

By: Representative Ishee

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 454

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE STATE BOARD FOR
2 COMMUNITY AND JUNIOR COLLEGES AND THE BOARDS OF TRUSTEES OF THE
3 COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO TRANSFER THE POWERS AND
4 DUTIES OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO THE
5 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO
6 AMEND SECTIONS 37-4-3 AND 37-101-15, MISSISSIPPI CODE OF 1972, IN
7 CONFORMITY THERETO; TO AMEND SECTION 37-29-31, MISSISSIPPI CODE OF
8 1972, TO CONSOLIDATE THE FIFTEEN COMMUNITY AND JUNIOR COLLEGE
9 DISTRICTS EXISTING ON JUNE 30, 2001, INTO SIX COMMUNITY COLLEGE
10 DISTRICTS; TO AMEND SECTION 37-29-33, MISSISSIPPI CODE OF 1972, TO
11 PROVIDE FOR THE TRANSFER OF THE PROPERTY BELONGING TO THE EXISTING
12 COMMUNITY AND JUNIOR COLLEGE DISTRICTS TO THE COMMUNITY COLLEGES
13 IN THE NEWLY CREATED COMMUNITY COLLEGE DISTRICTS; TO PROVIDE THAT
14 THE TERM "JUNIOR COLLEGE" MEANS COMMUNITY COLLEGE; TO AMEND
15 SECTIONS 7-1-365, 25-3-39, 25-9-107, 25-15-9, 29-1-205, 29-17-3,
16 37-3-2, 37-4-1, 37-4-9, 37-4-11, 37-11-17, 37-13-92, 37-27-6,
17 37-27-51, 37-29-1 THROUGH 37-29-5, 37-29-61, 37-29-63, 37-29-69
18 THROUGH 37-29-79, 37-29-85, 37-29-87, 37-29-131 THROUGH 37-29-137,
19 37-29-141, 37-29-145, 37-29-161 THROUGH 37-29-175, 37-29-231,
20 37-29-241, 37-29-261, 37-29-267 THROUGH 37-29-269, 37-29-272,
21 37-29-275, 37-31-61 THROUGH 37-31-65, 37-31-73, 37-31-205, 37-35-1
22 THROUGH 37-35-11, 37-47-17, 37-47-19, 37-47-29, 37-57-107,
23 37-61-33, 37-63-3, 37-101-3, 37-102-3, 37-103-1, 37-103-9,
24 37-103-25, 37-103-29, 37-106-9, 37-149-1, 37-151-17, 37-151-69,
25 37-151-75, 37-155-9, 37-157-1, 41-87-5, 43-1-30, 45-4-3, 53-3-51,
26 57-73-25, 69-2-5, 75-59-1, 75-60-3 THROUGH 75-60-5, 75-60-19 AND
27 75-60-43, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
28 PROVISIONS OF THIS ACT; TO REPEAL SECTION 37-4-4, MISSISSIPPI CODE
29 OF 1972, WHICH REQUIRES THE COMMISSIONER OF HIGHER EDUCATION TO
30 ATTEND MEETINGS OF THE STATE BOARD FOR COMMUNITY AND JUNIOR
31 COLLEGES, SECTION 37-4-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
32 FOR THE MEANING OF THE TERM "JUNIOR COLLEGE COMMISSION," AND
33 SECTION 37-4-7, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE
34 BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO STUDY THE FEASIBILITY
35 OF IMPLEMENTING A UNIFORM STATE EMPLOYMENT CONTRACT; TO REPEAL
36 SECTIONS 37-29-37 AND 37-29-39, MISSISSIPPI CODE OF 1972, WHICH
37 EXPRESSLY PROVIDE FOR THE CONTINUATION OF CERTAIN JUNIOR COLLEGE
38 DISTRICTS; TO REPEAL SECTIONS 37-29-65 AND 37-29-67, MISSISSIPPI
39 CODE OF 1972, WHICH PROVIDE FOR THE SELECTION OF THE TRUSTEES OF
40 THE COMMUNITY AND JUNIOR COLLEGE DISTRICTS AND ESTABLISH THE
41 GENERAL POWERS AND DUTIES OF SUCH BOARDS OF TRUSTEES; TO REPEAL
42 SECTION 37-29-81, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES
43 COMMUNITY AND JUNIOR COLLEGE DISTRICTS, IN THE DISCRETION OF THE
44 BOARD OF TRUSTEES, TO CHARGE TUITION AND FEES; TO REPEAL SECTIONS
45 37-29-101 THROUGH 37-29-127, MISSISSIPPI CODE OF 1972, WHICH
46 AUTHORIZE THE BOARDS OF TRUSTEES OF COMMUNITY AND JUNIOR COLLEGE
47 DISTRICTS TO BORROW MONEY AND ESTABLISH PROCEDURES FOR SUCH
48 BORROWING; TO REPEAL SECTION 37-29-143, MISSISSIPPI CODE OF 1972,
49 WHICH PROVIDES FOR THE RECEIPT AND EXPENDITURE OF TAX REVENUES BY
50 THE COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO REPEAL SECTION
51 37-29-177, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS A COMMUNITY
52 OR JUNIOR COLLEGE DISTRICT FROM CHARGING OUT-OF-DISTRICT STUDENTS



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

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

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

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

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



100 37-4-3. (1) From and after July 1, 2001, the Board of
101 Trustees of State Institutions of Higher Learning shall receive
102 and distribute funds appropriated by the Legislature for the use
103 of the public community * * * colleges and funds from federal and
104 other sources that are transmitted through the state governmental
105 organization for use by said colleges. The Board of Trustees of
106 State Institutions of Higher Learning shall provide general
107 coordination of the public community * * * colleges, assemble
108 reports and such other duties as may be prescribed by law.

109 * * *

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

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

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

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



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

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

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

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

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

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

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

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

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



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

167 (n) To approve or disapprove of any proposed inclusion
168 within municipal corporate limits of state-owned buildings and
169 grounds of any community college * * * and to approve or
170 disapprove of land use development, zoning requirements, building
171 codes and delivery of governmental services applicable to
172 state-owned buildings and grounds of any community college * * *.
173 Any agreement by a * * * community college * * * to annexation of
174 state-owned property or other conditions described in this
175 paragraph shall be void unless approved by the board of trustees
176 and by the board of supervisors of the county in which the
177 state-owned property is located.

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

180 37-101-15. (a) The Board of Trustees of State Institutions
181 of Higher Learning shall succeed to and continue to exercise
182 control of all records, books, papers, equipment, and supplies,
183 and all lands, buildings, and other real and personal property
184 belonging to or assigned to the use and benefit of the board of
185 trustees formerly supervising and controlling the institutions of
186 higher learning named in Section 37-101-1. The board shall have
187 and exercise control of the use, distribution and disbursement of
188 all funds, appropriations and taxes, now and hereafter in
189 possession, levied and collected, received, or appropriated for
190 the use, benefit, support, and maintenance or capital outlay
191 expenditures of the community colleges and institutions of higher
192 learning, including the authorization of employees to sign
193 vouchers for the disbursement of funds for the various community
194 colleges and institutions, except where otherwise specifically
195 provided by law.



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

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



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

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



262 of the Legislature and the necessary amount of expense to be
263 incurred from said date to January 1 following. The board shall
264 keep the annual expenditures of each community college and
265 institution * * * within the income derived from legislative
266 appropriations and other sources, but in case of emergency arising
267 from acts of providence, epidemics, fire or storm with the written
268 approval of the Governor and by written consent of a majority of
269 the Senators and of the Representatives it may exceed the income.
270 The board shall require a surety bond in a surety company
271 authorized to do business in this state, of every employee who is
272 the custodian of funds belonging to one or more of the community
273 colleges and institutions * * *, which bond shall be in a sum to
274 be fixed by the board in an amount that will properly safeguard
275 the said funds, the premium for which shall be paid out of the
276 funds appropriated for said community colleges and institutions.

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



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

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

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

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

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

319 37-29-31. There are hereby created the following community
320 college districts comprising the entire counties therein named and
321 having boundaries coinciding with the external boundaries thereof,
322 each of which shall be under the jurisdiction and control of the
323 Board of Trustees of State Institutions of Higher Learning:

324 (a) Central Mississippi Community College District is
325 comprised of the counties of Attala, Hinds, Madison, Rankin and
326 Winston. The central administration offices of Central



327 Mississippi Community College shall be located in the City of
328 Raymond, Mississippi.

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

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

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

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

358 (f) Southwest Mississippi Community College District is
359 comprised of the counties of Adams, Amite, Carroll, Claiborne,



360 Copiah, Franklin, Holmes, Humphreys, Issaquena, Jefferson,
361 Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Sharkey,
362 Walthall, Warren, Washington, Wilkinson and Yazoo. The central
363 administration offices of Southwest Mississippi Community College
364 shall be situated at a location to be determined by the Board of
365 Trustees of State Institutions of Higher Learning. In making this
366 determination, the board shall give consideration to the
367 geographical and highest population centers of the district.

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

370 37-29-33. Except as otherwise provided in Sections 37-29-1
371 through 37-29-273, all of the property belonging to the board of
372 trustees of any community or junior college district existing on
373 June 30, 2001, and all of the property belonging to any or all of
374 the counties cooperating, as of June 30, 2001, in the existing
375 community and junior colleges or the agricultural high schools and
376 community and junior colleges located at the existing campuses and
377 utilized or held for the present or future use and benefit of such
378 community and junior colleges * * * or agricultural high schools
379 and community and junior colleges, shall be and the same is hereby
380 transferred to and vested in * * * the community colleges in the
381 respective community college districts created in Section
382 37-29-31.

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

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

389 7-1-365. The State Department of Education,
390 Vocational-Technical Division, the Board of Trustees of State
391 Institutions of Higher Learning and the junior colleges, the board
392 of trustees of any school district, the Mississippi Employment



393 Security Commission, and the Department of Economic and Community
394 Development shall cooperate in carrying out the provisions of
395 Sections 7-1-351 through 7-1-371.

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

398 25-3-39. (1) No public officer, public employee,
399 administrator, or executive head of any arm or agency of the
400 state, in the executive branch of government, shall be paid a
401 salary or compensation, directly or indirectly, in excess of the
402 salary fixed in Section 25-3-31 for the Governor. All academic
403 officials, members of the teaching staffs and employees of the
404 state institutions of higher learning * * * and community * * *
405 colleges, and licensed physicians who are public employees, shall
406 be exempt from this subsection. In addition, the Executive
407 Director of the Department of Economic and Community Development
408 and the Chief of Staff of the Governor's Office shall be exempt
409 from this subsection. The Governor shall fix the annual salary of
410 the Executive Director of the Department of Economic and Community
411 Development and the annual salary of the Chief of Staff of the
412 Governor's Office, which salaries shall be completely paid by the
413 state and may not be supplemented with any funds from any source,
414 including federal or private funds. Provided, however, that the
415 salary of the Executive Director of the Department of Economic and
416 Community Development and the Governor's Chief of Staff shall not
417 be greater than fifty percent (50%) in excess of the salary of the
418 Governor.

419 (2) No public officer, employee or administrator shall be
420 paid a salary or compensation, directly or indirectly, in excess
421 of the salary of the executive head of the state agency or
422 department in which he is employed. The State Personnel Board,
423 based upon its findings of fact, may exempt physicians and
424 actuaries from this subsection when the acquisition of such



425 professional services is precluded based on the prevailing wage in
426 the relevant labor market.

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

429 25-9-107. The following terms, when used in this chapter,
430 unless a different meaning is plainly required by the context,
431 shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

456 (viii) Officers and enlisted members of the
457 National Guard of the state;



458 (ix) Prisoners, inmates, student or patient help
459 working in or about institutions;

460 (x) Contract personnel; provided, that any agency
461 which employs state service employees may enter into contracts for
462 personal and professional services only if such contracts are
463 approved in compliance with the rules and regulations promulgated
464 by the State Personal Service Contract Review Board under Section
465 25-9-120(3). Before paying any warrant for such contractual
466 services in excess of One Hundred Thousand Dollars (\$100,000.00),
467 the Auditor of Public Accounts, or the successor to those duties,
468 shall determine whether the contract involved was for personal or
469 professional services, and, if so, was approved by the State
470 Personal Service Contract Review Board;

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

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

483 (xiii) Physicians, dentists, veterinarians, nurse
484 practitioners and attorneys, while serving in their professional
485 capacities in authorized employment positions who are required by
486 statute to be licensed, registered or otherwise certified as such,
487 provided that the State Personnel Director shall verify that the
488 statutory qualifications are met prior to issuance of a payroll
489 warrant by the auditor;



490 (xiv) Personnel who are employed and paid from
491 funds received from a federal grant program which has been
492 approved by the Legislature or the Department of Finance and
493 Administration whose length of employment has been determined to
494 be time-limited in nature. This subparagraph shall apply to
495 personnel employed under the provisions of the Comprehensive
496 Employment and Training Act of 1973, as amended, and other special
497 federal grant programs which are not a part of regular federally
498 funded programs wherein appropriations and employment positions
499 are appropriated by the Legislature. Such employees shall be paid
500 in accordance with the Variable Compensation Plan and shall meet
501 all qualifications required by federal statutes or by the
502 Mississippi Classification Plan;

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

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

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

522 (xviii) Repealed;



523 (xix) The associate director, deputy directors and
524 bureau directors within the Department of Agriculture and
525 Commerce;

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

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

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

544 25-15-9. (1) (a) The board shall design a plan of health
545 insurance for state employees which provides benefits for
546 semiprivate rooms in addition to other incidental coverages which
547 the board deems necessary. The amount of the coverages shall be
548 in such reasonable amount as may be determined by the board to be
549 adequate, after due consideration of current health costs in
550 Mississippi. The plan shall also include major medical benefits
551 in such amounts as the board shall determine. The board is also
552 authorized to accept bids for such alternate coverage and optional
553 benefits as the board shall deem proper. Any contract for
554 alternative coverage and optional benefits shall be awarded by the
555 board after it has carefully studied and evaluated the bids and



556 selected the best and most cost-effective bid. The board may
557 reject all such bids; however, the board shall notify all bidders
558 of the rejection and shall actively solicit new bids if all bids
559 are rejected. The board may employ or contract for such
560 consulting or actuarial services as may be necessary to formulate
561 the plan, and to assist the board in the preparation of
562 specifications and in the process of advertising for the bids for
563 the plan. Such contracts shall be solicited and entered into in
564 accordance with Section 25-15-5. The board shall keep a record of
565 all persons, agents and corporations who contract with or assist
566 the board in preparing and developing the plan. The board in a
567 timely manner shall provide copies of this record to the members
568 of the advisory council created in this section and those
569 legislators, or their designees, who may attend meetings of the
570 advisory council. The board shall provide copies of this record
571 in the solicitation of bids for the administration or servicing of
572 the self-insured program. Each person, agent or corporation
573 which, during the previous fiscal year, has assisted in the
574 development of the plan or employed or compensated any person who
575 assisted in the development of the plan, and which bids on the
576 administration or servicing of the plan, shall submit to the board
577 a statement accompanying the bid explaining in detail its
578 participation with the development of the plan. This statement
579 shall include the amount of compensation paid by the bidder to any
580 such employee during the previous fiscal year. The board shall
581 make all such information available to the members of the advisory
582 council and those legislators, or their designees, who may attend
583 meetings of the advisory council before any action is taken by the
584 board on the bids submitted. The failure of any bidder to fully
585 and accurately comply with this paragraph shall result in the
586 rejection of any bid submitted by that bidder or the cancellation
587 of any contract executed when the failure is discovered after the
588 acceptance of that bid. The board is authorized to promulgate



589 rules and regulations to implement the provisions of this
590 subsection.

