37-21-7 and any
3138 additional millage levied and the revenue generated therefrom,
3139 which is excluded from the limitation for the first year of the
3140 levy, to support the mandated Early Childhood Education Program
3141 shall be specified on the minutes of the school board and of the
3142 governing body making such tax levy, (b) any additional millage
3143 levied and the revenue generated therefrom which shall be excluded
3144 from the limitation for the first year of the levy, for the
3145 purpose of generating additional local contribution funds required
3146 for the adequate education program for the 2003 fiscal year and
3147 for each fiscal year thereafter under Section 37-151-7(2); and (c)
3148 any additional millage levied and the revenue generated therefrom
3149 which shall be excluded from the limitation for the first year of
3150 the levy, for the purpose of support and maintenance of any
3151 agricultural high school which has been transferred to the
3152 control, operation and maintenance of the school board by a
3153 community college district under provisions of Section 37-29-272.

3154 The seven percent (7%) increase limitation prescribed in this
3155 section may be increased an additional amount only when the school
3156 board has determined the need for additional revenues and has held
3157 an election on the question of raising the limitation prescribed
3158 in this section. The limitation may be increased only if
3159 three-fifths (3/5) of those voting in the election shall vote for
3160 the proposed increase. The resolution, notice and manner of
3161 holding the election shall be as prescribed by law for the holding
3162 of elections for the issuance of bonds by the respective school
3163 boards. Revenues collected for the fiscal year in excess of the
3164 seven percent (7%) increase limitation pursuant to an election
3165 shall be included in the tax base for the purpose of determining
3166 aggregate receipts for which the seven percent (7%) increase
3167 limitation applies for subsequent fiscal years.

3168 Except as otherwise provided for excess revenues generated
3169 pursuant to an election, if revenues collected as the result of
3170 the taxes levied for the fiscal year pursuant to this section and
3171 Section 37-57-1 exceed the increase limitation, then it shall be
3172 the mandatory duty of the school board of the school district to
3173 deposit such excess receipts over and above the increase
3174 limitation into a special account and credit it to the fund for
3175 which the levy was made. It will be the further duty of such
3176 board to hold said funds and invest the same as authorized by law.

3177 Such excess funds shall be calculated in the budgets for the
3178 school districts for the purpose for which such levies were made,
3179 for the succeeding fiscal year. Taxes imposed for the succeeding
3180 year shall be reduced by the amount of excess funds available.
3181 Under no circumstances shall such excess funds be expended during
3182 the fiscal year in which such excess funds are collected.

3183 For the purposes of determining ad valorem tax receipts for a
3184 preceding fiscal year under this section, the term "fiscal year"
3185 means the fiscal year beginning October 1 and ending September 30.

3186 SECTION 72. Section 37-61-33, Mississippi Code of 1972, is
3187 amended as follows:[LH63]

3188 **[Until July 1, 2002, this section reads as follows:]**

3189 37-61-33. (1) There is hereby created within the State
3190 Treasury a special fund to be designated the "Education
3191 Enhancement Fund" into which shall be deposited all the revenues
3192 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and
3193 27-103-203(1).

3194 (2) Of the amount deposited into the Education Enhancement
3195 Fund, excluding revenues deposited pursuant to Section
3196 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
3197 appropriated each fiscal year to the State Department of Education
3198 to be distributed to all school districts. Such money shall be
3199 distributed to all school districts in the proportion that the
3200 average daily attendance of each school district bears to the

3201 average daily attendance of all school districts within the state
3202 for the following purposes:

3203 (a) Purchasing, erecting, repairing, equipping,
3204 remodeling and enlarging school buildings and related facilities,
3205 including gymnasiums, auditoriums, lunchrooms, vocational training
3206 buildings, libraries, teachers' homes, school barns,
3207 transportation vehicles (which shall include new and used
3208 transportation vehicles) and garages for transportation vehicles,
3209 and purchasing land therefor.

3210 (b) Establishing and equipping school athletic fields
3211 and necessary facilities connected therewith, and purchasing land
3212 therefor.

3213 (c) Providing necessary water, light, heating, air
3214 conditioning and sewerage facilities for school buildings, and
3215 purchasing land therefor.

3216 (d) As a pledge to pay all or a portion of the debt
3217 service on debt issued by the school district under Sections
3218 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
3219 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
3220 and 37-41-81, or debt issued by boards of supervisors for
3221 agricultural high schools pursuant to Section 37-27-65, if such
3222 pledge is accomplished pursuant to a written contract or
3223 resolution approved and spread upon the minutes of an official
3224 meeting of the district's school board or board of supervisors.
3225 The annual grant to such district in any subsequent year during
3226 the term of the resolution or contract shall not be reduced below
3227 an amount equal to the district's grant amount for the year in
3228 which the contract or resolution was adopted. The intent of this
3229 provision is to allow school districts to irrevocably pledge a
3230 certain, constant stream of revenue as security for long-term
3231 obligations issued under the code sections enumerated in this
3232 paragraph or as otherwise allowed by law. It is the intent of the
3233 Legislature that the provisions of this paragraph shall be

3234 cumulative and supplemental to any existing funding programs or
3235 other authority conferred upon school districts or school boards.
3236 Debt of a district secured by a pledge of sales tax revenue
3237 pursuant to this paragraph shall not be subject to any debt
3238 limitation contained in the foregoing enumerated code sections.

3239 (3) The remainder of the money deposited into the Education
3240 Enhancement Fund, excluding funds deposited pursuant to Section
3241 27-103-203(1), shall be appropriated as follows:

3242 (a) To the State Department of Education as follows:

3243 (i) Eight and thirty-five one-hundredths percent
3244 (8.35%) to be distributed to public school districts for the
3245 funding of textbooks and other educational materials and to be
3246 used by the State Department of Education for the purchase of
3247 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to
3248 approved nonpublic schools, as described under Section 37-43-1.
3249 The amount of funds under this item to be used by the department
3250 for purchasing textbooks to loan to approved nonpublic schools
3251 shall be in the proportion that the average daily attendance of
3252 the nonpublic schools that are loaned textbooks by the state bears
3253 to the average daily attendance of all school districts in the
3254 state. The funds distributed to the school districts under this
3255 item shall be in the proportion that the average daily attendance
3256 of each school district bears to the average daily attendance of
3257 all school districts within the state and shall be used to assist
3258 in the funding of textbooks and other educational materials, to
3259 include not more than Two Million Dollars (\$2,000,000.00) each
3260 year for technology enhancement projects for elementary and
3261 secondary education programs;

3262 (ii) Seven and ninety-seven one-hundredths percent
3263 (7.97%) to assist the funding of transportation operations and
3264 maintenance pursuant to Section 37-19-23;

3265 (iii) Eight and twenty-six one-hundredths percent
3266 (8.26%) to assist the funding of the Uniform Millage Assistance

3267 Grant Program pursuant to Section 37-22-1; and

3268 (iv) Nine and sixty-one one-hundredths percent

3269 (9.61%) for classroom supplies, instructional materials and

3270 equipment, including computers and computer software, to be

3271 distributed to all school districts in the proportion that the

3272 average daily attendance of each school district bears to the

3273 average daily attendance of all school districts within the state.

3274 Such funds shall not be expended for administrative purposes.

3275 Local school districts shall allocate classroom supply funds

3276 equally among all classroom teachers in the school district. For

3277 purposes of this subparagraph, "teacher" shall mean any employee

3278 of the school board of a school district who is required by law to

3279 obtain a teacher's license from the State Board of Education and

3280 who is assigned to an instructional area of work as defined by the

3281 State Department of Education, but shall not include a federally

3282 funded teacher. Two (2) or more teachers may agree to pool their

3283 classroom supply funds for the benefit of a school within the

3284 district pursuant to the development of a spending plan that

3285 supports the overall goals of the school which includes the type,

3286 quantity and quality of such supplies, instructional materials,

3287 equipment, computers or computer software. This plan shall be

3288 submitted, in writing, to the school principal for approval.

3289 Classroom supply funds allocated under this subparagraph shall

3290 supplement, not replace, other local and state funds available for

3291 the same purposes. School districts need not fully expend the

3292 funds received under this subparagraph in the year in which they

3293 are received, but such funds may be carried forward for

3294 expenditure in any succeeding school year. The State Board of

3295 Education shall develop and promulgate rules and regulations for

3296 the administration of this subparagraph consistent with the above

3297 criteria, with particular emphasis on allowing the individual

3298 teachers to expend funds as they deem appropriate, with minimum

3299 input from school principals;

3300 (b) Twenty-two and nine one-hundredths percent (22.09%)
3301 to the Board of Trustees of State Institutions of Higher Learning
3302 for the purpose of supporting institutions of higher learning; and

3303 (c) Fourteen and forty-one one-hundredths percent
3304 (14.41%) to the * * * Board of Trustees of State Institutions of
3305 Higher Learning for the purpose of providing support to
3306 community * * * colleges.

3307 (4) The amount remaining in the Education Enhancement Fund
3308 after funds are distributed as provided in subsections (2) and (3)
3309 of this section, excluding funds deposited pursuant to Section
3310 27-103-203(1), shall be disbursed as follows:

3311 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
3312 be deposited into the Working Cash-Stabilization Reserve Fund
3313 created pursuant to Section 27-103-203(1), until the balance in
3314 such fund reaches the maximum balance of seven and one-half
3315 percent (7-1/2%) of the General Fund appropriations in the
3316 appropriate fiscal year. After the maximum balance in the Working
3317 Cash-Stabilization Reserve Fund is reached, such money shall
3318 remain in the Education Enhancement Fund to be appropriated in the
3319 manner provided for in paragraph (b) of this section.

3320 (b) The remainder shall be appropriated for other
3321 educational needs.

3322 (5) None of the funds appropriated pursuant to subsection
3323 (3)(a) of this section shall be used to reduce the state's general
3324 fund appropriation for the categories listed in an amount below
3325 the following amounts:

3326 (a) For subsection (3)(a)(i) of this section, Six
3327 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
3328 (\$6,330,920.00);

3329 (b) For subsection (3)(a)(ii) of this section
3330 Thirty-six Million Seven Hundred Thousand Dollars
3331 (\$36,700,000.00);

3332 (c) For subsection (3)(a)(iii) of this section,

3333 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);
3334 and

3335 (d) For the aggregate of minimum program allotments
3336 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
3337 amended, excluding those funds for transportation as provided for
3338 in subsection (5)(b) herein.

3339 (6) At the end of a fiscal year such amounts as required by
3340 Section 27-103-203(1) to be transferred to the Education
3341 Enhancement Fund shall be deposited into said Education
3342 Enhancement Fund and shall be kept separate from other monies in
3343 the fund by the State Treasurer. Beginning with the 1994 fiscal
3344 year the monies in such special fund deposited pursuant to said
3345 Section 27-103-203(1) shall be subject to appropriation by the
3346 Legislature in the following manner: (a) fifty percent (50%) to
3347 support public education, including but not limited to, Grades K
3348 through 12, Mississippi Educational Television and/or the
3349 Mississippi Library Commission; (b) twenty-five percent (25%) to
3350 support institutions of higher learning; and (c) twenty-five
3351 percent (25%) to support the * * * community colleges. Any amount
3352 of such monies transferred into said separate fund pursuant to
3353 Section 27-103-203(1) which are not appropriated by the
3354 Legislature shall not lapse but shall carry over and be subject to
3355 appropriation by the Legislature in the succeeding fiscal year in
3356 the same manner provided in this subsection (6). The interest
3357 earned on the investment of such monies transferred pursuant to
3358 Section 27-103-203(1) shall be paid into said separate fund within
3359 the Education Enhancement Fund.

3360 **[From and after July 1, 2002, this section reads as follows:]**

3361 37-61-33. (1) There is hereby created within the State
3362 Treasury a special fund to be designated the "Education
3363 Enhancement Fund" into which shall be deposited all the revenues
3364 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and
3365 27-103-203(1).

3366 (2) Of the amount deposited into the Education Enhancement
3367 Fund, excluding revenues deposited pursuant to Section
3368 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
3369 appropriated each fiscal year to the State Department of Education
3370 to be distributed to all school districts. Such money shall be
3371 distributed to all school districts in the proportion that the
3372 average daily attendance of each school district bears to the
3373 average daily attendance of all school districts within the state
3374 for the following purposes:

3375 (a) Purchasing, erecting, repairing, equipping,
3376 remodeling and enlarging school buildings and related facilities,
3377 including gymnasiums, auditoriums, lunchrooms, vocational training
3378 buildings, libraries, teachers' homes, school barns,
3379 transportation vehicles (which shall include new and used
3380 transportation vehicles) and garages for transportation vehicles,
3381 and purchasing land therefor.

