HOUSE BILL NO. 454

A GREATER FEE FOR SPECIALIZED PROGRAMS IN VOCATIONAL EDUCATION
WHICH ARE UNAVAILABLE TO THE STUDENTS IN THEIR HOME DISTRICT; TO
REPEAL SECTIONS 37-29-211 THROUGH 37-29-217, MISSISSIPPI CODE OF
1972, WHICH REQUIRE COMMUNITY COLLEGE FACULTY MEMBERS TO FILE AN
APFIDAVIT AS TO MEMBERSHIP IN ORGANIZATIONS AS A CONDITION FOR
EMPLOYMENT; TO REPEAL SECTION 37-29-263, MISSISSIPPI CODE OF 1972,
WHICH AUTHORIZES THE COMMUNITY AND JUNIOR COLLEGES TO USE ANY
AVAILABLE FUNDS TO DEFRAY THE COST OF ELECTRONIC DATA PROCESSING
EQUIPMENT; TO REPEAL SECTION 37-29-273, MISSISSIPPI CODE OF 1972,
WHICH AUTHORIZES THE ATTENDANCE OF PUPILS IN A COUNTY SCHOOL
DISTRICT AT A MUNICIPAL JUNIOR COLLEGE IN SUCH COUNTY; TO REPEAL
SECTIONS 37-29-401 THROUGH 37-29-437, MISSISSIPPI CODE OF 1972,
WHICH PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE
MISSISSIPPI GULF COAST JUNIOR COLLEGE DISTRICT; TO REPEAL SECTIONS
37-29-451 THROUGH 37-29-471, MISSISSIPPI CODE OF 1972, WHICH
PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE COPIAH-LINCOLN
JUNIOR COLLEGE DISTRICT; TO REPEAL SECTIONS 37-29-501 THROUGH
37-29-515, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
ESTABLISHMENT AND OPERATION OF THE MERIDIAN JUNIOR COLLEGE
DISTRICT; TO REPEAL SECTIONS 37-29-551 THROUGH 37-29-571,
MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE ESTABLISHMENT AND
OPERATION OF THE COAHOMA COMMUNITY COLLEGE DISTRICT; TO REPEAL
SECTION 37-101-331, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE
STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO SUBMIT A REPORT
TO THE LEGISLATURE ON THE RENOVATION AND REPAIR NEEDS OF THE
COMMUNITY AND JUNIOR COLLEGES BEFORE JANUARY 3, 1989; TO REPEAL
SECTIONS 37-153-1 THROUGH 37-153-13, MISSISSIPPI CODE OF 1972,
WHICH IS THE DUPLICATIVE CODIFICATION OF THE WORK FORCE EDUCATION
ACT OF 1994, ALSO CODIFIED AS SECTIONS 37-151-63 THROUGH
37-151-75; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) From and after July 1, 2001, the State Board
for Community and Junior Colleges is abolished, and all powers,
duties and responsibilities of the State Board for Community and
Junior Colleges are transferred to the Board of Trustees of State
Institutions of Higher Learning. All records, property,
contractual rights and obligations, unexpended balances of
appropriations, allocations or other funds of the State Board for
Community and Junior Colleges are transferred to the Board of
Trustees of State Institutions of Higher Learning.

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

SECTION 2. Section 37-4-3, Mississippi Code of 1972, is
amended as follows:

H. B. No. 454
01/HR40/R159.1
PAGE 2 (RM\BD)
37-4-3. (1) From and after July 1, 2001, the Board of Trustees of State Institutions of Higher Learning shall receive and distribute funds appropriated by the Legislature for the use of the public community colleges and funds from federal and other sources that are transmitted through the state governmental organization for use by said colleges. The Board of Trustees of State Institutions of Higher Learning shall provide general coordination of the public community colleges, assemble reports and such other duties as may be prescribed by law.

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

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

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

(c) To approve new, changes to and deletions of vocational and technical programs to the various colleges.
(d) To require community colleges to supply such information as the board of trustees may request and compile, publish and make available such reports based thereon as the board of trustees may deem advisable.

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

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

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

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

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

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

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

(l) To fix standards for community colleges to qualify for appropriations, and qualifications for community college teachers.
(m) To have sign-off approval on the State Plan for Vocational Education which is developed in cooperation with appropriate units of the State Department of Education.

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

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

SECTION 3. Section 37-101-15, Mississippi Code of 1972, is amended as follows:

37-101-15. (a) The Board of Trustees of State Institutions of Higher Learning shall succeed to and continue to exercise control of all records, books, papers, equipment, and supplies, and all lands, buildings, and other real and personal property belonging to or assigned to the use and benefit of the board of trustees formerly supervising and controlling the institutions of higher learning named in Section 37-101-1. The board shall have and exercise control of the use, distribution and disbursement of all funds, appropriations and taxes, now and hereafter in possession, levied and collected, received, or appropriated for the use, benefit, support, and maintenance or capital outlay expenditures of the community colleges and institutions of higher learning, including the authorization of employees to sign vouchers for the disbursement of funds for the various community colleges and institutions, except where otherwise specifically provided by law.
(b) The board shall have general supervision of the affairs of all the community colleges and institutions of higher learning, including the departments and the schools thereof. The board shall have the power in its discretion to determine who shall be privileged to enter, to remain in, or to graduate therefrom. The board shall have general supervision of the conduct of libraries and laboratories, the care of dormitories, buildings, and grounds; the business methods and arrangement of accounts and records; the organization of the administrative plan of each college and institution; and all other matters incident to the proper functioning of the community colleges and institutions. The board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the community colleges and institutions under its jurisdiction, which standards need not be uniform between the various community colleges and institutions and which may be based upon such criteria as the board may establish.

(c) The board shall exercise all the powers and prerogatives conferred upon it under the laws establishing and providing for the operation of the several community colleges and institutions. The board shall adopt such bylaws and regulations from time to time as it deems expedient for the proper supervision and control of the several community colleges and institutions of higher learning, insofar as such bylaws and regulations are not repugnant to the Constitution and laws, and not inconsistent with the object for which these community colleges and institutions were established. The board shall have power and authority to prescribe rules and regulations for policing the campuses and all buildings of the respective community colleges and institutions, to authorize the arrest of all persons violating on any campus any criminal law of the state, and to have such law violators turned over to the civil authorities.
(d) For all community colleges and institutions, the board shall provide a uniform system of recording and of accounting approved by the State Department of Audit. The board shall annually prepare, or cause to be prepared, a budget for each community college and institution of higher learning for the succeeding year which must be prepared and in readiness for at least thirty (30) days before the convening of the regular session of the Legislature. All relationships and negotiations between the state Legislature and its various committees and the community colleges and institutions shall be carried on through the board of trustees. No official, employee or agent representing any of the separate community colleges or institutions shall appear before the Legislature or any committee thereof except upon the written order of the board or upon the request of the Legislature or a committee thereof.

(e) For all community colleges and institutions, the board shall prepare an annual report to the Legislature setting forth the disbursements of all monies appropriated to the respective community colleges and institutions. Each report to the Legislature shall show how the money appropriated to the several community colleges and institutions has been expended, beginning and ending with the fiscal years of the community colleges and institutions, showing the name of each teacher, officer, and employee, and the salary paid each, and an itemized statement of each and every item of receipts and expenditures. Each report must be balanced, and must begin with the former balance. If any property belonging to the state or the community college or institution is used for profit, the reports shall show the expense incurred in managing the property and the amount received therefrom. The reports shall also show a summary of the gross receipts and gross disbursements for each year and shall show the money on hand at the beginning of the fiscal period of the community college and institution next preceding each session.
of the Legislature and the necessary amount of expense to be
incurred from said date to January 1 following. The board shall
keep the annual expenditures of each community college and
institution ** within the income derived from legislative
appropriations and other sources, but in case of emergency arising
from acts of providence, epidemics, fire or storm with the written
approval of the Governor and by written consent of a majority of
the Senators and of the Representatives it may exceed the income.
The board shall require a surety bond in a surety company
authorized to do business in this state, of every employee who is
the custodian of funds belonging to one or more of the community
colleges and institutions **, which bond shall be in a sum to
be fixed by the board in an amount that will properly safeguard
the said funds, the premium for which shall be paid out of the
funds appropriated for said community colleges and institutions.
(f) The board shall have the power and authority to elect
the heads of the various community colleges and institutions of
higher learning and to contract with all deans, professors, and
other members of the teaching staff, and all administrative
employees of said community colleges and institutions for a term
of not exceeding four (4) years. The board shall have the power
and authority to terminate any such contract at any time for
malfeasance, inefficiency, or contumacious conduct, but never for
political reasons. It shall be the policy of the board to permit
the executive head of each community college and institution to
nominate for election by the board all subordinate employees of
the community college or institution over which he presides. It
shall be the policy of the board to elect all officials for a
definite tenure of service and to reelect during the period of
satisfactory service. The board shall have the power to make any
adjustments it thinks necessary between the various departments
and schools of any community college or institution or between the
different community colleges and institutions.
(g) The board shall keep complete minutes and records of all proceedings which shall be open for inspection by any citizen of the state.

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

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

(j) From and after July 1, 2001, the Board of Trustees of State Institutions of Higher Learning shall exercise control of all records, books, papers, equipment and supplies, and all lands, buildings and other real and personal property belonging to or assigned to the use and benefit of the State Board for Community and Junior Colleges on June 30, 2001. The Board of Trustees of State Institutions of Higher Learning shall exercise all powers and duties granted by law which, on June 30, 2001, were exercised by the State Board for Community and Junior Colleges.

SECTION 4. Section 37-29-31, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

(f) Southwest Mississippi Community College District is comprised of the counties of Adams, Amite, Carroll, Claiborne,
Copiah, Franklin, Holmes, Humphreys, Issaquena, Jefferson,
Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Sharkey,
administration offices of Southwest Mississippi Community College
shall be situated at a location to be determined by the Board of
Trustees of State Institutions of Higher Learning. In making this
determination, the board shall give consideration to the
geographical and highest population centers of the district.

SECTION 5. Section 37-29-33, Mississippi Code of 1972, is
amended as follows:

37-29-33. Except as otherwise provided in Sections 37-29-1
through 37-29-273, all of the property belonging to the board of
trustees of any community or junior college district existing on
June 30, 2001, and all of the property belonging to any or all of
the counties cooperating, as of June 30, 2001, in the existing
community and junior colleges or the agricultural high schools and
community and junior colleges located at the existing campuses and
utilized or held for the present or future use and benefit of such
community and junior colleges or agricultural high schools
and community and junior colleges, shall be and the same is hereby
transferred to and vested in the community colleges in the
respective community college districts created in Section
37-29-31.

SECTION 6. Each reference in the laws of this state to the
term "junior college district" means community college district,
and each reference to the term "junior college" means community
college.

SECTION 7. Section 7-1-365, Mississippi Code of 1972, is
amended as follows:

7-1-365. The State Department of Education,
Vocational-Technical Division, the Board of Trustees of State
Institutions of Higher Learning and the junior colleges, the board
of trustees of any school district, the Mississippi Employment
Security Commission, and the Department of Economic and Community Development shall cooperate in carrying out the provisions of Sections 7-1-351 through 7-1-371.

SECTION 8. Section 25-3-39, Mississippi Code of 1972, is amended as follows:

25-3-39. (1) No public officer, public employee, administrator, or executive head of any arm or agency of the state, in the executive branch of government, shall be paid a salary or compensation, directly or indirectly, in excess of the salary fixed in Section 25-3-31 for the Governor. All academic officials, members of the teaching staffs and employees of the state institutions of higher learning and community colleges, and licensed physicians who are public employees, shall be exempt from this subsection. In addition, the Executive Director of the Department of Economic and Community Development and the Chief of Staff of the Governor’s Office shall be exempt from this subsection. The Governor shall fix the annual salary of the Executive Director of the Department of Economic and Community Development and the annual salary of the Chief of Staff of the Governor’s Office, which salaries shall be completely paid by the state and may not be supplemented with any funds from any source, including federal or private funds. Provided, however, that the salary of the Executive Director of the Department of Economic and Community Development and the Governor’s Chief of Staff shall not be greater than fifty percent (50%) in excess of the salary of the Governor.

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

SECTION 9. Section 25-9-107, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

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

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

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

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

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

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

(viii) Officers and enlisted members of the
National Guard of the state;
(ix) Prisoners, inmates, student or patient help working in or about institutions;

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

(xi) Part-time employees; provided, however, part-time employees shall only be hired into authorized employment positions classified by the board, shall meet minimum qualifications as set by the board, and shall be paid in accordance with the Variable Compensation Plan as certified by the board;

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

(xiii) Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified as such, provided that the State Personnel Director shall verify that the statutory qualifications are met prior to issuance of a payroll warrant by the auditor;
(xiv) Personnel who are employed and paid from funds received from a federal grant program which has been approved by the Legislature or the Department of Finance and Administration whose length of employment has been determined to be time-limited in nature. This subparagraph shall apply to personnel employed under the provisions of the Comprehensive Employment and Training Act of 1973, as amended, and other special federal grant programs which are not a part of regular federally funded programs wherein appropriations and employment positions are appropriated by the Legislature. Such employees shall be paid in accordance with the Variable Compensation Plan and shall meet all qualifications required by federal statutes or by the Mississippi Classification Plan;

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; provided, however, that the salary of such administrative head shall be determined by the State Personnel Board in accordance with the Variable Compensation Plan unless otherwise fixed by statute;

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

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

(xviii) Repealed;
(xix) The associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce;

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

(d) "Agency" means any state board, commission, committee, council, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

SECTION 10. Section 25-15-9, Mississippi Code of 1972, is amended as follows:

25-15-9. (1) (a) The board shall design a plan of health insurance for state employees which provides benefits for semiprivate rooms in addition to other incidental coverages which the board deems necessary. The amount of the coverages shall be in such reasonable amount as may be determined by the board to be adequate, after due consideration of current health costs in Mississippi. The plan shall also include major medical benefits in such amounts as the board shall determine. The board is also authorized to accept bids for such alternate coverage and optional benefits as the board shall deem proper. Any contract for alternative coverage and optional benefits shall be awarded by the board after it has carefully studied and evaluated the bids and
selected the best and most cost-effective bid. The board may reject all such bids; however, the board shall notify all bidders of the rejection and shall actively solicit new bids if all bids are rejected. The board may employ or contract for such consulting or actuarial services as may be necessary to formulate the plan, and to assist the board in the preparation of specifications and in the process of advertising for the bids for the plan. Such contracts shall be solicited and entered into in accordance with Section 25-15-5. The board shall keep a record of all persons, agents and corporations who contract with or assist the board in preparing and developing the plan. The board in a timely manner shall provide copies of this record to the members of the advisory council created in this section and those legislators, or their designees, who may attend meetings of the advisory council. The board shall provide copies of this record in the solicitation of bids for the administration or servicing of the self-insured program. Each person, agent or corporation which, during the previous fiscal year, has assisted in the development of the plan or employed or compensated any person who assisted in the development of the plan, and which bids on the administration or servicing of the plan, shall submit to the board a statement accompanying the bid explaining in detail its participation with the development of the plan. This statement shall include the amount of compensation paid by the bidder to any such employee during the previous fiscal year. The board shall make all such information available to the members of the advisory council and those legislators, or their designees, who may attend meetings of the advisory council before any action is taken by the board on the bids submitted. The failure of any bidder to fully and accurately comply with this paragraph shall result in the rejection of any bid submitted by that bidder or the cancellation of any contract executed when the failure is discovered after the acceptance of that bid. The board is authorized to promulgate
rules and regulations to implement the provisions of this
subsection.