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

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

607 (b) There is created an advisory council to advise the
608 board in the formulation of the State and School Employees Health
609 Insurance Plan. The council shall be composed of the State
610 Insurance Commissioner or his designee, an employee-representative
611 of the institutions of higher learning appointed by the board of
612 trustees thereof, an employee-representative of the Department of
613 Transportation appointed by the director thereof, an
614 employee-representative of the State Tax Commission appointed by
615 the Commissioner of Revenue, an employee-representative of the
616 Mississippi Department of Health appointed by the State Health
617 Officer, an employee-representative of the Mississippi Department
618 of Corrections appointed by the Commissioner of Corrections, and
619 an employee-representative of the Department of Human Services
620 appointed by the Executive Director of Human Services, two (2)
621 certificated public school administrators appointed by the State



622 Board of Education, two (2) certificated classroom teachers
623 appointed by the State Board of Education, a noncertificated
624 school employee appointed by the State Board of Education and a
625 community * * * college employee appointed by the * * * Board of
626 Trustees of State Institutions of Higher Learning.

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

649 (c) No change in the terms of the State and School
650 Employees Health Insurance Plan may be made effective unless the
651 board, or its designee, has provided notice to the State and
652 School Employees Health Insurance Advisory Council and has called
653 a meeting of the council at least fifteen (15) days before the
654 effective date of such change. In the event that the State and



655 School Employees Health Insurance Advisory Council does not meet
656 to advise the board on the proposed changes, the changes to the
657 plan shall become effective at such time as the board has informed
658 the council that the changes shall become effective.

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

669 (e) **Medical benefits for retired employees and**
670 **dependents over age sixty-five (65) years or otherwise eligible**
671 **for Medicare benefits.** The health insurance coverage available to
672 retired employees over age sixty-five (65) years or otherwise
673 eligible for Medicare benefits, and all dependents over age
674 sixty-five (65) years or otherwise eligible for Medicare benefits,
675 shall be the major medical coverage with the lifetime maximum of
676 One Million Dollars (\$1,000,000.00). Benefits shall be reduced by
677 Medicare benefits as though such Medicare benefits were the base
678 plan.

679 All covered individuals shall be assumed to have full
680 Medicare coverage, Parts A and B; and any Medicare payments under
681 both Parts A and B shall be computed to reduce benefits payable
682 under this plan.

683 (2) Nonduplication of benefits--reduction of benefits by
684 Title XIX benefits: When benefits would be payable under more
685 than one (1) group plan, benefits under those plans will be
686 coordinated to the extent that the total benefits under all plans
687 will not exceed the total expenses incurred.



688 Benefits for hospital or surgical or medical benefits shall
689 be reduced by any similar benefits payable in accordance with
690 Title XIX of the Social Security Act or under any amendments
691 thereto, or any implementing legislation.

692 Benefits for hospital or surgical or medical benefits shall
693 be reduced by any similar benefits payable by workers'
694 compensation.

695 (3) (a) Schedule of life insurance benefits--group term:
696 The amount of term life insurance for each active employee of a
697 department, agency or institution of the state government shall
698 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or
699 twice the amount of the employee's annual wage to the next highest
700 One Thousand Dollars (\$1,000.00), whichever may be less, but in no
701 case less than Thirty Thousand Dollars (\$30,000.00), with a like
702 amount for accidental death and dismemberment on a
703 twenty-four-hour basis. The plan will further contain a premium
704 waiver provision if a covered employee becomes totally and
705 permanently disabled prior to age sixty-five (65) years.
706 Employees retiring after June 30, 1999, shall be eligible to
707 continue life insurance coverage in an amount of Five Thousand
708 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
709 Thousand Dollars (\$20,000.00) into retirement.

710 (b) Effective October 1, 1999, schedule of life
711 insurance benefits--group term: The amount of term life insurance
712 for each active employee of any school district, community/junior
713 college, public library or university-based program authorized
714 under Section 37-23-31 for deaf, aphasic and emotionally disturbed
715 children or any regular nonstudent bus driver shall not be in
716 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the
717 amount of the employee's annual wage to the next highest One
718 Thousand Dollars (\$1,000.00), whichever may be less, but in no
719 case less than Thirty Thousand Dollars (\$30,000.00), with a like
720 amount for accidental death and dismemberment on a



721 twenty-four-hour basis. The plan will further contain a premium
722 waiver provision if a covered employee of any school district,
723 community/junior college, public library or university-based
724 program authorized under Section 37-23-31 for deaf, aphasic and
725 emotionally disturbed children or any regular nonstudent bus
726 driver becomes totally and permanently disabled prior to age
727 sixty-five (65) years. Employees of any school district,
728 community/junior college, public library or university-based
729 program authorized under Section 37-23-31 for deaf, aphasic and
730 emotionally disturbed children or any regular nonstudent bus
731 driver retiring after September 30, 1999, shall be eligible to
732 continue life insurance coverage in an amount of Five Thousand
733 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty
734 Thousand Dollars (\$20,000.00) into retirement.

735 (4) Any eligible employee who on March 1, 1971, was
736 participating in a group life insurance program which has
737 provisions different from those included herein and for which the
738 State of Mississippi was paying a part of the premium may, at his
739 discretion, continue to participate in such plan. Such employee
740 shall pay in full all additional costs, if any, above the minimum
741 program established by this article. Under no circumstances shall
742 any individual who begins employment with the state after March 1,
743 1971, be eligible for the provisions of this paragraph.

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

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

752 (7) On October 1, 1999, any school district,
753 community/junior college district or public library may elect to



754 remain with an existing policy or policies of group life insurance
755 with an insurance company approved by the State and School
756 Employees Health Insurance Management Board, in lieu of
757 participation in the State and School Life Insurance Plan. The
758 state's contribution of up to fifty percent (50%) of the active
759 employee's premium under the State and School Life Insurance Plan
760 may be applied toward the cost of coverage for full-time employees
761 participating in the approved life insurance company group plan.
762 For purposes of this subsection (7), "life insurance company group
763 plan" means a plan administered or sold by a private insurance
764 company. After October 1, 1999, the board may assess charges in
765 addition to the existing State and School Life Insurance Plan
766 rates to such employees as a condition of enrollment in the State
767 and School Life Insurance Plan. In order for any life insurance
768 company group plan existing as of October 1, 1999, to be approved
769 by the State and School Employees Health Insurance Management
770 Board under this subsection (7), it shall meet the following
771 criteria:

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

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

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

784 (d) The insurance company group life insurance plan
785 shall have one (1) composite rate per One Thousand Dollars
786 (\$1,000.00) of coverage for active employees regardless of age and



787 one (1) composite rate per One Thousand Dollars (\$1,000.00) of
788 coverage for all retirees regardless of age or type of retiree.

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

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

799 29-1-205. (1) The Department of Finance and Administration,
800 Bureau of Building, Grounds and Real Property Management, is
801 hereby authorized, empowered and directed to sell and convey on
802 behalf of the State of Mississippi to a nationally recognized
803 organization which has as its purpose the recognition and
804 promotion of scholarship, leadership and service among two-year
805 college students throughout the country for the purpose of
806 constructing a national headquarters thereon, the following
807 described state-owned lands. The property authorized to be sold
808 and conveyed is a certain parcel of land situated in the Northwest
809 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
810 County, Mississippi, and being more particularly described as
811 follows, to-wit:

812 Commence at the Southwest corner of Lot 2 of Northeast
813 Heights, a subdivision on file and of record in the
814 office of the Chancery Clerk at Jackson, Hinds County,
815 Mississippi, in Plat Book 10 at Page 45; run thence
816 Southerly along the extension of the West line of said
817 Lot 2 for a distance of 80.00 feet to a point on the
818 South Line of Eastover Drive; turn thence right through
819 a deflection angle of 89 degrees 13 minutes and run



820 westerly along the South line of Eastover Drive for a
821 distance of 43.84 feet to the POINT OF BEGINNING; thence
822 leaving said South line of Eastover Drive, turn left
823 through a deflection angle of 95 degrees 41 minutes 50
824 seconds and run Southerly along a line twenty five feet
825 from and parallel to the centerline of a 31 foot asphalt
826 drive for a distance of 118.08 feet; turn thence right
827 through a deflection angle of 3 degrees 07 minutes 37
828 seconds and continue Southerly along a line twenty five
829 feet from and parallel to the centerline of a 31 foot
830 asphalt drive for a distance of 132.71 feet to a point
831 on the North line of a United Gas Pipe Line Company
832 easement; turn thence right through a deflection angle
833 of 59 degrees 18 minutes 47 seconds and run
834 Southwesterly along the North line of said United Gas
835 Pipe Line Company easement for a distance of 520.00
836 feet; turn thence right through a deflection angle of 90
837 degrees 00 minutes 00 seconds and run Northwesterly for
838 a distance of 410.00 feet; turn thence right through a
839 deflection angle of 69 degrees 42 minutes 33 seconds and
840 run Northeasterly for a distance of 238.99 feet to a
841 point on the South line of said Eastover Drive; said
842 point further being on a 2 degrees 27 minutes curve
843 bearing to the right, said curve having a central angle
844 of 8 degrees 58 minutes 45 seconds and a radius of
845 2258.60 feet; turn thence right through a deflection
846 angle of 53 degrees 12 minutes 08 seconds and run
847 Easterly along the chord of said 2 degrees 27 minutes
848 curve bearing to the right and the South line of said
849 Eastover Drive for a distance of 27.26 feet to the Point
850 of Tangency; turn thence right through a deflection
851 angle of 00 degrees 20 minutes 45 seconds and run
852 Easterly along the South line said Eastover Drive for a



853 distance of 472.74 feet to the POINT OF BEGINNING,
854 containing 5.44 acres more or less.

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

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



886 (4) The conveyance herein shall be for such consideration as
887 determined appropriate by the Public Procurement Review Board.
888 Such consideration may be paid or provided in installments over a
889 period of time (not to exceed twenty-five (25) years) and may also
890 be provided in kind. In-kind consideration may include the
891 reasonable use of the improvements constructed on the property by
892 the Board of Trustees of State Institutions of Higher Learning and
893 its institutions * * * and the Mississippi Authority for
894 Educational Television and other state agencies, and the provision
895 of leadership training certification programs for community and
896 junior college faculty and others. Such in-kind consideration may
897 also constitute full and fair consideration for the property. In
898 establishing consideration, the board may take into account the
899 appraised value of the property, but shall allow reasonable credit
900 to the purchaser for benefits accruing to the State of
901 Mississippi, including the enhancement of the state's community
902 and junior college program and the promotion of excellence in
903 public education afforded by the location of such organization and
904 its headquarters in this state, the increase in employment made
905 possible, and that the only use which can be made of the conveyed
906 premises is for the organization's national headquarters with
907 reversion to the state otherwise.

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

910 29-17-3. (1) A special fund, to be designated the "1991
911 Mississippi Public Facilities Asbestos Abatement Fund," is hereby
912 created within the State Treasury. Monies deposited into such
913 fund shall be allocated and disbursed, in the discretion of the
914 Department of Finance and Administration, to pay costs of and
915 relating to asbestos abatement (removal of friable asbestos) in
916 public facilities.

917 (2) A special fund, to be designated the "1991 Mississippi
918 Public Facilities Roofing and Waterproofing Fund," is hereby



919 created within the State Treasury. Amounts deposited into such
920 fund shall be allocated and disbursed, in the discretion of the
921 Department of Finance and Administration, to pay costs of and
922 relating to the repair and replacement of roofs of public
923 facilities and the waterproofing of foundations and other parts of
924 public facilities.

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

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

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

948 (6) A special fund, to be designated the "1991 Mississippi
949 Public Facilities Energy Savings and Improvements Fund," is hereby
950 created in the State Treasury. Monies deposited into such fund
951 shall be allocated and disbursed, in the discretion of the



952 Department of Finance and Administration, to pay costs of and
 953 relating to improvements necessary to make Mississippi public
 954 facilities energy efficient.

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

AGENCY NAME	PROJECT	AMOUNT ALLOCATED
INSTITUTIONS OF HIGHER LEARNING:		
Mississippi State University	Library addition - Phase I.....	\$ 4,850,000
MAFES	Complete School of Forest Resources	1,000,000
University of Mississippi	Library addition - Phase I.....	4,000,000
Mississippi Valley State University	Misc. campus repairs	800,000
University of Mississippi	Construct perinatal center Phase I.....	2,000,000
Medical Center	Expenditure of such funds is contingent upon federal funds being made available for such project.	
University of Southern	Library addition - Phase I.....	4,850,000
Mississippi		
Delta State University	Construct fine arts facility.....	3,225,000
Jackson State University	University Park Auditorium Miscellaneous campus repairs.....	3,000,000
Alcorn State	Alcorn Stadium	
University	Miscellaneous campus repairs.....	2,500,000



985 Mississippi Miscellaneous campus repairs..... 400,000
 986 University
 987 For Women
 988 USM - Gulf Coast Miscellaneous campus repairs..... 500,000
 989 Research Lab and
 990 Gulf Park Campus

991 **COMMUNITY AND JUNIOR COLLEGES:**

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

999 Coahoma..... 1,473,400
 1000 Co-Lin..... 374,996
 1001 East Central..... 321,364
 1002 East Miss..... 295,021
 1003 Hinds..... 873,120
 1004 Holmes..... 357,910
 1005 Itawamba..... 421,036
 1006 Jones Co..... 549,303
 1007 Meridian..... 402,762
 1008 Miss. Delta..... 393,626
 1009 Mississippi Gulf Coast..... 786,754
 1010 Northeast Miss..... 489,975
 1011 Northwest Miss..... 492,586
 1012 Pearl River..... 428,155
 1013 Southwest Miss..... 339,992

1014 **DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS:**

1015 J.P. Coleman Addition of marina slips
 1016 and parking..... 675,000
 1017 Buccaneer Expand wave pool and



1018 attendant facilities..... 460,000
 1019 Roosevelt Construct lodge and parking..... 650,000
 1020 Roosevelt Construct swimming pool and
 1021 attendant facilities..... 200,000
 1022 Statewide FY-91 Soil Stabilization Program..... 200,000
 1023 Percy Quinn Construction of a convention center
 1024 and additional lodge rooms..... 1,000,000
 1025 Feasibility study..... 100,000

1026 The Department of Finance and Administration shall study
 1027 appropriate measures to enhance revenues generated by the park
 1028 system, including the desirability and feasibility of private
 1029 investment ventures at state parks. In order to consider the
 1030 feasibility of private investment at state parks the department
 1031 shall employ a qualified firm with expertise to study and assist
 1032 in this regard.