3382 (b) Establishing and equipping school athletic fields
3383 and necessary facilities connected therewith, and purchasing land
3384 therefor.

3385 (c) Providing necessary water, light, heating, air
3386 conditioning and sewerage facilities for school buildings, and
3387 purchasing land therefor.

3388 (d) As a pledge to pay all or a portion of the debt
3389 service on debt issued by the school district under Sections
3390 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
3391 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
3392 and 37-41-81, or debt issued by boards of supervisors for
3393 agricultural high schools pursuant to Section 37-27-65, if such
3394 pledge is accomplished pursuant to a written contract or
3395 resolution approved and spread upon the minutes of an official
3396 meeting of the district's school board or board of supervisors.
3397 The annual grant to such district in any subsequent year during
3398 the term of the resolution or contract shall not be reduced below

3399 an amount equal to the district's grant amount for the year in
3400 which the contract or resolution was adopted. The intent of this
3401 provision is to allow school districts to irrevocably pledge a
3402 certain, constant stream of revenue as security for long-term
3403 obligations issued under the code sections enumerated in this
3404 paragraph or as otherwise allowed by law. It is the intent of the
3405 Legislature that the provisions of this paragraph shall be
3406 cumulative and supplemental to any existing funding programs or
3407 other authority conferred upon school districts or school boards.
3408 Debt of a district secured by a pledge of sales tax revenue
3409 pursuant to this paragraph shall not be subject to any debt
3410 limitation contained in the foregoing enumerated code sections.

3411 (3) The remainder of the money deposited into the Education
3412 Enhancement Fund, excluding funds deposited pursuant to Section
3413 27-103-203(1), shall be appropriated as follows:

3414 (a) To the State Department of Education as follows:

3415 (i) Sixteen and sixty-one one-hundredths percent
3416 (16.61%) to the cost of the adequate education program determined
3417 under Section 37-151-7;

3418 (ii) Seven and ninety-seven one-hundredths percent
3419 (7.97%) to assist the funding of transportation operations and
3420 maintenance pursuant to Section 37-19-23; and

3421 (iii) Nine and sixty-one one-hundredths percent
3422 (9.61%) for classroom supplies, instructional materials and
3423 equipment, including computers and computer software, to be
3424 distributed to all school districts in the proportion that the
3425 average daily attendance of each school district bears to the
3426 average daily attendance of all school districts within the state.

3427 It is the intent of the Legislature that all classroom teachers
3428 shall be involved in the development of a spending plan that
3429 addresses individual classroom needs and supports the overall
3430 goals of the school regarding supplies, instructional materials,
3431 equipment, computers or computer software under the provisions of

3432 this subparagraph, including the type, quantity and quality of
3433 such supplies, materials and equipment. This plan shall be
3434 submitted to the school principal for approval. School districts
3435 need not fully expend the funds received under this subparagraph
3436 in the year in which they are received, but such funds may be
3437 carried forward for expenditure in any succeeding school year.

3438 (b) Twenty-two and nine one-hundredths percent (22.09%)
3439 to the Board of Trustees of State Institutions of Higher Learning
3440 for the purpose of supporting institutions of higher learning, and
3441 fourteen and forty-one one-hundredths percent (14.41%) to
3442 the * * * Board of Trustees of State Institutions of Higher
3443 Learning for the purpose of providing support to community * * *
3444 colleges.

3445 (4) The amount remaining in the Education Enhancement Fund
3446 after funds are distributed as provided in subsections (2) and (3)
3447 of this section, excluding funds deposited pursuant to Section
3448 27-103-203(1), shall be disbursed as follows:

3449 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
3450 be deposited into the Working Cash-Stabilization Reserve Fund
3451 created pursuant to Section 27-103-203(1), until the balance in
3452 such fund reaches the maximum balance of seven and one-half
3453 percent (7-1/2%) of the General Fund appropriations in the
3454 appropriate fiscal year. After the maximum balance in the Working
3455 Cash-Stabilization Reserve Fund is reached, such money shall
3456 remain in the Education Enhancement Fund to be appropriated in the
3457 manner provided for in paragraph (b) of this section.

3458 (b) The remainder shall be appropriated for other
3459 educational needs.

3460 (5) None of the funds appropriated pursuant to subsection
3461 (3)(a) of this section shall be used to reduce the state's general
3462 fund appropriation for the categories listed in an amount below
3463 the following amounts:

3464 (a) For subsection (3)(a)(ii) of this section

3465 Thirty-six Million Seven Hundred Thousand Dollars

3466 (\$36,700,000.00);

3467 (b) For the aggregate of minimum program allotments in
3468 the 1997 fiscal year, formerly provided for in Chapter 19, Title
3469 37, Mississippi Code of 1972, as amended, excluding those funds
3470 for transportation as provided for in subsection (5)(a) herein.

3471 (6) At the end of a fiscal year such amounts as required by
3472 Section 27-103-203(1) to be transferred to the Education
3473 Enhancement Fund shall be deposited into said Education
3474 Enhancement Fund and shall be kept separate from other monies in
3475 the fund by the State Treasurer. Beginning with the 1994 fiscal
3476 year the monies in such special fund deposited pursuant to said
3477 Section 27-103-203(1) shall be subject to appropriation by the
3478 Legislature in the following manner: (a) fifty percent (50%) to
3479 support public education, including but not limited to, Grades K
3480 through 12, Mississippi Educational Television and/or the
3481 Mississippi Library Commission; (b) twenty-five percent (25%) to
3482 support institutions of higher learning; and (c) twenty-five
3483 percent (25%) to support the * * * community colleges. Any amount
3484 of such monies transferred into said separate fund pursuant to
3485 Section 27-103-203(1) which are not appropriated by the
3486 Legislature shall not lapse but shall carry over and be subject to
3487 appropriation by the Legislature in the succeeding fiscal year in
3488 the same manner provided in this subsection (6). The interest
3489 earned on the investment of such monies transferred pursuant to
3490 Section 27-103-203(1) shall be paid into said separate fund within
3491 the Education Enhancement Fund.

3492 SECTION 73. Section 37-63-3, Mississippi Code of 1972, is
3493 amended as follows:[LH64]

3494 37-63-3. The Authority for Educational Television shall
3495 consist of the State Superintendent of Public Education and six
3496 (6) members appointed, with the advice and consent of the Senate.

3497 The Governor shall appoint four (4) members, one (1) of whom

3498 shall be actively engaged as a teacher or principal in a secondary
3499 school system in the State of Mississippi and one (1) of whom
3500 shall be actively engaged as a teacher or principal in an
3501 elementary school system in the State of Mississippi. Beginning
3502 July 1, 1994, the appointee actively engaged as a teacher or
3503 principal in a secondary school shall be appointed for an initial
3504 term of three (3) years. The member actively engaged as a teacher
3505 or principal in an elementary school shall be appointed for an
3506 initial term of four (4) years. The remaining two (2)
3507 gubernatorial appointees shall serve until July 1, 1996.
3508 Beginning July 1, 1996, the Governor shall appoint two (2) members
3509 for initial terms of three (3) and four (4) years, with the
3510 Governor specifically designating which member shall be appointed
3511 for three (3) years and which shall be appointed for four (4)
3512 years. The * * * Board of Trustees of * * * State Institutions of
3513 Higher Learning shall appoint two (2) members. After the
3514 expiration of the initial terms, all members shall serve for terms
3515 of four (4) years. An appointment to fill a vacancy among the
3516 gubernatorial appointees, other than by expiration of a term of
3517 office, shall be made by the Governor for the balance of the
3518 unexpired term.

3519 SECTION 74. Section 37-101-3, Mississippi Code of 1972, is
3520 amended as follows:[LH65]

3521 37-101-3. (1) The Governor, by and with the advice and
3522 consent of the Senate, shall appoint the members of the Board of
3523 Trustees of State Institutions of Higher Learning, one (1) member
3524 from each congressional district of the state as existing as of
3525 March 31, 1944, one (1) member from each Supreme Court district
3526 and two (2) members from the state at large, with the terms of
3527 each to begin on May 8, 1944. One-third (1/3) of the membership
3528 of said board so appointed shall be appointed for a period of four
3529 (4) years, one-third (1/3) for a period of eight (8) years and
3530 one-third (1/3) for a period of twelve (12) years. On the

3531 expiration of any of said terms of office the Governor shall
3532 appoint successors, by and with the advice and consent of the
3533 Senate, for terms of twelve (12) years in each case.

3534 (2) In case of a vacancy on said board by death or
3535 resignation of a member or from any other cause than the
3536 expiration of such member's term of office, the board shall elect
3537 his successor who shall hold office until the end of the next
3538 session of the Legislature. During such term of the session of
3539 the Legislature the Governor shall appoint the successor member of
3540 the board from the district from which his predecessor was
3541 appointed to hold office until the end of the period or term for
3542 which said original trustee was appointed, to the end that
3543 one-third (1/3) of such trustees' terms shall expire each four (4)
3544 years.

3545 * * *

3546 SECTION 75. Section 37-102-3, Mississippi Code of 1972, is
3547 amended as follows:[LH66]

3548 37-102-3. * * * The Board of Trustees of State Institutions
3549 of Higher Learning * * * shall study the need and advisability of
3550 offering: (a) courses for college credit at the lower
3551 undergraduate level; and (b) advanced centers for technology
3552 partnerships for industrial training and professional development
3553 for credit and noncredit courses, at the following off-campus
3554 sites by four-year public state institutions of higher learning:
3555 the Mississippi Gulf Coast counties; Greenville, Mississippi;
3556 Columbus, Mississippi; McComb, Mississippi; Hattiesburg,
3557 Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any
3558 other proposed area of the state. Any such study shall take into
3559 account the ongoing programs of the community * * * colleges in
3560 the State of Mississippi * * *. It is the intent of the
3561 Legislature to meet the educational needs of students who do not
3562 have ready access to the educational opportunities that they
3563 desire. * * * The board shall establish such rules and

3564 regulations as it deems necessary and proper to carry out the
3565 purposes and intent of this chapter.

3566 SECTION 76. Section 37-103-1, Mississippi Code of 1972, is
3567 amended as follows:[LH67]

3568 37-103-1. The * * * Board of Trustees of State Institutions
3569 of Higher Learning and the administrative authorities of each
3570 institution governed by said board, in ascertaining and
3571 determining the legal residence of and tuition to be charged any
3572 student applying for admission to such institutions, shall be
3573 governed by the definitions and conditions set forth in Sections
3574 37-103-1 through 37-103-23.

3575 SECTION 77. Section 37-103-9, Mississippi Code of 1972, is
3576 amended as follows:[LH68]

3577 37-103-9. Children of parents who are members of the faculty
3578 or staff of any institution under the jurisdiction of * * * the
3579 Board of Trustees of State Institutions of Higher Learning may be
3580 classified as residents for the purpose of attendance at the
3581 institution where their parents are faculty or staff members.

3582 SECTION 78. Section 37-103-25, Mississippi Code of 1972, is
3583 amended as follows:[LH69]

3584 37-103-25. The Board of Trustees of State Institutions of
3585 Higher Learning is authorized to prescribe the amount of fees to
3586 be paid by students attending the several state-supported
3587 institutions of higher learning and community colleges of the
3588 State of Mississippi. In prescribing the rates to be paid by
3589 residents of other states, the total fees shall not be less than
3590 the average cost per student from appropriated funds.

3591 SECTION 79. Section 37-103-29, Mississippi Code of 1972, is
3592 amended as follows:[LH70]

3593 37-103-29. Nothing in this chapter shall be construed to
3594 provide that the Board of Trustees of State Institutions of Higher
3595 Learning * * * is required to consider for admission the
3596 application of a nonresident.

3597 SECTION 80. Section 37-106-9, Mississippi Code of 1972, is
3598 amended as follows:[LH71]

3599 37-106-9. (1) There is hereby created the Postsecondary
3600 Education Financial Assistance Board which shall consist of the
3601 following three (3) members: one (1) person to be appointed by
3602 the Board of Trustees of State Institutions of Higher Learning
3603 from its membership for an initial period of four (4) years; one
3604 (1) person representing the state community colleges to be
3605 appointed by the * * * Board of Trustees of State Institutions of
3606 Higher Learning for an initial period of three (3) years; and one
3607 (1) person to be appointed by the Governor for an initial period
3608 of two (2) years. All subsequent appointments shall be for a
3609 period of four (4) years. Vacancies shall be filled for the
3610 length of the unexpired term only. The board shall elect from its
3611 membership a chairman.

3612 (2) The agency shall designate one (1) member of its staff
3613 to serve as director, to administer the provisions of this
3614 financial assistance program. The director shall be assigned by
3615 the agency sufficient staff, professional and clerical, funds and
3616 quarters to administer this program.