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

Any corporation, association, company or individual that
contracts with the board for the third-party claims administration
of the self-insured plan shall prepare and keep on file an
explanation of benefits for each claim processed. The explanation
of benefits shall contain such information relative to each
processed claim which the board deems necessary, and, at a
minimum, each explanation shall provide the claimant's name, claim
number, provider number, provider name, service dates, type of
services, amount of charges, amount allowed to the claimant and
reason codes. The information contained in the explanation of
benefits shall be available for inspection upon request by the
board. The board shall have access to all claims information
utilized in the issuance of payments to employees and providers.

(b) There is created an advisory council to advise the
board in the formulation of the State and School Employees Health
Insurance Plan. The council shall be composed of the State
Insurance Commissioner or his designee, an employee-representative
of the institutions of higher learning appointed by the board of
trustees thereof, an employee-representative of the Department of
Transportation appointed by the director thereof, an
employee-representative of the State Tax Commission appointed by
the Commissioner of Revenue, an employee-representative of the
Mississippi Department of Health appointed by the State Health
Officer, an employee-representative of the Mississippi Department
of Corrections appointed by the Commissioner of Corrections, and
an employee-representative of the Department of Human Services
appointed by the Executive Director of Human Services, two (2)
certificated public school administrators appointed by the State
Board of Education, two (2) certificated classroom teachers appointed by the State Board of Education, a noncertificated school employee appointed by the State Board of Education and a community college employee appointed by the Board of Trustees of State Institutions of Higher Learning.

The Lieutenant Governor may designate the Secretary of the Senate, the Chairman of the Senate Appropriations Committee, the Chairman of the Senate Education Committee and the Chairman of the Senate Insurance Committee, and the Speaker of the House of Representatives may designate the Clerk of the House, the Chairman of the House Appropriations Committee, the Chairman of the House Education Committee and the Chairman of the House Insurance Committee, to attend any meeting of the State and School Employees Insurance Advisory Council. The appointing authorities may designate an alternate member from their respective houses to serve when the regular designee is unable to attend such meetings of the council. Such designees shall have no jurisdiction or vote on any matter within the jurisdiction of the council. For attending meetings of the council, such legislators shall receive per diem and expenses which shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the Legislature is not in session; however, no per diem and expenses for attending meetings of the council will be paid while the Legislature is in session. No per diem and expenses will be paid except for attending meetings of the council without prior approval of the proper committee in their respective houses.

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

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

(e) **Medical benefits for retired employees and dependents over age sixty-five (65) years or otherwise eligible for Medicare benefits.** The health insurance coverage available to retired employees over age sixty-five (65) years or otherwise eligible for Medicare benefits, and all dependents over age sixty-five (65) years or otherwise eligible for Medicare benefits, shall be the major medical coverage with the lifetime maximum of One Million Dollars ($1,000,000.00). Benefits shall be reduced by Medicare benefits as though such Medicare benefits were the base plan. All covered individuals shall be assumed to have full Medicare coverage, Parts A and B; and any Medicare payments under both Parts A and B shall be computed to reduce benefits payable under this plan.

(2) **Nonduplication of benefits--reduction of benefits by Title XIX benefits:** When benefits would be payable under more than one (1) group plan, benefits under those plans will be coordinated to the extent that the total benefits under all plans will not exceed the total expenses incurred.
Benefits for hospital or surgical or medical benefits shall be reduced by any similar benefits payable in accordance with Title XIX of the Social Security Act or under any amendments thereto, or any implementing legislation.

(3) (a) Schedule of life insurance benefits--group term: The amount of term life insurance for each active employee of a department, agency or institution of the state government shall not be in excess of One Hundred Thousand Dollars ($100,000.00), or twice the amount of the employee's annual wage to the next highest One Thousand Dollars ($1,000.00), whichever may be less, but in no case less than Thirty Thousand Dollars ($30,000.00), with a like amount for accidental death and dismemberment on a twenty-four-hour basis. The plan will further contain a premium waiver provision if a covered employee becomes totally and permanently disabled prior to age sixty-five (65) years.

Employees retiring after June 30, 1999, shall be eligible to continue life insurance coverage in an amount of Five Thousand Dollars ($5,000.00), Ten Thousand Dollars ($10,000.00) or Twenty Thousand Dollars ($20,000.00) into retirement.

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

(4) Any eligible employee who on March 1, 1971, was participating in a group life insurance program which has provisions different from those included herein and for which the State of Mississippi was paying a part of the premium may, at his discretion, continue to participate in such plan. Such employee shall pay in full all additional costs, if any, above the minimum program established by this article. Under no circumstances shall any individual who begins employment with the state after March 1, 1971, be eligible for the provisions of this paragraph.

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

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

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

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

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

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

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

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

SECTION 11. Section 29-1-205, Mississippi Code of 1972, is
amended as follows:

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

Commence at the Southwest corner of Lot 2 of Northeast
Heights, a subdivision on file and of record in the
office of the Chancery Clerk at Jackson, Hinds County,
Mississippi, in Plat Book 10 at Page 45; run thence
Southerly along the extension of the West line of said
Lot 2 for a distance of 80.00 feet to a point on the
South Line of Eastover Drive; turn thence right through
a deflection angle of 89 degrees 13 minutes and run
westerly along the South line of Eastover Drive for a
distance of 43.84 feet to the POINT OF BEGINNING; thence
leaving said South line of Eastover Drive, turn left
through a deflection angle of 95 degrees 41 minutes 50
seconds and run Southerly along a line twenty five feet
from and parallel to the centerline of a 31 foot asphalt
drive for a distance of 118.08 feet; turn thence right
through a deflection angle of 3 degrees 07 minutes 37
seconds and continue Southerly along a line twenty five
feet from and parallel to the centerline of a 31 foot
asphalt drive for a distance of 132.71 feet to a point
on the North line of a United Gas Pipe Line Company
easement; turn thence right through a deflection angle
of 59 degrees 18 minutes 47 seconds and run
Southwesterly along the North line of said United Gas
Pipe Line Company easement for a distance of 520.00
feet; turn thence right through a deflection angle of 90
degrees 00 minutes 00 seconds and run Northwesterly for
a distance of 410.00 feet; turn thence right through a
deflection angle of 69 degrees 42 minutes 33 seconds and
run Northeasterly for a distance of 238.99 feet to a
point on the South line of said Eastover Drive; said
point further being on a 2 degrees 27 minutes curve
bearing to the right, said curve having a central angle
of 8 degrees 58 minutes 45 seconds and a radius of
2258.60 feet; turn thence right through a deflection
angle of 53 degrees 12 minutes 08 seconds and run
Easterly along the chord of said 2 degrees 27 minutes
curve bearing to the right and the South line of said
Eastover Drive for a distance of 27.26 feet to the Point
of Tangency; turn thence right through a deflection
angle of 00 degrees 20 minutes 45 seconds and run
Easterly along the South line said Eastover Drive for a
distance of 472.74 feet to the POINT OF BEGINNING,
containing 5.44 acres more or less.

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

(3) The conveyance to be executed by the Department of
Finance and Administration, acting through the Bureau of Building,
Grounds and Real Property Management, shall be within the limits
contained in Sections 29-1-205 and 29-1-209 and contain a
provision reserving unto the state all oil, gas and mineral rights
of every kind and character. The conveyance shall make provision
for reasonable access to the conveyed premises over existing
roadways and to existing utility lines for the benefit of the
conveyed premises. The conveyance shall include terms granting to
the Board of Trustees of State Institutions of Higher
Learning *** and to the Mississippi Authority for Educational
Television reasonable rights to utilize the improvements to be
constructed thereon, or portions thereof, for conference or
meeting purposes, specifying the architectural style of the
improvements and providing a reasonable setback of wooded
undeveloped property contiguous to the improvements in order to
maintain the natural environment of the site.
(4) The conveyance herein shall be for such consideration as determined appropriate by the Public Procurement Review Board. Such consideration may be paid or provided in installments over a period of time (not to exceed twenty-five (25) years) and may also be provided in kind. In-kind consideration may include the reasonable use of the improvements constructed on the property by the Board of Trustees of State Institutions of Higher Learning and its institutions * * * and the Mississippi Authority for Educational Television and other state agencies, and the provision of leadership training certification programs for community and junior college faculty and others. Such in-kind consideration may also constitute full and fair consideration for the property. In establishing consideration, the board may take into account the appraised value of the property, but shall allow reasonable credit to the purchaser for benefits accruing to the State of Mississippi, including the enhancement of the state's community and junior college program and the promotion of excellence in public education afforded by the location of such organization and its headquarters in this state, the increase in employment made possible, and that the only use which can be made of the conveyed premises is for the organization's national headquarters with reversion to the state otherwise.

SECTION 12. Section 29-17-3, Mississippi Code of 1972, is amended as follows:

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

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

(4) A special fund, to be designated the "1991 Mississippi Public Facilities Mechanical Equipment and Utility Systems Repair and Replacement Fund," is hereby created in the State Treasury. Monies deposited into such fund shall be allocated and disbursed, in the discretion of the Department of Finance and Administration, to pay costs of and relating to repair and replacement of mechanical, electrical, plumbing or other utility systems in public facilities.

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

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

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

<table>
<thead>
<tr>
<th>AGENCY NAME</th>
<th>PROJECT</th>
<th>AMOUNT ALLOCATED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INSTITUTIONS OF HIGHER LEARNING:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mississippi State</td>
<td>Library addition - Phase I...........</td>
<td>$ 4,850,000</td>
</tr>
<tr>
<td>University</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MAFES</td>
<td>Complete School of Forest Resources</td>
<td>1,000,000</td>
</tr>
<tr>
<td>University of</td>
<td>Library addition - Phase I...........</td>
<td>4,000,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mississippi Valley</td>
<td>Misc. campus repairs ..................</td>
<td>800,000</td>
</tr>
<tr>
<td>State University</td>
<td></td>
<td></td>
</tr>
<tr>
<td>University of</td>
<td>Construct perinatal center</td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>Phase I..................................</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Medical Center</td>
<td>Expenditure of such funds is</td>
<td></td>
</tr>
<tr>
<td></td>
<td>contingent upon federal funds</td>
<td></td>
</tr>
<tr>
<td></td>
<td>being made available for such</td>
<td></td>
</tr>
<tr>
<td></td>
<td>project.</td>
<td></td>
</tr>
<tr>
<td>University of</td>
<td>Library addition - Phase I...........</td>
<td>4,850,000</td>
</tr>
<tr>
<td>Southern</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delta State</td>
<td>Construct fine arts facility..........</td>
<td>3,225,000</td>
</tr>
<tr>
<td>University</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jackson State</td>
<td>University Park Auditorium</td>
<td></td>
</tr>
<tr>
<td>University</td>
<td>Miscellaneous campus repairs..........</td>
<td>3,000,000</td>
</tr>
<tr>
<td>Alcorn State</td>
<td>Alcorn Stadium</td>
<td></td>
</tr>
<tr>
<td>University</td>
<td>Miscellaneous campus repairs..........</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Institution</td>
<td>Project Description</td>
<td>Amount</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>Mississippi University For Women</td>
<td>Miscellaneous campus repairs</td>
<td>400,000</td>
</tr>
<tr>
<td>USM - Gulf Coast</td>
<td>Miscellaneous campus repairs</td>
<td>500,000</td>
</tr>
<tr>
<td></td>
<td>Research Lab and Gulf Park Campus</td>
<td></td>
</tr>
</tbody>
</table>

COMPUTY AND JUNIOR COLLEGES:

These funds may only be used for the addition to or renovation of existing facilities on any community and junior college campuses as recommended by the **Board of Trustees of State Institutions of Higher Learning** to the Department of Finance and Administration; provided, however, that funds allocated for expenditure on the campus of Coahoma Community College may be used for the construction and equipping of new facilities.

<table>
<thead>
<tr>
<th>College</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coahoma</td>
<td>1,473,400</td>
</tr>
<tr>
<td>Co-Lin</td>
<td>374,996</td>
</tr>
<tr>
<td>East Central</td>
<td>321,364</td>
</tr>
<tr>
<td>East Miss</td>
<td>295,021</td>
</tr>
<tr>
<td>Hinds</td>
<td>873,120</td>
</tr>
<tr>
<td>Holmes</td>
<td>357,910</td>
</tr>
<tr>
<td>Itawamba</td>
<td>421,036</td>
</tr>
<tr>
<td>Jones Co.</td>
<td>549,303</td>
</tr>
<tr>
<td>Meridian</td>
<td>402,762</td>
</tr>
<tr>
<td>Miss. Delta</td>
<td>393,626</td>
</tr>
<tr>
<td>Mississippi Gulf Coast</td>
<td>786,754</td>
</tr>
<tr>
<td>Northeast Miss</td>
<td>489,975</td>
</tr>
<tr>
<td>Northwest Miss</td>
<td>492,586</td>
</tr>
<tr>
<td>Pearl River</td>
<td>428,155</td>
</tr>
<tr>
<td>Southwest Miss</td>
<td>339,992</td>
</tr>
</tbody>
</table>

DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.P. Coleman</td>
<td>Addition of marina slips</td>
<td></td>
</tr>
<tr>
<td></td>
<td>and parking</td>
<td>675,000</td>
</tr>
<tr>
<td></td>
<td>Expand wave pool</td>
<td></td>
</tr>
</tbody>
</table>
attendant facilities................. 460,000
Roosevelt Construct lodge and parking........ 650,000
Roosevelt Construct swimming pool and
attendant facilities..................... 200,000
Statewide FY-91 Soil Stabilization Program..... 200,000
Percy Quinn Construction of a convention center
and additional lodge rooms.......... 1,000,000
Feasibility study................................. 100,000

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

DEPARTMENT OF CORRECTIONS: Construction, repair, and/or
renovation of the following projects will be accomplished
utilizing inmate labor where possible to affect cost savings. The
Department of Correction Facilities Engineer shall determine the
extent of inmate labor available to affect maximum savings. Such
savings may be transferred to any of the following construction
projects:

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

MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION:
Replace production
facility equipment......................... 2,400,000

DEPARTMENT OF FINANCE AND ADMINISTRATION:
Restoration of Central High
Legislative Services Building...... 2,000,000
There is also hereby allocated
for the restoration of such
office facilities not more than
$6,575,000.00 of the proceeds of
bonds issued under Chapter 2,
First Extraordinary Session of
1989, which proceeds were
originally allocated therein
for the construction of new
facilities to house the Department
of Rehabilitation Services.
Install energy management system
and related utility equipment
in the "Capitol Complex"........... 2,000,000
Acquire and improve land for parking
in the "Capitol Complex"............. 25,000
Construct additional parking
facilities in the "Capitol
Complex".......................... 2,500,000