1033 **DEPARTMENT OF CORRECTIONS:** Construction, repair, and/or
 1034 renovation of the following projects will be accomplished
 1035 utilizing inmate labor where possible to affect cost savings. The
 1036 Department of Correction Facilities Engineer shall determine the
 1037 extent of inmate labor available to affect maximum savings. Such
 1038 savings may be transferred to any of the following construction
 1039 projects:

1040 **DEPARTMENT OF CORRECTIONS:**

1041 Calhoun County Replace Community Work Center..... 50,000
 1042 State Penitentiary FY-91 Housing renovation program..... 700,000
 1043 South Mississippi Construct emergency vehicle and
 1044 Correctional repair building..... 200,000
 1045 Institution

1046 **MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION:**

1047 Replace production
 1048 facility equipment..... 2,400,000

1049 **DEPARTMENT OF FINANCE AND ADMINISTRATION:**

1050 Restoration of Central High



1051 Legislative Services Building..... 2,000,000
 1052 There is also hereby allocated
 1053 for the restoration of such
 1054 office facilities not more than
 1055 \$6,575,000.00 of the proceeds of
 1056 bonds issued under Chapter 2,
 1057 First Extraordinary Session of
 1058 1989, which proceeds were
 1059 originally allocated therein
 1060 for the construction of new
 1061 facilities to house the Department
 1062 of Rehabilitation Services.
 1063 Install energy management system
 1064 and related utility equipment
 1065 in the "Capitol Complex"..... 2,000,000
 1066 Acquire and improve land for parking
 1067 in the "Capitol Complex"..... 25,000
 1068 Construct additional parking
 1069 facilities in the "Capitol
 1070 Complex"..... 2,500,000
 1071 **DEPARTMENT OF MENTAL HEALTH:**
 1072 Statewide Construct eight ICF-MR community
 1073 group homes..... 2,640,000
 1074 East Mississippi Renovate shower facilities -
 1075 State Hospital "Administration building"..... 350,000
 1076 Ellisville State Replace dietary building..... 1,800,000
 1077 Hudspeth FY-91 cottage renovation project..... 310,000
 1078 Retardation Center
 1079 Mississippi Life-safety upgrade renovation
 1080 State Hospital of building 34..... 1,400,000
 1081 Life-safety upgrade renovation
 1082 of building 87..... 1,200,000
 1083 Life-safety upgrade renovation



1084		of building 90.....	1,500,000
1085	North Mississippi	Construct ICF-MR	
1086	Retardation	severely-handicapped building.....	2,400,000
1087	Center		
1088	South Mississippi	Construct ICF-MR	
1089	Retardation	severely-handicapped building.....	2,400,000
1090	Center		
1091	DEPARTMENT OF HUMAN SERVICES:		
1092	Department of	FY-91 Campus-housing renovation	
1093	Youth Services	program for the Columbia and	
1094		Oakley campuses.....	300,000
1095	DEPARTMENT OF ARCHIVES AND HISTORY:		
1096		Installation of movable shelving	
1097		in the Charlotte Capers Archives	
1098		and History Building.....	500,000
1099	TOTAL		\$63,085,000

1100 The Department of Finance and Administration is authorized to
1101 pay up to the amounts stipulated in this section for the purchase
1102 of land and buildings. In no case shall the department pay an
1103 amount in excess of the appraised value of the property to be
1104 acquired. The appraised value shall be determined by taking the
1105 average of two (2) appraisals performed by different competent
1106 appraisers, one (1) to be selected by the Department of Finance
1107 and Administration and one (1) to be selected by the Department of
1108 Audit.

1109 (8) A special fund, to be designated the "1991 Mississippi
1110 Public Facilities Capital Improvement Contingency Revolving Fund,"
1111 is hereby created in the State Treasury. Amounts deposited into
1112 such fund shall be disbursed to: (a) pay costs of projects
1113 identified in subsection (7) of this section in the event that the
1114 actual cost of such project not paid from sources other than the
1115 proceeds of the bonds authorized pursuant to this act shall exceed
1116 the amount specified in subsection (7), provided that the total



1117 amount disbursed from such fund with respect to any project may
1118 not exceed ten percent (10%) of the amount allocated to such
1119 project as set forth in subsection (7); and (b) pay costs of other
1120 projects as may be authorized in a subsequent act. Promptly after
1121 the State Bond Commission, by resolution duly adopted, shall have
1122 certified that all of the projects specified in subsection (7)
1123 (and all other projects, if any, the payment of all or part of the
1124 cost of which from the 1991 Mississippi Public Facilities Capital
1125 Improvement Contingency Revolving Fund shall have been authorized
1126 in a subsequent act) shall have been completed or abandoned, any
1127 amounts remaining in the 1991 Mississippi Public Facilities
1128 Capital Improvement Contingency Revolving Fund shall be applied to
1129 pay debt service on bonds issued pursuant to this act, in
1130 accordance with the proceedings authorizing issuance of such
1131 bonds. Any funds remaining after construction of the above
1132 buildings at Mississippi State Hospital can be used for
1133 furnishings and equipment in Buildings 34, 87, 90 and 33.

1134 (9) Each of the funds created pursuant to subsections (1),
1135 (2), (3), (4), (5), (6), (7) and (8) above shall be maintained by
1136 the State Treasurer as a separate and special fund, separate and
1137 apart from the General Fund of the state, and investment earnings
1138 on amounts in each such fund shall be deposited into such fund.
1139 The expenditure of monies deposited into such special funds shall
1140 be under the direction of the Department of Finance and
1141 Administration, and such funds shall be paid by the State
1142 Treasurer upon warrants issued by such department, which warrants
1143 shall be issued upon requisitions signed by the Executive Director
1144 of the Department of Finance and Administration.

1145 SECTION 13. Section 37-3-2, Mississippi Code of 1972, is
1146 amended as follows:

1147 37-3-2. (1) There is established within the State
1148 Department of Education the Commission on Teacher and
1149 Administrator Education, Certification and Licensure and



1150 Development. It shall be the purpose and duty of the commission
1151 to make recommendations to the State Board of Education regarding
1152 standards for the certification and licensure and continuing
1153 professional development of those who teach or perform tasks of an
1154 educational nature in the public schools of Mississippi.

1155 (2) The commission shall be composed of fifteen (15)
1156 qualified members. The membership of the commission shall be
1157 composed of the following members to be appointed, three (3) from
1158 each congressional district: four (4) classroom teachers; three
1159 (3) school administrators; one (1) representative of schools of
1160 education of institutions of higher learning located within the
1161 state to be recommended by the Board of Trustees of State
1162 Institutions of Higher Learning; one (1) representative from the
1163 schools of education of independent institutions of higher
1164 learning to be recommended by the Board of the Mississippi
1165 Association of Independent Colleges; one (1) representative from
1166 public community * * * colleges located within the state to be
1167 recommended by the * * * Board of Trustees of State Institutions
1168 of Higher Learning; one (1) local school board member; and four
1169 (4) lay persons. All appointments shall be made by the State
1170 Board of Education after consultation with the State
1171 Superintendent of Public Education. The first appointments by the
1172 State Board of Education shall be made as follows: five (5)
1173 members shall be appointed for a term of one (1) year; five (5)
1174 members shall be appointed for a term of two (2) years; and five
1175 (5) members shall be appointed for a term of three (3) years.
1176 Thereafter, all members shall be appointed for a term of four (4)
1177 years.

1178 (3) The State Board of Education when making appointments
1179 shall designate a chairman. The commission shall meet at least
1180 once every two (2) months or more often if needed. Members of the
1181 commission shall be compensated at a rate of per diem as



1182 authorized by Section 25-3-69 and be reimbursed for actual and
1183 necessary expenses as authorized by Section 25-3-41.

1184 (4) An appropriate staff member of the State Department of
1185 Education shall be designated and assigned by the State
1186 Superintendent of Public Education to serve as executive secretary
1187 and coordinator for the commission. No less than two (2) other
1188 appropriate staff members of the State Department of Education
1189 shall be designated and assigned by the State Superintendent of
1190 Public Education to serve on the staff of the commission.

1191 (5) It shall be the duty of the commission to:

1192 (a) Set standards and criteria, subject to the approval
1193 of the State Board of Education, for all educator preparation
1194 programs in the state;

1195 (b) Recommend to the State Board of Education each year
1196 approval or disapproval of each educator preparation program in
1197 the state;

1198 (c) Establish, subject to the approval of the State
1199 Board of Education, standards for initial teacher certification
1200 and licensure in all fields;

1201 (d) Establish, subject to the approval of the State
1202 Board of Education, standards for the renewal of teacher licenses
1203 in all fields;

1204 (e) Review and evaluate objective measures of teacher
1205 performance, such as test scores, which may form part of the
1206 licensure process, and to make recommendations for their use;

1207 (f) Review all existing requirements for certification
1208 and licensure;

1209 (g) Consult with groups whose work may be affected by
1210 the commission's decisions;

1211 (h) Prepare reports from time to time on current
1212 practices and issues in the general area of teacher education and
1213 certification and licensure;



1214 (i) Hold hearings concerning standards for teachers'
1215 and administrators' education and certification and licensure with
1216 approval of the State Board of Education;

1217 (j) Hire expert consultants with approval of the State
1218 Board of Education;

1219 (k) Set up ad hoc committees to advise on specific
1220 areas; and

1221 (l) Perform such other functions as may fall within
1222 their general charge and which may be delegated to them by the
1223 State Board of Education.

1224 (6) (a) **Standard License - Approved Program Route.** An
1225 educator entering the school system of Mississippi for the first
1226 time and meeting all requirements as established by the State
1227 Board of Education shall be granted a standard five-year license.
1228 Persons who possess two (2) years of classroom experience as an
1229 assistant teacher or who have taught for one (1) year in an
1230 accredited public or private school shall be allowed to fulfill
1231 student teaching requirements under the supervision of a qualified
1232 participating teacher approved by an accredited college of
1233 education. The local school district in which the assistant
1234 teacher is employed shall compensate such assistant teachers at
1235 the required salary level during the period of time such
1236 individual is completing student teaching requirements.

1237 Applicants for a standard license shall submit to the department:

1238 (i) An application on a department form;

1239 (ii) An official transcript of completion of a
1240 teacher education program or a bachelor of science degree with
1241 child development emphasis from a program accredited by the
1242 American Association of Family and Consumer Sciences (AAFCS)
1243 approved by the department or a nationally accredited program,
1244 subject to the following: Licensure to teach in Mississippi
1245 prekindergarten through kindergarten classrooms shall require
1246 completion of a teacher education program or a bachelor of science



1247 degree with child development emphasis from a program accredited
1248 by the American Association of Family and Consumer Sciences
1249 (AAFCS). Licensure to teach in Mississippi kindergarten, for
1250 those applicants who have completed a teacher education program,
1251 and in Grade 1 through Grade 4 shall require the completion of an
1252 interdisciplinary program of studies. Licenses for Grades 4
1253 through 8 shall require the completion of an interdisciplinary
1254 program of studies with two (2) or more areas of concentration.
1255 Licensure to teach in Mississippi Grades 7 through 12 shall
1256 require a major in an academic field other than education, or a
1257 combination of disciplines other than education. Students
1258 preparing to teach a subject shall complete a major in the
1259 respective subject discipline. All applicants for standard
1260 licensure shall demonstrate that such person's college preparation
1261 in those fields was in accordance with the standards set forth by
1262 the National Council for Accreditation of Teacher Education
1263 (NCATE) or the National Association of State Directors of Teacher
1264 Education and Certification (NASDTEC) or, for those applicants who
1265 have a bachelor of science degree with child development emphasis,
1266 the American Association of Family and Consumer Sciences (AAFCS);
1267 (iii) A copy of test scores evidencing
1268 satisfactory completion of nationally administered examinations of
1269 achievement, such as the Educational Testing Service's teacher
1270 testing examinations; and
1271 (iv) Any other document required by the State
1272 Board of Education.
1273 (b) **Standard License - Alternate Teaching Route.**
1274 Applicants for a standard license-alternate teaching route shall
1275 submit to the department:
1276 (i) An application on a department form;
1277 (ii) An official transcript evidencing a bachelors
1278 degree from an accredited institution of higher learning;



1279 (iii) A copy of test scores evidencing
1280 satisfactory completion of an examination of achievement specified
1281 by the commission and approved by the State Board of Education;
1282 (iv) An official transcript evidencing appropriate
1283 credit hours or a copy of test scores evidencing successful
1284 completion of tests as required by the State Board of Education;
1285 and
1286 (v) Any other document required by the State Board
1287 of Education.

1288 A Standard License-Approved Program Route and a Standard
1289 License-Alternate Teaching Route shall be issued for a five-year
1290 period, and may be renewed. Recognizing teaching as a profession,
1291 a hiring preference shall be granted to persons holding a Standard
1292 License-Approved Program Route or Standard License-Alternate
1293 Teaching Route over persons holding any other license.

1294 (c) **Special License - Expert Citizen.** In order to
1295 allow a school district to offer specialized or technical courses,
1296 the State Department of Education, in accordance with rules and
1297 regulations established by the State Board of Education, may grant
1298 a one-year expert citizen-teacher license to local business or
1299 other professional personnel to teach in a public school or
1300 nonpublic school accredited or approved by the state. Such person
1301 may begin teaching upon his employment by the local school board
1302 and licensure by the Mississippi Department of Education. The
1303 board shall adopt rules and regulations to administer the expert
1304 citizen-teacher license. A special license-expert citizen may be
1305 renewed in accordance with the established rules and regulations
1306 of the State Department of Education.

1307 (d) **Special License - Nonrenewable.** The State Board of
1308 Education is authorized to establish rules and regulations to
1309 allow those educators not meeting requirements in subsection
1310 (6) (a), (b) or (c) to be licensed for a period of not more than



1311 three (3) years, except by special approval of the State Board of
1312 Education.

1313 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1314 person may teach for a maximum of three (3) periods per teaching
1315 day in a public school or a nonpublic school accredited/approved
1316 by the state. Such person shall submit to the department a
1317 transcript or record of his education and experience which
1318 substantiates his preparation for the subject to be taught and
1319 shall meet other qualifications specified by the commission and
1320 approved by the State Board of Education. In no case shall any
1321 local school board hire nonlicensed personnel as authorized under
1322 this paragraph in excess of five percent (5%) of the total number
1323 of licensed personnel in any single school.

1324 (f) In the event any school district meets Level 4 or 5
1325 accreditation standards, the State Board of Education, in its
1326 discretion, may exempt such school district from any restrictions
1327 in paragraph (e) relating to the employment of nonlicensed
1328 teaching personnel.

1329 (7) **Administrator License.** The State Board of Education is
1330 authorized to establish rules and regulations and to administer
1331 the licensure process of the school administrators in the State of
1332 Mississippi. There will be four (4) categories of administrator
1333 licensure with exceptions only through special approval of the
1334 State Board of Education.

1335 (a) **Administrator License - Nonpracticing.** Those
1336 educators holding administrative endorsement but have no
1337 administrative experience or not serving in an administrative
1338 position on January 15, 1997.

1339 (b) **Administrator License - Entry Level.** Those
1340 educators holding administrative endorsement and having met the
1341 department's qualifications to be eligible for employment in a
1342 Mississippi school district. Administrator license - entry level
1343 shall be issued for a five-year period and shall be nonrenewable.



1344 (c) **Standard Administrator License - Career Level.** An
1345 administrator who has met all the requirements of the department
1346 for standard administrator licensure.

1347 (d) **Administrator License - Alternate Route.** The board
1348 may establish an alternate route for licensing administrative
1349 personnel. Such alternate route for administrative licensure
1350 shall be available for persons holding, but not limited to, a
1351 master of business administration degree, a master of public
1352 administration degree or a master of public planning and policy
1353 degree from an accredited college or university, with five (5)
1354 years of administrative or supervisory experience. Successful
1355 completion of the requirements of alternate route licensure for
1356 administrators shall qualify the person for a standard
1357 administrator license.

1358 Beginning with the 1997-1998 school year, individuals seeking
1359 school administrator licensure under paragraph (b), (c) or (d)
1360 shall successfully complete a training program and an assessment
1361 process prescribed by the State Board of Education. Applicants
1362 seeking school administrator licensure prior to June 30, 1997, and
1363 completing all requirements for provisional or standard
1364 administrator certification and who have never practiced, shall be
1365 exempt from taking the Mississippi Assessment Battery Phase I.
1366 Applicants seeking school administrator licensure during the
1367 period beginning July 1, 1997, through June 30, 1998, shall
1368 participate in the Mississippi Assessment Battery, and upon
1369 request of the applicant, the department shall reimburse the
1370 applicant for the cost of the assessment process required. After
1371 June 30, 1998, all applicants for school administrator licensure
1372 shall meet all requirements prescribed by the department under
1373 paragraph (b), (c) or (d), and the cost of the assessment process
1374 required shall be paid by the applicant.

1375 (8) **Reciprocity.** (a) The department shall grant a standard
1376 license to any individual who possesses a valid standard license



1377 from another state and has a minimum of two (2) years of full-time
1378 teaching or administrator experience.

1379 (b) The department shall grant a nonrenewable special
1380 license to any individual who possesses a credential which is less
1381 than a standard license or certification from another state, or
1382 who possesses a standard license from another state but has less
1383 than two (2) years of full-time teaching or administration
1384 experience. Such special license shall be valid for the current
1385 school year plus one (1) additional school year to expire on June
1386 30 of the second year, not to exceed a total period of twenty-four
1387 (24) months, during which time the applicant shall be required to
1388 complete the requirements for a standard license in Mississippi.

