

By: Fleming

To: Universities and
Colleges;
Appropriations

HOUSE BILL NO. 993

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE BOARD OF
2 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO ESTABLISH A
3 SEPARATE BOARD OF TRUSTEES FOR EACH STATE INSTITUTION OF HIGHER
4 LEARNING; TO PROVIDE FOR THE ELECTION OF MEMBERS OF SUCH BOARDS OF
5 TRUSTEES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE BOARD OF
6 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO THE BOARDS OF
7 TRUSTEES OF THE VARIOUS INSTITUTIONS OF HIGHER LEARNING AND TO THE
8 COMMISSIONER OF HIGHER EDUCATION; TO AMEND SECTION 37-101-1,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
10 37-101-5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE
11 QUALIFICATIONS FOR MEMBERSHIP TO THE BOARD OF TRUSTEES OF A STATE
12 INSTITUTION OF HIGHER LEARNING; TO AMEND SECTION 37-101-7,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ORGANIZATION OF THE
14 BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS OF HIGHER
15 LEARNING AND FOR THE APPOINTMENT OF A COMMISSIONER OF HIGHER
16 EDUCATION; TO AMEND SECTIONS 37-101-9 THROUGH 37-101-13,
17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
18 37-101-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND
19 DUTIES OF THE BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS
20 OF HIGHER LEARNING; TO AMEND SECTIONS 1-1-11, 11-46-17, 17-13-5,
21 19-3-47, 19-9-1, 21-25-23, 21-33-301, 25-3-41, 27-7-701,
22 27-103-127, 29-1-205, 29-17-1, 31-1-1, 31-7-10, 37-3-2, 37-4-4,
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34 37-107-7, 37-107-9, 37-108-3, 37-108-5, 37-110-1, 37-110-3,
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47 37-157-3, 37-159-3, 37-159-15, 41-13-15, 41-87-5, 43-55-5,
48 43-55-23, 47-5-401, 47-5-451, 49-3-5, 49-3-7, 49-3-11, 55-23-5,
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51 57-23-7, 57-23-11, 57-39-105, 57-49-11, 57-55-5, 57-55-7, 57-55-9,
52 57-55-11, 57-55-13, 57-55-15, 57-55-17, 57-67-5, 57-67-13,
53 57-75-13, 61-5-71, 61-5-73, 61-5-75, 63-11-32, 69-2-5, 73-15-19,
54 73-15-33, 75-59-1 AND 75-60-5, MISSISSIPPI CODE OF 1972, IN
55 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
56 PURPOSES.

57

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

59 SECTION 1. (1) From and after the first Monday of January
60 2004, the Board of Trustees of State Institutions of Higher
61 Learning is abolished, and all powers, duties and responsibilities
62 of the Board of Trustees of State Institutions of Higher Learning
63 are transferred, as directed under this act, to the respective
64 boards of trustees of the various state institutions of higher
65 learning created under this act or to the Commissioner of Higher
66 Education. All records, property, contractual rights and
67 obligations, unexpended balances of appropriations, allocations or
68 other funds of the Board of Trustees of State Institutions of
69 Higher Learning are transferred to the respective board of
70 trustees of the involved state institution of higher learning or
71 to the Commissioner of Higher Education, as the case may be, as
72 directed under this act.

73 (2) In order to provide for an orderly transition to the
74 separate boards of trustees of the various state institutions of
75 higher learning, the members of the Board of Trustees of State
76 Institutions of Higher Learning holding office on the date that
77 House Concurrent Resolution No. 48, 2000 Regular Session, which
78 provides for the abolishment of the Board of Trustees of State
79 Institutions of Higher Learning, is ratified by the electorate
80 shall continue to hold office until the members of the separate
81 boards of trustees of the various state institutions of higher
82 learning have been elected and taken office.

83 (3) Any reference in the laws of this state to the "Board of
84 Trustees of State Institutions of Higher Learning" or to the
85 "board" when referring to the Board of Trustees of State

86 Institutions of Higher Learning shall mean the board of trustees
87 of the respective state institution of higher learning.

88 SECTION 2. (1) The Board of Trustees of Mississippi State
89 University of Agriculture and Applied Science shall consist of
90 five (5) members. On the first Tuesday after the first Monday in
91 November 2003, an election shall be held, at the same time and in
92 the same manner the general state election is held, for the
93 purpose of electing the members of the board of trustees
94 established under this section. All members of the board of
95 trustees as constituted under this section shall take office on
96 the first Monday of January following the date of their election
97 and shall hold office for a term of four (4) years. The members
98 of the board of trustees shall be elected from the five (5)
99 congressional districts, as such districts existed following the
100 1990 federal decennial census, and shall hold the qualifications
101 for the office of trustee established under Section 37-101-5.

102 (2) The Board of Trustees of Mississippi State University of
103 Agriculture and Applied Science shall organize in the manner
104 provided in Section 37-101-7.

105 (3) Vacancies in the membership of the Board of Trustees of
106 Mississippi State University of Agriculture and Applied Science
107 shall be filled in the manner provided by law for the filling of
108 vacancies in district offices.

109 SECTION 3. (1) The Board of Trustees of the University of
110 Mississippi shall consist of five (5) members. On the first
111 Tuesday after the first Monday in November 2003, an election shall
112 be held, at the same time and in the same manner the general state
113 election is held, for the purpose of electing the members of the
114 board of trustees established under this section. All members of
115 the board of trustees as constituted under this section shall take
116 office on the first Monday of January following the date of their
117 election and shall hold office for a term of four (4) years. The
118 members of the board of trustees shall be elected from the five

119 (5) congressional districts, as such districts existed following
120 the 1990 federal decennial census, and shall hold the
121 qualifications for the office of trustee established under Section
122 37-101-5.

123 (2) The Board of Trustees of the University of Mississippi
124 shall organize in the manner provided in Section 37-101-7.

125 (3) Vacancies in the membership of the Board of Trustees of
126 the University of Mississippi shall be filled in the manner
127 provided by law for the filling of vacancies in district offices.

128 SECTION 4. (1) The Board of Trustees of Mississippi
129 University for Women shall consist of five (5) members. On the
130 first Tuesday after the first Monday in November 2003, an election
131 shall be held, at the same time and in the same manner the general
132 state election is held, for the purpose of electing the members of
133 the board of trustees established under this section. All members
134 of the board of trustees as constituted under this section shall
135 take office on the first Monday of January following the date of
136 their election and shall hold office for a term of four (4) years.

137 The members of the board of trustees shall be elected from the
138 five (5) congressional districts, as such districts existed
139 following the 1990 federal decennial census, and shall hold the
140 qualifications for the office of trustee established under Section
141 37-101-5.

142 (2) The Board of Trustees of Mississippi University for
143 Women shall organize in the manner provided in Section 37-101-7.

144 (3) Vacancies in the membership of the Board of Trustees of
145 Mississippi University for Women shall be filled in the manner
146 provided by law for the filling of vacancies in district offices.

147 SECTION 5. (1) The Board of Trustees of the University of
148 Southern Mississippi shall consist of five (5) members. On the
149 first Tuesday after the first Monday in November 2003, an election
150 shall be held, at the same time and in the same manner the general
151 state election is held, for the purpose of electing the members of

152 the board of trustees established under this section. All members
153 of the board of trustees as constituted under this section shall
154 take office on the first Monday of January following the date of
155 their election and shall hold office for a term of four (4) years.

156 The members of the board of trustees shall be elected from the
157 five (5) congressional districts, as such districts existed
158 following the 1990 federal decennial census, and shall hold the
159 qualifications for the office of trustee established under Section
160 37-101-5.

161 (2) The Board of Trustees of the University of Southern
162 Mississippi shall organize in the manner provided in Section
163 37-101-7.

164 (3) Vacancies in the membership of the Board of Trustees of
165 the University of Southern Mississippi shall be filled in the
166 manner provided by law for the filling of vacancies in district
167 offices.

168 SECTION 6. (1) The Board of Trustees of Alcorn State
169 University shall consist of five (5) members. On the first
170 Tuesday after the first Monday in November 2003, an election shall
171 be held, at the same time and in the same manner the general state
172 election is held, for the purpose of electing the members of the
173 board of trustees established under this section. All members of
174 the board of trustees as constituted under this section shall take
175 office on the first Monday of January following the date of their
176 election and shall hold office for a term of four (4) years. The
177 members of the board of trustees shall be elected from the five
178 (5) congressional districts, as such districts existed following
179 the 1990 federal decennial census, and shall hold the
180 qualifications for the office of trustee established under Section
181 37-101-5.

182 (2) The Board of Trustees of Alcorn State University shall
183 organize in the manner provided in Section 37-101-7.

184 (3) Vacancies in the membership of the Board of Trustees of

185 Alcorn State University shall be filled in the manner provided by
186 law for the filling of vacancies in district offices.

187 SECTION 7. (1) The Board of Trustees of Delta State
188 University shall consist of five (5) members. On the first
189 Tuesday after the first Monday in November 2003, an election shall
190 be held, at the same time and in the same manner the general state
191 election is held, for the purpose of electing the members of the
192 board of trustees established under this section. All members of
193 the board of trustees as constituted under this section shall take
194 office on the first Monday of January following the date of their
195 election and shall hold office for a term of four (4) years. The
196 members of the board of trustees shall be elected from the five
197 (5) congressional districts, as such districts existed following
198 the 1990 federal decennial census, and shall hold the
199 qualifications for the office of trustee established under Section
200 37-101-5.

201 (2) The Board of Trustees of Delta State University shall
202 organize in the manner provided in Section 37-101-7.

203 (3) Vacancies in the membership of the Board of Trustees of
204 Delta State University shall be filled in the manner provided by
205 law for the filling of vacancies in district offices.

206 SECTION 8. (1) The Board of Trustees of Jackson State
207 University shall consist of five (5) members. On the first
208 Tuesday after the first Monday in November 2003, an election shall
209 be held, at the same time and in the same manner the general state
210 election is held, for the purpose of electing the members of the
211 board of trustees established under this section. All members of
212 the board of trustees as constituted under this section shall take
213 office on the first Monday of January following the date of their
214 election and shall hold office for a term of four (4) years. The
215 members of the board of trustees shall be elected from the five
216 (5) congressional districts, as such districts existed following
217 the 1990 federal decennial census, and shall hold the

218 qualifications for the office of trustee established under Section
219 37-101-5.

220 (2) The Board of Trustees of Jackson State University shall
221 organize in the manner provided in Section 37-101-7.

222 (3) Vacancies in the membership of the Board of Trustees of
223 Jackson State University shall be filled in the manner provided by
224 law for the filling of vacancies in district offices.

225 SECTION 9. (1) The Board of Trustees of Mississippi Valley
226 State University shall consist of five (5) members. On the first
227 Tuesday after the first Monday in November 2003, an election shall
228 be held, at the same time and in the same manner the general state
229 election is held, for the purpose of electing the members of the
230 board of trustees established under this section. All members of
231 the board of trustees as constituted under this section shall take
232 office on the first Monday of January following the date of their
233 election and shall hold office for a term of four (4) years. The
234 members of the board of trustees shall be elected from the five
235 (5) congressional districts, as such districts existed following
236 the 1990 federal decennial census, and shall hold the
237 qualifications for the office of trustee established under Section
238 37-101-5.

239 (2) The Board of Trustees of Mississippi Valley State
240 University shall organize in the manner provided in Section
241 37-101-7.

242 (3) Vacancies in the membership of the Board of Trustees of
243 Mississippi Valley State University shall be filled in the manner
244 provided by law for the filling of vacancies in district offices.

245 SECTION 10. Section 37-101-1, Mississippi Code of 1972, is
246 amended as follows:[LH1]

247 37-101-1. The following state institutions of higher
248 learning, namely:

249 (a) The University of Mississippi;

250 (b) The Mississippi State University of Agriculture and

251 Applied Science;

252 (c) The Mississippi University for Women;

253 (d) The University of Southern Mississippi;

254 (e) The Delta State University;

255 (f) The Alcorn State University;

256 (g) The Jackson State University;

257 (h) The Mississippi Valley State University;

258 (i) And any other of like kind which may be hereafter
259 established by the state;

260 each shall be under the management and control of a board of
261 trustees for that state institution of higher learning elected in
262 the manner provided for by law.

263 SECTION 11. Section 37-101-5, Mississippi Code of 1972, is
264 amended as follows:[LH2]

265 37-101-5. * * * Only men and women who are graduates of the
266 university for which they are seeking to hold the office of
267 trustee who also are qualified electors residing in the
268 congressional district from which they are seeking election and
269 who are at least twenty-five (25) years of age and of the highest
270 order of intelligence, character, learning and fitness for the
271 performance of such duties shall be eligible to hold the office of
272 trustee.

273 SECTION 12. Section 37-101-7, Mississippi Code of 1972, is
274 amended as follows:[LH3]

275 37-101-7. (1) Within ten (10) days after the beginning of
276 the terms of office of its members, upon call of the president of
277 the university, the board of trustees of each university shall
278 meet at the main campus of the university and organize by electing
279 one (1) of its number as president, whose term of office shall be
280 for one (1) year or until a successor shall be elected, and shall
281 transact such other business as may come before the meeting. When
282 the presiding officer has voted and the result is a tie, he cannot
283 vote again to break the tie.

284 (2) The Governor shall appoint, with the advice and consent
285 of the Senate, a Commissioner of Higher Education, who shall
286 possess the highest qualifications as an administrator and
287 research worker. The Commissioner of Higher Education shall
288 maintain an office and be responsible * * * for the efficient
289 functioning of the staff of his office. It shall be the duty of
290 the Commissioner of Higher Education to make constant inquiry into
291 the problems of higher education, to survey and study carefully
292 the organization, management and all other affairs of each state
293 university, to make report of all findings and recommend such
294 changes as will increase efficiency and economy in the operation
295 of each institution, and to perform such other duties as * * *
296 may be prescribed by law. The Commissioner of Higher Education
297 shall be responsible for compiling all laws and all rules and
298 regulations of a general nature adopted by a board for the
299 governance of the various institutions of higher learning in
300 pamphlet or loose-leaf form. Current copies of such compilations
301 shall be furnished to all officials directly responsible for the
302 carrying out of such laws, rules and regulations. The expenses
303 for such compilation and publication shall be paid by the
304 respective board out of any funds available for the operation of
305 said board.

306 (3) The trustees of each university shall authorize the
307 employment of such * * * personnel as may be required from time to
308 time to carry out the functions of the board and may assign to the
309 personnel so employed such functions and duties and may delegate
310 to the * * * personnel such powers of the board as may be
311 necessary to accomplish the purposes for which the board was
312 established. All such personnel shall be employed by the * * *
313 board and shall hold office at the pleasure of the board. The
314 board shall also have the authority to employ on a fee basis such
315 technical and professional assistance as may be necessary to carry
316 out the powers, duties and purposes of the board.

317 (4) The Commissioner of Higher Education * * * shall receive
318 a reasonable salary commensurate with his duties and functions,
319 the amount of which shall be fixed by the State Personnel Board.
320 The reasonable traveling expenses and other authorized expenses
321 incurred by the commissioner and other personnel in the
322 performance of their duties, together with other expenses of the
323 operation of the executive office, shall be prorated and deducted
324 from the appropriations for the current expenses of the several
325 institutions.

326 SECTION 13. Section 37-101-9, Mississippi Code of 1972, is
327 amended as follows:[LH4]

328 37-101-9. The board of trustees of each university shall
329 serve without salary compensation but shall receive a per diem and
330 mileage as authorized by law including time of going to and
331 returning from meetings of the board, together with actual travel
332 and hotel expenses incident to the meetings of the board, and in
333 the discharge of duties prescribed by the board.

334 Each board of trustees shall hold two (2) regular slated
335 meetings annually, one (1) in June and the other in January, and
336 as many special meetings as may be necessary on call of the
337 president or on call of three (3) members. In either case, the
338 call shall be in writing and shall be mailed by registered letter
339 with return receipt requested, or by certified mail, to each and
340 every member at least five (5) days prior to the date of meeting.
341 Three (3) members of the board shall constitute a quorum for the
342 transaction of business.

343 SECTION 14. Section 37-101-11, Mississippi Code of 1972, is
344 amended as follows:[LH5]

345 37-101-11. The board of trustees of each state institution
346 of higher learning is hereby authorized and empowered, in its
347 discretion, to adopt and have an official seal in such form as it
348 deems appropriate for its official use.

349 SECTION 15. Section 37-101-13, Mississippi Code of 1972, is

350 amended as follows:[LH6]

351 37-101-13. It shall be the duty of the Commissioner of
352 Higher Education to begin immediately a comprehensive study of the
353 role and scope of all of the various state institutions of higher
354 learning, including a detailed study of the programs of study,
355 degrees and courses offered. Following the completion of such
356 study, the commissioner shall recommend such adjustments as may be
357 found to be necessary in the programs of the various institutions,
358 to the end that the broadest possible educational opportunities
359 shall be offered to the citizens of this state without inefficient
360 and needless duplication. The commissioner shall give advice to
361 the boards of trustees on the establishment of new courses of
362 study, new departments and new functions and activities in each
363 institution so that the growth and development of the program of
364 higher education in the state shall proceed in an orderly and
365 rational manner, inefficient and needless duplication may be
366 avoided, and new expanded programs will be undertaken only as the
367 same may become justified, based upon objective criteria to be
368 established by the commissioner. In carrying out the purposes of
369 this section, particular attention shall be given to the extension
370 programs of the various institutions. The commissioner, in
371 conjunction with the boards of trustees, chancellor and presidents
372 of the institutions of higher learning, shall take such steps as
373 may be necessary to improve and coordinate such programs and shall
374 exercise such direct control over the establishment, organization,
375 operation and granting of credit for such programs as may be
376 necessary to accomplish such purposes.

377 SECTION 16. Section 37-101-15, Mississippi Code of 1972, is
378 amended as follows:[LH7]

379 37-101-15. (a) The board of trustees of each state
380 institution of higher learning shall succeed to and continue to
381 exercise control of all records, books, papers, equipment, and
382 supplies, and all lands, buildings, and other real and personal

383 property belonging to or assigned to the use and benefit of the
384 state institution of higher learning under the supervision and
385 control of the respective board. Each board shall have and
386 exercise control of the use, distribution and disbursement of all
387 funds, appropriations and taxes, now and hereafter in possession,
388 levied and collected, received, or appropriated for the use,
389 benefit, support, and maintenance or capital outlay expenditures
390 of the respective institution of higher learning, including the
391 authorization of employees to sign vouchers for the disbursement
392 of funds for the institution, except where otherwise specifically
393 provided by law.

394 (b) Each board shall have general supervision of the affairs
395 of * * * the institution of higher learning under its
396 jurisdiction, including the departments and the schools thereof.
397 The board shall have the power in its discretion to determine who
398 shall be privileged to enter, to remain in, or to graduate
399 therefrom. The board shall have general supervision of the
400 conduct of libraries and laboratories, the care of dormitories,
401 buildings, and grounds; the business methods and arrangement of
402 accounts and records; the organization of the administrative plan
403 of each institution; and all other matters incident to the proper
404 functioning of the institutions. The board shall have the
405 authority to establish minimum standards of achievement as a
406 prerequisite for entrance into * * * the institution under its
407 jurisdiction, which standards need not be uniform between the
408 various institutions and which may be based upon such criteria as
409 the board may establish.

410 (c) Each board shall exercise all the powers and
411 prerogatives conferred upon it under the laws establishing and
412 providing for the operation of the several institutions herein
413 specified. The board shall adopt such bylaws and regulations from
414 time to time as it deems expedient for the proper supervision and
415 control of the institution of higher learning under its

416 jurisdiction, insofar as such bylaws and regulations are not
417 repugnant to the Constitution and laws, and not inconsistent with
418 the object for which these institutions were established. The
419 board shall have power and authority to prescribe rules and
420 regulations for policing the campuses and all buildings of the
421 institution, to authorize the arrest of all persons violating on
422 any campus any criminal law of the state, and to have such law
423 violators turned over to the civil authorities.

424 (d) For all institutions specified herein, the Commissioner
425 of Higher Education shall provide a uniform system of recording
426 and of accounting approved by the State Department of Audit. Each
427 board shall annually prepare, or cause to be prepared, a budget
428 for the institution of higher learning under its jurisdiction for
429 the succeeding year which must be prepared and in readiness for at
430 least thirty (30) days before the convening of the regular session
431 of the Legislature. All relationships and negotiations between
432 the state Legislature and its various committees and the
433 institutions named herein shall be carried on through the boards
434 of trustees. * * *

435 (e) For each institution specified herein, the respective
436 board shall prepare an annual report to the Legislature setting
437 forth the disbursements of all monies appropriated to the
438 institution. Each report to the Legislature shall show how the
439 money appropriated to the institution has been expended, beginning
440 and ending with the fiscal year of the institution, showing the
441 name of each teacher, officer, and employee, and the salary paid
442 each, and an itemized statement of each and every item of receipts
443 and expenditures. Each report must be balanced, and must begin
444 with the former balance. If any property belonging to * * * the
445 institution is used for profit, the reports shall show the expense
446 incurred in managing the property and the amount received
447 therefrom. The reports shall also show a summary of the gross
448 receipts and gross disbursements for each year and shall show the

449 money on hand at the beginning of the fiscal period of the
450 institution next preceding each session of the Legislature and the
451 necessary amount of expense to be incurred from said date to
452 January 1 following. The board shall keep the annual expenditures
453 of the institution * * * within the income derived from
454 legislative appropriations and other sources, but in case of
455 emergency arising from acts of providence, epidemics, fire or
456 storm with the written approval of the Governor and by written
457 consent of a majority of the Senators and of the Representatives
458 it may exceed the income. The board shall require a surety bond
459 in a surety company authorized to do business in this state, of
460 every employee who is the custodian of funds belonging to * * *
461 the institution * * * , which bond shall be in a sum to be fixed
462 by the board in an amount that will properly safeguard the said
463 funds, the premium for which shall be paid out of the funds
464 appropriated for said institution.

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

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

482 proceedings which shall be open for inspection by any citizen of
483 the state.

484 (h) The board shall have the power to contract, on a
485 shared-savings, lease or lease-purchase basis, for energy
486 efficiency services and/or equipment as prescribed in Section
487 31-7-14, not to exceed ten (10) years.

488 (i) The Board of Trustees of * * * Jackson State University
489 is hereby authorized to convey by donation or otherwise easements
490 across portions of certain real estate located in the City of
491 Jackson, Hinds County, Mississippi, for right-of-way required for
492 the Metro Parkway Project.

493 SECTION 17. Section 1-1-11, Mississippi Code of 1972, is
494 amended as follows:[LH8]

495 1-1-11. (1) Except as provided in subsection (2) of this
496 section, the Joint Committee on Compilation, Revision and
497 Publication of Legislation shall distribute or provide for the
498 distribution of the sets of the compilation of the Mississippi
499 Code of 1972 purchased by the state as follows:

500 Fifty-six (56) sets to the Mississippi House of
501 Representatives and forty (40) sets to the Mississippi Senate for
502 the use of the Legislative Reference Bureau, Legislative Services
503 Offices, staffs and committees thereof.

504 Ten (10) sets to the Governor's Office; nine (9) sets to the
505 Secretary of State; and twenty (20) sets to the Auditor's Office.

506 One (1) set to each of the following: the Lieutenant
507 Governor; each member of the Legislature; the Treasurer; each
508 district attorney; each county attorney; each judge of the Court
509 of Appeals and each judge of the Supreme, circuit, chancery,
510 county, family, justice and municipal courts; each Mississippi
511 Senator and Mississippi Representative in Congress; State
512 Superintendent of Education; Director of the Department of Finance
513 and Administration; six (6) sets to the Performance Evaluation and
514 Expenditure Review (PEER) Committee, two (2) sets to the Director

515 of the Legislative Budget Office; the Commissioner of Agriculture
516 and Commerce; each Mississippi Transportation Commissioner; six
517 (6) sets to the Department of Corrections; the Insurance
518 Commissioner; the Clerk of the Supreme Court; the State Board of
519 Health; each circuit clerk; each chancery clerk in the state for
520 the use of the chancery clerk and the board of supervisors; each
521 sheriff in the state for the use of his office and the county
522 officers; and each county for the county library (an additional
523 set for each of the last three (3) to be given in counties having
524 two (2) judicial districts).

525 Two (2) sets to the Department of Archives and History; two
526 (2) sets to the State Soil and Water Conservation Commission;
527 sixty-eight (68) sets to the Attorney General's Office; six (6)
528 sets to the Public Service Commission; four (4) sets to the Public
529 Utilities Staff; thirty-six (36) sets to the State Tax Commission;
530 two (2) sets to the State Personnel Board; six (6) sets to the
531 State Law Library; one (1) set to the Library of Congress; ten
532 (10) sets to the University of Mississippi Law School; one (1) set
533 each to the Mississippi School for the Deaf and the Mississippi
534 School for the Blind; two (2) sets each to the University of
535 Mississippi, Mississippi State University, Mississippi University
536 for Women, University of Southern Mississippi, Delta State
537 University, Alcorn State University, Jackson State University and
538 Mississippi Valley State University * * *; and one (1) set to the
539 Supreme Court judges' conference room. In furtherance of the
540 State Library's reciprocal program of code exchange with libraries
541 of the several states, the joint committee shall, at the direction
542 and only upon the written request of the State Librarian,
543 distribute or provide for the distribution of sets of the code to
544 such libraries.

545 One (1) set to each state junior or community college; three
546 (3) sets to the Department of Wildlife, Fisheries and Parks; two
547 (2) sets to the Department of Environmental Quality; two (2) sets

548 to the Department of Marine Resources; four (4) sets to the State
549 Department of Rehabilitation Services; and seven (7) sets to the
550 Department of Human Services. One (1) set to each of the
551 following: State Textbook Procurement Commission; University
552 Medical Center; State Library Commission; Department of
553 Agriculture and Commerce; Forestry Commission; and seventeen (17)
554 sets to the Department of Public Safety. Also, one (1) set to
555 each of the following: Adjutant General, Department of Economic
556 and Community Development, Department of Banking and Consumer
557 Finance, Bureau of Building, Grounds and Real Property Management,
558 the State Educational Finance Commission, the Mississippi Board of
559 Vocational and Technical Education, Division of Medicaid, State
560 Board of Mental Health, and Department of Youth Services.

561 The joint committee is authorized to distribute or provide
562 for the distribution of additional sets of the Mississippi Code,
563 not to exceed three (3) sets, to the office of each district
564 attorney for the use of his assistants.

565 The joint committee shall provide to the Mississippi House of
566 Representatives and the Mississippi Senate the annual supplements
567 to the Mississippi Code of 1972 for each set of the code
568 maintained by the House and Senate.

569 The set of the Mississippi Code of 1972 to be provided to
570 each member of the Legislature shall be provided unless
571 specifically waived by such legislator in writing.

572 An elected or appointed officeholder in the State of
573 Mississippi, except for a member of the Legislature, shall deliver
574 to his successor in office, or to the joint committee if there is
575 no successor, the set of the Mississippi Code of 1972 provided the
576 officeholder under this section.

577 Before the joint committee delivers or provides for delivery
578 of a copy of the Mississippi Code of 1972 to an individual
579 officeholder, the joint committee shall prepare and submit a
580 written agreement to the officeholder. The agreement shall, among

581 other provisions, state that the code is the property of the State
582 of Mississippi, that it shall be transferred to the officeholder's
583 successor in office, that the officeholder has an obligation to
584 make such transfer and that the officeholder shall be responsible
585 for the failure to deliver the code and for any damage or
586 destruction to the code, normal wear and tear excepted. The joint
587 committee shall execute the agreement and forward it to the
588 officeholder for execution. The joint committee shall not deliver
589 or provide for delivery of the code to the officeholder until the
590 executed agreement is received by the committee. The joint
591 committee may include in the agreement such other provisions as it
592 may deem reasonable and necessary. In addition to damages or any
593 other remedy for not transferring a set of the code to his
594 successor, an officeholder who does not transfer his set of the
595 code shall be guilty of a misdemeanor and shall, upon conviction,
596 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of
597 the joint committee, the Attorney General shall assist the joint
598 committee in taking such actions as necessary to require an
599 officeholder to transfer the set of code provided under this
600 section to his successor, or to the joint committee if there is no
601 successor, and to recover reimbursement or damages from any
602 officeholder for the loss of or damage or destruction to any
603 volumes of the set of the code provided under this section, other
604 than normal wear and tear.

605 Replacement of missing, damaged or destroyed sets or volumes
606 of the code provided by this chapter may be obtained from the code
607 publisher through the joint committee at the established state
608 cost, the cost to be borne by the recipient.

609 No more than one (1) set of the Mississippi Code of 1972
610 shall be furnished to any one (1) individual, regardless of the
611 office or offices he may hold.

612 (2) The joint committee, in its discretion, may determine
613 whether electronic access to the Mississippi Code of 1972 is

614 available and a sufficient substitute for actual bound volumes of
615 the code and, if so, may omit furnishing any one or more sets
616 otherwise required by this section.

617 SECTION 18. Section 11-46-17, Mississippi Code of 1972, is
618 amended as follows:[LH9]

619 11-46-17. (1) There is hereby created in the State Treasury
620 a special fund to be known as the "Tort Claims Fund."

621 All such monies as the Department of Finance and
622 Administration shall receive and collect under the provisions of
623 subsection (2) of this section and all such funds as the
624 Legislature may appropriate for use by the board in administering
625 the provisions of this chapter shall be deposited in such fund.
626 All monies in the fund may be expended by the board for any and
627 all purposes for which the board is authorized to expend funds
628 under the provisions of this chapter. All interest earned from
629 the investment of monies in the fund shall be credited to the
630 fund. Monies remaining in such fund at the end of a fiscal year
631 shall not lapse into the State General Fund.

632 (2) From and after July 1, 1993, each governmental entity
633 other than political subdivisions shall participate in a
634 comprehensive plan of self-insurance and/or one or more policies
635 of liability insurance administered by the Department of Finance
636 and Administration. Such plan shall provide coverage to each of
637 such governmental entities for every risk for which the board
638 determines the respective governmental entities to be liable in
639 the event of a claim or suit for injuries under the provisions of
640 this chapter, including claims or suits for injuries from the use
641 or operation of motor vehicles; provided, however, that the board
642 may allow such plan to contain any reasonable limitations or
643 exclusions not contrary to Mississippi state statutes or case law
644 as are normally included in commercial liability insurance
645 policies generally available to governmental entities. In
646 addition to the coverage authorized in the preceding sentence, the

647 plan may provide coverage for liabilities outside the provisions
648 of this chapter, including, but not limited to, liabilities
649 arising from Sections 1983 through 1987 of Title 42 of the United
650 States Code and liabilities from actions brought in foreign
651 jurisdictions, and the board shall establish limits of coverage
652 for such liabilities. Each governmental entity participating in
653 the plan shall make payments to the board in such amounts, times
654 and manner determined by the board as the board deems necessary to
655 provide sufficient funds to be available for payment by the board
656 of such costs as it incurs in providing coverage for the
657 governmental entity. Each governmental entity of the state other
658 than the political subdivisions thereof participating in the plan
659 procured by the board shall be issued by the board a certificate
660 of coverage whose form and content shall be determined by the
661 board but which shall have the effect of certifying that in the
662 opinion of the board each of such governmental entities is
663 adequately insured.

664 Prior to July 1, 1993, the Board of Trustees of State
665 Institutions of Higher Learning may provide such liability
666 coverage for each university, department, trustee, employee,
667 volunteer, facility and activity as the board of trustees, in its
668 discretion, shall determine advisable. If liability coverage,
669 either through insurance policies or self-insurance retention is
670 in effect, immunity from suit shall be waived only to the limit of
671 liability established by such insurance or self-insurance program.
672 From and after July 1, 1993, such liability coverage established
673 by the Board of Trustees of State Institutions of Higher Learning
674 and, after the effective date of House Bill No. _____, 2000 Regular
675 Session, the board of trustees of each state institution of higher
676 learning, must conform to the provisions of this section and must
677 receive approval from the board. Should the board reject such
678 plan, the boards of trustees shall participate in the liability
679 program for state agencies established by the board.

680 (3) All political subdivisions shall, from and after October
681 1, 1993, obtain such policy or policies of insurance, establish
682 such self-insurance reserves, or provide a combination of such
683 insurance and reserves as necessary to cover all risks of claims
684 and suits for which political subdivisions may be liable under
685 this chapter; except any political subdivision shall not be
686 required to obtain pollution liability insurance. However, this
687 shall not limit any cause of action against such political
688 subdivision relative to limits of liability under the Tort Claims
689 Act. Such policy or policies of insurance or such self-insurance
690 may contain any reasonable limitations or exclusions not contrary
691 to Mississippi state statutes or case law as are normally included
692 in commercial liability insurance policies generally available to
693 political subdivisions. All such plans of insurance and/or
694 reserves shall be submitted for approval to the board. The board
695 shall issue a certificate of coverage to each political
696 subdivision whose plan of insurance and/or reserves it approves in
697 the same manner as provided in subsection (2) of this section.
698 Whenever any political subdivision fails to obtain the board's
699 approval of any plan of insurance and/or reserves, the political
700 subdivision shall act in accordance with the rules and regulations
701 of the board and obtain a satisfactory plan of insurance and/or
702 reserves to be approved by the board.

703 (4) Any governmental entity of the state may purchase
704 liability insurance to cover claims in excess of the amounts
705 provided for in Section 11-46-15 and may be sued by anyone in
706 excess of the amounts provided for in Section 11-46-15 to the
707 extent of such excess insurance carried; provided, however, that
708 the immunity from suit above the amounts provided for in Section
709 11-46-15 shall be waived only to the extent of such excess
710 liability insurance carried.

711 (5) Any two (2) or more political subdivisions are hereby
712 authorized to enter into agreement and to contract between and

713 among themselves for the purpose of pooling their liabilities as a
714 group under this chapter. Such pooling agreements and contracts
715 may provide for the purchase of one or more policies of liability
716 insurance and/or the establishment of self-insurance reserves and
717 shall be subject to approval by the board in the manner provided
718 in subsections (2) and (3) of this section.

719 (6) The board shall have subrogation rights against a third
720 party for amounts paid out of any plan of self-insurance
721 administered by such board pursuant to this section in behalf of a
722 governmental entity as a result of damages caused under
723 circumstances creating a cause of action in favor of such
724 governmental entity against a third party. The board shall
725 deposit in the Tort Claims Fund all monies received in connection
726 with the settlement or payment of any claim, including proceeds
727 from the sale of salvage.

728 SECTION 19. Section 17-13-5, Mississippi Code of 1972, is
729 amended as follows:[LH10]

730 17-13-5. For the purpose of this chapter, the following
731 words shall be defined as herein provided unless the context
732 requires otherwise:

733 (a) "Local governmental unit" shall mean any county,
734 any incorporated city, town or village, any school district, any
735 utility district, any community college, any institution of higher
736 learning, or any municipal airport authority or regional airport
737 authority in the state.

738 (b) "Governing authority" shall mean the board of
739 supervisors of any county, board of trustees of any school
740 district or community college whether elective or appointive, the
741 governing board of any city, town or village, the board of
742 commissioners of a utility district, the board of trustees of each
743 state institution of higher learning, or the commissioners of a
744 municipal airport authority or regional airport authority.

745 SECTION 20. Section 19-3-47, Mississippi Code of 1972, is

746 amended as follows:[LH11]

747 19-3-47. (1) (a) The board of supervisors shall have the
748 power, in its discretion, to employ counsel by the year at an
749 annual salary at an amount that it deems proper, not to exceed the
750 maximum annual amount authorized by law for payment to a member of
751 the board.

752 (b) The board of supervisors shall have the power, in
753 its discretion, to employ counsel in all civil cases in which the
754 county is interested, including eminent domain proceedings, the
755 examination and certification of title to property the county is
756 acquiring and in criminal cases against a county officer for
757 malfeasance or dereliction of duty in office, when by the criminal
758 conduct of the officer the county may be liable to be affected
759 pecuniarily, with the counsel to conduct the proceeding instead of
760 the district attorney, or in conjunction with him, and to pay the
761 counsel out of the county treasury or the road fund that may be
762 involved reasonable compensation, or if counsel so employed is
763 retained on an annual basis as provided in this subsection,
764 reasonable additional compensation for his services.

765 (c) The board of supervisors shall have the power, in
766 its discretion, to pay reasonable compensation to attorneys who
767 may be employed by it in the matter of the issuance of bonds and
768 the drafting of orders and resolutions in connection therewith. In
769 no instance shall the attorney's fee for the services exceed the
770 following amounts, to wit:

771 One percent (1%) of the first Five Hundred Thousand Dollars
772 (\$500,000.00) of any one (1) bond issue; one-half percent (1/2%)
773 of the amount of the issue in excess of Five Hundred Thousand
774 Dollars (\$500,000.00) but not more than One Million Dollars
775 (\$1,000,000.00); and one-fourth percent (1/4%) of the amount of
776 the issue in excess of One Million Dollars (\$1,000,000.00). The
777 limitations imposed in this paragraph shall not apply to any bond
778 issue for which a declaration to issue the bonds has heretofore

779 been adopted by proper resolution.

780 (d) This subsection shall not in anyway amend or
781 repeal or otherwise affect subsection (2) of this section, but
782 this subsection shall remain in full force and effect.

783 (2) The board of supervisors of any county, in addition to
784 the authority conferred upon it in subsection (1) of this section,
785 may employ, in its discretion, a firm of attorneys to represent it
786 as its regular attorneys on the same terms, conditions and
787 compensation as provided for employment of an attorney as its
788 regular attorney. However, there shall not be both an attorney
789 and a firm of attorneys employed at the same time as the regular
790 attorney for the board.

791 (3) In any county having a 1980 federal census population
792 in excess of one hundred eighteen thousand (118,000), and in which
793 is located a major refinery for the production of petroleum
794 products and a facility for the construction of ships for the
795 United States Navy; in any county which is traversed by an
796 interstate highway and having a 1980 federal census population in
797 excess of sixty-six thousand (66,000), and in which is located a
798 comprehensive public university * * * and a National Guard
799 training base; in any county in which is located the State Capitol
800 and the state's largest municipality; in any county which is
801 traversed by Interstate Highway 55, United States Highway 51 and
802 United States Highway 98; in any county bordering the Gulf of
803 Mexico, having a 1980 federal census population in excess of one
804 hundred fifty-seven thousand (157,000), and in which is located a
805 state-owned port; and in any county which is traversed by
806 Interstate Highway 20, United States Highway 49 and United States
807 Highway 80, and in which is located the State Hospital and an
808 international airport; all of which foregoing criteria the
809 Legislature finds to be conducive to industrial development
810 requiring the issuance of industrial revenue bonds and which
811 counties would gain benefits by employment of counsel in the

812 manner authorized by this subsection, the board of supervisors, as
813 an alternative to the authority conferred upon it in subsections
814 (1) and (2) of this section, may employ annually, in its
815 discretion, an attorney as a full-time employee of the county,
816 subject to the following conditions:

817 (a) The attorney shall maintain an office in the county
818 courthouse or other county-owned building and shall represent the
819 board of supervisors and all county agencies responsible to the
820 board;

821 (b) The attorney shall be employed by the board of
822 supervisors in the matter of the issuance of all bonds of the
823 county and the drafting of resolutions in connection therewith,
824 and shall represent the board in all state and federal courts.
825 Attorney's fees for the services which otherwise would have been
826 paid to an attorney under paragraph (1)(c) of this section shall
827 be paid into the county general fund and used to defray the salary
828 of the attorney and his necessary office expenses;

829 (c) During his employment by the county, the attorney
830 shall not engage otherwise in the practice of civil or criminal
831 law and shall not be associated with any other attorney or firm of
832 attorneys;

833 (d) The board of supervisors shall have the power, in
834 its discretion, to pay the attorney an annual salary not to exceed
835 the maximum annual salary authorized by law to be paid to the
836 county judge of that county; and

837 (e) The board of supervisors may authorize, in its
838 discretion, the employment of special counsel to assist the
839 counsel employed pursuant to this subsection, provided that the
840 board shall determine and spread on its minutes that the
841 employment of the special counsel is necessary and in the best
842 interest of the county and setting forth the duties or
843 responsibilities assigned to the special counsel.

844 SECTION 21. Section 19-9-1, Mississippi Code of 1972, is

845 amended as follows:[LH12]

846 19-9-1. The board of supervisors of any county is authorized
847 to issue negotiable bonds of the county to raise money for the
848 following purposes:

849 (a) Purchasing or erecting, equipping, repairing,
850 reconstructing, remodeling and enlarging county buildings,
851 courthouses, office buildings, jails, hospitals, nurses' homes,
852 health centers, clinics, and related facilities, and the purchase
853 of land therefor;

854 (b) Erecting, equipping, repairing, reconstructing,
855 remodeling, or acquiring county homes for indigents, and
856 purchasing land therefor;

857 (c) Purchasing or constructing, repairing, improving
858 and equipping buildings for public libraries and for purchasing
859 land, equipment and books therefor, whether the title to same be
860 vested in the county issuing such bonds or in some subdivision of
861 the state government other than the county, or jointly in such
862 county and other such subdivision;

863 (d) Establishing county farms for convicts, purchasing
864 land therefor, and erecting, remodeling, and equipping necessary
865 buildings therefor;

866 (e) Constructing, reconstructing, and repairing roads,
867 highways and bridges, and acquiring the necessary land, including
868 land for road-building materials, acquiring rights-of-way
869 therefor; and the purchase of heavy construction equipment and
870 accessories thereto reasonably required to construct, repair and
871 renovate roads, highways and bridges and approaches thereto within
872 the county;

873 (f) Erecting, repairing, equipping, remodeling or
874 enlarging or assisting or cooperating with another county or other
875 counties in erecting, repairing, equipping, remodeling, or
876 enlarging buildings, and related facilities for an agricultural
877 high school, or agricultural high school-junior college, including

878 gymnasiums, auditoriums, lunchrooms, vocational training
879 buildings, libraries, teachers' homes, school barns, garages for
880 transportation vehicles, and purchasing land therefor;

881 (g) Purchasing or renting voting machines and any other
882 election equipment to be used in elections held within the county;

883 (h) Constructing, reconstructing or repairing boat
884 landing ramps and wharves fronting on the Mississippi Sound or the
885 Gulf of Mexico and on the banks or shores of the inland waters,
886 levees, bays and bayous of any county bordering on the Gulf of
887 Mexico or fronting on the Mississippi Sound, having two (2)
888 municipalities located therein, each with a population in excess
889 of twenty thousand (20,000) in accordance with the then last
890 preceding federal census;

891 (i) Assisting the board of trustees of any state
892 institution of higher learning which has a campus in that county,
893 the Office of General Services or any other state agency in
894 acquiring a site for constructing suitable buildings and runways
895 and equipping an airport for any state university or other
896 state-supported four-year college now or hereafter in existence in
897 such county;

898 (j) Aiding and cooperating in the planning,
899 undertaking, construction or operation of airports and air
900 navigation facilities, including lending or donating money,
901 pursuant to the provisions of the airport authorities law, being
902 Sections 61-3-1 through Section 61-3-83, Mississippi Code of 1972,
903 regardless of whether such airports or air navigation facilities
904 are located in the county or counties issuing such bonds;

905 (k) Establishing rubbish and garbage disposal systems
906 in accordance with the provisions of Sections 19-5-17 through
907 19-5-27;

908 (l) Defraying the expenses of projects of the county
909 cooperative service district in which it is a participating
910 county, regardless of whether the project is located in the county

911 issuing such bonds;

912 (m) Purchasing machinery and equipment which have an
913 expected useful life in excess of ten (10) years. The life of
914 such bonds shall not exceed the expected useful life of such
915 machinery and equipment. Machinery and equipment shall not
916 include any motor vehicle weighing less than twelve thousand
917 (12,000) pounds;

918 (n) Purchasing fire fighting equipment and apparatus,
919 and providing housing for the same and purchasing land necessary
920 therefor.

921 The word "bonds," as used in Sections 19-9-1 through 19-9-31,
922 shall be deemed to mean and include bonds, notes, or certificates
923 of indebtedness.

924 SECTION 22. Section 21-25-23, Mississippi Code of 1972, is
925 amended as follows:[LH13]

926 21-25-23. The governing authorities of any municipality are
927 hereby authorized, when petitioned so to do by the board of
928 trustees of any state institution of higher learning located in
929 such municipality, to create, by ordinance, a fire district
930 encompassing the area adjoining such municipality on which a part
931 or all of the state institution of higher learning is located,
932 after the creation of which such governing authorities and the
933 board of trustees * * * shall have full power to contract for
934 laying of water mains and any other pipes or connections to the
935 water mains to be used in said fire district, and for the
936 establishment and maintenance of fire service therein. However,
937 no such governing authority shall have the power either to
938 promulgate or enforce any charge, rule or regulation upon said
939 district without first having received the ratification and
940 consent of the Board of Trustees of State Institutions of Higher
941 Learning as reflected by the minutes of said trustees.

942 SECTION 23. Section 21-33-301, Mississippi Code of 1972, is
943 amended as follows:[LH14]

944 21-33-301. The governing authorities of any municipality are
945 authorized to issue negotiable bonds of the municipality to raise
946 money for the following purposes:

947 (a) Erecting municipal buildings, armories,
948 auditoriums, community centers, gymnasiums and athletic stadiums,
949 preparing and equipping athletic fields, and purchasing buildings
950 or land therefor, and for repairing, improving, adorning and
951 equipping the same, and for erecting, equipping and furnishing of
952 buildings to be used as a municipal or civic arts center;

953 (b) Erecting or purchasing waterworks, gas, electric
954 and other public utility plants or distribution systems or
955 franchises, and repairing, improving and extending the same;

956 (c) Purchasing or constructing, repairing, improving
957 and equipping buildings for public libraries and for purchasing
958 land, equipment and books therefor, whether the title to same be
959 vested in the municipality issuing such bonds or in some
960 subdivision of the state government other than the municipality,
961 or jointly in such municipality and other such subdivision;

962 (d) Establishing sanitary, storm, drainage or sewerage
963 systems, and repairing, improving and extending the same;

964 (e) Protecting a municipality, its streets and
965 sidewalks from overflow, caving banks and other like dangers;

966 (f) Constructing, improving or paving streets,
967 sidewalks, driveways, parkways, walkways or public parking
968 facilities, and purchasing land therefor;

969 (g) Purchasing land for parks, cemeteries and public
970 playgrounds, and improving, equipping and adorning the same,
971 including the constructing, repairing and equipping of swimming
972 pools and other recreational facilities;

973 (h) Constructing bridges and culverts;

974 (i) Constructing, repairing and improving wharves,
975 docks, harbors and appurtenant facilities, and purchasing land
976 therefor;

977 (j) Constructing, repairing and improving public
978 slaughterhouses, markets, pest houses, workhouses, hospitals,
979 houses of correction, reformatories and jails in the corporate
980 limits, or within three (3) miles of the corporate limits, and
981 purchasing land therefor;

982 (k) Altering or changing the channels of streams and
983 water courses to control, deflect or guide the current thereof;

984 (l) Purchasing fire-fighting equipment and apparatus,
985 and providing housing for same, and purchasing land therefor;

986 (m) Purchasing or renting voting machines and any other
987 election equipment needed in elections held in the municipality;

988 (n) Assisting the board of trustees of any state
989 institution of higher learning situated in the municipality, the
990 Bureau of Building, Grounds and Real Property Management of the
991 Governor's Office of General Services, or any other state agency
992 in acquiring a site for, constructing suitable buildings and
993 runways and equipping an airport for the university or other
994 state-supported four-year college, now or hereafter in existence,
995 in or near which the municipality is located, within not more than
996 ten (10) miles of the municipality;

997 (o) Acquiring and improving existing mass transit
998 system; however, no municipal governing authorities shall
999 authorize any bonds to be issued for the acquiring and improving
1000 of an existing mass transit system unless an election be conducted
1001 in said municipality in the same manner provided for general and
1002 special elections, and a majority of the qualified electors of the
1003 municipality participating in said election approve the bond
1004 issuance for the acquiring and improving of an existing mass
1005 transit system.

1006 (p) Purchasing machinery and equipment which have an
1007 expected useful life in excess of ten (10) years. The life of
1008 such bonds shall not exceed the expected useful life of such
1009 machinery and equipment. Machinery and equipment shall not

1010 include any motor vehicle weighing less than twelve thousand
1011 (12,000) pounds.

1012 The word "bonds" as used in this article shall be deemed
1013 to mean and include bonds, notes or certificates of indebtedness.

1014 SECTION 24. Section 25-3-41, Mississippi Code of 1972, is
1015 amended as follows:[LH15]

1016 25-3-41. (1) When any officer or employee of the State of
1017 Mississippi, or any department, agency or institution thereof,
1018 after first being duly authorized, is required to travel in the
1019 performance of his official duties, such officer or employee shall
1020 receive as expenses for each mile actually and necessarily
1021 traveled, when such travel is done by a privately owned automobile
1022 or other privately owned motor vehicle, the mileage reimbursement
1023 rate allowable to federal employees for the use of a privately
1024 owned vehicle while on official travel.

1025 (2) When any officer or employee of any county or
1026 municipality, or of any agency, board or commission thereof, after
1027 first being duly authorized, is required to travel in the
1028 performance of his official duties, such officer or employee shall
1029 receive as expenses Twenty Cents (20¢) for each mile actually and
1030 necessarily traveled, when such travel is done by a privately
1031 owned motor vehicle; provided, however, that the governing
1032 authorities of a county or municipality may, in their discretion,
1033 authorize an increase in the mileage reimbursement of officers and
1034 employees of such county or municipality, or of any agency, board
1035 or commission thereof, in an amount not to exceed the mileage
1036 reimbursement rate authorized for officers and employees of the
1037 State of Mississippi in subsection (1) of this section.

1038 (3) Where two (2) or more officers or employees travel in
1039 one (1) privately owned motor vehicle, only one (1) travel expense
1040 allowance at the authorized rate per mile shall be allowed for any
1041 one (1) trip. When such travel is done by means of a public
1042 carrier or other means not involving a privately owned motor

1043 vehicle, then such officer or employee shall receive as travel
1044 expense the actual fare or other expenses incurred in such travel.

1045 (4) In addition to the foregoing, a public officer or
1046 employee shall be reimbursed for other actual expenses such as
1047 meals, lodging and other necessary expenses incurred in the course
1048 of such travel, subject to limitations placed on meals for
1049 intrastate and interstate official travel by the Department of
1050 Finance and Administration, provided, that the Legislative Budget
1051 Office shall place any limitations for expenditures made on
1052 matters under the jurisdiction of the Legislature. The Department
1053 of Finance and Administration shall set a maximum daily
1054 expenditure annually for such meals and shall notify officers and
1055 employees of changes to these allowances immediately upon approval
1056 of such changes. Travel by airline shall be at the tourist rate
1057 unless such space was unavailable. The officer or employee shall
1058 certify that tourist accommodations were not available if travel
1059 is performed in first class airline accommodations. Itemized
1060 expense accounts shall be submitted by such officers or employees
1061 in such number as the department, agency or institution may
1062 require; but in any case one (1) copy shall be furnished by state
1063 departments, agencies or institutions to the Department of Finance
1064 and Administration for preaudit. The Department of Finance and
1065 Administration shall promulgate and adopt reasonable rules and
1066 regulations which it deems necessary and requisite to effectuate
1067 economies for all expenses authorized and paid pursuant to this
1068 section. Requisitions shall be made on the State Fiscal Officer
1069 who shall issue his warrant on the State Treasurer. Provided,
1070 however, that the provisions of this section shall not include
1071 agencies financed entirely by federal funds and audited by federal
1072 auditors.

1073 (5) Any officer or employee of a county or municipality, or
1074 any department, board or commission thereof, who is required to
1075 travel in the performance of his official duties, may receive

1076 funds prior to such travel, in the discretion of the
1077 administrative head of the county or municipal department, board
1078 or commission involved, for the purpose of paying necessary
1079 expenses incurred during such travel. Upon return from such
1080 travel, the officer or employee shall provide receipts of
1081 transportation, lodging, meals, fees and any other expenses
1082 incurred during the travel. Any portion of the funds advanced
1083 which is not expended during the travel shall be returned by the
1084 officer or employee. The Department of Audit shall adopt rules
1085 and regulations regarding advance payment of travel expenses and
1086 submission of receipts to ensure proper control and strict
1087 accountability for such payments and expenses.

1088 (6) No state or federal funds received from any source by
1089 any arm or agency of the state shall be expended in traveling
1090 outside of the continental limits of the United States until the
1091 governing body or head of the agency makes a finding and
1092 determination that the travel would be extremely beneficial to the
1093 state agency and obtains a written concurrence thereof from the
1094 Governor and the Department of Finance and Administration.

1095 (7) Where any officer or employee of the State of
1096 Mississippi, or any department, agency or institution thereof, or
1097 of any county or municipality, or of any agency, board or
1098 commission thereof, is authorized to receive travel reimbursement
1099 under any other provision of law, such reimbursement may be paid
1100 under the provisions of this section or such other section, but
1101 not under both.

1102 (8) (a) The Department of Finance and Administration may
1103 contract with a commercial travel agency, after receiving
1104 competitive bids therefor, for such travel agency to provide all
1105 necessary travel services for state officers and employees.
1106 However, the administrative head of each state institution of
1107 higher learning may, in his discretion, contract with a commercial
1108 travel agency to provide necessary travel services for all

1109 academic officials and staff of the university in lieu of
1110 participation in the state travel agency contract. Any such
1111 decision by a university to contract with a separate travel agency
1112 shall be approved by the Commissioner of Higher Education and
1113 certified to the Executive Director of the Department of Finance
1114 and Administration.

1115 (b) Before executing a contract with a travel agency,
1116 the Department of Finance and Administration shall advertise for
1117 competitive bids once a week for two (2) consecutive weeks in a
1118 regular newspaper having a general circulation throughout the
1119 State of Mississippi. The contract for such services shall be
1120 executed with the lowest and best bidder. If the department
1121 determines that it should not contract with any of the bidders
1122 initially submitting proposals, the department may reject all such
1123 bids, advertise as provided herein and receive new proposals
1124 before executing the contract. The contract shall be for three
1125 (3) years, with an option for the travel agency to renew the
1126 contract on a one-year basis on the same terms as the original
1127 contract, for a maximum of two (2) renewals. After the travel
1128 agency has renewed the contract twice or has declined to renew the
1129 contract for the maximum number of times, the Department of
1130 Finance and Administration shall advertise for bids in the manner
1131 required by this section and execute a new contract.

1132 (c) Whenever any state officer or employee travels in
1133 the performance of his official duties by airline or other public
1134 carrier, he shall have his travel arrangements handled by such
1135 travel agency.

1136 SECTION 25. Section 27-7-701, Mississippi Code of 1972, is
1137 amended as follows:[LH16]

1138 27-7-701. For the purposes of this article, the following
1139 terms shall have the respective meanings ascribed by this section:

1140 (a) "Claimant agency" means the board of trustees of
1141 any state institution of higher learning * * *, the Mississippi

1142 Guarantee Student Loan Agency, the Mississippi Post-Secondary
1143 Education Assistance Board, or any state agency which has loaned
1144 money to an individual for educational purposes.

1145 (b) "Debtor" means any individual owing money or having
1146 a delinquent account with any claimant agency, which obligation
1147 has not been adjudicated satisfied by court order, set aside by
1148 court order, or discharged in bankruptcy.