DEPARTMENT OF MENTAL HEALTH:
Statewide
Construct eight ICF-MR community
homes......................... 2,640,000
East Mississippi
Renovate shower facilities -
State Hospital
"Administration building"......... 350,000
Ellisville State
Replace dietary building......... 1,800,000
Hudspeth
FY-91 cottage renovation project... 310,000
Retardation Center
Mississippi
Life-safety upgrade renovation
State Hospital
of building 34..................... 1,400,000
Life-safety upgrade renovation
of building 87.................... 1,200,000
Life-safety upgrade renovation
of building 90.......................... 1,500,000

North Mississippi Construct ICF-MR
Retardation severely-handicapped building...... 2,400,000
Center

South Mississippi Construct ICF-MR
Retardation severely-handicapped building...... 2,400,000
Center

DEPARTMENT OF HUMAN SERVICES:
Department of FY-91 Campus-housing renovation
Youth Services program for the Columbia and
Oakley campuses...................... 300,000

DEPARTMENT OF ARCHIVES AND HISTORY:
Installation of movable shelving
in the Charlotte Capers Archives
and History Building.................. 500,000

TOTAL................................................. $63,085,000

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

(8) A special fund, to be designated the "1991 Mississippi
Public Facilities Capital Improvement Contingency Revolving Fund,"
is hereby created in the State Treasury. Amounts deposited into
such fund shall be disbursed to: (a) pay costs of projects
identified in subsection (7) of this section in the event that the
actual cost of such project not paid from sources other than the
proceeds of the bonds authorized pursuant to this act shall exceed
the amount specified in subsection (7), provided that the total
amount disbursed from such fund with respect to any project may not exceed ten percent (10%) of the amount allocated to such project as set forth in subsection (7); and (b) pay costs of other projects as may be authorized in a subsequent act. Promptly after the State Bond Commission, by resolution duly adopted, shall have certified that all of the projects specified in subsection (7) (and all other projects, if any, the payment of all or part of the cost of which from the 1991 Mississippi Public Facilities Capital Improvement Contingency Revolving Fund shall have been authorized in a subsequent act) shall have been completed or abandoned, any amounts remaining in the 1991 Mississippi Public Facilities Capital Improvement Contingency Revolving Fund shall be applied to pay debt service on bonds issued pursuant to this act, in accordance with the proceedings authorizing issuance of such bonds. Any funds remaining after construction of the above buildings at Mississippi State Hospital can be used for furnishings and equipment in Buildings 34, 87, 90 and 33.

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

SECTION 13. Section 37-3-2, Mississippi Code of 1972, is amended as follows:

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

(2) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each congressional district: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community colleges located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) local school board member; and four (4) lay persons. All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

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

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

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

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

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

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

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

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

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

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

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;
(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

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

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

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

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements.

Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science...
degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person’s college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher Education and Certification (NASDTEC) or, for those applicants who have a bachelor of science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS);

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service’s teacher testing examinations; and

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

(b) Standard License - Alternate Teaching Route.

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

(i) An application on a department form;

(ii) An official transcript evidencing a bachelors degree from an accredited institution of higher learning;
(iii) A copy of test scores evidencing satisfactory completion of an examination of achievement specified by the commission and approved by the State Board of Education;

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

and

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

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

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

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

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

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

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

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

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a Mississippi school district. Administrator license - entry level shall be issued for a five-year period and shall be nonrenewable.
(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

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

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

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

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

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

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

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

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

(b) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

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

(d) Revocation of an applicant's certificate or license by another state;

(e) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(f) Failing or refusing to furnish reasonable evidence of identification;

(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law; or
(h) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law.

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

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

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

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

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law;

(e) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense, as defined by federal or state law; or

(f) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1).

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.
(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

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

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

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

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

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

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

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 14. Section 37-4-1, Mississippi Code of 1972, is amended as follows:

37-4-1. The Legislature finds and determines that the social, cultural and economic well-being of the people of Mississippi, and hence the state, are enhanced by various educational experiences beyond the elementary and secondary school years. The Legislature hereby provides a means for the continuation of a system of community *** colleges and declares the following to be the policy of the State of Mississippi:

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

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

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

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

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

(f) An appropriate relationship between local district and state financial support of community colleges shall be established.

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

(h) The associate degree should be a definitive and accepted higher educational degree, recognized for transfer to four-year institutions and for employment and promotion in business and industry.
The community colleges shall be the presumptive deliverers of public post-secondary training designed to meet the needs of individuals, business and state development objectives. This includes, but is not limited to, post-secondary training conducted under federal and state vocational and technical acts.

SECTION 15. Section 37-4-9, Mississippi Code of 1972, is amended as follows:

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

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

37-4-11. (1) The purpose of this section is to insure the uniform management, oversight and accountability of the state-funded Industrial Training Programs, and postsecondary Adult Short-term Training Programs and Workforce Education Programs administered by the Board of Trustees of State Institutions of Higher Learning for adults provided to the citizens of Mississippi.

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

(3) Effective July 1, 1999, all funds, unexpended balances, assets, liabilities and property of the State Department of Education which are used in the delivery of postsecondary Adult Short-term Training Programs and Industrial Training Programs, excluding funds, unexpended balances, assets, liabilities and property associated with the Research and Curriculum Unit at Mississippi State University, shall be transferred to the Workforce Education Program funds of the Board of Trustees of State Institutions of Higher Learning. The State Department of Education also shall transfer to the Board of Trustees of State Institutions of Higher Learning all positions and funds employed by the State Department of Education and community colleges which render industrial training, postsecondary adult short-term training or workforce education services, including the seven (7) administrative and support positions providing support to these programs. Sufficient staff positions shall be transferred from the State Department of Education, which will have a reduction in training and educational responsibilities by virtue of this act, to the Board of Trustees of State Institutions of Higher Learning to assure that the transferred responsibilities will be properly managed and administered. Any funds available to the State Department of Education for Industrial Training Programs and state-funded postsecondary Adult Short-term Training Programs which are subject to carryover shall be transferred to the Work Force Carryover Fund established by Chapter 498, Laws of 1995, for use by the Board of Trustees of State Institutions of Higher Learning, on or before August 15, 1999.
(4) The Board of Trustees of State Institutions of Higher Learning shall develop an accountability system that shall report and describe all classes taught in the area of workforce education, the number of persons taught in these classes, and the location and cost of each class taught. To assess the impact of these programs, the Board of Trustees of State Institutions of Higher Learning also shall report:

(a) Whether the needs of industry have been met through training program offerings;
(b) Any changes in the income of trainees between the completion of training and the date of the report;
(c) The number of jobs created and the number of jobs retained through the programs; and
(d) Trainee success in passing proficiency tests, where applicable.

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

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

SECTION 17. Section 37-11-17, Mississippi Code of 1972, is amended as follows:

37-11-17. (1) The State Board of Education, the Board of Trustees of State Institutions of Higher Learning, the county boards of education, the governing authorities of any county, municipal or other public school districts, such other boards set up by law for any educational institution, school, college or university, or their authorized representative, or the State Health Officer or his authorized representative, may require any teacher, supervisor, janitor or other employee of the school to submit to a thorough physical examination, deemed advisable to determine whether he has any infectious or communicable disease.

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

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

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

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

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

SECTION 18. Section 37-13-92, Mississippi Code of 1972, is amended as follows:

37-13-92. (1) Beginning with the school year 1993-1994, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;
(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

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

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher of such class as whole.

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

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

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

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

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

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

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program.
program shall be the responsibility of the local school district.
The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

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

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

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

(c) Curricula addressing cultural and learning style differences;

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

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

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

(g) Continual monitoring and evaluation and formalized passage from one step or program to another;
(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

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

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

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

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

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

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

37-27-6. The board of supervisors of any county wherein the control, operation and maintenance of the agricultural high school has been transferred to the county board of education under provisions of Section 37-29-272, is hereby authorized, in its discretion, upon request in writing of the president of the community college district in which such county is located, to
levy on the taxable property in the county at the time the annual
tax levy is made, a tax under Section 37-27-5 as is necessary for
the retirement of debt service on bonds heretofore issued for the
building, repair and equipment of such agricultural high school.

SECTION 20. Section 37-27-51, Mississippi Code of 1972, is
amended as follows:

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

Any parent or guardian of such high school pupil or pupils,
as to an individual pupil or as to any grade or grades, may
request in writing that such agreement be entered into with the
board of trustees of said agricultural high school or president of
any community college in connection with which an agricultural
high school is operated. Such request shall be filed or lodged
with the president or secretary of the board of trustees of such
school district. Said board of trustees of said school district
shall no later than the date of its next regular meeting approve
or disapprove the request therein made to provide for the
attendance of the pupil or pupils, or grade or grades, at such
agricultural high school; failure of said board of trustees of such school district to act upon said request not later than said date shall be and will constitute a disapproval or rejection thereof.

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

SECTION 21. Section 37-29-1, Mississippi Code of 1972, is amended as follows:

37-29-1. (1) The creation, establishment, maintenance and operation of community *** colleges is authorized. From and after May 1, 1998, community *** colleges may admit students if they have earned one (1) unit less than the number of units required for high school graduation established by State Board of Education policy or have earned a General Education Diploma (GED) in courses correlated to those of senior colleges or professional schools. They shall offer education and training preparatory for occupations such as agriculture, industry, business, homemaking and for other occupations on the semi-professional and
vocational-technical level. They may offer courses and services
to students regardless of their previous educational attainment or
further academic plans.

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

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

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

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

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

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

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

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

(4) In addition to the foregoing, the community colleges shall provide, through courses or other accepta
educational measures, the general education necessary to
individuals and groups which will tend to make them capable of
living satisfactory lives consistent with the ideals of a
democratic society.

SECTION 22. Section 37-29-3, Mississippi Code of 1972, is
amended as follows:

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

SECTION 23. Section 37-29-5, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

SECTION 25. Section 37-29-63, Mississippi Code of 1972, is
amended as follows:
The president of any community college shall have the power to recommend the employment of all teachers to be employed in the district. He may remove or suspend any member of the faculty. He shall be the general manager of all fiscal and administrative affairs of the community college with full authority to select, direct, employ and discharge any and all employees.

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

SECTION 26. Section 37-29-69, Mississippi Code of 1972, is amended as follows:

Each community college district created under House Bill No. , 2001 Regular Session, is hereby authorized and empowered to operate community college attendance centers at existing sites of community college plants and facilities and at such other places within the district, subject to the approval of the * * * Board of Trustees of State Institutions of Higher Learning, as the board of trustees * * * determines to be in the best interest of the district.

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

SECTION 27. Section 37-29-71, Mississippi Code of 1972, is amended as follows:

Each community college shall annually prepare and submit to the Board of Trustees of State Institutions of Higher Learning a budget which shall contain a detailed estimate of the revenues and expenses anticipated for the ensuing year for general operation and maintenance and which shall set forth the reasonable requirements for anticipated needs for capital outlays for land,
buildings, initial equipment for new buildings and major
repairs.

SECTION 28. Section 37-29-73, Mississippi Code of 1972, is
amended as follows:

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

SECTION 29. Section 37-29-75, Mississippi Code of 1972, is
amended as follows:

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

SECTION 30. Section 37-29-76, Mississippi Code of 1972, is
amended as follows:

37-29-76. When any community college campus located in
a county having a population in excess of two hundred thousand

H. B. No. 454
01/HR40/R159.1
PAGE 63 (RM\BD)
(200,000) according to the 1970 federal decennial census owns lands adjacent to lands owned by any county forming a part of that community college district, the community college, acting through the Board of Trustees of State Institutions of Higher Learning, and the board of supervisors of any such county may make such exchanges of land and may execute such instruments perfecting the title of the county and that of the community college as they, by appropriate resolutions, may find proper, all without the necessity of advertisement for or receiving bids.

SECTION 31. Section 37-29-77, Mississippi Code of 1972, is amended as follows:

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

SECTION 32. Section 37-29-79, Mississippi Code of 1972, is amended as follows:

37-29-79. Each community college is charged with the responsibility for providing preprofessional courses, liberal arts, technical, vocational, and adult education courses and shall undertake to provide the same as conveniently as is possible to the residents of the community college district, and to this end, the community college is authorized and empowered to transport such enrollees as, in its discretion, should be transported in the best interest of the community college. However, no additional allocation of any appropriation shall be made for such transportation. The community college shall promulgate uniform rules to prevent discrimination in all matters of transportation.
SECTION 33. Section 37-29-85, Mississippi Code of 1972, is amended as follows:

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

SECTION 34. Section 37-29-87, Mississippi Code of 1972, is amended as follows:

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

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

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

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

SECTION 35. Section 37-29-131, Mississippi Code of 1972, is amended as follows:

37-29-131. Any community college is hereby authorized and empowered to enter into lease agreements or service contracts.
contracts with any governmental agency or political subdivision,
corporation, partnership, joint venture, or individual under which
the college may acquire by lease, lease purchase or service
contract for a primary term not to exceed twenty (20) years lands,
buildings and related facilities which the community college
determines necessary to provide additional facilities, services or
educational opportunities to the college, its students, faculty
and the community.

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

SECTION 36. Section 37-29-133, Mississippi Code of 1972, is
amended as follows:

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

SECTION 37. Section 37-29-135, Mississippi Code of 1972, is
amended as follows:

37-29-135. The community college is authorized to lease land
and/or buildings owned by the college to any governmental agency,
political subdivision, corporation, partnership, joint venture, or
individual for the purpose of enabling such persons to construct
thereon or repair, renovate and rehabilitate any buildings or
facilities the community college determines as necessary and beneficial for additional facilities, services or educational opportunities to the college, students, faculty or the community, and to lease such building and facilities to the college.

SECTION 38. Section 37-29-137, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 40. Section 37-29-145, Mississippi Code of 1972, is amended as follows:

37-29-145. In the event any county shall have outstanding bonds or other indebtedness which were sold or levied for the support and maintenance of a public junior or community college which was in operation as of July 1, 2001, and such county becomes
a part of a community college district as provided in Section 37-29-31 on the effective date of House Bill No. 454, 2001.

Regular Session, the board of supervisors of such county shall continue to levy taxes upon such county until such bonds or other indebtedness shall be fully paid according to the terms thereof.

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

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

SECTION 42. Section 37-29-163, Mississippi Code of 1972, is amended as follows:

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

SECTION 43. Section 37-29-165, Mississippi Code of 1972, is amended as follows:

37-29-165. There is hereby created within the Department of Finance and Administration a fund for the stimulation of the vocational and technical training programs of the community colleges of the State of Mississippi. All sums of money received by the Department of Finance and Administration to carry out the provisions of the Mississippi Community College Vocational and Technical Training Law * * * shall be maintained in the State.
Treasury and shall constitute a fund to be known as the "Community College Vocational and Technical Training Fund." All expenditures therefrom shall be authorized by the Department of Finance and Administration in the manner set forth in Section 37-29-171. Such expenditures shall be paid therefrom by the State Treasurer on warrants issued by the State Auditor. Said State Auditor shall issue his warrant upon requisition signed by the Executive Director of the Department of Finance and Administration.

SECTION 44. Section 37-29-167, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 45. Section 37-29-169, Mississippi Code of 1972, is amended as follows:

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

Said board of trustees shall furnish a copy of the application to the Department of Finance and Administration and a
copy to the Department of Economic and Community Development. The Department of Economic and Community Development shall review each application, and if said department finds and determines there exists a need for said training programs, facilities and equipment, it shall issue a certificate of necessity to the Board of Trustees of State Institutions of Higher Learning, which certificate of necessity shall be a prerequisite for approval.