3617 (3) The director:

3618 (a) Subject to the review of the board, shall have the
3619 power of final approval of any application submitted;

3620 (b) Subject to the approval of the board and the
3621 agency, shall have authority to promulgate the necessary rules and
3622 regulations for effective administration of this chapter,
3623 including the method of making application for assistance
3624 authorized by this chapter.

3625 SECTION 81. Section 37-149-1, Mississippi Code of 1972, is
3626 amended as follows:[LH72]

3627 37-149-1. (1) There is established within the State
3628 Department of Education, the Mississippi Teacher Center for the
3629 purpose of insuring that the children of our state are taught by

3630 quality professionals. The center shall serve as an interagency
3631 center focused on teacher recruitment, enhanced training and
3632 initial instructional support.

3633 (2) The center shall have a staff which shall consist of one
3634 (1) director, one (1) administrative assistant and professional
3635 teacher recruiters. A steering committee shall be established
3636 which shall consist of one (1) member from each of the following:
3637 the Board of Trustees of State Institutions of Higher
3638 Learning, * * * the State Board of Education, the Board of the
3639 Mississippi Association of Independent Colleges, the Board of the
3640 Mississippi Association of Colleges of Teacher Education, trustees
3641 of the local school boards, teachers and the private sector. The
3642 members of the steering committee shall be appointed by the State
3643 Superintendent with the approval of the board. The steering
3644 committee shall direct the work and establish policies for the
3645 purpose of operating the center.

3646 (3) The center shall provide leadership for the following
3647 initiatives:

3648 (a) The initiation and monitoring of high school
3649 programs for teacher recruitment;

3650 (b) The initiation and monitoring of college level
3651 programs for teacher recruitment;

3652 (c) The establishment of a Beginning Teacher/Mentoring
3653 program, as authorized in Sections 37-9-201 through 37-9-213;

3654 (d) The sponsorship of a teacher renewal institute;

3655 (e) The continuation of the Teacher Corps program;

3656 (f) The enhancement of the William Winter Scholarship
3657 program;

3658 (g) Research for the development of professional
3659 teaching standards;

3660 (h) Provide additional scholarships for any targeted
3661 populations needing potential teachers; and

3662 (i) Provide assistance to local school districts in

3663 identifying and locating specific teacher needs.

3664 SECTION 82. Section 37-151-17, Mississippi Code of 1972, is
3665 amended as follows:[LH73]

3666 37-151-17. (1) There is established the Council for
3667 Education Technology which shall be an advisory group attached to
3668 the State Board of Education. The council shall develop a master
3669 plan for education technology.

3670 (2) The council shall consist of the State Superintendent of
3671 Education, the Executive Director of the Mississippi Department of
3672 Information Technology Services, the Executive Director of
3673 Mississippi Educational Television (ETV), the Executive Director
3674 of the Mississippi Library Commission * * * and the Commissioner
3675 of Higher Education, who shall serve as ex officio voting members
3676 and four (4) members appointed within thirty (30) days after July
3677 1, 1994, as follows:

3678 (a) One (1) member appointed by the State Board of
3679 Education;

3680 (b) Two (2) members appointed by the Governor; and

3681 (c) One (1) member appointed by the Executive Director
3682 of the Mississippi Department of Economic and Community
3683 Development. All appointed members of the council shall have a
3684 demonstrated knowledge in an area of technology as defined in
3685 Section 37-151-15(2). All appointments to the council shall be
3686 made with the advice and consent of the Senate. A majority of the
3687 membership present at any meeting shall constitute a quorum for
3688 the official conduct of business.

3689 (3) Members shall be appointed for four-year terms and may
3690 be reappointed. Members may be reimbursed for mileage and actual
3691 and necessary expenses in accordance with state law, and members
3692 who are not state officers or employees shall receive per diem as
3693 authorized in Section 25-3-69.

3694 (4) Immediately upon receiving notice of the appointment of
3695 all members, the State Superintendent of Education shall call an

3696 organizational meeting. At this meeting the State Superintendent
3697 of Education shall preside as temporary chairman, and the council
3698 shall elect from among the members a chairman and any other
3699 officers it deems necessary, and define the duties of the
3700 officers.

3701 (5) Meetings shall be held at least four (4) times per year,
3702 or upon call of the chairman, at a time and place designated by
3703 the chairman. The State Department of Education shall provide
3704 staff support for the council.

3705 (6) The duties and responsibilities of the council shall
3706 include, but not be limited to, the following:

3707 (a) Developing a long-range master plan for the
3708 efficient and equitable use of technology at all levels from
3709 primary school through higher education, including vocational and
3710 adult education. The plan shall focus on the technology
3711 requirements of classroom instruction, literacy laboratories,
3712 student record management, financial and administrative
3713 management, distance learning and communications as they relate to
3714 the state's performance goals for students. The plan shall be
3715 presented to the Mississippi Department of Information Technology
3716 Services for approval;

3717 (b) Creating, overseeing and monitoring a well-planned
3718 and efficient statewide network of technology services designed to
3719 meet the educational and informational needs of the schools;

3720 (c) Working with private enterprise to encourage the
3721 development of technology products specifically designed to answer
3722 Mississippi's educational needs;

3723 (d) Encouraging an environment receptive to
3724 technological progress in education throughout the state; and

3725 (e) Working with other state entities to maximize the
3726 use and benefit of the state's technology infrastructure, to avoid
3727 duplication of public and private resources and to maximize the
3728 purchasing ability of the state. When appropriate, shared

3729 resources and competitive bidding shall be used.

3730 All contracts, requests for proposals and bid awards shall be
3731 subject to the approval of the Mississippi Department of
3732 Information Technology Services.

3733 SECTION 83. Section 37-151-69, Mississippi Code of 1972, is
3734 amended as follows:[LH74]

3735 37-151-69. (1) There is created the Mississippi Work Force
3736 Development Advisory Council, which shall have the following
3737 duties:

3738 (a) To provide a forum for developing the necessary
3739 collaboration among state agencies at the highest level for
3740 accomplishing the purposes of this article;

3741 (b) To monitor the effectiveness of the career centers
3742 and district councils created pursuant to this article;

3743 (c) To advise the Governor and public schools,
3744 community * * * colleges and institutions of higher learning on
3745 effective school-to-work transition policies and programs that
3746 link students moving from high school to higher education and
3747 students moving between community colleges and four-year
3748 institutions in pursuit of academic and technical skills training;

3749 (d) To work with industry to identify barriers that
3750 inhibit the delivery of quality work force education and the
3751 responsiveness of educational institutions to the needs of
3752 industry; and

3753 (e) To provide periodic assessments on effectiveness
3754 and results of the system of career centers and district councils.

3755 (2) The state council shall be composed of the following
3756 seventeen (17) persons:

3757 (a) A private sector representative from each of the
3758 following six (6) district councils * * *: a representative of
3759 Northwest Mississippi Community College district; Northeast
3760 Mississippi Community College district; Central Mississippi
3761 Community College district; East Central Mississippi Community

3762 College district; Southwest Mississippi Community College
3763 district; and South Mississippi Community College district * * *.

3764 All * * * appointments shall be for a term of three (3) years and
3765 continue until their successors are appointed and qualify. An
3766 appointment to fill a vacancy which arises for reasons other than
3767 by expiration of a term of office shall be for the unexpired term
3768 only;

3769 (b) The State Superintendent of Public Education;

3770 (c) The Commissioner of Higher Education;

3771 * * *

3772 (d) The Executive Director of the Mississippi
3773 Employment Security Commission;

3774 (e) The Executive Director of the Mississippi
3775 Department of Human Services;

3776 (f) The Executive Director of the Mississippi
3777 Department of Economic and Community Development;

3778 (g) The Governor of the State of Mississippi;

3779 (h) A representative of the private business sector
3780 appointed by the Governor;

3781 (i) A representative of the State Literacy Resource
3782 Center;

3783 (j) The Executive Director of the Mississippi
3784 Department of Rehabilitation Services;

3785 (k) An employee representing an employee group or
3786 association appointed by the Lieutenant Governor; and

3787 (l) An executive of a major service provider appointed
3788 by the Lieutenant Governor.

3789 (3) The Executive Director of the Mississippi Department of
3790 Economic and Community Development and the Governor's private
3791 business sector appointee to the state council shall serve as the
3792 cochairs of the state council.

3793 (4) The * * * Board of Trustees of State Institutions of
3794 Higher Learning shall provide the necessary staff and

3795 administrative support to the state council.

3796 SECTION 84. Section 37-151-75, Mississippi Code of 1972, is
3797 amended as follows:[LH75]

3798 37-151-75. The * * * Board of Trustees of State Institutions
3799 of Higher Learning is designated as the primary support agency to
3800 the career centers and district councils. The * * * board of
3801 trustees may exercise the following powers:

3802 (a) To provide the career centers the assistance
3803 necessary to accomplish the purposes of this article;

3804 (b) To provide the career centers consistent standards
3805 and benchmarks to guide development of the local work force
3806 development system and to provide a means by which the outcomes of
3807 local services can be measured;

3808 (c) To develop the staff capacity to provide, broker or
3809 contract for the provision of technical assistance to the career
3810 centers, including, but not limited to:

3811 (i) Training local staff in methods of recruiting,
3812 assessment and career counseling;

3813 (ii) Establishing rigorous and comprehensive local
3814 pre-employment training programs;

3815 (iii) Developing local institutional capacity to
3816 deliver Total Quality Management training;

3817 (iv) Developing local institutional capacity to
3818 transfer new technologists into the marketplace;

3819 (v) Expanding the Skills Enhancement Program and
3820 improving the quality of adult literacy programs; and

3821 (vi) Developing data for strategic planning;

3822 (d) To collaborate with the Department of Economic and
3823 Community Development and other economic development organizations
3824 to increase the community college systems' economic development
3825 potential;

3826 (e) To administer presented and approved certification
3827 programs by the community colleges for tax credits and partnership

3828 funding for corporate training;

3829 (f) To create and maintain an evaluation team that
3830 examines which kinds of curricula and programs and what forms of
3831 quality control of training are most productive so that the
3832 knowledge developed at one (1) institution of education can be
3833 transferred to others;

3834 (g) To develop internal capacity to provide services
3835 and to contract for services from universities and other providers
3836 directly to local institutions;

3837 (h) To develop and administer an incentive
3838 certification program; and

3839 (i) To develop and hire staff and purchase equipment
3840 necessary to accomplish the goals set forth in this section.

3841 SECTION 85. Section 37-155-9, Mississippi Code of 1972, is
3842 amended as follows:[LH76]

3843 37-155-9. In addition to the powers granted by any other
3844 provision of this act, the board of directors shall have the
3845 powers necessary or convenient to carry out the purposes and
3846 provisions of this act, the purposes and objectives of the trust
3847 fund and the powers delegated by any other law of the state or any
3848 executive order thereof, including, but not limited to, the
3849 following express powers:

3850 (a) To adopt and amend bylaws;

3851 (b) To adopt such rules and regulations as are
3852 necessary to implement the provisions of this act;

3853 (c) To invest any funds of the trust fund in any
3854 instrument, obligation, security or property that constitutes
3855 legal investments for public funds in the state and to name and
3856 use depositories for its investments and holdings;

3857 (d) To execute contracts and other necessary
3858 instruments;

3859 (e) To impose reasonable requirements for residency for
3860 beneficiaries at the time or purchase of the contract;

3861 (f) To impose reasonable limits on the number of
3862 contract participants in the trust fund at any given period of
3863 time;

3864 (g) To contract for necessary goods and services, to
3865 employ necessary personnel, and to engage the services of
3866 consultants for administrative and technical assistance in
3867 carrying out the responsibilities of the trust fund;

3868 (h) To solicit and accept gifts, including
3869 bequeathments or other testamentary gifts made by will, trust or
3870 other disposition, grants, loans and other aids from any personal
3871 source or to participate in any other way in any federal, state or
3872 local governmental programs in carrying out the purposes of this
3873 act. Any gifts made to the board under this subsection (h) shall
3874 be deductible from taxable income of the state in the tax year;

3875 (i) To define the terms and conditions under which
3876 payments may be withdrawn or refunded from the trust fund
3877 including, but not limited to, the amount paid in and an
3878 additional amount in the nature of interest at a rate that
3879 corresponds, at a minimum, to the prevailing interest rates for
3880 savings accounts provided by banks and savings and loan
3881 associations and impose reasonable charges for such withdrawal or
3882 refund;

3883 (j) To ensure applicability to private and out-of-state
3884 tuitions:

3885 (i) Under the program, a state purchaser may enter
3886 into a prepaid tuition contract with the board under which the
3887 purchaser agrees to attend a public institution of higher
3888 education in Mississippi;

3889 (ii) If the beneficiary of a plan described by
3890 Section 6(a)(b)(c) enrolls in any in-state or out-of-state
3891 regionally accredited private four- or two-year college or an
3892 out-of-state regionally accredited, state-supported, nonprofit
3893 four- or two-year college or university, the board shall pay to

3894 the institution an amount up to but not greater than the tuition
3895 and required fees that the board would have paid had the
3896 beneficiary enrolled in an institution of higher education covered
3897 by the plan selected in the prepaid tuition contract. The
3898 beneficiary is responsible for paying a private institution or an
3899 out-of-state public institution the amount by which the tuition
3900 and required fees of the institution exceed the tuition and
3901 required fees paid by the board;

3902 (k) To impose reasonable time limits on the use of the
3903 tuition benefits provided by the program;

3904 (l) To provide for the receipt of contributions to the
3905 trust fund in lump sums or installment payments;

3906 (m) To adopt an official seal and rules;

3907 (n) To sue and be sued;

3908 (o) To establish agreements or other transactions with
3909 federal, state and local agencies, including state universities
3910 and community colleges;

3911 (p) To appear in its own behalf before boards,
3912 commissions or other governmental agencies;

3913 (q) To segregate contributions and payments to the fund
3914 into various accounts and funds;

3915 (r) To require and collect administrative fees and
3916 charges in connection with any transaction and impose reasonable
3917 penalties, including default, for delinquent payments or for
3918 entering into an advance payment contract on a fraudulent basis;

3919 (s) To procure insurance against any loss in connection
3920 with the property, assets and activities of the fund or the board;

3921 (t) To require that purchasers of advance payment
3922 contracts verify, under oath, any requests for contract
3923 conversions, substitutions, transfers, cancellations, refund
3924 requests or contract changes of any nature;

3925 (u) To administer the fund in a manner that is
3926 sufficiently actuarially sound to meet the obligations of the

3927 program. The board shall annually evaluate or cause to be
3928 evaluated the actuarial soundness of the fund. If the board
3929 perceives a need for additional assets in order to preserve
3930 actuarial soundness, the board may adjust the terms of subsequent
3931 advance payment contracts to ensure such soundness;

3932 (v) To establish a comprehensive investment plan for
3933 the purposes of this section. The comprehensive investment plan
3934 shall specify the investment policies to be utilized by the board
3935 in its administration of the fund. The board may authorize
3936 investments in:

3937 (i) Bonds, notes, certificates and other valid
3938 general obligations of the State of Mississippi, or of any county,
3939 or of any city, or of any supervisors district of any county of
3940 the State of Mississippi, or of any school district bonds of the
3941 State of Mississippi; notes or certificates of indebtedness issued
3942 by the Veterans' Home Purchase Board of Mississippi, provided such
3943 notes or certificates of indebtedness are secured by the pledge of
3944 collateral equal to two hundred percent (200%) of the amount of
3945 the loan, which collateral is also guaranteed at least for fifty
3946 percent (50%) of the face value by the United States government,
3947 and provided that not more than five percent (5%) of the total
3948 investment holdings of the system shall be in Veterans' Home
3949 Purchase Board notes or certificates at any time; real estate
3950 mortgage loans one hundred percent (100%) insured by the Federal
3951 Housing Administration on single family homes located in the State
3952 of Mississippi, where monthly collections and all servicing
3953 matters are handled by Federal Housing Administration approved
3954 mortgagees authorized to make such loans in the State of
3955 Mississippi;

3956 (ii) State of Mississippi highway bonds;

3957 (iii) Funds may be deposited in federally insured
3958 institutions domiciled in the State of Mississippi or a custodial
3959 bank which appears on the State of Mississippi Treasury

3960 Department's approved depository list and/or safekeeper list;

3961 (iv) Corporate bonds of investment grade as rated

3962 by Standard & Poor's or by Moody's Investment Service, with bonds

3963 rated BAA/BBB not to exceed five percent (5%) of the book value of

3964 the total fixed income investments; or corporate short-term

3965 obligations of corporations or of wholly owned subsidiaries of

3966 corporations, whose short-term obligations are rated A-3 or better

3967 by Standard and Poor's or rated P-3 or better by Moody's

3968 Investment Service;

3969 (v) Bonds of the Tennessee Valley Authority;

3970 (vi) Bonds, notes, certificates and other valid

3971 obligations of the United States, and other valid obligations of

3972 any federal instrumentality that issues securities under authority

3973 of an act of Congress and are exempt from registration with the

3974 Securities and Exchange Commission;

3975 (vii) Bonds, notes, debentures and other

3976 securities issued by any federal instrumentality and fully

3977 guaranteed by the United States. Direct obligations issued by the

3978 United States of America shall be deemed to include securities of,

3979 or other interests in, any open-end or closed-end management type

3980 investment company or investment trust registered under the

3981 provisions of 15 USCS Section 80(a)-1 et seq., provided that the

3982 portfolio of such investment company or investment trust is

3983 limited to direct obligations issued by the United States of

3984 America, United States government agencies, United States

3985 government instrumentalities or United States government sponsored

3986 enterprises, and to repurchase agreements fully collateralized by

3987 direct obligations of the United States of America, United States

3988 government agencies, United States government instrumentalities or

3989 United States government sponsored enterprises, and the investment

3990 company or investment trust takes delivery of such collateral for

3991 the repurchase agreement, either directly or through an authorized

3992 custodian. The State Treasurer and the Executive Director of the

3993 Department of Finance and Administration shall review and approve
3994 the investment companies and investment trusts in which funds may
3995 be invested. The total dollar amount of funds invested in all
3996 open-end and closed-end management type investment companies and
3997 investment trusts at any one time shall not exceed twenty percent
3998 (20%) of the total dollar amounts of funds invested;

3999 (viii) Interest-bearing bonds or notes which are
4000 general obligations of any other state in the United States or of
4001 any city or county therein, provided such city or county had a
4002 population as shown by the federal census next preceding such
4003 investment of not less than twenty-five thousand (25,000)
4004 inhabitants and provided that such state, city or county has not
4005 defaulted for a period longer than thirty (30) days in the payment
4006 of principal or interest on any of its general obligation
4007 indebtedness during a period of ten (10) calendar years
4008 immediately preceding such investment;

4009 (ix) Shares of stocks, common and/or preferred, of
4010 corporations created by or existing under the laws of the United
4011 States or any state, district or territory thereof; provided:

4012 (A) The maximum investments in stocks shall
4013 not exceed fifty percent (50%) of the book value of the total
4014 investment fund of the system;

4015 (B) The stock of such corporation shall:

4016 1. Be listed on a national stock
4017 exchange, or

4018 2. Be traded in the over-the-counter
4019 market, provided price quotations for such over-the-counter stocks
4020 are quoted by the National Association of Securities Dealers
4021 Automated Quotation System (NASDAQ);

4022 (C) The outstanding shares of such
4023 corporation shall have a total market value of not less than Fifty
4024 Million Dollars (\$50,000,000.00);

4025 (D) The amount of investment in any one (1)

4026 corporation shall not exceed three percent (3%) of the book value
4027 of the assets of the system; and

4028 (E) The shares of any one (1) corporation
4029 owned by the system shall not exceed five percent (5%) of that
4030 corporation's outstanding stock;

4031 (x) Bonds rated Single A or better, stocks and
4032 convertible securities of established non-United States companies,
4033 which companies are listed on only primary national stock
4034 exchanges of foreign nations; and in foreign government securities
4035 rated Single A or better by a recognized rating agency; provided
4036 that the total book value of investments under this paragraph
4037 shall at no time exceed twenty percent (20%) of the total book
4038 value of all investments of the system. The board may take
4039 requisite action to effectuate or hedge such transactions through
4040 foreign banks, including the purchase and sale, transfer, exchange
4041 or otherwise disposal of, and generally deal in foreign exchange
4042 through the use of foreign currency, interbank forward contracts,
4043 futures contracts, options contracts, swaps and other related
4044 derivative instruments, notwithstanding any other provisions of
4045 this act to the contrary;

4046 (xi) Covered call and put options on securities
4047 traded on one or more of the regulated exchanges;

4048 (xii) Pooled or commingled funds managed by a
4049 corporate trustee or by a Securities and Exchange Commission
4050 registered investment advisory firm retained as an investment
4051 manager by the board of directors, and shares of investment
4052 companies and unit investment trusts registered under the
4053 Investment Company Act of 1940 where such pooled or commingled
4054 funds or shares are comprised of common or preferred stocks,
4055 bonds, money market instruments or other investments authorized
4056 under this section. Such investment in commingled funds or shares
4057 shall be held in trust; provided that the total book value of
4058 investments under this paragraph shall at no time exceed five

4059 percent (5%) of the total book value of all investments of the
4060 system. Any investment manager approved by the board of directors
4061 shall invest such commingled funds or shares as a fiduciary;

4062 (xiii) Pooled or commingled real estate funds or
4063 real estate securities managed by a corporate trustee or by a
4064 Securities and Exchange Commission registered investment advisory
4065 firm retained as an investment manager by the board of directors.

4066 Such investment in commingled funds or shares shall be held in
4067 trust; provided that the total book value of investments under
4068 this paragraph shall at no time exceed five percent (5%) of the
4069 total book value of all investments of the system. Any investment
4070 manager approved by the board of directors shall invest such
4071 commingled funds or shares as a fiduciary. The five percent (5%)
4072 limitation in this paragraph shall not be subject to the five
4073 percent (5%) limitation in subparagraph (xii) of this section;

4074 (w) All investments shall be acquired by the board at
4075 prices not exceeding the prevailing market values for such
4076 securities;

4077 (x) Any limitations herein set forth shall be
4078 applicable only at the time of purchase and shall not require the
4079 liquidation of any investment at any time. All investments shall
4080 be clearly marked to indicate ownership by the system and to the
4081 extent possible shall be registered in the name of the system;

4082 (y) Subject to the above terms, conditions, limitations
4083 and restrictions, the board shall have power to sell, assign,
4084 transfer and dispose of any of the securities and investments of
4085 the system, provided that said sale, assignment or transfer has
4086 the majority approval of the entire board. The board may employ
4087 or contract with investment managers, evaluation services or other
4088 such services as determined by the board to be necessary for the
4089 effective and efficient operation of the system;

4090 (z) Except as otherwise provided herein, no trustee and
4091 no employee of the board shall have any direct or indirect

4092 interest in the income, gains or profits of any investment made by
4093 the board, nor shall any such person receive any pay or emolument
4094 for his services in connection with any investment made by the
4095 board. No trustee or employee of the board shall become an
4096 endorser or surety, or in any manner an obligor for money loaned
4097 by or borrowed from the system;

4098 (aa) All interest derived from investments and any
4099 gains from the sale or exchange of investments shall be credited
4100 by the board to the account of the system;

4101 (bb) To delegate responsibility for administration of
4102 the comprehensive investment plan to a consultant the board
4103 determines to be qualified. Such consultant shall be compensated
4104 by the board. Directly or through such consultant, the board may
4105 contract to provide such services as may be a part of the
4106 comprehensive investment plan or as may be deemed necessary or
4107 proper by the board or such consultant, including, but not limited
4108 to, providing consolidated billing, individual and collective
4109 record keeping and accounting, and asset purchase, control and
4110 safekeeping;

4111 (cc) To annually prepare or cause to be prepared a
4112 report setting forth in appropriate detail an accounting of the
4113 fund and a description of the financial condition of the program
4114 at the close of each fiscal year. Such report shall be submitted
4115 to the Governor, the Lieutenant Governor, the President of the
4116 Senate, the Speaker of the House of Representatives, and members
4117 of the Board of Trustees of State Institutions of Higher
4118 Learning * * * and the State Board of Education on or before March
4119 31 each year. In addition, the board shall make the report
4120 available to purchasers of advance payment contracts. The board
4121 shall provide to the Board of Trustees of State Institutions of
4122 Higher Learning * * * by March 31 each year complete advance
4123 payment contract sales information including projected
4124 postsecondary enrollments of beneficiaries. The accounts of the

4125 fund shall be subject to annual audits by the State Auditor or his
4126 designee;

4127 (dd) To solicit proposals for the marketing of the
4128 Mississippi Prepaid Affordable College Tuition Program. The
4129 entity designated pursuant to this paragraph shall serve as a
4130 centralized marketing agent for the program and shall solely be
4131 responsible for the marketing of the program. Any materials
4132 produced for the purpose of marketing the programs shall be
4133 submitted to the board for review. No such materials shall be
4134 made available to the public before the materials are approved by
4135 the board. Any educational institution may distribute marketing
4136 materials produced for the program; however, all such materials
4137 shall have been approved by the board prior to distribution.
4138 Neither the state nor the board shall be liable for

4139 misrepresentation of the program by a marketing agent; and

4140 (ee) To establish other policies, procedures and
4141 criteria necessary to implement and administer the provisions of
4142 this act.