1149 (c) "Debt" means any liquidated sum due and owing any
1150 claimant agency which has accrued through contract, subrogation,
1151 tort or operation of law, regardless of whether there is an
1152 outstanding judgment for that sum.

1153 (d) "Commission" means the State Tax Commission of the
1154 State of Mississippi.

1155 (e) "Refund" means the Mississippi income tax refund
1156 which the commission determines to be due any individual taxpayer.

1157 SECTION 26. Section 27-103-127, Mississippi Code of 1972, is
1158 amended as follows:[LH17]

1159 27-103-127. To the end that the overall budget shall present
1160 in comparable terms a complete summary of all financial operations
1161 of all state agencies, Part 2 of the overall budget shall include
1162 therein the requested budget and the recommended budget for each
1163 special fund agency. The overall budget shall show for each
1164 special fund agency, in addition to such other information as may
1165 be prescribed by the Legislative Budget Office, the following:

1166 (a) The amount by source of all special fund receipts
1167 collected or otherwise available in the current fiscal year, and
1168 an estimate by source of all special funds which will be collected
1169 or become available by the end of the then current fiscal year;

1170 (b) The estimated amount of all expenditures to be made
1171 or obligations to be incurred payable from such special funds
1172 during the then current fiscal year;

1173 (c) The estimated aggregate amount of special funds
1174 which will be needed by the agency for the succeeding fiscal year;

1175 beginning with the 1995 fiscal year and in the event that any
1176 services proposed to be provided by the agency in the succeeding
1177 fiscal year are Medicaid reimbursable, any state general matching
1178 funds necessary for such reimbursement shall be included in the
1179 agency's proposed budget, and the appropriation to the Division of
1180 Medicaid in the 1995 fiscal year shall be adjusted accordingly;

1181 (d) The estimated amount by source of special funds
1182 which will be available under existing laws during the succeeding
1183 fiscal year, including any balances which will be on hand at the
1184 close of the then current fiscal year;

1185 (e) The estimated amount which will be needed and which
1186 will require change in existing law or laws;

1187 (f) If any new item of expense is included in the
1188 proposed budget of any special fund agency, the reason therefor
1189 shall be given; and in any case where the Legislative Budget
1190 Office shall eliminate or reduce any item or items in the proposed
1191 budget of any special fund agency, it shall note briefly the
1192 reasons therefor, together with the reasons advanced by the agency
1193 in support of the item or items eliminated or reduced;

1194 (g) The proposed budget of each special fund agency
1195 shall show the amounts required for operating expenses separately
1196 from the amounts required for permanent improvements.

1197 Proposed expenditures for any agency in Part 2 of the overall
1198 budget shall not exceed the amount of estimated revenues which
1199 will be available to it. Provided, that the Legislative Budget
1200 Office may recommend changes in existing law so as to decrease or
1201 increase the revenues available to any agency if in its judgment
1202 such changes are necessary or desirable.

1203 Provided further, that expenditures approved or authorized by
1204 the Legislature for any special fund agency or special funds
1205 approved for general fund agency shall constitute a maximum to be
1206 expended or encumbered by such agency, and shall not constitute
1207 authority to expend or encumber more than the amount of revenue

1208 actually collected or otherwise received.

1209 No special fund agency or general fund agency shall make
1210 expenditures from special funds available to such agency unless
1211 such expenditures are set forth in a budget approved by the
1212 Legislature. Such legislative approval shall be set forth in an
1213 appropriation act. Provided, however, that special funds derived
1214 from the collection of taxes for any political subdivision of the
1215 state shall be excepted from the foregoing provisions. The
1216 executive head of the state agency shall be liable on his official
1217 bond for expenditures or encumbrances which exceed the total
1218 amount of the budget or the amount received if receipts are less
1219 than the approved budget.

1220 * * * Each university and college shall submit through the
1221 board of trustees of the state institution of higher learning an
1222 annual budget to the Legislative Budget Office prior to the
1223 beginning of each fiscal year with such information and in such
1224 form, and in such detail, as may be required by the Legislative
1225 Budget Office. If the Legislative Budget Office determines that
1226 sufficient funds will be available during the fiscal year to fund
1227 the proposed budget as submitted, then and in that event the
1228 proposed budget shall be approved. However, if the Legislative
1229 Budget Office determines that, in its judgment, sufficient funds
1230 will not be available to fund the proposed budget, the affected
1231 institution * * * and its board * * * shall be promptly notified
1232 and given an opportunity to either justify the proposed budget or
1233 proposed amendments which can be mutually agreed upon. The
1234 Legislative Budget Office shall then approve the proposed budget
1235 or budgets of the several universities and colleges. The total
1236 amount approved for each institution shall constitute the maximum
1237 funds which may be expended during the fiscal year.

1238 The municipal, county or combined municipal and county port
1239 and harbor commissions, authorities or other port or harbor
1240 agencies not owned or operated by the state, shall submit annual

1241 or amended budgets of their estimated receipts and expenditures to
1242 the governing bodies of such municipality, county or municipality
1243 and county, for their approval, and a copy of such budget as
1244 approved by such governing body or bodies shall be filed with the
1245 Legislative Budget Office. Such budget shall itemize all
1246 estimated receipts and expenditures, and the Legislative Budget
1247 Office may require particularization, explanation or audit
1248 thereof, and shall report such information to the Legislature.

1249 To the end that the overall budget shall present in
1250 comparable terms a complete summary of all financial operations of
1251 all state agencies, Part 3 of such overall budget shall consist of
1252 an estimated preliminary annual budget of the Department of
1253 Transportation and the Division of State Aid Road Construction of
1254 the Department of Transportation and such information for the
1255 current fiscal year as is necessary to make presentation
1256 comparable to that specified for Part 2 special fund agencies.

1257 The annual budget request of the Department of Transportation
1258 shall be divided into the following program budgets: (a)
1259 administration and other expenses, (b) construction, (c)
1260 maintenance, and (d) debt service. In making its annual
1261 appropriation to the Department of Transportation from the State
1262 Highway Fund, the Legislature shall separate the appropriation
1263 bill into the four (4) program budget areas herein specified. For
1264 the purposes of this paragraph, "administration and other
1265 expenses" shall be construed to mean those expenses incurred due
1266 to departmental support activities which cannot be assigned to a
1267 specific construction or maintenance project, and shall be
1268 construed to include expenses incurred for office machines,
1269 furniture, fixtures, automobiles, station wagons, truck and other
1270 vehicles, road machinery, farm equipment and other working
1271 equipment, data processing and computer equipment, all other
1272 equipment, and replacements for equipment. "Construction" shall
1273 be construed to mean those expenses associated with the creation

1274 and development of the state highway system and its related
1275 facilities; "maintenance" shall be construed to mean those
1276 expenses incurred due to activities associated with preservation
1277 of safe and aesthetically acceptable highways in an attempt to
1278 maintain them in as close to the original condition as possible;
1279 and "debt service" shall be construed to mean amounts needed to
1280 pay bonds and interest coming due, bank service charges, and bond
1281 debt service.

1282 SECTION 27. Section 29-1-205, Mississippi Code of 1972, is
1283 amended as follows:[LH18]

1284 29-1-205. (1) The Department of Finance and Administration,
1285 Bureau of Building, Grounds and Real Property Management, is
1286 hereby authorized, empowered and directed to sell and convey on
1287 behalf of the State of Mississippi to a nationally recognized
1288 organization which has as its purpose the recognition and
1289 promotion of scholarship, leadership and service among two-year
1290 college students throughout the country for the purpose of
1291 constructing a national headquarters thereon, the following
1292 described state-owned lands. The property authorized to be sold
1293 and conveyed is a certain parcel of land situated in the Northwest
1294 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
1295 County, Mississippi, and being more particularly described as
1296 follows, to-wit:

1297 Commence at the Southwest corner of Lot 2 of Northeast
1298 Heights, a subdivision on file and of record in the
1299 office of the Chancery Clerk at Jackson, Hinds County,
1300 Mississippi, in Plat Book 10 at Page 45; run thence
1301 Southerly along the extension of the West line of said
1302 Lot 2 for a distance of 80.00 feet to a point on the
1303 South Line of Eastover Drive; turn thence right through
1304 a deflection angle of 89 degrees 13 minutes and run
1305 westerly along the South line of Eastover Drive for a
1306 distance of 43.84 feet to the POINT OF BEGINNING; thence

1307 leaving said South line of Eastover Drive, turn left
1308 through a deflection angle of 95 degrees 41 minutes 50
1309 seconds and run Southerly along a line twenty five feet
1310 from and parallel to the centerline of a 31 foot asphalt
1311 drive for a distance of 118.08 feet; turn thence right
1312 through a deflection angle of 3 degrees 07 minutes 37
1313 seconds and continue Southerly along a line twenty five
1314 feet from and parallel to the centerline of a 31 foot
1315 asphalt drive for a distance of 132.71 feet to a point
1316 on the North line of a United Gas Pipe Line Company
1317 easement; turn thence right through a deflection angle
1318 of 59 degrees 18 minutes 47 seconds and run
1319 Southwesterly along the North line of said United Gas
1320 Pipe Line Company easement for a distance of 520.00
1321 feet; turn thence right through a deflection angle of 90
1322 degrees 00 minutes 00 seconds and run Northwesterly for
1323 a distance of 410.00 feet; turn thence right through a
1324 deflection angle of 69 degrees 42 minutes 33 seconds and
1325 run Northeasterly for a distance of 238.99 feet to a
1326 point on the South line of said Eastover Drive; said
1327 point further being on a 2 degrees 27 minutes curve
1328 bearing to the right, said curve having a central angle
1329 of 8 degrees 58 minutes 45 seconds and a radius of
1330 2258.60 feet; turn thence right through a deflection
1331 angle of 53 degrees 12 minutes 08 seconds and run
1332 Easterly along the chord of said 2 degrees 27 minutes
1333 curve bearing to the right and the South line of said
1334 Eastover Drive for a distance of 27.26 feet to the Point
1335 of Tangency; turn thence right through a deflection
1336 angle of 00 degrees 20 minutes 45 seconds and run
1337 Easterly along the South line said Eastover Drive for a
1338 distance of 472.74 feet to the POINT OF BEGINNING,
1339 containing 5.44 acres more or less.

1340 (2) The Legislature recognizes that Mississippi's public
1341 two-year college system is the oldest system of its kind in the
1342 nation, and further recognizes that this system enjoys national
1343 notoriety and respect for its achievement and promotion of
1344 educational, civic, social and cultural excellence. The
1345 Legislature declares and finds that the purpose of this
1346 legislation is to promote, enhance and foster continued excellence
1347 in Mississippi's two-year college system and the overall
1348 educational development and improvement of the State of
1349 Mississippi and the educational, civic, social, cultural, moral
1350 and economic welfare thereof, and that such purposes will be
1351 accomplished by the conveyance of the above-described property to
1352 an organization within the aforesaid classification for
1353 construction of a national headquarters thereon.

1354 (3) The conveyance to be executed by the Department of
1355 Finance and Administration, acting through the Bureau of Building,
1356 Grounds and Real Property Management, shall be within the limits
1357 contained in Sections 29-1-205 and 29-1-209 and contain a
1358 provision reserving unto the state all oil, gas and mineral rights
1359 of every kind and character. The conveyance shall make provision
1360 for reasonable access to the conveyed premises over existing
1361 roadways and to existing utility lines for the benefit of the
1362 conveyed premises. The conveyance shall include terms granting to
1363 the board of trustees of each state institution of higher
1364 learning, to the State Board for Community and Junior Colleges and
1365 to the Mississippi Authority for Educational Television reasonable
1366 rights to utilize the improvements to be constructed thereon, or
1367 portions thereof, for conference or meeting purposes, specifying
1368 the architectural style of the improvements and providing a
1369 reasonable setback of wooded undeveloped property contiguous to
1370 the improvements in order to maintain the natural environment of
1371 the site.

1372 (4) The conveyance herein shall be for such consideration as

1373 determined appropriate by the Public Procurement Review Board.
1374 Such consideration may be paid or provided in installments over a
1375 period of time (not to exceed twenty-five (25) years) and may also
1376 be provided in kind. In-kind consideration may include the
1377 reasonable use of the improvements constructed on the property by
1378 the board of trustees of any state institution of higher learning
1379 and its institutions, the State Board for Community and Junior
1380 Colleges and the community and junior colleges, and the
1381 Mississippi Authority for Educational Television and other state
1382 agencies, and the provision of leadership training certification
1383 programs for community and junior college faculty and others.
1384 Such in-kind consideration may also constitute full and fair
1385 consideration for the property. In establishing consideration,
1386 the board may take into account the appraised value of the
1387 property, but shall allow reasonable credit to the purchaser for
1388 benefits accruing to the State of Mississippi, including the
1389 enhancement of the state's community and junior college program
1390 and the promotion of excellence in public education afforded by
1391 the location of such organization and its headquarters in this
1392 state, the increase in employment made possible, and that the only
1393 use which can be made of the conveyed premises is for the
1394 organization's national headquarters with reversion to the state
1395 otherwise.

1396 SECTION 28. Section 29-17-1, Mississippi Code of 1972, is
1397 amended as follows:[LH19]

1398 29-17-1. As used in this chapter, the following words shall
1399 have the meanings ascribed herein unless the context clearly
1400 requires otherwise:

1401 (a) "Public facility" shall mean any building or other
1402 facility owned by the State of Mississippi, or by any agency,
1403 department or political subdivision of the State of Mississippi,
1404 which is occupied, used or under the control of the State of
1405 Mississippi, or any agency or department of the State of

1406 Mississippi, or any junior college district of the State of
1407 Mississippi, or the board of trustees of any state institution of
1408 higher learning of the State of Mississippi * * *.

1409 (b) "Capitol complex" shall include the following state
1410 property located in Jackson, Mississippi: the New State Capitol
1411 Building, the Woolfolk State Office Building, the Carroll Gartin
1412 Justice Building, the Walter Sillers Office Building, the War
1413 Veterans' Memorial Building, the State Archives Building, the Ike
1414 Sanford Veterans Affairs Building, the Old State Capitol Building,
1415 the Governor's Mansion, the Heber Ladner Building, the Burroughs
1416 Building, the Robert E. Lee Hotel Property, the Central High
1417 Legislative Services Building, the 301 Building or any other
1418 properties which may come under the supervision of the Department
1419 of Finance and Administration and are deemed to be in the Capitol
1420 Complex.

1421 SECTION 29. Section 31-1-1, Mississippi Code of 1972, is
1422 amended as follows:[LH20]

1423 31-1-1. The responsibility for the making of contracts for
1424 printing, binding, engraving and lithographing is hereby vested in
1425 each state agency or office which requires such printing, binding,
1426 engraving and lithographing, including but not restricted to the
1427 Secretary of State, State Department of Education, State Tax
1428 Commission, Supreme Court, Department of Insurance, State Auditor,
1429 Public Service Commission, State Treasurer, State Fiscal
1430 Management Board, State Veterans Affairs Board, Attorney General,
1431 Department of Agriculture and Commerce, State Board of Pharmacy,
1432 State Board of Dental Examiners, State Law Library, State Board of
1433 Health, Mississippi Department of Corrections, State Educational
1434 Finance Commission, Department of Archives and History,
1435 Mississippi State Hospital and board of trustees of each state
1436 institution of higher learning.

1437 All contracts referred to herein shall be submitted to and
1438 approved by the State Fiscal Management Board prior to their

1439 execution, except that those contracts under the jurisdiction of
1440 the Legislature shall be submitted to and approved by the
1441 Legislative Budget Office.

1442 All state agencies shall purchase all commodities required
1443 for their operation or for the proper fulfillment of their duties
1444 and functions in accordance with Chapter 7 of this title in order
1445 to coordinate and promote efficiency and economy in the purchase
1446 of such commodities for the state.

1447 SECTION 30. Section 31-7-10, Mississippi Code of 1972, is
1448 amended as follows:[LH21]

1449 31-7-10. (1) In addition to its other powers and duties,
1450 the Department of Finance and Administration shall have the
1451 authority to develop a master lease-purchase program and, pursuant
1452 to that program, shall have the authority to execute on behalf of
1453 the state master lease-purchase agreements for equipment to be
1454 used by an agency, as herein provided. Each agency electing to
1455 acquire equipment by a lease-purchase agreement shall participate
1456 in the Department of Finance and Administration's master
1457 lease-purchase program, unless the Department of Finance and
1458 Administration makes a determination that such equipment cannot be
1459 obtained under the program or unless the equipment can be obtained
1460 elsewhere at an overall cost lower than that for which the
1461 equipment can be obtained under the program. Such lease-purchase
1462 agreements may include the refinancing and/or consolidation of any
1463 state agency lease-purchase agreements entered into after June 30,
1464 1990.

1465 (2) All funds designated by agencies for procurement of
1466 equipment and financing thereof under the master lease-purchase
1467 program shall be paid into a special fund hereby created in the
1468 State Treasury known as the "Master Lease-Purchase Program Fund"
1469 which shall be used by the Department of Finance and
1470 Administration for payment to the lessors for equipment acquired
1471 under master lease-purchase agreements.

1472 (3) Upon final approval of an appropriation bill, each
1473 agency shall submit to the Public Procurement Review Board a
1474 schedule of proposed equipment acquisitions for the master
1475 lease-purchase program. Upon approval of an equipment schedule by
1476 the Public Procurement Review Board with the advice of the Central
1477 Data Processing Authority, the Office of Purchasing and Travel,
1478 and the Division of Energy and Transportation of the Department of
1479 Economic Development as it pertains to energy efficient climate
1480 control systems, the Public Procurement Review Board shall forward
1481 a copy of the equipment schedule to the Department of Finance and
1482 Administration.

1483 (4) The level of lease-purchase debt recommended by the
1484 Department of Finance and Administration shall be subject to
1485 approval by the State Bond Commission. After such approval, the
1486 Department of Finance and Administration shall be authorized to
1487 advertise and solicit written competitive proposals for a lessor,
1488 who will purchase the equipment pursuant to bid awards made by the
1489 using agency under a given category and then transfer the
1490 equipment to the Department of Finance and Administration as
1491 lessee, pursuant to a master lease-purchase agreement.

1492 The Department of Finance and Administration shall select the
1493 successful proposer for the financing of equipment under the
1494 master lease-purchase program with the approval of the State Bond
1495 Commission.

1496 (5) Each master lease-purchase agreement, and any subsequent
1497 amendments, shall include such terms and conditions as the State
1498 Bond Commission shall determine to be appropriate and in the
1499 public interest, and may include any covenants deemed necessary or
1500 desirable to protect the interests of the lessor, including, but
1501 not limited to, provisions setting forth the interest rate (or
1502 method for computing interest rates) for financing pursuant to
1503 such agreement, covenants concerning application of payments and
1504 funds held in the Master Lease-Purchase Program Fund, covenants to

1505 maintain casualty insurance with respect to equipment subject to
1506 the master lease-purchase agreement (and all state agencies are
1507 specifically authorized to purchase any insurance required by a
1508 master lease-purchase agreement) and covenants precluding or
1509 limiting the right of the lessee or user to acquire equipment
1510 within a specified time (not to exceed five (5) years) after
1511 cancellation on the basis of a failure to appropriate funds for
1512 payment of amounts due under a lease-purchase agreement covering
1513 comparable equipment. The State Bond Commission shall transmit
1514 copies of each such master lease-purchase agreement and each such
1515 amendment to the Joint Legislative Budget Committee. To the
1516 extent provided in any master lease-purchase agreement, title to
1517 equipment leased pursuant thereto shall be deemed to be vested in
1518 the state or the user of the equipment (as specified in such
1519 master lease-purchase agreement), subject to default under or
1520 termination of such master lease-purchase agreement.

1521 A master lease-purchase agreement may provide for payment by
1522 the lessor to the lessee of the purchase price of the equipment to
1523 be acquired pursuant thereto prior to the date on which payment is
1524 due to the vendor for such equipment and that the lease payments
1525 by the lessee shall commence as though the equipment had been
1526 provided on the date of payment. If the lessee, or lessee's
1527 escrow agent, has sufficient funds for payment of equipment
1528 purchases prior to payment due date to vendor of equipment, such
1529 funds shall be held or utilized on an as needed basis for payment
1530 of equipment purchases either by the State Treasurer (in which
1531 event the master lease-purchase agreement may include provisions
1532 concerning the holding of such funds, the creation of a security
1533 interest for the benefit of the lessor in such funds until
1534 disbursed and other appropriate provisions approved by the Bond
1535 Commission) or by a corporate trustee selected by the Department
1536 of Finance and Administration (in which event the Department of
1537 Finance and Administration shall have the authority to enter into

1538 an agreement with such a corporate trustee containing terms and
1539 conditions approved by the bond commission). Earnings on any
1540 amount paid by the lessor prior to the acquisition of the
1541 equipment may be used to make lease payments under the master
1542 lease-purchase agreement or applied to pay costs and expenses
1543 incurred in connection with such lease-purchase agreement. In
1544 such event, the equipment use agreements with the user agency may
1545 provide for lease payments to commence upon the date of payment by
1546 the lessor and may also provide for a credit against such payments
1547 to the extent that investment receipts from investment of the
1548 purchase price are to be used to make lease-purchase payments.

1549 (6) The annual rate of interest paid under any
1550 lease-purchase agreement authorized under this section shall not
1551 exceed the maximum interest rate to maturity on general obligation
1552 indebtedness permitted under Section 75-17-101.

1553 (7) The Department of Finance and Administration shall
1554 furnish the equipment to the various agencies, also known as the
1555 user, pursuant to an equipment-use agreement developed by the
1556 Department of Finance and Administration. Such agreements shall
1557 require that all monthly payments due from such agency be paid,
1558 transferred or allocated into the Master Lease-Purchase Program
1559 Fund pursuant to a schedule established by the Department of
1560 Finance and Administration. In the event such sums are not paid
1561 by the defined payment period, the Executive Director of the
1562 Department of Finance and Administration shall issue a requisition
1563 for a warrant to draw such amount as may be due from any funds
1564 appropriated for the use of the agency which has failed to make
1565 the payment as agreed.

1566 (8) All master lease-purchase agreements executed under the
1567 authority of this section shall contain the following annual
1568 allocation dependency clause or an annual allocation dependency
1569 clause which is substantially equivalent thereto: "The
1570 continuation of each equipment schedule to this agreement is

1571 contingent in whole or in part upon the appropriation of funds by
1572 the Legislature to make the lease-purchase payments required under
1573 such equipment schedule. If the Legislature fails to appropriate
1574 sufficient funds to provide for the continuation of the
1575 lease-purchase payments under any such equipment schedule, then
1576 the obligations of the lessee and of the agency to make such
1577 lease-purchase payments and the corresponding provisions of any
1578 such equipment schedule to this agreement shall terminate on the
1579 last day of the fiscal year for which appropriations were made."

1580 (9) The maximum lease term for any equipment acquired under
1581 the master lease-purchase program shall not exceed the useful life
1582 of such equipment as determined according to the upper limit of
1583 the asset depreciation range (ADR) guidelines for the Class Life
1584 Asset Depreciation Range System established by the Internal
1585 Revenue Service pursuant to the United States Internal Revenue
1586 Code and regulations thereunder as in effect on December 31, 1980,
1587 or comparable depreciation guidelines with respect to any
1588 equipment not covered by ADR guidelines. The Department of
1589 Finance and Administration shall be deemed to have met the
1590 requirements of this subsection if the term of a master
1591 lease-purchase agreement does not exceed the weighted average
1592 useful life of all equipment covered by such agreement and the
1593 schedules thereto as determined by the Department of Finance and
1594 Administration. For purposes of this subsection (9), the "term of
1595 a master lease-purchase agreement" shall be the weighted average
1596 maturity of all principal payments to be made under such master
1597 lease-purchase agreement and all schedules thereto.

1598 (10) Interest paid on any master lease-purchase agreement
1599 under this section shall be exempt from State of Mississippi
1600 income taxation. All equipment, and the purchase thereof by any
1601 lessor, acquired under the master lease-purchase program and all
1602 lease-purchase payments with respect thereto shall be exempt from
1603 all Mississippi sales, use and ad valorem taxes.

1604 (11) The Governor, in his annual executive budget to the
1605 Legislature, shall recommend appropriations sufficient to provide
1606 funds to pay all amounts due and payable during the applicable
1607 fiscal year under master lease-purchase agreements entered into
1608 pursuant to this section.

1609 (12) Any master lease-purchase agreement reciting in
1610 substance that such agreement has been entered into pursuant to
1611 this section shall be conclusively deemed to have been entered
1612 into in accordance with all of the provisions and conditions set
1613 forth in this section. Any defect or irregularity arising with
1614 respect to procedures applicable to the acquisition of any
1615 equipment shall not invalidate or otherwise limit the obligation
1616 of the Department of Finance and Administration, or the state or
1617 any agency of the state, under any master lease-purchase agreement
1618 or any equipment-use agreement.

1619 (13) There shall be maintained by the Department of Finance
1620 and Administration with respect to each master lease-purchase
1621 agreement an itemized statement of the cash price, interest rates,
1622 interest costs, commissions, debt service schedules and all other
1623 costs and expenses paid by the state incident to the
1624 lease-purchase of equipment under such agreement.

1625 (14) Lease-purchase agreements entered into by the board of
1626 trustees of any state institution of higher learning pursuant to
1627 the authority of Section 37-101-413 or by any other agency which
1628 has specific statutory authority other than pursuant to Section
1629 31-7-13(e) to acquire equipment by lease-purchase shall not be
1630 made pursuant to the master lease-purchase program under this
1631 section, unless the board * * * elects to participate as to part
1632 or all of its lease-purchase acquisitions in the master
1633 lease-purchase program pursuant to this section.

1634 SECTION 31. Section 37-3-2, Mississippi Code of 1972, is
1635 amended as follows:[LH22]

1636 37-3-2. (1) There is hereby established within the State

1637 Department of Education the Commission on Teacher and
1638 Administrator Education, Certification and Licensure and
1639 Development. It shall be the purpose and duty of the commission
1640 to make recommendations to the State Board of Education regarding
1641 standards for the certification and licensure and continuing
1642 professional development of those who teach or perform tasks of an
1643 educational nature in the public schools of Mississippi.

1644 (2) The commission shall be composed of fifteen (15)
1645 qualified members. The membership of the commission shall be
1646 composed of the following members to be appointed three (3) from
1647 each congressional district: four (4) classroom teachers; three
1648 (3) school administrators; one (1) representative of schools of
1649 education of institutions of higher learning located within the
1650 state to be recommended by the Commissioner of Higher Education;
1651 one (1) representative from the schools of education of
1652 independent institutions of higher learning to be recommended by
1653 the Board of the Mississippi Association of Independent Colleges;
1654 one (1) representative from public community and junior colleges
1655 located within the state to be recommended by the State Board for
1656 Community and Junior Colleges; one (1) local school board member;
1657 and four (4) lay persons. All appointments shall be made by the
1658 State Board of Education after consultation with the State
1659 Superintendent of Public Education. The first appointments by the
1660 State Board of Education shall be made as follows: five (5)
1661 members shall be appointed for a term of one (1) year; five (5)
1662 members shall be appointed for a term of two (2) years; and five
1663 (5) members shall be appointed for a term of three (3) years.
1664 Thereafter, all members shall be appointed for a term of four (4)
1665 years.

1666 (3) The State Board of Education when making appointments
1667 shall designate a chairman. The commission shall meet at least
1668 once every two (2) months or more often if needed. Members of the
1669 commission shall be compensated at a rate of per diem as

1670 authorized by Section 25-3-69 and be reimbursed for actual and
1671 necessary expenses as authorized by Section 25-3-41.

1672 (4) An appropriate staff member of the State Department of
1673 Education shall be designated and assigned by the State
1674 Superintendent of Public Education to serve as executive secretary
1675 and coordinator for the commission. No less than two (2) other
1676 appropriate staff members of the State Department of Education
1677 shall be designated and assigned by the State Superintendent of
1678 Public Education to serve on the staff of the commission.

1679 (5) It shall be the duty of the commission to:

1680 (a) Set standards and criteria, subject to the approval
1681 of the State Board of Education, for all educator preparation
1682 programs in the state;

1683 (b) Recommend to the State Board of Education each year
1684 approval or disapproval of each educator preparation program in
1685 the state;

1686 (c) Establish, subject to the approval of the State
1687 Board of Education, standards for initial teacher certification
1688 and licensure in all fields;

1689 (d) Establish, subject to the approval of the State
1690 Board of Education, standards for the renewal of teacher licenses
1691 in all fields;

1692 (e) Review and evaluate objective measures of teacher
1693 performance, such as test scores, which may form part of the
1694 licensure process, and to make recommendations for their use;

1695 (f) Review all existing requirements for certification
1696 and licensure;

1697 (g) Consult with groups whose work may be affected by
1698 the commission's decisions;

1699 (h) Prepare reports from time to time on current
1700 practices and issues in the general area of teacher education and
1701 certification and licensure;

1702 (i) Hold hearings concerning standards for teachers'

1703 and administrators' education and certification and licensure with
1704 approval of the State Board of Education;

1705 (j) Hire expert consultants with approval of the State
1706 Board of Education;

1707 (k) Set up ad hoc committees to advise on specific
1708 areas; and

1709 (l) Perform such other functions as may fall within
1710 their general charge and which may be delegated to them by the
1711 State Board of Education.

1712 (6) (a) **Standard License - Approved Program Route.** An
1713 educator entering the school system of Mississippi for the first
1714 time and meeting all requirements as established by the State
1715 Board of Education shall be granted a standard five-year license.

1716 Persons who possess two (2) years of classroom experience as an
1717 assistant teacher or who have taught for one (1) year in an
1718 accredited public or private school shall be allowed to fulfill
1719 student teaching requirements under the supervision of a qualified
1720 participating teacher approved by an accredited college of
1721 education. The local school district in which the assistant
1722 teacher is employed shall compensate such assistant teachers at
1723 the required salary level during the period of time such
1724 individual is completing student teaching requirements.

1725 Applicants for a standard license shall submit to the department:

1726 (i) An application on a department form;

1727 (ii) An official transcript of completion of a
1728 teacher education program approved by the department or a
1729 nationally accredited program, subject to the following:

1730 Licensure to teach in Mississippi kindergarten through Grade 4
1731 shall require the completion of an interdisciplinary program of
1732 studies. Licenses for Grades 4 through 8 shall require the
1733 completion of an interdisciplinary program of studies with two (2)
1734 or more areas of concentration. Licensure to teach in Mississippi
1735 Grades 7 through 12 shall require a major in an academic field

1736 other than education, or a combination of disciplines other than
1737 education. Students preparing to teach a subject shall complete a
1738 major in the respective subject discipline. All applicants for
1739 standard licensure shall demonstrate that such person's college
1740 preparation in those fields was in accordance with the standards
1741 set forth by the National Council for Accreditation of Teacher
1742 Education (NCATE) or the National Association of State Directors
1743 of Teacher Education and Certification (NASDTEC);

1744 (iii) A copy of test scores evidencing
1745 satisfactory completion of nationally administered examinations of
1746 achievement, such as the Educational Testing Service's teacher
1747 testing examinations. The State Board of Education is directed to
1748 study and develop a report on the progress of the nationally
1749 administered examination of achievement for students in an
1750 approved teacher education program. This report shall develop
1751 data for the period beginning July 1, 1997, and ending June 30,
1752 1998. The state board, with the assistance of the commission,
1753 shall prepare the results of the study and make a report thereon
1754 to the Education Committees of the Legislature utilizing the
1755 following components:

- 1756 1. Collect data on entrance and exit
1757 performance of students in a teacher education program;
- 1758 2. Report on student performance as compared
1759 to the required examination score;
- 1760 3. Develop and make recommendations on
1761 necessary requirement revisions as may be appropriate based on
1762 student performance results;
- 1763 4. Include other such formats as may best
1764 describe the profile of the student examination results; and

1765 (iv) Any other document required by the State
1766 Board of Education.

1767 (b) **Standard License - Alternate Teaching Route.**

1768 Applicants for a standard license - alternate teaching route shall

1769 submit to the department:

1770 (i) An application on a department form;

1771 (ii) An official transcript evidencing a bachelors
1772 degree from an accredited institution of higher learning;

1773 (iii) A copy of test scores evidencing
1774 satisfactory completion of an examination of achievement specified
1775 by the commission and approved by the State Board of Education;

1776 (iv) An official transcript evidencing appropriate
1777 credit hours or a copy of test scores evidencing successful
1778 completion of tests as required by the State Board of Education;
1779 and

1780 (v) Any other document required by the State Board
1781 of Education.

1782 A Standard License - Approved Program Route and a Standard
1783 License - Alternate Teaching Route shall be issued for a five-year
1784 period, and may be renewed. Recognizing teaching as a profession,
1785 a hiring preference shall be granted to persons holding a Standard
1786 License - Approved Program Route or Standard License - Alternate
1787 Teaching Route over persons holding any other license.

1788 (c) **Special License - Expert Citizen.** In order to
1789 allow a school district to offer specialized or technical courses,
1790 the State Department of Education, in accordance with rules and
1791 regulations established by the State Board of Education, may grant
1792 a one-year expert citizen-teacher license to local business or
1793 other professional personnel to teach in a public school or
1794 nonpublic school accredited or approved by the state. Such person
1795 may begin teaching upon his employment by the local school board
1796 and licensure by the Mississippi Department of Education. The
1797 board shall adopt rules and regulations to administer the expert
1798 citizen-teacher license. A special license - expert citizen may
1799 be renewed in accordance with the established rules and
1800 regulations of the State Department of Education.

1801 (d) **Special License - Nonrenewable.** The State Board of

1802 Education is authorized to establish rules and regulations to
1803 allow those educators not meeting requirements in subsection
1804 (6)(a), (b) or (c) to be licensed for a period of not more than
1805 three (3) years, except by special approval of the State Board of
1806 Education.

1807 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1808 person may teach for a maximum of three (3) periods per teaching
1809 day in a public school or a nonpublic school accredited/approved
1810 by the state. Such person shall submit to the department a
1811 transcript or record of his education and experience which
1812 substantiates his preparation for the subject to be taught and
1813 shall meet other qualifications specified by the commission and
1814 approved by the State Board of Education. In no case shall any
1815 local school board hire nonlicensed personnel as authorized
1816 under this paragraph in excess of five percent (5%) of the total
1817 number of licensed personnel in any single school.

1818 (f) In the event any school district meets Level 4 or 5
1819 accreditation standards, the State Board of Education may, in its
1820 discretion, exempt such school district from any restrictions in
1821 paragraph (e) relating to the employment of nonlicensed teaching
1822 personnel.

1823 (7) **Administrator License.** The State Board of Education is
1824 authorized to establish rules and regulations and to administer
1825 the licensure process of the school administrators in the State of
1826 Mississippi. There will be four (4) categories of administrator
1827 licensure with exceptions only through special approval of the
1828 State Board of Education.

1829 (a) **Administrator License - Nonpracticing.** Those
1830 educators holding administrative endorsement but have no
1831 administrative experience or not serving in an administrative
1832 position on January 15, 1997.

1833 (b) **Administrator License - Entry Level.** Those
1834 educators holding administrative endorsement and having met the

1835 department's qualifications to be eligible for employment in a
1836 Mississippi school district. Administrator license - entry level
1837 shall be issued for a five-year period and shall be nonrenewable.

1838 (c) **Standard Administrator License - Career Level.** An
1839 administrator who has met all the requirements of the department
1840 for standard administrator licensure.

1841 (d) **Administrator License - Alternate Route.** The board
1842 may establish an alternate route for licensing administrative
1843 personnel. Such alternate route for administrative licensure
1844 shall be available for persons holding, but not limited to, a
1845 masters of business administration degree, a masters of public
1846 administration degree or a masters of public planning and policy
1847 degree from an accredited college or university, with five (5)
1848 years of administrative or supervisory experience. Successful
1849 completion of the requirements of alternate route licensure for
1850 administrators shall qualify the person for a standard
1851 administrator license.

1852 Beginning with the 1997-1998 school year, individuals seeking
1853 school administrator licensure under paragraph (b), (c) or (d)
1854 shall successfully complete a training program and an assessment
1855 process prescribed by the State Board of Education. Applicants
1856 seeking school administrator licensure prior to June 30, 1997, and
1857 completing all requirements for provisional or standard
1858 administrator certification and who have never practiced, shall be
1859 exempt from taking the Mississippi Assessment Battery Phase I.
1860 Applicants seeking school administrator licensure during the
1861 period beginning July 1, 1997, through June 30, 1998, shall
1862 participate in the Mississippi Assessment Battery, and upon
1863 request of the applicant, the department shall reimburse the
1864 applicant for the cost of the assessment process required. After
1865 June 30, 1998, all applicants for school administrator licensure
1866 shall meet all requirements prescribed by the department under
1867 paragraph (b), (c) or (d), and the cost of the assessment process

1868 required shall be paid by the applicant.

1869 (8) **Reciprocity.** (a) The department shall grant a standard
1870 license to any individual who possesses a valid standard license
1871 from another state and has a minimum of two (2) years of full-time
1872 teaching or administrator experience.

1873 (b) The department shall grant a nonrenewable special
1874 license to any individual who possesses a credential which is less
1875 than a standard license or certification from another state, or
1876 who possesses a standard license from another state but has less
1877 than two (2) years of full-time teaching or administration
1878 experience. Such special license shall be valid for the current
1879 school year plus one (1) additional school year to expire on June
1880 30 of the second year, not to exceed a total period of twenty-four
1881 (24) months, during which time the applicant shall be required to
1882 complete the requirements for a standard license in Mississippi.

1883 (9) **Renewal and Reinstatement of Licenses.** The State Board
1884 of Education is authorized to establish rules and regulations for
1885 the renewal and reinstatement of educator and administrator
1886 licenses.

1887 (10) All controversies involving the issuance, revocation,
1888 suspension or any change whatsoever in the licensure of an
1889 educator required to hold a license shall be initially heard in a
1890 hearing de novo, by the commission or by a subcommittee
1891 established by the commission and composed of commission members
1892 for the purpose of holding hearings. Any complaint seeking the
1893 denial of issuance, revocation or suspension of a license shall be
1894 by sworn affidavit filed with the Commission of Teacher and
1895 Administrator Education, Certification and Licensure and
1896 Development. The decision thereon by the commission or its
1897 subcommittee shall be final, unless the aggrieved party shall
1898 appeal to the State Board of Education, within ten (10) days, of
1899 the decision of the committee or its subcommittee. An appeal to
1900 the State Board of Education shall be on the record previously

1901 made before the commission or its subcommittee unless otherwise
1902 provided by rules and regulations adopted by the board. The State
1903 Board of Education in its authority may reverse, or remand with
1904 instructions, the decision of the committee or its subcommittee.
1905 The decision of the State Board of Education shall be final.

1906 (11) The State Board of Education, acting through the
1907 commission, may deny an application for any teacher or
1908 administrator license for one or more of the following:

1909 (a) Lack of qualifications which are prescribed by law
1910 or regulations adopted by the State Board of Education;

1911 (b) Has a physical, emotional or mental disability that
1912 renders the applicant unfit to perform the duties authorized by
1913 the license, as certified by a licensed psychologist or
1914 psychiatrist;

1915 (c) Is actively addicted to or actively dependent on
1916 alcohol or other habit-forming drugs or is a habitual user of
1917 narcotics, barbiturates, amphetamines, hallucinogens, or other
1918 drugs having similar effect, at the time of application for a
1919 license;

1920 (d) Revocation of a certificate or license by another
1921 state;

1922 (e) Committed fraud or deceit in securing or attempting
1923 to secure such certification and license;

1924 (f) Fails or refuses to furnish reasonable evidence of
1925 identification;

1926 (g) Has been convicted, has pled guilty or entered a
1927 plea of nolo contendere to a felony, as defined by federal or
1928 state law; or

1929 (h) Has been convicted, has pled guilty or entered a
1930 plea of nolo contendere to a sex offense as defined by federal or
1931 state law.

1932 (12) The State Board of Education, acting on the
1933 recommendation of the commission, may revoke or suspend any

1934 teacher or administrator license for specified periods of time for
1935 one or more of the following:

1936 (a) Breach of contract or abandonment of employment may
1937 result in the suspension of the license for one (1) school year as
1938 provided in Section 37-9-57, Mississippi Code of 1972;

1939 (b) Obtaining a license by fraudulent means shall
1940 result in immediate suspension and continued suspension for one
1941 (1) year after correction is made;

1942 (c) Suspension or revocation of a certificate or
1943 license by another state shall result in immediate suspension or
1944 revocation and shall continue until records in the prior state
1945 have been cleared;

1946 (d) Has been convicted, has pled guilty or entered a
1947 plea of nolo contendere to a felony, as defined by federal or
1948 state law;

1949 (e) Has been convicted, has pled guilty or entered a
1950 plea of nolo contendere to a sex offense, as defined by federal or
1951 state law; or

1952 (f) Knowingly and willfully committing any of the acts
1953 affecting validity of mandatory uniform test results as provided
1954 in Section 37-16-4(1), Mississippi Code of 1972.

1955 (13) (a) Dismissal or suspension of a licensed employee by
1956 a local school board pursuant to Section 37-9-59, Mississippi Code
1957 of 1972, may result in the suspension or revocation of a license
1958 for a length of time which shall be determined by the commission
1959 and based upon the severity of the offense.

1960 (b) Any offense committed or attempted in any other
1961 state shall result in the same penalty as if committed or
1962 attempted in this state.

1963 (c) A person may voluntarily surrender a license. The
1964 surrender of such license may result in the commission
1965 recommending any of the above penalties without the necessity of a
1966 hearing. However, any such license which has voluntarily been

1967 surrendered by a licensed employee may be reinstated by a
1968 unanimous vote of all members of the commission.

1969 (14) A person whose license has been suspended on any
1970 grounds except criminal grounds may petition for reinstatement of
1971 the license after one (1) year from the date of suspension, or
1972 after one-half (1/2) of the suspended time has lapsed, whichever
1973 is greater. A license suspended on the criminal grounds may be
1974 reinstated upon petition to the commission filed after expiration
1975 of the sentence and parole or probationary period imposed upon
1976 conviction. A revoked license may be reinstated upon satisfactory
1977 showing of evidence of rehabilitation. The commission shall
1978 require all who petition for reinstatement to furnish evidence
1979 satisfactory to the commission of good character, good mental,
1980 emotional and physical health and such other evidence as the
1981 commission may deem necessary to establish the petitioner's
1982 rehabilitation and fitness to perform the duties authorized by the
1983 license.

1984 (15) Reporting procedures and hearing procedures for dealing
1985 with infractions under this section shall be promulgated by the
1986 commission, subject to the approval of the State Board of
1987 Education. The revocation or suspension of a license shall be
1988 effected at the time indicated on the notice of suspension or
1989 revocation. The commission shall immediately notify the
1990 superintendent of the school district or school board where the
1991 teacher or administrator is employed of any disciplinary action
1992 and also notify the teacher or administrator of such revocation or
1993 suspension and shall maintain records of action taken. The State
1994 Board of Education may reverse or remand with instructions any
1995 decision of the commission regarding a petition for reinstatement
1996 of a license, and any such decision of the State Board of
1997 Education shall be final.

1998 (16) An appeal from the action of the State Board of
1999 Education in denying an application, revoking or suspending a

2000 license or otherwise disciplining any person under the provisions
2001 of this section, shall be filed in the Chancery Court of the First
2002 Judicial District of Hinds County on the record made, including a
2003 verbatim transcript of the testimony at the hearing. The appeal
2004 shall be filed within thirty (30) days after notification of the
2005 action of the board is mailed or served and the proceedings in
2006 chancery court shall be conducted as other matters coming before
2007 the court. The appeal shall be perfected upon filing notice of
2008 the appeal and by the prepayment of all costs, including the cost
2009 of preparation of the record of the proceedings by the State Board
2010 of Education, and the filing of a bond in the sum of Two Hundred
2011 Dollars (\$200.00) conditioned that if the action of the board be
2012 affirmed by the chancery court, the applicant or license holder
2013 shall pay the costs of the appeal and the action of the chancery
2014 court.

2015 (17) All such programs, rules, regulations, standards and
2016 criteria recommended or authorized by the commission shall become
2017 effective upon approval by the State Board of Education as
2018 designated by appropriate orders entered upon the minutes thereof.

2019 (18) The granting of a license shall not be deemed a
2020 property right nor a guarantee of employment in any public school
2021 district. A license is a privilege indicating minimal eligibility
2022 for teaching in the public schools of Mississippi. This section
2023 shall in no way alter or abridge the authority of local school
2024 districts to require greater qualifications or standards of
2025 performance as a prerequisite of initial or continued employment
2026 in such districts.

2027 (19) In addition to the reasons specified in subsection (8)
2028 of this section, the board shall be authorized to suspend the
2029 license of any licensee for being out of compliance with an order
2030 for support, as defined in Section 93-11-153. The procedure for
2031 suspension of a license for being out of compliance with an order
2032 for support, and the procedure for the reissuance or reinstatement

2033 of a license suspended for that purpose, and the payment of any
2034 fees for the reissuance or reinstatement of a license suspended
2035 for that purpose, shall be governed by Section 93-11-157 or
2036 93-11-163, as the case may be. Actions taken by the board in
2037 suspending a license when required by Section 93-11-157 or
2038 93-11-163 are not actions from which an appeal may be taken under
2039 this section. Any appeal of a license suspension that is required
2040 by Section 93-11-157 or 93-11-163 shall be taken in accordance
2041 with the appeal procedure specified in Section 93-11-157 or
2042 93-11-163, as the case may be, rather than the procedure specified
2043 in this section. If there is any conflict between any provision
2044 of Section 93-11-157 or 93-11-163 and any provision of this
2045 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2046 case may be, shall control.

2047 SECTION 32. Section 37-4-4, Mississippi Code of 1972, is
2048 amended as follows:[LH23]

2049 37-4-4. The Commissioner of Higher Education, or his
2050 designee, * * * shall attend all regular meetings of the State
2051 Board for Community and Junior Colleges. The commissioner shall
2052 have no jurisdiction or vote on any matter within the jurisdiction
2053 of the board. The Commissioner of Higher Education and any
2054 designee who is a state employee shall receive no per diem for
2055 attending meetings of the board, but shall be entitled to actual
2056 and necessary expense reimbursement and mileage for attending
2057 meetings at locations other than Jackson, Mississippi. * * *

2058 SECTION 33. Section 37-9-77, Mississippi Code of 1972, is
2059 amended as follows:[LH24]

2060 37-9-77. (1) There is established the Mississippi School
2061 Administrator Sabbatical Program which shall be available to
2062 licensed teachers employed in Mississippi school districts for not
2063 less than three (3) years, for the purpose of allowing such
2064 teachers to become local school district administrators under the
2065 conditions set forth in this section. The State Board of

2066 Education, in coordination with the board of trustees of each
2067 state institution of higher learning offering administrator course
2068 work and training, shall develop guidelines for the program.
2069 Application shall be made to the State Department of Education for
2070 the Mississippi School Administrator Sabbatical Program by
2071 qualified teachers meeting the criteria for a department-approved
2072 administration program and who have been recommended by the local
2073 school board. Administration programs that are eligible for the
2074 administrator sabbatical program shall be limited to those that
2075 have been approved by the department by the January 1 preceding
2076 the date of admission to the program. Admission into the program
2077 shall authorize the applicant to take university course work and
2078 training leading to an administrator's license .

2079 (2) The salaries of the teachers approved for participation
2080 in the administrator sabbatical program shall be paid by the
2081 employing school district from nonminimum education program funds.
2082 However, the State Department of Education shall reimburse the
2083 employing school districts for the cost of the salaries and paid
2084 fringe benefits of teachers participating in the administrator
2085 sabbatical program for one (1) contract year. Reimbursement shall
2086 be made in accordance with the then current minimum education
2087 program salary schedule under Section 37-19-7, except that the
2088 maximum amount of the reimbursement from state funds shall not
2089 exceed the minimum education program salary for a teacher holding
2090 a Class A license and having five (5) years' experience. The
2091 local school district shall be responsible for that portion of a
2092 participating teacher's salary attributable to the local
2093 supplement and for any portion of the teacher's salary that
2094 exceeds the maximum amount allowed for reimbursement from state
2095 funds as provided in this subsection, and the school board may not
2096 reduce the local supplement payable to that teacher. Any
2097 reimbursements made by the State Department of Education to local
2098 school districts under this section shall be subject to available

2099 appropriations and may be made only to school districts determined
2100 by the State Board of Education as being in need of
2101 administrators.

2102 (3) Such teachers participating in the program on a
2103 full-time basis shall continue to receive teaching experience and
2104 shall receive the salary prescribed in Section 37-19-7, including
2105 the annual experience increments. Such participants shall be
2106 fully eligible to continue participation in the Public Employees
2107 Retirement System and the Public School Employees Health Insurance
2108 Plan during the time they are in the program on a full-time basis.

2109 (4) As a condition for participation in the School
2110 Administrator Sabbatical Program, such teachers shall agree to
2111 employment as administrators in the sponsoring school district for
2112 not less than five (5) years following completion of administrator
2113 licensure requirements. Any person failing to comply with this
2114 employment commitment in any required school year, unless the
2115 commitment is deferred as provided in subsection (5) of this
2116 section, shall immediately be in breach of contract and become
2117 liable to the State Department of Education for that amount of his
2118 salary and paid fringe benefits paid by the state while the
2119 teacher was on sabbatical, less twenty percent (20%) of the amount
2120 of his salary and paid fringe benefits paid by the state for each
2121 year that the person was employed as an administrator following
2122 completion of the administrator licensure requirements. In
2123 addition, the person shall become liable to the local school
2124 district for any portion of his salary and paid fringe benefits
2125 paid by the local school district while the teacher was on
2126 sabbatical that is attributable to the local salary supplement or
2127 is attributable to the amount that exceeds the maximum amount
2128 allowed for reimbursement from state funds as provided in
2129 subsection (2) of this section, less twenty percent (20%) of the
2130 amount of his salary and paid fringe benefits paid by the school
2131 district for each year that the person was employed as an

2132 administrator following completion of the administrator licensure
2133 requirements. Interest on the amount due shall accrue at the
2134 current Stafford Loan rate at the time the breach occurs. If the
2135 claim for repayment of such salary and fringe benefits is placed
2136 in the hands of an attorney for collection after default, then the
2137 obligor shall be liable for an additional amount equal to a
2138 reasonable attorney's fee.

2139 (5) If there is not an administrator position immediately
2140 available in the sponsoring school district after a person has
2141 completed the administrator licensure requirements, or if the
2142 administrator position in the sponsoring school district in which
2143 the person is employed is no longer needed before the completion
2144 of the five-year employment commitment, the local school board
2145 shall defer any part of the employment commitment that has not
2146 been met until such time as an administrator position becomes
2147 available in the sponsoring school district. If such a deferral
2148 is made, the sponsoring school district shall employ the person as
2149 a teacher in the school district during the period of deferral,
2150 unless the person desires to be released from employment by the
2151 sponsoring school district and the district agrees to release the
2152 person from employment. If the sponsoring school district
2153 releases a person from employment, that person may be employed as
2154 an administrator in another school district in the state that is
2155 in need of administrators as determined by the State Board of
2156 Education, and that employment for the other school district shall
2157 be applied to any remaining portion of the five-year employment
2158 commitment required under this section. Nothing in this
2159 subsection shall prevent a school district from not renewing the
2160 person's contract before the end of the five-year employment
2161 commitment in accordance with the School Employment Procedures Law
2162 (Section 37-9-101 et seq.). However, if the person is not
2163 employed as an administrator by another school district after
2164 being released by the sponsoring school district, or after his

2165 contract was not renewed by the sponsoring school district, he
2166 shall be liable for repayment of the amount of his salary and
2167 fringe benefits as provided in subsection (4) of this section.

2168 (6) All funds received by the State Department of Education
2169 from the repayment of salary and fringe benefits paid by the state
2170 from program participants shall be deposited in the Mississippi
2171 Critical Teacher Shortage Fund.

2172 (7) This section shall stand repealed from and after July 1,
2173 2001.

2174 SECTION 34. Section 37-9-213, Mississippi Code of 1972, is
2175 amended as follows:[LH25]

2176 37-9-213. The Mississippi Teacher Center shall be
2177 responsible for the regular and ongoing evaluation of the
2178 beginning teacher support program and may contract for such
2179 evaluation. The evaluation shall include, but not be limited to,
2180 assessments of the following:

2181 (a) A survey and follow-up of all eligible mentor
2182 teachers and beginning teachers and appropriate district
2183 officials, to assess satisfaction with and the effectiveness of
2184 the beginning teacher support program;

2185 (b) The amount and quality of the contact time between
2186 mentor teachers and beginning teachers;

2187 (c) The effectiveness of workshops and other training
2188 required under Sections 37-9-201 through 37-9-211;

2189 (d) The effectiveness of the mentor program in
2190 enhancing the professional development and retention of new
2191 teachers in the district;

2192 (e) The desirability of extending this assistance
2193 program to students participating in graduate level teacher
2194 preparation programs similar to those which have been proposed by
2195 the boards of trustees of state institutions of higher learning
2196 offering such programs; and

2197 (f) The desirability of extending this assistance

2198 program to all probationary teachers.

2199 SECTION 35. Section 37-11-17, Mississippi Code of 1972, is
2200 amended as follows:[LH26]

2201 37-11-17. (1) The State Board of Education, the board of
2202 trustees of each state institution of higher learning, the State
2203 Board for Community and Junior Colleges, the boards of trustees of
2204 the several junior colleges, the county boards of education, the
2205 governing authorities of any county, municipal or other public
2206 school districts, such other boards set up by law for any
2207 educational institution, school, college or university, or their
2208 authorized representative, or the State Health Officer or his
2209 authorized representative, may require any teacher, supervisor,
2210 janitor or other employee of the school to submit to a thorough
2211 physical examination, deemed advisable to determine whether he has
2212 any infectious or communicable disease.

2213 (2) The State Board of Education may develop a program to
2214 accomplish the identification of public school students with
2215 abnormal spinal curvature. No state funds shall be expended for
2216 the purposes of implementing this subsection. Such program shall:

2217 (a) Provide that an adequate number of school personnel
2218 in each district be instructed by qualified medical experts in the
2219 proper examination of students for abnormal spinal curvatures;

2220 (b) Provide that all public school students who are at
2221 least ten (10) years old be screened at least every two (2) years
2222 but at least in the fourth, sixth, eighth and tenth grades or at
2223 such other times as may be recommended by medical experts on a per
2224 case basis;

2225 (c) Provide that students identified as having abnormal
2226 spinal curvatures or potential for abnormal spinal curvatures be
2227 referred to the county health officer or to the student's personal
2228 physician or chiropractor with notice of the evaluation; and

2229 (d) Provide for notification of the parent or guardian
2230 of any student identified under this program and for the supplying

2231 to such parent or guardian information on the condition and
2232 resources available for the correction or treatment of such
2233 condition. However, the requirement for screening shall not apply
2234 to a child whose parent or guardian objects thereto on grounds
2235 that the requirement conflicts with his conscientiously held
2236 religious beliefs.

2237 SECTION 36. Section 37-11-29, Mississippi Code of 1972, is
2238 amended as follows:[LH27]

2239 37-11-29. (1) Any principal, teacher or other school
2240 employee who has knowledge of any unlawful activity which occurred
2241 on educational property or during a school related activity or
2242 which may have occurred shall report such activity to the
2243 superintendent of the school district or his designee who shall
2244 notify the appropriate law enforcement officials as required by
2245 this section. In the event of an emergency or if the
2246 superintendent or his designee is unavailable, any principal may
2247 make a report required under this subsection.