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

SECTION 46. Section 37-29-171, Mississippi Code of 1972, is amended as follows:

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

SECTION 47. Section 37-29-173, Mississippi Code of 1972, is amended as follows:

37-29-173. Funds made available to the community colleges or supporting funds allocated in support of the Mississippi Community College Vocational and Technical Training Law, or both, may be used to supplement any other funds that may now be, or that may hereafter become, available for the
purposes of carrying out the intent of said law. In no event, however, shall any expenditures be made under the provisions of said law unless the amount of nonstate funds involved shall be equal to or exceed the amount of state funds made available for the projects or programs involved.

SECTION 48. Section 37-29-175, Mississippi Code of 1972, is amended as follows:

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

SECTION 49. Section 37-29-231, Mississippi Code of 1972, is amended as follows:

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

SECTION 50. Section 37-29-241, Mississippi Code of 1972, is amended as follows:

37-29-241. All community colleges shall prohibit fraternities, sororities, or secret societies * * *. It shall be the duty of the community colleges to suspend or expel from the community colleges * * *, any pupil or pupils who shall be or remain a member of, or shall join or promise to join, or who shall become pledged to become a member, or who shall solicit or encourage any other person to join, promise to join, or be pledged
to become a member of, any such public community college
fraternity, sorority or secret society, as defined in Section
37-29-235.

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

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

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

SECTION 52. Section 37-29-267, Mississippi Code of 1972, is
amended as follows:

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

The board of supervisors of such county or counties and the mayor and board of aldermen or other governing authority of
such municipalities, are hereby authorized to levy annually a
sufficient ad valorem tax to pay the down payment or yearly
installments provided in the deed or deed of trust, or may use the three (3) mills provided in subsection (2) of Section 37-29-141, allowed for enlargement and improvements.

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

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

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

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

By the authority given in this section for the home county of a community college district to purchase land for community college purposes, such indebtedness incurred or funds expended cannot become a binding obligation on other counties in the community college district unless the boards of supervisors of such counties expressly consent thereto.
SECTION 53. Section 37-29-268, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

SECTION 54. Section 37-29-269, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 55. Section 37-29-272, Mississippi Code of 1972, is amended as follows:

37-29-272. Any community college in the state maintaining and operating an agricultural high school on July 1, 1994, is hereby authorized, through the Board of Trustees of State Institutions of Higher Learning, to transfer the control,
maintenance and operation of said agricultural high school,
including the transfer of title to all real and personal property
used for agricultural high school purposes, to the county board of
education of the county in which the school is located. Upon the
acceptance by the county board of education and before an order
authorizing such transfer shall be entered, * * * the community
college * * * and the county board of education in which such
school is located shall * * * agree in writing on the terms of
such transfer, the extent of the rights of use and occupancy of
the school and grounds, and the control, management, preservation
and responsibility of transportation of students to such
premises * * *. Upon such transfer, the county board of education
may abolish the agricultural high school as a distinct school, and
merge its activities, programs and students into the regular high
school curricula of the school district. When a community college
has transferred operation of an agricultural high school as
provided herein, the pupils attending such school shall be
reported, accounted for allocation of minimum education program
funds and entitled to school transportation as though such pupils
were attending the schools of the school district in which they
reside, as provided in Sections 37-27-53 and 37-27-55. When any
agricultural high school is transferred by * * * a community
college to the county board of education as provided in this
section, all laws relating to agricultural high school tax levies
for the support or retirement of bonded indebtedness for
agricultural high schools shall continue in full force and effect
for the transferring community college district until current
obligations on all bonded indebtednesses related to agriculture
high schools have been satisfied and retired.

SECTION 56. Section 37-29-275, Mississippi Code of 1972, is
amended as follows:

37-29-275. Any act, which, if committed within the limits of
a city, town or village, or in any public place, would be a
violation of the general laws of this state, shall be criminal and punishable if done on the campus, grounds or roads of any of the state-supported community colleges. The peace officers duly appointed by the community colleges or officers of private security firms licensed by the State of Mississippi contracted by the community colleges are vested with the powers and subjected to the duties of a constable for the purpose of preventing and punishing all violations of law on community college grounds and for preserving order and decorum thereon. Peace officers appointed by the community colleges or officers of private security firms licensed by the State of Mississippi contracted by the community colleges shall have authority to bear arms in order to carry out their law enforcement responsibilities if such officers have been certified according to the minimum standards established by the Board on Law Enforcement Officer Standards and Training.

SECTION 57. Section 37-31-61, Mississippi Code of 1972, is amended as follows:

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

The trustees of such school districts, as classified and defined by law, including those already having this authority, the trustees of agricultural high schools and community colleges may, with the consent in writing of the State Board of Education, establish and conduct such schools, classes or courses, under the provisions herein stated and under the general supervision of the board.
SECTION 58. Section 37-31-63, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 59. Section 37-31-65, Mississippi Code of 1972, is amended as follows:

37-31-65. The funds derived from any sources for any trade school, such as the Mississippi School for the Deaf, Mississippi School for the Blind, Oakley Training School or Parchman Vocational School or other agencies or institutions receiving funds for the purposes of this chapter, which are not operated in connection with any public school, agricultural high school or community * * * college, or by virtue of any tuition, registration
fees, or payment for services rendered or commodities produced, shall be the property of the State Board of Education. In the event any public school, agricultural high school or community college establishes any trade school, classes or courses under Section 37-31-61, such funds shall be the property of such public school, agricultural high school or community college, and shall be expended solely for the expense of operating and conducting the trade school, classes or courses in connection with such public school, agricultural high school or community college. None of such funds shall be commingled with the funds of any other of such schools, and none of such funds shall be commingled with any of the other funds of any of the public schools, agricultural high schools or community colleges. All of such funds so created shall be and are hereby declared to be public funds, as defined by law.

SECTION 60. Section 37-31-73, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 61. Section 37-31-205, Mississippi Code of 1972, is amended as follows:

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

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

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

(c) Allocate funds on an annual budgetary basis;

(d) Set standards for and approve all vocational and technical education programs in the public school system and community *** colleges or other agencies or institutions which receive state funds and federal funds for such purposes, including, but not limited to, the following vocational and technical education programs: agriculture, trade and industry, occupational home economics, consumer and homemaking education,
distributive education, business and office, health, industrial arts, guidance services, technical education, cooperative education, and all other specialized training not requiring a bachelors degree, with the exception of programs of nursing education regulated under the provisions of Section 37-129-1. The State Board of Education shall authorize local schools boards, within such school board's discretion, to offer distributive education as a one-hour or two-hour block course. There shall be no reduction of reimbursements from state funding for distributive education due to the selection of either the one-hour or two-hour course offering;

(e) Set and publish licensure standards for vocational and technical education personnel. The State Board of Education shall recognize a vocational and technical education teacher's work when school is not in session which is in the teacher's particular field of instruction as a means for the teacher to fulfill the requirements for renewal of the teacher's license. The board shall establish, by rules and regulations, the documentation of such work which must be submitted to the board and the number of actual working hours required to fulfill renewal requirements. If a vocational and technical education teacher who does not have a bachelor's degree takes classes in fulfillment of licensure renewal requirements, such classes must be in furtherance of a bachelor's degree;

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

(g) Expend funds to expand career information;

(h) Supervise and maintain the division of vocational and technical education and to utilize to the greatest extent possible said division as the administrative unit of the board responsible for coordinating programs and services with local institutions;
(i) Promulgate such rules and regulations necessary to carry out the provisions of this chapter in accordance with Section 25-43-1 et seq.;

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

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

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

(m) Periodically review the funding and reporting processes required of local school districts by the board or division with the aim of simplifying or eliminating inefficient practices and procedures;

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

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

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

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

(3) The State Board of Education and the Board of Trustees
of State Institutions of Higher Learning may provide that
beginning with the 1995-1996 school year, every vocational and
technical education course or program in Mississippi may integrate
academic and vocational-technical education through coherent
sequences of courses, so that students in such programs achieve
both academic and occupational competencies. The boards may
expend federal funds available from the 1990 Perkins Act, or other
available federal funds, for the alignment of vocational-technical
programs with academic programs through the accreditation process
and the teacher licensure process.

SECTION 62. Section 37-35-1, Mississippi Code of 1972, is
amended as follows:

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

SECTION 63. Section 37-35-3, Mississippi Code of 1972, is
amended as follows:

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

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

(3) (a) Any student participating in an approved General Educational Development (GED) program administered by a local school district or the appropriate community college shall not be considered a dropout. Students in such a program administered by a local school district shall be considered as enrolled within the school district of origin for the purpose of enrollment for minimum program funding only. Such students shall not be considered as enrolled in the regular school program for academic or programmatic purposes. Students in such a program administered by a community college shall be considered as enrolled in the school district of origin for funding purposes.

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

(i) Academic/instructional needs of the student;

(ii) Job readiness needs of the student; and

(iii) Work experience program options available for the student.

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

(d) General Educational Development (GED) programs may
be operated by local school districts or may be operated by two
(2) or more adjacent school districts, pursuant to a contract
approved by the State Board of Education. When two (2) or more
school districts contract to operate a General Educational
Development (GED) program, the school board of a district
designated to be the lead district shall serve as the governing
board of the General Educational Development (GED) program.

Transportation for students placed in the General Educational
Development (GED) program shall be the responsibility of the
school district of origin. The expense of establishing,
maintaining and operating such GED programs may be paid from funds
made available to the school district through contributions,
minimum program funds or from local district maintenance funds.

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

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

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

(ii) The student must be at least two (2) grade
levels behind or acquired less than four (4) Carnegie units;
(iii) The student must have taken every opportunity to continue to participate in coursework leading to a diploma; and

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

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

SECTION 64. Section 37-35-5, Mississippi Code of 1972, is amended as follows:

37-35-5. For the purpose of supporting the adult education program authorized in this chapter, the Board of Trustees of State Institutions of Higher Learning is authorized to accept for and on behalf of the State of Mississippi, federal funds made available to the state for the purpose of adult education. Such funds shall be used by the Board of Trustees of State Institutions of Higher Learning for the administration of the program and to supplement the local funds made available by any school district, provided such program is conducted under the rules and regulations established by the Board of Trustees of State Institutions of Higher Learning. All programs of adult basic education administered by the State Department of Education on July 1, 1992, shall be continued with at least the same level of funding, until July 1, 1995, provided that such programs are financially and programmatically sound and meet the requirements of federal rules and regulations. Nothing in Sections 37-35-1 through 37-35-11 shall be interpreted in a manner to prevent or interfere with the independent operation or administration of adult education under the Department of Human Services, including but not limited to those programs administered by the Governor's
Office of Literacy and Workplace Enhancement, or of any general educational development preparatory instruction and testing administered by a school district in an alternative school program.

SECTION 65. Section 37-35-7, Mississippi Code of 1972, is amended as follows:

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

SECTION 66. Section 37-35-9, Mississippi Code of 1972, is amended as follows:

37-35-9. The Board of Trustees of State Institutions of Higher Learning is authorized to develop and establish general educational development preparatory classes in secondary schools and community colleges and to provide financial assistance from the state for the specific purpose of preparing persons sixteen (16) years of age and older, not enrolled in school or required to be enrolled in school by the Compulsory School Attendance Law (Section 37-13-91) to successfully write the general educational development test and earn a certificate of equivalency which is equivalent to the high school diploma.

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

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

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

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

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

SECTION 67. Section 37-35-11, Mississippi Code of 1972, is amended as follows:

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

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

Funds provided under this section and Section 37-35-9 shall be allocated to schools and community colleges on an average of twelve (12) to fifteen (15) adult students per class in average attendance, for one hundred fifty (150) hours maximum instruction per class. Funds will be allocated on a basis of target population by county for general educational development preparatory classes based on adults who have from nine (9) to eleven (11) years of schooling as indicated by the 1990 census.
Schools and community colleges will receive one hundred percent (100%) of the cost of general educational development preparatory classes. All classes funded under this section and Section 37-35-9 shall be considered temporary and shall be renewed only as long as participation is adequate for continued funding. An annual report on program activities, adult participation and results shall be prepared by the Board of Trustees of State Institutions of Higher Learning and submitted to the Mississippi Legislature within the first month of regular legislative session each year.

SECTION 68. Section 37-47-17, Mississippi Code of 1972, is amended as follows:

37-47-17. Applications for the expenditure of funds to the credit of any school district in the State Public School Building Fund shall originate with the school board of the school district entitled to such funds. Before any funds to the credit of a school district shall be expended for capital improvements or the retirement of outstanding bonded indebtedness, the school board of such school district shall prepare and submit an application in such form as may be prescribed by the board. There shall be included with such application a statement in which there is set forth the enrollment and average daily attendance in the schools of the district divided as to schools and grades, the number of teachers employed, the facilities in use, the facilities to be provided with the funds to be expended, the outstanding school indebtedness, and such other information as the board may require. Such application and statement shall be submitted directly to the board and approved or disapproved by it. The decision of the board shall be final, unless an appeal to the chancery court shall be taken in the manner provided by law. In the event any application shall be disapproved by the board, the school board submitting same shall be notified of such disapproval, which
notice of disapproval shall be accompanied by a statement of the reason or reasons for such disapproval.

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

SECTION 69. Section 37-47-19, Mississippi Code of 1972, is amended as follows:

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

SECTION 70. Section 37-47-29, Mississippi Code of 1972, is amended as follows:

37-47-29. All contracts for capital improvements by any school district which are financed in whole or in part with funds received from the State Public School Building Fund pursuant to an application approved by the board shall be awarded and entered into upon receipt of sealed bids or proposals after the time and place of letting such contracts and the manner of bidding has been duly advertised. The contract shall be let and awarded to the lowest and best bidder but the board of trustees or other governing body of the school district shall have the power to reject any and all bids. No such contract shall be finally awarded or entered into without the prior written approval of the board. It is hereby expressly provided that in order to bid upon and be awarded contracts for the construction of school facilities under the provisions of this chapter, if such contract, subcontract or undertaking is less than Fifty Thousand Dollars ($50,000.00), it shall not be necessary that the bidder obtain a certificate of responsibility from the Board of Public Contractors under the provisions of Chapter 3, Title 31, of the Mississippi Code of 1972, or otherwise be qualified under said chapter, and none of the provisions of said chapter shall be applicable to such contracts for the construction of school facilities under the provisions hereof. Notwithstanding the foregoing provisions of this section or any other provisions of law, the contract for construction of a secondary vocational and technical training center for exclusive use and operation by a county school district may be entered into and awarded by * * * a community college district where a grant of federal funds by the Appalachian Commission has been made to * * * such community college district
to assist in financing construction of such secondary vocational
and technical training facility for such county school district.