1389 (9) **Renewal and Reinstatement of Licenses.** The State Board
1390 of Education is authorized to establish rules and regulations for
1391 the renewal and reinstatement of educator and administrator
1392 licenses. Effective May 15, 1997, the valid standard license held
1393 by an educator shall be extended five (5) years beyond the
1394 expiration date of the license in order to afford the educator
1395 adequate time to fulfill new renewal requirements established
1396 pursuant to this subsection. An educator completing a master of
1397 education, educational specialist or doctor of education degree in
1398 May 1997 for the purpose of upgrading the educator's license to a
1399 higher class shall be given this extension of five (5) years plus
1400 five (5) additional years for completion of a higher degree.

1401 (10) All controversies involving the issuance, revocation,
1402 suspension or any change whatsoever in the licensure of an
1403 educator required to hold a license shall be initially heard in a
1404 hearing de novo, by the commission or by a subcommittee
1405 established by the commission and composed of commission members
1406 for the purpose of holding hearings. Any complaint seeking the
1407 denial of issuance, revocation or suspension of a license shall be
1408 by sworn affidavit filed with the Commission of Teacher and
1409 Administrator Education, Certification and Licensure and



1410 Development. The decision thereon by the commission or its
1411 subcommittee shall be final, unless the aggrieved party shall
1412 appeal to the State Board of Education, within ten (10) days, of
1413 the decision of the committee or its subcommittee. An appeal to
1414 the State Board of Education shall be on the record previously
1415 made before the commission or its subcommittee unless otherwise
1416 provided by rules and regulations adopted by the board. The State
1417 Board of Education in its authority may reverse, or remand with
1418 instructions, the decision of the committee or its subcommittee.
1419 The decision of the State Board of Education shall be final.

1420 (11) The State Board of Education, acting through the
1421 commission, may deny an application for any teacher or
1422 administrator license for one or more of the following:

1423 (a) Lack of qualifications which are prescribed by law
1424 or regulations adopted by the State Board of Education;

1425 (b) The applicant has a physical, emotional or mental
1426 disability that renders the applicant unfit to perform the duties
1427 authorized by the license, as certified by a licensed psychologist
1428 or psychiatrist;

1429 (c) The applicant is actively addicted to or actively
1430 dependent on alcohol or other habit-forming drugs or is a habitual
1431 user of narcotics, barbiturates, amphetamines, hallucinogens, or
1432 other drugs having similar effect, at the time of application for
1433 a license;

1434 (d) Revocation of an applicant's certificate or license
1435 by another state;

1436 (e) Fraud or deceit committed by the applicant in
1437 securing or attempting to secure such certification and license;

1438 (f) Failing or refusing to furnish reasonable evidence
1439 of identification;

1440 (g) The applicant has been convicted, has pled guilty
1441 or entered a plea of nolo contendere to a felony, as defined by
1442 federal or state law; or



1443 (h) The applicant has been convicted, has pled guilty
1444 or entered a plea of nolo contendere to a sex offense as defined
1445 by federal or state law.

1446 (12) The State Board of Education, acting on the
1447 recommendation of the commission, may revoke or suspend any
1448 teacher or administrator license for specified periods of time for
1449 one or more of the following:

1450 (a) Breach of contract or abandonment of employment may
1451 result in the suspension of the license for one (1) school year as
1452 provided in Section 37-9-57;

1453 (b) Obtaining a license by fraudulent means shall
1454 result in immediate suspension and continued suspension for one
1455 (1) year after correction is made;

1456 (c) Suspension or revocation of a certificate or
1457 license by another state shall result in immediate suspension or
1458 revocation and shall continue until records in the prior state
1459 have been cleared;

1460 (d) The license holder has been convicted, has pled
1461 guilty or entered a plea of nolo contendere to a felony, as
1462 defined by federal or state law;

1463 (e) The license holder has been convicted, has pled
1464 guilty or entered a plea of nolo contendere to a sex offense, as
1465 defined by federal or state law; or

1466 (f) The license holder knowingly and willfully
1467 committing any of the acts affecting validity of mandatory uniform
1468 test results as provided in Section 37-16-4(1).

1469 (13) (a) Dismissal or suspension of a licensed employee by
1470 a local school board pursuant to Section 37-9-59 may result in the
1471 suspension or revocation of a license for a length of time which
1472 shall be determined by the commission and based upon the severity
1473 of the offense.



1474 (b) Any offense committed or attempted in any other
1475 state shall result in the same penalty as if committed or
1476 attempted in this state.

1477 (c) A person may voluntarily surrender a license. The
1478 surrender of such license may result in the commission
1479 recommending any of the above penalties without the necessity of a
1480 hearing. However, any such license which has voluntarily been
1481 surrendered by a licensed employee may be reinstated by a
1482 unanimous vote of all members of the commission.

1483 (14) A person whose license has been suspended on any
1484 grounds except criminal grounds may petition for reinstatement of
1485 the license after one (1) year from the date of suspension, or
1486 after one-half (1/2) of the suspended time has lapsed, whichever
1487 is greater. A license suspended on the criminal grounds may be
1488 reinstated upon petition to the commission filed after expiration
1489 of the sentence and parole or probationary period imposed upon
1490 conviction. A revoked license may be reinstated upon satisfactory
1491 showing of evidence of rehabilitation. The commission shall
1492 require all who petition for reinstatement to furnish evidence
1493 satisfactory to the commission of good character, good mental,
1494 emotional and physical health and such other evidence as the
1495 commission may deem necessary to establish the petitioner's
1496 rehabilitation and fitness to perform the duties authorized by the
1497 license.

1498 (15) Reporting procedures and hearing procedures for dealing
1499 with infractions under this section shall be promulgated by the
1500 commission, subject to the approval of the State Board of
1501 Education. The revocation or suspension of a license shall be
1502 effected at the time indicated on the notice of suspension or
1503 revocation. The commission shall immediately notify the
1504 superintendent of the school district or school board where the
1505 teacher or administrator is employed of any disciplinary action
1506 and also notify the teacher or administrator of such revocation or



1507 suspension and shall maintain records of action taken. The State
1508 Board of Education may reverse or remand with instructions any
1509 decision of the commission regarding a petition for reinstatement
1510 of a license, and any such decision of the State Board of
1511 Education shall be final.

1512 (16) An appeal from the action of the State Board of
1513 Education in denying an application, revoking or suspending a
1514 license or otherwise disciplining any person under the provisions
1515 of this section, shall be filed in the Chancery Court of the First
1516 Judicial District of Hinds County on the record made, including a
1517 verbatim transcript of the testimony at the hearing. The appeal
1518 shall be filed within thirty (30) days after notification of the
1519 action of the board is mailed or served and the proceedings in
1520 chancery court shall be conducted as other matters coming before
1521 the court. The appeal shall be perfected upon filing notice of
1522 the appeal and by the prepayment of all costs, including the cost
1523 of preparation of the record of the proceedings by the State Board
1524 of Education, and the filing of a bond in the sum of Two Hundred
1525 Dollars (\$200.00) conditioned that if the action of the board be
1526 affirmed by the chancery court, the applicant or license holder
1527 shall pay the costs of the appeal and the action of the chancery
1528 court.

1529 (17) All such programs, rules, regulations, standards and
1530 criteria recommended or authorized by the commission shall become
1531 effective upon approval by the State Board of Education as
1532 designated by appropriate orders entered upon the minutes thereof.

1533 (18) The granting of a license shall not be deemed a
1534 property right nor a guarantee of employment in any public school
1535 district. A license is a privilege indicating minimal eligibility
1536 for teaching in the public schools of Mississippi. This section
1537 shall in no way alter or abridge the authority of local school
1538 districts to require greater qualifications or standards of



1539 performance as a prerequisite of initial or continued employment
1540 in such districts.

1541 (19) In addition to the reasons specified in subsections
1542 (12) and (13) of this section, the board shall be authorized to
1543 suspend the license of any licensee for being out of compliance
1544 with an order for support, as defined in Section 93-11-153. The
1545 procedure for suspension of a license for being out of compliance
1546 with an order for support, and the procedure for the reissuance or
1547 reinstatement of a license suspended for that purpose, and the
1548 payment of any fees for the reissuance or reinstatement of a
1549 license suspended for that purpose, shall be governed by Section
1550 93-11-157 or 93-11-163, as the case may be. Actions taken by the
1551 board in suspending a license when required by Section 93-11-157
1552 or 93-11-163 are not actions from which an appeal may be taken
1553 under this section. Any appeal of a license suspension that is
1554 required by Section 93-11-157 or 93-11-163 shall be taken in
1555 accordance with the appeal procedure specified in Section
1556 93-11-157 or 93-11-163, as the case may be, rather than the
1557 procedure specified in this section. If there is any conflict
1558 between any provision of Section 93-11-157 or 93-11-163 and any
1559 provision of this chapter, the provisions of Section 93-11-157 or
1560 93-11-163, as the case may be, shall control.

1561 SECTION 14. Section 37-4-1, Mississippi Code of 1972, is
1562 amended as follows:

1563 37-4-1. The Legislature finds and determines that the
1564 social, cultural and economic well-being of the people of
1565 Mississippi, and hence the state, are enhanced by various
1566 educational experiences beyond the elementary and secondary school
1567 years. The Legislature hereby provides a means for the
1568 continuation of a system of community * * * colleges and declares
1569 the following to be the policy of the State of Mississippi:

1570 (a) The general purpose of the community * * * colleges
1571 is to provide educational services for the people of its



1572 geographic area within the legal structure of the comprehensive
1573 community college. These services include the teaching and
1574 guiding of students who intend to transfer to senior colleges to
1575 pursue an academic degree and the teaching and guiding of
1576 career-oriented students in academic, technical and vocational
1577 programs. These services also include providing opportunities for
1578 continuing education in academic, technical, vocational and adult
1579 education, and providing leadership in civic, economic and
1580 cultural growth.

1581 (b) Different geographic regions of the state have
1582 differing needs for human development.

1583 * * *

1584 (c) All post-high school youth and adults who have the
1585 motivation and ability to benefit from additional educational
1586 services and experiences should be provided such an opportunity.

1587 (d) Community * * * colleges should provide quality
1588 instructional activities that are accessible geographically and
1589 financially to the people of the state, within the resources
1590 available for this purpose.

1591 (e) Instructional activities should be related to the
1592 needs of the individual, region and state, and should be available
1593 throughout one's life regardless of prior educational experiences
1594 or attainment.

1595 (f) An appropriate relationship between local district
1596 and state financial support of community * * * colleges shall be
1597 established.

1598 (g) Coordination between public schools,
1599 community * * * colleges and universities shall complement the
1600 educational goals and attainments of individuals and the state.

1601 (h) The associate degree should be a definitive and
1602 accepted higher educational degree, recognized for transfer to
1603 four-year institutions and for employment and promotion in
1604 business and industry.



1605 (i) The community * * * colleges shall be the
1606 presumptive deliverers of public post-secondary training designed
1607 to meet the needs of individuals, business and state development
1608 objectives. This includes, but is not limited to, post-secondary
1609 training conducted under federal and state vocational and
1610 technical acts.

1611 * * *

1612 SECTION 15. Section 37-4-9, Mississippi Code of 1972, is
1613 amended as follows:

1614 37-4-9. The * * * Board of Trustees of State Institutions of
1615 Higher Learning is authorized to receive income from voluntary
1616 fees, contributions, donations, other forms of financial
1617 assistance, materials or manpower from persons, corporations,
1618 organizations and other sources, private or public, to be utilized
1619 and expended by the board in carrying out the incentive
1620 certification program mandated by the Work Force and Education Act
1621 of 1994 in Sections 37-151-63 through 37-151-75 * * *.
1622 Additionally, awards or scholarships to industry or to students or
1623 both are authorized.

1624 SECTION 16. Section 37-4-11, Mississippi Code of 1972, is
1625 amended as follows:

1626 37-4-11. (1) The purpose of this section is to insure the
1627 uniform management, oversight and accountability of the
1628 state-funded Industrial Training Programs, and postsecondary Adult
1629 Short-term Training Programs and Workforce Education Programs
1630 administered by the * * * Board of Trustees of State Institutions
1631 of Higher Learning for adults provided to the citizens of
1632 Mississippi.

1633 (2) Effective July 1, 1999, all state-funded Industrial
1634 Training Programs and postsecondary Adult Short-term Training
1635 Programs administered by and through the State Department of
1636 Education on June 30, 1999, shall be transferred to the Workforce
1637 Education Program of the * * * Board of Trustees of State



1638 Institutions of Higher Learning. The Legislature shall
1639 appropriate annually to the * * * Board of Trustees of State
1640 Institutions of Higher Learning funds necessary to administer
1641 these programs.

1642 (3) Effective July 1, 1999, all funds, unexpended balances,
1643 assets, liabilities and property of the State Department of
1644 Education which are used in the delivery of postsecondary Adult
1645 Short-term Training Programs and Industrial Training Programs,
1646 excluding funds, unexpended balances, assets, liabilities and
1647 property associated with the Research and Curriculum Unit at
1648 Mississippi State University, shall be transferred to the
1649 Workforce Education Program funds of the * * * Board of Trustees
1650 of State Institutions of Higher Learning. The State Department of
1651 Education also shall transfer to the * * * Board of Trustees of
1652 State Institutions of Higher Learning all positions and funds
1653 employed by the State Department of Education and community
1654 colleges which render industrial training, postsecondary adult
1655 short-term training or workforce education services, including the
1656 seven (7) administrative and support positions providing support
1657 to these programs. Sufficient staff positions shall be
1658 transferred from the State Department of Education, which will
1659 have a reduction in training and educational responsibilities by
1660 virtue of this act, to the * * * Board of Trustees of State
1661 Institutions of Higher Learning to assure that the transferred
1662 responsibilities will be properly managed and administered. Any
1663 funds available to the State Department of Education for
1664 Industrial Training Programs and state-funded postsecondary Adult
1665 Short-term Training Programs which are subject to carryover shall
1666 be transferred to the Work Force Carryover Fund established by
1667 Chapter 498, Laws of 1995, for use by the * * * Board of Trustees
1668 of State Institutions of Higher Learning, on or before August 15,
1669 1999.



1670 (4) The * * * Board of Trustees of State Institutions of
1671 Higher Learning shall develop an accountability system that shall
1672 report and describe all classes taught in the area of workforce
1673 education, the number of persons taught in these classes, and the
1674 location and cost of each class taught. To assess the impact of
1675 these programs, the Board of Trustees of State Institutions of
1676 Higher Learning also shall report:

1677 (a) Whether the needs of industry have been met through
1678 training program offerings;

1679 (b) Any changes in the income of trainees between the
1680 completion of training and the date of the report;

1681 (c) The number of jobs created and the number of jobs
1682 retained through the programs; and

1683 (d) Trainee success in passing proficiency tests, where
1684 applicable.

1685 This information shall be reported on a fiscal year basis and
1686 shall be provided to the House and Senate Education Committees
1687 before December 15 of each year.

1688 (5) This section shall be repealed on July 1, 2003.

1689 SECTION 17. Section 37-11-17, Mississippi Code of 1972, is
1690 amended as follows:

1691 37-11-17. (1) The State Board of Education, the Board of
1692 Trustees of State Institutions of Higher Learning, * * * the
1693 county boards of education, the governing authorities of any
1694 county, municipal or other public school districts, such other
1695 boards set up by law for any educational institution, school,
1696 college or university, or their authorized representative, or the
1697 State Health Officer or his authorized representative, may require
1698 any teacher, supervisor, janitor or other employee of the school
1699 to submit to a thorough physical examination, deemed advisable to
1700 determine whether he has any infectious or communicable disease.