2248 (2) Whenever any person who shall be an enrolled student in
2249 any school or educational institution in this state supported in
2250 whole or in part by public funds, or who shall be an enrolled
2251 student in any private school or educational institution, is
2252 arrested for, and lawfully charged with, the commission of any
2253 crime and convicted upon the charge for which he was arrested, or
2254 convicted of any crime charged against him after his arrest and
2255 before trial, the office or law enforcement department of which
2256 the arresting officer is a member, and the justice court judge and
2257 any circuit judge or court before whom such student is tried upon
2258 said charge or charges, shall make or cause to be made a report
2259 thereof to the superintendent or the president or chancellor, as
2260 the case may be, of the school district or other educational
2261 institution in which such student is enrolled.

2262 If the charge upon which such student was arrested, or any
2263 other charges preferred against him are dismissed or nol prossed,

2264 or if upon trial he is either convicted or acquitted of such
2265 charge or charges, same shall be reported to said respective
2266 superintendent or president, or chancellor, as the case may
2267 be. * * *

2268 Said report shall be made within one (1) week after the
2269 arrest of such student and within one (1) week after any charge
2270 placed against him is dismissed or nol prossed, and within one (1)
2271 week after he shall have pled guilty, been convicted, or have been
2272 acquitted by trial upon any charge placed against him. This
2273 section shall not apply to ordinary traffic violations involving a
2274 penalty of less than Fifty Dollars (\$50.00) and costs.

2275 (3) When the superintendent or his designee has a reasonable
2276 belief that an act has occurred on educational property or during
2277 a school related activity involving any of the offenses set forth
2278 in subsection (6) of this section, the superintendent or his
2279 designee shall immediately report the act to the appropriate local
2280 law enforcement agency. For purposes of this subsection, "school
2281 property" shall include any public school building, bus, public
2282 school campus, grounds, recreational area or athletic field in the
2283 charge of the superintendent. The State Board of Education shall
2284 prescribe a form for making reports required under this
2285 subsection. Any superintendent or his designee who fails to make
2286 a report required by this section shall be subject to the
2287 penalties provided in Section 37-11-15.

2288 (4) The law enforcement authority shall immediately dispatch
2289 an officer to the educational institution and with probable cause
2290 the officer is authorized to make an arrest if necessary as
2291 provided in Section 99-3-7.

2292 (5) Any superintendent, principal, teacher or other school
2293 personnel participating in the making of a required report
2294 pursuant to this section or participating in any judicial
2295 proceeding resulting therefrom shall be presumed to be acting in
2296 good faith. Any person reporting in good faith shall be immune

2297 from any civil liability that might otherwise be incurred or
2298 imposed.

2299 (6) For purposes of this section, "unlawful activity" means
2300 any of the following:

2301 (a) Possession or use of a deadly weapon, as defined in
2302 Section 97-37-1;

2303 (b) Possession, sale or use of any controlled
2304 substance;

2305 (c) Aggravated assault, as defined in Section 97-3-7;

2306 (d) Simple assault, as defined in Section 97-3-7, upon
2307 any school employee;

2308 (e) Rape, as defined under Mississippi law;

2309 (f) Sexual battery, as defined under Mississippi law;

2310 (g) Murder, as defined under Mississippi law;

2311 (h) Kidnapping, as defined under Mississippi law; or

2312 (i) Fondling, touching, handling, etc., a child for
2313 lustful purposes, as defined in Section 97-5-23.

2314 SECTION 37. Section 37-26-9, Mississippi Code of 1972, is
2315 amended as follows:[LH28]

2316 37-26-9. (1) It shall be the duty of the clerk of any court
2317 to promptly collect the costs imposed pursuant to the provisions
2318 of Section 37-26-3. In all cases the clerk shall monthly deposit
2319 all such costs so collected with the State Treasurer either
2320 directly or by other appropriate procedures. All such deposits
2321 shall be clearly marked for the State Court Education Fund and the
2322 State Prosecutor Education Fund. Upon receipt of such deposits,
2323 the State Treasurer shall credit seventy-five percent (75%) of any
2324 amounts so deposited to the State Court Education Fund created
2325 pursuant to subsection (2) of this section, and shall credit the
2326 remaining twenty-five percent (25%) of any amounts so deposited to
2327 the State Prosecutor Education Fund created pursuant to subsection
2328 (3) of this section.

2329 (2) Such assessments as are collected under Section 99-19-73

2330 shall be deposited in a special fund hereby created in the State
2331 Treasury and designated the "State Court Education Fund." Monies
2332 deposited in such fund shall be expended by the board of trustees
2333 of each state institution of higher learning as authorized and
2334 appropriated by the Legislature to defray the cost of providing:
2335 (i) education and training for the courts of Mississippi and
2336 related personnel; (ii) technical assistance for the courts of
2337 Mississippi and related personnel; and (iii) current and accurate
2338 information for the Mississippi Legislature pertaining to the
2339 needs of the courts of Mississippi and related personnel.

2340 (3) Such assessments as are collected under Section 99-19-73
2341 shall be deposited in a special fund hereby created in the State
2342 Treasury and designated the "State Prosecutor Education Fund."
2343 Monies deposited in such fund shall be expended by the Attorney
2344 General of the State of Mississippi as authorized and appropriated
2345 by the Legislature to defray the cost of providing: (i) education
2346 and training for district attorneys, county prosecuting attorneys
2347 and municipal prosecuting attorneys; (ii) technical assistance for
2348 district attorneys, county prosecuting attorneys and municipal
2349 prosecuting attorneys; and (iii) current and accurate information
2350 for the Mississippi Legislature pertaining to the needs of
2351 district attorneys, county prosecuting attorneys and municipal
2352 prosecuting attorneys.

2353 (4) A supplemental fund is hereby created in the State
2354 Treasury and designated the State Court Constituents Fund. Monies
2355 deposited in such fund shall be for the education and training of
2356 judges and related court personnel other than those specified in
2357 Section 37-26-1(b). In addition to any other fees or costs now or
2358 as may hereafter be provided by law, there is hereby charged in
2359 all civil cases in the chancery, circuit, county, justice and
2360 municipal courts of this state a supplemental court education and
2361 training cost in the amount of Fifty Cents (50¢), except in
2362 justice court cases where the amount sued for is less than Fifteen

2363 Dollars (\$15.00); and in all criminal cases in the circuit,
2364 county, justice and municipal courts of this state, except in
2365 cases where the fine is less than Ten Dollars (\$10.00). Such
2366 costs shall be charged and collected as provided by Sections
2367 37-26-3 and 37-26-5.

2368 After the transfer to the State Prosecutor Education Fund of
2369 twenty-five percent (25%) of the money provided for in subsection
2370 (1) of this section, there shall then be transferred into the
2371 State Court Education Fund the money on deposit in the State Court
2372 Constituents Fund.

2373 (5) A special fund is created in the State Treasury and
2374 designated the "State Court Security Systems Fund." Monies
2375 deposited in such fund shall be expended for general courtroom
2376 security as well as the maintenance and operation of security
2377 surveillance and detection devices for the courtrooms of each
2378 court of the State of Mississippi specified in Section 37-26-1(2).
2379 The Administrative Office of Courts shall conduct a study to
2380 assess and determine the security needs of the courts and is
2381 authorized to expend monies in the fund for the purposes of the
2382 fund as authorized and appropriated by the Legislature.

2383 SECTION 38. Section 37-61-33, Mississippi Code of 1972, is
2384 amended as follows:[LH29]

2385 **[Until July 1, 2002, this section reads as follows:]**

2386 37-61-33. (1) There is hereby created within the State
2387 Treasury a special fund to be designated the "Education
2388 Enhancement Fund" into which shall be deposited all the revenues
2389 collected pursuant to Sections 27-65-75(8), 27-67-31(b) and
2390 27-103-203(1).

2391 (2) Of the amount deposited into the Education Enhancement
2392 Fund, excluding revenues deposited pursuant to Section
2393 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
2394 appropriated each fiscal year to the State Department of Education
2395 to be distributed to all school districts. Such money shall be

2396 distributed to all school districts in the proportion that the
2397 average daily attendance of each school district bears to the
2398 average daily attendance of all school districts within the state
2399 for the following purposes:

2400 (a) Purchasing, erecting, repairing, equipping,
2401 remodeling and enlarging school buildings and related facilities,
2402 including gymnasiums, auditoriums, lunchrooms, vocational training
2403 buildings, libraries, teachers' homes, school barns,
2404 transportation vehicles (which shall include new and used
2405 transportation vehicles) and garages for transportation vehicles,
2406 and purchasing land therefor.

2407 (b) Establishing and equipping school athletic fields
2408 and necessary facilities connected therewith, and purchasing land
2409 therefor.

2410 (c) Providing necessary water, light, heating, air
2411 conditioning and sewerage facilities for school buildings, and
2412 purchasing land therefor.

2413 (d) As a pledge to pay all or a portion of the debt
2414 service on debt issued by the school district under Sections
2415 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2416 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2417 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
2418 of supervisors for agricultural high schools pursuant to Section
2419 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
2420 pursuant to a written contract or resolution approved and spread
2421 upon the minutes of an official meeting of the district's school
2422 board or board of supervisors. The annual grant to such district
2423 in any subsequent year during the term of the resolution or
2424 contract shall not be reduced below an amount equal to the
2425 district's grant amount for the year in which the contract or
2426 resolution was adopted. The intent of this provision is to allow
2427 school districts to irrevocably pledge a certain, constant stream
2428 of revenue as security for long-term obligations issued under the

2429 code sections enumerated in this paragraph or as otherwise allowed
2430 by law. It is the intent of the Legislature that the provisions
2431 of this paragraph shall be cumulative and supplemental to any
2432 existing funding programs or other authority conferred upon school
2433 districts or school boards. Debt of a district secured by a
2434 pledge of sales tax revenue pursuant to this paragraph shall not
2435 be subject to any debt limitation contained in the foregoing
2436 enumerated code sections.

2437 (3) The remainder of the money deposited into the Education
2438 Enhancement Fund, excluding funds deposited pursuant to Section
2439 27-103-203(1), shall be appropriated as follows:

2440 (a) To the State Department of Education as follows:

2441 (i) Eight and thirty-five one-hundredths percent
2442 (8.35%) to be distributed to public school districts for the
2443 funding of textbooks and other educational materials and to be
2444 used by the State Department of Education for the purchase of
2445 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to
2446 approved nonpublic schools, as described under Section 37-43-1.
2447 The amount of funds under this item to be used by the department
2448 for purchasing textbooks to loan to approved nonpublic schools
2449 shall be in the proportion that the average daily attendance of
2450 the nonpublic schools that are loaned textbooks by the state bears
2451 to the average daily attendance of all school districts in the
2452 state. The funds distributed to the school districts under this
2453 item shall be in the proportion that the average daily attendance
2454 of each school district bears to the average daily attendance of
2455 all school districts within the state and shall be used to assist
2456 in the funding of textbooks and other educational materials, to
2457 include not more than Two Million Dollars (\$2,000,000.00) each
2458 year for technology enhancement projects for elementary and
2459 secondary education programs;

2460 (ii) Seven and ninety-seven one-hundredths percent
2461 (7.97%) to assist the funding of transportation operations and

2462 maintenance pursuant to Section 37-19-23;

2463 (iii) Eight and twenty-six one-hundredths percent
2464 (8.26%) to assist the funding of the Uniform Millage Assistance
2465 Grant Program pursuant to Section 37-22-1; and

2466 (iv) Nine and sixty-one one-hundredths percent
2467 (9.61%) for classroom supplies, instructional materials and
2468 equipment, including computers and computer software, to be
2469 distributed to all school districts in the proportion that the
2470 average daily attendance of each school district bears to the
2471 average daily attendance of all school districts within the state.
2472 Such funds shall not be expended for administrative purposes.
2473 Local school districts shall allocate classroom supply funds
2474 equally among all classroom teachers in the school district. For
2475 purposes of this subparagraph, "teacher" shall mean any employee
2476 of the school board of a school district who is required by law to
2477 obtain a teacher's license from the State Board of Education and
2478 who is assigned to an instructional area of work as defined by the
2479 State Department of Education, but shall not include a federally
2480 funded teacher. Two (2) or more teachers may agree to pool their
2481 classroom supply funds for the benefit of a school within the
2482 district pursuant to the development of a spending plan that
2483 supports the overall goals of the school which includes the type,
2484 quantity and quality of such supplies, instructional materials,
2485 equipment, computers or computer software. This plan shall be
2486 submitted, in writing, to the school principal for approval.
2487 Classroom supply funds allocated under this subparagraph shall
2488 supplement, not replace, other local and state funds available for
2489 the same purposes. School districts need not fully expend the
2490 funds received under this subparagraph in the year in which they
2491 are received, but such funds may be carried forward for
2492 expenditure in any succeeding school year. The State Board of
2493 Education shall develop and promulgate rules and regulations for
2494 the administration of this subparagraph consistent with the above

2495 criteria, with particular emphasis on allowing the individual
2496 teachers to expend funds as they deem appropriate, with minimum
2497 input from school principals;

2498 (b) Twenty-two and nine one-hundredths percent (22.09%)
2499 to the various boards of trustees of the state institutions of
2500 higher learning for the purpose of supporting the institutions of
2501 higher learning; and

2502 (c) Fourteen and forty-one one-hundredths percent
2503 (14.41%) to the State Board for Community and Junior Colleges for
2504 the purpose of providing support to community and junior colleges.

2505 (4) The amount remaining in the Education Enhancement Fund
2506 after funds are distributed as provided in subsections (2) and (3)
2507 of this section, excluding funds deposited pursuant to Section
2508 27-103-203(1), shall be disbursed as follows:

2509 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2510 be deposited into the Working Cash-Stabilization Reserve Fund
2511 created pursuant to Section 27-103-203(1), until the balance in
2512 such fund reaches the maximum balance of seven and one-half
2513 percent (7-1/2%) of the General Fund appropriations in the
2514 appropriate fiscal year. After the maximum balance in the Working
2515 Cash-Stabilization Reserve Fund is reached, such money shall
2516 remain in the Education Enhancement Fund to be appropriated in the
2517 manner provided for in paragraph (b) of this section.

2518 (b) The remainder shall be appropriated for other
2519 educational needs.

2520 (5) None of the funds appropriated pursuant to subsection
2521 (3)(a) of this section shall be used to reduce the state's general
2522 fund appropriation for the categories listed in an amount below
2523 the following amounts:

2524 (a) For subsection (3)(a)(i) of this section, Six
2525 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
2526 (\$6,330,920.00);

2527 (b) For subsection (3)(a)(ii) of this section

2528 Thirty-six Million Seven Hundred Thousand Dollars

2529 (\$36,700,000.00);

2530 (c) For subsection (3(a)(iii) of this section,
2531 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);
2532 and

2533 (d) For the aggregate of minimum program allotments
2534 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
2535 amended, excluding those funds for transportation as provided for
2536 in subsection (5)(b) herein.

2537 (6) At the end of a fiscal year such amounts as required by
2538 Section 27-103-203(1) to be transferred to the Education
2539 Enhancement Fund shall be deposited into said Education
2540 Enhancement Fund and shall be kept separate from other monies in
2541 the fund by the State Treasurer. Beginning with the 1994 fiscal
2542 year the monies in such special fund deposited pursuant to said
2543 Section 27-103-203(1) shall be subject to appropriation by the
2544 Legislature in the following manner: (a) fifty percent (50%) to
2545 support public education, including but not limited to, Grades K
2546 through 12, Mississippi Educational Television and/or the
2547 Mississippi Library Commission; (b) twenty-five percent (25%) to
2548 support institutions of higher learning; and (c) twenty-five
2549 percent (25%) to support the junior or community colleges. Any
2550 amount of such monies transferred into said separate fund pursuant
2551 to Section 27-103-203(1) which are not appropriated by the
2552 Legislature shall not lapse but shall carry over and be subject to
2553 appropriation by the Legislature in the succeeding fiscal year in
2554 the same manner provided in this subsection (6). The interest
2555 earned on the investment of such monies transferred pursuant to
2556 Section 27-103-203(1) shall be paid into said separate fund within
2557 the Education Enhancement Fund.

2558 **[From and after July 1, 2002, this section reads as follows:]**

2559 37-61-33. (1) There is hereby created within the State
2560 Treasury a special fund to be designated the "Education

2561 Enhancement Fund" into which shall be deposited all the revenues
2562 collected pursuant to Sections 27-65-75(8), 27-67-32(b) and
2563 27-103-203(1).

2564 (2) Of the amount deposited into the Education Enhancement
2565 Fund, excluding revenues deposited pursuant to Section
2566 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
2567 appropriated each fiscal year to the State Department of Education
2568 to be distributed to all school districts. Such money shall be
2569 distributed to all school districts in the proportion that the
2570 average daily attendance of each school district bears to the
2571 average daily attendance of all school districts within the state
2572 for the following purposes:

2573 (a) Purchasing, erecting, repairing, equipping,
2574 remodeling and enlarging school buildings and related facilities,
2575 including gymnasiums, auditoriums, lunchrooms, vocational training
2576 buildings, libraries, teachers' homes, school barns,
2577 transportation vehicles (which shall include new and used
2578 transportation vehicles) and garages for transportation vehicles,
2579 and purchasing land therefor.

2580 (b) Establishing and equipping school athletic fields
2581 and necessary facilities connected therewith, and purchasing land
2582 therefor.

2583 (c) Providing necessary water, light, heating, air
2584 conditioning and sewerage facilities for school buildings, and
2585 purchasing land therefor.

2586 (d) As a pledge to pay all or a portion of the debt
2587 service on debt issued by the school district under Sections
2588 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2589 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2590 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
2591 of supervisors for agricultural high schools pursuant to Section
2592 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
2593 pursuant to a written contract or resolution approved and spread

2594 upon the minutes of an official meeting of the district's school
2595 board or board of supervisors. The annual grant to such district
2596 in any subsequent year during the term of the resolution or
2597 contract shall not be reduced below an amount equal to the
2598 district's grant amount for the year in which the contract or
2599 resolution was adopted. The intent of this provision is to allow
2600 school districts to irrevocably pledge a certain, constant stream
2601 of revenue as security for long-term obligations issued under the
2602 code sections enumerated in this paragraph or as otherwise allowed
2603 by law. It is the intent of the Legislature that the provisions
2604 of this paragraph shall be cumulative and supplemental to any
2605 existing funding programs or other authority conferred upon school
2606 districts or school boards. Debt of a district secured by a
2607 pledge of sales tax revenue pursuant to this paragraph shall not
2608 be subject to any debt limitation contained in the foregoing
2609 enumerated code sections.

2610 (3) The remainder of the money deposited into the Education
2611 Enhancement Fund, excluding funds deposited pursuant to Section
2612 27-103-203(1), shall be appropriated as follows:

2613 (a) To the State Department of Education as follows:

2614 (i) Sixteen and sixty-one one-hundredths percent
2615 (16.61%) to the cost of the adequate education program determined
2616 under Section 37-151-7;

2617 (ii) Seven and ninety-seven one-hundredths percent
2618 (7.97%) to assist the funding of transportation operations and
2619 maintenance pursuant to Section 37-19-23; and

2620 (iii) Nine and sixty-one one-hundredths percent
2621 (9.61%) for classroom supplies, instructional materials and
2622 equipment, including computers and computer software, to be
2623 distributed to all school districts in the proportion that the
2624 average daily attendance of each school district bears to the
2625 average daily attendance of all school districts within the state.

2626 It is the intent of the Legislature that all classroom teachers

2627 shall be involved in the development of a spending plan that
2628 addresses individual classroom needs and supports the overall
2629 goals of the school regarding supplies, instructional materials,
2630 equipment, computers or computer software under the provisions of
2631 this subparagraph, including the type, quantity and quality of
2632 such supplies, materials and equipment. This plan shall be
2633 submitted to the school principal for approval. School districts
2634 need not fully expend the funds received under this subparagraph
2635 in the year in which they are received, but such funds may be
2636 carried forward for expenditure in any succeeding school year.

2637 (b) Twenty-two and nine one-hundredths percent (22.09%)
2638 to the various boards of trustees of the state institutions of
2639 higher learning for the purpose of supporting institutions of
2640 higher learning, and fourteen and forty-one one-hundredths percent
2641 (14.41%) to the State Board for Community and Junior Colleges for
2642 the purpose of providing support to community and junior colleges.

2643 (4) The amount remaining in the Education Enhancement Fund
2644 after funds are distributed as provided in subsections (2) and (3)
2645 of this section, excluding funds deposited pursuant to Section
2646 27-103-203(1), shall be disbursed as follows:

2647 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2648 be deposited into the Working Cash-Stabilization Reserve Fund
2649 created pursuant to Section 27-103-203(1), until the balance in
2650 such fund reaches the maximum balance of seven and one-half
2651 percent (7-1/2%) of the General Fund appropriations in the
2652 appropriate fiscal year. After the maximum balance in the Working
2653 Cash-Stabilization Reserve Fund is reached, such money shall
2654 remain in the Education Enhancement Fund to be appropriated in the
2655 manner provided for in paragraph (b) of this section.

2656 (b) The remainder shall be appropriated for other
2657 educational needs.

2658 (5) None of the funds appropriated pursuant to subsection
2659 (3)(a) of this section shall be used to reduce the state's general

2660 fund appropriation for the categories listed in an amount below
2661 the following amounts:

2662 (a) For subsection (3)(a)(ii) of this section
2663 Thirty-six Million Seven Hundred Thousand Dollars
2664 (\$36,700,000.00);

2665 (b) For the aggregate of minimum program allotments in
2666 the 1997 fiscal year, formerly provided for in Chapter 19, Title
2667 37, Mississippi Code of 1972, as amended, excluding those funds
2668 for transportation as provided for in subsection (5)(a) herein.

2669 (6) At the end of a fiscal year such amounts as required by
2670 Section 27-103-203(1) to be transferred to the Education
2671 Enhancement Fund shall be deposited into said Education
2672 Enhancement Fund and shall be kept separate from other monies in
2673 the fund by the State Treasurer. Beginning with the 1994 fiscal
2674 year the monies in such special fund deposited pursuant to said
2675 Section 27-103-203(1) shall be subject to appropriation by the
2676 Legislature in the following manner: (a) fifty percent (50%) to
2677 support public education, including but not limited to, Grades K
2678 through 12, Mississippi Educational Television and/or the
2679 Mississippi Library Commission; (b) twenty-five percent (25%) to
2680 support institutions of higher learning; and (c) twenty-five
2681 percent (25%) to support the junior or community colleges. Any
2682 amount of such monies transferred into said separate fund pursuant
2683 to Section 27-103-203(1) which are not appropriated by the
2684 Legislature shall not lapse but shall carry over and be subject to
2685 appropriation by the Legislature in the succeeding fiscal year in
2686 the same manner provided in this subsection (6). The interest
2687 earned on the investment of such monies transferred pursuant to
2688 Section 27-103-203(1) shall be paid into said separate fund within
2689 the Education Enhancement Fund.

2690 SECTION 39. Section 37-65-7, Mississippi Code of 1972, is
2691 amended as follows:[LH30]

2692 37-65-7. The board of trustees of any such school district,

2693 agricultural high school district or agricultural high school and
2694 junior college district, and the board of trustees of any state
2695 institution of higher learning, respectively, as the case may be,
2696 may, in their discretion, pay all or any part of the salary of all
2697 superintendents, principals, teachers and other employees during
2698 or for the period when any of the said schools, agricultural high
2699 schools, agricultural high schools and junior colleges, or
2700 institutions of higher learning are closed in accordance with the
2701 terms of this article, and funds shall be drawn from the same
2702 source or sources as such funds would be drawn to pay such items
2703 if the schools, agricultural high schools, agricultural high
2704 schools and junior colleges, or institutions of higher learning
2705 had not been closed.

2706 SECTION 40. Section 37-101-2, Mississippi Code of 1972, is
2707 amended as follows:[LH31]

2708 37-101-2. There is hereby established * * * a Welfare Policy
2709 Institute at a campus location to be designated by the
2710 Commissioner of Higher Education. The purpose of the institute
2711 shall be to research and gather empirical information regarding
2712 the social and welfare programs authorized under Sections 43-49-1
2713 through 43-49-15, 43-13-115, 43-17-1, 43-17-5, 43-1-8, 43-1-10,
2714 43-1-30 and 37-101-2 and to write grant proposals regarding the
2715 policy implications of such program.

2716 SECTION 41. Section 37-101-16, Mississippi Code of 1972, is
2717 amended as follows:[LH32]

2718 37-101-16. The board of trustees of each state institution
2719 of higher learning shall develop a system of manpower management
2720 which shall be implemented in the institution under the control of
2721 the particular board. The manpower management system shall be so
2722 designed to insure accurate and rapid reporting of all manpower
2723 positions within each institution by job classification to include
2724 position number and title, grade, salary and fringe benefits, name
2725 of incumbent, social security number and date of hire.

2726 SECTION 42. Section 37-101-19, Mississippi Code of 1972, is
2727 amended as follows:[LH33]

2728 37-101-19. The board of trustees of the University of
2729 Southern Mississippi is hereby authorized and empowered to
2730 establish and maintain a marine research laboratory on lands
2731 belonging to the State of Mississippi, said lands being a part of
2732 the Magnolia State Park in Jackson County, Mississippi, and to be
2733 assigned for the use of such laboratory by the Mississippi Park
2734 Commission.

2735 The marine research laboratory may, in the discretion of the
2736 board of trustees * * *, be operated by the Mississippi Academy of
2737 Science, Inc., under the supervision and control of the board of
2738 trustees * * *.

2739 The board of trustees * * * is hereby authorized and
2740 empowered to expend annually out of its regular appropriation for
2741 the support and maintenance of the University of Southern
2742 Mississippi a sum not exceeding Five Thousand Dollars (\$5,000.00)
2743 for the support and maintenance of the marine research laboratory.

2744 SECTION 43. Section 37-101-21, Mississippi Code of 1972, is
2745 amended as follows:[LH34]

2746 37-101-21. A body politic and corporate is hereby created
2747 under the name of Gulf Coast Research Laboratory, to have
2748 perpetual succession, with powers to contract and be contracted
2749 with; to receive and acquire, by any legal method, property of any
2750 description, necessary or convenient for its operation, and to
2751 hold, employ, use and convey the same; to adopt and use a
2752 corporate seal; and to adopt by-laws, rules and regulations for
2753 the government of the same, its employees, officials, agents, and
2754 members.

2755 The object and purposes of the Gulf Coast Research Laboratory
2756 shall be to promote the study and knowledge of science including
2757 the natural resources of the State of Mississippi and to provide
2758 for the dissemination of research findings and specimens from the

2759 Gulf Coast area.

2760 The Gulf Coast Research Laboratory shall be under the control
2761 and supervision of the Board of Trustees of the University of
2762 Southern Mississippi, and the powers of said laboratory shall be
2763 vested in and its duties performed by said board.

2764 The laboratory shall be located at some appropriate place
2765 within the state and on the Gulf of Mexico to be determined by the
2766 board of trustees * * *.

2767 It shall be the duty of the board of trustees * * * to
2768 appoint or elect a director for said laboratory, determine the
2769 number of instructors, assistants and other employees and fix
2770 their compensation, and in cooperation with the Mississippi
2771 Academy of Science, prescribe rules, regulations, and policies
2772 governing the operation of the institution, qualifications of
2773 instructors and employees and for the admission of students, and
2774 for the direction of research programs.

2775 SECTION 44. Section 37-101-23, Mississippi Code of 1972, is
2776 amended as follows:[LH35]

2777 37-101-23. (1) The Mississippi Small Farm Development
2778 Center, which shall be referred to in this section as the SFDC, is
2779 established under the management and control of the Board of
2780 Trustees of * * * Alcorn State University and shall be under the
2781 direction of the president of the university subject to the
2782 governance of the board of trustees. The president shall appoint
2783 a director of the SFDC who shall recommend to the president
2784 necessary professional and administrative staff of the center, all
2785 subject to the approval of the board of trustees.

2786 (2) It shall be the function and duty of the SFDC to:

2787 (a) Develop a system to deliver management and
2788 technical assistance to small farms utilizing the resources of
2789 local, state and federal government programs, various segments of
2790 the private sector, and universities and colleges throughout the
2791 state;

2792 (b) Make management and technical assistance available
2793 to small farms by linking together with the above resources;

2794 (c) Research and develop small farm opportunities for
2795 new or alternative crops;

2796 (d) Develop a clearinghouse for the collection and
2797 dissemination of agricultural and economic data; and

2798 (e) Assist small farms in developing more efficient
2799 marketing and distribution channels, including foreign trade
2800 marketing.

2801 SECTION 45. Section 37-101-27, Mississippi Code of 1972, is
2802 amended as follows:[LH36]

2803 37-101-27. (1) There is created within the Working
2804 Cash-Stabilization Reserve Fund in the State Treasury a trust to
2805 be known as the Ayers Endowment Trust, which shall be used as
2806 provided in this section. On July 1, 1997, Fifteen Million
2807 Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve
2808 Fund shall be set aside and placed in the Ayers Endowment Trust.

2809 (2) The principal of the Ayers Endowment Trust shall remain
2810 inviolate within the Working Cash-Stabilization Reserve Fund, and
2811 shall be invested in the same manner as the remainder of the
2812 Working Cash-Stabilization Reserve Fund.

2813 (3) The interest and income earned from the investment of
2814 the principal of the Ayers Endowment Trust shall be appropriated
2815 by the Legislature to the Boards of Trustees * * * of Jackson
2816 State University, Alcorn State University and Mississippi Valley
2817 State University, the historically black institutions of higher
2818 learning in Mississippi, with one-third (1/3) of the amount of the
2819 interest and income earned being allocated for the benefit of each
2820 of those universities. The money allotted for each university
2821 shall be used for continuing educational enhancement and racial
2822 diversity, including recruitment of white students and
2823 scholarships for white applicants.

2824 (4) The creation of the Ayers Endowment Trust and the

2825 appropriation of the interest and income for the purposes
2826 specified in this section shall be to comply with the order of the
2827 United States District Court in the case of Ayers v. Fordice, 879
2828 F.Supp. 1419 (N.D. Miss. 1995), with regard to Jackson State
2829 University and Alcorn State University, and to provide Mississippi
2830 Valley State University with an equal amount of funding for the
2831 same purposes as for the other historically black institutions of
2832 higher learning.

2833 SECTION 46. Section 37-101-29, Mississippi Code of 1972, is
2834 amended as follows:[LH37]

2835 37-101-29. Each institution of higher learning with a
2836 teacher education program approved by the State Board of Education
2837 shall prepare and submit to the State Board of Education * * * an
2838 annual performance report on the institution's teacher education
2839 program. The report shall include the following information:

2840 (a) Teacher enrollment data;

2841 (b) Professional education faculty data;

2842 (c) Characteristics of students receiving initial
2843 licensure;

2844 (d) Number and percentage of program completers scoring
2845 at or above the proficiency level on the prescribed teacher
2846 education exit tests;

2847 (e) Satisfaction rate of employers and graduates;

2848 (f) Follow-up profiles of graduates of the teacher
2849 education program; and

2850 (g) Any other information required by the State Board
2851 of Education. Before requiring any other information, the State
2852 Board of Education shall conduct collaborative planning activities
2853 with the Mississippi Association of Colleges of Teacher
2854 Education * * *.

2855 The State Department of Education, in collaboration with the
2856 Mississippi Association of Colleges of Teacher Education * * *,
2857 shall prepare a common form for the preparation and submission of

2858 the annual performance reports. The State Department of Education
2859 shall establish the date by which such reports must be submitted
2860 to the board. No later than sixty (60) days after the deadline
2861 date established for the submission of reports, the department
2862 shall submit a compilation of all annual performance reports
2863 received from the state institutions of higher learning to the
2864 Chairmen of the Education Committees of the House of
2865 Representatives and the Senate.

2866 SECTION 47. Section 37-101-31, Mississippi Code of 1972, is
2867 amended as follows:[LH38]

2868 37-101-31. In addition to the powers vested in the board of
2869 trustees of each state institution of higher learning by Section
2870 213-A, Mississippi Constitution of 1890 and by this chapter, each
2871 board is hereby authorized to establish a reserve fund to receive
2872 funds from state, federal or private sources for the purpose of
2873 guaranteeing payment of loans obtained by college or university
2874 students from public or private lenders or banking institutions.
2875 The boards are authorized and empowered to do and perform all the
2876 necessary and requisite acts and deeds necessary to carry out the
2877 provisions of this section.

2878 SECTION 48. Section 37-101-41, Mississippi Code of 1972, is
2879 amended as follows:[LH39]

2880 37-101-41. The board of trustees of each state institution
2881 of higher learning is hereby authorized and empowered to lease to
2882 private individuals or corporations, for a term not exceeding
2883 thirty-one (31) years, any land at * * * Mississippi State
2884 University of Agriculture and Applied Science, Jackson State
2885 University, Mississippi Valley State University, Alcorn State
2886 University, University of Southern Mississippi, Mississippi
2887 University for Women and Delta State University, for the purpose
2888 of erecting housing and dormitory facilities thereon for active
2889 faculty and students. Said housing facilities shall be
2890 constructed thereon by private financing, and shall be leased back

2891 to said board for use by the concerned state-supported institution
2892 of higher learning. The lease shall contain a provision
2893 permitting said board to purchase the building located thereon for
2894 the sum of One Dollar (\$1.00) after payment by said board of all
2895 sums of money due under said lease.

2896 SECTION 49. Section 37-101-43, Mississippi Code of 1972, is
2897 amended as follows:[LH40]

2898 37-101-43. Prior to entering into or awarding any such lease
2899 contract under the provisions of Section 37-101-41, the board of
2900 trustees of a state institution of higher learning shall cause the
2901 interested state-supported institution upon which a facility is
2902 proposed to be constructed to select and submit three architects
2903 to the board. Thereupon, the board shall approve and employ an
2904 architect, who shall be paid by said interested institution from
2905 any funds available to said interested institution. Said
2906 architect, under the direction of said interested institution,
2907 shall prepare complete plans and specifications for the facility
2908 desired to be constructed on the leased property.

2909 Upon completion of said plans and specifications and the
2910 approval thereof by said board, and before entering into any lease
2911 contract, said (3) consecutive weeks and not less than twenty-one
2912 (21) days in at least one (1) newspaper having a general
2913 circulation in the county in which the interested institution is
2914 located and in one newspaper with a general statewide circulation,
2915 a notice inviting bids or proposals for the leasing, construction
2916 and leasing back of said land and constructed facility, said
2917 facility to be constructed in accordance with said plans and
2918 specifications. Said notice shall distinctly state the thing to
2919 be done, and invite sealed proposals, to be filed with said board,
2920 to do the thing to be done. Said notice shall contain the
2921 following specific provisions, together with such others as said
2922 board in its discretion deems appropriate, to wit: bids shall be
2923 accompanied by a bid security evidenced by a certified or

2924 cashier's check or bid-bond payable to said board in a sum of not
2925 less than five percent (5%) of the gross construction cost of the
2926 facility to be constructed as estimated by said board and the bids
2927 shall contain proof satisfactory to the board of interim and
2928 permanent financing. The board shall state in the notice when
2929 construction shall commence. The bid shall contain the proposed
2930 contractor's certificate of responsibility number and bidder's
2931 license. In all cases, before the notice shall be published, the
2932 plans and specifications shall be filed with said board and also
2933 in the office of the president of the interested institution,
2934 there to remain.

2935 The board shall award the lease contract to the lowest and
2936 best bidder, who will comply with the terms imposed by said
2937 contract documents. At the time of the awarding of the lease
2938 contract the successful bidder shall enter into bond with
2939 sufficient sureties, to be approved by the board, in such penalty
2940 as may be fixed by the board, but in no case to be less than the
2941 estimated gross construction cost of the facility to be
2942 constructed as estimated by said board, conditioned for the
2943 prompt, proper and efficient performance of the contract. The
2944 bond shall be made by an authorized corporate surety bonding
2945 company. The said bid security herein provided for shall be
2946 forfeited if the successful bidder fails to enter into lease
2947 contract and commence construction within the time limitation set
2948 forth in the notice. At such time, and simultaneously with the
2949 signing of said contract, the successful bidder shall deposit a
2950 sum of money, in cash or certified or cashier's check, not less
2951 than the bid security previously deposited as bid security to
2952 reimburse the interested institution for all sums expended by it
2953 for architectural services and other expenditures of the board and
2954 interested institution connected with the bidded lease contract,
2955 of which such other anticipated expenditures notice is to be given
2956 to bidder in said notice. The bid security posted by an

2957 unsuccessful bidder shall be refunded to him.

2958 SECTION 50. Section 37-101-61, Mississippi Code of 1972, is
2959 amended as follows:[LH41]

2960 37-101-61. Whenever the board of trustees of a state
2961 institution of higher learning of the State of Mississippi shall
2962 by a proper resolution declare the necessity of the formation of
2963 nonprofit corporations for the purpose of acquiring or
2964 constructing facilities for the institution of higher learning
2965 under the jurisdiction and control of said board, any number of
2966 natural persons, not less than three (3), who are residents of the
2967 State of Mississippi, may file with the Secretary of State of this
2968 state an application in writing for authority to incorporate a
2969 public nonprofit corporation, known as an "educational building
2970 corporation." If it shall be made to appear that each of said
2971 persons is a duly qualified resident of this state, then the
2972 persons filing such application shall be authorized, subject to
2973 the prior approval by said board of the form of the articles of
2974 incorporation and bylaws thereof, to proceed to form such
2975 corporation as provided by the general law of this state with
2976 respect to corporations organized not for profit except as
2977 hereinafter provided. The Secretary of State, upon receipt of
2978 such application, shall forthwith issue a certificate of
2979 incorporation.

2980 SECTION 51. Section 37-101-63, Mississippi Code of 1972, is
2981 amended as follows:[LH42]

2982 37-101-63. Each corporation formed under the provisions of
2983 Section 37-101-61 shall have the following powers, together with
2984 all powers incidental thereto or necessary to the discharge
2985 thereof in corporate form: to have succession by its corporate
2986 name for the duration of time (which may be in perpetuity)
2987 specified in its certificate of incorporation; to sue and be sued
2988 and to defend suits against it; to make use of a corporate seal
2989 and to alter it at pleasure; to acquire, whether by purchase,

2990 construction or gift, facilities for the institution of higher
2991 learning and land therefor; to equip, maintain, enlarge or improve
2992 such facilities; to lease under such terms and conditions as its
2993 board of directors may deem advisable and as shall not conflict
2994 with the provisions of Sections 37-101-61 through 37-101-71 to the
2995 board of trustees of the state institution of higher learning or
2996 to such other entity as may be approved by such board subject to
2997 prior approval by said board of each issue of bonds; to issue its
2998 bonds for the purpose of defraying the cost of acquiring,
2999 constructing, maintaining, enlarging, improving or equipping any
3000 of such facilities or land in the manner provided in Section
3001 37-101-65; to secure the payment of such bonds through the pledge
3002 of and lien on such revenues or other sources of income, including
3003 lease payments, entering into trust agreements, and the making of
3004 such covenants as are provided in Section 37-101-101; to refund
3005 bonds previously issued; to enter into contracts and agreements or
3006 do any act necessary for or incidental to the performance of its
3007 duties and the execution of its powers under Sections 37-101-61
3008 through 37-101-71; to accept gifts from any source whatsoever; to
3009 appoint and employ such officers and agents, including attorneys,
3010 as its business may require; and to provide for such insurance as
3011 its board of directors may deem advisable.

3012 SECTION 52. Section 37-101-71, Mississippi Code of 1972, is
3013 amended as follows:[LH43]

3014 37-101-71. The board of trustees of each state institution
3015 of higher learning * * * is hereby authorized and empowered, in
3016 its discretion, to pass proper resolutions declaring the necessity
3017 of the formation of nonprofit educational building corporations,
3018 as set forth in Section 37-101-61, and to lease facilities from
3019 said corporations in the manner provided by law.

3020 When the principal of and the interest on any bonds of an
3021 educational building corporation payable from the revenues derived
3022 from the operation of facilities owned by such corporation shall

3023 have been paid in full, then such facilities shall thereupon
3024 become the property of the board of trustees of the state
3025 institution of higher learning and title to the facilities shall
3026 thereupon immediately vest in the State of Mississippi.

3027 SECTION 53. Section 37-101-91, Mississippi Code of 1972, is
3028 amended as follows:[LH44]

3029 37-101-91. The board of trustees of each state institution
3030 of higher learning is hereby authorized and empowered to contract
3031 with and borrow money from the United States of America, or any
3032 department, instrumentality, or agency thereof, as may be
3033 designated or created to make loans and grants, or from private
3034 lenders, at an overall rate of interest to maturity not to exceed
3035 that allowed in Section 75-17-103, for the purpose of acquiring
3036 land for, and erecting, repairing, remodeling, maintaining, adding
3037 to, extending, improving, equipping, or acquiring dormitories,
3038 dwellings, apartments, athletic stadium, gymnasiums, student union
3039 buildings, student service centers, athletic fields, swimming
3040 pools, parking facilities, cafeterias, dining halls, and/or other
3041 revenue producing facilities, to be located at or near the
3042 campuses of the University of Mississippi, Mississippi State
3043 University of Agriculture and Applied Science, Mississippi
3044 University for Women, Alcorn State University, University of
3045 Southern Mississippi, Delta State University, Jackson State
3046 University, Mississippi Valley State University, and Gulf Coast
3047 Research Laboratory.

3048 In agreements or commitments by or between the aforesaid
3049 boards of trustees and private lenders and/or the U.S. Department
3050 of Housing and Urban Development to make loans or grants for the
3051 construction of dormitories in which bonds are to be issued under
3052 the provisions of Sections 37-101-91 through 37-101-103, and in
3053 which part or all of the principal and/or interest on said bonds
3054 is to be paid or guaranteed by the U.S. Department of Housing and
3055 Urban Development, said bonds shall bear a net interest rate not

3056 in excess of that allowed in Section 75-17-103.

3057 Notwithstanding the foregoing provisions of this section,
3058 bonds referred to hereinabove may be issued pursuant to the
3059 supplemental powers and authorizations conferred by the provisions
3060 of the Registered Bond Act, being Sections 31-21-1 through
3061 31-21-7.

3062 SECTION 54. Section 37-101-93, Mississippi Code of 1972, is
3063 amended as follows:[LH45]

3064 37-101-93. Bonds issued for the purposes enumerated in
3065 Section 37-101-91 shall be authorized by resolution of the board
3066 of trustees of the state institution of higher learning involved.

3067 Said resolution shall positively show the said land, to be
3068 acquired, if any, and the said dormitories, dwellings, apartments,
3069 athletic stadiums, gymnasiums, student union buildings, student
3070 service centers, athletic fields, swimming pools and the like, to
3071 be erected, repaired, remodeled, maintained, added to, extended,
3072 improved, equipped or acquired, together with equipment therefor.
3073 A majority vote of all the members of the board of trustees shall
3074 be necessary to the passage of said resolution, and all votes on
3075 such resolutions shall be by yea and nay vote, duly recorded on
3076 the minutes of the proceedings of the board.

3077 The bonds may be issued in one or more series, may bear such
3078 date or dates, may be in such denomination or denominations, may
3079 mature at such time or times, not exceeding forty (40) years from
3080 the respective dates thereof, may mature in such amount or
3081 amounts, may bear interest at such rate or rates, not exceeding
3082 that allowed in Section 75-17-103, payable semiannually, may be in
3083 such forms, either coupon or registered, may carry such
3084 registration privileges, may be executed in such manner, may be
3085 payable in such medium of payment, at such place or places, and
3086 may be subject to such term of redemption, with or without
3087 premium, as such resolution or other resolutions may provide. The
3088 bonds may be sold at a private sale, at not less than par and

3089 accrued interest, without advertising the same at competitive
3090 bidding. The bonds shall be fully negotiable within the meaning
3091 and for all purposes of the Uniform Commercial Code.

3092 Notwithstanding any other provision of law, in any resolution
3093 authorizing bonds hereunder, including refunding bonds, the board
3094 of trustees may provide for the initial issuance of one or more
3095 bonds (hereinafter sometimes collectively called "bond"), may make
3096 such provision for installment payments of the principal amount of
3097 any such bond as it may consider desirable, and may provide for
3098 the making of any such bond registerable as to principal or as to
3099 both principal and interest and, where interest accruing thereon
3100 is not represented by interest coupons, for the endorsing of
3101 payments of interest on such bond. The board may further make
3102 provision in any such resolution for the manner and circumstances
3103 in and under which any such bond may in the future, at the request
3104 of the holder thereof, be converted into bonds of smaller
3105 denominations, which bonds of small denominations may in turn be
3106 either coupon bonds or bonds registerable as to principal or
3107 principal and interest.

3108 SECTION 55. Section 37-101-95, Mississippi Code of 1972, is
3109 amended as follows:[LH46]

3110 37-101-95. Bonds issued for the purposes enumerated in
3111 Section 37-101-91 may be refunded, in whole or in part:

3112 (a) When any such bonds have by their terms become due
3113 and payable and there are not sufficient sums in the fund
3114 established for their payment to pay such bonds and the interest
3115 thereon;

3116 (b) When any such bonds are by their terms callable for
3117 payment and redemption in advance of their date of maturity and
3118 shall have been duly called for payment and redemption;

3119 (c) When any such bonds are voluntarily surrendered by
3120 the holder or holders thereof in exchange for refunding bonds; or

3121 (d) When, in connection with the issuance of any

3122 additional bonds under Sections 37-101-91 through 37-101-103 for
3123 the purpose of financing any additional authorized construction,
3124 the board of trustees of the state institution of higher learning
3125 shall determine to combine such new issue of bonds with any issue
3126 or issues of bonds of the same institution of higher learning of
3127 the State of Mississippi then outstanding for the purpose of
3128 unifying such indebtedness and utilizing the income and revenues
3129 derived from all projects or facilities operated at such
3130 institution to the payment of such indebtedness, and the board of
3131 trustees shall determine that such outstanding bonds are by their
3132 terms then callable for redemption or are obtainable by and
3133 through the voluntary surrender thereof by the holder or holders
3134 thereof.

3135 For the purpose of refunding any bonds, including refunding
3136 bonds, the board of trustees may make and issue refunding bonds in
3137 such amount as may be necessary to pay off and redeem bonds to be
3138 refunded together with unpaid and past due interest thereon and
3139 any premium which may be due under the terms of such bonds,
3140 together also with the cost of issuing and refunding bonds, and
3141 may sell the same in like manner as provided in Section 37-101-97
3142 for the initial issuance of bonds. With the proceeds of any such
3143 refunding bonds, the board shall pay off, redeem, and cancel such
3144 old bonds and coupons as may have matured or such bonds as may
3145 have been called for payment and redemption together with the past
3146 due interest and the premium, if any, due thereon; such bonds may
3147 be issued and delivered in exchange for a like par value amount of
3148 bonds to refund which the refunding bonds were issued. No
3149 refunding bonds issued hereunder shall be payable in more than
3150 forty (40) years from the date thereof or shall bear interest at a
3151 rate in excess of the rate of interest authorized in Section
3152 75-17-103 for the bonds being refunded.

3153 Such refunding bonds shall be payable from the same sources
3154 as were pledged to the payment of the bonds refunded thereby and,

3155 in the discretion of the board of trustees, may be payable from
3156 any other sources which may be pledged to the payment of revenue
3157 bonds issued under Sections 37-101-91 through 37-101-103. Bonds
3158 of two (2) or more issues of any institution of higher learning of
3159 the State of Mississippi may be refunded by a single issue of
3160 refunding bonds.

3161 Notwithstanding the foregoing provisions of this section,
3162 bonds referred to hereinabove may be issued pursuant to the
3163 supplemental powers and authorizations conferred by the provisions
3164 of the Registered Bond Act, being Sections 31-21-1 through
3165 31-21-7.

3166 SECTION 56. Section 37-101-101, Mississippi Code of 1972, is
3167 amended as follows:[LH47]

3168 37-101-101. The board of trustees of each state institution
3169 of higher learning in connection with the issuance of the bonds
3170 for the purposes enumerated in Section 37-101-91, or in order to
3171 secure the payment of such bonds and interest thereon, shall have
3172 power by resolutions:

3173 (a) To fix and maintain (1) fees, rentals, and other
3174 charges to be paid by students, faculty members and others using
3175 or being served by any dormitories, dwellings, apartments,
3176 athletic stadiums, gymnasiums, student union buildings, student
3177 service centers, athletic fields, swimming pools, or other
3178 projects or facilities, erected, repaired, remodeled, maintained,
3179 added to, extended, improved, or acquired under the authority of
3180 Section 37-101-91; (2) fees, rentals and other charges to be paid
3181 by students, faculty members, and others using or being served by
3182 any other dormitories, dwellings, apartments, athletic stadiums,
3183 gymnasiums, student union buildings, student service centers,
3184 athletic fields, swimming pools, or other projects or facilities
3185 at any institution which so issues bonds, which fees, rentals and
3186 other charges to be paid by students, faculty members, and others
3187 using or being served by such other dormitories, dwellings,

3188 apartments, athletic stadiums, gymnasiums, student union
3189 buildings, student service centers, athletic fields, swimming
3190 pools, or other projects or facilities, shall be the same as those
3191 applicable to the dormitories, dwellings, apartments, athletic
3192 stadiums, gymnasiums, student union buildings, student service
3193 centers, athletic fields, swimming pools, or other projects or
3194 facilities referred to in the preceding subdivision (1); however,
3195 in fixing such fees, rentals and other charges, there may be
3196 allowed reasonable differentials based on the condition, type,
3197 location and relative convenience of the dormitories, dwellings,
3198 apartments, athletic stadiums, gymnasiums, student union
3199 buildings, student service centers, athletic fields, swimming
3200 pools, or other projects or facilities in question, but such
3201 differentials shall be uniform as to all such students or faculty
3202 members and others similarly accommodated;

3203 (b) To provide that bonds so issued shall be secured by
3204 a first, exclusive and closed lien on, and shall be payable from,
3205 all or any part of the income and revenues derived from fees,
3206 rentals and other charges to be paid by students, faculty members
3207 or others using or being served by any dormitories, dwellings,
3208 apartments, athletic stadiums, gymnasiums, student union
3209 buildings, student service centers, athletic fields, swimming
3210 pools, or other projects or facilities operated at any such
3211 institution, and erected, repaired, remodeled, maintained, added
3212 to, extended, improved or acquired under Section 37-101-91, or any
3213 other law, or otherwise, and not theretofore so pledged;

3214 (c) To pledge and assign to, or in trust for the
3215 benefit of the holder or holders of any bond or bonds, coupon or
3216 coupons so issued, an amount of the income and revenues derived
3217 from such fees, rentals and other charges to be paid by students,
3218 faculty members, or others using or being served by any
3219 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3220 student union buildings, student service centers, athletic fields,

3221 swimming pools, or other projects or facilities operated at any
3222 such institution, and erected, repaired, remodeled, maintained,
3223 added to, extended, improved or acquired under Section 37-101-91,
3224 or any other law, or otherwise, and not theretofore so pledged,
3225 which rentals, fees and charges imposed and pledged pursuant to
3226 the terms of this section shall be sufficient to pay when due the
3227 bonds so issued and interest thereon, to create and maintain a
3228 reasonable reserve therefor and to operate and maintain the
3229 project so constructed, and to create and at all times maintain an
3230 adequate reserve for contingencies and for major repairs and
3231 replacements;

3232 (d) To covenant with or for the benefit of the holder
3233 or holders of any bond or bonds, coupon or coupons so issued to
3234 erect, repair, remodel, maintain, add to, extend, improve or
3235 acquire any dormitories, dwellings, apartments, athletic stadiums,
3236 gymnasiums, student union buildings, student service centers,
3237 athletic fields, swimming pools, or other projects or facilities,
3238 that so long as any of said bonds or coupons shall remain
3239 outstanding and unpaid, such institution shall fix, maintain and
3240 collect, in such installments as may be agreed upon, an amount of
3241 fees, rentals or other charges from students, faculty members, and
3242 others using or being served by any dormitories, dwellings,
3243 apartments, athletic stadiums, gymnasiums, student union
3244 buildings, student service centers, athletic fields, swimming
3245 pools, or other projects or facilities operated at any such
3246 institution and erected, repaired, remodeled, maintained, added
3247 to, extended, improved or acquired under Section 37-101-91, or any
3248 other law, or otherwise, which shall be sufficient to pay when due
3249 any bond or bonds, coupons or coupons so issued, and to create and
3250 maintain a reasonable reserve therefor, and to pay the cost of
3251 operation and maintenance of such dormitories, dwellings,
3252 apartments, athletic stadiums, gymnasiums, student union
3253 buildings, student service centers, athletic fields, swimming

3254 pools, or other projects or facilities, including a sum sufficient
3255 to pay the cost of insuring such dormitories, dwellings,
3256 apartments, athletic stadiums, gymnasiums, student union
3257 buildings, student service centers, athletic fields, swimming
3258 pools, or other projects or facilities against loss or damage by
3259 fire and windstorm or other calamities, in such sum as may be
3260 acceptable to the purchaser or purchasers of such bonds. The
3261 rentals, fees and other charges shall at all times be sufficient
3262 to maintain an adequate bond sinking fund to provide for the
3263 payment of interest on and principal of the bonds as and when they
3264 accrue and mature, to create a reasonable reserve therein and to
3265 pay the cost of operation and maintenance and insurance as herein
3266 provided and to create and at all times maintain an adequate
3267 reserve for contingencies and for major repairs and replacements;

3268 (e) To make and enforce and agree to make and enforce
3269 parietal rules that shall insure the use of any such dormitory,
3270 dwelling, apartment, athletic stadium, gymnasium, student union
3271 building, student service center, athletic field, swimming pool,
3272 or other project or facility by all students in attendance at such
3273 institution, and faculty members thereof, to the maximum extent to
3274 which such dormitories, dwellings, apartments, athletic stadiums,
3275 gymnasiums, student union buildings, student service centers,
3276 athletic fields, swimming pools, or other projects or facilities
3277 are capable of serving same, so long as it does not interfere with
3278 any existing contract;

3279 (f) To covenant that as long as any of the bonds so
3280 issued shall remain outstanding and unpaid, it will not, except
3281 upon such terms and conditions as may be determined by the
3282 resolution issuing such bonds, (1) voluntarily create, or cause to
3283 be created, any debt, lien, pledge, assignment, encumbrance, or
3284 other charge having priority to or being on a parity with the lien
3285 of the bonds so issued upon any of the income and revenues derived
3286 from fees, rentals and other charges to be paid by students,

3287 faculty members and others using or being served by any
3288 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3289 student union buildings, student service centers, athletic fields,
3290 swimming pools, or other projects or facilities operated at any
3291 such institution and erected, repaired, remodeled, maintained,
3292 added to, extended, improved or acquired under Section 37-101-91,
3293 or any other law, or otherwise, or (2) convey or otherwise
3294 alienate any such dormitories, dwellings, apartments, athletic
3295 stadiums, gymnasiums, student union buildings, student service
3296 centers, athletic fields, swimming pools, or other projects or
3297 facilities, or the real estate upon which the same shall be
3298 located, except at a price sufficient to pay all the bonds then
3299 outstanding payable from the revenues derived therefrom and
3300 interest accrued on such bonds, and then only in accordance with
3301 any agreements with the holder or holders of such bonds, or (3)
3302 mortgage or otherwise voluntarily create, or cause to be created,
3303 any encumbrance on any such dormitory, dwelling, apartment,
3304 athletic stadium, gymnasium, student union building, student
3305 service center, athletic field, swimming pool, or other project or
3306 facility, or the real estate upon which it shall be located;

3307 (g) To covenant as to the proceedings by which the
3308 terms of any contract with a holder or holders of such bonds may
3309 be amended or rescinded, the amount or percentage of bonds the
3310 holder or holders of which must consent thereto and the manner in
3311 which such consent may be given;

3312 (h) To vest in a trustee or trustees the right to
3313 receive all or any part of the income and revenue and proceeds of
3314 insurance pledged and assigned to, or for the benefit of, the
3315 holder or holders of such bonds, and to hold, apply and dispose of
3316 the same and the right to enforce any covenant made to secure or
3317 pay or in relation to such bonds;

3318 (i) To authorize the chairman and the secretary of said
3319 board to execute and deliver, in the name of the institution for

3320 which such bonds are being issued, a trust agreement or agreements
3321 which may set forth the powers and duties of such trustee or
3322 trustees, and limiting the liabilities thereof, and describing
3323 what occurrences shall constitute events of default and
3324 prescribing the terms and conditions upon which such trustee or
3325 trustees or the holder or holders of bonds of any specified amount
3326 or percentage of such bonds may exercise such right and enforce
3327 any and all such covenants and resort to any such remedies as may
3328 be appropriate; and

3329 (j) To vest in a trustee or trustees or the holder or
3330 holders of any specified amount or percentage of bonds the right
3331 to apply to any court of competent jurisdiction for and have
3332 granted the appointment of a receiver or receivers of the income
3333 and revenue pledged and assigned to or for the benefit of the
3334 holder or holders of such bonds, which receiver or receivers may
3335 have and be granted such powers and duties as are usually granted
3336 under the laws of the State of Mississippi to a receiver or
3337 receivers appointed in connection with the foreclosure of a
3338 mortgage made by a private corporation.