4143 For efficient and effective administration of the program and
4144 trust fund, the board may authorize the State of Mississippi
4145 Treasury Department and/or the State Treasurer to carry out any or
4146 all of the powers and duties enumerated above.

4147 SECTION 86. Section 37-157-1, Mississippi Code of 1972, is
4148 amended as follows:[LH77]

4149 37-157-1. (1) The tuition at any institution of higher
4150 education in the state shall be paid by the state on behalf of any
4151 student who enrolls in such a school to pursue an academic
4152 undergraduate degree, who applies for the payment thereof, and who
4153 meets all of the following qualifications:

4154 (a) Actual residence in Mississippi during the
4155 twenty-four (24) months immediately preceding university
4156 enrollment. For the purposes of this paragraph, residency shall
4157 be demonstrated by proof of the following as required by the

4158 administering agency:

4159 (i) If registered to vote, being registered in
4160 Mississippi.

4161 (ii) If licensed to drive a motor vehicle, being
4162 in possession of a Mississippi driver's license.

4163 (iii) If owning a motor vehicle located within
4164 Mississippi, being in possession of Mississippi registration for
4165 that vehicle.

4166 (iv) If earning an income, having filed a
4167 Mississippi state income tax return and having complied with state
4168 income tax laws and regulations.

4169 (b) Having a parent or guardian who is a domiciliary of
4170 Mississippi.

4171 (c) Graduation from high school within the two (2)
4172 years preceding the application with a minimum cumulative grade
4173 point average of 2.5 calculated on a 4.0 scale.

4174 (d) Successful completion of seventeen and one-half
4175 (17-1/2) units of high school course work (Grade 9 level or
4176 higher) which constitutes a core curriculum and meets standards
4177 for admission to the desired college or university. The core
4178 curriculum is defined as follows:

4179 (i) English I, II, III and IV (four (4) units).

4180 (ii) Algebra I and II (two (2) units).

4181 (iii) Geometry, Trigonometry, Calculus or
4182 comparable Advanced Mathematics (one (1) unit).

4183 (iv) Biology (one (1) unit).

4184 (v) Chemistry (one (1) unit).

4185 (vi) Earth Science, Environmental Science,
4186 Physical Science, Biology II, Chemistry II or Physics (one (1)
4187 unit).

4188 (vii) American History (one (1) unit).

4189 (viii) World History, World Cultures, Western
4190 Civilization or World Geography (one (1) unit).

4191 (ix) Civics and/or Economics (one (1) unit).

4192 (x) Fine Arts Survey (one (1) unit; or substitute
4193 two (2) units of performance courses in music, dance or theater;
4194 or substitute two (2) units of studio art courses).

4195 (xi) Foreign Language (two (2) units in a single
4196 language).

4197 (xii) Computer Science, Computer Literacy or Data
4198 Processing (one-half (1/2) unit).

4199 (xiii) Electives from the above (one (1) unit).

4200 (e) Having a composite score on the American College
4201 Test of at least twenty (20) on the 1989 version or an equivalent
4202 concordant value on an enhanced version of such test.

4203 (f) Having no criminal record, except for misdemeanor
4204 traffic violations.

4205 (g) Being in financial need.

4206 (2) For purposes of this section:

4207 (a) "Institution of higher education" shall mean any of
4208 the following institutions of higher learning or community or
4209 junior colleges located in Mississippi: Alcorn State University,
4210 Delta State University, Jackson State University, Mississippi
4211 State University, Mississippi University for Women, Mississippi
4212 Valley State University, University of Mississippi, University of
4213 Southern Mississippi, Central Mississippi Community College, East
4214 Central Mississippi Community College, * * * Northeast Mississippi
4215 Community College, Northwest Mississippi Community College, South
4216 Mississippi Community College, Southwest Mississippi Community
4217 College, Belhaven College, Blue Mountain College, Millsaps
4218 College, Mississippi College, Rust College, Tougaloo College,
4219 William Carey College, Mary Holmes College, Magnolia Bible College
4220 and Wood College.

4221 (b) "Tuition" shall mean the semester or trimester or
4222 term charges and all required fees imposed by an institution of
4223 higher education as a condition of enrollment by all students.

4224 However, for a two-year nonpublic institution of higher education
4225 defined in paragraph (a), the tuition payments shall not exceed
4226 the average charges and fees required by all of the two-year
4227 public institutions of higher education defined in paragraph (a),
4228 and for a four-year nonpublic institution of higher education
4229 defined in paragraph (a), the tuition payments shall not exceed
4230 the average charges and fees required by all of the four-year
4231 public institutions of higher education defined in paragraph (a).

4232 (3) The tuition at any institution of higher education in
4233 the state shall be paid by the state on behalf of any student who
4234 enrolls in such a school to pursue an academic undergraduate or
4235 associate degree, who applies for the payment thereof, and who
4236 meets the qualifications enumerated in paragraphs (a), (b), (f)
4237 and (g) of subsection (1) but who fails to meet one (1) of the
4238 particular requirements established by paragraph (c), (d) or (e)
4239 of subsection (1) by an amount of ten percent (10%) or less.

4240 (4) To maintain continued state payment of tuition, once
4241 enrolled in an institution of higher education, a student shall
4242 meet all of the following requirements:

4243 (a) Make steady academic progress toward a degree,
4244 earning not less than the minimum number of hours of credit
4245 required for full-time standing in each academic period requiring
4246 such enrollment;

4247 (b) Maintain continuous enrollment for not less than
4248 two (2) semesters or three (3) quarters in each successive
4249 academic year, unless granted an exception for cause by the
4250 administering agency;

4251 (c) Have a cumulative grade point average of at least
4252 2.5 calculated on a 4.0 scale at the end of the first academic
4253 year and thereafter maintain such a cumulative grade point average
4254 as evaluated at the end of each academic year;

4255 (d) Have no criminal record, except for misdemeanor
4256 traffic violations; and

4257 (e) Be found to be in financial need.

4258 (5) The provisions of this chapter shall be administered by
4259 the Board of Trustees of State Institutions of Higher
4260 Learning * * *. The board may provide by rule for all matters
4261 necessary for the implementation of this chapter.

4262 (6) By rule, the board shall provide for:

4263 (a) A mechanism for informing all students of the
4264 availability of the assistance provided pursuant to this chapter
4265 early enough in their schooling that a salutary motivational
4266 effect is possible.

4267 (b) Applications, forms, financial audit procedures,
4268 eligibility and other program audit procedures and other matters
4269 related to efficient operation.

4270 (c) A procedure for waiver through the 1996-1997
4271 academic year of the program eligibility requirement for
4272 successful completion of a specified core curriculum upon proper
4273 documentation by the applicant that failure to comply with such
4274 requirement is due solely to the fact that the required course or
4275 courses were not available to the applicant at the school
4276 attended.

4277 (7) An applicant shall be found to be in financial need if:

4278 (a) The family has one (1) child under the age of
4279 twenty-one (21), and the two-year average annual adjusted gross
4280 income of the family is less than Thirty-six Thousand Five Hundred
4281 Dollars (\$36,500.00); or

4282 (b) The family has a two-year average annual adjusted
4283 gross income of less than Thirty-six Thousand Five Hundred Dollars
4284 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
4285 additional child under the age of twenty-one (21).

4286 The two-year average annual adjusted gross income of the
4287 family shall be verified by Internal Revenue Service returns or by
4288 certified affidavits in cases of income that cannot be verified by
4289 such returns.

4290 As used in this subsection, the term "family" for an
4291 unemancipated applicant means the applicant, the applicant's
4292 parents, and other children under age twenty-one (21) of the
4293 applicant's parents. The term "family" for an emancipated
4294 applicant means the applicant, an applicant's spouse, and any
4295 children under age twenty-one (21) of the applicant and spouse.

4296 (8) An appropriation of funds may annually be made to the
4297 board sufficient to cover, in addition to any other available
4298 funds, the costs of tuition required to be paid, both initial and
4299 continuing, for the coming academic year. All such payments shall
4300 be made directly to the institution to which such tuition is due
4301 after notice to the school that the state shall pay the tuition of
4302 a student and after notice from the school that the student has
4303 actually enrolled.

4304 (9) The board may seek, accept and expend funds from any
4305 source, including private business, industry, foundations and
4306 other groups as well as any federal or other governmental funding
4307 available for this purpose.

4308 (10) No student shall receive a grant pursuant to this
4309 chapter in an amount greater than the tuition charged by the
4310 school. The student must apply for a federal grant prior to
4311 receiving state funds.

4312 SECTION 87. Section 41-87-5, Mississippi Code of 1972, is
4313 amended as follows:[LH78]

4314 41-87-5. Unless the context requires otherwise, the
4315 following definitions in this section apply throughout this
4316 chapter:

4317 (a) "Eligible infants and toddlers" or "eligible
4318 children" means children from birth through thirty-six (36) months
4319 of age who need early intervention services because they:

4320 (i) Are experiencing developmental delays as
4321 measured by appropriate diagnostic instruments and procedures in
4322 one or more of the following areas:

- 4323 (A) Cognitive development;
- 4324 (B) Physical development, including vision or
4325 hearing;
- 4326 (C) Communication development;
- 4327 (D) Social or emotional development;
- 4328 (E) Adaptive development.

4329 (ii) Have a diagnosed physical or mental
4330 condition, as defined in state policy, that has a high probability
4331 of resulting in developmental delay.

4332 (iii) Are at risk of having substantial
4333 developmental delays if early intervention services are not
4334 provided due to conditions as defined in state policy. (This
4335 category may be served at the discretion of the lead agency
4336 contingent upon available resources.)

4337 (b) "Early intervention services" are developmental
4338 services that:

4339 (i) Are provided under public supervision;

4340 (ii) Are provided at no cost except where federal
4341 or state law provides for a system of payments by families,
4342 including a schedule of sliding fees;

4343 (iii) Are designed to meet the developmental needs
4344 of an infant or toddler with a disability in any one or more of
4345 the following areas:

4346 (A) Physical development;

4347 (B) Cognitive development;

4348 (C) Communication development;

4349 (D) Social or emotional development; or

4350 (E) Adaptive development;

4351 (iv) Meet the requirements of Part H of the
4352 Individuals with Disabilities Education Act (IDEA) and the early
4353 intervention standards of the State of Mississippi;

4354 (v) Include, but are not limited to, the following
4355 services:

- 4356 (A) Assistive technology devices and
4357 assistive technology services;
- 4358 (B) Audiology;
- 4359 (C) Family training, counseling and home
4360 visits;
- 4361 (D) Health services necessary to enable a
4362 child to benefit from other early intervention services;
- 4363 (E) Medical services only for diagnostic or
4364 evaluation purposes;
- 4365 (F) Nutrition services;
- 4366 (G) Occupational therapy;
- 4367 (H) Physical therapy;
- 4368 (I) Psychological services;
- 4369 (J) Service coordination (case management);
- 4370 (K) Social work services;
- 4371 (L) Special instruction;
- 4372 (M) Speech-language pathology;
- 4373 (N) Transportation and related costs that are
4374 necessary to enable an infant or toddler and her/his family to
4375 receive early intervention services; and
- 4376 (O) Vision services;
- 4377 (vi) Are provided by qualified personnel as
4378 determined by the state's personnel standards, including:
- 4379 (A) Audiologists;
- 4380 (B) Family therapists;
- 4381 (C) Nurses;
- 4382 (D) Nutritionists;
- 4383 (E) Occupational therapists;
- 4384 (F) Orientation and mobility specialists;
- 4385 (G) Pediatricians and other physicians;
- 4386 (H) Physical therapists;
- 4387 (I) Psychologists;
- 4388 (J) Social workers;

4389 (K) Special educators;

4390 (L) Speech and language pathologists;

4391 (vii) Are provided, to the maximum extent
4392 appropriate, in natural environments, including the home, and
4393 community settings in which children without disabilities would
4394 participate;

4395 (viii) Are provided in conformity with an
4396 individualized family service plan.

4397 (c) "Council" means the State Interagency Coordinating
4398 Council established under Section 41-87-7.

4399 (d) "Lead agency" means the State Department of Health.