SECTION 71. Section 37-57-107, Mississippi Code of 1972, is
amended as follows:

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

37-57-107. Beginning with the tax levy for the 1997 fiscal
year and for each fiscal year thereafter, the aggregate receipts
from taxes levied for school district purposes pursuant to
Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
receipts from those sources during any one (1) of the immediately
preceding three (3) fiscal years, as determined by the school
board, plus an increase not to exceed seven percent (7%). For the
purpose of this limitation, the term "aggregate receipts" when
used in connection with the amount of funds generated in a
preceding fiscal year shall not include excess receipts required
by law to be deposited into a special account, and shall not
include amounts received by school districts from the School Ad
Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
additional revenue from the ad valorem tax on any newly
constructed properties or any existing properties added to the tax
rolls or any properties previously exempt which were not assessed
in the next preceding year may be excluded from the seven percent
(7%) increase limitation set forth herein. Taxes levied for
payment of principal of and interest on general obligation school
bonds issued heretofore or hereafter shall be excluded from the
seven percent (7%) increase limitation set forth herein. Any
additional millage levied to fund any new program mandated by the
Legislature shall be excluded from the limitation for the first
year of the levy and included within such limitation in any year
thereafter. For the purposes of this section, the term "new
program" shall include, but shall not be limited to, (a) the Early
Childhood Education Program required to commence with the
1986-1987 school year as provided by Section 37-21-7 and any
additional millage levied and the revenue generated therefrom, which is excluded from the limitation for the first year of the levy, to support the mandated Early Childhood Education Program shall be specified on the minutes of the school board and of the governing body making such tax levy, (b) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first year of the levy, for the purpose of generating additional local contribution funds required for the minimum education program for the 1987 fiscal year and for each fiscal year thereafter through the 1996 fiscal year under Section 37-19-35; (c) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first and each subsequent year of the levy, for the purpose of generating additional local contributions mandated under Section 37-57-105 requiring the board of trustees of a school district to reach the millage levy certified by the State Board of Education as the uniform minimum school district ad valorem tax levy or the millage levy which would generate funds in an amount equal to a school district’s "district entitlement" as defined in Section 37-22-1(2)(e); and (d) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first year of the levy, for the purpose of support and maintenance of any agricultural high school which has been transferred to the control, operation and maintenance of the school board by a community college district under provisions of Section 37-29-272.

The seven percent (7%) increase limitation prescribed in this section may be increased an additional amount only when the school board has determined the need for additional revenues and has held an election on the question of raising the limitation prescribed in this section. The limitation may be increased only if three-fifths (3/5) of those voting in the election shall vote for the proposed increase. The resolution, notice and manner of

H. B. No. 454
01/HR40/R159.1
PAGE 94 (RM\BD)
holding the election shall be as prescribed by law for the holding
of elections for the issuance of bonds by the respective school
boards. Revenues collected for the fiscal year in excess of the
seven percent (7%) increase limitation pursuant to an election
shall be included in the tax base for the purpose of determining
aggregate receipts for which the seven percent (7%) increase
limitation applies for subsequent fiscal years.

Except as otherwise provided for excess revenues generated
pursuant to an election, if revenues collected as the result of
the taxes levied for the fiscal year pursuant to this section and
Section 37-57-1 exceed the increase limitation, then it shall be
the mandatory duty of the school board of the school district to
deposit such excess receipts over and above the increase
limitation into a special account and credit it to the fund for
which the levy was made. It will be the further duty of such
board to hold said funds and invest the same as authorized by law.
Such excess funds shall be calculated in the budgets for the
school districts for the purpose for which such levies were made,
for the succeeding fiscal year. Taxes imposed for the succeeding
year shall be reduced by the amount of excess funds available.
Under no circumstances shall such excess funds be expended during
the fiscal year in which such excess funds are collected.

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

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

37-57-107. Beginning with the tax levy for the 1997 fiscal
year and for each fiscal year thereafter, the aggregate receipts
from taxes levied for school district purposes pursuant to
Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
receipts from those sources during any one (1) of the immediately
preceding three (3) fiscal years, as determined by the school
board, plus an increase not to exceed seven percent (7%). For the purpose of this limitation, the term "aggregate receipts" when used in connection with the amount of funds generated in a preceding fiscal year shall not include excess receipts required by law to be deposited into a special account, and shall not include any amounts received by school districts from the School Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35. The additional revenue from the ad valorem tax on any newly constructed properties or any existing properties added to the tax rolls or any properties previously exempt which were not assessed in the next preceding year may be excluded from the seven percent (7%) increase limitation set forth herein. Taxes levied for payment of principal of and interest on general obligation school bonds issued heretofore or hereafter shall be excluded from the seven percent (7%) increase limitation set forth herein. Any additional millage levied to fund any new program mandated by the Legislature shall be excluded from the limitation for the first year of the levy and included within such limitation in any year thereafter. For the purposes of this section, the term "new program" shall include, but shall not be limited to, (a) the Early Childhood Education Program required to commence with the 1986-1987 school year as provided by Section 37-21-7 and any additional millage levied and the revenue generated therefrom, which is excluded from the limitation for the first year of the levy, to support the mandated Early Childhood Education Program shall be specified on the minutes of the school board and of the governing body making such tax levy, (b) any additional millage levied and the revenue generated therefrom which shall be excluded from the limitation for the first year of the levy, for the purpose of generating additional local contribution funds required for the adequate education program for the 2003 fiscal year and for each fiscal year thereafter under Section 37-151-7(2); and (c) any additional millage levied and the revenue generated therefrom...
which shall be excluded from the limitation for the first year of
the levy, for the purpose of support and maintenance of any
agricultural high school which has been transferred to the
control, operation and maintenance of the school board by a
community college district under provisions of Section 37-29-272.

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

Except as otherwise provided for excess revenues generated
pursuant to an election, if revenues collected as the result of
the taxes levied for the fiscal year pursuant to this section and
Section 37-57-1 exceed the increase limitation, then it shall be
the mandatory duty of the school board of the school district to
deposit such excess receipts over and above the increase
limitation into a special account and credit it to the fund for
which the levy was made. It will be the further duty of such
board to hold said funds and invest the same as authorized by law.
Such excess funds shall be calculated in the budgets for the
school districts for the purpose for which such levies were made,
for the succeeding fiscal year. Taxes imposed for the succeeding
year shall be reduced by the amount of excess funds available.
Under no circumstances shall such excess funds be expended during the fiscal year in which such excess funds are collected.

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

SECTION 72. Section 37-61-33, Mississippi Code of 1972, is amended as follows:

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

37-61-33. (1) There is hereby created within the State Treasury a special fund to be designated the "Education Enhancement Fund" into which shall be deposited all the revenues collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a) and (b) and 27-103-203(1).

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

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

(b) Establishing and equipping school athletic fields and necessary facilities connected therewith, and purchasing land therefor.
(c) Providing necessary water, light, heating, air
conditioning and sewerage facilities for school buildings, and
purchasing land therefor.

(d) As a pledge to pay all or a portion of the debt
service on debt issued by the school district under Sections
through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
and 37-41-81, Mississippi Code of 1972, or debt issued by boards
of supervisors for agricultural high schools pursuant to Section
37-27-65, Mississippi Code of 1972, if such pledge is accomplished
pursuant to a written contract or resolution approved and spread
upon the minutes of an official meeting of the district's school
board or board of supervisors. The annual grant to such district
in any subsequent year during the term of the resolution or
contract shall not be reduced below an amount equal to the
district's grant amount for the year in which the contract or
resolution was adopted. The intent of this provision is to allow
school districts to irrevocably pledge a certain, constant stream
of revenue as security for long-term obligations issued under the
code sections enumerated in this paragraph or as otherwise allowed
by law. It is the intent of the Legislature that the provisions
of this paragraph shall be cumulative and supplemental to any
existing funding programs or other authority conferred upon school
districts or school boards. Debt of a district secured by a
pledge of sales tax revenue pursuant to this paragraph shall not
be subject to any debt limitation contained in the foregoing
enumerated code sections.

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

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

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

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

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

(iv) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state. Such funds shall not be expended for administrative purposes.

Local school districts shall allocate classroom supply funds equally among all classroom teachers in the school district. For purposes of this subparagraph, "teacher" shall mean any employee
of the school board of a school district who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education, but shall not include a federally funded teacher. Two (2) or more teachers may agree to pool their classroom supply funds for the benefit of a school within the district pursuant to the development of a spending plan that supports the overall goals of the school which includes the type, quantity and quality of such supplies, instructional materials, equipment, computers or computer software. This plan shall be submitted, in writing, to the school principal for approval. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds available for the same purposes. School districts need not fully expend the funds received under this subparagraph in the year in which they are received, but such funds may be carried forward for expenditure in any succeeding school year. The State Board of Education shall develop and promulgate rules and regulations for the administration of this subparagraph consistent with the above criteria, with particular emphasis on allowing the individual teachers to expend funds as they deem appropriate, with minimum input from school principals;

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

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

(4) The amount remaining in the Education Enhancement Fund after funds are distributed as provided in subsections (2) and (3) of this section, excluding funds deposited pursuant to Section 27-103-203(1), shall be disbursed as follows:
(a) Twenty-five Million Dollars ($25,000,000.00) shall be deposited into the Working Cash-Stabilization Reserve Fund created pursuant to Section 27-103-203(1), until the balance in such fund reaches the maximum balance of seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year. After the maximum balance in the Working Cash-Stabilization Reserve Fund is reached, such money shall remain in the Education Enhancement Fund to be appropriated in the manner provided for in paragraph (b) of this section.

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

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

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

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

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

and

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

(6) At the end of a fiscal year such amounts as required by Section 27-103-203(1) to be transferred to the Education Enhancement Fund shall be deposited into said Education Enhancement Fund and shall be kept separate from other monies in the fund by the State Treasurer. Beginning with the 1994 fiscal year, all monies in the Education Enhancement Fund shall be increased by seven and one-half percent (7-1/2%) of the General Fund appropriations in the appropriate fiscal year.
year the monies in such special fund deposited pursuant to said 
Section 27-103-203(1) shall be subject to appropriation by the 
Legislature in the following manner: (a) fifty percent (50%) to 
support public education, including but not limited to, Grades K 
through 12, Mississippi Educational Television and/or the 
Mississippi Library Commission; (b) twenty-five percent (25%) to 
support institutions of higher learning; and (c) twenty-five 
percent (25%) to support the ** community colleges. Any amount 
of such monies transferred into said separate fund pursuant to 
Section 27-103-203(1) which are not appropriated by the 
Legislature shall not lapse but shall carry over and be subject to 
appropriation by the Legislature in the succeeding fiscal year in 
the same manner provided in this subsection (6). The interest 
earned on the investment of such monies transferred pursuant to 
Section 27-103-203(1) shall be paid into said separate fund within 
the Education Enhancement Fund.

[From and after July 1, 2002, this section reads as follows:] 37-61-33. (1) There is hereby created within the State 
Treasury a special fund to be designated the "Education 
Enhancement Fund" into which shall be deposited all the revenues 
collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a) 
and (b) and 27-103-203(1).

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

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

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

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

(d) As a pledge to pay all or a portion of the debt
service on debt issued by the school district under Sections
through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
and 37-41-81, Mississippi Code of 1972, or debt issued by boards
of supervisors for agricultural high schools pursuant to Section
37-27-65, Mississippi Code of 1972, if such pledge is accomplished
pursuant to a written contract or resolution approved and spread
upon the minutes of an official meeting of the district's school
board or board of supervisors. The annual grant to such district
in any subsequent year during the term of the resolution or
contract shall not be reduced below an amount equal to the
district's grant amount for the year in which the contract or
resolution was adopted. The intent of this provision is to allow
school districts to irrevocably pledge a certain, constant stream
of revenue as security for long-term obligations issued under the
code sections enumerated in this paragraph or as otherwise allowed
by law. It is the intent of the Legislature that the provisions
of this paragraph shall be cumulative and supplemental to any
existing funding programs or other authority conferred upon school
districts or school boards. Debt of a district secured by a
pledge of sales tax revenue pursuant to this paragraph shall not
be subject to any debt limitation contained in the foregoing enumerated code sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 73. Section 37-63-3, Mississippi Code of 1972, is
amended as follows:

37-63-3. The Authority for Educational Television shall
consist of the State Superintendent of Public Education and six
(6) members appointed, with the advice and consent of the Senate.
The Governor shall appoint four (4) members, one (1) of whom shall
be actively engaged as a teacher or principal in a secondary
school system in the State of Mississippi and one (1) of whom
shall be actively engaged as a teacher or principal in an
elementary school system in the State of Mississippi. Beginning
July 1, 1994, the appointee actively engaged as a teacher or
principal in a secondary school shall be appointed for an initial
term of three (3) years. The member actively engaged as a teacher
or principal in an elementary school shall be appointed for an
initial term of four (4) years. The remaining two (2)
gubernatorial appointees shall serve until July 1, 1996.

Beginning July 1, 1996, the Governor shall appoint two (2) members
for initial terms of three (3) and four (4) years, with the Governor specifically designating which member shall be appointed for three (3) years and which shall be appointed for four (4) years. The Board of Trustees of State Institutions of Higher Learning shall appoint two (2) members. After the expiration of the initial terms, all members shall serve for terms of four (4) years. An appointment to fill a vacancy among the gubernatorial appointees, other than by expiration of a term of office, shall be made by the Governor for the balance of the unexpired term.

SECTION 74. Section 37-101-3, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 75. Section 37-102-3, Mississippi Code of 1972, is amended as follows:

37-102-3. * * * The Board of Trustees of State Institutions of Higher Learning * * * shall study the need and advisability of offering: (a) courses for college credit at the lower undergraduate level; and (b) advanced centers for technology partnerships for industrial training and professional development for credit and noncredit courses, at the following off-campus sites by four-year public state institutions of higher learning: the Mississippi Gulf Coast counties; Greenville, Mississippi; Columbus, Mississippi; McComb, Mississippi; Hattiesburg, Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any other proposed area of the state. Any such study shall take into account the ongoing programs of the community * * * colleges in the State of Mississippi * * *. It is the intent of the Legislature to meet the educational needs of students who do not have ready access to the educational opportunities that they desire. * * * The board shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this chapter.

SECTION 76. Section 37-103-1, Mississippi Code of 1972, is amended as follows:

37-103-1. The * * * Board of Trustees of State Institutions of Higher Learning and the administrative authorities of each institution governed by said board, in ascertaining and determining the legal residence of and tuition to be charged any student applying for admission to such institutions, shall be governed by the definitions and conditions set forth in Sections 37-103-1 through 37-103-23.
SECTION 77. Section 37-103-9, Mississippi Code of 1972, is amended as follows:

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

SECTION 78. Section 37-103-25, Mississippi Code of 1972, is amended as follows:

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

SECTION 79. Section 37-103-29, Mississippi Code of 1972, is amended as follows:

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

SECTION 80. Section 37-106-9, Mississippi Code of 1972, is amended as follows:

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

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

(3) The director:
   (a) Subject to the review of the board, shall have the power of final approval of any application submitted;
   (b) Subject to the approval of the board and the agency, shall have authority to promulgate the necessary rules and regulations for effective administration of this chapter, including the method of making application for assistance authorized by this chapter.

SECTION 81. Section 37-149-1, Mississippi Code of 1972, is amended as follows:

37-149-1. (1) There is established within the State Department of Education, the Mississippi Teacher Center for the purpose of insuring that the children of our state are taught by quality professionals. The center shall serve as an interagency center focused on teacher recruitment, enhanced training and initial instructional support.