3339 SECTION 57. Section 37-101-103, Mississippi Code of 1972, is
3340 amended as follows:[LH48]

3341 37-101-103. No moneys derived from the sale of bonds of any
3342 institution or otherwise borrowed or received by such institution
3343 under Sections 37-101-91 through 37-101-103, or from the fees,
3344 rentals, and charges received and collected for the use of any
3345 project constructed, repaired, remodeled, maintained, added to,
3346 extended, improved, or acquired under authority of said sections,
3347 shall be required to be paid into the State Treasury, but shall,
3348 except as herein otherwise provided, be deposited by the Treasurer
3349 or other fiscal officer of the institution in a separate bank
3350 account or accounts in such bank or banks or trust company or
3351 trust companies as may be designated by the board of trustees of
3352 the state institution of higher learning. All deposits of such

3353 moneys shall, if required by the board, be secured by obligations
3354 of the United States of America or of the State of Mississippi, of
3355 a market value equal at all times to the amount of the deposit,
3356 and all banks and all trust companies are hereby authorized to
3357 give such security. Such money may be disbursed as may be
3358 directed by the board and in accordance with the terms of any
3359 agreements with the holder or holders of any bonds. This section
3360 shall be construed as limiting the power of said board to agree in
3361 connection with issuance of any such bonds as to the custody and
3362 disposition of the moneys received from the sale of such bonds or
3363 the income and revenues pledged and assigned to or in trust for
3364 the benefit of the holder or holders thereof.

3365 It is specifically provided, however, notwithstanding any
3366 other provision of this section, that when any project financed by
3367 the proceeds of revenue bonds issued hereunder shall be supervised
3368 by the State Building Commission and the said State Building
3369 Commission shall execute and enter into construction contracts
3370 with respect thereto, the board of trustees of each state
3371 institution of higher learning shall have the power and authority
3372 to pay into the State Treasury in a special account for said
3373 project an amount from the proceeds of the sale of the bonds which
3374 shall be sufficient to pay all such construction contracts and all
3375 fees and expenses incidental thereto, including any amount, plus
3376 interest thereon, which may have been borrowed for interim
3377 financing of said project. The amount so paid into such special
3378 account shall be expended by the State Building Commission in the
3379 manner provided by law in payment of the amounts due under such
3380 construction contracts, and fees and expenses incidental thereto,
3381 and in repayment of money, if any, borrowed for interim financing,
3382 plus interest thereon. If, at the conclusion of the project, any
3383 sum should remain in said special account it shall be repaid to
3384 the institution entitled thereto to be handled in accordance with
3385 the terms of the agreement with the holder or holders of the

3386 bonds.

3387 Notwithstanding any other provisions of this section, such
3388 reports as may be required by the State Auditor of Public Accounts
3389 shall be made to him by the institutions of higher learning in the
3390 manner and at the times he may prescribe, so that his records may
3391 reflect full and complete information relative thereto.

3392 SECTION 58. Section 37-101-121, Mississippi Code of 1972, is
3393 amended as follows:[LH49]

3394 37-101-121. The board of trustees of each state institution
3395 of higher learning is hereby authorized and empowered, in its
3396 discretion, and with the consent and approval of the State
3397 Building Commission, to invest any funds derived or made available
3398 for the purpose of constructing, erecting, repairing, remodeling
3399 or equipping dormitories and other housing facilities under
3400 projects approved and sanctioned by the Home and Housing Finance
3401 Agency of the United States of America, whether said funds be
3402 derived from the proceeds of bonds issued under the provisions of
3403 Sections 37-101-91 through 37-101-103, or from money borrowed for
3404 the interim financing of any such project, or from any other
3405 sources, in short-term bonds or other direct obligations of the
3406 United States of America. However, no such funds shall be so
3407 invested except the amount of such funds which is in excess of the
3408 sums which will be required for expenditure in financing the
3409 construction of said projects during the succeeding ninety (90)
3410 days. In all cases, the bonds or other obligations in which such
3411 funds are invested shall mature or be redeemable prior to the time
3412 the funds so invested will be needed for expenditure in financing
3413 the construction of said projects.

3414 The board * * *, with the consent and approval of the State
3415 Building Commission, may, by order or resolution spread upon its
3416 minutes, authorize and empower any member or members of said board
3417 of trustees, or any officers or employees thereof, or any other
3418 person or persons, to make investments of such funds from time to

3419 time as they shall be available for investment under the
3420 provisions of this section. Any such member or members or
3421 officers or employees, or other person or persons, when so
3422 authorized by such order or resolution, shall have the power and
3423 authority to make such investments of such funds, to make
3424 purchases of such bonds or other obligations, to execute all
3425 necessary instruments in connection therewith, and to take such
3426 other action as may be necessary to effectuate the investment of
3427 such funds.

3428 SECTION 59. Section 37-101-123, Mississippi Code of 1972, is
3429 amended as follows:[LH50]

3430 37-101-123. When any such bonds or other direct obligations
3431 of the United States of America shall have been purchased with
3432 such excess funds as is provided for in Section 37-101-121, such
3433 bonds or other obligations may be sold or surrendered for
3434 redemption at any time by order or resolution adopted by the board
3435 of trustees of the state institution of higher learning, and
3436 approved by the State Building Commission. Any member or members
3437 thereof or any officers or employees thereof, or any other person
3438 or persons, when authorized by such order or resolution, shall
3439 have the power and authority to sell said bonds or other
3440 obligations or to surrender same for redemption and to execute all
3441 instruments and take such other action as may be necessary to
3442 effectuate the sale or redemption thereof. When such bonds or
3443 other obligations shall be sold or redeemed, the proceeds thereof,
3444 including the accrued interest thereon, shall be paid into the
3445 proper fund and shall in all respects be dealt with and expended
3446 for the purpose for which said funds were originally derived or
3447 made available.

3448 SECTION 60. Section 37-101-125, Mississippi Code of 1972, is
3449 amended as follows:[LH51]

3450 37-101-125. Orders or resolutions of the board of trustees
3451 of any state institution of higher learning authorizing the

3452 investment of funds or the sale and redemption of bonds and other
3453 obligations purchased therewith under the provisions of Sections
3454 37-101-121 and 37-101-123, may be in general terms and may confer
3455 continuing authority upon the person or persons authorized to act.
3456 It shall not be necessary that separate resolutions or orders be
3457 passed and adopted with reference to each transaction.

3458 SECTION 61. Section 37-101-141, Mississippi Code of 1972, is
3459 amended as follows:[LH52]

3460 37-101-141. The board of trustees of each state institution
3461 of higher learning is hereby authorized and empowered, in its
3462 discretion, to sell and dispose of the timber, trees, dead wood
3463 and stumps standing, growing and being upon the lands granted to
3464 the State of Mississippi for the use and benefit of the University
3465 of Mississippi by an act of Congress of the United States approved
3466 June 20, 1894, and upon the lands granted to the State of
3467 Mississippi for the use and benefit of Mississippi University for
3468 Women by an act of Congress of the United States approved March 2,
3469 1895, and upon the lands granted to the State of Mississippi for
3470 the use and benefit of Mississippi State University of Agriculture
3471 and Applied Science, and Alcorn State University by an act of
3472 Congress of the United States approved February 20, 1895, whenever
3473 the sale or disposition of such timber shall be to the best
3474 advantage of the institutions named herein. Such timber shall be
3475 sold and disposed of under the direction and specifications of the
3476 State Forestry Commission in accordance with sound and efficient
3477 principles of forestry management and conservation.

3478 SECTION 62. Section 37-101-143, Mississippi Code of 1972, is
3479 amended as follows:[LH53]

3480 37-101-143. The board of trustees of each state institution
3481 of higher learning named in Section 37-101-141 is also authorized
3482 and empowered to lease those lands referred to in Section
3483 37-101-141, or any part thereof, for oil, gas and mineral
3484 development, or for any other purpose, for such consideration,

3485 upon such terms and conditions as the board of trustees shall deem
3486 proper, and for the best advantage of the respective institutions.

3487 Any such oil, gas or mineral lease shall not be for a primary
3488 term of more than six (6) years and so long thereafter as oil, gas
3489 or other minerals are produced from said lands. The royalties
3490 reserved in such lease or leases shall be not less than the
3491 following:

3492 (a) On oil, one-eighth (1/8) part produced and saved
3493 from said land;

3494 (b) On gas, including casinghead gas, or other gaseous
3495 substances, produced from said land and sold or used off the
3496 premises, or for the extraction of gasoline or other products
3497 therefrom, the market value at the well of one-eighth (1/8) of the
3498 gas so sold or used; and

3499 (c) On all other minerals mined and marketed,
3500 one-eighth (1/8) part in kind or value at the well or mine except
3501 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3502 ton.

3503 SECTION 63. Section 37-101-145, Mississippi Code of 1972, is
3504 amended as follows:[LH54]

3505 37-101-145. Before any timber, trees, dead wood, or stumps,
3506 standing, growing or being upon lands shall be sold from said
3507 lands as is authorized in Section 37-101-141, and before any lands
3508 shall be leased for oil, gas and mineral purposes, or other
3509 purposes as is authorized in Section 37-101-143, the board of
3510 trustees of the involved state institution of higher learning
3511 shall advertise its intention to do so by publication in a
3512 newspaper in the City of Jackson, and also in a newspaper
3513 published in each county where such lands are situated, such
3514 notice to be published once a week for three (3) consecutive weeks
3515 preceding such sale or lease, and by posting one (1) notice at the
3516 courthouse in the county or counties where the lands are situated.

3517 In any county having no paper published therein, the publication

3518 shall be placed in some paper having a general circulation in said
3519 county. Said board shall sell or lease at public auction, or by
3520 sealed bids, at the place designated in said notices, to the
3521 highest and best bidder for cash. The board shall have the right
3522 to reject any or all of such bids.

3523 SECTION 64. Section 37-101-147, Mississippi Code of 1972, is
3524 amended as follows:[LH55]

3525 37-101-147. All leases and conveyances of timber, trees,
3526 dead wood and stumps, and all oil, gas and mineral leases, or
3527 leases for other purposes, provided for in Sections 37-101-141 and
3528 37-101-143, shall be executed by the president of the board of
3529 trustees of * * * the University of Mississippi, Mississippi
3530 University for Women, Mississippi State University of Agriculture
3531 and Applied Science and Alcorn State University, as the case may
3532 be. The corporate seal of the proper institution shall be affixed
3533 to all conveyances and leases of the lands held for the use and
3534 benefit of such institutions. In all such cases such conveyances
3535 and leases shall be executed only upon the order or resolution of
3536 the board of trustees of the state institutions of higher learning
3537 in the manner and method hereinbefore set forth.

3538 SECTION 65. Section 37-101-149, Mississippi Code of 1972, is
3539 amended as follows:[LH56]

3540 37-101-149. The proceeds derived or received from all sales
3541 of timber, trees, dead wood, and stumps, and from all oil, gas and
3542 mineral leases, or leases for other purposes, provided for in
3543 Sections 37-101-141 and 37-101-143, including but not limited to
3544 rentals, bonuses, royalties, and delay rentals, shall be deposited
3545 in such special funds as the * * * board of trustees of the
3546 involved state institution of higher learning may designate for
3547 the use and benefit of the institution owning or having the use
3548 and benefit of the land from which such money was derived. Such
3549 money, after all expenditures for maintenance, operation, and
3550 improvements necessary for effective and scientific management of

3551 said resources shall have been deducted, shall be used and
3552 expended under the supervision of said board of trustees for the
3553 erection and construction of permanent improvements on the
3554 campuses of such institution, or for the repair of permanent
3555 improvements existing on said campuses. It is the purpose of this
3556 section that the funds received from lands held for the use of
3557 each of the respective institutions shall be kept in a special
3558 fund for the use and benefit of the institution having the use and
3559 benefit of the land from which such funds were derived, and that
3560 such funds shall be expended only for the purposes hereinabove set
3561 forth.

3562 Notwithstanding any other provisions of this section, such
3563 reports as may be required by the State Auditor of Public Accounts
3564 shall be made to him by the institutions of higher learning in the
3565 manner and at the times he may prescribe, so that his records may
3566 reflect full and complete information relative thereto.

3567 SECTION 66. Section 37-101-153, Mississippi Code of 1972, is
3568 amended as follows:[LH57]

3569 37-101-153. The board of trustees of each state institution
3570 of higher learning is hereby authorized and empowered, in its
3571 discretion, to lease any lands, or any part thereof, belonging
3572 to * * * said institution, for oil, gas and mineral development,
3573 upon such terms, conditions and considerations as said board of
3574 trustees shall deem proper and for the best interest of the
3575 institution * * *. Any such oil, gas or mineral lease shall be
3576 for a primary term of not more than six (6) years and so long
3577 thereafter as oil, gas or other mineral is produced from said
3578 land. The royalty reserved in such lease or leases shall not be
3579 less than the following:

3580 (a) On oil, one-eighth (1/8) part produced and saved
3581 from said land;

3582 (b) On gas, including casinghead gas, or other gaseous
3583 substances, produced from said land and sold or used off the

3584 premises, or for the extraction of gasoline or other products
3585 therefrom the market value at the well of one-eighth (1/8) of the
3586 gas so sold or used; and

3587 (c) On all other minerals mined and marketed,
3588 one-eighth (1/8) part in kind or value at the well or mine except
3589 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3590 ton.

3591 SECTION 67. Section 37-101-155, Mississippi Code of 1972, is
3592 amended as follows:[LH58]

3593 37-101-155. Before any of the land named in Section
3594 37-101-153, shall be leased for oil, gas and mineral purposes, the
3595 board of trustees of the involved state institution of higher
3596 learning shall give notice of its intention by publishing a notice
3597 in some newspaper in the City of Jackson and also a newspaper
3598 published in the county or counties where such lands are situated,
3599 giving the time and place that said board will receive bids. Said
3600 notice shall be published once each week for three (3) consecutive
3601 weeks. Said board at said time and place will receive sealed bids
3602 for such lease or leases, and will consider the highest and best
3603 bid that is the most advantageous to the institution * * *. The
3604 board shall have the right to reject any or all such bids.

3605 SECTION 68. Section 37-101-157, Mississippi Code of 1972, is
3606 amended as follows:[LH59]

3607 37-101-157. All oil, gas and mineral leases provided for in
3608 Section 37-101-153, shall be executed by the president of the
3609 board of trustees of the involved state institution of higher
3610 learning * * * on behalf of the institution owning or having the
3611 use of such lands, as the case may be. The corporate seal of the
3612 institution owning or having benefit of such land shall be affixed
3613 to all leases. In all such cases such leases shall be executed
3614 only upon order or resolution of the board of trustees of the
3615 state institutions of higher learning in the manner hereinbefore
3616 set forth.

3617 SECTION 69. Section 37-101-159, Mississippi Code of 1972, is
3618 amended as follows:[LH60]

3619 37-101-159. The consideration and proceeds derived or
3620 received from all oil, gas and mineral leases provided for in
3621 Section 37-101-153, including, but not limited to bonuses,
3622 rentals, royalties and delay rentals, shall be paid to the board
3623 of trustees of the state institution of higher learning for the
3624 use and benefit of the institution owning or having the use and
3625 benefit of the land from which said money was derived. All such
3626 money or funds shall be allocated to or used for the benefit of
3627 such institution * * *.

3628 SECTION 70. Section 37-101-181, Mississippi Code of 1972, is
3629 amended as follows:[LH61]

3630 37-101-181. Any member of the faculties of Alcorn State
3631 University, Jackson State University, and Mississippi Valley State
3632 University shall be eligible for leave of absence to pursue
3633 advanced academic training so as to elevate the scholastic
3634 qualifications of the faculties of these above-mentioned colleges,
3635 in line with the requirements of the several accrediting agencies.

3636 In order to provide for the above leaves the board of
3637 trustees of those state institutions of higher learning shall have
3638 power to adopt rules and regulations regarding such leave. In no
3639 instance shall leave be granted unless there is a contract
3640 providing for continued service, after expiration of the leave, in
3641 the college where the faculty member is employed.

3642 The board of trustees * * * is hereby authorized to make
3643 payment of salary, or such part of salary as may be decided, of
3644 such faculty members who are under contract for academic leaves.

3645 SECTION 71. Section 37-101-183, Mississippi Code of 1972, is
3646 amended as follows:[LH62]

3647 37-101-183. Any members of the faculty of the state
3648 institutions of higher learning of the State of Mississippi shall
3649 be eligible for sabbatical leaves, for the purpose of professional

3650 improvement, for not more than two (2) semesters immediately
3651 following any twelve (12) or more consecutive semesters of active
3652 service in the institutions of higher learning of this state where
3653 such faculty member is employed or for not more than one (1)
3654 semester immediately following any six (6) or more consecutive
3655 semesters of such service. Absence on sick leave shall not be
3656 deemed to interrupt the active service herein provided for.

3657 Applications for sabbatical leave shall be made to the board
3658 of trustees of the state institution of higher learning, with the
3659 approval of the chancellor or the president of the institution of
3660 higher learning. Approval or disapproval of the applications for
3661 sabbatical leave shall be made on the basis of regulations
3662 prescribed by the board * * *.

3663 Any person who is granted a sabbatical leave and who fails to
3664 comply with the provisions of such leave as approved by the state
3665 institution of higher learning may have his or her leave
3666 terminated by the board * * *.

3667 No person on sabbatical leave can be denied any regular
3668 increment of increase in salary because of absence on sabbatical
3669 leave.

3670 Service on sabbatical leave shall count as active service for
3671 the purpose of retirement and contributions to the retirement fund
3672 shall be continued.

3673 In order to provide for the above leaves the board of
3674 trustees of each state institution of higher learning shall have
3675 power to adopt rules and regulations regarding such leave. In no
3676 instance shall leave be granted unless there is a contract
3677 providing for continued service, after expiration of the leave, in
3678 the college where the faculty member is employed.

3679 Every person on sabbatical leave shall enjoy all the rights
3680 and privileges pertaining to his or her employment in the
3681 institution of higher learning in which such person is employed,
3682 which such person would have enjoyed if in active service during

3683 such leave in the position from which such leave was taken.

3684 Each person granted sabbatical leave may receive and be paid
3685 compensation up to the rate of fifty percent (50%) of such
3686 person's annual salary.

3687 Compensation payable to persons on sabbatical leave shall be
3688 paid at the same time and in the same manner salaries of the other
3689 members of the faculty are paid.

3690 SECTION 72. Section 37-101-185, Mississippi Code of 1972, is
3691 amended as follows:[LH63]

3692 37-101-185. The board of trustees of each state institution
3693 of higher learning is hereby authorized to cooperate with the
3694 state building commission, in the discretion of both agencies, in
3695 the employment of technical and professional personnel for
3696 supervising the planning and constructing or repairs of physical
3697 plant facilities located on the campuses of the several
3698 institutions of higher learning. Upon determination by the state
3699 building commission as to the proportionate amount due from the
3700 board of trustees for salaries and other expenses of such
3701 employees, said board is authorized and empowered to pay over to
3702 the state building commission such sums from funds available to
3703 the board * * * for such purposes.

3704 SECTION 73. Section 37-101-221, Mississippi Code of 1972, is
3705 amended as follows:[LH64]

3706 37-101-221. The Commissioner of Higher Education may provide
3707 instruction in graduate and professional schools for qualified
3708 students, who are residents of Mississippi, in institutions
3709 outside the state boundaries, when such instruction is not
3710 available for them in the regularly supported Mississippi
3711 institutions of higher learning. The commissioner shall, by * * *
3712 rules and regulations, determine the qualifications of such
3713 students as may be aided by this section, and the decision by the
3714 commissioner as to the qualifications of such students shall be
3715 final. The commissioner shall provide such graduate and

3716 professional instruction, within the limits of the funds available
3717 for this purpose, at a cost to students, not exceeding the cost,
3718 as estimated by the commissioner, of such instruction, if it were
3719 available at a state supported institution of higher learning in
3720 the State of Mississippi.

3721 SECTION 74. Section 37-101-283, Mississippi Code of 1972, is
3722 amended as follows:[LH65]

3723 37-101-283. Each male applicant for any scholarship or loan
3724 funded in whole or in part by this state, whether granted by the
3725 Commissioner of Higher Education, the board of trustees of a state
3726 institution of higher learning, the Post-Secondary Education
3727 Financial Assistance Board, or otherwise granted by any
3728 state-supported college or university, and whether to be used at a
3729 state-supported institution of higher learning or at a private
3730 institution, shall within six (6) months after he attains the age
3731 of eighteen (18) years submit to the person, commission, board or
3732 agency in which his application for scholarship or loan is or has
3733 been made satisfactory evidence of his compliance with the draft
3734 registration requirements of the Military Selective Service Act.
3735 Such evidence shall consist of a copy of the draft registration
3736 acknowledgment letter received from the Selective Service System
3737 by the scholarship or loan applicant or holder. If an applicant
3738 for or holder of any such scholarship or loan fails to submit a
3739 copy of his draft registration acknowledgment letter in the manner
3740 and within the time allowed therefor, any pending application of
3741 such person for the award, grant or renewal of any such
3742 scholarship or loan shall be denied, and any such scholarship or
3743 loan currently held by such person shall be revoked to the extent
3744 that no further payments under that scholarship or loan may be
3745 made to him or on his behalf. The person, commission, board or
3746 agency to which an application for the award, grant or renewal of
3747 such scholarship or loan is made, or by or through which any such
3748 scholarship or loan is administered or issued shall notify the

3749 applicant or holder and the chief executive officer of any
3750 institution at which a holder of a scholarship or loan so revoked
3751 is enrolled of its action, and upon request of the scholarship or
3752 loan applicant or holder shall afford him the opportunity, either
3753 in person, in writing or by counsel of his choice to present
3754 evidence against such action.

3755 SECTION 75. Section 37-101-303, Mississippi Code of 1972, is
3756 amended as follows:[LH66]

3757 37-101-303. Before the issuance of any of the bonds herein
3758 authorized, the board of trustees of each state institution of
3759 higher learning shall forward to the State Bond Commission its
3760 recommendation declaring the necessity for the issuance of general
3761 obligation bonds as authorized by Sections 37-101-301 through
3762 37-101-331 for the purpose of erecting, repairing, constructing,
3763 remodeling, adding to or improving capital facilities for
3764 institutions of higher learning. The State Bond Commission shall
3765 have the power and is hereby authorized, upon receipt of the
3766 aforesaid recommendations, at one time or from time to time, to
3767 declare the necessity for issuance of negotiable general
3768 obligation bonds of the State of Mississippi in an aggregate
3769 amount not to exceed Forty Million Dollars (\$40,000,000.00) to
3770 provide funds for the purposes hereinabove set forth and to issue
3771 and sell bonds in the amount specified.

3772 Out of the total amount of bonds authorized to be issued,
3773 funds shall be allocated among the institutions of higher learning
3774 as follows:

| | | |
|------|--|-----------------|
| 3775 | Alcorn State University..... | \$ 4,416,000.00 |
| 3776 | Delta State University..... | 1,882,000.00 |
| 3777 | Jackson State University..... | 2,396,000.00 |
| 3778 | Mississippi State University..... | 9,810,000.00 |
| 3779 | Mississippi University for Women..... | 1,909,000.00 |
| 3780 | Mississippi Valley State University..... | 1,775,000.00 |
| 3781 | University of Mississippi..... | 6,086,000.00 |

3782 University of Southern Mississippi..... 5,971,000.00
 3783 University of Southern Mississippi -
 3784 Gulf Park Campus..... 309,000.00
 3785 University Medical Center..... 3,465,000.00
 3786 Gulf Coast Research Laboratory..... 260,000.00
 3787 Education and Research Center..... 475,000.00
 3788 Division of Agriculture, Forestry and
 3789 Veterinary Medicine..... 1,246,000.00

3790 * * *

3791 SECTION 76. Section 37-101-305, Mississippi Code of 1972, is
 3792 amended as follows:[LH67]

3793 37-101-305. Upon receipt of a certified copy of a resolution
 3794 of the board of trustees of a state institution of higher learning
 3795 declaring the necessity for the issuance of any part or all of the
 3796 bonds authorized by Sections 37-101-301 et seq., the State Bond
 3797 Commission is hereby authorized and empowered to sell and issue
 3798 general obligation bonds of the State of Mississippi in the
 3799 principal amount requested, not to exceed an aggregate principal
 3800 amount of Forty Million Dollars (\$40,000,000.00) for the purposes
 3801 hereinabove set forth. The State Bond Commission is authorized
 3802 and empowered to pay the costs that are incident to the sale,
 3803 issuance and delivery of the bonds authorized under Sections
 3804 37-101-301 et seq. from the proceeds derived from the sale of such
 3805 bonds.

3806 SECTION 77. Section 37-101-351, Mississippi Code of 1972, is
 3807 amended as follows:[LH68]

3808 37-101-351. The board of trustees of each state institution
 3809 of higher learning is hereby authorized to establish an executive
 3810 institute which shall be responsible for providing advanced
 3811 training and assessment for public sector executives, elected
 3812 officials, state board and commission members, and officers and
 3813 employees of local government entities of the State of
 3814 Mississippi.

3815 SECTION 78. Section 37-102-1, Mississippi Code of 1972, is
3816 amended as follows:[LH69]

3817 37-102-1. The board of trustees of each state institution of
3818 higher learning may establish off-campus instructional programs
3819 for existing universities. However, the board * * * shall not
3820 establish off-campus instructional programs if in its opinion such
3821 action is not in the best interest of quality education for the
3822 State of Mississippi and the university system.

3823 Students at any off-campus program site may, in the
3824 discretion of the board * * *, be permitted to register for
3825 full-time course loads.

3826 Attendance at an off-campus site shall fulfill the residency
3827 requirements as if the student had attended class on the parent
3828 campus of the university, and there shall be no difference in the
3829 standards for work nor quality weight of a degree earned in the
3830 off-campus program from that earned at the parent institution.

3831 SECTION 79. Section 37-102-3, Mississippi Code of 1972, is
3832 amended as follows:[LH70]

3833 37-102-3. The boards of trustees of the state institutions
3834 of higher learning shall not permit the public universities to
3835 offer courses for college credit at the lower undergraduate level
3836 at an off-campus site unless approved by the State Board for
3837 Community and Junior Colleges. The Commissioner of Higher
3838 Education, in cooperation with the State Board for Community and
3839 Junior Colleges, shall study the need and advisability of offering
3840 (a) courses for college credit at the lower undergraduate level,
3841 and (b) advanced centers for technology partnerships for
3842 industrial training and professional development for credit and
3843 noncredit courses, at the following off-campus sites by four-year
3844 public state institutions of higher learning: the Mississippi
3845 Gulf Coast counties; Greenville, Mississippi; Columbus,
3846 Mississippi; McComb, Mississippi; Hattiesburg, Mississippi;
3847 Meridian, Mississippi; Laurel, Mississippi; and any other proposed

3848 area of the state. Any such study shall take into account the
3849 ongoing programs of the community and junior colleges in the State
3850 of Mississippi when a board authorizes off-campus programs created
3851 under this chapter. It is the intent of the Legislature to meet
3852 the educational needs of students who do not have ready access to
3853 the educational opportunities that they desire. It is the further
3854 intent of this chapter that university off-campus programs
3855 established hereunder will in no way usurp the responsibilities of
3856 the public junior colleges of the State of Mississippi. The
3857 Commissioner of Higher Education shall establish such rules and
3858 regulations as it deems necessary and proper to carry out the
3859 purposes and intent of this chapter.

3860 SECTION 80. Section 37-102-5, Mississippi Code of 1972, is
3861 amended as follows:[LH71]

3862 37-102-5. The board of trustees of each state institution of
3863 higher learning may designate * * * off-campus sites. However,
3864 off-campus sites shall be located in such a manner as to make the
3865 services of the institutions of higher learning available to the
3866 people of Mississippi without unnecessary program duplication in
3867 the same geographic area.

3868 SECTION 81. Section 37-102-7, Mississippi Code of 1972, is
3869 amended as follows:[LH72]

3870 37-102-7. The board of trustees of each state institution of
3871 higher learning shall submit to the Legislature budget requests
3872 with off-campus programs being an identified part of the
3873 total * * * budget request for the university by being a separate
3874 item within the budget request * * *. Said budget request shall
3875 include a statement of all actual or estimated receipts and
3876 disbursements for such off-campus programs and such other
3877 information as may be required by the Legislative Budget Office.

3878 SECTION 82. Section 37-102-13, Mississippi Code of 1972, is
3879 amended as follows:[LH73]

3880 37-102-13. The board of trustees of each state institution

3881 of higher learning shall take into account the ongoing programs of
3882 the private colleges in the State of Mississippi when authorizing
3883 off-campus programs created under this chapter. It is the intent
3884 of this chapter to meet the educational needs of students who do
3885 not have ready access to the educational opportunities that they
3886 desire.

3887 SECTION 83. Section 37-102-15, Mississippi Code of 1972, is
3888 amended as follows:[LH74]

3889 37-102-15. (1) The board of trustees of each state
3890 institution of higher learning and the Bureau of Buildings,
3891 Grounds and Real Property Management shall not make any
3892 expenditure for capital improvements for off-campus sites unless
3893 specifically authorized by the Mississippi Legislature. However,
3894 this shall not preclude such capital improvements from being made
3895 by county or municipal governments locally or regionally involved.

3896 (2) The Board of Trustees of Mississippi State University
3897 and the Bureau of Buildings, Grounds and Real Property Management
3898 is specifically authorized to expend any funds available to it
3899 from private sources, from the proceeds of the sale of any
3900 property and improvements currently on the site of Mississippi
3901 State University off-campus instructional program at Meridian and
3902 from the proceeds of funds designated to the Mississippi State
3903 University system for "repair, renovation and new construction" in
3904 Chapter 2, Section 2, General Laws, First Extraordinary Session of
3905 1989, for the construction, equipping and furnishing and new
3906 building, and/or for the repair, renovation, equipping and
3907 furnishing of any existing building at the Mississippi State
3908 University off-campus instructional program site at Meridian,
3909 Mississippi. The board * * * is hereby authorized to receive and
3910 expend matching funds from the local, county and municipal
3911 governments for such construction, equipping, furnishing, repair
3912 or renovation.

3913 SECTION 84. Section 37-103-1, Mississippi Code of 1972, is

3914 amended as follows:[LH75]

3915 37-103-1. The board of trustees of each junior college in
3916 this state, the board of trustees of each state institution of
3917 higher learning, and the administrative authorities of each
3918 institution governed by said boards, in ascertaining and
3919 determining the legal residence of and tuition to be charged any
3920 student applying for admission to such institutions shall be
3921 governed by the definitions and conditions set forth in Sections
3922 37-103-1 through 37-103-23.

3923 SECTION 85. Section 37-103-9, Mississippi Code of 1972, is
3924 amended as follows:[LH76]

3925 37-103-9. Children of parents who are members of the faculty
3926 or staff of any institution under the jurisdiction of the board of
3927 trustees of any junior college * * * or of any state institution
3928 of higher learning in this state may be classified as residents
3929 for the purpose of attendance at the institution where their
3930 parents are faculty or staff members.

3931 SECTION 86. Section 37-103-25, Mississippi Code of 1972, is
3932 amended as follows:[LH77]

3933 37-103-25. The board of trustees of each state institution
3934 of higher learning and the boards of trustees of the junior
3935 colleges are hereby authorized to prescribe the amount of fees to
3936 be paid by students attending the several state-supported
3937 institutions of higher learning and junior colleges of the State
3938 of Mississippi. In prescribing the rates to be paid by residents
3939 of other states, the total fees shall not be less than the average
3940 cost per student from appropriated funds.

3941 SECTION 87. Section 37-103-29, Mississippi Code of 1972, is
3942 amended as follows:[LH78]

3943 37-103-29. Nothing in this chapter shall be construed to
3944 provide that the board of trustees of any state institution of
3945 higher learning or the board of trustees of any junior college is
3946 required to consider for admission the application of a

3947 nonresident.

3948 SECTION 88. Section 37-104-5, Mississippi Code of 1972, is
3949 amended as follows:[LH79]

3950 37-104-5. As used in this chapter, the following words and
3951 terms shall have the following meanings:

3952 (a) "Authority" means the members of the State Bond
3953 Commission, which is composed of the Governor, the Attorney
3954 General, and the State Treasurer, under Section 31-17-1,
3955 Mississippi Code of 1972, acting as the Educational Facilities
3956 Authority for Private, Nonprofit Institutions of Higher Learning.

3957 (b) "Private institution of higher learning" means a
3958 nonprofit university, college or junior college within the State
3959 of Mississippi, authorized by law to provide a program of
3960 education beyond the high school level, which is not under the
3961 jurisdiction of a board of trustees of a state institution of
3962 higher learning or the Junior College Commission of the State of
3963 Mississippi, and which is accredited by the Southern Association
3964 of Colleges and Schools.

3965 (c) "Educational facility" means any facility or
3966 structure, including, but not limited to, a housing or dormitory
3967 facility, academic building, library, laboratory, research
3968 facility, classroom, athletic facility, health care facility,
3969 maintenance, storage or utility facility, student union building,
3970 administration building, and parking facility, and any other
3971 facility or structure related thereto, which is essential, useful
3972 or convenient for the instruction of students, the conducting of
3973 research or the operation and conduct of a private institution of
3974 higher learning, and the land underlying said facility or
3975 structure, but shall not include any facility or structure used or
3976 to be used for sectarian instruction or as a place of religious
3977 worship nor any facility which is used or to be used primarily in
3978 connection with any part of the program of a school or department
3979 of divinity for any religious denomination or sect.

3980 (d) "Educational facility project" means the
3981 construction, enlargement, repair, improvement, alteration,
3982 remodeling, reconstruction, equipping or acquisition of an
3983 educational facility.

3984 (e) "Cost of the educational facility project" means
3985 the cost of construction, enlargement, repair, improvement,
3986 alteration, remodeling, reconstruction, equipping or acquisition
3987 of an educational facility; the cost of all lands, properties,
3988 rights-of-way, easements, franchises and interests acquired, used
3989 for or in connection with the educational facility; the cost of
3990 demolishing or removing buildings or structures on land so
3991 acquired, including the cost of acquiring any lands to which such
3992 buildings or structures may be moved; the cost of all machinery
3993 and equipment; financing charges, interest prior to and during
3994 construction, enlargement, repair, improvement, alteration,
3995 remodeling, reconstruction, or equipping of the said educational
3996 facility and for one (1) year after completion of said
3997 construction, enlargement, repair, improvement, alteration,
3998 remodeling, reconstruction, equipping or acquisition; the cost of
3999 engineering, architectural, financial and legal services; the cost
4000 of all plans, surveys and specifications; studies, estimates of
4001 cost and of revenues, and other expenses necessary or incident to
4002 determining the feasibility or practicability of the project;
4003 administrative expenses; the cost of such other expenses as may be
4004 necessary or incident to the financing herein authorized of the
4005 construction, enlargement, repair, improvement, alteration,
4006 remodeling, reconstruction, equipping or acquisition of any
4007 educational facility and the placing of said project in operation.
4008 Any obligations or expenses incurred for any of the foregoing
4009 purposes shall be regarded as a cost of the educational facility
4010 project and may be paid or reimbursed as such out of the proceeds
4011 of revenue bonds issued under the provisions of this chapter for
4012 such educational facility project.

4013 (f) "Participating private institution of higher
4014 learning" means a private institution of higher learning which,
4015 pursuant to the provisions of this chapter, undertakes an
4016 educational facility project, and the financing thereof, or
4017 undertakes the refinancing of an educational facility project.

4018 (g) "Revenue bonds" means revenue bonds issued by the
4019 Authority, under the provisions of this chapter, to finance or
4020 refinance an educational facility project at a participating
4021 private institution of higher learning and payable from monies
4022 received by the Authority from the participating private
4023 institution of higher learning pursuant to the bond loan agreement
4024 as defined herein.

4025 (h) "Bond loan agreement" means an agreement between
4026 the participating private institution of higher learning and the
4027 Authority for the purposes of: (i) establishing the terms for the
4028 payment of the revenue bonds by the participating private
4029 institution of higher learning; (ii) establishing the collateral
4030 of the participating private institution of higher learning which
4031 the parties determine to be necessary to secure the payment of the
4032 revenue bonds; (iii) establishing the terms for the payment by the
4033 Authority to the participating private institution of higher
4034 learning of the proceeds from the sale of the revenue bonds for
4035 the payment of the costs of the educational facilities project by
4036 the participating private institution of higher learning; and (iv)
4037 setting forth all other matters relating to the revenue bonds.

4038 SECTION 89. Section 37-105-1, Mississippi Code of 1972, is
4039 amended as follows:[LH80]

4040 37-105-1. The board of trustees of each state institution of
4041 higher learning is hereby authorized and empowered to enact
4042 traffic rules and regulations for the control, direction, parking
4043 and general regulation of traffic and automobiles on the campus
4044 and streets of the state institution of higher learning under the
4045 supervision of such board.

4046 Any rules and regulations promulgated hereunder shall become
4047 effective only after notice of the enactment of same has been
4048 published in three (3) consecutive weekly issues of the college
4049 newspaper and in a newspaper published and having general
4050 circulation in the county or municipality where the institution to
4051 which same pertain is located; such notice shall state where the
4052 full text of such rules and regulations may be found on file. In
4053 addition, such rules and regulations shall be posted on five (5)
4054 bulletin boards at each such institution for a period of four (4)
4055 weeks after their promulgation.

4056 SECTION 90. Section 37-105-7, Mississippi Code of 1972, is
4057 amended as follows:[LH81]

4058 37-105-7. The board of trustees of each state institution of
4059 higher learning is hereby authorized and empowered to prevent or
4060 regulate the running at large of animals of all kinds on the
4061 campus and the streets of the state institution of higher learning
4062 under the supervision of such board, and to cause such animals as
4063 may be running at large to be impounded and a charge made against
4064 the owner to discharge the cost and expenses of keeping the same.

4065 If the owner of any such animal does not pay such cost within the
4066 time prescribed by the board * * *, such impounded animal may be
4067 sold to discharge the cost and expense of impounding and selling
4068 the same.

4069 If the owner of any such animal does not pay such cost within
4070 the time prescribed by the board * * * and if such impounded
4071 animal cannot be sold to discharge the cost and expense of
4072 impounding and selling the same, such impounded animal may be sold
4073 or donated to research organizations.

4074 SECTION 91. Section 37-105-9, Mississippi Code of 1972, is
4075 amended as follows:[LH82]

4076 37-105-9. Any act which, if committed within the limits of a
4077 city, town or village, or in any public place, would be a
4078 violation of the general laws of this state, shall be criminal and

4079 punishable if done on the campus, grounds or roads of any of the
4080 state institutions of higher learning. The peace officers duly
4081 appointed by the board of trustees of each state institution of
4082 higher learning are vested with the powers and subjected to the
4083 duties of a constable for the purpose of preventing and punishing
4084 all violations of law on university or college grounds, and for
4085 preserving order and decorum thereon.

4086 SECTION 92. Section 37-106-5, Mississippi Code of 1972, is
4087 amended as follows:[LH83]

4088 37-106-5. For purposes of this chapter, the following words
4089 shall be defined as follows unless the context requires otherwise:

4090 (a) "Eligible applicant or eligible student" means an
4091 individual who is a bona fide resident of Mississippi or an
4092 out-of-state student who is enrolled or accepted for attendance at
4093 an approved institution located in Mississippi in a course of
4094 study including at least six (6) semester hours or the full-time
4095 equivalent thereof.

4096 (b) "Approved institution" means an institution of
4097 higher learning, public or private, which is accredited by the
4098 Southern Association of Colleges and Secondary Schools, or its
4099 equivalent or a business, vocational, technical or other
4100 specialized school recognized and approved by the Post-secondary
4101 Education Financial Assistance Board.

4102 (c) "Board" means the Post-secondary Education
4103 Financial Assistance Board created by Section 37-106-9 authorized
4104 and empowered to administer the provisions of this chapter.

4105 (d) "Fund" means the Post-secondary Education
4106 Assistance Fund created by Section 37-106-13.

4107 (e) "Financial need" means anticipated expenses of an
4108 eligible student while attending an approved institution which
4109 cannot reasonably be met by said student or by the parents thereof
4110 as shall be determined according to the criteria established by
4111 the rules and regulations of the board. Financial need shall be

4112 reevaluated and redetermined at least annually.

4113 (f) "Agency" means the board of trustees of each state
4114 institution of higher learning.

4115 (g) "Commissioner" means the Commissioner of Higher
4116 Education.

4117 SECTION 93. Section 37-106-9, Mississippi Code of 1972, is
4118 amended as follows:[LH84]

4119 37-106-9. (1) There is hereby created the Post-secondary
4120 Education Financial Assistance Board which shall consist of the
4121 following three (3) members: the Commissioner of Higher
4122 Education; one (1) person to be appointed by the State Board for
4123 Community and Junior Colleges for an initial period of three (3)
4124 years; and one (1) person to be appointed by the Governor for an
4125 initial period of two (2) years. All subsequent appointments
4126 shall be for a period of four (4) years. Vacancies shall be
4127 filled for the length of the unexpired term only. The board shall
4128 elect from its membership a chairman.

4129 (2) The agency shall designate one (1) member of its staff
4130 to serve as director, to administer the provisions of this
4131 financial assistance program. The director shall be assigned by
4132 the agency sufficient staff, professional and clerical, funds and
4133 quarters to administer this program.

4134 (3) The director:

4135 (a) Subject to the review of the board, shall have the
4136 power of final approval of any application submitted;

4137 (b) Subject to the approval of the board and the
4138 agency, shall have authority to promulgate the necessary rules and
4139 regulations for effective administration of this chapter,
4140 including the method of making application for assistance
4141 authorized by this chapter.

4142 SECTION 94. Section 37-106-35, Mississippi Code of 1972, is
4143 amended as follows:[LH85]

4144 37-106-35. (1) There is established the assistant teacher

4145 scholarship program for the purpose of assisting eligible
4146 assistant teachers to become certificated teachers through the
4147 awarding of financial scholarships and to attract and retain
4148 qualified teachers for those geographical areas of the state and
4149 academic subject areas in which there exist a critical shortage of
4150 teachers. The scholarship program shall be implemented and
4151 administered by the Commissioner of Higher Education and is
4152 subject to the availability of funds appropriated specifically
4153 therefor by the Legislature.

4154 (2) Under the assistant teacher scholarship program,
4155 qualified assistant teachers may be awarded financial assistance
4156 in an amount that is equal to the actual cost of three (3)
4157 three-hour academic courses per year. However, no assistant
4158 teacher may receive assistance through the program for more than
4159 fifteen (15) three-hour academic courses. An assistant teacher
4160 scholarship shall not be based upon an applicant's eligibility for
4161 financial aid, and the receipt of any other scholarship or
4162 financial assistance shall not affect an assistant teacher's
4163 eligibility under the program.

4164 (3) In order to qualify for an assistant teacher
4165 scholarship, an applicant must satisfy the following requirements:

4166 (a) The applicant must be employed full-time as an
4167 assistant teacher with a local school district;

4168 (b) The applicant must be accepted for enrollment at a
4169 baccalaureate degree-granting institution of higher learning in
4170 the State of Mississippi which is accredited by the Southern
4171 Association of Colleges and Schools and approved by the
4172 Mississippi Commission on College Accreditation or at any
4173 accredited nonprofit community or junior college in the state;

4174 (c) The assistant teacher must maintain a minimum
4175 cumulative grade point average of 2.5 calculated on a 4.0 scale
4176 for all courses funded through the assistant teacher scholarship
4177 program; and

4178 (d) The assistant teacher must have expressed in
4179 writing a present intention to teach in a critical teacher
4180 shortage geographic or academic subject area.

4181 (4) The Commissioner of Higher Education shall develop a
4182 system that provides for the payment of scholarship funds directly
4183 to the educational institution at which a recipient of an
4184 assistant teacher scholarship is enrolled.

4185 (5) At the beginning of the school year next succeeding the
4186 date on which a person who has received an assistant teacher
4187 scholarship obtains a baccalaureate degree, that person shall
4188 begin to render service as a certificated teacher in a school
4189 district or academic subject area, or both, designated by the
4190 State Board of Education. The State Board of Education shall
4191 establish the duration of teaching service due for recipients of
4192 scholarships based upon the number of academic hours funded
4193 through the assistant teacher scholarship program. Any person
4194 failing to meet teaching requirements shall be liable for the
4195 amount of the corresponding scholarship received, plus interest
4196 accruing at the current Stafford Loan rate.

4197 SECTION 95. Section 37-107-7, Mississippi Code of 1972, is
4198 amended as follows:[LH86]

4199 37-107-7. Any applicant qualified and desiring a scholarship
4200 under the provisions of this chapter shall apply in writing to the
4201 Commissioner of Higher Education. Said Commissioner of Higher
4202 Education shall make inquiries into each such application and
4203 shall make such investigation as * * * proper to establish and
4204 validate all claims before a scholarship is granted.

4205 SECTION 96. Section 37-107-9, Mississippi Code of 1972, is
4206 amended as follows:[LH87]

4207 37-107-9. The cost of the scholarship program established
4208 under the provisions of this chapter will be administered by the
4209 Commissioner of Higher Education, and necessary allowances for
4210 scholarships granted shall be included in the annual budget of the

4211 Office of the Commissioner for Higher Education.

4212 SECTION 97. Section 37-108-3, Mississippi Code of 1972, is
4213 amended as follows:[LH88]

4214 37-108-3. Any applicant qualified and desiring a scholarship
4215 under this chapter shall apply in writing to the Commissioner of
4216 Higher Education. Said Commissioner of Higher Education shall
4217 make inquiries into each such application and shall make such
4218 investigation as * * * proper to establish and validate all claims
4219 made under this chapter before a scholarship is granted.

4220 SECTION 98. Section 37-108-5, Mississippi Code of 1972, is
4221 amended as follows:[LH89]

4222 37-108-5. The cost of this scholarship program will be
4223 administered by the Commissioner of Higher Education, and
4224 necessary allowances for scholarships granted shall be included in
4225 the annual budget of the office of the commissioner.

4226 SECTION 99. Section 37-110-1, Mississippi Code of 1972, is
4227 amended as follows:[LH90]

4228 37-110-1. There is hereby established an intern educational
4229 program to be designated as the Mississippi Public Management
4230 Graduate Intern Program to be administered by the Commissioner of
4231 Higher Education through a program coordinator. The program shall
4232 consist of not more than thirty-six (36) positions in the general
4233 fields of public management, program analysis and public
4234 administration. Said positions shall not be included in the
4235 number of employees allowed by law within a particular state
4236 agency. Graduate intern students shall be temporarily assigned by
4237 the program coordinator to specific state or local agencies and
4238 offices, including offices of the Legislature. Each participating
4239 agency or office shall not employ more than four (4) graduate
4240 intern students per year. To qualify for the program, a student
4241 must (a) be enrolled as a graduate student in a state university
4242 masters program in one (1) of the following: public
4243 administration, public policy and administration, and criminal

4244 justice administration, and (b) have committed himself to a field
4245 of graduate study directly related to a state or local government
4246 public managerial position.

4247 SECTION 100. Section 37-110-3, Mississippi Code of 1972, is
4248 amended as follows:[LH91]

4249 37-110-3. (1) There is hereby created the Mississippi
4250 Intern Public Management Education Council to consist of the
4251 following members: The chairmen of the various departments of
4252 Mississippi institutions of higher learning which offer graduate
4253 programs in one of the following: public administration, public
4254 policy and administration, and criminal justice administration.
4255 The council shall elect from its membership a chairman which shall
4256 be a rotating, one-year appointment. The council shall meet at
4257 the place and time designated by the chairman at least twice but
4258 no more than six (6) times per year.

4259 (2) The council shall adopt, amend and repeal such rules and
4260 regulations as it deems necessary to establish standards and
4261 ensure the orderly execution of the objectives of the intern
4262 educational program, not inconsistent with the provisions of this
4263 chapter. Such regulations shall be submitted to the Commissioner
4264 of Higher Education for implementation by the program coordinator.
4265 The council shall review and evaluate the program on a yearly
4266 basis and submit its findings to the program coordinator.

4267 SECTION 101. Section 37-110-5, Mississippi Code of 1972, is
4268 amended as follows:[LH92]

4269 37-110-5. (1) There is hereby created the position of
4270 program coordinator who shall be the chief administrative officer
4271 of the Mississippi Public Management Graduate Intern Program. The
4272 program coordinator shall be appointed by and be an employee of
4273 the Commissioner of Higher Education.

4274 (2) The program coordinator shall administer the policies of
4275 the council and supervise and direct all technical activities of
4276 the program. The coordinator shall select students to participate

4277 in the program based upon the nominees of the participating state
4278 institutions of higher learning. No participating university
4279 shall be allotted less than three (3) intern students per year
4280 unless said university nominates less than three (3) students. The
4281 coordinator shall place the intern students in state or local
4282 agencies which agree in writing to participate in the program.

4283 (3) The program coordinator shall prepare and deliver to the
4284 Legislature and to the Governor an annual report describing the
4285 operation and progress of the Mississippi Public Management
4286 Graduate Intern Program, including a detailed statement of
4287 expenditures and any recommendations the board may have.

4288 SECTION 102. Section 37-111-3, Mississippi Code of 1972, is
4289 amended as follows:[LH93]

4290 37-111-3. No society of the character designated in Section
4291 37-111-1 shall be organized without first having made written
4292 application to the faculty of the institution concerned, which
4293 application shall be signed by each of the proposed membership. A
4294 majority vote of the faculty present at a regular meeting shall
4295 suffice to approve or reject such application. The board of
4296 trustees of each state institution of higher learning may
4297 determine who constitutes the members of the faculty having
4298 jurisdiction of student activities.

4299 SECTION 103. Section 37-111-7, Mississippi Code of 1972, is
4300 amended as follows:[LH94]

4301 37-111-7. Organizations of the character designated in
4302 Section 37-111-1 shall be permitted to hold their regular meetings
4303 for academic, social or business purposes in such places as the
4304 authorities may agree upon. Such organizations shall not be
4305 permitted to purchase, lease, or as an organization live within a
4306 domicile especially set apart for their purpose at any time,
4307 except under such regulations as shall be prescribed by the board
4308 of trustees of each state institution of higher learning.

4309 SECTION 104. Section 37-111-9, Mississippi Code of 1972, is

4310 amended as follows:[LH95]

4311 37-111-9. The board of trustees of each state institution of
4312 higher learning is hereby authorized and empowered, in its
4313 discretion, to lease to social fraternities, sororities, or other
4314 social organizations, upon such conditions as it may prescribe,
4315 for a term not exceeding ninety-nine (99) years, any land at the
4316 state-supported institution of higher learning for the purpose of
4317 erecting fraternity houses, sorority houses, or other facilities
4318 for recreation thereon.

4319 SECTION 105. Section 37-111-11, Mississippi Code of 1972, is
4320 amended as follows:[LH96]

4321 37-111-11. The members of organizations of the character
4322 designated in Section 37-111-1, shall be amenable to the same
4323 rules and regulations as any and all other students in the
4324 institution. In the event that the members of such an
4325 organization become guilty of continued violation of the rules and
4326 of infractions of discipline, the board of trustees of the state
4327 institution of higher learning shall have the authority to
4328 dissolve such society and prohibit further meetings or its
4329 continuation as an organization. A failure to comply with the
4330 requirements of the trustees shall be a cause for suspension or
4331 expulsion from the institution as the faculty of the same may
4332 elect.

4333 SECTION 106. Section 37-113-7, Mississippi Code of 1972, is
4334 amended as follows:[LH97]

4335 37-113-7. (1) The Board of Trustees of Mississippi State
4336 University is hereby authorized, in its discretion, to acquire by
4337 purchase, gift, or otherwise, any real property required by and
4338 for the use of the university * * *, and said university is
4339 authorized to hold, use and operate such real property in
4340 conducting its authorized and necessary program of work. This
4341 section is designed to make it possible for said university and
4342 its subdivisions to acquire, hold and operate real property needed

4343 in its program of operations without the benefit of state funds
4344 specifically appropriated for the purchase of such properties.
4345 Such properties shall be acquired or purchased on the
4346 recommendation of the Director of the Mississippi Agricultural and
4347 Forestry Experimental Station made to the president of said
4348 university and approved by the board of trustees of the
4349 institution.

4350 (2) The Board of Trustees of Mississippi State University is
4351 hereby authorized, in its discretion, to sell any such real
4352 property purchased or otherwise acquired under the authority of
4353 subsection (1) for the use of the university * * * or its
4354 subdivisions when such property is not needed in the university's
4355 programs of operations. Such properties shall be sold on the
4356 recommendation of the Director of the Mississippi Agricultural and
4357 Forestry Experimental Station made to the president of the
4358 university and approved by the board * * *. The proceeds from the
4359 sale of such properties may be used to purchase other real
4360 properties for the use of the university under the provisions of
4361 subsection (1), or may be retained by the university for its
4362 operations. Consideration for the sale of real property hereunder
4363 shall not be less than the fair market price thereof as determined
4364 by a professional property appraiser selected and approved by the
4365 State Building Commission. Said appraisal shall be filed with the
4366 State Building Commission at least thirty (30) days prior to the
4367 proposed sale of said property. Appraisal fees shall be shared
4368 equally by the university and the purchaser.