4400 (e) "Participating agencies" includes, but is not
4401 limited to, the State Department of Education, the Department of
4402 Human Services, the State Department of Health, the Division of
4403 Medicaid, the State Department of Mental Health, the University
4404 Medical Center and the Board of Trustees of State Institutions of
4405 Higher Learning * * *.

4406 (f) "Local community" means a county either jointly,
4407 severally, or a portion thereof, participating in the provision of
4408 early intervention services.

4409 (g) "Primary service agency" means the agency, whether
4410 a state agency, local agency, local interagency council or service
4411 provider which is designated by the lead agency to serve as the
4412 fiscal and contracting agent for a local community.

4413 (h) "Multidisciplinary team" means a group comprised of
4414 the parent(s) or legal guardian and the service providers, as
4415 appropriate, described in paragraph (b) of this section, who are
4416 assembled for the purposes of:

4417 (i) Assessing the developmental needs of an infant
4418 or toddler;

4419 (ii) Developing the individualized family service
4420 plan; and

4421 (iii) Providing the infant or toddler and his or

4422 her family with the appropriate early intervention services as
4423 detailed in the individualized family service plan.

4424 (i) "Individualized family service plan" means a
4425 written plan designed to address the needs of the infant or
4426 toddler and his or her family as specified under Section 41-87-13.

4427 (j) "Early intervention standards" means those
4428 standards established by any agency or agencies statutorily
4429 designated the responsibility to establish standards for infants
4430 and toddlers with disabilities, in coordination with the council
4431 and in accordance with Part H of IDEA.

4432 (k) "Early intervention system" means the total
4433 collaborative effort in the state that is directed at meeting the
4434 needs of eligible children and their families.

4435 (l) "Parent" means a parent, a guardian, a person
4436 acting as a parent of a child, or an appointed surrogate parent.
4437 The term does not include the state if the child is a ward of the
4438 state. When a child is the ward of the state, a Department of
4439 Human Services representative will act as parent for purposes of
4440 service authorization.

4441 (m) "Policies" means the state statutes, regulations,
4442 Governor's orders, directives by the lead agency, or other written
4443 documents that represent the state's position concerning any
4444 matter covered under this chapter.

4445 (n) "Regulations" means the United States Department of
4446 Education's regulations concerning the governance and
4447 implementation of Part H of IDEA, the Early Intervention Program
4448 for Infants and Toddlers with Disabilities.

4449 SECTION 88. Section 43-1-30, Mississippi Code of 1972, is
4450 amended as follows:[LH79]

4451 43-1-30. (1) There is hereby created the Mississippi TANF
4452 Implementation Council. It shall serve as the independent, single
4453 state advisory and review council for assuring Mississippi's
4454 compliance with the federal Personal Responsibility and Work

4455 Opportunity Reconciliation Act of 1996 (Public Law 104-193), as
4456 amended. The council shall further cooperation between
4457 government, education and the private sector in meeting the needs
4458 of the TANF program. It shall also further cooperation between
4459 the business and labor communities, education and training
4460 delivery systems, and between businesses in developing highly
4461 skilled workers for high skill, high paying jobs in Mississippi.

4462 (2) The council shall be comprised of thirteen (13) public
4463 members and certain ex officio nonvoting members. All public
4464 members of the council shall be appointed as follows by the
4465 Governor:

4466 Ten (10) members shall be representatives from business and
4467 industry, provided that no fewer than five (5) members are from
4468 the manufacturing and industry sector who are also serving as
4469 members of private industry councils established within the state,
4470 and one (1) member may be a representative of a nonprofit
4471 organization. Three (3) members shall be recipients or former
4472 recipients of TANF assistance appointed from the state at large.

4473 The ex officio nonvoting members of the council shall consist
4474 of the following, or their designees:

4475 (a) The Executive Director of the Mississippi
4476 Department of Human Services;

4477 (b) The Executive Director of the Mississippi
4478 Employment Security Commission;

4479 (c) The Executive Director of the Mississippi
4480 Department of Economic and Community Development;

4481 (d) The State Superintendent of Public Education;

4482 (e) The Commissioner of Higher Education;

4483 (f) The Executive Director of the Division of Medicaid;

4484 (g) The Commissioner of the Mississippi Department of
4485 Corrections; and

4486 (h) The Director of the Mississippi Cooperative
4487 Extension Service.

4488 (3) The Governor shall designate one (1) public member to
4489 serve as chairman of the council for a term of two (2) years and
4490 until a successor as chairman is appointed and qualified.

4491 (4) The term of office for public members appointed by the
4492 Governor shall be four (4) years and until their successors are
4493 appointed and qualified.

4494 (5) Any vacancy shall be filled for the unexpired term by
4495 the Governor in the manner of the original appointment, unless
4496 otherwise specified in this section.

4497 (6) Public members shall receive a per diem as authorized in
4498 Section 25-3-69, for each day actually engaged in meetings of the
4499 council, and shall be reimbursed for mileage and necessary
4500 expenses incurred in the performance of their duties, as provided
4501 in Section 25-3-41.

4502 (7) The council shall:

4503 (a) Annually review and recommend policies and programs
4504 to the Governor and the Legislature that will implement and meet
4505 federal requirements under the TANF program .

4506 (b) Annually review and recommend policies and programs
4507 to the Governor and to the Legislature that will enable citizens
4508 of Mississippi to acquire the skills necessary to maximize their
4509 economic self-sufficiency.

4510 (c) Review the provision of services and the use of
4511 funds and resources under the TANF program, and under all
4512 state-financed job training and job retraining programs, and
4513 advise the Governor and the Legislature on methods of coordinating
4514 such provision of services and use of funds and resources
4515 consistent with the laws and regulations governing such programs.

4516 (d) Assist in developing outcome and output measures to
4517 measure the success of the Department of Human Services' efforts
4518 in implementing the TANF program. These recommendations shall be
4519 made to the Department of Human Services at such times as required
4520 in the event that the department implements new programs to comply

4521 with the TANF program requirements.

4522 (e) Collaborate with the Department of Economic and
4523 Community development, local planning and development districts
4524 and local industrial development boards, and shall develop an
4525 economic development plan for the creation of manufacturing jobs
4526 in each of the counties in the state that has an unemployment rate
4527 of ten percent (10%) or more, which shall include, but not be
4528 limited to, procedures for business development, entrepreneurship
4529 and financial and technical assistance.

4530 (8) A majority of the members of the council shall
4531 constitute a quorum for the conduct of meetings and all actions of
4532 the council shall be by a majority of the members present at a
4533 meeting.

4534 (9) The council shall adopt rules and regulations as it
4535 deems necessary to carry out its responsibilities under this
4536 section and under applicable federal human resources programs.

4537 (10) The council may make and enter into contracts and
4538 interagency agreements as may be necessary and proper.

4539 (11) The council is authorized to commit and expend monies
4540 appropriated to it by the Legislature for its authorized purposes.
4541 The council is authorized to solicit, accept and expend public and
4542 private gifts, grants, awards and contributions related to
4543 furtherance of its statutory duties.

4544 (12) Funds for the operations of the council shall be
4545 derived from federal funds for the operation of state councils
4546 pursuant to applicable federal human resources programs and from
4547 such other monies appropriated to it by the Legislature.

4548 SECTION 89. Section 45-4-3, Mississippi Code of 1972, is
4549 amended as follows:

4550 45-4-3. (1) There is hereby created the Board on County
4551 Jail Officer Standards and Training, which shall consist of seven
4552 (7) members.

4553 (2) The members shall be appointed as follows:

4554 (a) Two (2) members to be appointed by the Mississippi
4555 Association of Supervisors.

4556 (b) Three (3) members to be appointed by the
4557 Mississippi Association of Sheriffs.

4558 (c) One (1) member to be appointed by the * * * Board
4559 of Trustees of State Institutions of Higher Learning.

4560 (d) One (1) member to be appointed by the Governor.

4561 The initial appointments to the board shall be made no later
4562 than twenty (20) days after July 1, 1999, as follows:

4563 The Mississippi Association of Supervisors shall appoint one
4564 (1) member for a term of one (1) year and one (1) member for a
4565 term of three (3) years.

4566 The Mississippi Association of Sheriffs shall appoint one (1)
4567 member for a term of one (1) year, one (1) member for a term of
4568 two (2) years and one (1) member for a term of three (3) years.

4569 The * * * Board of Trustees of State Institutions of Higher
4570 Learning shall appoint one (1) member for a term of two (2) years.

4571 The Governor shall appoint one (1) member for a term of two
4572 (2) years.

4573 Upon the expiration of the terms of the initial appointees to
4574 the board, each subsequent appointment shall be made for a term of
4575 three (3) years, beginning on the date of the expiration of the
4576 previous term. A vacancy in any appointed position on the board
4577 prior to the expiration of a term shall be filled by appointment
4578 for the balance of the unexpired term.

4579 (3) Members of the board shall serve without compensation,
4580 but shall be entitled to receive reimbursement for any actual and
4581 reasonable expenses incurred as a necessary incident to such
4582 service, including mileage, as provided in Section 25-3-41.

4583 (4) There shall be a chairman and a vice chairman of the
4584 board, elected by and from the membership of the board. The board
4585 shall adopt rules and regulations governing times and places for
4586 meetings and governing the manner of conducting its business, but

4587 the board shall meet at least every three (3) months. Any member
4588 who is absent for three (3) consecutive regular meetings of the
4589 board may be removed by a majority vote of the board.

4590 (5) The Governor shall call an organizational meeting of the
4591 board not later than thirty (30) days after July 1, 1999.

4592 (6) The board shall report annually to the Governor and the
4593 Legislature on its activities, and may make such other reports as
4594 it deems desirable.

4595 SECTION 90. Section 53-3-51, Mississippi Code of 1972, is
4596 amended as follows:[LH80]

4597 53-3-51. (1) The Mississippi Commission on Environmental
4598 Quality, the county boards of supervisors, the mayors and boards
4599 of aldermen, the mayor and councilmen, the trustees of
4600 agricultural high schools * * *, the trustees of any common school
4601 districts, consolidated school districts, special consolidated
4602 school districts and separate school districts, and all other
4603 state boards, state officers, state agents, and the boards and
4604 officers of all political subdivisions of the State of
4605 Mississippi, who manage and control mineral and royalty interests,
4606 and are authorized by law to execute oil, gas or mineral leases
4607 thereon, are hereby authorized and empowered to execute, on behalf
4608 of the state or of such political, municipal, or other subdivision
4609 or agency thereof, agreements covering any lease or leases now in
4610 effect or which may hereafter be granted, and the mineral and
4611 royalty interests thereunder, for establishing and carrying out
4612 the cooperative development and operation of common accumulations
4613 of oil and gas, or both, in all or any portion of a field or area
4614 which appears from geological or other data to contain such common
4615 accumulations of oil or gas, or both, including the right and
4616 power to pool, consolidate and unitize the land covered by any
4617 lease or leases, now in effect or which may hereafter be granted,
4618 in its entirety or as to any stratum or strata or any portion or
4619 portions thereof, with other lands and leases in the immediate

4620 vicinity thereof, for the purpose of joint development and
4621 operation of the entire consolidated premises as a unit. Such
4622 agreements include, but are not limited to, all types of secondary
4623 recovery methods and operations, and operations known as cycling,
4624 recycling, pressure maintenance, repressuring, and water flooding,
4625 and the storage, processing and marketing of gas and all
4626 by-products of such operations.

4627 (2) When any mineral or royalty interest belonging to the
4628 state, or to any political subdivision or agency thereof, is
4629 included within the provisions of such unitization or other
4630 agreement, as authorized in subsection (1) hereof, the oil, gas
4631 and mineral lease on such interest shall be considered to be
4632 amended thereby to conform to such agreement, and such lease shall
4633 not terminate as long as the agreement continues in force. No
4634 such agreement shall provide for the payment of royalty on any
4635 basis which is less favorable to the state, or any such
4636 subdivision thereof, than the basis on which royalty is computed
4637 to other royalty owners.

4638 (3) The agreements herein authorized as to field-wide
4639 unitization shall not become effective until approved by the State
4640 Oil and Gas Board by an order duly entered on the minutes of said
4641 board, and when so approved shall become fully valid and binding.

4642 (4) The provisions of this section shall be cumulative of
4643 other existing laws not in conflict herewith.