1701 (2) The State Board of Education may develop a program to
1702 accomplish the identification of public school students with



1703 abnormal spinal curvature. No state funds shall be expended for
1704 the purposes of implementing this subsection. Such program shall:

1705 (a) Provide that an adequate number of school personnel
1706 in each district be instructed by qualified medical experts in the
1707 proper examination of students for abnormal spinal curvatures;

1708 (b) Provide that all public school students who are at
1709 least ten (10) years old be screened at least every two (2) years
1710 but at least in the fourth, sixth, eighth and tenth grades or at
1711 such other times as may be recommended by medical experts on a per
1712 case basis;

1713 (c) Provide that students identified as having abnormal
1714 spinal curvatures or potential for abnormal spinal curvatures be
1715 referred to the county health officer or to the student's personal
1716 physician or chiropractor with notice of the evaluation; and

1717 (d) Provide for notification of the parent or guardian
1718 of any student identified under this program and for the supplying
1719 to such parent or guardian information on the condition and
1720 resources available for the correction or treatment of such
1721 condition. However, the requirement for screening shall not apply
1722 to a child whose parent or guardian objects thereto on grounds
1723 that the requirement conflicts with his conscientiously held
1724 religious beliefs.

1725 SECTION 18. Section 37-13-92, Mississippi Code of 1972, is
1726 amended as follows:

1727 37-13-92. (1) Beginning with the school year 1993-1994, the
1728 school boards of all school districts shall establish, maintain
1729 and operate, in connection with the regular programs of the school
1730 district, an alternative school program for, but not limited to,
1731 the following categories of compulsory-school-age students:

1732 (a) Any compulsory-school-age child who has been
1733 suspended for more than ten (10) days or expelled from school,
1734 except for any student expelled for possession of a weapon or
1735 other felonious conduct;



1736 (b) Any compulsory-school-age child referred to such
1737 alternative school based upon a documented need for placement in
1738 the alternative school program by the parent, legal guardian or
1739 custodian of such child due to disciplinary problems;

1740 (c) Any compulsory-school-age child referred to such
1741 alternative school program by the dispositive order of a
1742 chancellor or youth court judge, with the consent of the
1743 superintendent of the child's school district; and

1744 (d) Any compulsory-school-age child whose presence in
1745 the classroom, in the determination of the school superintendent
1746 or principal, is a disruption to the educational environment of
1747 the school or a detriment to the best interest and welfare of the
1748 students and teacher of such class as whole.

1749 (2) The principal or program administrator of any such
1750 alternative school program shall require verification from the
1751 appropriate guidance counselor of any such child referred to the
1752 alternative school program regarding the suitability of such child
1753 for attendance at the alternative school program. Before a
1754 student may be removed to an alternative school education program,
1755 the superintendent of the student's school district must determine
1756 that the written and distributed disciplinary policy of the local
1757 district is being followed. The policy shall include standards
1758 for:

1759 (a) The removal of a student to an alternative
1760 education program that will include a process of educational
1761 review to develop the student's individual instruction plan and
1762 the evaluation at regular intervals of the student's educational
1763 progress; the process shall include classroom teachers and/or
1764 other appropriate professional personnel, as defined in the
1765 district policy, to ensure a continuing educational program for
1766 the removed student;

1767 (b) The duration of alternative placement; and



1768 (c) The notification of parents or guardians, and their
1769 appropriate inclusion in the removal and evaluation process, as
1770 defined in the district policy. Nothing in this paragraph should
1771 be defined in a manner to circumvent the principal's or the
1772 superintendent's authority to remove a student to alternative
1773 education.

1774 (3) The local school board or the superintendent shall
1775 provide for the continuing education of a student who has been
1776 removed to an alternative school program.

1777 (4) A school district, in its discretion, may provide a
1778 program of general educational development (GED) preparatory
1779 instruction in the alternative school program. However, any GED
1780 preparation program offered in an alternative school program must
1781 be administered in compliance with the rules and regulations
1782 established for such programs under Sections 37-35-1 through
1783 37-35-11 and by the Board of Trustees of State Institutions of
1784 Higher Learning. The school district may administer the General
1785 Educational Development (GED) Testing Program under the policies
1786 and guidelines of the GED Testing Service of the American Council
1787 on Education in the alternative school program or may authorize
1788 the test to be administered through the community * * * college
1789 district in which the alternative school is situated.

1790 (5) Any such alternative school program operated under the
1791 authority of this section shall meet all appropriate accreditation
1792 requirements of the State Department of Education.

1793 (6) The alternative school program may be held within such
1794 school district or may be operated by two (2) or more adjacent
1795 school districts, pursuant to a contract approved by the State
1796 Board of Education. When two (2) or more school districts
1797 contract to operate an alternative school program, the school
1798 board of a district designated to be the lead district shall serve
1799 as the governing board of the alternative school program.

1800 Transportation for students attending the alternative school



1801 program shall be the responsibility of the local school district.
1802 The expense of establishing, maintaining and operating such
1803 alternative school program may be paid from funds contributed or
1804 otherwise made available to the school district for such purpose
1805 or from local district maintenance funds.

1806 (7) The State Board of Education shall promulgate minimum
1807 guidelines for alternative school programs. The guidelines shall
1808 require, at a minimum, the formulation of an individual
1809 instruction plan for each student referred to the alternative
1810 school program and, upon a determination that it is in a student's
1811 best interest for that student to receive general educational
1812 development (GED) preparatory instruction, that the local school
1813 board assign the student to a GED preparatory program established
1814 under subsection (4) of this section. The minimum guidelines for
1815 alternative school programs shall also require the following
1816 components:

1817 (a) Clear guidelines and procedures for placement of
1818 students into alternative education programs which at a minimum
1819 shall prescribe due process procedures for disciplinary and
1820 general educational development (GED) placement;

1821 (b) Clear and consistent goals for students and
1822 parents;

1823 (c) Curricula addressing cultural and learning style
1824 differences;

1825 (d) Direct supervision of all activities on a closed
1826 campus;

1827 (e) Full-day attendance with a rigorous workload and
1828 minimal time off;

1829 (f) Selection of program from options provided by the
1830 local school district, Division of Youth Services or the youth
1831 court, including transfer to a community-based alternative school;

1832 (g) Continual monitoring and evaluation and formalized
1833 passage from one step or program to another;



1834 (h) A motivated and culturally diverse staff;
1835 (i) Counseling for parents and students;
1836 (j) Administrative and community support for the
1837 program; and
1838 (k) Clear procedures for annual alternative school
1839 program review and evaluation.

1840 (8) On request of a school district, the State Department of
1841 Education shall provide the district informational material on
1842 developing an alternative school program that takes into
1843 consideration size, wealth and existing facilities in determining
1844 a program best suited to a district.

1845 (9) Any compulsory-school-age child who becomes involved in
1846 any criminal or violent behavior shall be removed from such
1847 alternative school program and, if probable cause exists, a case
1848 shall be referred to the youth court.

1849 (10) The State Board of Education, in its discretion, may
1850 exempt not more than four (4) school district alternative school
1851 programs in the state from any compulsory standard of
1852 accreditation for a period of three (3) years. During this
1853 period, the State Department of Education shall conduct a study of
1854 all alternative school programs in the state, and on or before
1855 January 1, 2000, shall develop and promulgate accreditation
1856 standards for all alternative school programs, including any
1857 recommendations for necessary legislation relating to such
1858 alternative school programs.

1859 SECTION 19. Section 37-27-6, Mississippi Code of 1972, is
1860 amended as follows:

1861 37-27-6. The board of supervisors of any county wherein the
1862 control, operation and maintenance of the agricultural high school
1863 has been transferred to the county board of education under
1864 provisions of Section 37-29-272, is hereby authorized, in its
1865 discretion, upon request in writing of the president of the
1866 community college district in which such county is located, to



1867 levy on the taxable property in the county at the time the annual
1868 tax levy is made, a tax under Section 37-27-5 as is necessary for
1869 the retirement of debt service on bonds heretofore issued for the
1870 building, repair and equipment of such agricultural high school.

1871 SECTION 20. Section 37-27-51, Mississippi Code of 1972, is
1872 amended as follows:

1873 37-27-51. The board of trustees of any agricultural high
1874 school or the president of any community college, in connection
1875 with which an agricultural high school is operated, and the board
1876 of trustees of any school district, or a county board of
1877 education, under the conditions hereinafter provided for, are
1878 hereby authorized and empowered to enter into agreements, one with
1879 the other, providing for the attendance of any high school pupils
1880 of such school district or any grades thereof, at such
1881 agricultural high school or community college, and for the
1882 instruction of such high school pupils or grades at such
1883 agricultural high school or community college. Subject to the
1884 provisions of Sections 37-27-53 through 37-27-59, all such
1885 contracts so executed shall be upon such terms and conditions as
1886 may be agreed upon by and between the boards of trustees or the
1887 county board of education involved. All such contracts shall be
1888 subject to the approval of the State Board of Education.

1889 Any parent or guardian of such high school pupil or pupils,
1890 as to an individual pupil or as to any grade or grades, may
1891 request in writing that such agreement be entered into with the
1892 board of trustees of said agricultural high school or president of
1893 any community college in connection with which an agricultural
1894 high school is operated. Such request shall be filed or lodged
1895 with the president or secretary of the board of trustees of such
1896 school district. Said board of trustees of said school district
1897 shall no later than the date of its next regular meeting approve
1898 or disapprove the request therein made to provide for the
1899 attendance of the pupil or pupils, or grade or grades, at such



1900 agricultural high school; failure of said board of trustees of
1901 such school district to act upon said request not later than said
1902 date shall be and will constitute a disapproval or rejection
1903 thereof.

1904 In the event such board of trustees of said school district
1905 shall either disapprove or reject said request, or fail to act
1906 thereon on or before said date, then and in that event the county
1907 board of education is hereby authorized to act upon such request
1908 not later than the next regular meeting date of the said county
1909 board of education after the filing or lodging by such parent or
1910 guardian of a true copy of the request theretofore filed or lodged
1911 with the said board of trustees of the said school district, with
1912 the president or secretary of the said county board of education,
1913 and with said copy shall be filed or lodged a written statement of
1914 the action, if any, or nonaction, taken by the board of trustees
1915 of the said school district upon the request made to it. If such
1916 request be approved by the county board of education, then it may
1917 proceed to enter into such agreement with the board of trustees of
1918 said agricultural high school or the president of said community
1919 college, but subject to the approval of the State Board of
1920 Education.

1921 SECTION 21. Section 37-29-1, Mississippi Code of 1972, is
1922 amended as follows:

1923 37-29-1. (1) The creation, establishment, maintenance and
1924 operation of community * * * colleges is authorized. From and
1925 after May 1, 1998, community * * * colleges may admit students if
1926 they have earned one (1) unit less than the number of units
1927 required for high school graduation established by State Board of
1928 Education policy or have earned a General Education Diploma (GED)
1929 in courses correlated to those of senior colleges or professional
1930 schools. They shall offer education and training preparatory for
1931 occupations such as agriculture, industry, business, homemaking
1932 and for other occupations on the semi-professional and



1933 vocational-technical level. They may offer courses and services
1934 to students regardless of their previous educational attainment or
1935 further academic plans.

1936 (2) The * * * community * * * college districts are
1937 authorized to establish a dual enrollment program under which high
1938 school students meeting the requirements prescribed herein may
1939 enroll at a community * * * college while they are still attending
1940 high school and enrolled in high school courses. Students may be
1941 admitted to enroll in community * * * college courses under the
1942 dual enrollment program if they meet the following recommended
1943 admission requirements:

1944 (a) Students must have completed a minimum of fourteen
1945 (14) core high school units;

1946 (b) Students must have a minimum ACT composite score of
1947 twenty-one (21) or the equivalent SAT score;

1948 (c) Students must have a 3.0 grade point average on a
1949 4.0 scale, or better, on all high school courses, as documented by
1950 an official high school transcript; a home-schooled student must
1951 submit a transcript prepared by a parent, guardian or custodian
1952 with a signed, sworn affidavit to meet the requirement of this
1953 paragraph (c); and

1954 (d) Students must have an unconditional written
1955 recommendation from their high school principal and/or guidance
1956 counselor. A home-schooled student must submit a parent, legal
1957 guardian or custodian's written recommendation to meet the
1958 requirement of this paragraph (d).

1959 Students may be considered for the dual enrollment program
1960 who have not completed the minimum of fourteen (14) core high
1961 school units if they have a minimum ACT composite score of thirty
1962 (30) or the equivalent SAT score, and have the required grade
1963 point average and recommendations prescribed above.

1964 Students admitted in the dual enrollment program shall be
1965 counted for minimum program funding purposes in the average daily



1966 attendance of the public school district in which they attend high
1967 school. Any additional transportation required by a student to
1968 participate in the dual enrollment program shall be the
1969 responsibility of the parents or legal guardians of the student.
1970 Grades and college credits earned by students admitted to the dual
1971 enrollment program shall be recorded on the college transcript at
1972 the community * * * college where the student attends classes.
1973 The transcript of such college course work may be released to
1974 another institution or used for college graduation requirements
1975 only after the student has received his high school diploma.

1976 (3) The * * * community * * * college districts are
1977 authorized to establish an early admission program under which
1978 applicants meeting all requirements prescribed in subsection
1979 (2) (a), (c) and (d) and have a minimum ACT composite score of
1980 twenty-six (26) or the equivalent SAT score may be admitted as
1981 full-time college students if the principal or guidance counsellor
1982 of the student recommends in writing that it is in the best
1983 educational interest of the student. Such recommendation shall
1984 also state that the student's age will not keep him from being a
1985 successful full-time college student. Students admitted in the
1986 early admission program shall not be counted for minimum program
1987 funding purposes in the average daily attendance of the school
1988 district in which they reside, and transportation required by a
1989 student to participate in the early admission program shall be the
1990 responsibility of the parents or legal guardians of the student.
1991 Grades and college credits earned by students admitted to the
1992 early admission program shall be recorded on the college
1993 transcript at the community * * * college where the student
1994 attends classes, and may be released to another institution or
1995 used for college graduation requirements only after the student
1996 has successfully completed one (1) full semester of course work.

1997 (4) In addition to the foregoing, the community * * *
1998 colleges shall provide, through courses or other acceptable



1999 educational measures, the general education necessary to
2000 individuals and groups which will tend to make them capable of
2001 living satisfactory lives consistent with the ideals of a
2002 democratic society.

2003 SECTION 22. Section 37-29-3, Mississippi Code of 1972, is
2004 amended as follows:

2005 37-29-3. Each community college shall have an official seal
2006 to be impressed upon all instruments of the community college
2007 requiring seal. Said seal may be in the form of a circle. Said
2008 seal shall imprint the name and location of the college and the
2009 words "Official Seal."

2010 SECTION 23. Section 37-29-5, Mississippi Code of 1972, is
2011 amended as follows:

2012 37-29-5. Title to lands may be acquired and buildings and
2013 other improvements may be erected thereon for the use and benefit
2014 of community colleges. Title to all such property hereafter
2015 acquired shall be vested in the Board of Trustees of State
2016 Institutions of Higher Learning.

2017 Any board of supervisors or board of trustees of any
2018 municipal separate school district which presently holds title to
2019 the lands, buildings, and improvements of a community college may
2020 convey title to same to the community college pursuant to a
2021 resolution of such board of supervisors or board of trustees of a
2022 municipal separate school district, duly adopted and spread on the
2023 minutes of said board of supervisors.

2024 SECTION 24. Section 37-29-61, Mississippi Code of 1972, is
2025 amended as follows:

2026 37-29-61. The executive head of a community college shall be
2027 the president of the college who shall be selected by the Board of
2028 Trustees of State Institutions of Higher Learning for a term not
2029 to exceed four (4) years.

2030 SECTION 25. Section 37-29-63, Mississippi Code of 1972, is
2031 amended as follows:



2032 37-29-63. The president of any community college shall have
2033 the power to recommend the employment of all teachers to be
2034 employed in the district. He may remove or suspend any member of
2035 the faculty * * *. He shall be the general manager of all fiscal
2036 and administrative affairs of the community college with full
2037 authority to select, direct, employ and discharge any and all
2038 employees * * *.

2039 The president shall have the authority, subject to the
2040 provisions of Sections 37-29-1 through 37-29-273 * * *, to arrange
2041 and survey courses of study, fix schedules, and establish and
2042 enforce rules and discipline for the governing of teachers and
2043 students. He shall be the general custodian of the property of
2044 the community college.