4369 (3) The Board of Trustees of Mississippi State University is
4370 hereby authorized and empowered to sell the following described
4371 property owned by the university * * * in Oktibbeha County,
4372 Mississippi, to-wit:

4373 Commence at the Northeast corner of the Southeast
4374 Quarter of Section 15, Township 19 North, Range 15 East,
4375 Oktibbeha County, Mississippi and use as the point of

4376 beginning. Thence run West along the North boundary of
4377 the South Half of Section 15 a distance of 3,997 feet to
4378 the East right-of-way of Macon-Aberdeen Road; thence run
4379 South along said right-of-way a distance of 20 feet;
4380 thence run East a distance of 800 feet; thence run South
4381 78 degrees 41' East a distance of 102 feet; thence run
4382 East a distance of 410 feet; thence run South a distance
4383 of 1,107 feet; thence run East a distance of 2,687 feet
4384 to the East boundary of Section 15; thence run North
4385 along said East boundary of Section 15 a distance of
4386 1,147 feet to the point of beginning. Being 71.56 acres
4387 located in the East Three Quarter of the South Half of
4388 Section 15, Township 19 North, Range 15 East, Oktibbeha
4389 County, Mississippi.

4390 The proceeds from the sale of said property shall be used by
4391 the board * * * to purchase other real property adjacent or in
4392 close proximity to the Mississippi State University of Agriculture
4393 and Applied Science, or its subdivisions, suitable for use in the
4394 university's programs of operation. Consideration for the sale
4395 and purchase of said property shall be for the fair market price
4396 thereof as determined by a professional property appraiser
4397 selected and approved by the State Building Commission. Said
4398 appraisals shall be filed with the State Building Commission at
4399 least thirty (30) days prior to the proposed sale or purchase of
4400 said property. Appraisal fees shall be shared equally by the
4401 university and the purchaser in the case of the sale herein
4402 authorized, and by the university and the seller(s) in the case of
4403 the purchase herein authorized.

4404 (4) The board of trustees of Mississippi State University is
4405 hereby authorized and empowered to sell the following described
4406 property owned by the university * * * in George County,
4407 Mississippi, to-wit:

4408 The South West Quarter of the North West Quarter of

4409 Section Twenty, in Township One South of Range Six West,
4410 of the St. Stephens Meridian, Mississippi, containing
4411 Forty and Thirty One Hundredths of an acre.

4412 The proceeds from the sale of said property shall be used by
4413 the board * * * to purchase other real property adjacent or in
4414 close proximity to the Mississippi State University of Agriculture
4415 and Applied Science, or its subdivisions, suitable for use in the
4416 university's programs of operation. Consideration for the sale
4417 and purchase of said property shall be for the fair market price
4418 thereof as determined by a professional property appraiser
4419 selected and approved by the State Building Commission. Said
4420 appraisals shall be filed with the State Building Commission at
4421 least thirty (30) days prior to the proposed sale or purchase of
4422 said property. Appraisal fees shall be shared equally by the
4423 university and the purchaser in the case of the sale herein
4424 authorized, and by the university and the seller(s) in the case of
4425 the purchase herein authorized.

4426 (5) The Board of Trustees of Mississippi State University is
4427 hereby authorized and empowered to sell the following described
4428 property owned by the university * * * in Lauderdale County,
4429 Mississippi, to-wit:

4430 The Northeast Quarter of the Northeast Quarter of
4431 Section 2, in Township 6, Range 16 East, plus applicable
4432 easements and mineral rights thereto.

4433 The proceeds from the sale of said property shall be used by
4434 the board * * * to purchase other real property adjacent or in
4435 close proximity to the Mississippi State University of Agriculture
4436 and Applied Science, or its subdivisions, suitable for use in the
4437 university's programs of operation. Consideration for the sale
4438 and purchase of said property shall be for the fair market price
4439 thereof as determined by a professional property appraiser
4440 selected and approved by the State Building Commission. Said
4441 appraisals shall be filed with the State Building Commission at

4442 least thirty (30) days prior to the proposed sale or purchase of
4443 said property. Appraisal fees shall be shared equally by the
4444 university and the purchaser in the case of the sale herein
4445 authorized, and by the university and the seller(s) in the case of
4446 the purchase herein authorized.

4447 (6) When any property is sold by the Board of Trustees of
4448 Mississippi State University pursuant to this section, the board
4449 shall retain for the university any mineral rights which the board
4450 or the university has in such land.

4451 SECTION 107. Section 37-113-17, Mississippi Code of 1972, is
4452 amended as follows:[LH98]

4453 37-113-17. The money received by this state, under act of
4454 Congress, entitled "An act to establish agricultural experimental
4455 stations, etc.," approved March 2, 1887, and the provisions of
4456 which were accepted by this state, by act approved January 31,
4457 1888, and assigned to the Mississippi State University of
4458 Agriculture and Applied Science, shall be expended under its
4459 direction. The Agricultural and Forestry Experimental Station for
4460 this state is established at and with said university, and the
4461 Board of Trustees of Mississippi State University shall have full
4462 control thereof.

4463 SECTION 108. Section 37-113-19, Mississippi Code of 1972, is
4464 amended as follows:[LH99]

4465 37-113-19. The State of Mississippi by its Legislature
4466 assents to and accepts the provisions and requirements of an act
4467 entitled "An act to provide for the further development of
4468 agricultural extension work between the agricultural colleges in
4469 the several states receiving the benefits of the act entitled 'An
4470 act donating public lands of the several counties and territories
4471 which may provide colleges for the benefit of agriculture and the
4472 mechanical arts,' approved July 2, 1862, and all acts
4473 supplementary thereto, and the United States Department of
4474 Agriculture," approved by the President on the 22nd day of May,

4475 1928. The Board of Trustees of Mississippi State University, on
4476 behalf of the Mississippi State University of Agriculture and
4477 Applied Science, is authorized and empowered to receive the grants
4478 of money appropriated under said act and to organize and conduct
4479 agricultural extension work, which shall be carried on in
4480 connection with the said university in accordance with the terms
4481 and conditions expressed in the said act of Congress.

4482 SECTION 109. Section 37-113-21, Mississippi Code of 1972, is
4483 amended as follows:[LH100]

4484 37-113-21. (1) Agriculture is the primary industry of
4485 Mississippi and it is to the interest of said state agriculture
4486 that research in the fields of livestock products, pastures and
4487 forage crops, poultry, herd and flock management, horticulture,
4488 farm mechanization, soil conservation, forestry, disease and
4489 insect and parasite control, the testing of plants and livestock
4490 under different conditions, farm enterprises for different sized
4491 farms under different soil and climatic conditions and market
4492 locations, and other important phases of Mississippi's
4493 agricultural economy, be expanded in the manner provided for in
4494 this section.

4495 (2) There is hereby authorized a branch experiment station
4496 to be known as the Brown Loam Branch Experiment Station, which is
4497 to be located on a part of that tract of land owned by the State
4498 of Mississippi and formerly operated as the Oakley Penitentiary
4499 and known as the Oakley Training School, same to be selected in
4500 accordance with Laws, 1954, Chapter 159, Section 3, and used as an
4501 agricultural experiment station. This property is to be supplied
4502 with necessary buildings, equipment, and other facilities; and
4503 title to such Oakley Penitentiary Farm, now known as the Oakley
4504 Training School, is to be transferred to the board of trustees of
4505 state institutions of higher learning for the use of the
4506 Mississippi Agricultural and Forestry Experimental Station as the
4507 site of, and to be used for said Brown Loam Branch Experiment

4508 Station in accordance with Laws, 1954, Chapter 159, Section 3.

4509 There is hereby authorized a branch experiment station to be
4510 known as the Coastal Plain Branch Experiment Station to be located
4511 on a suitable tract of approximately nine hundred (900) acres to
4512 be purchased in the upper coastal plain or short leaf pine area of
4513 East Central Mississippi and to be supplied with necessary
4514 buildings, equipment, and other facilities.

4515 The enlargement of the Holly Springs Branch Experiment
4516 Station, hereafter to be known as the North Mississippi Branch
4517 Experiment Station, is hereby authorized, by the purchase of
4518 approximately five hundred (500) acres of additional land adjacent
4519 to or in the vicinity of either of the two (2) farms now operated
4520 by said branch stations, and by the provision of the necessary
4521 buildings, equipment, and other facilities, and the sale as,
4522 hereinafter provided, of that farm of said branch station which is
4523 not adjacent to the additional land to be purchased.

4524 There is hereby authorized the reactivation of the former
4525 McNeil Branch Experiment Station to be operated as a part of the
4526 South Mississippi Branch Experiment Station at Poplarville, and to
4527 be supplied with necessary buildings, equipment, and other
4528 facilities.

4529 There is hereby authorized a branch experiment station to be
4530 known as the Black Belt Branch Experiment Station to be located on
4531 a suitable tract of approximately six hundred forty (640) acres of
4532 land to be purchased in Noxubee County, Mississippi, and to be
4533 supplied with the necessary buildings, equipment, and other
4534 facilities.

4535 There is hereby authorized a branch experiment station to be
4536 known as the Northeast Mississippi Branch Experiment Station to be
4537 located on a suitable tract of approximately two hundred (200)
4538 acres of land to be purchased in Lee County, Mississippi. Said
4539 station shall be primarily devoted to the development of the dairy
4540 industry and shall be supplied with necessary buildings,

4541 equipment, and other facilities.

4542 There is hereby authorized the expansion of the office and
4543 laboratory building at the Delta Branch Experiment Station at
4544 Stoneville and of the office and laboratory and dwellings for
4545 station workers at the Truck Crops Branch Experiment Station at
4546 Crystal Springs.

4547 (3) The governing authorities of any municipality, town, or
4548 county in the state may, in their discretion, donate land, money
4549 or other property to the Board of Trustees of Mississippi State
4550 University in furtherance of the purposes of this section.

4551 For the purpose of securing funds to carry out this
4552 subsection, the governing authorities of such municipality, town,
4553 or county are hereby authorized and empowered, in their
4554 discretion, to issue bonds or negotiate notes for the purpose of
4555 acquiring by purchase, gift, or lease real estate for the purpose
4556 herein authorized. Such issuance of bonds or notes shall be
4557 issued in an amount not to exceed the limitation now or hereafter
4558 imposed by law on counties, municipalities and towns, and shall be
4559 issued in all respects including interest rate, maturities and
4560 other details as is now or may hereafter be provided by general
4561 law regulating the issuance of bond or notes by the governing
4562 authorities of such municipality, town, or county.

4563 (4) Any person, firm or corporation may contribute or donate
4564 real or other property to the board of trustees of state
4565 institutions of higher learning in furtherance of the purpose of
4566 this section.

4567 (5) The Board of Trustees of Mississippi State University is
4568 hereby authorized, upon recommendation of the Director of the
4569 Agricultural and Forestry Experimental Station at the * * *
4570 university * * *, which recommendation is approved by and
4571 transmitted to said board by the president of said university, to
4572 carry out the provisions of this section with particular reference
4573 to the establishment, reactivation, expansion, and the

4574 discontinuance of branch stations as herein provided, to receive
4575 and accept title to any land or property or money herein
4576 authorized, to buy or sell and dispose of any real or personal
4577 property herein authorized, to make available for carrying into
4578 effect the provisions of this section all money received from such
4579 sale or sales, and to do any and all things necessary to
4580 effectuate the purposes of this section. One-half (1/2) interest
4581 in and to all oil, gas and other minerals shall be retained under
4582 any lands sold hereunder.

4583 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
4584 authorized by the General Education Board of the Rockefeller
4585 Foundation for the development of agricultural research, with
4586 particular reference to expanding the branch experiment stations
4587 and conditioned upon a general program of expansion substantially,
4588 as herein provided, is hereby accepted. The Director of the
4589 Agricultural and Forestry Experimental Station at the Mississippi
4590 State University of Agriculture and Applied Science is authorized
4591 and instructed to control and expend such fund in the same manner
4592 as other funds appropriated to carry out the provisions of this
4593 section.

4594 (7) The experiment station in Clay County, Mississippi,
4595 shall not be affected by this section.

4596 SECTION 110. Section 37-113-23, Mississippi Code of 1972, is
4597 amended as follows:[LH101]

4598 37-113-23. (1) There is hereby authorized a branch
4599 experiment station, to be known as the "Pontotoc Ridge-Flatwoods
4600 Soil Experiment Station," to be located on a suitable tract of
4601 approximately six hundred (600) acres of land in Pontotoc County,
4602 Mississippi, the site of which is to be selected by the Director
4603 of the Agricultural and Forestry Experimental Station at the
4604 Mississippi State University of Agriculture and Applied Science.
4605 Said acreage shall be divided equally, as nearly as practicable,
4606 between the Pontotoc Ridge and Flatwoods soil types, for the

4607 purpose of experimentation with said two types of soil in
4608 forestry, pasture-improvement, horticulture, soil conservation,
4609 truck crops, forage crops, poultry, disease and insect control and
4610 general farm products. The said experiment station shall be
4611 supplied with the necessary buildings, equipment, and other
4612 facilities.

4613 (2) The purpose of this section is to provide for increased
4614 efficiency in agriculture research for the farmers in the Pontotoc
4615 Ridge and Flatwoods soil types, who have been denied this service
4616 for all these years. Said branch experiment station shall serve
4617 the following named counties, to-wit: The Pontotoc Ridge soil
4618 begins at the Tennessee line and traverses the counties of Alcorn,
4619 Prentiss, Union, Pontotoc, Chickasaw and Clay. The Flatwoods soil
4620 which joins the Pontotoc Ridge soil on the west, begins at the
4621 Tennessee line and traverses the counties of Tippah, Benton,
4622 Union, Pontotoc, Calhoun, Chickasaw, Webster, Clay, Choctaw,
4623 Oktibbeha, Winston, Neshoba, Kemper and Lauderdale County or other
4624 counties applicable to these conditions.

4625 (3) The governing authorities of any municipality, town, or
4626 county in the state, or any person, firm or corporation may
4627 contribute or donate land, money or other property to the Board of
4628 Trustees of Mississippi State University in furtherance of the
4629 purpose of this section.

4630 (4) The Board of Trustees of Mississippi State University is
4631 hereby authorized, upon the recommendation of the Director of the
4632 Agricultural and Forestry Experimental Station at the
4633 university * * *, which recommendation is approved by and
4634 transmitted to said board by the president of said university, to
4635 establish said Pontotoc Ridge-Flatwoods soil experiment station,
4636 to receive and accept title to any land or money or property
4637 herein authorized or to be authorized, made available or to be
4638 made available by the State Legislature, to purchase land, let
4639 contracts for the construction of necessary buildings, to equip

4640 same, and to further equip said experiment station with farm
4641 equipment and any and all other equipment, and to do all things
4642 necessary to effectuate the purposes of this section.

4643 SECTION 111. Section 37-113-25, Mississippi Code of 1972, is
4644 amended as follows:[LH102]

4645 37-113-25. The Board of Trustees of Mississippi State
4646 University is hereby authorized to establish and maintain a system
4647 of retirement for the employees of the Agricultural and Forestry
4648 Experimental Station and Extension Service, out of any federal
4649 funds available under the provisions of the act of Congress,
4650 approved March 4, 1940, and out of contributions made by the
4651 employees of such experimental station and extension service.

4652 In the establishment of such special retirement system, the
4653 board of trustees * * * shall have full authority to make all
4654 needful rules and regulations, to carry into effect the provisions
4655 of this section.

4656 SECTION 112. Section 37-113-28, Mississippi Code of 1972, is
4657 amended as follows:[LH103]

4658 37-113-28. Neither the Board of Trustees of Mississippi
4659 State University, nor any person acting on behalf thereof, shall
4660 lease or rent hunting rights on any land located in Washington
4661 County, Mississippi, under the jurisdiction, ownership or
4662 trusteeship of the Mississippi Agriculture and Forestry Experiment
4663 Station, Delta Branch at Stoneville, but shall allow the public to
4664 hunt on such lands in accordance with the rules, regulations and
4665 permits as shall be adopted by the Delta Branch Experiment
4666 Station. The Department of Wildlife, Fisheries and Parks shall
4667 assist in the enforcement of such rules, regulations and permits
4668 as adopted by the Delta Branch Experiment Station, as well as
4669 enforcing the general hunting statutes of the State of
4670 Mississippi.

4671 SECTION 113. Section 37-113-29, Mississippi Code of 1972, is
4672 amended as follows:[LH104]

4673 37-113-29. The Agricultural Extension Service of the
4674 Mississippi State University of Agriculture and Applied Science,
4675 by and with the approval and consent of the president of said
4676 university and the board of trustees of the university, is hereby
4677 authorized and empowered to create, establish, equip and maintain
4678 a 4-H Club demonstration camp on a designated area on Sardis Lake
4679 in Panola County, Mississippi, on lands belonging to the federal
4680 government and leased to the agricultural extension service for
4681 such purpose.

4682 It shall be the duty and responsibility of the agricultural
4683 extension service of said university to direct and supervise the
4684 utilization of this facility in carrying out the purposes of this
4685 section. When not in use by the agricultural extension service
4686 for the purpose herein provided, this facility may be rented to
4687 other organizations for educational and recreational use only.
4688 Any money derived from such rental shall be used by the
4689 agricultural extension service by and with the approval of the
4690 president of said university and the board * * *, for maintaining
4691 and further improving such facilities for use of the 4-H Clubs in
4692 Mississippi.

4693 The purpose of this section is to authorize the agricultural
4694 extension service of said university, by and with the approval and
4695 consent of the president of said university and the board * * *,
4696 to establish, equip and maintain this 4-H Club demonstration camp
4697 for the purpose of teaching these Mississippi boys and girls
4698 standards of better farm and home making, the importance of and
4699 the methods of conservation of our natural resources, and the
4700 development of character and leadership and training for
4701 citizenship. To accomplish such purposes, the agricultural
4702 extension service, by and with the approval and consent of the
4703 president of said university and the board * * *, is authorized
4704 and empowered to do such things as may be necessary, and to
4705 prescribe such rules and regulations as it may deem proper to

4706 carry out and put into effect the intent and purpose of this
4707 section.

4708 SECTION 114. Section 37-113-31, Mississippi Code of 1972, is
4709 amended as follows:[LH105]

4710 37-113-31. The Agricultural Extension Service of the
4711 Mississippi State University of Agriculture and Applied Science,
4712 by and with the approval and consent of the president of said
4713 university and the Board of Trustees of Mississippi State
4714 University, is hereby authorized and empowered to create,
4715 establish, equip and maintain a 4-H Club demonstration camp
4716 for * * * 4-H Club members, located on a designated area in
4717 Madison County, Mississippi, on lands belonging to the State of
4718 Mississippi.

4719 It shall be the duty and responsibility of the agricultural
4720 extension service of said university to direct and supervise the
4721 utilization of this facility in carrying out the purposes of this
4722 section. When not in use by the agricultural extension service
4723 for the purpose herein provided, this facility may be rented to
4724 other * * * organizations for educational and recreational use
4725 only. Any money derived from such rental shall be used by the
4726 agricultural extension service by and with the approval of the
4727 president of said university and the board * * *, for maintaining
4728 and further improving such facilities for use of the 4-H Clubs of
4729 Mississippi.

4730 The purpose of this section is to authorize the Agricultural
4731 Extension Service of Mississippi by and with the approval and
4732 consent of the president of said university and the board * * *,
4733 to establish, equip and maintain this 4-H Club demonstration camp
4734 for the purpose of teaching * * * boys and girls of Mississippi
4735 standards of better farm and home making, the importance of and
4736 the methods of conservation of our natural resources, and the
4737 development of character and leadership and training for
4738 citizenship. To accomplish such purposes, the agricultural

4739 extension service, by, and with the approval and consent of the
4740 president of said university and the board * * *, is authorized
4741 and empowered to do such things as may be necessary, and to
4742 prescribe such rules and regulations as it may deem proper, to
4743 carry out and put into effect the intent and purpose of this
4744 section.

4745 SECTION 115. Section 37-113-33, Mississippi Code of 1972, is
4746 amended as follows:[LH106]

4747 37-113-33. The Board of Trustees of Mississippi State
4748 University is hereby authorized and empowered to purchase, breed,
4749 maintain, manage, show and sell foundation herds of beef cattle,
4750 sheep and hogs at the Mississippi State University of Agriculture
4751 and Applied Science. The said board is further authorized to
4752 establish necessary facilities, to employ and maintain necessary
4753 personnel, and to take any other action necessary to carry out
4754 this program.

4755 The purpose of this program is to provide a means for the
4756 broadening, balancing, and rounding-out of courses in animal
4757 husbandry for the training of animal husbandry students in
4758 livestock breeding, feeding, fitting, showing, judging, buying and
4759 selling, and to establish and maintain a source of foundation seed
4760 stock.

4761 Selected animals purchased, or produced, under this program
4762 may be sold only at public auctions sponsored by breed
4763 associations, after approval of the board * * *. The proceeds
4764 accruing from the sales of such animals, from show premium money,
4765 or from any other source, shall revert to, and be used for the
4766 maintenance of the revolving fund, when established by law, to
4767 carry out this program.

4768 This is a remedial statute and shall be liberally construed
4769 to accomplish its purpose.

4770 SECTION 116. Section 37-113-41, Mississippi Code of 1972, is
4771 amended as follows:[LH107]

4772 37-113-41. The Board of Trustees of Mississippi State
4773 University is hereby authorized to establish a fund to be known as
4774 the J. C. Hardy Memorial Fund.

4775 The fund herein authorized shall be raised and supplemented
4776 by donations, gifts, legacies, and otherwise. Under the
4777 supervision of said board of trustees, said fund or the proceeds
4778 therefrom shall be used to assist sons of low-income Mississippi
4779 citizens to meet their educational expenses at the Mississippi
4780 State University of Agriculture and Applied Science.

4781 SECTION 117. Section 37-113-43, Mississippi Code of 1972, is
4782 amended as follows:[LH108]

4783 37-113-43. Any county of this state now or hereafter having
4784 a population of more than one hundred thousand (100,000) according
4785 to the latest available census, and in which there is located a
4786 municipality of one hundred thousand (100,000) or more, acting by
4787 and through its board of supervisors, is hereby authorized and
4788 empowered to contribute the sum of One Million Dollars
4789 (\$1,000,000.00) toward the construction, erection and equipping of
4790 educational facilities to be utilized by Mississippi State
4791 University of Agriculture and Applied Science within such county,
4792 by the Board of Trustees of Mississippi State University.

4793 SECTION 118. Section 37-113-45, Mississippi Code of 1972, is
4794 amended as follows:[LH109]

4795 37-113-45. Any such county as is provided for in Section
4796 37-113-43 is hereby authorized and empowered to issue and sell its
4797 bonds, notes or other evidences of indebtedness for the purpose of
4798 providing funds with which to make the contribution or donation
4799 authorized under the provisions of said section. Such bonds,
4800 notes or other evidences of indebtedness shall not be issued in an
4801 amount which will exceed the limit of indebtedness of said county
4802 as such limit is prescribed by Sections 19-9-1 through 19-9-31.
4803 Before issuing any such bonds, notes or other evidences of
4804 indebtedness, the board of supervisors acting for such county

4805 shall adopt a resolution declaring its intention to issue the
4806 same, stating the amount and purpose thereof and fixing the date
4807 upon which an election will be held on the proposition. Notice of
4808 such election shall be given by publication of such resolution
4809 once a week for at least three (3) consecutive weeks in at least
4810 one newspaper published in said county. The first publication of
4811 such notice shall be made not less than twenty-one (21) days prior
4812 to the date fixed in such resolution for the holding of said
4813 election as aforesaid and the last publication shall be made not
4814 more than seven (7) days prior to such date. At such election all
4815 qualified electors of said county may vote and the ballots used
4816 shall have printed thereon a brief statement of the amount and
4817 purpose of the bonds, notes or other evidences of indebtedness
4818 proposed to be issued and the voter shall vote by placing a cross
4819 (x) or check (') opposite his choice on the proposition. The
4820 bonds, notes or other evidences of indebtedness authorized herein
4821 shall not be issued unless authorized by the affirmative vote of a
4822 majority of the qualified voters of said county who vote on the
4823 proposition at such election. Such election shall be conducted
4824 and the returns thereof made, canvassed, and declared as nearly as
4825 may be in like manner as is now or may hereafter be provided by
4826 law in the case of general elections in counties. In the event
4827 that the question of the issuance of such bonds, notes or other
4828 evidences of indebtedness be not authorized at such election, such
4829 question shall not again be submitted to a vote until the
4830 expiration of a period of six (6) months, from and after the date
4831 of such election.

4832 Such bonds, notes or other evidences of indebtedness shall
4833 bear such date or dates, shall be of such denomination or
4834 denominations, shall be payable at such place or places, shall
4835 bear such rate or rates of interest and shall mature in such
4836 amounts and at such times as may be provided and directed by the
4837 board of supervisors of said county. Such bonds shall bear

4838 interest at a rate or rates not exceeding six percent (6%) per
4839 annum and shall mature in not more than twenty-five (25) years
4840 from the date thereof and shall be sold for not less than par and
4841 accrued interest.

4842 Any bonds authorized to be issued at an election as provided
4843 for in this section shall be issued by such county, acting by and
4844 through its board of supervisors, at such times and in such
4845 amounts as shall be provided for by resolution of the Board of
4846 Trustees of Mississippi State University.

4847 All bonds, notes or other evidences of indebtedness issued
4848 hereunder shall be secured by a pledge of the full faith, credit
4849 and resources of such county. There shall annually be levied upon
4850 all taxable property within said county an ad valorem tax in
4851 addition to all other taxes, sufficient to provide for the payment
4852 of the principal of and the interest on said bonds, notes or other
4853 evidences of indebtedness as the same respectively mature and
4854 accrue.

4855 SECTION 119. Section 37-113-47, Mississippi Code of 1972, is
4856 amended as follows:[LH110]

4857 37-113-47. The proceeds of any contribution made by any
4858 county under the provisions of Section 37-113-43, including the
4859 proceeds from the sale of any bonds issued for such purposes,
4860 shall be paid by the board of supervisors of such county into the
4861 State Treasury into a special fund to the credit of the Board of
4862 Trustees of Mississippi State University, and shall thereafter be
4863 utilized and expended by said board * * * in the construction,
4864 erection and equipping of educational facilities in such county to
4865 be utilized by the Mississippi State University of Agriculture and
4866 Applied Science.

4867 SECTION 120. Section 37-113-51, Mississippi Code of 1972, is
4868 amended as follows:[LH111]

4869 37-113-51. The Board of Trustees of Mississippi State
4870 University is hereby authorized and directed to establish a

4871 college of veterinary medicine at Mississippi State University at
4872 Starkville, Mississippi.

4873 SECTION 121. Section 37-115-33, Mississippi Code of 1972, is
4874 amended as follows:[LH112]

4875 37-115-33. The State Building Commission in the development
4876 of the architectural facilities of the medical center and hospital
4877 facilities is hereby authorized, empowered and directed to erect
4878 and equip adequate facilities for the training of nurses under
4879 such rules and regulations as may be promulgated by the Board of
4880 Trustees of the University of Mississippi.

4881 SECTION 122. Section 37-115-35, Mississippi Code of 1972, is
4882 amended as follows:[LH113]

4883 37-115-35. The Board of Trustees of the University of
4884 Mississippi is hereby authorized and empowered to establish a fund
4885 to be known as "The Fielding L. Wright Memorial Health Fund,"
4886 which fund shall be administered by said board.

4887 The corpus of "The Fielding L. Wright Memorial Health Fund"
4888 shall consist of any moneys appropriated to it by the State
4889 Legislature and any funds received by donation, gift, legacy, or
4890 otherwise, the said board of trustees being hereby specifically
4891 authorized and empowered to accept such funds. All funds received
4892 by said board of trustees shall be invested in the following
4893 classes of securities, preference being in the order listed:

4894 (a) Bonds, notes, certificates, and other valid
4895 obligations of the State of Mississippi, or any county or city of
4896 the State of Mississippi, or of any school district bonds of the
4897 State of Mississippi;

4898 (b) Bonds, notes, certificates, and other valid
4899 obligations of the United States;

4900 (c) Bonds, notes, debentures and other securities
4901 issued by any federal instrumentality and fully guaranteed by the
4902 United States; or

4903 (d) Interest-bearing bonds or notes which are general

4904 obligations of any other state in the United States or of any city
4905 or county therein, provided that any such city or county had a
4906 population as shown by the federal census next preceding such
4907 investment of not less than twenty-five thousand (25,000)
4908 inhabitants, and provided that any such state, city or county has
4909 not defaulted for a period longer than thirty (30) days in the
4910 payment of principal or interest on any of its general obligation
4911 indebtedness during a period of ten (10) calendar years
4912 immediately preceding such investment.

4913 All interest derived from investments and any gains from the
4914 sale or exchange of investments shall be expended by the staff of
4915 the University Medical Center, under the supervision of the
4916 Director of the University Medical Center, for medical research in
4917 behalf of The Fielding L. Wright Memorial Health Fund.

4918 SECTION 123. Section 37-115-51, Mississippi Code of 1972, is
4919 amended as follows:[LH114]

4920 37-115-51. The Legislature hereby finds that there is great
4921 need of additional and better trained nurses in Mississippi and
4922 the purpose of this section is to meet that need to the extent
4923 herein provided.

4924 The Board of Trustees of the University of Mississippi is
4925 hereby authorized and directed to establish a school of nursing at
4926 the University of Mississippi under the jurisdiction of the dean
4927 of the school of medicine or such other authority as said board of
4928 trustees may determine, and other regularly constituted
4929 administrative authorities of the university.

4930 Said board of trustees shall provide for such school, such
4931 buildings and equipment, and such teaching staff and other
4932 personnel as may be deemed appropriate for the establishment and
4933 operation of such school of nursing and for the performance of the
4934 other functions herein provided for, all of which shall, however,
4935 be done within the appropriations made for such purposes.

4936 Such school of nursing shall, under the direction and

4937 supervision of the dean of the school of medicine and the other
4938 regularly constituted administrative authorities of the university
4939 and of said board of trustees and under curricula to be prescribed
4940 by said board, and beginning each of its functions at such time as
4941 may be determined by said board, carry on a teaching course,
4942 looking to the conferring of bachelor's or master's degrees in
4943 nursing.

4944 Such school of nursing shall under the same direction,
4945 supervision, control and conditions as set forth in the fourth
4946 paragraph hereof, have authority, in its discretion, to arrange
4947 and contract with hospitals, hospital schools of nursing or other
4948 similar institutions, for students in the school of nursing to
4949 take clinical training and practice in such institutions. It
4950 shall have the further authority to contract with hospitals,
4951 hospital schools of nursing or other similar institutions with
4952 respect to providing to any such institution instructors or
4953 instruction services from the university school of nursing upon
4954 full or part time basis and upon such basis of compensation or
4955 reimbursement of costs as may be deemed reasonable and proper in
4956 view of the public interests involved.

4957 Under the same supervision, direction, control and conditions
4958 as are set forth in the fourth paragraph hereof, said school of
4959 nursing shall also administer such scholarship programs in nursing
4960 education and such activities with respect to recruitment of
4961 nursing students and counseling work with such students and
4962 prospective students as may be provided for by the Legislature
4963 from time to time.

4964 SECTION 124. Section 37-115-69, Mississippi Code of 1972, is
4965 amended as follows:[LH115]

4966 37-115-69. Any county of this state now or hereafter having
4967 a population of more than one hundred thousand (100,000) according
4968 to the latest available census, and in which there is located a
4969 municipality of one hundred thousand (100,000) or more, acting by

4970 and through its board of supervisors, is hereby authorized and
4971 empowered to contribute the sum of One Million Dollars
4972 (\$1,000,000.00) toward the construction, erection and equipping of
4973 educational facilities to be utilized by the University of
4974 Mississippi within such county, by the Board of Trustees of the
4975 University of Mississippi.

4976 SECTION 125. Section 37-115-71, Mississippi Code of 1972, is
4977 amended as follows:[LH116]

4978 37-115-71. Any such county as is provided for in Section
4979 37-115-69 is hereby authorized and empowered to issue and sell its
4980 bonds, notes or other evidences of indebtedness for the purpose of
4981 providing funds with which to make the contribution or donation
4982 authorized under the provisions of said section. Such bonds,
4983 notes or other evidences of indebtedness shall not be issued in an
4984 amount which will exceed the limit of indebtedness of said county
4985 as such limit is prescribed by Sections 19-9-1 through 19-9-31.
4986 Before issuing any such bonds, notes or other evidences of
4987 indebtedness, the board of supervisors acting for such county
4988 shall adopt a resolution declaring its intention to issue the
4989 same, stating the amount and purpose thereof and fixing the date
4990 upon which an election will be held on the proposition. Notice of
4991 such election shall be given by publication of such resolution
4992 once a week for at least three (3) consecutive weeks in at least
4993 one (1) newspaper published in said county. The first publication
4994 of such notice shall be made not less than twenty-one (21) days
4995 prior to the date fixed in such resolution for the holding of said
4996 election as aforesaid and the last publication shall be made not
4997 more than seven (7) days prior to such date. At such election all
4998 qualified electors of said county may vote and the ballots used
4999 shall have printed thereon a brief statement of the amount and
5000 purpose of the bonds, notes or other evidences of indebtedness
5001 proposed to be issued and the voter shall vote by placing a cross
5002 (x) or check (') opposite his choice on the proposition. The

5003 bonds, notes or other evidences of indebtedness authorized herein
5004 shall not be issued unless authorized by the affirmative vote of a
5005 majority of the qualified voters of said county who vote on the
5006 proposition at such election.

5007 Such election shall be conducted and the returns thereof
5008 made, canvassed, and declared as nearly as may be in like manner
5009 as is now or may hereafter be provided by law in the case of
5010 general elections in counties. In the event that the question of
5011 the issuance of such bonds, notes or other evidences of
5012 indebtedness be not authorized at such election, such question
5013 shall not again be submitted to a vote until the expiration of a
5014 period of six months, from and after the date of such election.

5015 Such bonds, notes or other evidences of indebtedness shall
5016 bear such date or dates, shall be of such denomination or
5017 denominations, shall be payable at such place or places, shall
5018 bear such rate or rates of interest and shall mature in such
5019 amounts and at such times as may be provided and directed by the
5020 board of supervisors of said county. Such bonds shall bear
5021 interest at a rate or rates not exceeding six percent (6%) per
5022 annum and shall mature in not more than twenty-five (25) years
5023 from the date thereof and shall be sold for not less than par and
5024 accrued interest.

5025 Any bonds authorized to be issued at an election as provided
5026 for in this section shall be issued by such county, acting by and
5027 through its board of supervisors, at such times and in such
5028 amounts as shall be provided for by resolution of the Board of
5029 Trustees of the University of Mississippi.

5030 All bonds, notes or other evidences of indebtedness issued
5031 hereunder shall be secured by a pledge of the full faith, credit
5032 and resources of such county. There shall annually be levied upon
5033 all taxable property within said county an ad valorem tax in
5034 addition to all other taxes, sufficient to provide for the payment
5035 of the principal of and the interest on said bonds, notes or other

5036 evidences of indebtedness as the same respectively mature and
5037 accrue.

5038 SECTION 126. Section 37-115-73, Mississippi Code of 1972, is
5039 amended as follows:[LH117]

5040 37-115-73. The proceeds of any contribution made by any
5041 county under the provisions of Section 37-115-69, including the
5042 proceeds from the sale of any bonds issued for such purposes,
5043 shall be paid by the board of supervisors of such county into the
5044 State Treasury into a special fund to the credit of the Board of
5045 Trustees of the University of Mississippi, and shall thereafter be
5046 utilized and expended by said board of trustees * * * in the
5047 construction, erection and equipping of educational facilities in
5048 such county to be utilized by the University of Mississippi.

5049 SECTION 127. Section 37-115-101, Mississippi Code of 1972,
5050 is amended as follows:[LH118]

5051 37-115-101. The Board of Trustees of the University of
5052 Mississippi is hereby directed and authorized to establish a
5053 school of dentistry at the University of Mississippi Medical
5054 Center in Jackson.

5055 SECTION 128. Section 37-115-105, Mississippi Code of 1972,
5056 is amended as follows:[LH119]

5057 37-115-105. The school of dentistry created and authorized
5058 by Sections 37-115-101 through 37-115-111 shall be in operation
5059 within three (3) years from the date the Legislature makes funds
5060 available for the construction of a building to house said school;
5061 provided, however, that no staff may be employed and no
5062 construction may begin until One Million Two Hundred Fifty
5063 Thousand Dollars (\$1,250,000.00) from the City of Jackson and One
5064 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from
5065 Hinds County has been deposited in the State Treasury for use by
5066 the building commission in construction and furnishing of the
5067 dental school. The Board of Trustees of the University of
5068 Mississippi is authorized and directed to take any and all

5069 necessary and proper actions for the implementation of this
5070 section.

5071 SECTION 129. Section 37-115-107, Mississippi Code of 1972,
5072 is amended as follows:[LH120]

5073 37-115-107. It shall be the duty of the Board of Trustees of
5074 the University of Mississippi to elect or appoint a dean of this
5075 school; to determine and provide for an adequate faculty, staff
5076 and other employees; to fix and provide for the compensation of
5077 said faculty, staff and employees; to provide an adequate physical
5078 plant for this school; to prescribe the courses of study and
5079 research compatible with the objects and purposes hereinabove set
5080 forth; and to do and accomplish all other related functions
5081 consistent with the implementation of Sections 37-115-101 through
5082 37-115-111.

5083 SECTION 130. Section 37-115-109, Mississippi Code of 1972,
5084 is amended as follows:[LH121]

5085 37-115-109. The Board of Trustees of the University of
5086 Mississippi is directed, empowered and authorized to take
5087 necessary and proper actions to assure that the School of
5088 Dentistry of the University of Mississippi Medical Center, as
5089 hereby established, acquires and maintains recognition and
5090 accreditation in local, regional and national accreditation
5091 associations at least at the level of its counterparts in the
5092 southeastern region of the United States and on a level with the
5093 other professional schools of this state.

5094 SECTION 131. Section 37-119-3, Mississippi Code of 1972, is
5095 amended as follows:[LH122]

5096 37-119-3. The principal object of the University of Southern
5097 Mississippi shall be to qualify teachers for the public schools of
5098 this state, by imparting instruction in the art and practice of
5099 teaching in all branches of study which pertain to a common school
5100 education, and such other studies as the Board of Trustees of the
5101 University of Southern Mississippi may from time to time

5102 prescribe.

5103 SECTION 132. Section 37-119-7, Mississippi Code of 1972, is
5104 amended as follows:[LH123]

5105 37-119-7. The University of Southern Mississippi (herein
5106 sometimes referred to as the "university") is authorized and
5107 empowered to require the State Building Commission to issue bonds
5108 in an amount not exceeding the sum of Seven Hundred Fifty Thousand
5109 Dollars (\$750,000.00), bearing interest at a rate not exceeding
5110 six percent (6%) per annum, for the purpose of and to be expended
5111 in extending, adding to and improving the athletic stadium on its
5112 campus; to impose student athletic fees; to impose charges, in
5113 addition to and distinguished from the established price of
5114 admission, upon persons, other than students, for the privilege of
5115 attending events held in such stadium, which such charges shall be
5116 exempt from any amusement tax now levied and collected in the
5117 State of Mississippi, and to immediately commence, prior to the
5118 issuance and sale of the bonds herein authorized and to continue,
5119 the collection of such charges; and to apply to the satisfaction
5120 and retirement, as and when due, of the principal of and interest
5121 on such bonds, said athletic fees and said charges, and also,
5122 rental income from the dormitory facilities now in the stadium,
5123 and income, not otherwise appropriated or allocated, from any
5124 other sources. Such bonds shall be authorized by the Board of
5125 Trustees of the University of Southern Mississippi in the manner
5126 now provided by Sections 37-101-91 through 37-101-103, and all of
5127 the provisions of said sections (except as herein otherwise
5128 provided and as are not in conflict with the provisions hereof)
5129 shall be applicable to the authorization and issuance of such
5130 bonds. Reference in Sections 37-101-95, 37-101-101, to
5131 "dormitories, dwellings or apartments" shall be understood to
5132 apply also to all other projects authorized to be financed under
5133 the provisions of Section 37-101-99.

5134 Upon request of the university, acting through its president

5135 and financial secretary, authorization having been first obtained
5136 from the Board of Trustees * * *, the State Building Commission
5137 shall issue and sell bonds of the university at not less than par
5138 and accrued interest in the manner provided by Section 21-27-45,
5139 for the sale of bonds of municipalities issued thereunder and upon
5140 terms and at interest rates, not to exceed the maximum therein
5141 authorized, to be fixed by the State Building Commission. The
5142 State Building Commission is hereby authorized to supervise the
5143 contracting for, and the erection of, all buildings erected,
5144 extended, added to, or improved under the provisions of this
5145 section. The board of trustees * * * is hereby authorized and
5146 empowered to specify the nature of such extensions, additions,
5147 improvements or new construction, and shall approve the plans and
5148 specifications therefor prior to the letting of any new contract
5149 for any such work. All contracts let under the supervision of the
5150 State Building Commission shall be let as provided by law for
5151 other contracts let by said commission.

5152 The board of trustees * * *, in the resolution authorizing
5153 such bonds, may provide for the imposition of such student
5154 athletic fees, such charges for the privilege of attending events
5155 held in such stadium (as hereinabove distinguished from the price
5156 of admission), such rental charges for use of the dormitories
5157 facilities now in the stadium and for application to the
5158 retirement of such bonds of such other sources of income, not
5159 otherwise appropriated or allocated, as it may consider desirable.

5160 Said board may provide for the collection and the allocation of
5161 such fees and charges. Such fees and charges or other income
5162 shall always be in such amounts as will assure the prompt payment
5163 of principal of and interest on such bonds and the carrying out of
5164 all of the covenants and agreements contained in such resolution
5165 authorizing such bonds.

5166 All bonds so issued shall constitute negotiable instruments
5167 within the meaning of the Uniform Commercial Code of Mississippi.

5168 Any bonds authorized under authority of this section may be
5169 validated in the Chancery Court of First Judicial District, Hinds
5170 County, in the manner and with the force and effect now or
5171 hereafter provided by general law for the validation of municipal
5172 bonds.

5173 This section, without reference to any other statute or law
5174 of Mississippi other than the portions of Sections 37-101-91
5175 through 37-101-103, not in conflict herewith, and Section
5176 31-19-25, shall constitute full authority for the extension,
5177 adding to and improvement of the aforesaid stadium and the
5178 authorization and issuance of bonds hereunder and no other
5179 provisions of the statutes pertinent thereto, except as herein
5180 expressly provided, shall be construed as applying to any
5181 proceedings had hereunder or any acts done pursuant hereto.

5182 SECTION 133. Section 37-123-3, Mississippi Code of 1972, is
5183 amended as follows:[LH124]

5184 37-123-3. The principal object of the Delta State University
5185 shall be to qualify teachers for the public schools of this state,
5186 by imparting instruction in the art and practice of teaching in
5187 all branches of study which pertain to a common school education,
5188 and such other studies as the Board of Trustees of Delta State
5189 University may from time to time prescribe.

5190 SECTION 134. Section 37-125-3, Mississippi Code of 1972, is
5191 amended as follows:[LH125]

5192 37-125-3. The object of the Jackson State University shall
5193 be to qualify teachers for the public schools of this state by
5194 giving instruction in the art and practice of teaching in all
5195 branches of study which pertain to industrial training, health,
5196 and rural and elementary education, and such other studies as the
5197 Board of Trustees of Jackson State University, in cooperation with
5198 the State Department of Education, may, from time to time,
5199 prescribe.

5200 SECTION 135. Section 37-125-7, Mississippi Code of 1972, is

5201 amended as follows:[LH126]

5202 37-125-7. The executive head of the Jackson State University
5203 shall be held as the professional adviser of the Board of Trustees
5204 of Jackson State University on all matters pertaining to the
5205 inside arrangements of buildings, selection of faculty, and course
5206 of study. He shall have the immediate supervision and management
5207 of the university in all its departments, subject however, to the
5208 general supervision, management, and direction of the board of
5209 trustees * * *.

5210 SECTION 136. Section 37-127-3, Mississippi Code of 1972, is
5211 amended as follows:[LH127]

5212 37-127-3. The object of the Mississippi Valley State
5213 University shall be to train teachers for teaching in the public
5214 schools of this state by giving instruction in the art and
5215 practice of teaching in the elementary and high school grades and
5216 in all branches of study which pertain to industrial training,
5217 health, and rural and elementary education, and to provide
5218 instruction and training in such other subjects as the Board of
5219 Trustees of Mississippi Valley State University, in cooperation
5220 with the State Department of Education, may, from time to time,
5221 prescribe. It shall also be the object of the university to
5222 establish and conduct schools, classes or courses, for preparing,
5223 equipping and training citizens of the State of Mississippi for
5224 employment in gainful occupations, in trade, industrial and
5225 distributive pursuits whether such students are qualified by
5226 educational requirements or not.

5227 SECTION 137. Section 37-127-5, Mississippi Code of 1972, is
5228 amended as follows:[LH128]

5229 37-127-5. The Mississippi Valley State University shall be
5230 located at some appropriate place in the Delta section of the
5231 state, to be determined by the Board of Trustees of Mississippi
5232 Valley State University.

5233 SECTION 138. Section 37-127-7, Mississippi Code of 1972, is

5234 amended as follows:[LH129]

5235 37-127-7. The President of the Mississippi Valley State
5236 University shall be held as the professional adviser of the Board
5237 of Trustees of Mississippi Valley State University of all matters
5238 pertaining to the inside arrangements of buildings, selection of
5239 faculty, and course of study. He shall have the immediate
5240 supervision and management of the university in all its
5241 departments, subject however, to the general supervision,
5242 management, and direction of the board of trustees * * *.

5243 SECTION 139. Section 37-129-1, Mississippi Code of 1972, is
5244 amended as follows:[LH130]

5245 37-129-1. In addition to all other powers and duties now
5246 vested by law in the Commissioner of Higher Education, said
5247 commissioner is hereby empowered and required to:

5248 (a) Establish by rules and regulations and promulgate
5249 uniform standards for accreditation of schools of nursing in the
5250 State of Mississippi (1) insofar as concerns the eligibility of
5251 graduates of such schools to take the examination prescribed by
5252 law to become registered nurses authorized to practice the
5253 profession of nursing as registered nurses in Mississippi, and (2)
5254 insofar as concerns student nurses attending such schools being
5255 eligible to participate in any student nurse scholarship program
5256 or other program of assistance now existing or hereafter
5257 established by legislative enactment;

5258 (b) Issue to such schools of nursing upon an annual
5259 basis certificates of accreditation as may be proper under such
5260 standards;

5261 (c) Administer any scholarship program or other program
5262 of assistance heretofore or hereafter established by legislative
5263 enactment for the benefit of students attending accredited schools
5264 of nursing in this state;

5265 (d) Administer any other funds available or which may
5266 be made available for the promotion of nursing education in the

5267 state, with the exception of nursing faculty supplement funds to
5268 the public junior colleges, which funds shall be appropriated to
5269 and administered by the Division of Junior Colleges of the State
5270 Department of Education;

5271 (e) Adopt rules and regulations to provide that a nurse
5272 in training may, during the two-year period in an approved
5273 hospital, be allowed to transfer at any time with full credit
5274 after six (6) months in training, to any other hospital of her
5275 choice at which there is a vacancy; suitable provision shall be
5276 made to protect her against coercion or intimidation concerning
5277 such a contemplated transfer.

5278 In addition to other powers now vested by law in the
5279 Commissioner of Higher Education, said commissioner is hereby
5280 empowered to establish and maintain a nurse-midwifery education
5281 program that meets the accreditation standards of the American
5282 College of Nurse-Midwives at a public state institution of higher
5283 learning * * *.

5284 In order to implement subsection (d) above, the commissioner
5285 is hereby authorized and directed to arrange and contract with
5286 hospitals, senior colleges and hospital schools of nursing for the
5287 financial support of programs of nursing education. The
5288 commissioner is further authorized to adopt such terms for
5289 contracts, and such rules and regulations for reimbursing
5290 contracting agencies for costs of instruction in schools of
5291 nursing as may be feasible in accordance with appropriations made
5292 by the Legislature for this purpose. However, no reimbursement
5293 may be made to contracting agencies in excess of the actual cost
5294 of instruction in the schools of nursing.

5295 No provision of this section shall be construed to authorize
5296 any department, agency, officer or employee of the State of
5297 Mississippi to exercise any controls over the admissions policy of
5298 any private educational institution offering a baccalaureate
5299 degree in nursing.

5300 SECTION 140. Section 37-131-1, Mississippi Code of 1972, is
5301 amended as follows:[LH131]

5302 37-131-1. The president or executive head of any
5303 state-supported institution of higher learning of the State of
5304 Mississippi, subject to the approval of the board of trustees of
5305 that state institution of higher learning, is hereby authorized
5306 and empowered to establish, operate, maintain, and conduct
5307 teachers demonstration and practice schools in connection with the
5308 operation of such institution of higher learning. The president
5309 or executive head of any such institution, subject to the approval
5310 of the board of trustees of that state institution of higher
5311 learning, shall have full power and authority to regulate and
5312 conduct the affairs of such schools and to establish rules and
5313 regulations for their government.

5314 SECTION 141. Section 37-131-3, Mississippi Code of 1972, is
5315 amended as follows:[LH132]

5316 37-131-3. The president or executive head of any institution
5317 of higher learning which has established a demonstration or
5318 practice school, subject to the approval of the board of trustees
5319 of that state institution of higher learning, shall have the power
5320 and authority to enter into contracts and agreements with the
5321 board of trustees of any school district providing for the
5322 attendance of pupils, or one or more, or parts of, grades, from
5323 the educable children of such school district at such
5324 demonstration or practice school. The board of trustees of any
5325 school district is hereby authorized and empowered to enter into
5326 contracts and agreements with the president or executive head of
5327 an institution of higher learning for such purpose. All such
5328 contracts shall be upon such terms and conditions as may be agreed
5329 upon by and between the president or executive head of the
5330 institution of higher learning and the board of trustees of the
5331 school district involved.

5332 SECTION 142. Section 37-131-9, Mississippi Code of 1972, is

5333 amended as follows:[LH133]

5334 37-131-9. In addition to the amounts paid to the
5335 demonstration or practice school from minimum education program
5336 funds, as provided in Section 37-131-7, the board of trustees of
5337 the school district involved may contract with the said
5338 demonstration or practice school for the payment of additional
5339 amounts thereto to defray expenses over and above those defrayed
5340 by minimum education program funds, which additional amounts shall
5341 be paid from any funds available to the school district other than
5342 minimum education program funds, whether produced by a
5343 supplemental district tax levy or otherwise.

5344 If the total funds paid to the demonstration or practice
5345 school by the school district are inadequate to defray the cost
5346 and expense of maintaining and operating such demonstration or
5347 practice school then the president or executive head of the
5348 institution may, subject to the approval of the board of trustees
5349 of that state institution of higher learning, require the payment
5350 of additional fees or tuition in an amount to be fixed by the
5351 president or executive head of the institution, subject to the
5352 approval of the board of trustees * * *, which amount shall be
5353 paid by and collected from the student or his parents.

5354 Boards of trustees of school districts involved may designate
5355 an area within the jurisdiction of the board as an attendance
5356 center as provided by law, and may require students in such area
5357 to attend demonstration or practice schools, subject to a
5358 satisfactory contract between the school board and the president
5359 or executive head of the institution operating the demonstration
5360 or practice school. In such event, all fees and tuition must be
5361 borne by the school district and in no case shall the child or the
5362 parents of the child assigned to such demonstration or practice
5363 school be required to pay any fees or tuition.

5364 The president or executive head of the institution, subject
5365 to the approval of the board of trustees of that state institution

5366 of higher learning, may also fix the amount of fees and tuition to
5367 be paid by students desiring to attend such demonstration or
5368 practice school in cases where there is no contract with the board
5369 of trustees of the school district in which the students reside
5370 therefor.

5371 All funds received by an institution, under the provisions of
5372 this section, shall be deposited in a special fund and shall be
5373 used and expended solely for the purpose of defraying and paying
5374 the cost and expense of operating, maintaining and conducting such
5375 teachers demonstration and practice school. Such funds may be
5376 supplemented by and used in connection with any other funds
5377 available to the institutions for such purpose whether made
5378 available by legislative appropriation or otherwise.

5379 SECTION 143. Section 37-131-13, Mississippi Code of 1972, is
5380 amended as follows:[LH134]

5381 37-131-13. In order to carry into effect the right and
5382 authority granted in Sections 37-131-1 through 37-131-11,
5383 authorizing demonstration and practice schools in connection with
5384 major state institutions of higher learning, the board of trustees
5385 of each state institution of higher learning is hereby authorized
5386 to accept by donations, grants, cooperative agreements or
5387 otherwise, such sums of money as may be deemed necessary for the
5388 construction and maintenance of such demonstration and practice
5389 schools from whatever sources available, including agencies of the
5390 federal, state and county governments, the city of Starkville,
5391 Mississippi, private individuals, benevolent institutions or
5392 organizations, or any other available and legal source or sources.

5393 SECTION 144. Section 37-131-15, Mississippi Code of 1972, is
5394 amended as follows:[LH135]

5395 37-131-15. Oktibbeha County, Mississippi, the Starkville
5396 Municipal Separate School District, and any one or more of the
5397 consolidated or separate school districts in Oktibbeha County,
5398 Mississippi, are hereby authorized to cooperate with the Board of

5399 Trustees of Mississippi State University by establishing,
5400 constructing, maintaining and operating a teachers demonstration
5401 or practice school.

5402 The Board of Trustees of Mississippi State University is
5403 hereby authorized to act as sponsor with respect to any funds that
5404 may be secured for the construction, maintenance, and operation of
5405 such teachers demonstration or practice school from any agency or
5406 subdivision of the federal, state, Oktibbeha County, City of
5407 Starkville, or school district, or from private individuals,
5408 benevolent institutions or organizations, or any other available
5409 and legal source or sources.

5410 SECTION 145. Section 37-133-5, Mississippi Code of 1972, is
5411 amended as follows:[LH136]

5412 37-133-5. In addition to all other powers and duties now
5413 vested by law in the board of trustees of each state institution
5414 of higher learning of the State of Mississippi, each board is
5415 hereby empowered and required to permit the establishment of
5416 technical institutes, as branches within the framework of the
5417 existing state institutions of higher learning, that have an
5418 ongoing program in the areas concerned, adequately staffed and
5419 equipped to offer a curriculum designed and intended to
5420 immediately initiate training (extending beyond the junior college
5421 level) in the field of vocational, scientific, engineering,
5422 technical, and aerospace education and the necessary supporting
5423 studies, so that the demands of heavy and aerospace industry and
5424 installations for skilled engineering technicians may be satisfied
5425 and maintained. The * * * curriculum of any technical institute
5426 established under the provisions of the Mississippi Technical
5427 Institute Law of 1964 shall be complementary and supplementary to
5428 public junior college curriculums so that the full advantage of
5429 the educational resources of the State of Mississippi may be
5430 realized. The * * * establishment of such technical institutes
5431 shall be permitted anywhere within the State of Mississippi, in

5432 the areas of most urgent need, on any land or facility presently,
5433 or hereafter, under the jurisdiction and control of a board of
5434 trustees of a state institution of higher learning and on such
5435 terms and conditions as shall seem appropriate. The State
5436 Building Commission shall, at its discretion, provide new
5437 buildings, facilities, and necessary repairs, renovations and
5438 remodeling of any facility designated by a board of trustees of a
5439 state institution of higher learning as a technical institute from
5440 funds made available for such purposes.