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

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

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

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

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

(d) The sponsorship of a teacher renewal institute;

(e) The continuation of the Teacher Corps program;

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

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

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

(i) Provide assistance to local school districts in
identifying and locating specific teacher needs.

SECTION 82. Section 37-151-17, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

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

(4) Immediately upon receiving notice of the appointment of
all members, the State Superintendent of Education shall call an
organizational meeting. At this meeting the State Superintendent
of Education shall preside as temporary chairman, and the council
shall elect from among the members a chairman and any other
officers it deems necessary, and define the duties of the
officers.

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

(6) The duties and responsibilities of the council shall
include, but not be limited to, the following:
(a) Developing a long-range master plan for the efficient and equitable use of technology at all levels from primary school through higher education, including vocational and adult education. The plan shall focus on the technology requirements of classroom instruction, literacy laboratories, student record management, financial and administrative management, distance learning and communications as they relate to the state's performance goals for students. The plan shall be presented to the Mississippi Department of Information Technology Services for approval;

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

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

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

(e) Working with other state entities to maximize the use and benefit of the state's technology infrastructure, to avoid duplication of public and private resources and to maximize the purchasing ability of the state. When appropriate, shared resources and competitive bidding shall be used.

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

SECTION 83. Section 37-151-69, Mississippi Code of 1972, is amended as follows:

37-151-69. (1) There is created the Mississippi Work Force Development Advisory Council, which shall have the following duties:
(a) To provide a forum for developing the necessary collaboration among state agencies at the highest level for accomplishing the purposes of this article;

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

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

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

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

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

(a) A private sector representative from each of the following six (6) district councils: a representative of Northwest Mississippi Community College district; Northeast Mississippi Community College district; Central Mississippi Community College district; East Central Mississippi Community College district; Southwest Mississippi Community College district; and South Mississippi Community College district.

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

(b) The State Superintendent of Public Education;

(c) The Commissioner of Higher Education;
(d) The Executive Director of the Mississippi Employment Security Commission;

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

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

(g) The Governor of the State of Mississippi;

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

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

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

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

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

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

(4) The Board of Trustees of State Institutions of Higher Learning shall provide the necessary staff and administrative support to the state council.

SECTION 84. Section 37-151-75, Mississippi Code of 1972, is amended as follows:

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

(a) To provide the career centers the assistance necessary to accomplish the purposes of this article;
(b) To provide the career centers consistent standards and benchmarks to guide development of the local work force development system and to provide a means by which the outcomes of local services can be measured;

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

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

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

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

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

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

(vi) Developing data for strategic planning;

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

(e) To administer presented and approved certification programs by the community colleges for tax credits and partnership funding for corporate training;

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

(g) To develop internal capacity to provide services and to contract for services from universities and other providers directly to local institutions;
(h) To develop and administer an incentive certification program; and

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

SECTION 85. Section 37-155-9, Mississippi Code of 1972, is amended as follows:

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

(a) To adopt and amend bylaws;

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

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

(d) To execute contracts and other necessary instruments;

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

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

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

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

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

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

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

(ii) If the beneficiary of a plan described by Section 37-155-11 enrolls in any in-state or out-of-state regionally accredited private four- or two-year college or an out-of-state regionally accredited, state-supported, nonprofit four- or two-year college or university, the board shall pay to the institution an amount up to, but not greater than, the tuition and required fees that the board would have paid had the beneficiary enrolled in an institution of higher education covered by the plan selected in the prepaid tuition contract. The beneficiary is responsible for paying a private institution or an out-of-state public institution the amount by which the tuition and required fees of the institution exceed the tuition and required fees paid by the board;
(k) To impose reasonable time limits on the use of the tuition benefits provided by the program;

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

(m) To adopt an official seal and rules;

(n) To sue and be sued;

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

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

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

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

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

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

(u) To administer the fund in a manner that is sufficiently actuarially sound to meet the obligations of the program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the fund. If the board perceives a need for additional assets in order to preserve actuarial soundness, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness;

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

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

(ii) State of Mississippi highway bonds;

(iii) Funds may be deposited in federally insured institutions domiciled in the State of Mississippi or a custodial bank which appears on the State of Mississippi Treasury Department’s approved depository list and/or safekeeper list;

(iv) Corporate bonds of investment grade as rated by Standard & Poor’s or by Moody’s Investment Service, with bonds rated BAA/BBB not to exceed five percent (5%) of the book value of the total fixed income investments; or corporate short-term obligations of corporations or of wholly owned subsidiaries of corporations, whose short-term obligations are rated A-3 or better
by Standard and Poor’s or rated P-3 or better by Moody’s

(v) Bonds of the Tennessee Valley Authority;

(vi) Bonds, notes, certificates and other valid obligations of the United States, and other valid obligations of any federal instrumentality that issues securities under authority of an act of Congress and are exempt from registration with the Securities and Exchange Commission;

(vii) Bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States. Direct obligations issued by the United States of America shall be deemed to include securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the provisions of 15 USCS Section 80(a)-1 et seq., provided that the portfolio of such investment company or investment trust is limited to direct obligations issued by the United States of America, United States government agencies, United States government instrumentalities or United States government sponsored enterprises, and to repurchase agreements fully collateralized by direct obligations of the United States of America, United States government agencies, United States government instrumentalities or United States government sponsored enterprises, and the investment company or investment trust takes delivery of such collateral for the repurchase agreement, either directly or through an authorized custodian. The State Treasurer and the Executive Director of the Department of Finance and Administration shall review and approve the investment companies and investment trusts in which funds may be invested;

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

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

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

(B) The stock of such corporation shall:

1. Be listed on a national stock exchange, or

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

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

(D) The amount of investment in any one (1) corporation shall not exceed three percent (3%) of the book value of the assets of the system; and

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

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

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

(xii) Institutional investment trusts managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of directors, and institutional class shares of investment companies and unit investment trusts registered under the Investment Company Act of 1940 where such funds or shares are comprised of common or preferred stocks, bonds, money market instruments or other investments authorized under this section. Any investment manager or managers approved by the board of directors shall invest such funds or shares as a fiduciary;

(xiii) Pooled or commingled real estate funds or real estate securities managed by a corporate trustee or by a Securities and Exchange Commission registered investment advisory firm retained as an investment manager by the board of directors. Such investment in commingled funds or shares shall be held in trust; provided that the total book value of investments under this paragraph shall at no time exceed five percent (5%) of the total book value of all investments of the system. Any investment manager approved by the board of directors shall invest such commingled funds or shares as a fiduciary;
(w) All investments shall be acquired by the board at prices not exceeding the prevailing market values for such securities;

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

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

(z) Except as otherwise provided herein, no trustee and no employee of the board shall have any direct or indirect interest in the income, gains or profits of any investment made by the board, nor shall any such person receive any pay or emolument for his services in connection with any investment made by the board. No trustee or employee of the board shall become an endorser or surety, or in any manner an obligor for money loaned by or borrowed from the system;

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

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

(cc) To annually prepare or cause to be prepared a
report setting forth in appropriate detail an accounting of the
fund and a description of the financial condition of the program
at the close of each fiscal year. Such report shall be submitted
to the Governor, the Lieutenant Governor, the President of the
Senate, the Speaker of the House of Representatives, and members
of the Board of Trustees of State Institutions of Higher
Learning * * * and the State Board of Education on or before March 31 each year. In addition, the board shall make the report
available to purchasers of advance payment contracts. The board
shall provide to the Board of Trustees of State Institutions of Higher Learning * * * by March 31 each year complete advance
payment contract sales information including projected
postsecondary enrollments of beneficiaries. The accounts of the
fund shall be subject to annual audits by the State Auditor or his
designee;

(dd) To solicit proposals for the marketing of the
Mississippi Prepaid Affordable College Tuition Program. The
entity designated pursuant to this paragraph shall serve as a
centralized marketing agent for the program and shall solely be
responsible for the marketing of the program. Any materials
produced for the purpose of marketing the programs shall be
submitted to the board for review. No such materials shall be
made available to the public before the materials are approved by
the board. Any educational institution may distribute marketing
materials produced for the program; however, all such materials
shall have been approved by the board prior to distribution.
Neither the state nor the board shall be liable for
misrepresentation of the program by a marketing agent; and
To establish other policies, procedures and criteria necessary to implement and administer the provisions of this chapter.

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

SECTION 86. Section 37-157-1, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

(b) Having a parent or guardian who is a domiciliary of Mississippi.
(c) Graduation from high school within the two (2) years preceding the application with a minimum cumulative grade point average of 2.5 calculated on a 4.0 scale.

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

(i) English I, II, III and IV (four (4) units).
(ii) Algebra I and II (two (2) units).
(iii) Geometry, Trigonometry, Calculus or comparable Advanced Mathematics (one (1) unit).
(iv) Biology (one (1) unit).
(v) Chemistry (one (1) unit).
(vi) Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II or Physics (one (1) unit).
(vii) American History (one (1) unit).
(viii) World History, World Cultures, Western Civilization or World Geography (one (1) unit).
(ix) Civics and/or Economics (one (1) unit).
(x) Fine Arts Survey (one (1) unit; or substitute two (2) units of performance courses in music, dance or theater; or substitute two (2) units of studio art courses).
(xi) Foreign Language (two (2) units in a single language).
(xii) Computer Science, Computer Literacy or Data Processing (one-half (1/2) unit).
(xiii) Electives from the above (one (1) unit).

(e) Having a composite score on the American College Test of at least twenty (20) on the 1989 version or an equivalent concordant value on an enhanced version of such test.
(f) Having no criminal record, except for misdemeanor
traffic violations.

(g) Being in financial need.

(2) For purposes of this section:

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

(b) "Tuition" shall mean the semester or trimester or
term charges and all required fees imposed by an institution of
higher education as a condition of enrollment by all students.
However, for a two-year nonpublic institution of higher education
defined in paragraph (a), the tuition payments shall not exceed
the average charges and fees required by all of the two-year
public institutions of higher education defined in paragraph (a),
and for a four-year nonpublic institution of higher education
defined in paragraph (a), the tuition payments shall not exceed
the average charges and fees required by all of the four-year
public institutions of higher education defined in paragraph (a).

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

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

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

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

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

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

(e) Be found to be in financial need.

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

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

(a) A mechanism for informing all students of the
availability of the assistance provided pursuant to this chapter
early enough in their schooling that a salutary motivational
effect is possible.
(b) Applications, forms, financial audit procedures, eligibility and other program audit procedures and other matters related to efficient operation.

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

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

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

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

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

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

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

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

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

SECTION 87. Section 41-87-5, Mississippi Code of 1972, is
amended as follows:

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

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

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

(A) Cognitive development;

(B) Physical development, including vision or
hearing;

(C) Communication development;

(D) Social or emotional development;

(E) Adaptive development.

(ii) Have a diagnosed physical or mental
condition, as defined in state policy, that has a high probability
of resulting in developmental delay.
(iii) Are at risk of having substantial developmental delays if early intervention services are not provided due to conditions as defined in state policy. (This category may be served at the discretion of the lead agency contingent upon available resources.)

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

(i) Are provided under public supervision;

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

(iii) Are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas:

(A) Physical development;

(B) Cognitive development;

(C) Communication development;

(D) Social or emotional development; or

(E) Adaptive development;

(iv) Meet the requirements of Part H of the Individuals with Disabilities Education Act (IDEA) and the early intervention standards of the State of Mississippi;

(v) Include, but are not limited to, the following services:

(A) Assistive technology devices and assistive technology services;

(B) Audiology;

(C) Family training, counseling and home visits;

(D) Health services necessary to enable a child to benefit from other early intervention services;

(E) Medical services only for diagnostic or evaluation purposes;
(F) Nutrition services;
(G) Occupational therapy;
(H) Physical therapy;
(I) Psychological services;
(J) Service coordination (case management);
(K) Social work services;
(L) Special instruction;
(M) Speech-language pathology;
(N) Transportation and related costs that are necessary to enable an infant or toddler and her/his family to receive early intervention services; and
(O) Vision services;

(vi) Are provided by qualified personnel as determined by the state's personnel standards, including:
(A) Audiologists;
(B) Family therapists;
(C) Nurses;
(D) Nutritionists;
(E) Occupational therapists;
(F) Orientation and mobility specialists;
(G) Pediatricians and other physicians;
(H) Physical therapists;
(I) Psychologists;
(J) Social workers;
(K) Special educators;
(L) Speech and language pathologists;

(vii) Are provided, to the maximum extent appropriate, in natural environments, including the home, and community settings in which children without disabilities would participate;

(viii) Are provided in conformity with an individualized family service plan.
(c) "Council" means the State Interagency Coordinating Council established under Section 41-87-7.

(d) "Lead agency" means the State Department of Health.

(e) "Participating agencies" includes, but is not limited to, the State Department of Education, the Department of Human Services, the State Department of Health, the Division of Medicaid, the State Department of Mental Health, the University Medical Center and the Board of Trustees of State Institutions of Higher Learning.

(f) "Local community" means a county either jointly, severally, or a portion thereof, participating in the provision of early intervention services.

(g) "Primary service agency" means the agency, whether a state agency, local agency, local interagency council or service provider which is designated by the lead agency to serve as the fiscal and contracting agent for a local community.

(h) "Multidisciplinary team" means a group comprised of the parent(s) or legal guardian and the service providers, as appropriate, described in paragraph (b) of this section, who are assembled for the purposes of:

(i) Assessing the developmental needs of an infant or toddler;

(ii) Developing the individualized family service plan; and

(iii) Providing the infant or toddler and his or her family with the appropriate early intervention services as detailed in the individualized family service plan.

(i) "Individualized family service plan" means a written plan designed to address the needs of the infant or toddler and his or her family as specified under Section 41-87-13.

(j) "Early intervention standards" means those standards established by any agency or agencies statutorily designated the responsibility to establish standards for infants.
and toddlers with disabilities, in coordination with the council and in accordance with Part H of IDEA.

(k) "Early intervention system" means the total collaborative effort in the state that is directed at meeting the needs of eligible children and their families.

(l) "Parent" means a parent, a guardian, a person acting as a parent of a child, or an appointed surrogate parent. The term does not include the state if the child is a ward of the state. When a child is a ward of the state, a Department of Human Services representative will act as parent for purposes of service authorization.

(m) "Policies" means the state statutes, regulations, Governor's orders, directives by the lead agency, or other written documents that represent the state's position concerning any matter covered under this chapter.

(n) "Regulations" means the United States Department of Education's regulations concerning the governance and implementation of Part H of IDEA, the Early Intervention Program for Infants and Toddlers with Disabilities.

SECTION 88. Section 43-1-30, Mississippi Code of 1972, is amended as follows:

43-1-30. (1) There is hereby created the Mississippi TANF Implementation Council. It shall serve as the independent, single state advisory and review council for assuring Mississippi's compliance with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended. The council shall further cooperation between government, education and the private sector in meeting the needs of the TANF program. It shall also further cooperation between the business and labor communities, education and training delivery systems, and between businesses in developing highly skilled workers for high skill, high paying jobs in Mississippi.
(2) The council shall be comprised of thirteen (13) public members and certain ex officio nonvoting members. All public members of the council shall be appointed as follows by the Governor:

Ten (10) members shall be representatives from business and industry, provided that no fewer than five (5) members are from the manufacturing and industry sector who are also serving as members of private industry councils established within the state, and one (1) member may be a representative of a nonprofit organization. Three (3) members shall be recipients or former recipients of TANF assistance appointed from the state at large.