2045 SECTION 26. Section 37-29-69, Mississippi Code of 1972, is
2046 amended as follows:

2047 37-29-69. Each community college district created under
2048 House Bill No. _____, 2001 Regular Session, is hereby authorized
2049 and empowered to operate community college attendance centers at
2050 existing sites of community college plants and facilities and at
2051 such other places within the district, subject to the approval of
2052 the * * * Board of Trustees of State Institutions of Higher
2053 Learning, as the board of trustees * * * determines to be in the
2054 best interest of the district.

2055 Two (2) or more community colleges may cooperate in
2056 establishing, operating and maintaining attendance centers.

2057 SECTION 27. Section 37-29-71, Mississippi Code of 1972, is
2058 amended as follows:

2059 37-29-71. Each community college shall annually prepare and
2060 submit to the Board of Trustees of State Institutions of Higher
2061 Learning a budget which shall contain a detailed estimate of the
2062 revenues and expenses anticipated for the ensuing year for general
2063 operation and maintenance and which shall set forth the reasonable
2064 requirements for anticipated needs for capital outlays for land,



2065 buildings, initial equipment for new buildings and major
2066 repairs * * *.

2067 SECTION 28. Section 37-29-73, Mississippi Code of 1972, is
2068 amended as follows:

2069 37-29-73. Each community college, acting by and through the
2070 Board of Trustees of State Institutions of Higher Learning, is
2071 authorized to execute oil, gas and mineral leases on any of the
2072 property owned by the community college, but such leases shall not
2073 extend for a term beyond five (5) years unless oil, gas or other
2074 minerals shall be in production under said leases at the
2075 expiration of said period. The terms and conditions of said
2076 lease, within the limitations above set out, shall be for the
2077 determination and within the discretion of the community college.

2078 SECTION 29. Section 37-29-75, Mississippi Code of 1972, is
2079 amended as follows:

2080 37-29-75. When any land or other property owned by a * * *
2081 community college * * * ceases to be used or needed by the
2082 community college, the land or property may be sold by the
2083 community college upon sealed bids or at public auction after
2084 three (3) weeks' advertisement in a newspaper in the county where
2085 the said property is located. Personal property having a value
2086 determined by the community college of less than Five Hundred
2087 Dollars (\$500.00) may be sold without such advertisement; however,
2088 in such event, notice shall be posted in at least three (3) public
2089 places in the county where such property is situated or where it
2090 is to be sold, giving notice of the time and place of such sale,
2091 and such property shall be sold to the highest and best bidder for
2092 cash. Such notice shall be posted for ten (10) days before the
2093 sale.

2094 SECTION 30. Section 37-29-76, Mississippi Code of 1972, is
2095 amended as follows:

2096 37-29-76. When any community college campus * * * located in
2097 a county having a population in excess of two hundred thousand



2098 (200,000) according to the 1970 federal decennial census owns
2099 lands adjacent to lands owned by any county forming a part of that
2100 community college district, the community college, acting through
2101 the Board of Trustees of State Institutions of Higher Learning,
2102 and the board of supervisors of any such county may make such
2103 exchanges of land and may execute such instruments perfecting the
2104 title of the county and that of the community college as they, by
2105 appropriate resolutions, may find proper, all without the
2106 necessity of advertisement for or receiving bids.

2107 SECTION 31. Section 37-29-77, Mississippi Code of 1972, is
2108 amended as follows:

2109 37-29-77. A community college is hereby authorized to lease
2110 the buildings and equipment thereof to any responsible individual
2111 for the purpose of carrying on a private school when there are no
2112 funds available for running said institution, and to lease the
2113 lands of said institution to some responsible person for
2114 agricultural purposes. Said leases shall not extend for any
2115 greater length of time than a period of three (3) years from date
2116 of granting said lease.

2117 SECTION 32. Section 37-29-79, Mississippi Code of 1972, is
2118 amended as follows:

2119 37-29-79. Each community college * * * is charged with the
2120 responsibility for providing preprofessional courses, liberal
2121 arts, technical, vocational, and adult education courses and shall
2122 undertake to provide the same as conveniently as is possible to
2123 the residents of the community college district, and to this end,
2124 the community college is authorized and empowered to transport
2125 such enrollees as, in its discretion, should be transported in the
2126 best interest of the community college. However, no additional
2127 allocation of any appropriation shall be made for such
2128 transportation. The community college shall promulgate uniform
2129 rules to prevent discrimination in all matters of transportation.



2130 SECTION 33. Section 37-29-85, Mississippi Code of 1972, is
2131 amended as follows:

2132 37-29-85. The community colleges are authorized to purchase
2133 liability insurance to cover the official actions of * * *
2134 employees of the colleges. Such coverage shall be in an amount
2135 judged by the community college to be adequate. The costs of such
2136 insurance shall be paid out of the community college's general
2137 maintenance fund.

2138 SECTION 34. Section 37-29-87, Mississippi Code of 1972, is
2139 amended as follows:

2140 37-29-87. A community college, acting through the Board of
2141 Trustees of State Institutions of Higher Learning, is hereby
2142 authorized, in its * * * discretion, to convey real property and
2143 improvements thereon to any county within the community college
2144 district without the necessity of advertising for and receiving
2145 bids and without receiving compensation therefor, provided the
2146 following requirements are met:

2147 (a) Where the county received title to the property and
2148 conveyed said property to the community college * * *, or where
2149 the community college received title to the property from any
2150 source and the purchase price therefor was paid by the county, for
2151 the purpose of operating an attendance center; and

2152 (b) Where the community college * * * has not received
2153 approvals from necessary state agencies or authorities to use said
2154 land for the operation of an attendance center; and

2155 (c) Where the community college has expressed that such
2156 land and improvements are not needed for community college
2157 purposes and * * * the desire to convey such land and improvements
2158 back to the county.

2159 SECTION 35. Section 37-29-131, Mississippi Code of 1972, is
2160 amended as follows:

2161 37-29-131. * * * Any community * * * college is hereby
2162 authorized and empowered to enter into lease agreements or service



2163 contracts with any governmental agency or political subdivision,
2164 corporation, partnership, joint venture, or individual under which
2165 the college may acquire by lease, lease purchase or service
2166 contract for a primary term not to exceed twenty (20) years lands,
2167 buildings and related facilities which the community college
2168 determines necessary to provide additional facilities, services or
2169 educational opportunities to the college, its students, faculty
2170 and the community.

2171 Any machinery, furnishings, fixtures and equipment for these
2172 facilities and use by the college may be acquired by lease or
2173 lease purchase provided that the primary term of such lease shall
2174 not exceed the estimated useful economic life of such machinery or
2175 equipment.

2176 SECTION 36. Section 37-29-133, Mississippi Code of 1972, is
2177 amended as follows:

2178 37-29-133. All such leases shall contain an option granting
2179 the community college the right to purchase the leased property
2180 upon the expiration of the primary term or upon such earlier date
2181 as may be agreed upon. With respect to leased machinery,
2182 furniture, fixtures and equipment, the purchase price shall be
2183 specified in the lease contract separately and distinctly from
2184 that portion of lease payments attributable to interest. With
2185 respect to other property, the purchase price, excluding payments
2186 attributable to interest, shall not exceed the appraised fair
2187 market value of the leased property at the time the college takes
2188 possession of the property for occupancy.

2189 SECTION 37. Section 37-29-135, Mississippi Code of 1972, is
2190 amended as follows:

2191 37-29-135. The community college is authorized to lease land
2192 and/or buildings owned by the college to any governmental agency,
2193 political subdivision, corporation, partnership, joint venture, or
2194 individual for the purpose of enabling such persons to construct
2195 thereon or repair, renovate and rehabilitate any buildings or



2196 facilities the community college determines as necessary and
2197 beneficial for additional facilities, services or educational
2198 opportunities to the college, students, faculty or the community,
2199 and to lease such building and facilities to the college.

2200 SECTION 38. Section 37-29-137, Mississippi Code of 1972, is
2201 amended as follows:

2202 37-29-137. Subject to the provisions of Sections 37-29-131
2203 through 37-29-139, any lease agreement shall be binding on the
2204 community college and any party thereto in accordance with its
2205 terms; * * * however, * * * any such lease shall include a
2206 provision that the lessee's obligation to pay any amounts due or
2207 perform any covenants requiring or resulting in the expenditure of
2208 money shall be contingent and expressly limited to the
2209 extent * * * of any appropriation made to fund such lease
2210 agreement and that nothing contained in the lease agreement shall
2211 be construed as creating any monetary obligations on the part of
2212 the lessee beyond such current and specific support
2213 appropriations. Rentals payable by the community * * * college
2214 under leases pursuant to Sections 37-29-131 through 37-29-139
2215 shall be payable from any revenue available for the support and
2216 enlargement, improvement, and repair of the college.

2217 SECTION 39. Section 37-29-141, Mississippi Code of 1972, is
2218 amended as follows:

2219 37-29-141. * * * Each community college may fix the amount
2220 of enrollee tuition in an amount commensurate with the per capita
2221 cost of operating the community college district.

2222 * * *

2223 SECTION 40. Section 37-29-145, Mississippi Code of 1972, is
2224 amended as follows:

2225 37-29-145. In the event any county shall have outstanding
2226 bonds or other indebtedness which were sold or levied for the
2227 support and maintenance of a public junior or community college
2228 which was in operation as of July 1, 2001, and such county becomes



2229 a part of a community college district as provided in Section
2230 37-29-31 on the effective date of House Bill No. _____, 2001
2231 Regular Session, the board of supervisors of such county shall
2232 continue to levy taxes upon such county until such bonds or other
2233 indebtedness shall be fully paid according to the terms thereof.

2234 SECTION 41. Section 37-29-161, Mississippi Code of 1972, is
2235 amended as follows:

2236 37-29-161. Sections 37-29-161 through 37-29-173 may be cited
2237 as the "Mississippi Community College Vocational and Technical
2238 Training Law * * *."

2239 SECTION 42. Section 37-29-163, Mississippi Code of 1972, is
2240 amended as follows:

2241 37-29-163. It is hereby declared to be the intent of the
2242 Legislature that those funds appropriated to the Department of
2243 Finance and Administration for the Community College Vocational
2244 and Technical Training Fund shall be expended to expand
2245 immediately and improve existing programs, to institute new
2246 programs and to provide adequate equipment and facilities for
2247 existing and new programs for vocational and technical training
2248 individually or collectively within the public community colleges
2249 of the state. The Legislature further declares its intent to be
2250 that the presently existing physical facilities of the community
2251 colleges shall be utilized in the development and implementation
2252 of such vocational and technical training programs where possible.

2253 SECTION 43. Section 37-29-165, Mississippi Code of 1972, is
2254 amended as follows:

2255 37-29-165. There is hereby created within the Department of
2256 Finance and Administration a fund for the stimulation of the
2257 vocational and technical training programs of the community
2258 colleges of the State of Mississippi. All sums of money received
2259 by the Department of Finance and Administration to carry out the
2260 provisions of the Mississippi Community College Vocational and
2261 Technical Training Law * * * shall be maintained in the State



2262 Treasury and shall constitute a fund to be known as the "Community
2263 College Vocational and Technical Training Fund." All expenditures
2264 therefrom shall be authorized by the Department of Finance and
2265 Administration in the manner set forth in Section 37-29-171. Such
2266 expenditures shall be paid therefrom by the State Treasurer on
2267 warrants issued by the State Auditor * * *. Said State Auditor
2268 shall issue his warrant upon requisition signed by the Executive
2269 Director of the Department of Finance and Administration.

2270 SECTION 44. Section 37-29-167, Mississippi Code of 1972, is
2271 amended as follows:

2272 37-29-167. Any state public community college desiring any
2273 benefit available under the provisions of the Mississippi
2274 Community College Vocational and Technical Training Law * * *
2275 shall make application in triplicate therefor to the Board of
2276 Trustees of State Institutions of Higher Learning, and submit the
2277 same in the form and manner as the board of trustees may direct.

2278 The community college * * * is required * * * to allocate
2279 nonstate funds on at least a fifty-fifty basis to supplement state
2280 funds, and the Board of Trustees of State Institutions of Higher
2281 Learning shall determine the rules and conditions appertaining to
2282 same.

2283 The community college is authorized to receive all grants,
2284 scholarships or donations in carrying out the provisions of said
2285 law.

2286 SECTION 45. Section 37-29-169, Mississippi Code of 1972, is
2287 amended as follows:

2288 37-29-169. The formula for allocating funds to the state's
2289 public community colleges in support of the purposes set forth in
2290 Section 37-29-163 shall be determined by the Board of Trustees of
2291 State Institutions of Higher Learning based upon need for the
2292 program set forth in the application.

2293 Said board of trustees shall furnish a copy of the
2294 application to the Department of Finance and Administration and a



2295 copy to the Department of Economic and Community Development. The
2296 Department of Economic and Community Development shall review each
2297 application, and if said department finds and determines there
2298 exists a need for said training programs, facilities and
2299 equipment, it shall issue a certificate of necessity to the * * *
2300 Board of Trustees of State Institutions of Higher Learning, which
2301 certificate of necessity shall be a prerequisite for approval.

2302 The * * * Board of Trustees of State Institutions of Higher
2303 Learning shall consider each application with reference to
2304 adequacy of the past, present and prospective use of the
2305 instruction, personnel, curriculum, equipment, budget, operation,
2306 facilities, grants, scholarships, tuition, maintenance and other
2307 similar administrative and technical data as relates to each
2308 community college. The * * * board of trustees shall, by
2309 resolution or order, approve or disapprove the application.

2310 SECTION 46. Section 37-29-171, Mississippi Code of 1972, is
2311 amended as follows:

2312 37-29-171. No expenditures shall be made under the
2313 provisions of the Mississippi Community College Vocational and
2314 Technical Training Law * * * for the construction of new
2315 buildings, renovation or expansion of existing buildings, the
2316 purchase of any new or used instructional equipment, machinery and
2317 instructional facilities, or for any other purpose under the
2318 provisions of said law until approval of the Department of Finance
2319 and Administration is obtained by resolution duly entered upon its
2320 minutes.

2321 SECTION 47. Section 37-29-173, Mississippi Code of 1972, is
2322 amended as follows:

2323 37-29-173. * * * Funds made available to the community
2324 colleges or supporting funds allocated in support of the
2325 Mississippi Community College Vocational and Technical Training
2326 Law * * *, or both, may be used to supplement any other funds that
2327 may now be, or that may hereafter become, available for the



2328 purposes of carrying out the intent of said law. In no event,
2329 however, shall any expenditures be made under the provisions of
2330 said law unless the amount of nonstate funds involved shall be
2331 equal to or exceed the amount of state funds made available for
2332 the projects or programs involved.

2333 SECTION 48. Section 37-29-175, Mississippi Code of 1972, is
2334 amended as follows:

2335 37-29-175. If a community college now or hereafter
2336 establishes facilities for the industrial training of students and
2337 it appears * * * that the training of students will be facilitated
2338 by the continuous operation of such facilities, the community
2339 college is authorized to lease to individual firms or corporations
2340 such facilities or a part thereof upon such terms and conditions
2341 as the community college may approve, provided that all students
2342 desirous of securing training of the kind offered by the lessee
2343 shall be given a reasonable opportunity therefor.

2344 SECTION 49. Section 37-29-231, Mississippi Code of 1972, is
2345 amended as follows:

2346 37-29-231. The provisions of Sections 37-103-1 through
2347 37-103-29 relating to the legal residence of and tuition to be
2348 charged any student applying for admission to state educational
2349 institutions shall be applicable to the * * * administrative
2350 authorities of each community college governed by the Board of
2351 Trustees of State Institutions of Higher Learning.