5441 SECTION 146. Section 37-133-7, Mississippi Code of 1972, is
5442 amended as follows:[LH137]

5443 37-133-7. There is hereby created in the State Treasury a
5444 special fund to be known as the "Technical Institute Fund." All
5445 sums of money received by the board of trustees of each state
5446 institution of higher learning to carry out the provisions of the
5447 Mississippi Technical Institute Law of 1964 shall be maintained in
5448 a separate account for the respective university in said special
5449 fund. All expenditures therefrom shall be for the purposes of
5450 carrying out the intents and purposes of said law, including the
5451 payment of salaries for qualified instructors as well as the
5452 equipping and staffing of the institute. Such expenditures shall
5453 be paid therefrom by the State Treasurer on warrant of the Auditor
5454 of Public Accounts. Said Auditor shall issue his warrant upon
5455 requisition signed by the proper person, officer or officers, as
5456 authorized by law. Each board is authorized to accept gifts,
5457 bequests of money, or other property, real or personal, to be used
5458 for the purpose of establishing or maintaining any technical
5459 institute which may be authorized under the provisions of said law
5460 and in accordance with the law of the State of Mississippi.

5461 SECTION 147. Section 37-133-9, Mississippi Code of 1972, is
5462 amended as follows:[LH138]

5463 37-133-9. It shall be the duty of the board of trustees of
5464 each state institution of higher learning to make periodic fiscal

5465 reports to the State Fiscal Management Board and the Legislative
5466 Budget Office, and to otherwise comply with the budget and
5467 accounting laws of the State of Mississippi.

5468 SECTION 148. Section 37-138-7, Mississippi Code of 1972, is
5469 amended as follows:[LH139]

5470 37-138-7. The commission is authorized and directed to adopt
5471 regulations for certification of contractors, inspectors,
5472 management planners, project designers, air monitors, supervisors
5473 and workers. The regulations shall include an accreditation plan
5474 which shall be equivalent to paragraphs 1 through 3 of the Model
5475 Plan. The accreditation plan shall be no more stringent than the
5476 Model Plan, except as provided herein. The regulations and
5477 accreditation plan shall include the requirements for all training
5478 courses for accreditation of contractors, inspectors, management
5479 planners, project designers, air monitors, supervisors and
5480 workers. All regulations promulgated by the commission pursuant
5481 to this chapter shall not be effective until November 1, 1990. By
5482 October 1, 1989, the Commissioner of Higher Education shall
5483 designate a university which may offer all training courses set
5484 forth in the regulations and accreditation plan and such
5485 university may charge reasonable fees to offset costs of the
5486 courses offered. The commission shall not approve any training
5487 courses offered in Mississippi other than those courses offered at
5488 the designated university and those certified abatement worker
5489 courses that have received Environmental Protection Agency
5490 approval pursuant to Section III of Appendix C to Title 40, Part
5491 763, Subpart E, of the Code of Federal Regulations.

5492 SECTION 149. Section 37-139-7, Mississippi Code of 1972, is
5493 amended as follows:[LH140]

5494 37-139-7. The board shall be authorized to solicit and
5495 utilize the staff of the State Department of Education, staff of
5496 the board of trustees of any state institution of higher learning
5497 and other state agencies as required for the implementation of

5498 this chapter. In addition, the board shall be authorized to
5499 contract or enter into agreements with other agencies and/or
5500 private research centers that it may deem necessary to carry out
5501 its duties and functions.

5502 SECTION 150. Section 37-140-5, Mississippi Code of 1972, is
5503 amended as follows:[LH141]

5504 37-140-5. (1) The school shall be governed by the State
5505 Board of Education. The board shall develop a plan relating to
5506 the opening, operation and funding of the school to be presented
5507 to the Legislature during the 2000 Regular Session. The plan
5508 shall include an equitable and reasonable plan for student
5509 recruitment without regard to race, creed or color.

5510 (2) The State Superintendent of Public Education shall
5511 appoint an advisory panel to assist the board in developing the
5512 plan relating to the school. The advisory panel shall consist of
5513 the following twelve (12) appointed or designated members:

5514 (a) Three (3) licensed school teachers or
5515 administrators, one (1) to be appointed from each of the three (3)
5516 Mississippi Supreme Court Districts;

5517 (b) Three (3) citizens or professionals representing
5518 the areas of dance, creative writing, literature, music, theater
5519 arts or visual arts, one (1) to be appointed from each of the
5520 three (3) Mississippi Supreme Court Districts;

5521 (c) Three (3) citizens knowledgeable in business,
5522 personnel management or public administration, with at least three
5523 (3) years' actual experience therein, one (1) to be appointed from
5524 each of the three (3) Mississippi Supreme Court Districts.

5525 (d) One (1) member shall be a representative of the
5526 Mississippi Arts Commission to be designated by the commission,
5527 one (1) member shall be a representative of the Mississippi
5528 Humanities Council to be designated by the council, and one (1)
5529 member shall be a representative of a state institution of higher
5530 learning in Mississippi which offers degrees in visual, fine and

5531 performing arts, to be designated by the Commissioner of Higher
5532 Education.

5533 Appointments to the advisory panel shall be made within
5534 ninety (90) days of April 23, 1999. The advisory panel shall meet
5535 upon the call of the State Superintendent of Public Education and
5536 shall organize for business by selecting a chairman and vice
5537 chairman/secretary for keeping records of the panel. Members of
5538 the advisory panel shall receive no compensation but may be
5539 reimbursed for necessary expenses and mileage for attending
5540 meetings and necessary business of the panel, in the amount
5541 authorized for state employees under Section 25-3-41.

5542 (3) The board may utilize the staff of the State Department
5543 of Education and other state agencies as may be required for the
5544 implementation of this chapter. The department may employ any
5545 personnel deemed necessary by the board for assisting in the
5546 development and implementation of the plan relating to the
5547 opening, operation and funding of the school. The board also may
5548 contract or enter into agreements with other agencies or private
5549 entities which it deems necessary to carry out its duties and
5550 functions relating to the opening and operation of the school.

5551 (4) To the extent possible, the board shall enter into
5552 agreements with the Board of Trustees of the Brookhaven Municipal
5553 Separate School District for the dual enrollment of students for
5554 the purpose of teaching academic courses to students attending the
5555 school, and the local school board shall be fully authorized to
5556 offer any such courses to students attending the school. The
5557 State Board of Education may develop and issue necessary
5558 regulations for the coordination of such courses for these
5559 students, the preparation and transfer of transcripts, and the
5560 reimbursement of any costs incurred by the school district for
5561 providing such services.

5562 (5) The board may enter into agreements with public school
5563 districts to authorize students enrolled in such school districts

5564 to participate in the fine arts programs at the school to the
5565 extent that adequate space is available. The parent or guardian
5566 of any student participating in fine arts programs at the school
5567 under this subsection shall be responsible for transporting the
5568 student to and from the school.

5569 SECTION 151. Section 37-141-3, Mississippi Code of 1972, is
5570 amended as follows:[LH142]

5571 37-141-3. (1) There is hereby created the University
5572 Research Center, as an agency of the State of Mississippi,
5573 hereinafter referred to as the "center," which shall have full
5574 authority to contract and to be contracted with. The Commissioner
5575 of Higher Education shall serve as the director for the center.

5576 (2) The center shall be under the direction and management
5577 of the Commissioner of Higher Education. The commissioner shall,
5578 in his discretion, obtain fidelity bonds and determine who and
5579 what should be covered thereby and the amount of such bonds.

5580 (3) The Commissioner of Higher Education * * * shall appoint
5581 and employ such staff and employees as he deems necessary to carry
5582 out the objectives and purposes of this chapter and Section
5583 57-63-17 and may establish the organizational structure of the
5584 center, which shall include the creation of any divisions
5585 necessary to implement the duties assigned to the center. It is
5586 specifically provided that the commissioner establish such units
5587 within the center as he deems necessary to include but not limited
5588 to areas of economic analysis, economic forecasting, long range
5589 economic development planning, research, grants, services and
5590 university and agency coordination and reporting.

5591 * * *

5592 (4) The Commissioner of Higher Education shall use savings
5593 realized through personnel attrition and other economies created
5594 by the reorganization effected in Senate Bill No. 2925, 1988
5595 Regular Session [Laws, 1988, Chapter 518], to establish a special
5596 account in the University Research Center out of which funds may

5597 be expended to conduct priority research projects by contracting
5598 with universities, agencies and individuals.

5599 SECTION 152. Section 37-141-5, Mississippi Code of 1972, is
5600 amended as follows:[LH143]

5601 37-141-5. The main office building of the University
5602 Research Center and the Department of Economic Development in the
5603 City of Jackson shall be known and designated as the Paul B.
5604 Johnson, Jr. Building. The Commissioner of Higher Education and
5605 the Governor's Office of General Services shall coordinate and
5606 cooperate to effect the relocation of the Department of Economic
5607 Development to the Paul B. Johnson, Jr. Building and any other
5608 related agency relocations necessary to accomplish the requirement
5609 of this section if such relocation is feasible. If such
5610 relocation of the Department of Economic Development to the Paul
5611 B. Johnson, Jr. Building is not feasible because of space
5612 limitations, the Governor's Office of General Services shall
5613 coordinate the relocation of such department to some other
5614 location and shall, if possible, secure the amount of space
5615 necessary to also place the University Research Center in the same
5616 location with the department.

5617 The Office of General Services shall provide proper signs to
5618 be placed on the building in accordance with this section.

5619 SECTION 153. Section 37-141-13, Mississippi Code of 1972, is
5620 amended as follows:[LH144]

5621 37-141-13. (1) The Commissioner of Higher Education shall
5622 have responsibility for the administration of the center. By so
5623 designating the commissioner as administrator for the center, the
5624 Legislature hereby expresses its intent that the center shall have
5625 a relationship of close cooperation and coordination with the
5626 several universities but that the center shall not be under the
5627 control or influence of any single institution. * * *

5628 Academically eligible center staff may hold appointment to
5629 faculties of state universities and university faculty members may

5630 be assigned to the center.

5631 (2) The Mississippi Department of Economic Development,
5632 being the economic development agency for the state, shall advise
5633 on the programs and projects of the center focused upon economic
5634 development.

5635 (3) The center may advise the various agencies and
5636 departments of state government regarding internal research needs
5637 and programs and shall assist in the establishment of such
5638 programs where needed. These programs shall be coordinated by the
5639 center in order to minimize duplication of effort, to maximize
5640 utilization of data and equipment and to standardize procedures
5641 for the more efficient pursuit of research.

5642 (4) Communities, counties, special-purpose districts,
5643 multicounty area development groupings and other such
5644 organizations may call upon the center for informational services.
5645 Specific research projects may be undertaken by the center for
5646 such organizations on a contract basis.

5647 (5) The center may provide advice and counsel, consistent
5648 with its duties and responsibilities, to the private business
5649 community. Consultation and information may also be made
5650 available to other segments of the private business community.
5651 Advice and assistance for the establishment of research programs
5652 within business organizations may be provided by the center.
5653 Specific research projects may be undertaken by the center for
5654 private business on a contract basis. The center may solicit and
5655 accept grants and other financial aid or support from private
5656 sources.

5657 SECTION 154. Section 37-141-15, Mississippi Code of 1972, is
5658 amended as follows:[LH145]

5659 37-141-15. With the approval of the Commissioner of Higher
5660 Education, the center may establish and staff branch operations at
5661 various universities within the state.

5662 SECTION 155. Section 37-141-17, Mississippi Code of 1972, is

5663 amended as follows:[LH146]

5664 37-141-17. The center, on behalf of the Commissioner of
5665 Higher Education, shall prepare an annual report of economic
5666 development activities of those agencies and institutions subject
5667 to the commissioner. The report shall describe:

5668 (a) Economic development efforts and accomplishments of
5669 the University Research Center, each university, and each
5670 institute.

5671 (b) Efforts and accomplishments of the center in
5672 coordinating economic development activities among the
5673 universities.

5674 (c) Recommendations of the center for coordination and
5675 utilization of university resources in economic development, for
5676 university-based initiatives in economic development, and for
5677 funding related to economic development and plans of the
5678 universities.

5679 (d) Assistance rendered to the Department of Economic
5680 Development by the center and each university.

5681 (e) Activities and accomplishments of staff assigned to
5682 planning and development districts pursuant to Section 37-141-19.

5683 (f) Any other information which the center wishes to
5684 present.

5685 The annual report shall be submitted to the Governor and the
5686 Joint Legislative Budget Committee not later than July 1 of each
5687 year.

5688 SECTION 156. Section 37-141-19, Mississippi Code of 1972, is
5689 amended as follows:[LH147]

5690 37-141-19. The board of trustees of each state institution
5691 of higher learning shall require that the president of the
5692 university under its jurisdiction designate, at the level of vice
5693 president, a person responsible for economic development
5694 activities at the university. The person so designated shall be
5695 the primary contact at each university for the center in carrying

5696 out its responsibilities related to coordinating, assisting,
5697 monitoring and reporting on economic development activities at the
5698 universities.

5699 SECTION 157. Section 37-141-21, Mississippi Code of 1972, is
5700 amended as follows:[LH148]

5701 37-141-21. (1) The director of the center, subject to the
5702 approval of the Commissioner of Higher Education, shall fix the
5703 salaries and wages of employees of the center, shall reimburse
5704 employees for actual expenses incurred in the performance of their
5705 duties, and may approve receipt by employees of additional income
5706 payments from grants, fellowships and other sources.

5707 (2) The director of the center, upon approval of the
5708 commissioner, may contract with universities and colleges, with
5709 individuals and with public or private research organizations for
5710 their services and, under the same approval, may contract for
5711 performance by the center of services to governmental subdivisions
5712 of the state, to United States government departments and
5713 agencies, to area development organizations, to trade associations
5714 and other similar groups of public or private nature, and to
5715 private business enterprises, and may set fees for such services.
5716 Upon approval of the commissioner, the center may establish intern
5717 programs to provide experience that supplements the education of
5718 students enrolled in state institutions of higher learning.

5719 (3) Expenditures by and for the center and its branches
5720 shall be paid by the State Treasurer out of the funds appropriated
5721 to carry out the provisions of this chapter, upon warrant issued
5722 by the State Fiscal Management Board; and such board shall issue
5723 its warrant upon requisition signed by the director of the center,
5724 in the manner provided by law. Full and complete accounting shall
5725 be kept and made by the center for all funds received and expended
5726 by it. Representatives of the office of the State Auditor
5727 annually shall audit the expenditures of funds received by the
5728 center from all sources, and the auditor shall make a complete and

5729 detailed report of such audit to the Legislature.

5730 SECTION 158. Section 37-143-3, Mississippi Code of 1972, is
5731 amended as follows:[LH149]

5732 37-143-3. The Legislature makes the following findings of
5733 fact and declarations of purpose: By legislative enactment, five
5734 (5) loan or scholarship programs have been created wherein
5735 Mississippi residents are granted scholarships in certain
5736 professional fields in return for their contractual obligation to
5737 perform services in such professions under a variety of
5738 requirements of location, duration, manner and mode of service,
5739 and institution in which performed. Such loan or scholarship
5740 programs provide variously for different degrees of recourse in
5741 the event that the recipient's contract is not fulfilled, but
5742 shall provide in every case that the scholarship convert to a loan
5743 which must be repaid at interest and, in some of the programs,
5744 require the payment of penalties also. In addition to the
5745 foregoing described loan or scholarship programs, a State of
5746 Mississippi fund-financed loan program was created in the
5747 Postsecondary Education Financial Assistance Law of 1975. The
5748 purposes and needs, for which the Postsecondary Education
5749 Financial Assistance Law was enacted, have now been almost
5750 entirely supplanted by the provisions of the federal laws
5751 providing for guaranteed student loans. The Legislature further
5752 finds, that as a result of the restrictive and punitive provisions
5753 contained in the loan or scholarship programs in existence prior
5754 to this chapter, there are low levels of utilization of such
5755 programs. The Legislature further finds that such programs being
5756 enacted at various times and for various specialized purposes have
5757 inconsistencies in the provisions for their administration, which
5758 should be made consistent, uniform and regular. The Legislature
5759 further finds that because of the low use of the Postsecondary
5760 Education Financial Assistance Law, there are sums of monies
5761 dedicated for use in student loans or scholarships which could be

5762 utilized in the improved scholarship or loan programs created by
5763 this chapter. The Legislature finds and declares that such older
5764 existing revolving funds should be collapsed and consolidated into
5765 a single revolving fund in support of the loan or scholarship
5766 programs authorized herein. The Legislature further finds and
5767 declares that there is a need for the creation of additional
5768 scholarship programs for the purpose of encouraging eligible
5769 Mississippi residents to enter into professional schools, and
5770 that, in particular, there should be programs to encourage the
5771 participation of minorities in graduate professional programs in
5772 the institutions of this state, and that the Commissioner of
5773 Higher Education should be granted the power and authority to
5774 create and implement such new loan or scholarship programs as the
5775 need may arise. And the Legislature further finds and declares
5776 that there is a need to create an ability within the office of the
5777 commissioner to fashion new and innovative systems for the
5778 financing of loan or scholarship programs by combining the use of
5779 private sector loans for education and guaranteed student loans
5780 with scholarship repayment programs promulgated by the board, and
5781 that the board should be granted authority to devise and develop
5782 such innovative systems to obtain the most efficient use of state
5783 funds to encourage entry and service in certain professional
5784 fields.

5785 SECTION 159. Section 37-143-5, Mississippi Code of 1972, is
5786 amended as follows:[LH150]

5787 37-143-5. (1) There is hereby created the medical loan or
5788 scholarship program. The purpose of such program shall be to
5789 enable eligible applicants who desire to become physicians to
5790 obtain a medical education in the University of Mississippi School
5791 of Medicine, which will qualify them to become licensed,
5792 practicing physicians and surgeons.

5793 (2) The Board of Trustees of the University of Mississippi
5794 shall establish, by rule and regulation, the maximum annual award

5795 which may be made under this program at an amount not to exceed
5796 the cost of tuition and other expenses, and shall establish the
5797 maximum number of awards which may be made not to exceed the
5798 length of time required to complete the degree requirements and
5799 internship or residency.

5800 (3) Loans made to applicants under this program may be made
5801 under similar terms and conditions as then current provisions of
5802 the Federal Guaranteed Student Loan Program, or its successor, as
5803 to the repayment of principal and interest. Such loans shall be
5804 eligible for deferment during attendance as a full-time student in
5805 an approved course of training. No interest shall accrue on such
5806 loan during the time the recipient is in such attendance. Such
5807 loans may be eligible for other deferments for such other causes
5808 as may be established by the board by rule and regulations not
5809 inconsistent with the foregoing.

5810 (4) Loans made to applicants shall be made and based upon
5811 the following options for repayment or conversion to interest-free
5812 scholarships:

5813 (a) Payment in full of principal and interest must be
5814 made in sixty (60) or less equal monthly installments, commencing
5815 one (1) month after graduation and internship or residency, or
5816 termination of attendance as a full-time student;

5817 (b) In lieu of payment in full of both principal and
5818 interest, a loan recipient may elect to repay by entry into public
5819 health work at a state health institution as defined in Section
5820 37-143-13(2), or community health centers that are grantees under
5821 Section 330 of the United States Public Health Service Act.
5822 Repayment under this option shall convert loan to scholarship, and
5823 discharge the same, on the basis of one (1) year's service for one
5824 (1) year's loan amount, or the appropriate proportion of the total
5825 outstanding balance of principal and interest, all as shall be
5826 established by rule and regulation of the board of trustees. If
5827 at any time prior to the repayment in full of the total obligation

5828 the recipient abandons or abrogates repayment by this option, the
5829 provisions of Section 37-143-5(d) shall apply;

5830 (c) In lieu of payment in full of both principal and
5831 interest, a loan recipient may elect to repay by entry into the
5832 practice of medicine in a primary health care field in an area
5833 outside of a metropolitan statistical area, as defined and
5834 established by the United States Census Bureau, and within a
5835 region ranking between 1 and 54, inclusively, on the Relative
5836 Needs Index of Five Factors for Primary Care Physicians, as
5837 annually determined by the State Board of Health, for a period of
5838 five (5) years. Repayment under this option shall convert loan to
5839 scholarship, and discharge the same on the basis of one (1) year's
5840 service for one (1) year's loan amount, or the appropriate
5841 proportion of the total outstanding balance of principal and
5842 interest, all as shall be established by rule and regulation of
5843 the board of trustees. If at any time prior to the repayment in
5844 full of the total obligation the recipient abandons or abrogates
5845 repayment by this option, the provisions of Section 37-143-5(4)(d)
5846 shall apply;

5847 (d) In the event of abandonment or abrogation of the
5848 options for repayment as provided for in Section 37-143-5(4)(b)
5849 and (c), the remaining balance of unpaid or undischarged principal
5850 and interest shall become due and payable over the remaining
5851 period of time as if the option provided for in Section
5852 37-143-5(4)(a) had been elected upon graduation and internship or
5853 residency.

5854 (5) The board * * * shall establish such rules and
5855 regulations as it deems necessary and proper to carry out the
5856 purposes and intent of this section.

5857 SECTION 160. Section 37-143-7, Mississippi Code of 1972, is
5858 amended as follows:[LH151]

5859 37-143-7. (1) There is hereby created the dental loan or
5860 scholarship program. The purpose of such program shall be to

5861 enable eligible applicants who desire to become dentists to obtain
5862 a standard four-year education in the study of dentistry in the
5863 University of Mississippi School of Dentistry, which will qualify
5864 them to become licensed, practicing dentists.

5865 (2) The Board of Trustees of the University of Mississippi
5866 shall establish, by rule and regulation, the maximum annual award
5867 which may be made under this program at an amount not to exceed
5868 the cost of tuition and other expenses, and shall establish the
5869 maximum number of awards, which may be made not to exceed the
5870 length of time required to complete the degree requirements.

5871 (3) Loans made to applicants under this program may be made
5872 under similar terms and conditions as then current provisions of
5873 the Federal Guaranteed Student Loan Program, or its successor, as
5874 to the repayment of principal and interest. Such loans shall be
5875 eligible for deferment during attendance as a full-time student in
5876 an approved course of training. No interest shall accrue on such
5877 loan during the time the recipient is in such attendance. Such
5878 loans may be eligible for other deferments for such other causes
5879 as may be established by the board by rule and regulations not
5880 inconsistent with the foregoing.

5881 (4) Loans made to applicants shall be made and based upon
5882 the following options for repayment or conversion to interest-free
5883 scholarships:

5884 (a) Payment in full of principal and interest must be
5885 made in sixty (60) or less equal monthly installments, commencing
5886 one (1) month after graduation or termination of attendance as a
5887 full-time student;

5888 (b) In lieu of payment in full of both principal and
5889 interest, a loan recipient may elect to repay by entry into public
5890 health work at a state health institution as defined in Section
5891 37-143-13(2), or community health centers that are grantees under
5892 Section 330 of the United States Public Health Service Act.

5893 Repayment under this option shall convert loan to scholarship, and

5894 discharge the same, on the basis of one (1) year's service for one
5895 (1) year's loan amount, or the appropriate proportion of the total
5896 outstanding balance of principal and interest, all as shall be
5897 established by rule and regulation of the board of trustees. If
5898 at any time prior to the discharge in full of the total obligation
5899 the recipient abandons or abrogates repayment by this option, the
5900 provisions of Section 37-143-7(4)(d) shall apply;

5901 (c) In lieu of payment in full of both principal and
5902 interest, a loan recipient may elect to repay by entry into the
5903 practice of dentistry in an area outside of a metropolitan
5904 statistical area, as defined and established by the United States
5905 Census Bureau, and within a region ranking between 1 and 54,
5906 inclusively, on the Relative Needs Index of Four Factors for
5907 Dentists, as annually determined by the State Board of Health, for
5908 a period of five (5) years. Repayment under this option shall
5909 convert loan to scholarship and discharge the same on the basis of
5910 one (1) year's service for one (1) year's loan amount, or the
5911 appropriate proportion of the total outstanding balance of
5912 principal and interest, all as shall be established by rule and
5913 regulation of the board of trustees. If at any time prior to the
5914 repayment in full of the total obligation the recipient abandons
5915 or abrogates repayment by this option, the provisions of Section
5916 37-143-7(4)(d) shall apply;

5917 (d) In the event of abandonment or abrogation of the
5918 options for repayment as provided for in Section 37-143-7(4)(b)
5919 and (c), the remaining balance of unpaid or undischarged principal
5920 and interest shall become due and payable over the remaining
5921 period of time as if the option provided for in Section
5922 37-143-7(4)(a) had been elected upon graduation.

5923 (5) The board * * * shall establish such rules and
5924 regulations as it deems necessary and proper to carry out the
5925 purposes and intent of this section.

5926 SECTION 161. Section 37-143-9, Mississippi Code of 1972, is

5927 amended as follows:[LH152]

5928 37-143-9. There is created a program for advanced study in
5929 nursing. Scholarships are established and shall be allocated to
5930 students who: (a) have graduated from an accredited high school
5931 and from a school of nursing and are licensed registered nurses in
5932 Mississippi; and (b) are approved by the Commissioner of Higher
5933 Education; and (c) enter into contract with the commissioner,
5934 obligating themselves to pursue to completion the course of study
5935 agreed upon, and immediately following the completion of such
5936 work, to spend a period of time, equal to the period of study
5937 provided under the scholarship, in teaching nursing at any
5938 accredited school of nursing in Mississippi, approved by the
5939 commissioner, or in performing other work in the interest of
5940 public health in the state, to be approved by the commissioner.
5941 Such period of service, after completion of study under a
5942 scholarship, shall in no event be less than one (1) year.

5943 In addition to a scholarship, any such student may be
5944 allocated a loan not to exceed One Thousand Dollars (\$1,000.00)
5945 per month for each month of full-time study in a graduate nursing
5946 program. The repayment of the principal and interest of such
5947 loans shall be eligible for deferment during attendance as a
5948 full-time student in an approved program for advanced study in an
5949 accredited school of nursing. For any student who receives this
5950 loan, the student's contract with the commissioner shall obligate
5951 the student, immediately following completion of the course of
5952 study, to repay the loan by teaching nursing for not less than two
5953 (2) years at any accredited school of nursing in Mississippi
5954 approved by the commissioner. Such teaching service shall convert
5955 the loan to an interest-free scholarship, and discharge the same,
5956 on the basis of two (2) years of service for one-year's loan
5957 amount, or the appropriate proportion of the total outstanding
5958 balance of principal and interest, all as established by rule and
5959 regulation of the commissioner. Any such student who fails to

5960 complete all of the teaching service obligation shall be liable to
5961 the commissioner for the remaining balance of the principal and
5962 interest that remains undischarged.

5963 The commissioner shall establish such rules and regulations
5964 as it deems necessary and proper to carry out the purposes and
5965 intent of this section.

5966 SECTION 162. Section 37-143-11, Mississippi Code of 1972, is
5967 amended as follows:[LH153]

5968 37-143-11. (1) It is the intention of the Legislature to
5969 attract and retain qualified teachers by awarding incentive loans
5970 to persons declaring an intention to serve in the teaching field
5971 and who actually render service to the state while possessing an
5972 appropriate teaching license.

5973 (2) There is established the "William F. Winter Teacher
5974 Scholar Loan Program."

5975 (3) To the extent of appropriations available, students who
5976 are enrolled in any baccalaureate degree-granting institution of
5977 higher learning in the State of Mississippi accredited by the
5978 Southern Association of Colleges and Schools and approved by the
5979 Mississippi Commission on College Accreditation, or any accredited
5980 nonprofit community or junior college, and who have expressed in
5981 writing a present intention to teach in Mississippi, shall be
5982 eligible for student loans to be applied to the costs of their
5983 college education. Persons who have been admitted to a teacher
5984 education program as approved by the State Board of Education
5985 shall also qualify for loans at approved institutions.

5986 (4) A freshman establishing initial eligibility shall be
5987 eligible for a maximum of four (4) annual loans and a senior shall
5988 be eligible for one (1) annual loan.

5989 (5) The maximum annual loan shall be set by the Commissioner
5990 of Higher Education at an amount not to exceed the cost of
5991 attendance at any baccalaureate degree-granting institution of
5992 higher learning in the State of Mississippi. However, it is the

5993 intent of the Legislature that the maximum annual loan amounts
5994 under the William F. Winter Teacher Scholar Loan Program shall not
5995 be of such amounts that would compete with the Critical Needs
5996 Teacher Scholarship Program.

5997 (6) The loans of persons who actually render service as
5998 licensed teachers in a public school in Mississippi for a major
5999 portion of the school day for at least seventy-eight (78) school
6000 days during each of eight (8) school semesters of the ten (10)
6001 immediately after obtaining a baccalaureate degree, shall be
6002 converted to interest-free scholarships. Conversion shall be
6003 based on two (2) semesters of service for each year a loan was
6004 received, and the Commissioner of Higher Education shall not
6005 authorize the conversion of loans into interest-free scholarships
6006 at any other ratio, except as follows: Participants in the
6007 William F. Winter Teacher Scholar Loan Program may have their
6008 loans converted into interest-free scholarships at the same ratio
6009 as under the Critical Needs Teacher Scholarship Program if they
6010 render service as a licensed teacher in a public school district
6011 in a geographical area of the state where there is a critical
6012 shortage of teachers, as designated by the State Board of
6013 Education.

6014 (7) Persons failing to complete an appropriate program of
6015 study shall immediately become liable to the Commissioner of
6016 Higher Education for the sum of all outstanding loans, except in
6017 the case of a deferral of debt for cause by the board, after which
6018 period of deferral, study may be resumed. Persons failing to meet
6019 teaching requirements in any required semester shall immediately
6020 be in breach of contract and become liable to the board for the
6021 amount of the corresponding loan received, with interest accruing
6022 at the current Stafford Loan rate at the time the breach occurs,
6023 except in the case of a deferral of debt for cause by the
6024 commissioner, after which period of deferral, teaching duties
6025 required hereunder will be resumed. If the claim for payment of

6026 such loan is placed in the hands of an attorney for collection
6027 after default, then the obligor shall be liable for an additional
6028 amount equal to a reasonable attorney's fee.

6029 (8) A loan made pursuant to this section shall not be
6030 voidable by reason of the age of the borrower at the time of
6031 receiving the loan.

6032 (9) Failure to repay any loan and interest that becomes due
6033 shall be cause for the revocation of a person's teaching license
6034 by the State Department of Education.

6035 (10) All monies repaid to the Commissioner of Higher
6036 Education hereunder shall be added to the appropriations made for
6037 purposes of this section, and those appropriations shall not
6038 lapse.

6039 (11) The Commissioner of Higher Education with the
6040 concurrence of the State Board of Education shall jointly
6041 promulgate regulations necessary for the proper administration of
6042 this section.

6043 (12) If insufficient funds are available for requested loans
6044 to a qualified student during any fiscal year, the commissioner
6045 shall make pro rata reductions in the loans made to qualifying
6046 applicants. Priority consideration shall be given to persons
6047 receiving previous loans and participating in the program.

6048 (13) The commissioner shall make an annual report to the
6049 Legislature. Each report shall contain a complete enumeration of
6050 the * * * loans or scholarships granted, names of persons to whom
6051 granted and the institutions attended by those receiving the same,
6052 the teaching location of applicants who have received their
6053 education and become licensed teachers within this state as a
6054 result of the loans and/or scholarships. The commissioner shall
6055 make a full report and account of receipts and expenditures for
6056 salaries and expenses incurred under the provisions of this
6057 section. The commissioner shall, upon his records and any
6058 published reports, distinguish between those recipients who have

6059 breached their contracts but with the commissioner's permission
6060 who have paid their financial obligations in full, and those
6061 recipients who have breached their contracts and remain
6062 financially indebted to the state.

6063 SECTION 163. Section 37-143-15, Mississippi Code of 1972, is
6064 amended as follows:[LH154]

6065 37-143-15. The Commissioner of Higher Education is
6066 authorized and empowered to establish loan or scholarship programs
6067 of like character, operation and purpose to the foregoing
6068 enumerated programs to encourage the participation of eligible
6069 worthy persons in courses of instruction in the public
6070 institutions of higher learning, and in furtherance of such power
6071 and authority is authorized: to adopt and implement rules and
6072 regulations declaring and describing the goals and objectives of
6073 such loan or scholarship programs; to establish the eligibility
6074 requirements for entry into such program and required for
6075 continuing participation for succeeding years; to determine the
6076 maximum amount to be made available to recipients; to delineate
6077 the terms and conditions of contracts with recipients and
6078 establish the service requirements for such contracts, if any; to
6079 enter into contracts pertaining to such programs with recipients;
6080 to enter into loan agreements and other contracts with financial
6081 institutions or other providers of loan monies for scholarship or
6082 loan participants; and to allocate and utilize such funds as may
6083 be necessary for the operation of such loan or scholarship
6084 programs from the annual appropriation for student financial aid.
6085 In issuing rules and regulations governing the administration of
6086 the Graduate Teacher Summer Scholarship (GTS) Program, the
6087 commissioner shall provide that certified teachers at the Columbia
6088 or Oakley Training Schools under the jurisdiction of the
6089 Department of Human Services shall be fully eligible to
6090 participate in said program.

6091 SECTION 164. Section 37-143-19, Mississippi Code of 1972, is

6092 amended as follows:[LH155]

6093 37-143-19. The Commissioner of Higher Education is
6094 authorized to establish a consolidated revolving loan fund for the
6095 purpose of providing monies for the operation of all loan or
6096 scholarship programs authorized * * * by this chapter, and to the
6097 Postsecondary Education Financial Assistance Board by the
6098 provisions of Chapter 106 of Title 37, Mississippi Code of 1972,
6099 and for the purpose of providing monies for the operation of such
6100 other loan programs as may be deemed appropriate and authorized by
6101 the commissioner from time to time for the furtherance of
6102 education of eligible applicants. The commissioner shall be
6103 charged with the duty of directing the dispensing of such funds in
6104 a manner so as to best effectuate the purpose of this chapter.
6105 Any monies collected in the form of repayment of loans, both
6106 principal and interest, shall be deposited in this fund. The
6107 commissioner is authorized to maintain such revolving fund in an
6108 official state depository and, in accordance with Section
6109 27-105-21, Mississippi Code of 1972, shall invest such funds, less
6110 the amount required for current operation, at interest as required
6111 by said section. All interest earned on such investments shall
6112 likewise be deposited in said fund. From such revolving fund, the
6113 commissioner shall provide the Postsecondary Education Financial
6114 Assistance Board such sums as shall be required to fulfill its
6115 role as lender of last resort to the Guarantee Student Loan
6116 program. The assets of the Postsecondary Education Financial
6117 Assistance Board, including cash and loans on hand, shall not
6118 exceed Five Hundred Thousand Dollars (\$500,000.00), and repayments
6119 of principal and interest and all other revenue * * * shall be
6120 deposited in the fund created hereby.

6121 From and after * * * July 1, 1991, the sums maintained in the
6122 respective revolving funds being repealed by Chapter 547, Laws,
6123 1991, or other revolving funds being maintained by the
6124 commissioner shall become and constitute the monies of the

6125 consolidated revolving fund created by this section, wherever such
6126 funds may be physically located. The commissioner is hereby
6127 authorized to transfer said funds to an official state depository,
6128 as aforesaid.

6129 SECTION 165. Section 37-143-21, Mississippi Code of 1972, is
6130 amended as follows:[LH156]

6131 37-143-21. The board of trustees of each state institution
6132 of higher learning shall make an annual report to the Legislature.
6133 Each said report shall contain a complete summary of the board's
6134 activities, loans or scholarships granted, names of persons to
6135 whom granted, institutions attended by those receiving same, and
6136 the location of loan recipients who have contracted to repay loan
6137 or scholarship through approved service in their profession. The
6138 board shall make a full report and account of the receipts and
6139 expenditures for salaries and expenses incurred under the
6140 provisions of this chapter. The board shall, upon its records and
6141 any published reports, distinguish between those recipients who
6142 have breached their contracts, but with the board's permission who
6143 have paid their financial obligations in full, and those
6144 recipients who have breached their contracts and remain
6145 financially indebted to the state.

6146 SECTION 166. Section 37-145-3, Mississippi Code of 1972, is
6147 amended as follows:[LH157]

6148 37-145-3. As used in this chapter:

6149 (a) "Company" means the Mississippi Business Finance
6150 Corporation established pursuant to Section 57-10-167.

6151 (b) "Board of trustees" means the board of trustees of
6152 each state institution of higher learning.

6153 (c) "Guaranty Agency" means the Mississippi Guarantee
6154 Student Loan Agency * * *.

6155 SECTION 167. Section 37-147-5, Mississippi Code of 1972, is
6156 amended as follows:[LH158]

6157 37-147-5. The following words shall have the meaning

6158 ascribed herein unless the context clearly requires otherwise:

6159 (a) "Act" means the Mississippi University Research
6160 Authority Act;

6161 (b) "Authority" means the entity created pursuant to
6162 this act;

6163 (c) "Board" means the board of trustees of each state
6164 institution of higher learning;

6165 (d) "Technological innovations" means research,
6166 development, prototype assembly, manufacture, patenting,
6167 licensing, marketing and sale of inventions, ideas, practices,
6168 applications, processes, machines, technology and related property
6169 rights of all kinds; and

6170 (e) "University" means a Mississippi educational
6171 institution established pursuant to the provisions of Section 213A
6172 of the 1890 Constitution of the State of Mississippi.

6173 (f) "Intellectual property" means any formula, pattern,
6174 compilation, program, device, method, technique or process created
6175 primarily as a result of the research effort of an employee or
6176 employees of an institution of higher learning of the State of
6177 Mississippi.

6178 SECTION 168. Section 37-147-15, Mississippi Code of 1972, is
6179 amended as follows:[LH159]

6180 37-147-15. (1) With the approval of the Commissioner of
6181 Higher Education, any university may form, pursuant to the
6182 provisions of the Mississippi Nonprofit Corporation Act or the
6183 Mississippi Business Corporation Act, one or more research
6184 corporations, separate and apart from the state and the
6185 university, to promote, develop and administer enterprises arising
6186 from research or technological innovations in order to take
6187 advantage of opportunities of scientific, educational and economic
6188 development.

6189 (2) Each such corporation shall be governed by, and all of
6190 the functions, powers and duties of it shall be exercised by, a

6191 board of directors appointed by the president of the university.
6192 Members of the board of directors may include the president of the
6193 university, officers and employees of the university, and other
6194 persons selected by the president of the university. Officers and
6195 employees of the university may have ownership or financial
6196 interests in such corporations.

6197 (3) The board of directors of each such corporation shall
6198 adopt bylaws, in accordance with the provisions of the Mississippi
6199 Nonprofit Corporation Act or the Mississippi Business Corporation
6200 Act, as appropriate, governing the conduct of the corporation in
6201 the performance of its duties under its charter and this act.

6202 SECTION 169. Section 37-149-1, Mississippi Code of 1972, is
6203 amended as follows:[LH160]

6204 37-149-1. (1) There is established within the State
6205 Department of Education, the Mississippi Teacher Center for the
6206 purpose of insuring that the children of our state are taught by
6207 quality professionals. The center shall serve as an interagency
6208 center focused on teacher recruitment, enhanced training and
6209 initial instructional support.

6210 (2) The center shall have a staff which shall consist of one
6211 (1) director, one (1) administrative assistant and professional
6212 teacher recruiters. A steering committee shall be established
6213 which shall consist of one (1) member from each of the following:
6214 the Office of the Commissioner of Higher Education, the State
6215 Board for Community and Junior Colleges, the State Board of
6216 Education, the Board of the Mississippi Association of Independent
6217 Colleges, the Board of the Mississippi Association of Colleges of
6218 Teacher Education, trustees of the local school boards, teachers
6219 and the private sector. The members of the steering committee
6220 shall be appointed by the State Superintendent with the approval
6221 of the board. The steering committee shall direct the work and
6222 establish policies for the purpose of operating the center.

6223 (3) The center shall provide leadership for the following

6224 initiatives:

6225 (a) The initiation and monitoring of high school
6226 programs for teacher recruitment;

6227 (b) The initiation and monitoring of college level
6228 programs for teacher recruitment;

6229 (c) The establishment of a Beginning Teacher/Mentoring
6230 program, as authorized in Sections 37-9-201 through 37-9-213;

6231 (d) The sponsorship of a teacher renewal institute;

6232 (e) The continuation of the Teacher Corps program;

6233 (f) The enhancement of the William Winter Scholarship
6234 program;

6235 (g) Research for the development of professional
6236 teaching standards;

6237 (h) Provide additional scholarships for any targeted
6238 populations needing potential teachers; and

6239 (i) Provide assistance to local school districts in
6240 identifying and locating specific teacher needs.

6241 SECTION 170. Section 37-155-9, Mississippi Code of 1972, is
6242 amended as follows:[LH161]

6243 37-155-9. In addition to the powers granted by any other
6244 provision of this act, the board of directors shall have the
6245 powers necessary or convenient to carry out the purposes and
6246 provisions of this act, the purposes and objectives of the trust
6247 fund and the powers delegated by any other law of the state or any
6248 executive order thereof, including, but not limited to, the
6249 following express powers:

6250 (a) To adopt and amend bylaws;

6251 (b) To adopt such rules and regulations as are
6252 necessary to implement the provisions of this act;

6253 (c) To invest any funds of the trust fund in any
6254 instrument, obligation, security or property that constitutes
6255 legal investments for public funds in the state and to name and
6256 use depositories for its investments and holdings;

6257 (d) To execute contracts and other necessary
6258 instruments;

6259 (e) To impose reasonable requirements for residency for
6260 beneficiaries at the time of purchase of the contract;

6261 (f) To impose reasonable limits on the number of
6262 contract participants in the trust fund at any given period of
6263 time;

6264 (g) To contract for necessary goods and services, to
6265 employ necessary personnel, and to engage the services of
6266 consultants for administrative and technical assistance in
6267 carrying out the responsibilities of the trust fund;

6268 (h) To solicit and accept gifts, including
6269 bequeathments or other testamentary gifts made by will, trust or
6270 other disposition, grants, loans and other aids from any personal
6271 source or to participate in any other way in any federal, state or
6272 local governmental programs in carrying out the purposes of this
6273 act. Any gifts made to the board under this subsection (h) shall
6274 be deductible from taxable income of the state in the tax year;

6275 (i) To define the terms and conditions under which
6276 payments may be withdrawn or refunded from the trust fund
6277 including, but not limited to, the amount paid in and an
6278 additional amount in the nature of interest at a rate that
6279 corresponds, at a minimum, to the prevailing interest rates for
6280 savings accounts provided by banks and savings and loan
6281 associations and impose reasonable charges for such withdrawal or
6282 refund;

6283 (j) To ensure applicability to private and out-of-state
6284 tuitions:

6285 (i) Under the program, a state purchaser may enter
6286 into a prepaid tuition contract with the board under which the
6287 purchaser agrees to attend a public institution of higher
6288 education in Mississippi;

6289 (ii) If the beneficiary of a plan described by

6290 Section 6(a)(b)(c) enrolls in any in-state or out-of-state
6291 regionally accredited private four- or two-year college or an
6292 out-of-state regionally accredited, state-supported, nonprofit
6293 four- or two-year college or university, the board shall pay to
6294 the institution an amount up to but not greater than the tuition
6295 and required fees that the board would have paid had the
6296 beneficiary enrolled in an institution of higher education covered
6297 by the plan selected in the prepaid tuition contract. The
6298 beneficiary is responsible for paying a private institution or an
6299 out-of-state public institution the amount by which the tuition
6300 and required fees of the institution exceed the tuition and
6301 required fees paid by the board;

6302 (k) To impose reasonable time limits on the use of the
6303 tuition benefits provided by the program;

6304 (l) To provide for the receipt of contributions to the
6305 trust fund in lump sums or installment payments;

6306 (m) To adopt an official seal and rules;

6307 (n) To sue and be sued;

6308 (o) To establish agreements or other transactions with
6309 federal, state and local agencies, including state universities
6310 and community colleges;

6311 (p) To appear in its own behalf before boards,
6312 commissions or other governmental agencies;

6313 (q) To segregate contributions and payments to the fund
6314 into various accounts and funds;

6315 (r) To require and collect administrative fees and
6316 charges in connection with any transaction and impose reasonable
6317 penalties, including default, for delinquent payments or for
6318 entering into an advance payment contract on a fraudulent basis;

6319 (s) To procure insurance against any loss in connection
6320 with the property, assets and activities of the fund or the board;

6321 (t) To require that purchasers of advance payment
6322 contracts verify, under oath, any requests for contract

6323 conversions, substitutions, transfers, cancellations, refund
6324 requests or contract changes of any nature;

6325 (u) To administer the fund in a manner that is
6326 sufficiently actuarially sound to meet the obligations of the
6327 program. The board shall annually evaluate or cause to be
6328 evaluated the actuarial soundness of the fund. If the board
6329 perceives a need for additional assets in order to preserve
6330 actuarial soundness, the board may adjust the terms of subsequent
6331 advance payment contracts to ensure such soundness;

6332 (v) To establish a comprehensive investment plan for
6333 the purposes of this section. The comprehensive investment plan
6334 shall specify the investment policies to be utilized by the board
6335 in its administration of the fund. The board may authorize
6336 investments in:

6337 (i) Bonds, notes, certificates and other valid
6338 general obligations of the State of Mississippi, or of any county,
6339 or of any city, or of any supervisors district of any county of
6340 the State of Mississippi, or of any school district bonds of the
6341 State of Mississippi; notes or certificates of indebtedness issued
6342 by the Veterans' Home Purchase Board of Mississippi, provided such
6343 notes or certificates of indebtedness are secured by the pledge of
6344 collateral equal to two hundred percent (200%) of the amount of
6345 the loan, which collateral is also guaranteed at least for fifty
6346 percent (50%) of the face value by the United States government,
6347 and provided that not more than five percent (5%) of the total
6348 investment holdings of the system shall be in Veterans' Home
6349 Purchase Board notes or certificates at any time; real estate
6350 mortgage loans one hundred percent (100%) insured by the Federal
6351 Housing Administration on single family homes located in the State
6352 of Mississippi, where monthly collections and all servicing
6353 matters are handled by Federal Housing Administration approved
6354 mortgagees authorized to make such loans in the State of
6355 Mississippi;

6356 (ii) State of Mississippi highway bonds;

6357 (iii) Funds may be deposited in federally insured
6358 institutions domiciled in the State of Mississippi or a custodial
6359 bank which appears on the State of Mississippi Treasury
6360 Department's approved depository list and/or safekeeper list;

6361 (iv) Corporate bonds of investment grade as rated
6362 by Standard & Poor's or by Moody's Investment Service, with bonds
6363 rated BAA/BBB not to exceed five percent (5%) of the book value of
6364 the total fixed income investments; or corporate short-term
6365 obligations of corporations or of wholly owned subsidiaries of
6366 corporations, whose short-term obligations are rated A-3 or better
6367 by Standard and Poor's or rated P-3 or better by Moody's
6368 Investment Service;

6369 (v) Bonds of the Tennessee Valley Authority;

6370 (vi) Bonds, notes, certificates and other valid
6371 obligations of the United States, and other valid obligations of
6372 any federal instrumentality that issues securities under authority
6373 of an act of Congress and are exempt from registration with the
6374 Securities and Exchange Commission;

6375 (vii) Bonds, notes, debentures and other
6376 securities issued by any federal instrumentality and fully
6377 guaranteed by the United States. Direct obligations issued by the
6378 United States of America shall be deemed to include securities of,
6379 or other interests in, any open-end or closed-end management type
6380 investment company or investment trust registered under the
6381 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
6382 portfolio of such investment company or investment trust is
6383 limited to direct obligations issued by the United States of
6384 America, United States government agencies, United States
6385 government instrumentalities or United States government sponsored
6386 enterprises, and to repurchase agreements fully collateralized by
6387 direct obligations of the United States of America, United States
6388 government agencies, United States government instrumentalities or

6389 United States government sponsored enterprises, and the investment
6390 company or investment trust takes delivery of such collateral for
6391 the repurchase agreement, either directly or through an authorized
6392 custodian. The State Treasurer and the Executive Director of the
6393 Department of Finance and Administration shall review and approve
6394 the investment companies and investment trusts in which funds may
6395 be invested. The total dollar amount of funds invested in all
6396 open-end and closed-end management type investment companies and
6397 investment trusts at any one time shall not exceed twenty percent
6398 (20%) of the total dollar amounts of funds invested;

6399 (viii) Interest-bearing bonds or notes which are
6400 general obligations of any other state in the United States or of
6401 any city or county therein, provided such city or county had a
6402 population as shown by the federal census next preceding such
6403 investment of not less than twenty-five thousand (25,000)
6404 inhabitants and provided that such state, city or county has not
6405 defaulted for a period longer than thirty (30) days in the payment
6406 of principal or interest on any of its general obligation
6407 indebtedness during a period of ten (10) calendar years
6408 immediately preceding such investment;

6409 (ix) Shares of stocks, common and/or preferred, of
6410 corporations created by or existing under the laws of the United
6411 States or any state, district or territory thereof; provided:

6412 (A) The maximum investments in stocks shall
6413 not exceed fifty percent (50%) of the book value of the total
6414 investment fund of the system;

6415 (B) The stock of such corporation shall:

6416 1. Be listed on a national stock
6417 exchange, or

6418 2. Be traded in the over-the-counter
6419 market, provided price quotations for such over-the-counter stocks
6420 are quoted by the National Association of Securities Dealers
6421 Automated Quotation System (NASDAQ);

6422 (C) The outstanding shares of such
6423 corporation shall have a total market value of not less than Fifty
6424 Million Dollars (\$50,000,000.00);

6425 (D) The amount of investment in any one (1)
6426 corporation shall not exceed three percent (3%) of the book value
6427 of the assets of the system; and

6428 (E) The shares of any one (1) corporation
6429 owned by the system shall not exceed five percent (5%) of that
6430 corporation's outstanding stock;

6431 (x) Bonds rated Single A or better, stocks and
6432 convertible securities of established non-United States companies,
6433 which companies are listed on only primary national stock
6434 exchanges of foreign nations; and in foreign government securities
6435 rated Single A or better by a recognized rating agency; provided
6436 that the total book value of investments under this paragraph
6437 shall at no time exceed twenty percent (20%) of the total book
6438 value of all investments of the system. The board may take
6439 requisite action to effectuate or hedge such transactions through
6440 foreign banks, including the purchase and sale, transfer, exchange
6441 or otherwise disposal of, and generally deal in foreign exchange
6442 through the use of foreign currency, interbank forward contracts,
6443 futures contracts, options contracts, swaps and other related
6444 derivative instruments, notwithstanding any other provisions of
6445 this act to the contrary;

6446 (xi) Covered call and put options on securities
6447 traded on one or more of the regulated exchanges;

6448 (xii) Pooled or commingled funds managed by a
6449 corporate trustee or by a Securities and Exchange Commission
6450 registered investment advisory firm retained as an investment
6451 manager by the board of directors, and shares of investment
6452 companies and unit investment trusts registered under the
6453 Investment Company Act of 1940 where such pooled or commingled
6454 funds or shares are comprised of common or preferred stocks,

6455 bonds, money market instruments or other investments authorized
6456 under this section. Such investment in commingled funds or shares
6457 shall be held in trust; provided that the total book value of
6458 investments under this paragraph shall at no time exceed five
6459 percent (5%) of the total book value of all investments of the
6460 system. Any investment manager approved by the board of directors
6461 shall invest such commingled funds or shares as a fiduciary;

6462 (xiii) Pooled or commingled real estate funds or
6463 real estate securities managed by a corporate trustee or by a
6464 Securities and Exchange Commission registered investment advisory
6465 firm retained as an investment manager by the board of directors.

6466 Such investment in commingled funds or shares shall be held in
6467 trust; provided that the total book value of investments under
6468 this paragraph shall at no time exceed five percent (5%) of the
6469 total book value of all investments of the system. Any investment
6470 manager approved by the board of directors shall invest such
6471 commingled funds or shares as a fiduciary. The five percent (5%)
6472 limitation in this paragraph shall not be subject to the five
6473 percent (5%) limitation in subparagraph (xii) of this section;

6474 (w) All investments shall be acquired by the board at
6475 prices not exceeding the prevailing market values for such
6476 securities;

6477 (x) Any limitations herein set forth shall be
6478 applicable only at the time of purchase and shall not require the
6479 liquidation of any investment at any time. All investments shall
6480 be clearly marked to indicate ownership by the system and to the
6481 extent possible shall be registered in the name of the system;

6482 (y) Subject to the above terms, conditions, limitations
6483 and restrictions, the board shall have power to sell, assign,
6484 transfer and dispose of any of the securities and investments of
6485 the system, provided that said sale, assignment or transfer has
6486 the majority approval of the entire board. The board may employ
6487 or contract with investment managers, evaluation services or other

6488 such services as determined by the board to be necessary for the
6489 effective and efficient operation of the system;

6490 (z) Except as otherwise provided herein, no trustee and
6491 no employee of the board shall have any direct or indirect
6492 interest in the income, gains or profits of any investment made by
6493 the board, nor shall any such person receive any pay or emolument
6494 for his services in connection with any investment made by the
6495 board. No trustee or employee of the board shall become an
6496 endorser or surety, or in any manner an obligor for money loaned
6497 by or borrowed from the system;

6498 (aa) All interest derived from investments and any
6499 gains from the sale or exchange of investments shall be credited
6500 by the board to the account of the system;

6501 (bb) To delegate responsibility for administration of
6502 the comprehensive investment plan to a consultant the board
6503 determines to be qualified. Such consultant shall be compensated
6504 by the board. Directly or through such consultant, the board may
6505 contract to provide such services as may be a part of the
6506 comprehensive investment plan or as may be deemed necessary or
6507 proper by the board or such consultant, including, but not limited
6508 to, providing consolidated billing, individual and collective
6509 record keeping and accounting, and asset purchase, control and
6510 safekeeping;

6511 (cc) To annually prepare or cause to be prepared a
6512 report setting forth in appropriate detail an accounting of the
6513 fund and a description of the financial condition of the program
6514 at the close of each fiscal year. Such report shall be submitted
6515 to the Governor, the Lieutenant Governor, the President of the
6516 Senate, the Speaker of the House of Representatives, * * * the
6517 Commissioner of Higher Education, the Junior College Board and the
6518 State Board of Education on or before March 31 each year. In
6519 addition, the board shall make the report available to purchasers
6520 of advance payment contracts. The board shall provide to the

6521 Commissioner of Higher Education and the State Board for Community
6522 and Junior Colleges by March 31 each year complete advance payment
6523 contract sales information including projected postsecondary
6524 enrollments of beneficiaries. The accounts of the fund shall be
6525 subject to annual audits by the State Auditor or his designee;

6526 (dd) To solicit proposals for the marketing of the
6527 Mississippi Prepaid Affordable College Tuition Program. The
6528 entity designated pursuant to this paragraph shall serve as a
6529 centralized marketing agent for the program and shall solely be
6530 responsible for the marketing of the program. Any materials
6531 produced for the purpose of marketing the programs shall be
6532 submitted to the board for review. No such materials shall be
6533 made available to the public before the materials are approved by
6534 the board. Any educational institution may distribute marketing
6535 materials produced for the program; however, all such materials
6536 shall have been approved by the board prior to distribution.

6537 Neither the state nor the board shall be liable for
6538 misrepresentation of the program by a marketing agent; and

6539 (ee) To establish other policies, procedures and
6540 criteria necessary to implement and administer the provisions of
6541 this act.