The ex officio nonvoting members of the council shall consist of the following, or their designees:

(a) The Executive Director of the Mississippi Department of Human Services;
(b) The Executive Director of the Mississippi Employment Security Commission;
(c) The Executive Director of the Mississippi Department of Economic and Community Development;
(d) The State Superintendent of Public Education;
(e) The Commissioner of Higher Education;
(f) The Executive Director of the Division of Medicaid;
(g) The Commissioner of the Mississippi Department of Corrections; and
(h) The Director of the Mississippi Cooperative Extension Service.

(3) The Governor shall designate one (1) public member to serve as chairman of the council for a term of two (2) years and until a successor as chairman is appointed and qualified.

(4) The term of office for public members appointed by the Governor shall be four (4) years and until their successors are appointed and qualified.
(5) Any vacancy shall be filled for the unexpired term by
the Governor in the manner of the original appointment, unless
otherwise specified in this section.

(6) Public members shall receive a per diem as authorized in
Section 25-3-69, for each day actually engaged in meetings of the
council, and shall be reimbursed for mileage and necessary
expenses incurred in the performance of their duties, as provided
in Section 25-3-41.

(7) The council shall:

(a) Annually review and recommend policies and programs
to the Governor and the Legislature that will implement and meet
federal requirements under the TANF program.

(b) Annually review and recommend policies and programs
to the Governor and to the Legislature that will enable citizens
of Mississippi to acquire the skills necessary to maximize their
economic self-sufficiency.

(c) Review the provision of services and the use of
funds and resources under the TANF program, and under all
state-financed job training and job retraining programs, and
advise the Governor and the Legislature on methods of coordinating
such provision of services and use of funds and resources
consistent with the laws and regulations governing such programs.

(d) Assist in developing outcome and output measures to
measure the success of the Department of Human Services' efforts
in implementing the TANF program. These recommendations shall be
made to the Department of Human Services at such times as required
in the event that the department implements new programs to comply
with the TANF program requirements.

(e) Collaborate with the Department of Economic and
Community development, local planning and development districts
and local industrial development boards, and shall develop an
economic development plan for the creation of manufacturing jobs
in each of the counties in the state that has an unemployment rate
of ten percent (10%) or more, which shall include, but not be limited to, procedures for business development, entrepreneurship and financial and technical assistance.

(8) A majority of the members of the council shall constitute a quorum for the conduct of meetings and all actions of the council shall be by a majority of the members present at a meeting.

(9) The council shall adopt rules and regulations as it deems necessary to carry out its responsibilities under this section and under applicable federal human resources programs.

(10) The council may make and enter into contracts and interagency agreements as may be necessary and proper.

(11) The council is authorized to commit and expend monies appropriated to it by the Legislature for its authorized purposes. The council is authorized to solicit, accept and expend public and private gifts, grants, awards and contributions related to furtherance of its statutory duties.

(12) Funds for the operations of the council shall be derived from federal funds for the operation of state councils pursuant to applicable federal human resources programs and from such other monies appropriated to it by the Legislature.

SECTION 89. Section 45-4-3, Mississippi Code of 1972, is amended as follows:

45-4-3. (1) There is hereby created the Board on Jail Officer Standards and Training, which shall consist of nine (9) members.

(2) The members shall be appointed as follows:

(a) Two (2) members to be appointed by the Mississippi Association of Supervisors.

(b) Three (3) members to be appointed by the Mississippi Association of Sheriffs.

(c) One (1) member to be appointed by the Board of Trustees of State Institutions of Higher Learning.
(d) One (1) member to be appointed by the Governor.

(e) One (1) member to be appointed by the Mississippi Association of Chiefs of Police.

(f) One (1) member to be appointed by the Mississippi Municipal League.

The initial appointments to the board shall be made no later than twenty (20) days after July 1, 1999, as follows:

The Mississippi Association of Supervisors shall appoint one (1) member for a term of one (1) year and one (1) member for a term of three (3) years.

The Mississippi Association of Sheriffs shall appoint one (1) member for a term of one (1) year, one (1) member for a term of two (2) years and one (1) member for a term of three (3) years.

The Board of Trustees of State Institutions of Higher Learning shall appoint one (1) member for a term of two (2) years.

The Governor shall appoint one (1) member for a term of two (2) years.

The Mississippi Association of Chiefs of Police shall appoint one (1) member for a term of two (2) years not later than twenty (20) days after July 1, 2000.

The Mississippi Municipal League shall appoint one (1) member for a term of two (2) years not later than twenty (20) days after July 1, 2000.

Upon the expiration of the terms of the initial appointees to the board, each subsequent appointment shall be made for a term of three (3) years, beginning on the date of the expiration of the previous term. A vacancy in any appointed position on the board prior to the expiration of a term shall be filled by appointment for the balance of the unexpired term.

(3) Members of the board shall serve without compensation, but shall be entitled to receive reimbursement for any actual and reasonable expenses incurred as a necessary incident to such...
service, including mileage, as provided in Section 25-3-41, Mississippi Code of 1972.

   (4) There shall be a chairman and a vice chairman of the board, elected by and from the membership of the board. The board shall adopt rules and regulations governing times and places for meetings and governing the manner of conducting its business, but the board shall meet at least every three (3) months. Any member who is absent for three (3) consecutive regular meetings of the board may be removed by a majority vote of the board.

   (5) The Governor shall call an organizational meeting of the board not later than thirty (30) days after July 1, 1999.

   (6) The board shall report annually to the Governor and the Legislature on its activities, and may make such other reports as it deems desirable.

SECTION 90. Section 53-3-51, Mississippi Code of 1972, is amended as follows:

53-3-51. (1) The Mississippi Commission on Environmental Quality, the county boards of supervisors, the mayors and boards of aldermen, the mayor and councilmen, the trustees of agricultural high schools, the trustees of any common school districts, consolidated school districts, special consolidated school districts and separate school districts, and all other state boards, state officers, state agents, and the boards and officers of all political subdivisions of the State of Mississippi, who manage and control mineral and royalty interests, and are authorized by law to execute oil, gas or mineral leases thereon, are hereby authorized and empowered to execute, on behalf of the state or of such political, municipal, or other subdivision or agency thereof, agreements covering any lease or leases now in effect or which may hereafter be granted, and the mineral and royalty interests thereunder, for establishing and carrying out the cooperative development and operation of common accumulations of oil and gas, or both, in all or any portion of a field or area
which appears from geological or other data to contain such common accumulations of oil or gas, or both, including the right and power to pool, consolidate and unitize the land covered by any lease or leases, now in effect or which may hereafter be granted, in its entirety or as to any stratum or strata or any portion or portions thereof, with other lands and leases in the immediate vicinity thereof, for the purpose of joint development and operation of the entire consolidated premises as a unit. Such agreements include, but are not limited to, all types of secondary recovery methods and operations, and operations known as cycling, recycling, pressure maintenance, repressuring, and water flooding, and the storage, processing and marketing of gas and all by-products of such operations.

(2) When any mineral or royalty interest belonging to the state, or to any political subdivision or agency thereof, is included within the provisions of such unitization or other agreement, as authorized in subsection (1) hereof, the oil, gas and mineral lease on such interest shall be considered to be amended thereby to conform to such agreement, and such lease shall not terminate as long as the agreement continues in force. No such agreement shall provide for the payment of royalty on any basis which is less favorable to the state, or any such subdivision thereof, than the basis on which royalty is computed to other royalty owners.

(3) The agreements herein authorized as to field-wide unitization shall not become effective until approved by the State Oil and Gas Board by an order duly entered on the minutes of said board, and when so approved shall become fully valid and binding.

(4) The provisions of this section shall be cumulative of other existing laws not in conflict herewith.

SECTION 91. Section 57-73-25, Mississippi Code of 1972, is amended as follows:
57-73-25. (1) A fifty percent (50%) income tax credit shall be granted to any employer (as defined in subsection (4) of this section) sponsoring basic skills training. The fifty percent (50%) credit shall be granted to employers that participate in employer-sponsored retraining programs through any community college in the district within which the employer is located or training approved by such community college. The retraining must be designed to increase opportunities for employee advancement or retention with the employer. The credit is applied to qualified training or retraining expenses, which are expenses related to instructors, instructional materials and equipment, and the construction and maintenance of facilities by such employer designated for training purposes which is attributable to training or retraining provided through such community college or training approved by such community college. The credits allowed under this section shall only be used by the actual employer qualifying for the credits. The credit shall not exceed fifty percent (50%) of the income tax liability in a tax year and may be carried forward for the five (5) successive years if the amount allowable as credit exceeds the income tax liability in a tax year; however, thereafter, if the amount allowable as a credit exceeds the tax liability, the amount of excess shall not be refundable or carried forward to any other taxable year. The credit authorized under this section shall not exceed Two Thousand Five Hundred Dollars ($2,500.00), in the aggregate, per employee, over a three-year period. Nothing in this section shall be interpreted in any manner as to prevent the continuing operation of state-supported university programs.

(2) Employer-sponsored training shall include an evaluation by the local community college that serves the employer to ensure that the training provided is job related and conforms to the definitions of "basic skills training" and "retraining programs" as hereinafter defined.
(3) Employers shall be certified as eligible for the tax credit by the local community college that serves the employer and the State Tax Commission.

(4) For the purposes of this section:

(a) "Basic skills training" means any employer-sponsored training by an appropriate community college or training approved by such community college that enhances reading, writing or math skills, up to the twelfth grade level, of employees who are unable to function effectively on the job due to deficiencies in these areas or who would be displaced because such skill deficiencies will inhibit their training for new technology.

(b) "Retraining programs" means employer-sponsored training by an appropriate community college or training approved by such community college for hourly paid employees that have been employed a minimum of one (1) year with the employer applying the tax credit that, upon successful completion, increases the employee's opportunity for consideration for promotion or retention with the employer.

(c) "Employer-sponsored training" means training purchased by the employer from an appropriate community college in the district within which the employer is located or training approved by such community college.

(d) "Employer" means those permanent business enterprises as defined and set out in Section 57-73-21(2), (3), (4) and (5).

(5) The tax credits provided for in this section shall be in addition to all other tax credits heretofore granted by the laws of the state.

(6) A community college may commit to provide employer-sponsored basic skills training or retraining programs for an employer for a multiple number of years, not to exceed five years.
(7) The Board of Trustees of State Institutions of Higher Learning shall make a report to the Legislature by January 30 of each year summarizing the number of participants, the community college through which the training was offered and the type training offered.

(8) This section shall stand repealed from and after July 1, 2002.

SECTION 92. Section 69-2-5, Mississippi Code of 1972, is amended as follows:

69-2-5. (1) The Mississippi Cooperative Extension Service shall act as a clearinghouse for the dissemination of information regarding programs and services which may be available to help those persons and businesses which have been adversely affected by the present emergency in the agricultural community. The Cooperative Extension Service shall develop a plan of assistance which shall identify all programs and services available within the state which can be of assistance to those affected by the present emergency. The Department of Agriculture and Commerce, the Department of Finance and Administration, Department of Human Services, Department of Mental Health, State Board of Health, Board of Trustees of State Institutions of Higher Learning, University Research * * * Center, Department of Economic and Community Development, Employment Security Commission, State Board of Education, Mississippi Authority for Educational Television, and other agencies of the state which have programs and services that can be of assistance to those affected by the present emergency, shall provide information regarding their programs and services to the Cooperative Extension Service for use in the clearinghouse. The types of programs and services shall include but not be limited to financial counseling, farm and small business management, employment services, labor market information, job re-training, vocational and technical training, food stamp programs, personal counseling, health services, and
4777 free or low cost legal services. The clearinghouse shall provide
4778 a single contact point to provide program information and referral
4779 services to individuals interested or needing services from state
4780 funded assistance programs affecting agriculture, horticulture,
4781 aquaculture and other agribusinesses or related industries. Such
4782 assistance information shall identify all monies available under
4783 the Small Business Financing Act, the Business Investment Act, the
4784 Emerging Crop Fund legislation and any other sources which may be
4785 used singularly or combined, to provide a comprehensive financing
4786 package. The provisions of this section in establishing a single
4787 contact point for information and referral services shall not be
4788 construed to authorize the hiring of additional personnel.
4789
4790 (2) The Cooperative Extension Service may accept monetary or
4791 in-kind contributions, gifts and grants for the establishment or
4792 operation of the clearinghouse.
4793
4794 (3) The Cooperative Extension Service shall establish a
4795 method for the dissemination of information to those who can be
4796 benefited by the existing programs and services of the state.
4797
4798 (4) The Cooperative Extension Service shall file an annual
4799 report with the Governor, Lieutenant Governor and Speaker of the
4800 House of Representatives regarding the efforts which have been
4801 made in the clearinghouse operation. The report shall also
4802 recommend any additional measures, including legislation, which
4803 may be needed or desired in providing programs and benefits to
4804 those affected by the agricultural emergency.
4805
4806 SECTION 93. Section 75-59-1, Mississippi Code of 1972, is
4807 amended as follows:
4808
4809 75-59-1. No person, firm or corporation shall contract to
4810 furnish correspondence courses to persons within the state unless
4811 such person, firm or corporation shall have obtained a permit from
4812 the Office of the Secretary of State, either (a) the State
4813 Department of Education * * * or (b) the Board of Trustees of
4814 State Institutions of Higher Learning, whichever is appropriate,
and the Office of the Attorney General. An application for a
permit shall be made on forms furnished by the Secretary of State,
the State Department of Education • • • or the Board of Trustees
of Institutions of Higher Learning, as the case may be, and the
Attorney General and such application shall designate an agent for
the service of summons within the state; shall contain the name
and address of the applicant; the type of courses offered with a
brief summary of the course of studies offered; and one (1) copy
of all textbooks or other teaching aids and training materials
which are incorporated in the course of study shall be filed with
said application. The applicant shall pay the secretary of state
a fee of Two Hundred Fifty Dollars ($250.00). The applicant shall
file a bond with his application in the sum of Fifty Thousand
Dollars ($50,000.00) conditioned to satisfy any judgment rendered
by a court of competent jurisdiction, in favor of any person who
has sustained damages as a result of the breach of a contract of
instruction by the permittee. Such bond shall be executed by the
permittee and a resident surety company qualified to transact
business within the state. Such permit shall be valid for one (1)
year from the date thereof. Suits against the permittee and his
surety may be brought in the county where the plaintiff resides,
or the county where the defendant has his principal place of
business, or where his resident agent resides. This chapter shall
not apply to any business school or business college holding a
current certificate or license issued under the applicable law of
this state. In addition, this chapter shall not apply to
religious instructions offered by a recognized church
denomination; provided, however, that no fee or charge of any kind
whatever may be levied or collected directly or indirectly for
such instructions or certificates issued in connection therewith
or incidental thereto. No person shall be granted a permit unless
he is an individual of good moral character.
SECTION 94. Section 75-60-3, Mississippi Code of 1972, is amended as follows:

75-60-3. As used in this chapter:

(a) "Course of instruction" means the offering of instruction to individuals for a charge, fee or contribution of any kind, to a person or persons for the purpose of training or preparing such person(s) for a field of endeavor in a business, trade, technical or industrial occupation.