2352 SECTION 50. Section 37-29-241, Mississippi Code of 1972, is
2353 amended as follows:

2354 37-29-241. All community colleges shall prohibit
2355 fraternities, sororities, or secret societies * * *. It shall be
2356 the duty of the community colleges to suspend or expel from the
2357 community colleges * * *, any pupil or pupils who shall be or
2358 remain a member of, or shall join or promise to join, or who shall
2359 become pledged to become a member, or who shall solicit or
2360 encourage any other person to join, promise to join, or be pledged



2361 to become a member of, any such public community college
2362 fraternity, sorority or secret society, as defined in Section
2363 37-29-235.

2364 SECTION 51. Section 37-29-261, Mississippi Code of 1972, is
2365 amended as follows:

2366 37-29-261. The board of supervisors of any county * * * may,
2367 in its discretion, permit county road department employees or road
2368 district employees, if any, to operate county-owned equipment and
2369 machinery to assist in the maintenance of the public property on
2370 such community college campus.

2371 The community college * * * and the board of supervisors may
2372 agree as to the terms and conditions under which such public
2373 property may be worked and supplies or materials may be furnished.

2374 SECTION 52. Section 37-29-267, Mississippi Code of 1972, is
2375 amended as follows:

2376 37-29-267. Any municipality, county or counties, acting
2377 alone or jointly with other counties or municipalities, which have
2378 organized or shall hereafter organize a community college under
2379 the provisions of Sections 37-29-1 through 37-29-273, shall be
2380 authorized to purchase lands or buildings for such college for
2381 cash or upon the installment plan. The deferred balance shall not
2382 bear interest in excess of that allowed for tax anticipation notes
2383 in Section 75-17-105, and any deferred balance may be secured by a
2384 vendor's lien or by promissory notes and a deed of trust to be
2385 executed by the community college, acting through the Board of
2386 Trustees of State Institutions of Higher Learning. Title to such
2387 property shall be taken in the name of the community college,
2388 acting through the Board of Trustees of State Institutions of
2389 Higher Learning.

2390 The board of supervisors of such county or counties * * * and
2391 the mayor and board of aldermen or other governing authority of
2392 such municipalities, are hereby authorized to levy annually a
2393 sufficient ad valorem tax to pay the down payment or yearly



2394 installments provided in the deed or deed of trust, or may use the
2395 three (3) mills provided in subsection (2) of Section 37-29-141,
2396 allowed for enlargement and improvements.

2397 At the time of the purchase of said lands or buildings there
2398 shall be entered on the minutes of the board of supervisors of
2399 each county or board of aldermen or other governing authority of
2400 each municipality participating, an order specifying the amount to
2401 be paid for such property and providing for the annual
2402 installments, and obligating the governing authorities of such
2403 county, counties, or municipalities to levy annually a sufficient
2404 ad valorem tax to pay such installment. The funds collected by
2405 such tax levy shall be paid into the hands of the county
2406 superintendent of the county in which such community college is
2407 located, and disbursed by him as said installments become due.

2408 In the event there is, at the time of the purchase of said
2409 property, an indebtedness due secured by a lien on such property,
2410 then the community college * * * shall have the authority to
2411 assume such indebtedness and pay same as a part of the purchase
2412 price of said property.

2413 The community college * * * shall have the privilege of
2414 prepaying all or a portion of the deferred balance at any time
2415 without penalty, and for this purpose may use any appropriate
2416 available funds.

2417 Unneeded land or buildings or facilities located on property
2418 so acquired may be leased, or the buildings may be sold and
2419 removed.

2420 By the authority given in this section for the home county of
2421 a community college district to purchase land for community
2422 college purposes, such indebtedness incurred or funds expended
2423 cannot become a binding obligation on other counties in the
2424 community college district unless the boards of supervisors of
2425 such counties expressly consent thereto.



2426 SECTION 53. Section 37-29-268, Mississippi Code of 1972, is
2427 amended as follows:

2428 37-29-268. (1) There is hereby created in the State
2429 Treasury a special fund to be designated as the "Community College
2430 Repair and Renovation Fund" which shall consist of monies
2431 appropriated or otherwise made available therefor by the
2432 Legislature. Within the special fund, the State Treasury shall
2433 establish a subaccount for each community * * * college. Interest
2434 earned on monies in the special fund shall be deposited to the
2435 credit of such fund and money shall not lapse at the end of the
2436 fiscal year into the State General Fund. Money in the special
2437 fund shall be appropriated by the Legislature and allocated by the
2438 Bureau of Building, Grounds and Real Property Management,
2439 Department of Finance and Administration, for the repair,
2440 renovation and improvement of existing facilities owned by the
2441 community * * * colleges, including utility infrastructure
2442 projects; heating, ventilation and air conditioning systems; and
2443 the replacement of furniture and equipment. However, the cost of
2444 such repair, renovation and improvement for any one (1) project
2445 shall not exceed One Million Dollars (\$1,000,000.00).

2446 (2) Monies in the special fund shall be allocated to each
2447 community college's subaccount as follows:

2448 (a) One-half (1/2) divided equally among the six (6)
2449 public community * * * colleges; and

2450 (b) One-half (1/2) divided upon the basis of the number
2451 of full-time academic, technical and vocational public
2452 community * * * college students actually enrolled and in
2453 attendance on the last day of the sixth week of the Fall semester
2454 of the preceding year counting only those students who reside
2455 within the State of Mississippi. On or before December 1 of each
2456 year, the * * * Board of Trustees of State Institutions of Higher
2457 Learning shall furnish the Bureau of Building, Grounds and Real
2458 Property Management, Department of Finance and Administration, the



2459 enrollment information required in this paragraph (b), including
2460 the percentage of statewide enrollment attributed to each
2461 community * * * college.

2462 (3) For the purposes of this section, the term "furniture
2463 and equipment" shall be limited to the types of furniture and
2464 equipment items previously recorded in the community college's
2465 inventory.

2466 SECTION 54. Section 37-29-269, Mississippi Code of 1972, is
2467 amended as follows:

2468 37-29-269. Nothing in Sections 37-29-1 through 37-29-273
2469 shall be construed to repeal any statute relating to county
2470 agricultural high schools, and it is expressly provided that such
2471 schools may be operated in conjunction with community colleges.
2472 However, when so operated they shall be under control of the
2473 president * * * of the community college * * *.

2474 Any agricultural high school which is not located on or
2475 adjacent to an existing community college shall continue to be
2476 operated as heretofore and shall in no way be affected by the
2477 provisions of Sections 37-29-1 through 37-29-273.

2478 When a community college through the agricultural high school
2479 provides high school facilities of any school district, then the
2480 pupils from that district may be enumerated as other pupils in the
2481 common schools and the school district or county superintendent
2482 may pay to the community college tuition such as determined by the
2483 State Department of Education for any other schools, and no
2484 agricultural high school funds shall be disbursed for pupils for
2485 whom such tuition is paid.

2486 SECTION 55. Section 37-29-272, Mississippi Code of 1972, is
2487 amended as follows:

2488 37-29-272. * * * Any community college * * * in the state
2489 maintaining and operating an agricultural high school on July 1,
2490 1994, is hereby authorized, through the Board of Trustees of State
2491 Institutions of Higher Learning, to transfer the control,



2492 maintenance and operation of said agricultural high school,
2493 including the transfer of title to all real and personal property
2494 used for agricultural high school purposes, to the county board of
2495 education of the county in which the school is located. Upon the
2496 acceptance by the county board of education and before an order
2497 authorizing such transfer shall be entered, * * * the community
2498 college * * * and the county board of education in which such
2499 school is located shall * * * agree in writing on the terms of
2500 such transfer, the extent of the rights of use and occupancy of
2501 the school and grounds, and the control, management, preservation
2502 and responsibility of transportation of students to such
2503 premises * * *. Upon such transfer, the county board of education
2504 may abolish the agricultural high school as a distinct school, and
2505 merge its activities, programs and students into the regular high
2506 school curricula of the school district. When a community college
2507 has transferred operation of an agricultural high school as
2508 provided herein, the pupils attending such school shall be
2509 reported, accounted for allocation of minimum education program
2510 funds and entitled to school transportation as though such pupils
2511 were attending the schools of the school district in which they
2512 reside, as provided in Sections 37-27-53 and 37-27-55. When any
2513 agricultural high school is transferred by * * * a community
2514 college to the county board of education as provided in this
2515 section, all laws relating to agricultural high school tax levies
2516 for the support or retirement of bonded indebtedness for
2517 agricultural high schools shall continue in full force and effect
2518 for the transferring community college district until current
2519 obligations on all bonded indebtednesses related to agriculture
2520 high schools have been satisfied and retired.

2521 SECTION 56. Section 37-29-275, Mississippi Code of 1972, is
2522 amended as follows:

2523 37-29-275. Any act, which, if committed within the limits of
2524 a city, town or village, or in any public place, would be a



2525 violation of the general laws of this state, shall be criminal and
2526 punishable if done on the campus, grounds or roads of any of the
2527 state-supported community colleges. The peace officers duly
2528 appointed by the * * * community * * * colleges or officers of
2529 private security firms licensed by the State of Mississippi
2530 contracted by the * * * community * * * colleges are vested with
2531 the powers and subjected to the duties of a constable for the
2532 purpose of preventing and punishing all violations of law on
2533 community college grounds and for preserving order and decorum
2534 thereon. Peace officers appointed by the community colleges or
2535 officers of private security firms licensed by the State of
2536 Mississippi contracted by the community colleges shall have
2537 authority to bear arms in order to carry out their law enforcement
2538 responsibilities if such officers have been certified according to
2539 the minimum standards established by the Board on Law Enforcement
2540 Officer Standards and Training.

2541 SECTION 57. Section 37-31-61, Mississippi Code of 1972, is
2542 amended as follows:

2543 37-31-61. The State Board of Education is hereby authorized
2544 and empowered to establish and conduct schools, classes or
2545 courses, for preparing, equipping and training citizens of the
2546 State of Mississippi for employment in gainful vocational and
2547 technical occupations which do not terminate in a bachelors
2548 degree, in conjunction with any public school, agricultural high
2549 school or community * * * college.

2550 The trustees of such school districts, as classified and
2551 defined by law, including those already having this
2552 authority, * * * the trustees of agricultural high schools, and
2553 community * * * colleges may, with the consent in writing of the
2554 State Board of Education, establish and conduct such schools,
2555 classes or courses, under the provisions herein stated and under
2556 the general supervision of the board.



2557 SECTION 58. Section 37-31-63, Mississippi Code of 1972, is
2558 amended as follows:

2559 37-31-63. The State Board of Education, the trustees of the
2560 school districts as classified and defined by law, * * * the
2561 trustees of agricultural high schools and community * * *
2562 colleges, are hereby authorized and empowered to accept and use
2563 any land, building or buildings, being either the property of the
2564 State of Mississippi or of any of the school districts or
2565 agricultural high schools or community * * * colleges, or being
2566 the property of private sources, which may be designated, donated
2567 or leased for the purpose expressed in Section 37-31-61, and to
2568 use such funds as may be made available, and to accept donations
2569 and contributions for supplies, equipment, and materials incident
2570 to the purpose for which any such schools, classes or courses are
2571 established.

2572 The board, the trustees of the school districts, as
2573 classified and defined by law, * * * the trustees of agricultural
2574 high schools and community * * * colleges, are hereby authorized
2575 and empowered to accept and receive donations, contributions and
2576 endowments, to charge tuition and registration fees, to receive
2577 payment for services rendered or commodities produced incident to
2578 training in said schools, courses or classes, and to accept any
2579 funds which may be made available for the purpose sought to be
2580 accomplished in Section 37-31-61 from any sources.

2581 SECTION 59. Section 37-31-65, Mississippi Code of 1972, is
2582 amended as follows:

2583 37-31-65. The funds derived from any sources for any trade
2584 school, such as the Mississippi School for the Deaf, Mississippi
2585 School for the Blind, Oakley Training School or Parchman
2586 Vocational School or other agencies or institutions receiving
2587 funds for the purposes of this chapter, which are not operated in
2588 connection with any public school, agricultural high school or
2589 community * * * college, or by virtue of any tuition, registration



2590 fees, or payment for services rendered or commodities produced,
2591 shall be the property of the State Board of Education. In the
2592 event any public school, agricultural high school or
2593 community * * * college establishes any trade school, classes or
2594 courses under Section 37-31-61, such funds shall be the property
2595 of such public school, agricultural high school or community * * *
2596 college, * * * and shall be expended solely for the expense of
2597 operating and conducting the trade school, classes or courses in
2598 connection with such public school, agricultural high school or
2599 community * * * college. None of such funds shall be commingled
2600 with the funds of any other of such schools, and none of such
2601 funds shall be commingled with any of the other funds of any of
2602 the public schools, agricultural high schools or community * * *
2603 colleges. All of such funds so created shall be and are hereby
2604 declared to be public funds, as defined by law.

2605 SECTION 60. Section 37-31-73, Mississippi Code of 1972, is
2606 amended as follows:

2607 37-31-73. The various school districts, counties,
2608 municipalities and community * * * colleges * * * of this state
2609 are hereby authorized to enter into agreements between such school
2610 districts and between such school districts and any of the boards
2611 of supervisors of any county, the governing authorities of any
2612 municipality, or * * * any community * * * college * * * providing
2613 for the construction or operation of regional vocational education
2614 centers. Any such agreement shall be subject to the approval of
2615 the State Board of Education. Any such agreement will designate
2616 the fiscal agent, among other provisions, provide for the method
2617 of financing the construction and operation of such facilities,
2618 the manner in which such facilities are to be controlled, operated
2619 and staffed, and the basis upon which students are to be admitted
2620 thereto and transportation provided for students in attendance
2621 therein. Any such agreement or any subsequent modification
2622 thereof shall be spread at large upon the minutes of each party



2623 thereto after having been duly adopted by the governing
2624 authorities of each party.

2625 Such agreements may provide for the establishment of regional
2626 vocational education advisory councils to serve in an advisory
2627 capacity to such regional vocational education centers, to be made
2628 up of representatives of the board of trustees of school districts
2629 and community * * * colleges * * * which may be parties thereto.
2630 Said regional vocational education advisory councils of the
2631 parties to such agreement will operate at the will of the fiscal
2632 agent for the regional vocational education center. The fiscal
2633 agent shall have all powers designated to it in the agreement by
2634 the parties to the agreement, except for the power to request or
2635 require the levy of taxes or the power to issue or require the
2636 issuance of any bonds, notes or other evidences of indebtedness,
2637 or to call for an election on the question of the issuance
2638 thereof.