6542 For efficient and effective administration of the program and
6543 trust fund, the board may authorize the State of Mississippi
6544 Treasury Department and/or the State Treasurer to carry out any or
6545 all of the powers and duties enumerated above.

6546 SECTION 171. Section 37-157-1, Mississippi Code of 1972, is
6547 amended as follows:[LH162]

6548 37-157-1. (1) The tuition at any institution of higher
6549 education in the state shall be paid by the state on behalf of any
6550 student who enrolls in such a school to pursue an academic
6551 undergraduate degree, who applies for the payment thereof, and who
6552 meets all of the following qualifications:

6553 (a) Actual residence in Mississippi during the

6554 twenty-four (24) months immediately preceding university
6555 enrollment. For the purposes of this paragraph, residency shall
6556 be demonstrated by proof of the following as required by the
6557 administering agency:

6558 (i) If registered to vote, being registered in
6559 Mississippi.

6560 (ii) If licensed to drive a motor vehicle, being
6561 in possession of a Mississippi driver's license.

6562 (iii) If owning a motor vehicle located within
6563 Mississippi, being in possession of Mississippi registration for
6564 that vehicle.

6565 (iv) If earning an income, having filed a
6566 Mississippi state income tax return and having complied with state
6567 income tax laws and regulations.

6568 (b) Having a parent or guardian who is a domiciliary of
6569 Mississippi.

6570 (c) Graduation from high school within the two (2)
6571 years preceding the application with a minimum cumulative grade
6572 point average of 2.5 calculated on a 4.0 scale.

6573 (d) Successful completion of seventeen and one-half
6574 (17-1/2) units of high school course work (Grade 9 level or
6575 higher) which constitutes a core curriculum and meets standards
6576 for admission to the desired college or university. The core
6577 curriculum is defined as follows:

6578 (i) English I, II, III and IV (four (4) units).

6579 (ii) Algebra I and II (two (2) units).

6580 (iii) Geometry, Trigonometry, Calculus or
6581 comparable Advanced Mathematics (one (1) unit).

6582 (iv) Biology (one (1) unit).

6583 (v) Chemistry (one (1) unit).

6584 (vi) Earth Science, Environmental Science,
6585 Physical Science, Biology II, Chemistry II or Physics (one (1)
6586 unit).

6587 (vii) American History (one (1) unit).

6588 (viii) World History, World Cultures, Western
6589 Civilization or World Geography (one (1) unit).

6590 (ix) Civics and/or Economics (one (1) unit).

6591 (x) Fine Arts Survey (one (1) unit; or substitute
6592 two (2) units of performance courses in music, dance or theater;
6593 or substitute two (2) units of studio art courses).

6594 (xi) Foreign Language (two (2) units in a single
6595 language).

6596 (xii) Computer Science, Computer Literacy or Data
6597 Processing (one-half (1/2) unit).

6598 (xiii) Electives from the above (one (1) unit).

6599 (e) Having a composite score on the American College
6600 Test of at least twenty (20) on the 1989 version or an equivalent
6601 concordant value on an enhanced version of such test.

6602 (f) Having no criminal record, except for misdemeanor
6603 traffic violations.

6604 (g) Being in financial need.

6605 (2) For purposes of this section:

6606 (a) "Institution of higher education" shall mean any of
6607 the following institutions of higher learning or community or
6608 junior colleges located in Mississippi: Alcorn State University,
6609 Delta State University, Jackson State University, Mississippi
6610 State University, Mississippi University for Women, Mississippi
6611 Valley State University, University of Mississippi, University of
6612 Southern Mississippi, Coahoma Community College, Copiah-Lincoln
6613 Community College, East Central Community College, East
6614 Mississippi Community College, Hinds Community College, Holmes
6615 Community College, Itawamba Community College, Jones County Junior
6616 College, Meridian Community College, Mississippi Delta Community
6617 College, Mississippi Gulf Coast Community College, Northeast
6618 Mississippi Community College, Northwest Mississippi Community
6619 College, Pearl River Community College, Southwest Mississippi

6620 Community College, Belhaven College, Blue Mountain College,
6621 Millsaps College, Mississippi College, Rust College, Tougaloo
6622 College, William Carey College, Mary Holmes College, Magnolia
6623 Bible College and Wood College.

6624 (b) "Tuition" shall mean the semester or trimester or
6625 term charges and all required fees imposed by an institution of
6626 higher education as a condition of enrollment by all students.
6627 However, for a two-year nonpublic institution of higher education
6628 defined in paragraph (a), the tuition payments shall not exceed
6629 the average charges and fees required by all of the two-year
6630 public institutions of higher education defined in paragraph (a),
6631 and for a four-year nonpublic institution of higher education
6632 defined in paragraph (a), the tuition payments shall not exceed
6633 the average charges and fees required by all of the four-year
6634 public institutions of higher education defined in paragraph (a).

6635 (3) The tuition at any institution of higher education in
6636 the state shall be paid by the state on behalf of any student who
6637 enrolls in such a school to pursue an academic undergraduate or
6638 associate degree, who applies for the payment thereof, and who
6639 meets the qualifications enumerated in paragraphs (a), (b), (f)
6640 and (g) of subsection (1) but who fails to meet one (1) of the
6641 particular requirements established by paragraph (c), (d) or (e)
6642 of subsection (1) by an amount of ten percent (10%) or less.

6643 (4) To maintain continued state payment of tuition, once
6644 enrolled in an institution of higher education, a student shall
6645 meet all of the following requirements:

6646 (a) Make steady academic progress toward a degree,
6647 earning not less than the minimum number of hours of credit
6648 required for full-time standing in each academic period requiring
6649 such enrollment;

6650 (b) Maintain continuous enrollment for not less than
6651 two (2) semesters or three (3) quarters in each successive
6652 academic year, unless granted an exception for cause by the

6653 administering agency;

6654 (c) Have a cumulative grade point average of at least
6655 2.5 calculated on a 4.0 scale at the end of the first academic
6656 year and thereafter maintain such a cumulative grade point average
6657 as evaluated at the end of each academic year;

6658 (d) Have no criminal record, except for misdemeanor
6659 traffic violations; and

6660 (e) Be found to be in financial need.

6661 (5) The provisions of this chapter shall be administered by
6662 the Commissioner of Higher Education in conjunction with the State
6663 Board for Community and Junior Colleges. The board may provide by
6664 rule for all matters necessary for the implementation of this
6665 chapter.

6666 (6) By rule, the board shall provide for:

6667 (a) A mechanism for informing all students of the
6668 availability of the assistance provided pursuant to this chapter
6669 early enough in their schooling that a salutary motivational
6670 effect is possible.

6671 (b) Applications, forms, financial audit procedures,
6672 eligibility and other program audit procedures and other matters
6673 related to efficient operation.

6674 (c) A procedure for waiver through the 1996-1997
6675 academic year of the program eligibility requirement for
6676 successful completion of a specified core curriculum upon proper
6677 documentation by the applicant that failure to comply with such
6678 requirement is due solely to the fact that the required course or
6679 courses were not available to the applicant at the school
6680 attended.

6681 (7) An applicant shall be found to be in financial need if:

6682 (a) The family has one (1) child under the age of
6683 twenty-one (21), and the two-year average annual adjusted gross
6684 income of the family is less than Thirty-six Thousand Five Hundred
6685 Dollars (\$36,500.00); or

6686 (b) The family has a two-year average annual adjusted
6687 gross income of less than Thirty-six Thousand Five Hundred Dollars
6688 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
6689 additional child under the age of twenty-one (21).

6690 The two-year average annual adjusted gross income of the
6691 family shall be verified by Internal Revenue Service returns or by
6692 certified affidavits in cases of income that cannot be verified by
6693 such returns.

6694 As used in this subsection, the term "family" for an
6695 unemancipated applicant means the applicant, the applicant's
6696 parents, and other children under age twenty-one (21) of the
6697 applicant's parents. The term "family" for an emancipated
6698 applicant means the applicant, an applicant's spouse, and any
6699 children under age twenty-one (21) of the applicant and spouse.

6700 (8) An appropriation of funds may annually be made to the
6701 board sufficient to cover, in addition to any other available
6702 funds, the costs of tuition required to be paid, both initial and
6703 continuing, for the coming academic year. All such payments shall
6704 be made directly to the institution to which such tuition is due
6705 after notice to the school that the state shall pay the tuition of
6706 a student and after notice from the school that the student has
6707 actually enrolled.

6708 (9) The board may seek, accept and expend funds from any
6709 source, including private business, industry, foundations and
6710 other groups as well as any federal or other governmental funding
6711 available for this purpose.

6712 (10) No student shall receive a grant pursuant to this
6713 chapter in an amount greater than the tuition charged by the
6714 school. The student must apply for a federal grant prior to
6715 receiving state funds.

6716 SECTION 172. Section 37-157-3, Mississippi Code of 1972, is
6717 amended as follows:[LH163]

6718 37-157-3. There is hereby created in the State Treasury a

6719 special trust fund to be known as the Student Tuition Assistance
6720 Trust Fund. The trust fund shall consist of all monies designated
6721 by the Legislature for deposit therein and any gift, donation,
6722 bequest, trust, grant, endowment, transfer of money or securities,
6723 or any other monies from any source whatsoever, designated for
6724 deposit in the trust fund.

6725 The principal of the trust fund shall remain inviolate and
6726 shall be invested by the State Treasurer in the same manner as
6727 provided by Section 27-105-33, Mississippi Code of 1972, for the
6728 investment of excess state funds. Interest and income derived
6729 from investment of the principal of the trust fund shall be
6730 appropriated by the Legislature to the Commissioner of Higher
6731 Education for expenditure as provided in this chapter.

6732 SECTION 173. Section 37-159-3, Mississippi Code of 1972, is
6733 amended as follows:[LH164]

6734 37-159-3. (1) There is established the "Critical Needs
6735 Teacher Scholarship Program," the purpose of which is to attract
6736 qualified teachers to those geographical areas of the state where
6737 there exists a critical shortage of teachers by awarding full
6738 scholarships to persons declaring an intention to serve in the
6739 teaching field who actually render service to the state while
6740 possessing an appropriate teaching license.

6741 (2) Any individual who is enrolled in or accepted for
6742 enrollment at a baccalaureate degree-granting institution of
6743 higher learning whose teacher education program is approved by the
6744 State Board of Education or at an accredited, nonprofit community
6745 or junior college in the State of Mississippi who expresses in
6746 writing an intention to teach in a geographical area of the state
6747 in which there exists a critical shortage of teachers, as
6748 designated by the State Board of Education, shall be eligible for
6749 a financial scholarship to be applied toward the costs of the
6750 individual's college education. The annual amount of the award
6751 shall be equal to the total cost for tuition, room and meals,

6752 books, materials and fees at the college or university in which
6753 the student is enrolled, not to exceed an amount equal to the
6754 highest total cost of tuition, room and meals, books, materials
6755 and fees assessed by a state institution of higher learning during
6756 that school year. Awards made to nonresidents of the state shall
6757 not include any amount assessed by the college or university for
6758 out-of-state tuition.

6759 (3) Awards granted under the Critical Needs Teacher
6760 Scholarship Program shall be available to both full-time and
6761 part-time students. Students enrolling on a full-time basis may
6762 receive a maximum of four (4) annual awards. The maximum number
6763 of awards that may be made to students attending school on a
6764 part-time basis, and the maximum time period for part-time
6765 students to complete the number of academic hours necessary to
6766 obtain a baccalaureate degree in education, shall be established
6767 by rules and regulations jointly promulgated by the Commissioner
6768 of Higher Education and the State Board of Education. Critical
6769 Needs Teacher Scholarships shall not be based upon an applicant's
6770 eligibility for financial aid.

6771 (4) Except in those cases where employment positions may not
6772 be available upon completion of licensure requirements, at the
6773 beginning of the first school year in which a recipient of a
6774 Critical Needs Teacher Scholarship is eligible for employment as a
6775 licensed teacher, that person shall begin to render service as a
6776 licensed teacher in a public school district in a geographical
6777 area of the state where there is a critical shortage of teachers,
6778 as approved by the State Board of Education. Any person who
6779 received four (4) annual awards, or the equivalent of four (4)
6780 annual awards, shall render three (3) years' service as a licensed
6781 teacher. Any person who received fewer than four (4) annual
6782 awards, or the equivalent of four (4) annual awards, shall render
6783 one (1) year's service as a licensed teacher for each year that
6784 the person received a full-time student scholarship, or for the

6785 number of academic hours equivalent to one (1) school year, as
6786 determined by the Commissioner of Higher Education, which a
6787 part-time student received a scholarship.

6788 (5) Any person failing to complete a program of study which
6789 will enable that person to become a licensed teacher shall become
6790 liable immediately to the Commissioner of Higher Education for the
6791 sum of all Critical Needs Teacher Scholarship awards made to that
6792 person, plus interest accruing at the current Stafford Loan rate
6793 at the time the person abrogates his participation in the program.

6794 Any person failing to complete his teaching obligation, as
6795 required under subsection (4) of this section, shall become liable
6796 immediately to the commissioner for the sum of all scholarship
6797 awards made to that person less the corresponding amount of any
6798 awards for which service has been rendered, plus interest accruing
6799 at the current Stafford Loan rate at the time the person
6800 discontinues his service, except in the case of a deferral of debt
6801 for cause by the State Board of Education when there is no
6802 employment position immediately available upon a teacher's
6803 completion of licensure requirements. After the period of such
6804 deferral, such person shall begin or resume teaching duties as
6805 required under subsection (4) or shall become liable to the
6806 commissioner under this subsection. If a claim for payment under
6807 this subsection is placed in the hands of an attorney for
6808 collection, the obligor shall be liable for an additional amount
6809 equal to a reasonable attorney's fee.

6810 (6) The obligations made by the recipient of a Critical
6811 Needs Teacher Scholarship award shall not be voidable by reason of
6812 the age of the student at the time of receiving the scholarship.

6813 (7) The Commissioner of Higher Education and the State Board
6814 of Education shall jointly promulgate rules and regulations
6815 necessary for the proper administration of the Critical Needs
6816 Teacher Scholarship Program. The commissioner shall be the
6817 administrator of the program.

6818 (8) If insufficient funds are available to fully fund
6819 scholarship awards to all eligible students, the commissioner
6820 shall make the awards to first-time students on a first-come,
6821 first-served basis; however, priority consideration shall be given
6822 to persons previously receiving awards under the Critical Needs
6823 Teacher Scholarship Program.

6824 (9) All funds received by the Commissioner of Higher
6825 Education from the repayment of scholarship awards by program
6826 participants shall be deposited in the Mississippi Critical
6827 Teacher Shortage Fund.

6828 SECTION 174. Section 37-159-15, Mississippi Code of 1972, is
6829 amended as follows:[LH165]

6830 37-159-15. The State Department of Education and the
6831 Commissioner of Higher Education shall jointly prepare an annual
6832 report for the Legislature, to be submitted by December 1 of each
6833 year beginning in 1998, which shall assess the impact of the
6834 teacher recruitment incentive programs authorized under House Bill
6835 No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the
6836 employment of licensed teachers in critical teacher shortage
6837 areas. The report shall include, at a minimum, the numbers of
6838 persons who have participated in each of the programs each year,
6839 and the numbers of persons who have participated in the programs
6840 who have rendered service as teachers in critical teacher shortage
6841 areas each year by school district.

6842 SECTION 175. Section 41-13-15, Mississippi Code of 1972, is
6843 amended as follows:[LH166]

6844 41-13-15. (1) Any county and/or any political or judicial
6845 subdivision of a county and/or any municipality of the State of
6846 Mississippi, acting individually or jointly, may acquire and hold
6847 real estate for a community hospital either recognized and/or
6848 licensed as such by either the State of Mississippi or the United
6849 States government, and may, after complying with applicable health
6850 planning and licensure statutes, construct a community hospital

6851 thereon and/or appropriate funds according to the provisions of
6852 this chapter for the construction, remodeling, maintaining,
6853 equipping, furnishing and expansion of such facilities by the
6854 board of trustees upon such real estate.

6855 (2) Where joint ownership of a community hospital is
6856 involved, the owners are hereby authorized to contract with each
6857 other for determining the pro rata ownership of such community
6858 hospital, the proportionate cost of maintenance and operation, and
6859 the proportionate financing that each will contribute to the
6860 community hospital.

6861 (3) The owners may likewise contract with each other, or on
6862 behalf of any subordinate political or judicial subdivision, or
6863 with the board of trustees of a community hospital, and/or any
6864 agency of the State of Mississippi or the United States
6865 government, for necessary purposes related to the establishment,
6866 operation or maintenance of community hospitals and related
6867 programs wherever located, and may either accept from, sell or
6868 contribute to the other entities, monies, personal property or
6869 existing health facilities. The owners or the board of trustees
6870 may also receive monies, property or any other valuables of any
6871 kind through gifts, donations, devises or other recognized means
6872 from any source for the purpose of hospital use.

6873 (4) Owners and boards of trustees, acting jointly or
6874 severally, may acquire and hold real estate for offices for
6875 physicians and other health care practitioners and related health
6876 care or support facilities, provided that any contract for the
6877 purchase of real property must be ratified by the owner, and may
6878 thereon construct and equip, maintain and remodel or expand such
6879 offices and related facilities, and the board of trustees may
6880 lease same to members of the hospital staff or others at a rate
6881 deemed to be in the best interest of the community hospital.

6882 (5) If any political or judicial subdivision of a county is
6883 obligated hereunder, the boundaries of such district shall not be

6884 altered in such a manner as to relieve any portion thereof of its
6885 obligation hereunder.

6886 (6) Owners may convey to any other owner any or all
6887 property, real or personal, comprising any existing community
6888 hospital, including related facilities, wherever located, owned by
6889 such conveying owner. Such conveyance shall be upon such terms
6890 and conditions as may be agreed upon and may make such provisions
6891 for transfers of operating funds and/or for the assumption of
6892 liabilities of the community hospital as may be deemed appropriate
6893 by the respective owners.

6894 (7) (a) Except as provided for in subsection (11) of this
6895 section, owners may lease all or part of the property, real or
6896 personal, comprising a community hospital, including any related
6897 facilities, wherever located, and/or assets of such community
6898 hospital, to any individual, partnership or corporation, whether
6899 operating on a nonprofit basis or on a profit basis, or to the
6900 board of trustees of such community hospital or any other owner or
6901 board of trustees, subject to the applicable provisions of
6902 subsections (8), (9) and (10) of this section. The term of such
6903 lease shall not exceed fifty (50) years. Such lease shall be
6904 conditioned upon (i) the leased facility continuing to operate in
6905 a manner safeguarding community health interests; (ii) the
6906 proceeds from the lease being first applied against such bonds,
6907 notes or other evidence of indebtedness as are issued pursuant to
6908 Section 41-13-19 as and when they are due, provided that the terms
6909 of the lease shall cover any indebtedness pursuant to Section
6910 41-13-19; and (iii) any surplus proceeds from the lease being
6911 deposited in the general fund of the owner, which proceeds may be
6912 used for any lawful purpose. Such lease shall be subject to the
6913 express approval of the board of trustees of the community
6914 hospital, except in the case where the board of trustees of the
6915 community hospital will be the lessee. However, owners may not
6916 lease any community hospital to the University of Mississippi

6917 Medical Center unless first the University of Mississippi Medical
6918 Center has obtained authority to lease such hospital under
6919 specific terms and conditions from the Board of Trustees of the
6920 University of Mississippi.

6921 If the owner wishes to lease a community hospital without an
6922 option to sell it and the approval of the board of trustees of the
6923 community hospital is required but is not given within thirty (30)
6924 days of the request for its approval by the owner, then the owner
6925 may enter such lease as described herein on the following
6926 conditions: A resolution by the owner describing its intention to
6927 enter such lease shall be published once a week for at least three
6928 (3) consecutive weeks in at least one (1) newspaper published in
6929 the county or city, as the case may be, or if none be so
6930 published, in a newspaper having a general circulation therein.
6931 The first publication of such notice shall be made not less than
6932 twenty-one (21) days prior to the date fixed in such resolution
6933 for the lease of the community hospital and the last publication
6934 shall be made not more than seven (7) days prior to such date.
6935 If, on or prior to the date fixed in such resolution for the lease
6936 of the community hospital, there shall be filed with the clerk of
6937 the owner a petition signed by twenty percent (20%) or fifteen
6938 hundred (1500), whichever is less, of the qualified voters of such
6939 owner, requesting that an election be called and held on the
6940 question of the lease of the community hospital, then it shall be
6941 the duty of the owner to call and provide for the holding of an
6942 election as petitioned for. In such case, no such lease shall be
6943 entered into unless authorized by the affirmative vote of the
6944 majority of the qualified voters of such owner who vote on the
6945 proposition at such election. Notice of such election shall be
6946 given by publication in like manner as hereinabove provided for
6947 the publication of the initial resolution. Such election shall be
6948 conducted and the return thereof made, canvassed and declared as
6949 nearly as may be in like manner as is now or may hereafter be

6950 provided by law in the case of general elections in such owner.
6951 If, on or prior to the date fixed in the owner's resolution for
6952 the lease of the community hospital, no such petition as described
6953 above is filed with the clerk of the owner, then the owner may
6954 proceed with the lease subject to the other requirements of this
6955 section. Subject to the above conditions, the lease agreement
6956 shall be upon such terms and conditions as may be agreed upon and
6957 may make such provision for transfers of tangible and intangible
6958 personal property and operating funds and/or for the assumption of
6959 liabilities of the community hospital and for such lease payments,
6960 all as may be deemed appropriate by the owners.

6961 (b) Owners may sell and convey all or part of the
6962 property, real or personal, comprising a community hospital,
6963 including any related facilities, wherever located, and/or assets
6964 of such community hospital, to any individual, partnership or
6965 corporation, whether operating on a nonprofit basis or on a profit
6966 basis, or to the board of trustees of such community hospital or
6967 any other owner or board of trustees, subject to the applicable
6968 provisions of subsections (8) and (10) of this section. Such sale
6969 and conveyance shall be upon such terms and conditions as may be
6970 agreed upon by the owner and the purchaser that are consistent
6971 with the requirements of this section, and the parties may make
6972 such provisions for the transfer of operating funds or for the
6973 assumption of liabilities of the facility, or both, as they deem
6974 appropriate. However, such sale and conveyance shall be
6975 conditioned upon (i) the facility continuing to operate in a
6976 manner safeguarding community health interests; (ii) the proceeds
6977 from such sale being first applied against such bonds, notes or
6978 other evidence of indebtedness as are issued pursuant to Section
6979 41-13-19 as and when they are due, provided that the terms of the
6980 sale shall cover any indebtedness pursuant to Section 41-13-19;
6981 and (iii) any surplus proceeds from the sale being deposited in
6982 the general fund of the owner, which proceeds may be used for any

6983 lawful purpose. However, owners may not sell or convey any
6984 community hospital to the University of Mississippi Medical Center
6985 unless first the University of Mississippi Medical Center has
6986 obtained authority to purchase such hospital under specific terms
6987 and conditions from the Board of Trustees of the University of
6988 Mississippi.

6989 (8) Whenever any owner decides that it may be in its best
6990 interests to sell or lease a community hospital as provided for
6991 under subsection (7) of this section, the owner shall first
6992 contract with a certified public accounting firm, a law firm or
6993 competent professional health care or management consultants to
6994 review the current operating condition of the community hospital.
6995 The review shall consist of, at minimum, the following:

6996 (a) A review of the community's inpatient facility
6997 needs based on current workload, historical trends and
6998 projections, based on demographic data, of future needs.

6999 (b) A review of the competitive market for services,
7000 including other hospitals which serve the same area, the services
7001 provided and the market perception of the competitive hospitals.

7002 (c) A review of the hospital's strengths relative to
7003 the competition and its capacity to compete in light of projected
7004 trends and competition.

7005 (d) An analysis of the hospital's options, including
7006 service mix and pricing strategies. If the study concludes that a
7007 sale or lease should occur, the study shall include an analysis of
7008 which option would be best for the community and how much revenues
7009 should be derived from the lease or sale.

7010 (9) After the review and analysis under subsection (8) of
7011 this section, an owner may choose to sell or lease the community
7012 hospital. If an owner chooses to sell such hospital or lease the
7013 hospital with an option to sell it, the owner shall follow the
7014 procedure specified in subsection (10) of this section. If an
7015 owner chooses to lease the hospital without an option to sell it,

7016 it shall first spread upon its minutes why such a lease is in the
7017 best interests of the persons living in the area served by the
7018 facility to be leased, and it shall make public any and all
7019 findings and recommendations made in the review required under
7020 proposals for the lease, which shall state clearly the minimum
7021 required terms of all respondents and the evaluation process that
7022 will be used when the owner reviews the proposals. The owner
7023 shall lease to the respondent submitting the highest and best
7024 proposal. In no case may the owner deviate from the process
7025 provided for in the request for proposals.

7026 (10) If an owner wishes to sell such community hospital or
7027 lease the hospital with an option to sell it, the owner first
7028 shall conduct a public hearing on the issue of the proposed sale
7029 or lease with an option to sell the hospital. Notice of the date,
7030 time, location and purpose of the public hearing shall be
7031 published once a week for at least three (3) consecutive weeks in
7032 at least one (1) newspaper published in the county or city, as the
7033 case may be, or if none be so published, in a newspaper having a
7034 general circulation therein. The first publication of the notice
7035 shall be made not less than twenty-one (21) days before the date
7036 of the public hearing and the last publication shall be made not
7037 more than seven (7) days before that date. If, after the public
7038 hearing, the owner chooses to sell or lease with an option to sell
7039 the hospital, the owner shall adopt a resolution describing its
7040 intention to sell or lease with an option to sell the hospital,
7041 which shall include the owner's reasons why such a sale or lease
7042 is in the best interests of the persons living in the area served
7043 by the facility to be sold or leased. The owner then shall
7044 publish a copy of the resolution; the requirements for proposals
7045 for the sale or lease with an option to sell the hospital, which
7046 shall state clearly the minimum required terms of all respondents
7047 and the evaluation process that will be used when the owner
7048 reviews the proposals; and the date proposed by the owner for the

7049 sale or lease with an option to sell the hospital. Such
7050 publication shall be made once a week for at least three (3)
7051 consecutive weeks in at least one (1) newspaper published in the
7052 county or city, as the case may be, or if none be so published, in
7053 a newspaper having a general circulation therein. The first
7054 publication of the notice shall be made not less than twenty-one
7055 (21) days before the date proposed for the sale or lease with an
7056 option to sell the hospital and the last publication shall be made
7057 not more than seven (7) days before that date. If, on or before
7058 the date proposed for the sale or lease of the hospital, there is
7059 filed with the clerk of the owner a petition signed by twenty
7060 percent (20%) or fifteen hundred (1500), whichever is less, of the
7061 qualified voters of the owner, requesting that an election be
7062 called and held on the question of the sale or lease with an
7063 option to sell the hospital, then it shall be the duty of the
7064 owner to call and provide for the holding of an election as
7065 petitioned for. In that case, no such sale or lease shall be
7066 entered into unless authorized by the affirmative vote of the
7067 majority of the qualified voters of the owner who vote on the
7068 proposition at such election. Notice of the election shall be
7069 given by publication in the same manner as provided for the
7070 publication of the initial resolution. The election shall be
7071 conducted and the return thereof made, canvassed and declared in
7072 the same manner as provided by law in the case of general
7073 elections in the owner. If, on or before the date proposed for
7074 the sale or lease of the hospital, no such petition is filed with
7075 the clerk of the owner, then the owner may sell or lease with an
7076 option to sell the hospital. Such sale or lease shall be made to
7077 the respondent submitting the highest and best proposal. In no
7078 case may the owner deviate from the process provided for in the
7079 request for proposals.

7080 (11) A lessee of a community hospital, under a lease entered
7081 into under the authority of Section 41-13-15, in effect prior to

7082 July 15, 1993, or an affiliate thereof, may extend or renew such
7083 lease whether or not an option to renew or extend the lease is
7084 contained in the lease, for a term not to exceed fifteen (15)
7085 years, conditioned upon (a) the leased facility continuing to
7086 operate in a manner safeguarding community health interest; (b)
7087 proceeds from the lease being first applied against such bonds,
7088 notes or other evidence of indebtedness as are issued pursuant to
7089 Section 41-13-19; (c) surplus proceeds from the lease being used
7090 for health related purposes; (d) subject to the express approval
7091 of the board of trustees of the community hospital; and (e)
7092 subject to the express approval of the owner. If no board of
7093 trustees is then existing, the owner shall have the right to enter
7094 into a lease upon such terms and conditions as agreed upon by the
7095 parties. Any lease entered into under this subsection (11) may
7096 contain an option to purchase the hospital, on such terms as the
7097 parties shall agree.

7098 SECTION 176. Section 41-87-5, Mississippi Code of 1972, is
7099 amended as follows:[LH167]

7100 41-87-5. Unless the context requires otherwise, the
7101 following definitions in this section apply throughout this
7102 chapter:

7103 (a) "Eligible infants and toddlers" or "eligible
7104 children" means children from birth through thirty-six (36) months
7105 of age who need early intervention services because they:

7106 (i) Are experiencing developmental delays as
7107 measured by appropriate diagnostic instruments and procedures in
7108 one or more of the following areas:

7109 (A) Cognitive development;

7110 (B) Physical development, including vision or
7111 hearing;

7112 (C) Communication development;

7113 (D) Social or emotional development;

7114 (E) Adaptive development.

7115 (ii) Have a diagnosed physical or mental
7116 condition, as defined in state policy, that has a high probability
7117 of resulting in developmental delay.

7118 (iii) Are at risk of having substantial
7119 developmental delays if early intervention services are not
7120 provided due to conditions as defined in state policy. (This
7121 category may be served at the discretion of the lead agency
7122 contingent upon available resources.)

7123 (b) "Early intervention services" are developmental
7124 services that:

7125 (i) Are provided under public supervision;

7126 (ii) Are provided at no cost except where federal
7127 or state law provides for a system of payments by families,
7128 including a schedule of sliding fees;

7129 (iii) Are designed to meet the developmental needs
7130 of an infant or toddler with a disability in any one or more of
7131 the following areas:

7132 (A) Physical development;

7133 (B) Cognitive development;

7134 (C) Communication development;

7135 (D) Social or emotional development; or

7136 (E) Adaptive development;

7137 (iv) Meet the requirements of Part H of the
7138 Individuals with Disabilities Education Act (IDEA) and the early
7139 intervention standards of the State of Mississippi;

7140 (v) Include, but are not limited to, the following
7141 services:

7142 (A) Assistive technology devices and
7143 assistive technology services;

7144 (B) Audiology;

7145 (C) Family training, counseling and home
7146 visits;

7147 (D) Health services necessary to enable a

7148 child to benefit from other early intervention services;
7149 (E) Medical services only for diagnostic or
7150 evaluation purposes;
7151 (F) Nutrition services;
7152 (G) Occupational therapy;
7153 (H) Physical therapy;
7154 (I) Psychological services;
7155 (J) Service coordination (case management);
7156 (K) Social work services;
7157 (L) Special instruction;
7158 (M) Speech-language pathology;
7159 (N) Transportation and related costs that are
7160 necessary to enable an infant or toddler and her/his family to
7161 receive early intervention services; and
7162 (O) Vision services;
7163 (vi) Are provided by qualified personnel as
7164 determined by the state's personnel standards, including:
7165 (A) Audiologists;
7166 (B) Family therapists;
7167 (C) Nurses;
7168 (D) Nutritionists;
7169 (E) Occupational therapists;
7170 (F) Orientation and mobility specialists;
7171 (G) Pediatricians and other physicians;
7172 (H) Physical therapists;
7173 (I) Psychologists;
7174 (J) Social workers;
7175 (K) Special educators;
7176 (L) Speech and language pathologists;
7177 (vii) Are provided, to the maximum extent
7178 appropriate, in natural environments, including the home, and
7179 community settings in which children without disabilities would
7180 participate;

7181 (viii) Are provided in conformity with an
7182 individualized family service plan.

7183 (c) "Council" means the State Interagency Coordinating
7184 Council established under Section 41-87-7.

7185 (d) "Lead agency" means the State Department of Health.

7186 (e) "Participating agencies" includes, but is not
7187 limited to, the State Department of Education, the Department of
7188 Human Services, the State Department of Health, the Division of
7189 Medicaid, the State Department of Mental Health, the University
7190 Medical Center, the board of trustees of each state institution of
7191 higher learning and the State Board for Community and Junior
7192 Colleges.

7193 (f) "Local community" means a county either jointly,
7194 severally, or a portion thereof, participating in the provision of
7195 early intervention services.

7196 (g) "Primary service agency" means the agency, whether
7197 a state agency, local agency, local interagency council or service
7198 provider which is designated by the lead agency to serve as the
7199 fiscal and contracting agent for a local community.

7200 (h) "Multidisciplinary team" means a group comprised of
7201 the parent(s) or legal guardian and the service providers, as
7202 appropriate, described in paragraph (b) of this section, who are
7203 assembled for the purposes of:

7204 (i) Assessing the developmental needs of an infant
7205 or toddler;

7206 (ii) Developing the individualized family service
7207 plan; and

7208 (iii) Providing the infant or toddler and his or
7209 her family with the appropriate early intervention services as
7210 detailed in the individualized family service plan.

7211 (i) "Individualized family service plan" means a
7212 written plan designed to address the needs of the infant or
7213 toddler and his or her family as specified under Section 41-87-13.

7214 (j) "Early intervention standards" means those
7215 standards established by any agency or agencies statutorily
7216 designated the responsibility to establish standards for infants
7217 and toddlers with disabilities, in coordination with the council
7218 and in accordance with Part H of IDEA.

7219 (k) "Early intervention system" means the total
7220 collaborative effort in the state that is directed at meeting the
7221 needs of eligible children and their families.

7222 (l) "Parent" means a parent, a guardian, a person
7223 acting as a parent of a child, or an appointed surrogate parent.
7224 The term does not include the state if the child is a ward of the
7225 state. When a child is the ward of the state, a Department of
7226 Human Services representative will act as parent for purposes of
7227 service authorization.

7228 (m) "Policies" means the state statutes, regulations,
7229 Governor's orders, directives by the lead agency, or other written
7230 documents that represent the state's position concerning any
7231 matter covered under this chapter.

7232 (n) "Regulations" means the United States Department of
7233 Education's regulations concerning the governance and
7234 implementation of Part H of IDEA, the Early Intervention Program
7235 for Infants and Toddlers with Disabilities.

7236 SECTION 177. Section 43-55-5, Mississippi Code of 1972, is
7237 amended as follows:[LH168]

7238 43-55-5. (1) Members of the Commission for Volunteer
7239 Service shall be appointed by the Governor. The commission shall
7240 consist of no fewer than fifteen (15) and no more than twenty-five
7241 (25) members.

7242 (2) The commission members shall include as voting members,
7243 except as otherwise indicated, at least one (1) of each of the
7244 following:

7245 (a) An individual with expertise in the educational,
7246 training, and developmental needs of youth, particularly

7247 disadvantaged youth.

7248 (b) An individual with experience in promoting service
7249 and volunteerism among older adults.

7250 (c) A representative of a community-based agency.

7251 (d) The superintendent of the State Department of
7252 Education, or his or her designee.

7253 (e) A representative of local government.

7254 (f) A representative of local labor organizations.

7255 (g) A representative of business.

7256 (h) An individual between the ages of sixteen (16) and
7257 twenty-five (25) who is a participant or supervisor in a program
7258 as defined in Section 101 of Title I, 42 USCS 12511.

7259 (i) A representative of a national service program
7260 described in Section 122(a) of Title I, 42 USCS 12572.

7261 (j) The employee of the corporation designated under
7262 Section 195 of Title I, 42 USCS 12651f, as the representative of
7263 the corporation in this state, as a nonvoting member.

7264 (3) In addition to the members described in subsection (2),
7265 the commission may include as voting members any of the following:

7266 (a) Local educators.

7267 (b) Experts in the delivery of human, educational,
7268 environmental, or public safety services to communities and
7269 persons.

7270 (c) Representative of Native American tribes.

7271 (d) Out-of-school youth or other at-risk youth.

7272 (e) Representatives of entities that receive assistance
7273 under the Domestic Volunteer Service Act of 1973, Public Law
7274 93-113, 87 Stat. 394.

7275 (f) A member of the board of trustees of a state
7276 institution of higher learning, recommended by the Commissioner of
7277 Higher Education.

7278 (4) Not more than twenty-five percent (25%) of the voting
7279 commission members shall be officers or employees of this state.

7280 The Governor may appoint additional officers or employees of state
7281 agencies operating community service, youth service, education,
7282 social service, senior service, and job training programs, as
7283 nonvoting, ex officio members of the commission.

7284 (5) The Governor shall ensure, to the maximum extent
7285 possible, that the commission membership is diverse with respect
7286 to race, ethnicity, age, gender, and disability characteristics.

7287 (6) Except as provided in this subsection, members of the
7288 commission shall serve for staggered three-year terms expiring on
7289 October 1. The members constituting the Mississippi Commission
7290 for Volunteer Service under Executive Order No. 1994-742 on the
7291 day before the effective date of this chapter shall serve on the
7292 commission for the remainder of the terms for which they were
7293 appointed. Of the additional members, the Governor shall appoint
7294 one-third (1/3) of the initial members for a term of one (1) year;
7295 one-third for a term of two (2) years; and one-third (1/3) for a
7296 term of three (3) years. Following expiration of these initial
7297 terms, all appointments shall be for three-year renewable terms.
7298 Members of the commission may not serve more than two (2)
7299 consecutive terms.

7300 (7) A vacancy on the commission shall be filled in the same
7301 manner as the original appointments, and any member so appointed
7302 shall serve during the remainder of the term for which the vacancy
7303 occurred. The vacancy shall not affect the power of the remaining
7304 commission members to execute the duties of the commission.

7305 SECTION 178. Section 43-55-23, Mississippi Code of 1972, is
7306 amended as follows:[LH169]

7307 43-55-23. (1) The institutions of higher learning and the
7308 Office of the Governor shall provide necessary administrative and
7309 staff support services to the State Commission for Volunteer
7310 Service. Additional support services may be provided, including,
7311 but not limited to, the use of office space, furniture and
7312 equipment, motor vehicles, travel and other related services. The

7313 commission shall employ an executive director, who shall be
7314 initially designated by the Governor. The executive director
7315 shall employ such staff as is necessary to carry out the
7316 provisions of this chapter. Future executive directors shall be
7317 selected by the commission.

7318 (2) The commission may procure information and assistance
7319 from the state or any subdivision, municipal corporation, public
7320 officer, or governmental department or agency thereof. All
7321 agencies, officers, and political subdivisions of the state or
7322 municipal corporations shall provide the office with all relevant
7323 information and reasonable assistance on any matters of research
7324 within their knowledge or control.

7325 (3) The commission may apply for, receive, and expend funds,
7326 grants, and services from local, state, or federal government, or
7327 any of their agencies, or any other public or private sources and
7328 is authorized to use funds derived from these sources for purposes
7329 reasonable and necessary to carry out the purposes of this
7330 chapter. The commission also may expend moneys, upon
7331 appropriation by the Legislature, from the Mississippi Commission
7332 for Volunteer Service Fund created in Section 43-55-29.

7333 (4) The commission shall submit its budget request through
7334 the Commissioner of Higher Education. Such request shall be
7335 submitted by the board of trustees as a separate and distinct
7336 request made on behalf of the commission.

7337 SECTION 179. Section 47-5-401, Mississippi Code of 1972, is
7338 amended as follows:[LH170]

7339 47-5-401. (1) There is hereby authorized, in each county of
7340 the state, a public service work program for state inmates in
7341 custody of the county. Such a program may be established at the
7342 option of the county in accordance with the provisions of Sections
7343 47-5-401 through 47-5-421. The department shall also recommend
7344 rules and regulations concerning the participation of state
7345 inmates in the program.

7346 (2) An inmate shall not be eligible to participate in a work
7347 program established in accordance with the provisions of Sections
7348 47-5-401 through 47-5-421 if he has been convicted of any crime of
7349 violence, including but not limited to murder, aggravated assault,
7350 rape, robbery or armed robbery.

7351 (3) The inmates participating in the work program
7352 established in accordance with the provisions of Sections 47-5-401
7353 through 47-5-421 are restricted to the performance of public
7354 service work for counties, municipalities, the state or nonprofit
7355 charitable organizations, as defined by Section 501(c)(3) of the
7356 Internal Revenue Code of 1986, except that the Classification
7357 Committee of the Department of Corrections must approve all
7358 requests by nonprofit charitable organizations to use offenders to
7359 perform any public service work. Upon request of the board of
7360 trustees of any state institution of higher learning, or the board
7361 of trustees of a county school district, municipal school district
7362 or junior college district, the inmates may be permitted to
7363 perform work for such boards.

7364 SECTION 180. Section 47-5-451, Mississippi Code of 1972, is
7365 amended as follows:[LH171]

7366 47-5-451. (1) There is hereby authorized, in each county of
7367 the state, a public service work program for state inmates in
7368 custody of the county. Such a program may be established at the
7369 option of the county in accordance with the provisions of Sections
7370 47-5-401 through 47-5-421. The department shall also recommend
7371 rules and regulations concerning the participation of state
7372 inmates in the program.

7373 (2) An inmate shall not be eligible to participate in a work
7374 program established in accordance with the provisions of Sections
7375 47-5-401 through 47-5-421, if he has been convicted of any crime
7376 of violence, including but not limited to murder, aggravated
7377 assault, rape, robbery or armed robbery.

7378 (3) The inmates participating in the work program

7379 established in accordance with the provisions of Sections 47-5-401
7380 through 47-5-421, are restricted to the performance of public
7381 service work for counties, municipalities, the state or nonprofit
7382 charitable organizations, as defined by Section 501(c)(3) of the
7383 Internal Revenue Code of 1986, except that the Classification
7384 Committee of the Department of Corrections must approve all
7385 requests by nonprofit charitable organizations to use offenders to
7386 perform any public service work. Upon request of the board of
7387 trustees of any state institution of higher learning, or the board
7388 of trustees of a county school district, municipal school district
7389 or junior college district, the inmates may be permitted to
7390 perform work for such boards.

7391 SECTION 181. Section 49-3-5, Mississippi Code of 1972, is
7392 amended as follows:[LH172]

7393 49-3-5. The Board of Trustees of Mississippi State
7394 University is hereby authorized and directed to establish a
7395 fisheries and wildlife laboratory at Mississippi State University
7396 under the direction of the president and such other administrative
7397 authorities within the university as such board of trustees may
7398 determine.

7399 SECTION 182. Section 49-3-7, Mississippi Code of 1972, is
7400 amended as follows:

7401 49-3-7. The Board of Trustees of Mississippi State
7402 University shall provide for such laboratory such buildings,
7403 equipment, personnel, supplies and service as it shall determine
7404 to be necessary for the proper operation and maintenance of such
7405 laboratory, having due regard for the contributory facilities and
7406 programs already existing at Mississippi State University.

7407 SECTION 183. Section 49-3-11, Mississippi Code of 1972, is
7408 amended as follows:[LH173]

7409 49-3-11. In addition to the appropriations made by the
7410 Mississippi Legislature for the operation and support of the
7411 laboratory, the Board of Trustees of Mississippi State University

7412 is authorized and empowered to receive contributions, donations,
7413 gifts and grants of money and/or property, equipment, materials or
7414 manpower from persons, foundations, trust funds, corporations,
7415 organizations, the federal government or any subdivision thereof,
7416 the state government or any subdivision thereof, to be expended by
7417 the board in carrying out the purposes and objectives of this
7418 chapter.

7419 SECTION 184. Section 55-23-5, Mississippi Code of 1972, is
7420 amended as follows:[LH174]

7421 55-23-5. There is hereby created a commission to be known as
7422 "The Mississippi Veterans Memorial Stadium Commission,"
7423 hereinafter sometimes referred to as the commission, which shall
7424 consist of five (5) members as follows:

7425 (a) One (1) member shall be appointed by the Mayor of
7426 the City of Jackson, Mississippi;

7427 (b) One (1) member shall be selected by the
7428 Commissioner of Higher Education from among the membership of the
7429 boards of trustees of the state institutions of higher learning or
7430 shall be some other person designated by the board; and

7431 (c) Two (2) members shall be appointed by the Governor
7432 from the state at large outside of Hinds County, Mississippi, and
7433 one (1) member shall be appointed by the Governor from Hinds
7434 County, Mississippi. The appointee from Hinds County may be
7435 selected from a list of three (3) persons submitted by the Hinds
7436 County Board of Supervisors to the Governor.

7437 Terms of members shall begin on May 1, 1987, as follows: Of
7438 the members appointed by the Governor, one (1) shall serve for a
7439 term of one (1) year, one (1) for a term of two (2) years and one
7440 (1) for a term of three (3) years; the member appointed by the
7441 Mayor of the City of Jackson shall serve for a term of four (4)
7442 years; and the member representing the board of trustees of a
7443 state institution of higher learning shall serve for a term of
7444 five (5) years. Upon the expiration of the foregoing terms,

7445 members shall serve for terms of five (5) years each. The
7446 appointing authority shall fill any vacancy in the above terms by
7447 appointment of a member for the unexpired term. Members shall be
7448 eligible for reappointment. An appointed member serving on the
7449 commission on April 30, 1987, shall be eligible for appointment to
7450 the commission for a term beginning May 1, 1987, of either one
7451 (1), two (2), three (3), four (4) or five (5) years, if such
7452 member is otherwise qualified. One (1) member of the commission
7453 appointed by the Governor shall be a person knowledgeable in
7454 marketing with at least three (3) years actual experience therein
7455 and one (1) member appointed by the Governor shall be a person of
7456 recognized ability in a trade or business with at least five (5)
7457 years actual experience therein. From and after May 1, 1987, the
7458 name of the commission shall be the "Mississippi Veterans Memorial
7459 Stadium Commission" and any references in Sections 55-23-3 through
7460 55-23-11 to the Mississippi Memorial Stadium Commission or
7461 commission shall mean the Mississippi Veterans Memorial Stadium
7462 Commission unless the context clearly indicates a different
7463 meaning. From and after May 1, 1987, the stadium shall be known
7464 as the "Mississippi Veterans Memorial Stadium." The commission is
7465 authorized to accept donations of money, property or services from
7466 any public or private source to accomplish any physical
7467 replacement or alterations of stadium property necessary to
7468 accomplish the renaming of the stadium.

7469 The members of the commission shall serve without
7470 compensation except that members shall be paid their actual and
7471 necessary expenses in connection with the performance of their
7472 duties as members of the commission, including mileage, as
7473 authorized in Section 25-3-41, Mississippi Code of 1972, plus a
7474 per diem as is authorized by Section 25-3-69, Mississippi Code of
7475 1972, while engaged in the performance of their duties. The
7476 expenses, mileage and per diem allowance shall be paid out of the
7477 Mississippi Veterans Memorial Stadium Fund.

7478 The commission shall elect from its membership a chairman who
7479 shall preside over meetings and a vice chairman who shall preside
7480 in the absence of the chairman. Three (3) members of the
7481 commission shall constitute a quorum for the transaction of any
7482 and all business of the commission.

7483 The powers of the commission shall be exercised by a majority
7484 of the members thereof, but it may delegate to one or more of its
7485 members, or to its agents and employees, such powers and duties as
7486 it may deem proper, and may adopt rules and regulations for the
7487 conduct of its business and affairs. The commission shall
7488 contract with a certified public accounting firm to conduct audits
7489 of concession and novelty sales by vendors at the stadium. The
7490 commission shall, as far as is practicable, provide that the cost
7491 of such audits shall be paid by the vendor of such concessions or
7492 novelties, or both.

7493 The commission shall appoint a director who shall have at
7494 least a bachelor's degree from an accredited university or
7495 college. The director shall have the responsibility for insuring
7496 the marketing of tickets to events conducted in the stadium, in
7497 addition to such other duties as the commission may designate.
7498 Before entering upon the duties of his office, the director shall
7499 give bond to the State of Mississippi in the sum of Fifty Thousand
7500 Dollars (\$50,000.00), and said bond shall be conditioned upon the
7501 faithful discharge and performance of his official duty. The
7502 principal and surety on said bond shall be liable thereunder to
7503 the state for double the amount of value of any money or property
7504 which the state may lose, if any, by reason of any wrongful or
7505 criminal act of said director. Said bond, when approved by the
7506 commission, shall be filed with the Secretary of State, and the
7507 premium thereon shall be paid from the Mississippi Veterans
7508 Memorial Stadium Fund.

7509 SECTION 185. Section 55-23-9, Mississippi Code of 1972, is
7510 amended as follows:[LH175]

7511 55-23-9. The commission shall operate the Mississippi
7512 Veterans Memorial Stadium and to that end may employ such agents
7513 and employees as may be required in connection therewith. It may
7514 enter into contracts for the use of the stadium, and fix the
7515 amount of the compensation therefor, and collect the same when
7516 due.

7517 All monies and revenues, including the amusement tax imposed
7518 upon the sale of tickets for admission to the stadium, and all
7519 monies arising from the use of stadium property, including that
7520 realized from the sale of concessions, shall be paid by the
7521 commission to the State Treasurer, to be placed to the credit of a
7522 special fund to be known as the "Mississippi Veterans Memorial
7523 Stadium Operating Fund" and any references in the laws to the
7524 "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans
7525 Memorial Stadium Fund" shall mean the "Mississippi Veterans
7526 Memorial Stadium Operating Fund" unless the context clearly
7527 indicates otherwise. Any interest earned on amounts deposited in
7528 the Mississippi Veterans Memorial Stadium Operating Fund shall be
7529 credited to such special fund. Provided, however, that
7530 twenty-five percent (25%) of all profits realized by the
7531 commission from the sale of concessions at athletic events when
7532 Jackson State University is the home team shall be deposited to
7533 the credit of a special auxiliary fund and authorized for
7534 expenditure by the Board of Trustees of Jackson State University
7535 exclusively for the support of intercollegiate athletics at such
7536 university. All expenses incident to the operation and upkeep of
7537 the facilities and property managed by the commission shall be
7538 paid out of the Mississippi Veterans Memorial Stadium Operating
7539 Fund by warrants drawn by the Department of Finance and
7540 Administration, which shall be issued on the requisition of the
7541 commission.

7542 All tickets sold to an event conducted in the Mississippi
7543 Veterans Memorial Stadium shall have printed in an appropriate and

7544 prominent place thereon the words A.C. "Butch" Lambert Field.

7545 SECTION 186. Section 55-23-53, Mississippi Code of 1972, is
7546 amended as follows:[LH176]

7547 55-23-53. * * * The Commissioner of Higher Education shall
7548 develop a proposal to encourage scheduling of football games by
7549 Mississippi universities in the Mississippi Veterans Memorial
7550 Stadium, which scheduling will acknowledge the obligation of such
7551 universities to support the enlarged stadium, the expansion of
7552 which was encouraged by such universities.

7553 SECTION 187. Section 57-1-357, Mississippi Code of 1972, is
7554 amended as follows:[LH177]

7555 57-1-357. The Commissioner of Higher Education is hereby
7556 authorized to support the project by creating institutes and
7557 developing curricula of direct benefit to the enterprise. Upon
7558 notification to DECD by the enterprise that the state has been
7559 selected as the site of the project, the commissioner may
7560 establish and create programs to enhance the project's success.

7561 SECTION 188. Section 57-13-22, Mississippi Code of 1972, is
7562 amended as follows:[LH178]

7563 57-13-22. (1) The Mississippi Research and Development
7564 Center is hereby abolished from and after July 1, 1988. All of
7565 the functions of the center shall be transferred on that date to
7566 the Mississippi Department of Economic Development or to the
7567 University Research Center which is created in Section 37-141-3.

7568 (2) (a) From and after July 1, 1988, the duties and
7569 responsibilities of the Research and Development Center which are
7570 depicted organizationally in the 1989 fiscal year budget request
7571 of the Research and Development Center and which are performed by
7572 the Forecast and Analysis Division, the Administration Division,
7573 the Government Services Division and the Data Services Division
7574 except as provided in subsection 3(b) shall be transferred to the
7575 University Research Center.

7576 (b) From and after July 1, 1988, the duties and

7577 responsibilities of the Research and Development Center not
7578 included in the transfer described in paragraph (a) except as
7579 provided in (3)(c) of this subsection shall be transferred to the
7580 Mississippi Department of Economic Development.

7581 (3) (a) All personnel of the Mississippi Research and
7582 Development Center shall be transferred to the Department of
7583 Economic Development or to the University Research Center
7584 according to the transfer of their duties pursuant to this
7585 section.

7586 (b) It is specifically provided that the positions
7587 identified in items (i), (ii) and (iii) below be transferred to
7588 the Department of Economic Development unless the Director of the
7589 Research and Development Center and the Executive Director of the
7590 Department of Economic Development make mutually agreeable
7591 substitutions:

7592 (i) Position identification numbers 60, 174, 244,
7593 98 and 177 of the Administration Unit shall be transferred June 1,
7594 1988.

7595 (ii) Position identification numbers 156, 27, 194,
7596 23, 307 and 308 of the Data Services Unit shall be transferred
7597 July 1, 1988.

7598 (iii) Position identification numbers 71, 104 and
7599 148 of the Government Services Division shall be transferred July
7600 1, 1988.

7601 (c) It is specifically provided that position
7602 identification numbers 30 and 76 of the Office of the Director of
7603 the Research and Development Center be transferred to the
7604 University Research Center on July 1, 1988.

7605 (d) It is the intention of the Legislature that there
7606 be a reduction in personnel where there is a duplication of effort
7607 as a result of the transfers required by this subsection. The
7608 Department of Economic Development in its reorganization pursuant
7609 to this act [Laws, 1988, Chapter 518] may utilize savings realized

7610 from personnel attrition and other economies to reallocate and
7611 reclassify positions within the department, subject to the
7612 approval of the State Personnel Board.

7613 (e) All personnel transferred to the University
7614 Research Center shall become subject to all personnel and
7615 compensation policies of the Commissioner of Higher Education;
7616 however, anyone so transferred shall retain all of the protection
7617 and benefits to which they have been entitled under the state
7618 personnel system.

7619 (4) All records, property, unexpended balances of
7620 appropriations or other funds, and all other resources of the
7621 Mississippi Research and Development Center shall be transferred
7622 to the Department of Economic Development or to the University
7623 Research Center, as appropriate, pursuant to the transfer of
7624 duties and responsibilities in subsection (2) of this section.

7625 (5) (a) Each officer or agency subject to the provisions of
7626 this act [Laws, 1988, Chapter 518] shall assist with the fullest
7627 degree of reasonable cooperation any other officer or agency in
7628 carrying out the intent and purpose of this act [Laws, 1988,
7629 Chapter 518].

7630 (b) Each officer or agency subject to the provisions of
7631 this act [Laws, 1988, Chapter 518] is hereby authorized and
7632 empowered to promulgate all necessary rules and regulations not in
7633 conflict with this act [Laws, 1988, Chapter 518] necessary to
7634 accomplish an orderly transition pursuant to this act [Laws, 1988,
7635 Chapter 518].