4644 SECTION 91. Section 69-2-5, Mississippi Code of 1972, is
4645 amended as follows:

4646 69-2-5. (1) The Mississippi Cooperative Extension Service
4647 shall act as a clearinghouse for the dissemination of information
4648 regarding programs and services which may be available to help
4649 those persons and businesses which have been adversely affected by
4650 the present emergency in the agricultural community. The
4651 Cooperative Extension Service shall develop a plan of assistance
4652 which shall identify all programs and services available within

4653 the state which can be of assistance to those affected by the
4654 present emergency. The Department of Agriculture and Commerce,
4655 the Department of finance and Administration, Department of Human
4656 Services, Department of Mental Health, State Board of Health,
4657 Board of Trustees of State Institutions of Higher Learning,
4658 University Research * * * Center, Department of Economic and
4659 Community Development, Employment Security Commission, State Board
4660 of * * * Education, Mississippi Authority for Educational
4661 Television, and other agencies of the state which have programs
4662 and services that can be of assistance to those affected by the
4663 present emergency, shall provide information regarding their
4664 programs and services to the Cooperative Extension Service for use
4665 in the clearinghouse. The types of programs and services shall
4666 include but not be limited to financial counseling, farm and small
4667 business management, employment services, labor market
4668 information, job re-training, vocational and technical training,
4669 food stamp programs, personal counseling, health services, and
4670 free or low cost legal services. The clearinghouse shall provide
4671 a single contact point to provide program information and referral
4672 services to individuals interested or needing services from state
4673 funded assistance programs affecting agriculture, horticulture,
4674 aquaculture and other agribusinesses or related industries. Such
4675 assistance information shall identify all monies available under
4676 the Small Business Financing Act, the Business Investment Act, the
4677 Emerging Crop Fund legislation and any other sources which may be
4678 used singularly or combined, to provide a comprehensive financing
4679 package. The provisions of this section in establishing a single
4680 contact point for information and referral services shall not be
4681 construed to authorize the hiring of additional personnel.

4682 (2) The Cooperative Extension Service may accept monetary or
4683 in-kind contributions, gifts and grants for the establishment or
4684 operation of the clearinghouse.

4685 (3) The Cooperative Extension Service shall establish a

4686 method for the dissemination of information to those who can be
4687 benefited by the existing programs and services of the state.

4688 (4) The Cooperative Extension Service shall file an annual
4689 report with the Governor, Lieutenant Governor and Speaker of the
4690 House of Representatives regarding the efforts which have been
4691 made in the clearinghouse operation. The report shall also
4692 recommend any additional measures, including legislation, which
4693 may be needed or desired in providing programs and benefits to
4694 those affected by the agricultural emergency.

4695 SECTION 92. Section 75-59-1, Mississippi Code of 1972, is
4696 amended as follows:

4697 75-59-1. No person, firm or corporation shall contract to
4698 furnish correspondence courses to persons within the state unless
4699 such person, firm or corporation shall have obtained a permit from
4700 the Office of the Secretary of State, either (a) the State
4701 Department of Education * * * or (b) the Board of Trustees of
4702 State Institutions of Higher Learning, whichever is appropriate,
4703 and the Office of the Attorney General. An application for a
4704 permit shall be made on forms furnished by the Secretary of State,
4705 the State Department of Education * * * or the Board of Trustees
4706 of Institutions of Higher Learning, as the case may be, and the
4707 Attorney General and such application shall designate an agent for
4708 the service of summons within the state; shall contain the name
4709 and address of the applicant; the type of courses offered with a
4710 brief summary of the course of studies offered; and one (1) copy
4711 of all textbooks or other teaching aids and training materials
4712 which are incorporated in the course of study shall be filed with
4713 said application. The applicant shall pay the secretary of state
4714 a fee of Two Hundred Fifty Dollars (\$250.00). The applicant shall
4715 file a bond with his application in the sum of Fifty Thousand
4716 Dollars (\$50,000.00) conditioned to satisfy any judgment rendered
4717 by a court of competent jurisdiction, in favor of any person who
4718 has sustained damages as a result of the breach of a contract of

4719 instruction by the permittee. Such bond shall be executed by the
4720 permittee and a resident surety company qualified to transact
4721 business within the state. Such permit shall be valid for one (1)
4722 year from the date thereof. Suits against the permittee and his
4723 surety may be brought in the county where the plaintiff resides,
4724 or the county where the defendant has his principal place of
4725 business, or where his resident agent resides. This chapter shall
4726 not apply to any business school or business college holding a
4727 current certificate or license issued under the applicable law of
4728 this state. In addition, this chapter shall not apply to
4729 religious instructions offered by a recognized church
4730 denomination; provided, however, that no fee or charge of any kind
4731 whatever may be levied or collected directly or indirectly for
4732 such instructions or certificates issued in connection therewith
4733 or incidental thereto. No person shall be granted a permit unless
4734 he is an individual of good moral character.

4735 SECTION 93. Section 75-60-3, Mississippi Code of 1972, is
4736 amended as follows:

4737 75-60-3. As used in this chapter:

4738 (a) "Course of instruction" means the offering of
4739 instruction to individuals for a charge, fee or contribution of
4740 any kind, to a person or persons for the purpose of training or
4741 preparing such person(s) for a field of endeavor in a business,
4742 trade, technical or industrial occupation.

4743 (b) "Program of study" means a curriculum or set of
4744 individual courses in a particular area of specialization for
4745 which a diploma, degree, certificate or other written evidence of
4746 proficiency of achievement is offered or awarded.

4747 (c) "Agent" means any individual who solicits
4748 prospective students in Mississippi to enroll for a fee in a
4749 course of instruction.

4750 (d) "Person" means an individual, corporation,
4751 partnership, association or any other type of organization.

4752 (e) "Board" means the * * * Board of Trustees of State
4753 Institutions of Higher Learning.

4754 (f) "Commission" means the Commission on Proprietary
4755 School and College Registration established under this chapter.

4756 SECTION 94. Section 75-60-4, Mississippi Code of 1972, is
4757 amended as follows:

4758 75-60-4. (1) The * * * Board of Trustees of State
4759 Institutions of Higher Learning shall appoint a "Commission on
4760 Proprietary School and College Registration" to be composed of
4761 five (5) qualified members, one (1) appointed from each of the
4762 five (5) Mississippi congressional districts existing on January
4763 1, 1992. The membership of said commission shall be composed of
4764 persons who have held a teaching, managerial or other similar
4765 position with any public, private, trade, technical or other
4766 school; provided, however, that one (1) member of the commission
4767 shall be actively engaged in teaching, managerial or other similar
4768 position with a privately owned trade, technical or other school.
4769 The membership of said commission shall be appointed by the board
4770 of trustees within ninety (90) days of the passage of this
4771 chapter. In making the first appointments, two (2) members shall
4772 be appointed for three (3) years, two (2) members for four (4)
4773 years, and one (1) member for five (5) years. Thereafter, all
4774 members shall be appointed for a term of five (5) years. If one
4775 (1) of the members appointed by the board of trustees resigns or
4776 is otherwise unable to serve, a new member shall be appointed by
4777 the commission to fill the unexpired term. All five (5) members
4778 of the commission have full voting rights. The members shall not
4779 be paid for their services, but may be compensated for the
4780 expenses necessarily incurred in the attendance at meetings or in
4781 performing other services for the commission at a rate prescribed
4782 under Section 25-3-69, plus actual expenses and mileage as
4783 provided by Section 25-3-41. Members of the commission shall
4784 annually elect a chairman from among its members.

4785 (2) The * * * Board of Trustees of State Institutions of
4786 Higher Learning shall appoint such staff as may be required for
4787 the performance of the commission's duties and provide necessary
4788 facilities.

4789 (3) It shall be the purpose of the Commission on Proprietary
4790 School and College Registration to establish and implement the
4791 registration program as provided in this chapter. All
4792 controversies involving the registration of such schools shall be
4793 initially heard by a duly authorized hearing officer of the
4794 commission before whom a complete record shall be made. After the
4795 conclusion of the hearing, the duly authorized hearing officer of
4796 the commission shall make a recommendation to the commission as to
4797 the resolution of the controversies, and the commission, after
4798 considering the transcribed record and the recommendation of its
4799 hearing officer, shall make its decision which becomes final
4800 unless the school or college or other person involved shall appeal
4801 to the * * * Board of Trustees of State Institutions of Higher
4802 Learning, which appeal shall be on the record previously made
4803 before the commission's hearing officer except as may be provided
4804 by rules and regulations adopted by the * * * Board of Trustees of
4805 State Institutions of Higher Learning. All appeals from the * * *
4806 Board of Trustees of State Institutions of Higher Learning shall
4807 be on the record and shall be filed in the Chancery Court of the
4808 First Judicial District of Hinds County, Mississippi.

4809 SECTION 95. Section 75-60-5, Mississippi Code of 1972, is
4810 amended as follows:

4811 75-60-5. The provisions of this chapter do not apply to the
4812 following categories of courses, schools or colleges:

4813 (a) Tuition-free courses or schools conducted by
4814 employers exclusively for their own employees;

4815 (b) Schools, colleges, technical institutes, community
4816 colleges, junior colleges or universities under the jurisdiction
4817 of the Board of Trustees of State Institutions of Higher

4818 Learning * * *;

4819 (c) Schools or courses of instruction under the
4820 jurisdiction of the State Board of Cosmetology or State Board of
4821 Barber Examiners;

4822 (d) Courses of instruction required by law to be
4823 approved or licensed, or given by institutions approved or
4824 licensed, by a state board or agency other than the Commission on
4825 Proprietary School and College Registration; however, a school so
4826 approved or licensed may apply to the Commission on Proprietary
4827 School and College Registration for a certificate of registration
4828 to be issued in accordance with the provisions of this chapter;

4829 (e) Correspondence courses;

4830 (f) Nonprofit private schools offering academic credits
4831 at primary or secondary levels, or conducting classes for
4832 exceptional education as defined by regulations of the State
4833 Department of Education;

4834 (g) Private nonprofit colleges and universities or any
4835 private school offering academic credits at primary, secondary or
4836 postsecondary levels;

4837 (h) Courses of instruction conducted by a public school
4838 district or a combination of public school districts;

4839 (i) Courses of instruction conducted outside the United
4840 States;

4841 (j) A school which offers only instruction in subjects
4842 which the Commission on Proprietary School and College
4843 Registration determines are primarily for avocational, personal
4844 improvement or cultural purposes and which does not represent to
4845 the public that its course of study or instruction will or may
4846 produce income for those who take such study or instruction;

4847 (k) Courses conducted primarily on an individual
4848 tutorial basis, where not more than one (1) student is involved at
4849 any one (1) time, except in those instances where the Commission
4850 on Proprietary School and College Registration determines that the

4851 course is for the purpose of preparing for a vocational objective;
4852 (1) Kindergartens or similar programs for preschool-age
4853 children.

4854 SECTION 96. Section 75-60-19, Mississippi Code of 1972, is
4855 amended as follows:

4856 75-60-19. (1) The Commission on Proprietary School and
4857 College Registration may suspend, revoke or cancel a certificate
4858 of registration for any one (1) or any combination of the
4859 following causes:

4860 (a) Violation of any provision of the sections of this
4861 chapter or any regulation made by the commission;

4862 (b) The furnishing of false, misleading or incomplete
4863 information requested by the commission;

4864 (c) The signing of an application or the holding of a
4865 certificate of registration by a person who has pleaded guilty or
4866 has been found guilty of a felony or has pleaded guilty or been
4867 found guilty of any other indictable offense;

4868 (d) The signing of an application or the holding of a
4869 certificate of registration by a person who is addicted to the use
4870 of any narcotic drug, or who is found to be mentally incompetent;

4871 (e) Violation of any commitment made in an application
4872 for a certificate of registration;

4873 (f) Presentation to prospective students of misleading,
4874 false or fraudulent information relating to the course of
4875 instruction, employment opportunity, or opportunities for
4876 enrollment in accredited institutions of higher education after
4877 entering or completing courses offered by the holder of a
4878 certificate of registration;

4879 (g) Failure to provide or maintain premises or
4880 equipment for offering courses of instruction in a safe and
4881 sanitary condition;

4882 (h) Refusal by an agent to display his agent's
4883 certificate of registration upon demand of a prospective student

4884 or other interested person;

4885 (i) Failure to maintain financial resources adequate
4886 for the satisfactory conduct of courses of study as presented in
4887 the plan of operation or to retain a sufficient number and
4888 qualified staff of instruction; however nothing in this chapter
4889 shall require an instructor to be certificated by the Commission
4890 on Proprietary School and College Registration or to hold any type
4891 of post-high school degree;

4892 (j) Offering training or courses of instruction other
4893 than those presented in the application; however, schools may
4894 offer special courses adapted to the needs of individual students
4895 where the special courses are in the subject field specified in
4896 the application;

4897 (k) Accepting the services of an agent not licensed in
4898 accordance with Sections 75-60-23 through 75-60-37, inclusive;

4899 (l) Conviction or a plea of nolo contendere on the part
4900 of any owner, operator or director of a registered school of any
4901 felony under Mississippi law or the law of another jurisdiction;

4902 (m) Continued employment of a teacher or instructor who
4903 has been convicted of or entered a plea of nolo contendere to any
4904 felony under Mississippi law or the law of another jurisdiction;

4905 (n) Incompetence of any owner or operator to operate a
4906 school.