(b) "Program of study" means a curriculum or set of individual courses in a particular area of specialization for which a diploma, degree, certificate or other written evidence of proficiency of achievement is offered or awarded.

(c) "Agent" means any individual who solicits prospective students in Mississippi to enroll for a fee in a course of instruction.

(d) "Person" means an individual, corporation, partnership, association or any other type of organization.

(e) "Board" means the Board of Trustees of State Institutions of Higher Learning.

(f) "Commission" means the Commission on Proprietary School and College Registration established under this chapter.

SECTION 95. Section 75-60-4, Mississippi Code of 1972, is amended as follows:

75-60-4. (1) The Board of Trustees of State Institutions of Higher Learning shall appoint a "Commission on Proprietary School and College Registration" to be composed of five (5) qualified members, one (1) appointed from each of the five (5) Mississippi congressional districts existing on January 1, 1992. The membership of said commission shall be composed of persons who have held a teaching, managerial or other similar position with any public, private, trade, technical or other school; provided, however, that one (1) member of the commission shall be actively engaged in teaching, managerial or other similar
position with a privately owned trade, technical or other school.

The membership of said commission shall be appointed by the board of trustees within ninety (90) days of the passage of this chapter. In making the first appointments, two (2) members shall be appointed for three (3) years, two (2) members for four (4) years, and one (1) member for five (5) years. Thereafter, all members shall be appointed for a term of five (5) years. If one of the members appointed by the board of trustees resigns or is otherwise unable to serve, a new member shall be appointed by the commission to fill the unexpired term. All five (5) members of the commission have full voting rights. The members shall not be paid for their services, but may be compensated for the expenses necessarily incurred in the attendance at meetings or in performing other services for the commission at a rate prescribed under Section 25-3-69, plus actual expenses and mileage as provided by Section 25-3-41. Members of the commission shall annually elect a chairman from among its members.

(2) The Board of Trustees of State Institutions of Higher Learning shall appoint such staff as may be required for the performance of the commission's duties and provide necessary facilities.

(3) It shall be the purpose of the Commission on Proprietary School and College Registration to establish and implement the registration program as provided in this chapter. All controversies involving the registration of such schools shall be initially heard by a duly authorized hearing officer of the commission before whom a complete record shall be made. After the conclusion of the hearing, the duly authorized hearing officer of the commission shall make a recommendation to the commission as to the resolution of the controversies, and the commission, after considering the transcribed record and the recommendation of its hearing officer, shall make its decision which becomes final unless the school or college or other person involved shall appeal
to the Board of Trustees of State Institutions of Higher Learning, which appeal shall be on the record previously made before the commission's hearing officer except as may be provided by rules and regulations adopted by the Board of Trustees of State Institutions of Higher Learning. All appeals from the Board of Trustees of State Institutions of Higher Learning shall be on the record and shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

SECTION 96. Section 75-60-5, Mississippi Code of 1972, is amended as follows:

75-60-5. The provisions of this chapter do not apply to the following categories of courses, schools or colleges:

(a) Tuition-free courses or schools conducted by employers exclusively for their own employees;

(b) Schools, colleges, technical institutes, community colleges, junior colleges or universities under the jurisdiction of the Board of Trustees of State Institutions of Higher Learning;

(c) Schools or courses of instruction under the jurisdiction of the State Board of Cosmetology or State Board of Barber Examiners;

(d) Courses of instruction required by law to be approved or licensed, or given by institutions approved or licensed, by a state board or agency other than the Commission on Proprietary School and College Registration; however, a school so approved or licensed may apply to the Commission on Proprietary School and College Registration for a certificate of registration to be issued in accordance with the provisions of this chapter;

(e) Correspondence courses;

(f) Nonprofit private schools offering academic credits at primary or secondary levels, or conducting classes for exceptional education as defined by regulations of the State Department of Education;
(g) Private nonprofit colleges and universities or any private school offering academic credits at primary, secondary or postsecondary levels;

(h) Courses of instruction conducted by a public school district or a combination of public school districts;

(i) Courses of instruction conducted outside the United States;

(j) A school which offers only instruction in subjects which the Commission on Proprietary School and College Registration determines are primarily for avocational, personal improvement or cultural purposes and which does not represent to the public that its course of study or instruction will or may produce income for those who take such study or instruction;

(k) Courses conducted primarily on an individual tutorial basis, where not more than one (1) student is involved at any one (1) time, except in those instances where the Commission on Proprietary School and College Registration determines that the course is for the purpose of preparing for a vocational objective;

(l) Kindergartens or similar programs for preschool-age children.

SECTION 97. Section 75-60-19, Mississippi Code of 1972, is amended as follows:

75-60-19. (1) The Commission on Proprietary School and College Registration may suspend, revoke or cancel a certificate of registration for any one (1) or any combination of the following causes:

(a) Violation of any provision of the sections of this chapter or any regulation made by the commission;

(b) The furnishing of false, misleading or incomplete information requested by the commission;

(c) The signing of an application or the holding of a certificate of registration by a person who has pleaded guilty or
has been found guilty of a felony or has pleaded guilty or been
found guilty of any other indictable offense;

(d) The signing of an application or the holding of a
certificate of registration by a person who is addicted to the use
of any narcotic drug, or who is found to be mentally incompetent;

(e) Violation of any commitment made in an application
for a certificate of registration;

(f) Presentation to prospective students of misleading,
false or fraudulent information relating to the course of
instruction, employment opportunity, or opportunities for
enrollment in accredited institutions of higher education after
entering or completing courses offered by the holder of a
certificate of registration;

(g) Failure to provide or maintain premises or
equipment for offering courses of instruction in a safe and
sanitary condition;

(h) Refusal by an agent to display his agent's
certificate of registration upon demand of a prospective student
or other interested person;

(i) Failure to maintain financial resources adequate
for the satisfactory conduct of courses of study as presented in
the plan of operation or to retain a sufficient number and
qualified staff of instruction; however nothing in this chapter
shall require an instructor to be certificated by the Commission
on Proprietary School and College Registration or to hold any type
of post-high school degree;

(j) Offering training or courses of instruction other
than those presented in the application; however, schools may
offer special courses adapted to the needs of individual students
where the special courses are in the subject field specified in
the application;

(k) Accepting the services of an agent not licensed in
accordance with Sections 75-60-23 through 75-60-37, inclusive;
(l) Conviction or a plea of nolo contendere on the part of any owner, operator or director of a registered school of any felony under Mississippi law or the law of another jurisdiction;

(m) Continued employment of a teacher or instructor who has been convicted of or entered a plea of nolo contendere to any felony under Mississippi law or the law of another jurisdiction;

(n) Incompetence of any owner or operator to operate a school.

(2) (a) Any person who believes he has been aggrieved by a violation of this section shall have the right to file a written complaint within two (2) years of the alleged violation. The commission shall maintain a written record of each complaint that is made. The commission shall also send to the complainant a form acknowledging the complaint and requesting further information if necessary and shall advise the director of the school that a complaint has been made and, where appropriate, the nature of the complaint.

(b) The commission shall within twenty (20) days of receipt of such written complaint commence an investigation of the alleged violation and shall, within ninety (90) days of the receipt of such written complaint, issue a written finding. The commission shall furnish such findings to the person who filed the complaint and to the chief operating officer of the school cited in the complaint. If the commission finds that there has been a violation of this section, the commission shall take appropriate action.

(c) The commission may initiate an investigation without a complaint.

(3) Hearing procedures. (a) Upon a finding that there is good cause to believe that a school, or an officer, agent, employee, partner or teacher, has committed a violation of subsection (1) of this section, the commission shall initiate proceedings by serving a notice of hearing upon each and every
such party subject to the administrative action. The school or
such party shall be given reasonable notice of hearing, including
the time, place and nature of the hearing and a statement
sufficiently particular to give notice of the transactions or
occurrences intended to be proved, the material elements of each
cause of action and the civil penalties and/or administrative
sanctions sought.

(b) Opportunity shall be afforded to the party to
respond and present evidence and argument on the issues involved
in the hearing including the right of cross-examination. In a
hearing, the school or such party shall be accorded the right to
have its representative appear in person or by or with counsel or
other representative. Disposition may be made in any hearing by
stipulation, agreed settlement, consent order, default or other
informal method.

(c) The commission shall designate an impartial hearing
officer to conduct the hearing, who shall be empowered to:

(i) Administer oaths and affirmations; and

(ii) Regulate the course of the hearings, set the
time and place for continued hearings, and fix the time for filing
of briefs and other documents; and

(iii) Direct the school or such party to appear
and confer to consider the simplification of the issues by
consent; and

(iv) Grant a request for an adjournment of the
hearing only upon good cause shown.

The strict legal rules of evidence shall not apply, but the
decision shall be supported by substantial evidence in the record.

(4) The commission, acting by and through its hearing
officer, is hereby authorized and empowered to issue subpoenas for
the attendance of witnesses and the production of books and papers
at such hearing. Process issued by the commission shall extend to
all parts of the state and shall be served by any person
designated by the commission for such service. Where, in any proceeding before the hearing officer, any witness fails or refuses to attend upon a subpoena issued by the commission, refuses to testify, or refuses to produce any books and papers the production of which is called for by a subpoena, the attendance of such witness, the giving of his testimony or the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(5) **Decision after hearing.** The hearing officer shall make written findings of fact and conclusions of law, and shall also recommend in writing to the commission a final decision, including penalties. The hearing officer shall mail a copy of his findings of fact, conclusions of law and recommended penalty to the party and his attorney, or representative. The commission shall make the final decision, which shall be based exclusively on evidence and other materials introduced at the hearing. If it is determined that a party has committed a violation, the commission shall issue a final order and shall impose penalties in accordance with this section. The commission shall send by certified mail, return receipt requested, a copy of the final order to the party and his attorney, or representative. The commission shall, at the request of the school or such party, furnish a copy of the transcript or any part thereof upon payment of the cost thereof.

(6) **Civil penalties and administrative sanctions.** (a) A hearing officer may recommend, and the commission may impose, a civil penalty not to exceed Two Thousand Five Hundred Dollars ($2,500.00) for any violation of this section. In the case of a second or further violation committed within the previous five (5) years, the liability shall be a civil penalty not to exceed Five Thousand Dollars ($5,000.00) for each such violation.
(b) Notwithstanding the provisions of paragraph (a) of this subsection, a hearing officer may recommend and the commission may impose a civil penalty not to exceed Twenty-five Thousand Dollars ($25,000.00) for any of the following violations:

(i) operation of a school without a registration in violation of this chapter; (ii) operation of a school knowing that the school's registration has been suspended or revoked; (iii) use of false, misleading, deceptive or fraudulent advertising; (iv) employment of recruiters on the basis of a commission, bonus or quota, except as authorized by the commission; (v) directing or authorizing recruiters to offer guarantees of jobs upon completion of a course; (vi) failure to make a tuition refund when such failure is part of a pattern of misconduct; or (vii) violation of any other provision of this chapter, or any rule or regulation promulgated pursuant thereto, when such violation constitutes part of a pattern of misconduct which significantly impairs the educational quality of the program or programs being offered by the school.

For each enumerated offense, a second or further violation committed within the previous five (5) years shall be subject to a civil penalty not to exceed Fifty Thousand Dollars ($50,000.00) for each such violation.

(c) In addition to the penalties authorized in paragraphs (a) and (b) of this subsection, a hearing officer may recommend and the commission may impose any of the following administrative sanctions: (i) a cease and desist order; (ii) a mandatory direction; (iii) a suspension or revocation of a certificate of registration; (iv) a probation order; or (v) an order of restitution.

(d) The commission may suspend a registration upon the failure of a school to pay any fee, fine or penalty as required by this chapter unless such failure is determined by the commission to be for good cause.
(e) All civil penalties, fines and settlements received shall accrue to the credit of the State General Fund.

(7) Any penalty or administrative sanction imposed by the commission under this section may be appealed by the school, college or other person affected to the Board of Trustees of State Institutions of Higher Learning as provided in Section 75-60-4(3), which appeal shall be on the record previously made before the commission's hearing officer. All appeals from the Board of Trustees of State Institutions of Higher Learning shall be on the record and shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

SECTION 98. Section 75-60-43, Mississippi Code of 1972, is amended as follows:

75-60-43. The State Department of Education shall supply to the Board of Trustees of State Institutions of Higher Learning all records, regulations and forms relating to proprietary school and college registration. All certificates and permits for proprietary schools and colleges issued by the State Department of Education shall be valid until their normal expiration dates unless suspended or revoked for cause.

SECTION 99. Section 37-4-4, Mississippi Code of 1972, which requires the Commissioner of Higher Education to attend meetings of the State Board for Community and Junior Colleges, is repealed. Section 37-4-5, Mississippi Code of 1972, which provides for the meaning of the term "Junior College Commission," and Section 37-4-7, Mississippi Code of 1972, which requires the State Board for Community and Junior Colleges to study the feasibility of implementing a uniform state employment contract, are repealed.

SECTION 100. Sections 37-29-37 and 37-29-39, Mississippi Code of 1972, which expressly provide for the continuation of certain junior college districts, are repealed.

SECTION 101. Sections 37-29-65 and 37-29-67, Mississippi Code of 1972, which provide for the selection of the trustees of
the community and junior college districts and establish the
general powers and duties of such boards of trustees, are
repealed.

SECTION 102. Section 37-29-81, Mississippi Code of 1972,
which authorizes community and junior college districts, in the
discretion of the board of trustees, to charge tuition and fees,
is repealed.

SECTION 103. Sections 37-29-101, 37-29-103, 37-29-105,
37-29-119, 37-29-121, 37-29-123, 37-29-125 and 37-29-127,
Mississippi Code of 1972, which authorize the boards of trustees
of community and junior college districts to borrow money and
establish procedures for such borrowing, are repealed.

SECTION 104. Section 37-29-143, Mississippi Code of 1972,
which provides for the receipt and expenditure of tax revenues by
the community and junior college districts, is repealed.

SECTION 105. Section 37-29-177, Mississippi Code of 1972,
which prohibits a community or junior college district from
charging out-of-district students a greater fee for specialized
programs in vocational education which are unavailable to the
students in their home district, is repealed.

SECTION 106. Sections 37-29-211, 37-29-213, 37-29-215 and
37-29-217, Mississippi Code of 1972, which require community
college faculty members to file an affidavit as to membership in
organizations as a condition for employment, are repealed.

SECTION 107. Section 37-29-263, Mississippi Code of 1972,
which authorizes the community and junior colleges to use any
available funds to defray the cost of electronic data processing
equipment, is repealed.

SECTION 108. Section 37-29-273, Mississippi Code of 1972,
which authorizes the attendance of pupils in a county school
district at a municipal junior college in such county, is
repealed.


SECTION 113. Section 37-101-331, Mississippi Code of 1972, which requires the State Board for Community and Junior Colleges to submit a report to the Legislature on the renovation and repair needs of the community and junior colleges before January 3, 1989, is repealed.


SECTION 115. This act shall take effect and be in force from and after July 1, 2001.