7636 SECTION 189. Section 57-15-3, Mississippi Code of 1972, is
7637 amended as follows:[LH179]

7638 57-15-3. (1) The Mississippi Commission on Marine
7639 Resources, hereinafter referred to as the "council," shall be the
7640 Mississippi Marine Resources Council, and shall function insofar
7641 as practicable under the provisions of Chapter 15 of Title 49,
7642 Mississippi Code of 1972, in cooperation with the Mississippi

7643 Department of Economic and Community Development and the Board of
7644 Trustees of the University of Southern Mississippi, with
7645 particular reference to the Gulf Coast Research Laboratory, the
7646 Universities Marine Center, and the universities and colleges
7647 which are conducting oceanographic research. The offices of the
7648 commission shall be located in Hancock, Harrison or Jackson
7649 Counties.

7650 (2) The words "Mississippi Marine Resources Council,"
7651 wherever they may appear in the laws of the State of Mississippi,
7652 shall be construed to mean the Mississippi Commission on Marine
7653 Resources.

7654 SECTION 190. Section 57-15-9, Mississippi Code of 1972, is
7655 amended as follows:[LH180]

7656 57-15-9. The council, exercising its duties and
7657 responsibilities, shall also act in an advisory capacity to the
7658 Governor and all related state agencies, including the Board of
7659 Trustees of the University of Southern Mississippi, the Gulf Coast
7660 Research Laboratory and the Universities Marine Center which are
7661 conducting oceanographic research. All state boards and agencies
7662 engaged in activities in the field of marine resources and
7663 technology shall utilize this commission as a clearinghouse on all
7664 present and future joint federal-state programs whether presently
7665 administered by an existing agency or not; to advise on the best
7666 programs available to the State of Mississippi for the development
7667 of its marine resources, and how to apply for, receive or hold any
7668 and all such authorizations, licenses and grants necessary and
7669 proper therefor; to advise on the utilization of all facilities in
7670 the State of Mississippi for marine research and development, such
7671 as the future maximum utilization of the NASA-Mississippi Test
7672 Facility, but not limiting the provisions of this chapter
7673 exclusively thereto; and to advise on all in-depth studies
7674 necessary to carry out the provisions of this chapter. This
7675 chapter shall not, however, abrogate the authority of the

7676 Mississippi Marine Conservation Commission, the Board of Trustees
7677 of the University of Southern Mississippi or the Gulf Coast
7678 Research Laboratory, the Universities Marine Center, or of the
7679 individual institutions * * * to apply for grants, and to carry
7680 out oceanographic research. Said council is hereby authorized to
7681 receive services, gifts, contributions, property and equipment
7682 from public and private sources to be utilized in the discharge of
7683 the council's functions, all to be done within the purview of this
7684 chapter.

7685 SECTION 191. Section 57-18-5, Mississippi Code of 1972, is
7686 amended as follows:[LH181]

7687 57-18-5. (1) The Board of Trustees of Mississippi State
7688 University is authorized and directed to establish a Forest and
7689 Wildlife Research Center at Mississippi State University. The
7690 center will be an administrative unit within the Division of
7691 Agriculture, Forestry and Veterinary Medicine. The Dean of the
7692 School of Forest Resources shall serve as the director of the
7693 center.

7694 (2) The center shall conduct a program of research relevant
7695 to the efficient management and utilization of the forest,
7696 wildlife and fisheries resources of this state and to the
7697 protection and enhancement of the natural environment associated
7698 with those resources. The center shall disseminate results of
7699 such research programs to the public and to individuals and
7700 organizations for whom such information will be useful. The
7701 center shall conduct research that will encourage the growth and
7702 development of the furniture manufacturing industry and allied
7703 industries in this state and shall work closely with the
7704 Mississippi Cooperative Extension Service, the University Research
7705 Center, the Mississippi Department of Economic and Community
7706 Development and other agencies, both public and private, in the
7707 dissemination of its research findings.

7708 (3) From and after the creation of the Forest and Wildlife

7709 Research Center, the center shall assume all research functions
7710 which are being exercised within the Division of Agriculture,
7711 Forestry and Veterinary Medicine by the Forest Products
7712 Utilization Laboratory, by the Department of Forestry, by the
7713 Department of Wildlife and Fisheries, by the Furniture Research
7714 Unit and, upon the recommendation of the President of Mississippi
7715 State University to the Board of Trustees of Mississippi State
7716 University, by other departments and units of the university.

7717 (4) All records, personnel, property and unexpended balances
7718 of appropriations, allocations or other funds relating to those
7719 research functions which are being assumed by the center shall be
7720 transferred to the center. The transfer of segregated or special
7721 funds shall be made in such a manner that the relation between
7722 program and revenue source is retained.

7723 SECTION 192. Section 57-18-7, Mississippi Code of 1972, is
7724 amended as follows:[LH182]

7725 57-18-7. The Board of Trustees of Mississippi State
7726 University shall provide for the Forest and Wildlife Research
7727 Center such buildings, equipment, personnel, supplies and services
7728 as it shall determine to be necessary for the proper operation and
7729 maintenance of the center, having due regard for the contributory
7730 facilities and programs already existing at Mississippi State
7731 University.

7732 SECTION 193. Section 57-18-9, Mississippi Code of 1972, is
7733 amended as follows:[LH183]

7734 57-18-9. In addition to appropriations made by the
7735 Legislature from the State General Fund, the Forest and Wildlife
7736 Research Center is authorized and empowered, subject to the
7737 approval of the Board of Trustees of Mississippi State University
7738 upon recommendation by the President of Mississippi State
7739 University, to receive contributions, donations, gifts and grants
7740 of money and/or property, equipment, materials and manpower from
7741 persons, foundations, trust funds, corporations, organizations,

7742 and state and federal agencies for use in carrying out the
7743 purposes and objectives of this chapter.

7744 SECTION 194. Section 57-19-5, Mississippi Code of 1972, is
7745 amended as follows:[LH184]

7746 57-19-5. The Board of Trustees of Mississippi State
7747 University is hereby authorized and directed to establish a food
7748 technology program at Mississippi State University of Agriculture
7749 and Applied Science under the direction of the president and such
7750 other administrative authorities within the university as said
7751 board of trustees may determine.

7752 SECTION 195. Section 57-19-7, Mississippi Code of 1972, is
7753 amended as follows:[LH185]

7754 57-19-7. The Board of Trustees of Mississippi State
7755 University shall provide for such food technology laboratory, such
7756 building, pilot processing facilities, personnel, supplies, and
7757 services as it shall determine to be necessary for the proper
7758 operation and maintenance of the food technology program, having
7759 due regard for the contributory facilities and programs already
7760 existing at Mississippi State University of Agriculture and
7761 Applied Science.

7762 SECTION 196. Section 57-19-11, Mississippi Code of 1972, is
7763 amended as follows:[LH186]

7764 57-19-11. In addition to appropriations made by the
7765 Mississippi Legislature for the operation and support of the
7766 laboratory, the Board of Trustees of Mississippi State University
7767 is authorized and empowered to receive contributions, donations,
7768 gifts and grants of money and/or property, equipment, materials or
7769 manpower from persons, foundations, trust funds, corporations,
7770 organizations, the federal government or any subdivision thereof,
7771 the state government or any subdivision thereof, to be expended by
7772 said board in carrying out the purposes and objectives of this
7773 chapter.

7774 SECTION 197. Section 57-21-7, Mississippi Code of 1972, is

7775 amended as follows:[LH187]

7776 57-21-7. The chief executive officer of the laboratory shall
7777 be the State Chemist.

7778 (a) Qualifications: The State Chemist shall be an
7779 individual who has earned the doctor of philosophy degree or its
7780 equivalent in chemistry or biochemistry at a recognized university
7781 or college qualified to grant such degrees. The major field of
7782 his training should be preferably in analytical or organic
7783 chemistry, but other fields of chemistry may be acceptable if the
7784 individual has experience qualifying him otherwise. He should
7785 also have knowledge by training or experience of agricultural,
7786 industrial or health-related fields. The candidate for State
7787 Chemist must be acceptable as a research or teaching faculty
7788 member in the department of chemistry at the university.

7789 (b) Appointment: The State Chemist shall be appointed
7790 by the president of the university, with the advice and consent of
7791 the Senate, for a term of six (6) years; and the said State
7792 Chemist shall serve for said six-year term and until his successor
7793 shall have been appointed and qualified. However, it is provided
7794 that the said State Chemist may be removed from office by the
7795 Board of Trustees of Mississippi State University upon the
7796 demonstration of his inability to serve due to illness,
7797 incompetence, malfeasance in office, dereliction of duty or moral
7798 turpitude. The board of trustees * * * shall fix the annual
7799 salary of the State Chemist, who shall be paid from the budget of
7800 the Mississippi State Chemical Laboratory or from the budget of
7801 the university, or from both, whichever is deemed desirable by the
7802 Board of Trustees of Mississippi State University.

7803 (c) Status: The State Chemist shall simultaneously
7804 hold an appointment as Professor of Chemistry in the Chemistry
7805 Department of the university. He may acquire tenure as a faculty
7806 member in accordance with rules current at the university during
7807 his appointment. The State Chemist may teach or direct research

7808 in the Department of Chemistry as part of his professional duties,
7809 and may serve in other administrative positions as deemed
7810 desirable, with the consent and approval of the president of the
7811 university and the board of trustees. He shall receive
7812 appropriate reimbursement for such services.

7813 (d) Responsibility: The State Chemist shall be
7814 responsible to and shall report to the president of the
7815 university.

7816 (e) Duties: The State Chemist shall:

7817 1. Serve as the chief executive officer and
7818 director of the laboratory.

7819 2. Recommend the appointment, discharge, annual
7820 salaries, duties, and titles of administrative, technical and
7821 support personnel and staff of the laboratory to assist him in
7822 carrying out its authorized functions.

7823 3. Prepare and submit budget requests for the
7824 laboratory to the appropriate agency, subject to approval by the
7825 president of the university and the board of trustees. The State
7826 Chemist shall present such requests before the Legislative Budget
7827 Office and legislative committees. He shall prepare an annual
7828 budget for operation of the laboratory from appropriated or
7829 special funds or other income available, and shall make monthly,
7830 quarterly and other reports of such income and expenditures to the
7831 appropriate agencies as required by law.

7832 4. Maintain an inventory of laboratory equipment
7833 and report it appropriately to the proper agencies as required by
7834 law.

7835 5. Prepare annual or biennial reports and special
7836 reports as needed of laboratory activities, programs and
7837 recommendations. Such reports shall be submitted to governmental
7838 heads and agencies as required by statutes, to the president of
7839 the university, the Board of Trustees of Mississippi State
7840 University, and to the chief executive officer of each agency with

7841 which it cooperates.

7842 6. Serve on such state or national agencies,
7843 commissions, boards, organizations or committees as required by
7844 law.

7845 7. Conduct other business necessary and desirable
7846 for proper discharge of his responsibilities to the university or
7847 as may be stipulated here or elsewhere in the laws of Mississippi.

7848 SECTION 198. Section 57-23-5, Mississippi Code of 1972, is
7849 amended as follows:[LH188]

7850 57-23-5. The Board of Trustees of the University of
7851 Mississippi is hereby authorized and directed to establish a
7852 research institute of pharmaceutical sciences at the University of
7853 Mississippi under the direction of the chancellor and such other
7854 administrative authorities within the university as said board of
7855 trustees may determine.

7856 SECTION 199. Section 57-23-7, Mississippi Code of 1972, is
7857 amended as follows:[LH189]

7858 57-23-7. The Board of Trustees of the University of
7859 Mississippi shall provide for such equipment, personnel, supplies
7860 and services as it shall determine to be necessary for the proper
7861 operation and maintenance of said institute, having due regard for
7862 the contributory facilities and programs already existing at the
7863 University of Mississippi.

7864 SECTION 200. Section 57-23-11, Mississippi Code of 1972, is
7865 amended as follows:[LH190]

7866 57-23-11. In addition to appropriations made by the
7867 Mississippi Legislature for the operation and support of the
7868 institute, the Board of Trustees of the University of Mississippi
7869 is authorized and empowered to receive contributions, donations,
7870 gifts, and grants of money and/or property, equipment, materials
7871 or manpower from persons, foundations, trust funds, corporations,
7872 organizations, and other sources, to be expended by said board in
7873 carrying out the objectives of this chapter.

7874 SECTION 201. Section 57-39-105, Mississippi Code of 1972, is
7875 amended as follows:[LH191]

7876 57-39-105. The Energy Division of the Department of Economic
7877 and Community Development, referred to in Sections 57-39-103
7878 through 57-39-117 as the "division," shall coordinate the
7879 development and implementation of a general energy management
7880 plan. The general energy management plan shall include, but not
7881 be limited to, the following elements:

- 7882 (a) Data gathering requirements;
- 7883 (b) Buildings and facilities energy audit procedures;
- 7884 (c) Uniform data analysis procedures;
- 7885 (d) Employee energy education program procedures;
- 7886 (e) Energy consumption reduction techniques;
- 7887 (f) Training program for agency and institution
7888 personnel and energy coordinators;
- 7889 (g) Guidelines for buildings and facilities managers;
- 7890 (h) Building retrofit revolving loan fund policies and
7891 procedures;
- 7892 (i) Program monitoring and evaluation procedures.

7893 The general energy management plan shall also include a
7894 description of actions to reduce consumption of electricity and
7895 nonrenewable energy sources used for heating, cooling,
7896 ventilation, lighting and water heating. The Commissioner of
7897 Higher Education, the Department of Education and the Department
7898 of Finance and Administration shall assist in the preparation of
7899 the general energy management plan. The Department of Finance and
7900 Administration, Bureau of Buildings Division, shall notify the
7901 Energy Division of all renovations and repairs of buildings and
7902 facilities and the planning and design of new buildings and
7903 facilities to ensure that energy efficient equipment is utilized.

7904 SECTION 202. Section 57-49-11, Mississippi Code of 1972, is
7905 amended as follows:[LH192]

7906 57-49-11. The Nuclear Waste Technical Review Committee

7907 hereby created and hereinafter referred to as the "committee"
7908 shall exercise the powers and duties and discharge the
7909 responsibilities enumerated herein.

7910 The committee shall originally consist of eight (8) members,
7911 one (1) of whom shall be the Executive Director of the Department
7912 of Wildlife, Fisheries and Parks, one (1) of whom shall be
7913 Director of the Emergency Management Agency, one (1) of whom shall
7914 be the State Health Officer, one (1) of whom shall be the
7915 Commissioner of Higher Education, one (1) of whom shall be a
7916 chairman of a board of trustees of a state institution of higher
7917 learning, as appointed by the Commissioner of Higher Education,
7918 one (1) of whom shall be the Executive Director of the Department
7919 of Environmental Quality, one (1) of whom shall be the staff
7920 member responsible for the Nuclear Waste Program within the
7921 Department of Environmental Quality who shall serve as secretary
7922 in a nonvoting capacity, and one (1) of whom shall be the
7923 Executive Director of the Department of Economic Development. The
7924 chairman shall be elected from among the membership of the
7925 committee.

7926 Committee members shall be permitted to designate substitute
7927 or alternate members to act in their stead, should they be unable
7928 to assume the responsibility of serving on the committee. The
7929 committee, by a majority vote of its membership, may recommend to
7930 the chairman that additional appointments should be made to the
7931 committee from other state agencies and the chairman shall make
7932 such appointments.

7933 The members of the committee shall receive reimbursement for
7934 mileage and actual expenses incurred in the performance of their
7935 duties at the rate authorized by Section 25-3-41. Members of the
7936 committee who are state employees shall be reimbursed for those
7937 expenses incurred which are authorized by Section 25-3-41.

7938 Provided that funding is available under Section 57-49-39,
7939 the members of the committee shall receive per diem compensation

7940 at the rate authorized by Section 25-3-69 for each day spent in
7941 the actual discharge of their duties when attending a meeting of
7942 the committee.

7943 SECTION 203. Section 57-55-5, Mississippi Code of 1972, is
7944 amended as follows:[LH193]

7945 57-55-5. (1) In order to promote the orderly modernization
7946 and simplification of the law of the state and more complete
7947 utilization of the law resources of this state, the Mississippi
7948 Law Research Institute, hereafter referred to as MLRI, is hereby
7949 established as an official advisory law revision, research and
7950 reform agency of the State of Mississippi under the management and
7951 control of the Board of Trustees of the University of Mississippi
7952 as an academic department of the University of Mississippi Law
7953 Center.

7954 (2) The general purpose of the MLRI shall be to promote and
7955 encourage the clarification and simplification of the law of
7956 Mississippi, to improve the administration of justice, and to
7957 carry on scholarly legal research in anticipation of legal
7958 requirements for the efficient utilization and conservation of the
7959 natural resources of the state and the promotion of social,
7960 agricultural, industrial and commercial development. To that end
7961 it shall be the duty of said institute (a) to consider needed
7962 improvements in both substantive and adjective law and to make
7963 recommendations concerning same to the Legislature; (b) to examine
7964 and study the law of Mississippi and Mississippi jurisprudence
7965 with the object of discovering defects and inequities and of
7966 recommending needed reforms; (c) to receive and consider
7967 suggestions from judges, justices, public officials, lawyers and
7968 the public generally as to defects and anachronisms in the law;
7969 (d) to recommend from time to time such changes in the law as it
7970 deems necessary to reform or eliminate antiquated and inequitable
7971 rules of law and to bring the law of the state, both civil and
7972 criminal, into harmony with modern conditions; (e) to perform

7973 research and prepare reports on matters of law in support of the
7974 Legislature; (f) to advise and assist local governments, state
7975 agencies and associations by performing law research and
7976 preparation of related material, such as statutes and ordinances,
7977 reports, manuals, handbooks, codes, and conducting courses of
7978 instruction for the more efficient application of law and
7979 utilization of governmental resources; and (g) to prepare and
7980 publish texts and other scholarly works on law and procedure to
7981 aid in the administration of government within the state. In
7982 addition, the MLRI in cooperation with the Legislature and its
7983 staff shall devise and carry out a plan for continuous and
7984 comprehensive improvement in the utility and quality of the
7985 Mississippi Code. The MLRI shall coordinate its efforts with the
7986 work of the American Law Institute, National Conference of
7987 Commissioners on Uniform State Laws, the law and government
7988 institutes of the several states, and other such organizations in
7989 aid of the mission of said institute.

7990 SECTION 204. Section 57-55-7, Mississippi Code of 1972, is
7991 amended as follows:[LH194]

7992 57-55-7. (1) The Board of Trustees of Mississippi State
7993 University is hereby authorized and directed to establish a
7994 Mississippi Water Resources Research Institute, hereinafter
7995 referred to as the WRRRI, at Mississippi State University under the
7996 direct supervision of the president of the university or a vice
7997 president to be designated by the president.

7998 (2) It shall be the function and duty of the WRRRI to:

7999 (a) Assist state agencies in the development and
8000 maintenance of a state water management plan;

8001 (b) Consult with state and local governmental agencies,
8002 water management districts, water user associations, the
8003 Legislature of the State of Mississippi, and other potential users
8004 in identifying and establishing research, planning, policy, and
8005 management priorities regarding water problems.

8006 (c) Negotiate and administer contracts with local,
8007 regional, state and federal agencies and other universities of the
8008 state for mitigation of priority water and related problems;

8009 (d) Report to the appropriate state agencies each year
8010 on the progress and findings of research projects;

8011 (e) Disseminate new information and facilitate transfer
8012 and application of new technologies as they are developed;

8013 (f) Provide for liaison between Mississippi and funding
8014 agencies as an advocate for Mississippi water research, planning,
8015 policy, and management needs; and

8016 (g) Facilitate and stimulate planning and management
8017 that:

8018 (i) Deals with water policy issues facing the
8019 State of Mississippi;

8020 (ii) Supports state water agencies' missions with
8021 research on problems encountered and expected;

8022 (iii) Provides water planning and management
8023 organizations with tools to increase efficiency and effectiveness
8024 of water planning and management.

8025 (3) The principal administrative officer of the WRRRI shall
8026 be a director, who shall be appointed by the President of
8027 Mississippi State University, with the approval of the board of
8028 trustees * * *. To meet the purposes of the WRRRI, the director
8029 shall develop appropriate policies and procedures (a) for
8030 identification of priority research problems; (b) for
8031 collaborating with local and state governmental agencies, water
8032 user associations, other universities, federal government
8033 agencies, and the Legislature in the formulation of its research
8034 program; (c) for selection of projects to be funded; and (d) for
8035 the dissemination and transfer of information and technology
8036 produced by research.

8037 SECTION 205. Section 57-55-9, Mississippi Code of 1972, is
8038 amended as follows:[LH195]

8039 57-55-9. (1) The Mississippi Mineral Resources Institute,
8040 hereinafter referred to as MMRI, is hereby established. The MMRI
8041 shall be under the management and control of the Board of Trustees
8042 of the University of Mississippi. The principal offices of the
8043 MMRI shall be located at the University of Mississippi. The MMRI
8044 shall be organized to coordinate mining and mineral research,
8045 planning and development with the appropriate disciplines in other
8046 institutions of higher learning and other state, federal and
8047 private agencies concerned with the development and conservation
8048 of the mineral resources of the state.

8049 (2) It shall be the function and duties of the MMRI to:

8050 (a) Conduct basic and applied research for the
8051 development and conservation of mineral resources, including but
8052 not limited to mining, land reclamation and disposal of waste
8053 material;

8054 (b) Assist and support mining and mineral related
8055 research programs at the various institutions of higher learning;

8056 (c) Assist and consult with state and local agencies in
8057 planning the development and conservation of mineral resources;

8058 (d) Maintain liaison with private industry and
8059 appropriate state and local agencies to promote industrial
8060 development and conservation of mineral resources and plan,
8061 initiate and maintain a program of cooperative training between
8062 private industry and the academic and technical institutions of
8063 the state;

8064 (e) Disseminate new information and facilitate transfer
8065 and application of new technologies as they are developed; and

8066 (f) Negotiate and administer contracts with private,
8067 local, regional, state and federal agencies.

8068 SECTION 206. Section 57-55-11, Mississippi Code of 1972, is
8069 amended as follows:[LH196]

8070 57-55-11. (1) The Mississippi Small Business Development
8071 Center, hereinafter referred to as SBDC, is hereby established.

8072 The Board of Trustees of the University of Mississippi is hereby
8073 authorized to establish the Mississippi Small Business Development
8074 Center at the University of Mississippi under the direct
8075 supervision of the chancellor of the university and the dean of
8076 the business school.

8077 (2) It shall be the function and duty of the SBDC to:

8078 (a) Develop a system to deliver management assistance
8079 to the small business community utilizing the resources of local,
8080 state and federal government programs, various segments of the
8081 private sector, and universities and colleges throughout the
8082 state;

8083 (b) Make management and technical assistance available
8084 to small businesses in Mississippi by linking together the above
8085 resources;

8086 (c) Develop small business opportunities for new
8087 start-ups and the expansion of existing businesses;

8088 (d) Develop the economic area served by the SBDC by
8089 providing opportunities for increased productivity through
8090 utilization of modern technology as developed by government, the
8091 university and the private sector;

8092 (e) Develop a clearinghouse for the collection and
8093 dissemination of economic and business data;

8094 (f) Assist businesses in developing more efficient
8095 marketing and distribution channels, including foreign trade
8096 marketing;

8097 (g) Increase opportunities for socially and/or
8098 economically disadvantaged entrepreneurs to enter the mainstream
8099 of our economy through an organized outreach program; and

8100 (h) Increase small business viability so that the small
8101 business client "graduates" from the SBDC.

8102 (3) The principal officer of the SBDC shall be an executive
8103 director who shall be appointed by the Chancellor of the
8104 University of Mississippi, with the approval of the board of

8105 trustees * * *.

8106 SECTION 207. Section 57-55-13, Mississippi Code of 1972, is
8107 amended as follows:[LH197]

8108 57-55-13. (1) The Mississippi Polymer Institute,
8109 hereinafter referred to as the MPI, is hereby established under
8110 the management and control of the Board of Trustees of the
8111 University of Mississippi. The principal offices of the MPI shall
8112 be located at the University of Southern Mississippi and shall be
8113 under the direction of the president and such other administrative
8114 authorities within the university as the board of trustees may
8115 determine.

8116 (2) It shall be the function of the MPI to conduct and
8117 sponsor research of interest to the polymer industries of the
8118 state, and to disseminate research results and other information
8119 of interest to appropriate individuals and research agencies for
8120 whom such knowledge will be helpful, and to the Mississippi
8121 polymer industries by conducting and sponsoring short courses,
8122 seminars and symposia. Said research shall be designed to
8123 increase the utilization of Mississippi raw materials in polymers
8124 and to support the rapidly growing polymer industry. Data from
8125 applications research will be released to appropriate Mississippi
8126 research agencies and industries for appropriate utilization. The
8127 MPI shall be organized to coordinate polymer research, planning
8128 and development with the appropriate disciplines in other
8129 institutions of higher learning and other state, federal and
8130 private agencies concerned with the development of Mississippi's
8131 polymer industry.

8132 SECTION 208. Section 57-55-15, Mississippi Code of 1972, is
8133 amended as follows:[LH198]

8134 57-55-15. (1) The Mississippi Energy Research Center,
8135 hereinafter referred to as the MERC, is hereby established under
8136 the management and control of the Board of Trustees of Mississippi
8137 State University. The MERC shall be a unit of Mississippi State

8138 University under the direct supervision of the president thereof
8139 or a vice president to be designated by the president.

8140 (2) It shall be the purpose of the MERC to develop,
8141 implement and coordinate energy and energy-related research
8142 programs in Mississippi. It shall be the duty of the MERC to:

8143 (a) Conduct basic and applied research related to
8144 energy needs within Mississippi;

8145 (b) Consult with state and local government agencies,
8146 utilities, industry and Legislature and other potential users of
8147 research in identifying and prioritizing energy problems for
8148 research;

8149 (c) Negotiate and administer contracts with other
8150 universities of the state for the conduct of research projects;

8151 (d) Report to the Governor and to the Legislature each
8152 year on the progress and findings of research projects;

8153 (e) Facilitate the transfer and application of new
8154 technologies as they are developed; and

8155 (f) Facilitate and stimulate research that:

8156 (i) Deals with policy issues facing the
8157 Legislature;

8158 (ii) Supports state agencies' missions with
8159 research on problems encountered and expected; and

8160 (iii) Provides energy planning and management
8161 organizations with tools to increase efficiency and effectiveness
8162 of energy planning and management.

8163 (3) The principal administrative officer of the MERC shall
8164 be a director, who shall be appointed by the president with the
8165 approval of the board of trustees * * *. To meet the purposes of
8166 the center, the director shall develop appropriate policies and
8167 procedures (a) for identification of priority research problems;
8168 (b) for collaborating with local and state government agencies,
8169 utilities, industry, other universities, federal government
8170 agencies and the Legislature in the formulation of its research

8171 program; (c) for selection of projects to be funded; and (d) for
8172 the transfer of technology which is produced by the research.

8173 SECTION 209. Section 57-55-17, Mississippi Code of 1972, is
8174 amended as follows:[LH199]

8175 57-55-17. (1) The Mississippi Urban Research Center,
8176 hereinafter referred to as the MURC, is hereby established under
8177 the management and control of the Board of Trustees of Jackson
8178 State University. The principal officers of the MURC shall be
8179 located at Jackson State University and shall be under the
8180 direction of the president of the university subject to the
8181 governance of the board of trustees. The president shall appoint
8182 a director of the MURC who shall recommend to the president
8183 necessary professional and administrative staff of the center, all
8184 subject to the approval of the board of trustees.

8185 (2) It shall be the function of the urban research center to
8186 conduct basic and applied research into urban problems and public
8187 policy and to make available the results of this research to
8188 private groups, public bodies and public officials. They may
8189 offer consultations and general advisory services concerning urban
8190 problems and their solutions. According to the policies of the
8191 board of trustees * * * and with its approval, they may conduct
8192 instructional and training programs for those who are working in
8193 or expect to make careers in urban public service. Such training
8194 programs may be conducted by Jackson State University either in
8195 its own name or by agreement and cooperation with other public and
8196 private organizations. The MURC personnel shall cooperate fully
8197 with the various departments of the state government, with the
8198 colleges and universities of the state, with the University
8199 Research Center, with the Mississippi Department of Economic
8200 Development, and with other research and development agencies in
8201 an effort to fully effectuate the purpose of this section. All
8202 state agencies and departments are hereby authorized and directed
8203 to give the MURC and its personnel their full cooperation in every

8204 possible manner.

8205 SECTION 210. Section 57-67-5, Mississippi Code of 1972, is
8206 amended as follows:[LH200]

8207 57-67-5. Words and phrases used in this chapter shall have
8208 meanings as follows, unless the context clearly indicates a
8209 different meaning:

8210 (a) "Act" means the Mississippi Superconducting Super
8211 Collider Act as originally enacted or as hereafter amended.

8212 (b) "Authority" means the Mississippi Superconducting
8213 Super Collider Authority created pursuant to the chapter.

8214 (c) "Bonds" means bonds, interim notes and other
8215 certificates of indebtedness of the authority issued pursuant to
8216 the provisions of Sections 57-67-19 through 57-67-31.

8217 (d) "Facility related to the project" means and
8218 includes any of the following, as the same may pertain to the
8219 project:

8220 (i) Facilities to provide potable and industrial
8221 water supply systems (including cooling lakes) and sewage and
8222 waste disposal systems to the site of the project;

8223 (ii) Airports, airfields and air terminals;

8224 (iii) Rail lines;

8225 (iv) Port facilities on the Tennessee-Tombigbee
8226 Waterway;

8227 (v) Highways, streets and other roadways;

8228 (vi) Public school buildings, classrooms and
8229 instructional facilities, including any functionally related
8230 facilities;

8231 (vii) Parks, outdoor recreation facilities and
8232 athletic facilities; and

8233 (viii) Auditoriums, pavilions, campgrounds, art
8234 centers, cultural centers, folklore centers and other public
8235 facilities.

8236 (e) "Person" means any natural person, corporation,

8237 association, partnership, receiver, trustee, guardian, executor,
8238 administrator, fiduciary, governmental unit, public agency,
8239 political subdivision, or any other group acting as a unit, and
8240 the plural as well as the singular.

8241 (f) "Project" means the superconducting super colliding
8242 particle beam accelerator, known as the Superconducting Super
8243 Collider, proposed to be constructed by the United States
8244 Department of Energy, as described in the Invitation for Proposals
8245 issued by said department, as now or hereafter supplemented or
8246 amended, together with all real property required for
8247 construction, maintenance and operation of the Superconducting
8248 Super Collider, and all buildings, tunneling and other supporting
8249 land and facilities required or useful for construction,
8250 maintenance and operation of the Superconducting Super Collider.

8251 (g) "Project area" means the project site, together
8252 with any area or territory within the state lying within fifty
8253 (50) air miles from any portion of the project site to be conveyed
8254 to the Department of Energy, whether or not such area or territory
8255 be contiguous. "Project site" means the real property to be
8256 conveyed to the United States Department of Energy as set forth in
8257 the application to be filed with the Department of Energy by the
8258 authority.

8259 (h) "Public agency" means and includes:

8260 (i) The state and any department, board,
8261 commission, institution or other agency or instrumentality of the
8262 state, including but not limited to, the board of trustees of each
8263 state institution of higher learning and the State Board of
8264 Education;

8265 (ii) Any city, town, county, political
8266 subdivision, school district or other district created or existing
8267 under the laws of the state or any public agency of any such city,
8268 town, county, political subdivision or district;

8269 (iii) Any department, commission, agency or

8270 instrumentality of the United States of America; and

8271 (iv) Any other state of the United States of
8272 America which may be cooperating with respect to location of the
8273 project within the state, or any agency thereof.

8274 (i) "State" means State of Mississippi.

8275 (j) "State bonds" means general obligation bonds, notes
8276 or other evidences of the State of Mississippi issued under
8277 Section 57-67-15.

8278 SECTION 211. Section 57-67-13, Mississippi Code of 1972, is
8279 amended as follows:[LH201]

8280 57-67-13. (1) The Commissioner of Higher Education is
8281 hereby directed to develop plans for the creation of an Institute
8282 of High Energy Physics. Upon notification to the authority by the
8283 Department of Energy that the state has been selected as the site
8284 of the project, the board of trustees of the state institution of
8285 higher learning selected for the site, not later than one (1) year
8286 thereafter, shall establish and create the institute. Such
8287 institute shall include at least twenty (20) funded faculty
8288 positions and shall include facilities to accommodate faculty and
8289 graduate students.

8290 (2) The Commissioner of Higher Education is hereby directed
8291 to develop plans for the creation of an Institute for Mathematics
8292 and Computing Sciences. Upon notification to the authority by the
8293 Department of Energy that the state has been selected as the site
8294 of the project, the board of trustees of the state institution of
8295 higher learning selected for the site, not later than one (1) year
8296 thereafter, shall establish and create the institute.

8297 (3) The authority is hereby directed to develop plans for
8298 technology transfer activities to ensure private sector conduits
8299 for exchange of information, technology and expertise related to
8300 the project to generate opportunities for commercial development
8301 within the state.

8302 SECTION 212. Section 57-75-13, Mississippi Code of 1972, is

8303 amended as follows:[LH202]

8304 57-75-13. The Commissioner of Higher Education is hereby
8305 authorized to support the project by creating institutes and
8306 developing curricula of direct benefit to the enterprise. Upon
8307 notification to the authority by the enterprise that the state has
8308 been selected as the site of the project, the board of trustees of
8309 the state institution of higher learning that has been selected
8310 for the site may establish and create programs to enhance the
8311 project's success.

8312 SECTION 213. Section 61-5-71, Mississippi Code of 1972, is
8313 amended as follows:[LH203]

8314 61-5-71. It shall be the public policy of this state to
8315 encourage the construction, equipping, maintenance and operation
8316 of adequate transportation facilities, including airports, if
8317 needed, for use of the state university and the state supported
8318 four-year colleges now or hereafter located in the state, as
8319 necessary in the operation and training program of such university
8320 and colleges and desirable for the use of the municipalities and
8321 areas in or near which such airports may be located as well as
8322 being helpful in the economic, industrial and business development
8323 of said counties. It is the intent of Sections 61-5-71 through
8324 61-5-77 to provide means whereby the board of trustees of each
8325 state institution of higher learning, the State Building
8326 Commission and any and all other state agencies which have either
8327 constructed such airport facilities, or contemplate so doing, may
8328 obtain assistance and contributions of funds from any municipality
8329 in or near which any such college may be located and from the
8330 county in which any such airport facilities may be located. It is
8331 also the intent of said sections to authorize such municipalities
8332 and counties to borrow money and issue bonds, under their
8333 respective bond laws, to provide funds for the purpose of aiding
8334 and assisting in the acquisition of sites for such airports,
8335 construction of buildings, construction of runways and extension

8336 of runways and in constructing and equipping all facilities needed
8337 or desirable for such airports.

8338 SECTION 214. Section 61-5-73, Mississippi Code of 1972, is
8339 amended as follows:[LH204]

8340 61-5-73. The boards of supervisors of the several counties
8341 of the state are authorized, in their discretion, to acquire by
8342 condemnation, donation, lease or purchase land to be used as an
8343 airport or landing place for airplanes. They may erect such
8344 buildings thereon as they may deem necessary for such purpose, and
8345 equip and maintain such airport.

8346 The boards of supervisors of the several counties of the
8347 state, wherein the university or other state supported four-year
8348 colleges now or hereafter in existence, are or shall be located,
8349 are authorized, in their discretion, to assist the board of
8350 trustees of the state institution of higher learning located in
8351 that county, the State Building Commission or any other state
8352 agency by contributing county funds to be used in the acquisition
8353 of a site for an airport, erecting suitable buildings, building or
8354 extending runways and equipping, maintaining and operating an
8355 airport, which shall be available for the use of said university
8356 or colleges, as the case may be, and for the general public.

8357 SECTION 215. Section 61-5-75, Mississippi Code of 1972, is
8358 amended as follows:[LH205]

8359 61-5-75. The governing authorities of any municipality are
8360 authorized, in their discretion, to exercise all the powers
8361 conferred on boards of supervisors with reference to acquiring
8362 land to be used as an airport or landing place for airplanes, and
8363 erect suitable buildings thereon, and equip and maintain such
8364 airport. They may acquire airports or landing places already
8365 established. Such airport or landing place may be situated beyond
8366 the limits of such municipality. The governing authorities of a
8367 municipality may lease, or sublease, or contract the maintenance
8368 and operation of, any airport or landing place for airplanes to

8369 the United States of America, or any department or agency thereof,
8370 or to any person, firm, association, or corporation, for the
8371 purpose of training aviators and for other legal purposes. The
8372 county wherein such airport may be situated is hereby authorized
8373 to make such contribution to the cost of acquiring the necessary
8374 land for such airport, the placing of same in suitable condition,
8375 and the equipping and maintenance thereof, as the board of
8376 supervisors of such county and the governing body of such
8377 municipality may mutually agree upon.

8378 The governing authorities of the several municipalities of
8379 the state in or near which the state university or a state
8380 supported four-year college, now or hereafter in existence, are or
8381 shall be located, are authorized, in their discretion, to assist
8382 the board of trustees of the state institution of higher learning
8383 in or near the particular municipality, the State Building
8384 Commission or any other state agency by contributing municipal
8385 funds to be used in the acquisition of a site for an airport,
8386 erecting suitable buildings and building or extending runways,
8387 equipping, maintaining and operating an airport, which shall be
8388 available for the use of said university or colleges, as the case
8389 may be, and for the general public.

8390 Any such municipality which offers assistance in the
8391 acquisition of a site for constructing suitable buildings,
8392 building or extending runways or maintaining and operating such
8393 airports for the university or other state supported colleges, as
8394 the case may be, may or may not be in the county in which the
8395 university or the state supported four-year college is located,
8396 provided the airport is not more than ten (10) miles from said
8397 municipality.

8398 SECTION 216. Section 63-11-32, Mississippi Code of 1972, is
8399 amended as follows:[LH206]

8400 63-11-32. (1) The State Department of Public Safety in
8401 conjunction with the Governor's Highway Safety Program, the State

8402 Board of Health, or any other state agency or institution shall
8403 develop and implement a driver improvement program for persons
8404 identified as first offenders convicted of driving while under the
8405 influence of intoxicating liquor or another substance which had
8406 impaired such person's ability to operate a motor vehicle,
8407 including provision for referral to rehabilitation facilities.

8408 (2) The program shall consist of a minimum of ten (10) hours
8409 of instruction. Each person who participates shall pay a nominal
8410 fee to defray a portion of the cost of the program.

8411 (3) Such assessments as are collected under subsection (2)
8412 of Section 99-19-73 shall be deposited in a special fund hereby
8413 created in the State Treasury and designated the "Mississippi
8414 Alcohol Safety Education Program Fund." Monies deposited in such
8415 fund shall be expended by the boards of trustees of the state
8416 institutions of higher learning as authorized and appropriated by
8417 the Legislature to defray the costs of the Mississippi Alcohol
8418 Safety Education Program operated pursuant to the provisions of
8419 this section. Any revenue in the fund which is not encumbered at
8420 the end of the fiscal year shall lapse to the General Fund.

8421 (4) Such assessments as are collected under subsection (2)
8422 of Section 99-19-73 shall be deposited in a special fund hereby
8423 created in the State Treasury and designated the "Federal-State
8424 Alcohol Program Fund." Monies deposited in such fund shall be
8425 expended by the Department of Public Safety as authorized and
8426 appropriated by the Legislature to defray the costs of alcohol and
8427 traffic safety programs. Any revenue in the fund which is not
8428 encumbered at the end of the fiscal year shall lapse to the
8429 General Fund.

8430 (5) Such assessments as are collected under subsection (2)
8431 of Section 99-19-73 shall be deposited in a special fund hereby
8432 created in the State Treasury and designated the "Mississippi
8433 Crime Laboratory Implied Consent Law Fund." Monies deposited in
8434 such fund shall be expended by the Department of Public Safety as

8435 authorized and appropriated by the Legislature to defray the costs
8436 of equipment replacement and operational support of the
8437 Mississippi Crime Laboratory relating to enforcement of the
8438 Implied Consent Law. Any revenue in the fund which is not
8439 encumbered at the end of the fiscal year shall not lapse to the
8440 General Fund but shall remain in the fund.

8441 SECTION 217. Section 69-2-5, Mississippi Code of 1972, is
8442 amended as follows:[LH207]

8443 69-2-5. (1) The Mississippi Cooperative Extension Service
8444 shall act as a clearinghouse for the dissemination of information
8445 regarding programs and services which may be available to help
8446 those persons and businesses which have been adversely affected by
8447 the present emergency in the agricultural community. The
8448 Cooperative Extension Service shall develop a plan of assistance
8449 which shall identify all programs and services available within
8450 the state which can be of assistance to those affected by the
8451 present emergency. The Department of Agriculture and Commerce,
8452 the Division of Federal-State Programs of the Office of the
8453 Governor, Department of Public Welfare, Department of Mental
8454 Health, State Board of Health, board of trustees of each state
8455 institution of higher learning, State Board of Community and
8456 Junior Colleges, Research and Development Center, Board of
8457 Economic Development, Employment Security Commission, Board of
8458 Vocational and Technical Education, Mississippi Authority for
8459 Educational Television, and other agencies of the state which have
8460 programs and services that can be of assistance to those affected
8461 by the present emergency, shall provide information regarding
8462 their programs and services to the Cooperative Extension Service
8463 for use in the clearinghouse. The types of programs and services
8464 shall include but not be limited to financial counseling, farm and
8465 small business management, employment services, labor market
8466 information, job retraining, vocational and technical training,
8467 food stamp programs, personal counseling, health services, and

8468 free or low cost legal services. The clearinghouse shall provide
8469 a single contact point to provide program information and referral
8470 services to individuals interested or needing services from state
8471 funded assistance programs affecting agriculture, horticulture,
8472 aquaculture and other agribusinesses or related industries. Such
8473 assistance information shall identify all monies available under
8474 the Small Business Financing Act, the Business Investment Act, the
8475 Emerging Crop Fund legislation and any other sources which may be
8476 used singularly or combined, to provide a comprehensive financing
8477 package. The provisions of this section in establishing a single
8478 contact point for information and referral services shall not be
8479 construed to authorize the hiring of additional personnel.

8480 (2) The Cooperative Extension Service may accept monetary or
8481 in-kind contributions, gifts and grants for the establishment or
8482 operation of the clearinghouse.

8483 (3) The Cooperative Extension Service shall establish a
8484 method for the dissemination of information to those who can be
8485 benefited by the existing programs and services of the state.

8486 (4) The Cooperative Extension Service shall file an annual
8487 report with the Governor, Lieutenant Governor and Speaker of the
8488 House of Representatives regarding the efforts which have been
8489 made in the clearinghouse operation. The report shall also
8490 recommend any additional measures, including legislation, which
8491 may be needed or desired in providing programs and benefits to
8492 those affected by the agricultural emergency.

8493 SECTION 218. Section 73-15-19, Mississippi Code of 1972, is
8494 amended as follows:[LH208]

8495 73-15-19. (1) **Registered nurse applicant qualifications.**
8496 Any applicant for a license to practice as a registered nurse
8497 shall submit to the board:

8498 (a) An attested written application on a board of
8499 nursing form;

8500 (b) Written official evidence of completion of a

8501 nursing program approved by the Commissioner of Higher Education,
8502 or one approved by a legal accrediting agency of another state,
8503 territory or possession of the United States, the District of
8504 Columbia, or a foreign country which is satisfactory to this
8505 board;

8506 (c) Evidence of competence in English related to
8507 nursing, provided the first language is not English;

8508 (d) Any other official records required by the board.

8509 The board may, in its discretion, refuse to accept the
8510 application of any person who has been convicted of a criminal
8511 offense under any provision of Title 97 of the Mississippi Code of
8512 1972, as now or hereafter amended, or any provision of this
8513 chapter.

8514 (2) **Licensure by examination.**

8515 (a) Upon the board being satisfied that an applicant
8516 for a license as a registered nurse has met the qualifications set
8517 forth in subsection (1) of this section, the board shall proceed
8518 to examine such applicant in such subjects as the board shall, in
8519 its discretion, determine. The subjects in which applicants shall
8520 be examined shall be in conformity with curricula in schools of
8521 nursing approved by the Commissioner of Higher Education, or one
8522 approved by a legal accrediting agency of another state, territory
8523 or possession of the United States, the District of Columbia, or a
8524 foreign country which is satisfactory to the board.

8525 (b) The applicant shall be required to pass the written
8526 examination as selected by the board.

8527 (c) Upon successful completion of such examination, the
8528 board shall issue to the applicant a license to practice as a
8529 registered nurse.

8530 (d) The board may use any part or all of the state
8531 board test pool examination for registered nurse licensure, its
8532 successor examination, or any other nationally standardized
8533 examination identified by the board in its rules. The passing

8534 score shall be established by the board in its rules.

8535 (3) **Licensure by endorsement.** The board may issue a license
8536 to practice nursing as a registered nurse without examination to
8537 an applicant who has been duly licensed as a registered nurse
8538 under the laws of another state, territory or possession of the
8539 United States, the District of Columbia, or a foreign country if,
8540 in the opinion of the board, the applicant meets the
8541 qualifications required of licensed registered nurses in this
8542 state and has previously achieved the passing score or scores on
8543 the licensing examination required by this state, at the time of
8544 his or her graduation.

8545 (4) **Requirements for rewriting the examination.** The board
8546 shall establish in its rules the requirements for rewriting the
8547 examination for those persons failing the examination on the first
8548 writing or subsequent rewriting.

8549 (5) **Fee.** The applicant applying for a license by
8550 examination or by endorsement to practice as a registered nurse
8551 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
8552 board.

8553 (6) **Temporary permit.**

8554 (a) The board may issue a temporary permit to practice
8555 nursing to a graduate of an approved school of nursing pending the
8556 results of the examination in Mississippi, and to a qualified
8557 applicant from another state, territory or possession of the
8558 United States, or District of Columbia, or pending licensure
8559 procedures as provided for elsewhere in this chapter. The fee
8560 shall not exceed Twenty-five Dollars (\$25.00).

8561 (b) The board may issue a temporary permit for a period
8562 of ninety (90) days to a registered nurse who is currently
8563 licensed in another state, territory or possession of the United
8564 States or the District of Columbia and who is an applicant for
8565 licensure by endorsement. Such permit is not renewable except by
8566 board action.

8567 (c) The board may issue a temporary permit to a
8568 graduate of an approved school of nursing pending the results of
8569 the first licensing examination scheduled after application. Such
8570 permit is not renewable except by board action.

8571 (d) The board may issue a temporary permit for a period
8572 of thirty (30) days to any registered nurse during the time
8573 enrolled in a nursing reorientation program. This time period may
8574 be extended by board action. The fee shall not exceed Twenty-five
8575 Dollars (\$25.00).

8576 (e) The board may adopt such regulations as are
8577 necessary to limit the practice of persons to whom temporary
8578 permits are issued.

8579 (7) **Temporary license.** The board may issue a temporary
8580 license to practice nursing at a youth camp licensed by the State
8581 Board of Health to nonresident registered nurses and retired
8582 resident registered nurses under the provisions of Section
8583 75-48-8.

8584 (8) **Title and abbreviation.** Any person who holds a license
8585 to practice as a registered nurse in this state shall have the
8586 right to use the title "registered nurse" and the abbreviation
8587 "R.N." No other person shall assume such title or use such
8588 abbreviation, or any words, letters, signs or devices to indicate
8589 that the person using the same is a registered nurse.

8590 (9) **Registered nurses licensed under a previous law.** Any
8591 person holding a license to practice nursing as a registered nurse
8592 issued by this board which is valid on July 1, 1981, shall
8593 thereafter be deemed to be licensed as a registered nurse under
8594 the provisions of this chapter upon payment of the fee provided in
8595 Section 73-15-27.

8596 (10) Each application or filing made under this section
8597 shall include the social security number(s) of the applicant in
8598 accordance with Section 93-11-64, Mississippi Code of 1972.

8599 SECTION 219. Section 73-15-33, Mississippi Code of 1972, is

8600 amended as follows:[LH209]

8601 73-15-33. It is unlawful for any person, including a
8602 corporation or association, to:

8603 (a) Sell, fraudulently obtain or furnish any nursing
8604 diploma, license, renewal of license, or record, or to aid or abet
8605 therein;

8606 (b) Practice nursing as defined by this chapter under
8607 cover of any diploma, license, renewal of license, or record
8608 illegally or fraudulently obtained or signed or issued unlawfully
8609 or under fraudulent representation;

8610 (c) Practice or offer to practice nursing as defined by
8611 this chapter unless duly licensed under the provisions of this
8612 chapter;

8613 (d) Use any designation by which a person presents to
8614 the public that he or she is a registered nurse or a licensed
8615 practical nurse unless duly licensed under the provisions of this
8616 chapter;

8617 (e) Practice as a registered nurse or a licensed
8618 practical nurse during the time his or her license issued under
8619 the provisions of this chapter is under suspension or revocation;

8620 (f) Conduct a nursing education program for the
8621 preparation of registered nurses, unless the program has been
8622 accredited by the Commissioner of Higher Education, or conduct a
8623 nursing education program for the preparation of licensed
8624 practical nurses unless the program has been accredited by the
8625 Department of Education through the Division of Vocational
8626 Education;

8627 (g) Wilfully employ unlicensed persons to practice as
8628 registered nurses or licensed practical nurses; or

8629 (h) Wilfully aid or abet any person who violates any
8630 provisions of this chapter.

8631 Any person, firm or corporation who violates any provisions
8632 of this chapter shall be guilty of a misdemeanor and, upon

8633 conviction thereof, shall be punished by a fine not less than One
8634 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
8635 (\$1,000.00) or by imprisonment in the county jail for not less
8636 than twelve (12) months, or by both such fine and imprisonment.
8637 It shall be necessary to prove, in any prosecution under this
8638 chapter, only a single act prohibited by law, or a single holding
8639 out or an attempt without proving a general course of conduct in
8640 order to constitute a violation. Each violation may constitute a
8641 separate offense. It shall be the duty of the Attorney General to
8642 advise with the board in preparing charges, to assist in
8643 conducting board disciplinary hearings, to provide assistance with
8644 appropriate affidavits and other charges for filing in the
8645 appropriate court, and to assist the county or district attorney
8646 in prosecution, if any.

8647 SECTION 220. Section 75-59-1, Mississippi Code of 1972, is
8648 amended as follows:[LH210]

8649 75-59-1. No person, firm or corporation shall contract to
8650 furnish correspondence courses to persons within the state unless
8651 such person, firm or corporation shall have obtained a permit from
8652 the Office of the Secretary of State, either (a) the State
8653 Department of Education, (b) the State Board for Community and
8654 Junior Colleges, or (c) the Commissioner of Higher Education,
8655 whichever is appropriate, and the Office of the Attorney General.

8656 An application for a permit shall be made on forms furnished by
8657 the Secretary of State, the State Department of Education, the
8658 State Board for Community and Junior Colleges or the Commissioner
8659 of Higher Education, as the case may be, and the Attorney General
8660 and such application shall designate an agent for the service of
8661 summons within the state; shall contain the name and address of
8662 the applicant; the type of courses offered with a brief summary of
8663 the course of studies offered; and one (1) copy of all textbooks
8664 or other teaching aids and training materials which are
8665 incorporated in the course of study shall be filed with said

8666 application. The applicant shall pay the Secretary of State a fee
8667 of Two Hundred Fifty Dollars (\$250.00). The applicant shall file
8668 a bond with his application in the sum of Fifty Thousand Dollars
8669 (\$50,000.00) conditioned to satisfy any judgment rendered by a
8670 court of competent jurisdiction, in favor of any person who has
8671 sustained damages as a result of the breach of a contract of
8672 instruction by the permittee. Such bond shall be executed by the
8673 permittee and a resident surety company qualified to transact
8674 business within the state. Such permit shall be valid for one (1)
8675 year from the date thereof. Suits against the permittee and his
8676 surety may be brought in the county where the plaintiff resides,
8677 or the county where the defendant has his principal place of
8678 business, or where his resident agent resides. This chapter shall
8679 not apply to any business school or business college holding a
8680 current certificate or license issued under the applicable law of
8681 this state. In addition, this chapter shall not apply to
8682 religious instructions offered by a recognized church
8683 denomination; provided, however, that no fee or charge of any kind
8684 whatever may be levied or collected directly or indirectly for
8685 such instructions or certificates issued in connection therewith
8686 or incidental thereto. No person shall be granted a permit unless
8687 he is an individual of good moral character.

8688 SECTION 221. Section 75-60-5, Mississippi Code of 1972, is
8689 amended as follows:[LH211]

8690 75-60-5. The provisions of this chapter do not apply to the
8691 following categories of courses, schools or colleges:

8692 (a) Tuition-free courses or schools conducted by
8693 employers exclusively for their own employees;

8694 (b) Schools, colleges, technical institutes, community
8695 colleges, junior colleges or universities under the jurisdiction
8696 of a board of trustees of a state institution of higher learning
8697 or the State Board for Community and Junior Colleges;

8698 (c) Schools or courses of instruction under the

8699 jurisdiction of the State Board of Cosmetology or State Board of
8700 Barber Examiners;

8701 (d) Courses of instruction required by law to be
8702 approved or licensed, or given by institutions approved or
8703 licensed, by a state board or agency other than the Commission on
8704 Proprietary School and College Registration; however, a school so
8705 approved or licensed may apply to the Commission on Proprietary
8706 School and College Registration for a certificate of registration
8707 to be issued in accordance with the provisions of this chapter;

8708 (e) Correspondence courses;

8709 (f) Nonprofit private schools offering academic credits
8710 at primary or secondary levels, or conducting classes for
8711 exceptional education as defined by regulations of the State
8712 Department of Education;

8713 (g) Private nonprofit colleges and universities or any
8714 private school offering academic credits at primary, secondary or
8715 postsecondary levels;

8716 (h) Courses of instruction conducted by a public school
8717 district or a combination of public school districts;

8718 (i) Courses of instruction conducted outside the United
8719 States;

8720 (j) A school which offers only instruction in subjects
8721 which the Commission on Proprietary School and College
8722 Registration determines are primarily for avocational, personal
8723 improvement or cultural purposes and which does not represent to
8724 the public that its course of study or instruction will or may
8725 produce income for those who take such study or instruction;

8726 (k) Courses conducted primarily on an individual
8727 tutorial basis, where not more than one (1) student is involved at
8728 any one (1) time, except in those instances where the Commission
8729 on Proprietary School and College Registration determines that the
8730 course is for the purpose of preparing for a vocational objective;

8731 (l) Kindergartens or similar programs for preschool-age

8732 children.

8733 SECTION 222. The Attorney General of the State of
8734 Mississippi shall submit this act, immediately upon approval by
8735 the Governor, or upon approval by the Legislature subsequent to a
8736 veto, to the Attorney General of the United States or to the
8737 United States District Court for the District of Columbia in
8738 accordance with the provisions of the Voting Rights Act of 1965,
8739 as amended and extended.

8740 SECTION 223. This act shall take effect and be in force from
8741 and after either the date it is effectuated under the Voting
8742 Rights Act of 1965, as amended and extended, or the date that
8743 House Concurrent Resolution 48, 2000 Regular Session, takes
8744 effect, whichever is the later date; however, this act shall take
8745 effect and be in force only if it is effectuated under the Voting
8746 Rights Act of 1965, as amended and extended, and only if House
8747 Concurrent Resolution 48, 2000 Regular Session, takes effect by
8748 effectuation under the Voting Rights Act of 1965, as amended and
8749 extended, and by ratification of the electorate at the November
8750 2000 general election.