4907 (2) (a) Any person who believes he has been aggrieved by a
4908 violation of this section shall have the right to file a written
4909 complaint within two (2) years of the alleged violation. The
4910 commission shall maintain a written record of each complaint that
4911 is made. The commission shall also send to the complainant a form
4912 acknowledging the complaint and requesting further information if
4913 necessary and shall advise the director of the school that a
4914 complaint has been made and, where appropriate, the nature of the
4915 complaint.

4916 (b) The commission shall within twenty (20) days of

4917 receipt of such written complaint commence an investigation of the
4918 alleged violation and shall, within ninety (90) days of the
4919 receipt of such written complaint, issue a written finding. The
4920 commission shall furnish such findings to the person who filed the
4921 complaint and to the chief operating officer of the school cited
4922 in the complaint. If the commission finds that there has been a
4923 violation of this section, the commission shall take appropriate
4924 action.

4925 (c) The commission may initiate an investigation
4926 without a complaint.

4927 (3) **Hearing procedures.** (a) Upon a finding that there
4928 is good cause to believe that a school, or an officer, agent,
4929 employee, partner or teacher, has committed a violation of
4930 subsection (1) of this section, the commission shall initiate
4931 proceedings by serving a notice of hearing upon each and every
4932 such party subject to the administrative action. The school or
4933 such party shall be given reasonable notice of hearing, including
4934 the time, place and nature of the hearing and a statement
4935 sufficiently particular to give notice of the transactions or
4936 occurrences intended to be proved, the material elements of each
4937 cause of action and the civil penalties and/or administrative
4938 sanctions sought.

4939 (b) Opportunity shall be afforded to the party to
4940 respond and present evidence and argument on the issues involved
4941 in the hearing including the right of cross-examination. In a
4942 hearing, the school or such party shall be accorded the right to
4943 have its representative appear in person or by or with counsel or
4944 other representative. Disposition may be made in any hearing by
4945 stipulation, agreed settlement, consent order, default or other
4946 informal method.

4947 (c) The commission shall designate an impartial hearing
4948 officer to conduct the hearing, who shall be empowered to:

4949 (i) Administer oaths and affirmations; and

4950 (ii) Regulate the course of the hearings, set the
4951 time and place for continued hearings, and fix the time for filing
4952 of briefs and other documents; and

4953 (iii) Direct the school or such party to appear
4954 and confer to consider the simplification of the issues by
4955 consent; and

4956 (iv) Grant a request for an adjournment of the
4957 hearing only upon good cause shown.

4958 The strict legal rules of evidence shall not apply, but the
4959 decision shall be supported by substantial evidence in the record.

4960 (4) The commission, acting by and through its hearing
4961 officer, is hereby authorized and empowered to issue subpoenas for
4962 the attendance of witnesses and the production of books and papers
4963 at such hearing. Process issued by the commission shall extend to
4964 all parts of the state and shall be served by any person
4965 designated by the commission for such service. Where, in any
4966 proceeding before the hearing officer, any witness fails or
4967 refuses to attend upon a subpoena issued by the commission,
4968 refuses to testify, or refuses to produce any books and papers the
4969 production of which is called for by a subpoena, the attendance of
4970 such witness, the giving of his testimony or the production of the
4971 books and papers shall be enforced by any court of competent
4972 jurisdiction of this state in the manner provided for the
4973 enforcement of attendance and testimony of witnesses in civil
4974 cases in the courts of this state.

4975 (5) **Decision after hearing.** The hearing officer shall make
4976 written findings of fact and conclusions of law, and shall also
4977 recommend in writing to the commission a final decision, including
4978 penalties. The hearing officer shall mail a copy of his findings
4979 of fact, conclusions of law and recommended penalty to the party
4980 and his attorney, or representative. The commission shall make
4981 the final decision, which shall be based exclusively on evidence
4982 and other materials introduced at the hearing. If it is

4983 determined that a party has committed a violation, the commission
4984 shall issue a final order and shall impose penalties in accordance
4985 with this section. The commission shall send by certified mail,
4986 return receipt requested, a copy of the final order to the party
4987 and his attorney, or representative. The commission shall, at the
4988 request of the school or such party, furnish a copy of the
4989 transcript or any part thereof upon payment of the cost thereof.

4990 6) **Civil penalties and administrative sanctions.** (a)
4991 A hearing officer may recommend, and the commission may impose, a
4992 civil penalty not to exceed Two Thousand Five Hundred Dollars
4993 (\$2,500.00) for any violation of this section. In the case of a
4994 second or further violation committed within the previous five (5)
4995 years, the liability shall be a civil penalty not to exceed Five
4996 Thousand Dollars (\$5,000.00) for each such violation.

4997 (b) Notwithstanding the provisions of paragraph (a) of
4998 this subsection, a hearing officer may recommend and the
4999 commission may impose a civil penalty not to exceed Twenty-five
5000 Thousand Dollars (\$25,000.00) for any of the following violations:
5001 (i) operation of a school without a registration in violation of
5002 this chapter; (ii) operation of a school knowing that the school's
5003 registration has been suspended or revoked; (iii) use of false,
5004 misleading, deceptive or fraudulent advertising; (iv) employment
5005 of recruiters on the basis of a commission, bonus or quota, except
5006 as authorized by the commission; (v) directing or authorizing
5007 recruiters to offer guarantees of jobs upon completion of a
5008 course; (vi) failure to make a tuition refund when such failure is
5009 part of a pattern of misconduct; or (vii) violation of any other
5010 provision of this chapter, or any rule or regulation promulgated
5011 pursuant thereto, when such violation constitutes part of a
5012 pattern of misconduct which significantly impairs the educational
5013 quality of the program or programs being offered by the school.
5014 For each enumerated offense, a second or further violation
5015 committed within the previous five (5) years shall be subject to a

5016 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
5017 for each such violation.

5018 (c) In addition to the penalties authorized in
5019 paragraphs (a) and (b) of this subsection, a hearing officer may
5020 recommend and the commission may impose any of the following
5021 administrative sanctions: (i) a cease and desist order; (ii) a
5022 mandatory direction; (iii) a suspension or revocation of a
5023 certificate of registration; (iv) a probation order; or (v) an
5024 order of restitution.

5025 (d) The commission may suspend a registration upon the
5026 failure of a school to pay any fee, fine or penalty as required by
5027 this chapter unless such failure is determined by the commission
5028 to be for good cause.

5029 (e) All civil penalties, fines and settlements received
5030 shall accrue to the credit of the State General Fund.

5031 (7) Any penalty or administrative sanction imposed by the
5032 commission under this section may be appealed by the school,
5033 college or other person affected to the * * * Board of Trustees of
5034 State Institutions of Higher Learning as provided in Section
5035 75-60-4(3), which appeal shall be on the record previously made
5036 before the commission's hearing officer. All appeals from
5037 the * * * Board of Trustees of State Institutions of Higher
5038 Learning shall be on the record and shall be filed in the Chancery
5039 Court of the First Judicial District of Hinds County, Mississippi.

5040 SECTION 97. Section 75-60-43, Mississippi Code of 1972, is
5041 amended as follows:

5042 75-60-43. The State Department of Education shall supply to
5043 the * * * Board of Trustees of State Institutions of Higher
5044 Learning all records, regulations and forms relating to
5045 proprietary school and college registration. All certificates and
5046 permits for proprietary schools and colleges issued by the State
5047 Department of Education shall be valid until their normal
5048 expiration dates unless suspended or revoked for cause.

5049 SECTION 98. Section 37-4-4, Mississippi Code of 1972, which
5050 requires the Commissioner of Higher Education to attend meetings
5051 of the State Board for Community and Junior Colleges, is repealed.

5052 Section 37-4-5, Mississippi Code of 1972, which provides for the
5053 meaning of the term "Junior College Commission," and Section
5054 37-4-7, Mississippi Code of 1972, which requires the State Board
5055 for Community and Junior Colleges to study the feasibility of
5056 implementing a uniform state employment contract, are repealed.

5057 SECTION 99. Sections 37-29-37 and 37-29-39, Mississippi Code
5058 of 1972, which expressly provide for the continuation of certain
5059 junior college districts, are repealed.

5060 SECTION 100. Sections 37-29-65 and 37-29-67, Mississippi
5061 Code of 1972, which provide for the selection of the trustees of
5062 the community and junior college districts and establish the
5063 general powers and duties of such boards of trustees, are
5064 repealed.

5065 SECTION 101. Section 37-29-81, Mississippi Code of 1972,
5066 which authorizes community and junior college districts, in the
5067 discretion of the board of trustees, to charge tuition and fees,
5068 is repealed.

5069 SECTION 102. Sections 37-29-101, 37-29-103, 37-29-105,
5070 37-29-107, 37-29-109, 37-29-111, 37-29-113, 37-29-115, 37-29-117,
5071 37-29-119, 37-29-121, 37-29-123, 37-29-125 and 37-29-127,
5072 Mississippi Code of 1972, which authorize the boards of trustees
5073 of community and junior college districts to borrow money and
5074 establish procedures for such borrowing, are repealed.

5075 SECTION 103. Section 37-29-143, Mississippi Code of 1972,
5076 which provides for the receipt and expenditure of tax revenues by
5077 the community and junior college districts, is repealed.

5078 SECTION 104. Section 37-29-177, Mississippi Code of 1972,
5079 which prohibits a community or junior college district from
5080 charging out-of-district students a greater fee for specialized
5081 programs in vocational education which are unavailable to the

5082 students in their home district, is repealed.

5083 SECTION 105. Sections 37-29-211, 37-29-213, 37-29-215 and
5084 37-29-217, Mississippi Code of 1972, which require community
5085 college faculty members to file an affidavit as to membership in
5086 organizations as a condition for employment, are repealed.

5087 SECTION 106. Section 37-29-263, Mississippi Code of 1972,
5088 which authorizes the community and junior colleges to use any
5089 available funds to defray the cost of electronic data processing
5090 equipment, is repealed.

5091 SECTION 107. Section 37-29-273, Mississippi Code of 1972,
5092 which authorizes the attendance of pupils in a county school
5093 district at a municipal junior college in such county, is
5094 repealed.

5095 SECTION 108. Sections 37-29-401, 37-29-403, 37-29-405,
5096 37-29-407, 37-29-409, 37-29-411, 37-29-413, 37-29-415, 37-29-417,
5097 37-29-419, 37-29-421, 37-29-423, 37-29-425, 37-29-427, 37-29-429,
5098 37-29-431, 37-29-433, 37-29-435 and 37-29-437, Mississippi Code of
5099 1972, which provide for the establishment and operation of the
5100 Mississippi Gulf Coast Junior College District, are repealed.

5101 SECTION 109. Sections 37-29-451, 37-29-453, 37-29-455,
5102 37-29-457, 37-29-459, 37-29-461, 37-29-463, 37-29-465, 37-29-467,
5103 37-29-469 and 37-29-471, Mississippi Code of 1972, which provide
5104 for the establishment and operation of the Copiah-Lincoln Junior
5105 College District, are repealed.

5106 SECTION 110. Sections 37-29-501, 37-29-503, 37-29-505,
5107 37-29-507, 37-29-509, 37-29-511, 37-29-513 and 37-29-515,
5108 Mississippi Code of 1972, which provide for the establishment and
5109 operation of the Meridian Junior College District, are repealed.

5110 SECTION 111. Sections 37-29-551, 37-29-553, 37-29-555,
5111 37-29-557, 37-29-559, 37-29-561, 37-29-563, 37-29-565, 37-29-567,
5112 37-29-569 and 37-29-571, Mississippi Code of 1972, which provide
5113 for the establishment and operation of the Coahoma Community
5114 College District, are repealed.

5115 SECTION 112. Section 37-101-331, Mississippi Code of 1972,
5116 which requires the State Board for Community and Junior Colleges
5117 to submit a report to the Legislature on the renovation and repair
5118 needs of the community and junior colleges before January 3, 1989,
5119 is repealed.

5120 SECTION 113. Sections 37-153-1, 37-153-3, 37-153-5,
5121 37-153-7, 37-153-9, 37-153-11 and 37-153-13, Mississippi Code of
5122 1972, which is the duplicative codification of the Work Force
5123 Education Act of 1994, also codified as Sections 37-151-63 through
5124 37-151-75, are repealed.

5125 SECTION 114. This act shall take effect and be in force from
5126 and after July 1, 2000.