2639 SECTION 61. Section 37-31-205, Mississippi Code of 1972, is
2640 amended as follows:

2641 37-31-205. (1) The State Board of Education shall have the
2642 authority to:

2643 (a) Expend funds received either by appropriation or
2644 directly from federal or private sources;

2645 (b) Channel funds to secondary schools, community
2646 * * * colleges and regional vocational-technical facilities
2647 according to priorities set by the board;

2648 (c) Allocate funds on an annual budgetary basis;

2649 (d) Set standards for and approve all vocational and
2650 technical education programs in the public school system and
2651 community * * * colleges or other agencies or institutions which
2652 receive state funds and federal funds for such purposes,
2653 including, but not limited to, the following vocational and
2654 technical education programs: agriculture, trade and industry,
2655 occupational home economics, consumer and homemaking education,



2656 distributive education, business and office, health, industrial
2657 arts, guidance services, technical education, cooperative
2658 education, and all other specialized training not requiring a
2659 bachelors degree, with the exception of programs of nursing
2660 education regulated under the provisions of Section 37-129-1. The
2661 State Board of Education shall authorize local schools boards,
2662 within such school board's discretion, to offer distributive
2663 education as a one-hour or two-hour block course. There shall be
2664 no reduction of reimbursements from state funding for distributive
2665 education due to the selection of either the one-hour or two-hour
2666 course offering;

2667 (e) Set and publish licensure standards for vocational
2668 and technical education personnel. The State Board of Education
2669 shall recognize a vocational and technical education teacher's
2670 work when school is not in session which is in the teacher's
2671 particular field of instruction as a means for the teacher to
2672 fulfill the requirements for renewal of the teacher's license.
2673 The board shall establish, by rules and regulations, the
2674 documentation of such work which must be submitted to the board
2675 and the number of actual working hours required to fulfill renewal
2676 requirements. If a vocational and technical education teacher who
2677 does not have a bachelor's degree takes classes in fulfillment of
2678 licensure renewal requirements, such classes must be in
2679 furtherance of a bachelor's degree;

2680 (f) Require data and information on program performance
2681 from those programs receiving state funds;

2682 (g) Expend funds to expand career information;

2683 (h) Supervise and maintain the division of vocational
2684 and technical education and to utilize to the greatest extent
2685 possible said division as the administrative unit of the board
2686 responsible for coordinating programs and services with local
2687 institutions;



2688 (i) Promulgate such rules and regulations necessary to
2689 carry out the provisions of this chapter in accordance with
2690 Section 25-43-1 et seq.;

2691 (j) Set standards and approve all vocational and
2692 technical education equipment and facilities purchased and/or
2693 leased with state and federal vocational funds;

2694 (k) Encourage provisions for lifelong learning and
2695 changing personal career preferences and advancement of vocational
2696 and technical education students through articulated programs
2697 between high schools and community * * * colleges;

2698 (l) Encourage the establishment of new linkages with
2699 business and industry which will provide for a better
2700 understanding of essential labor market concepts;

2701 (m) Periodically review the funding and reporting
2702 processes required of local school districts by the board or
2703 division with the aim of simplifying or eliminating inefficient
2704 practices and procedures;

2705 (n) Assist in the development of high technology
2706 programs and resource centers to support current and projected
2707 industrial needs;

2708 (o) Assist in the development of a technical assistance
2709 program for business and industry which will provide for
2710 industrial training and services, including the transfer of
2711 information relative to new applications and advancements in
2712 technology; and

2713 (p) Enter into contracts and agreements with the Board
2714 of Trustees of State Institutions of Higher Learning for
2715 conditions under which vocational and technical education programs
2716 in community * * * colleges shall receive state and federal funds
2717 which flow through the State Board of Education for such purposes.

2718 (2) It is the intent of the Legislature that no vocational
2719 and technical education course or program existing on June 30,
2720 1982, shall be eliminated by the State Board of Education under



2721 the authority vested in paragraph (d) of subsection (1) of this
2722 section prior to June 30, 1985. It is further the intent of the
2723 Legislature that no vocational and technical education teacher or
2724 other personnel employed on June 30, 1983, shall be discharged due
2725 to licensure standards promulgated by the board under paragraph
2726 (e) of subsection (1) of this section, if any such teacher or
2727 personnel shall have complied with any newly published licensure
2728 standards by June 30, 1985. Nothing contained in this section
2729 shall be construed to abrogate or affect in any manner the
2730 authority of local public school districts or community * * *
2731 colleges to eliminate vocational and technical education courses
2732 or programs or to discharge any vocational and technical education
2733 teacher or other personnel.

2734 (3) The State Board of Education and the Board of Trustees
2735 of State Institutions of Higher Learning may provide that
2736 beginning with the 1995-1996 school year, every vocational and
2737 technical education course or program in Mississippi may integrate
2738 academic and vocational-technical education through coherent
2739 sequences of courses, so that students in such programs achieve
2740 both academic and occupational competencies. The boards may
2741 expend federal funds available from the 1990 Perkins Act, or other
2742 available federal funds, for the alignment of vocational-technical
2743 programs with academic programs through the accreditation process
2744 and the teacher licensure process.

2745 SECTION 62. Section 37-35-1, Mississippi Code of 1972, is
2746 amended as follows:

2747 37-35-1. The * * * Board of Trustees of State Institutions
2748 of Higher Learning is authorized and directed to prescribe rules
2749 and regulations, which said rules and regulations when properly
2750 promulgated and not inconsistent with the provisions of this
2751 chapter shall have the force and effect of law, under which a
2752 program may be established, maintained and supervised for the
2753 purpose of supplying educational advantages to adults, which shall



2754 include all persons sixteen (16) years of age and over, not
2755 enrolled in school or required to be enrolled in school by the
2756 compulsory school attendance law, Section 37-13-91. The aim and
2757 purpose of such a program shall be to reduce illiteracy and to
2758 provide a general plan of continuing education in the fundamental
2759 principles of democratic society, citizenship, public affairs,
2760 forums, home family life, arts and crafts, general cultural
2761 subjects with priority to be given to academic training through
2762 high school and training in technical skills and trades needed by
2763 industries, and such other subjects as the * * * Board of Trustees
2764 of State Institutions of Higher Learning may prescribe for the
2765 social and economic advancement of adults. The * * * Board of
2766 Trustees of State Institutions of Higher Learning is authorized to
2767 employ such additional supervisory, secretarial and clerical
2768 personnel as may be necessary to carry out the provisions of this
2769 chapter.

2770 SECTION 63. Section 37-35-3, Mississippi Code of 1972, is
2771 amended as follows:

2772 37-35-3. (1) The board of trustees of any school district
2773 and any community * * * college may establish and maintain classes
2774 for adults, including general educational development classes,
2775 under the regulations authorized in this chapter and pursuant to
2776 the standards prescribed in subsection (3). The property and
2777 facilities of the public school districts may be used for this
2778 purpose where such use does not conflict with uses already
2779 established.

2780 (2) The trustees of any school district desiring to
2781 establish such program may request the taxing authority of the
2782 district to levy additional ad valorem taxes for the support of
2783 this program. The board of supervisors, in the case of a county
2784 school district or a special municipal separate school
2785 district * * *, and the governing authority of any municipality,
2786 in the case of a municipal separate school district, is



2787 authorized, in its discretion, to levy a tax not exceeding one (1)
2788 mill upon all the taxable property of the district for the support
2789 of this program. The tax shall be in addition to all other taxes
2790 authorized by law to be levied. In addition to the funds realized
2791 from any such levy, the board of trustees of any school district
2792 is authorized to use any surplus funds that it may have or that
2793 may be made available to it from local sources to supplement this
2794 program.

2795 (3) (a) Any student participating in an approved General
2796 Educational Development (GED) program administered by a local
2797 school district or the appropriate community college shall not be
2798 considered a dropout. Students in such a program administered by
2799 a local school district shall be considered as enrolled within the
2800 school district of origin for the purpose of enrollment for
2801 minimum program funding only. Such students shall not be
2802 considered as enrolled in the regular school program for academic
2803 or programmatic purposes. Students in such a program administered
2804 by a community college shall be considered as enrolled in the
2805 school district of origin for funding purposes.

2806 (b) Students participating in an approved General
2807 Educational Development (GED) program shall have an individual
2808 career plan developed at the time of placement to insure that the
2809 student's academic and job skill needs will be met. The
2810 Individual Career Plan will address, but is not limited to, the
2811 following:

2812 (i) Academic/instructional needs of the student;
2813 (ii) Job readiness needs of the student; and
2814 (iii) Work experience program options available
2815 for the student.

2816 (c) Students participating in an approved General
2817 Educational Development (GED) program may participate in existing
2818 job and skills development programs or in similar programs



2819 developed in conjunction with the GED program and the vocational
2820 director.

2821 (d) General Educational Development (GED) programs may
2822 be operated by local school districts or may be operated by two
2823 (2) or more adjacent school districts, pursuant to a contract
2824 approved by the State Board of Education. When two (2) or more
2825 school districts contract to operate a General Educational
2826 Development (GED) program, the school board of a district
2827 designated to be the lead district shall serve as the governing
2828 board of the General Educational Development (GED) program.
2829 Transportation for students placed in the General Educational
2830 Development (GED) program shall be the responsibility of the
2831 school district of origin. The expense of establishing,
2832 maintaining and operating such GED programs may be paid from funds
2833 made available to the school district through contributions,
2834 minimum program funds or from local district maintenance funds.

2835 (e) Students participating in an approved General
2836 Educational Development (GED) program within a community college
2837 shall be included in the average daily attendance of the school
2838 district of origin. The school district of origin is authorized
2839 to contract with the community college to provide GED services for
2840 the student.

2841 (f) The State Department of Education will develop
2842 procedures and criteria for placement of a student in the General
2843 Educational Development (GED) programs. Students placed in
2844 General Educational Development (GED) programs shall have parental
2845 approval for such placement and must meet the following criteria:

2846 (i) The student must be at least sixteen (16)
2847 years of age;

2848 (ii) The student must be at least two (2) grade
2849 levels behind or acquired less than four (4) Carnegie units;



2850 (iii) The student must have taken every
2851 opportunity to continue to participate in coursework leading to a
2852 diploma; and

2853 (iv) The student must be certified to be eligible
2854 to participate in the GED course by the school district
2855 superintendent, based on the developed criteria.

2856 (g) Students participating in an approved General
2857 Educational Development (GED) program may be excluded from the
2858 Mississippi Student Assessment Program, based on the existence of
2859 appropriate alternate accountability measures that have been
2860 approved by the State Department of Education.

2861 SECTION 64. Section 37-35-5, Mississippi Code of 1972, is
2862 amended as follows:

2863 37-35-5. For the purpose of supporting the adult education
2864 program authorized in this chapter, the * * * Board of Trustees of
2865 State Institutions of Higher Learning is authorized to accept for
2866 and on behalf of the State of Mississippi, federal funds made
2867 available to the state for the purpose of adult education. Such
2868 funds shall be used by the * * * Board of Trustees of State
2869 Institutions of Higher Learning for the administration of the
2870 program and to supplement the local funds made available by any
2871 school district, provided such program is conducted under the
2872 rules and regulations established by the * * * Board of Trustees
2873 of State Institutions of Higher Learning. All programs of adult
2874 basic education administered by the State Department of Education
2875 on July 1, 1992, shall be continued with at least the same level
2876 of funding, until July 1, 1995, provided that such programs are
2877 financially and programmatically sound and meet the requirements
2878 of federal rules and regulations. Nothing in Sections 37-35-1
2879 through 37-35-11 shall be interpreted in a manner to prevent or
2880 interfere with the independent operation or administration of
2881 adult education under the Department of Human Services, including
2882 but not limited to those programs administered by the Governor's



2883 Office of Literacy and Workplace Enhancement, or of any general
2884 educational development preparatory instruction and testing
2885 administered by a school district in an alternative school
2886 program.

2887 SECTION 65. Section 37-35-7, Mississippi Code of 1972, is
2888 amended as follows:

2889 37-35-7. Any funds that may be appropriated by the State
2890 Legislature for the purpose of carrying out a program of adult
2891 education may be used to supplement local funds or to meet the
2892 minimum requirements of the federal government for a program of
2893 adult education in the state, provided such program is conducted
2894 under the rules and regulations established by the * * * Board of
2895 Trustees of State Institutions of Higher Learning.

2896 SECTION 66. Section 37-35-9, Mississippi Code of 1972, is
2897 amended as follows:

2898 37-35-9. The * * * Board of Trustees of State Institutions
2899 of Higher Learning is authorized to develop and establish general
2900 educational development preparatory classes in secondary schools
2901 and community * * * colleges and to provide financial assistance
2902 from the state for the specific purpose of preparing persons
2903 sixteen (16) years of age and older, not enrolled in school or
2904 required to be enrolled in school by the Compulsory School
2905 Attendance Law (Section 37-13-91) to successfully write the
2906 general educational development test and earn a certificate of
2907 equivalency which is equivalent to the high school diploma.

2908 The * * * Board of Trustees of State Institutions of Higher
2909 Learning is authorized to administer the General Educational
2910 Development (GED) Testing Program under the policies and
2911 guidelines of the GED Testing Service of the American Council on
2912 Education.

2913 This program shall be administered by the * * * Board of
2914 Trustees of State Institutions of Higher Learning through the



2915 secondary schools and community * * * colleges as the local needs
2916 indicate and are practical.

2917 Full and general supervision over the program by the * * *
2918 Board of Trustees of State Institutions of Higher Learning shall
2919 insure that duplication of effort by secondary schools and
2920 community * * * colleges will be eliminated; however, nothing in
2921 this section shall be construed to prohibit a school district from
2922 implementing a program of general educational development (GED)
2923 preparatory instruction and testing in an alternative school
2924 program.

2925 Adult students for general educational development
2926 preparatory classes may be accepted by schools and community
2927 colleges from any area of the state provided students are bona
2928 fide residents of Mississippi.

2929 Instructors, counselors and supervisors utilized in the
2930 teaching of general educational development preparatory classes
2931 shall be licensed in the appropriate area as required by the * * *
2932 Board of Trustees of State Institutions of Higher Learning.

2933 SECTION 67. Section 37-35-11, Mississippi Code of 1972, is
2934 amended as follows:

2935 37-35-11. The * * * Board of Trustees of State Institutions
2936 of Higher Learning shall determine policies and procedures for
2937 administration of this program.

2938 Funds provided under this section and Section 37-35-9 can be
2939 used for matching federal funds if such become available.

2940 Funds provided under this section and Section 37-35-9 shall
2941 be allocated to schools and community * * * colleges on an average
2942 of twelve (12) to fifteen (15) adult students per class in average
2943 attendance, for one hundred fifty (150) hours maximum instruction
2944 per class. Funds will be allocated on a basis of target
2945 population by county for general educational development
2946 preparatory classes based on adults who have from nine (9) to
2947 eleven (11) years of schooling as indicated by the 1990 census.



2948 Schools and community * * * colleges will receive one hundred
2949 percent (100%) of the cost of general educational development
2950 preparatory classes. All classes funded under this section and
2951 Section 37-35-9 shall be considered temporary and shall be renewed
2952 only as long as participation is adequate for continued funding.

2953 An annual report on program activities, adult participation
2954 and results shall be prepared by the * * * Board of Trustees of
2955 State Institutions of Higher Learning and submitted to the
2956 Mississippi Legislature within the first month of regular
2957 legislative session each year.

2958 SECTION 68. Section 37-47-17, Mississippi Code of 1972, is
2959 amended as follows:

2960 37-47-17. Applications for the expenditure of funds to the
2961 credit of any school district in the State Public School Building
2962 Fund shall originate with the school board of the school district
2963 entitled to such funds. Before any funds to the credit of a
2964 school district shall be expended for capital improvements or the
2965 retirement of outstanding bonded indebtedness, the school board of
2966 such school district shall prepare and submit an application in
2967 such form as may be prescribed by the board. There shall be
2968 included with such application a statement in which there is set
2969 forth the enrollment and average daily attendance in the schools
2970 of the district divided as to schools and grades, the number of
2971 teachers employed, the facilities in use, the facilities to be
2972 provided with the funds to be expended, the outstanding school
2973 indebtedness, and such other information as the board may require.
2974 Such application and statement shall be submitted directly to the
2975 board and approved or disapproved by it. The decision of the
2976 board shall be final, unless an appeal to the chancery court shall
2977 be taken in the manner provided by law. In the event any
2978 application shall be disapproved by the board, the school board
2979 submitting same shall be notified of such disapproval, which



2980 notice of disapproval shall be accompanied by a statement of the
2981 reason or reasons for such disapproval.

2982 The board shall approve only those applications which are
2983 found to be proper under the provisions of this chapter and the
2984 applicable rules and regulations of the board. When an
2985 application is approved for the expenditure of funds for capital
2986 improvements, the contract for the construction of such capital
2987 improvements shall be entered into and awarded by the school board
2988 of the school district in the manner provided in this chapter;
2989 however, the contract for construction of a secondary vocational
2990 and technical training center for exclusive use and operation by a
2991 school district may be entered into and awarded by the president
2992 of a community college district where a grant of federal funds by
2993 the Appalachian Commission has been made to * * * such community
2994 college district to assist in financing construction of such
2995 secondary vocational and technical training facility for such
2996 school district.

2997 SECTION 69. Section 37-47-19, Mississippi Code of 1972, is
2998 amended as follows:

2999 37-47-19. Where the expenditure of any funds to which any
3000 school district may be entitled has been authorized, as provided
3001 in Section 37-47-17, such funds shall be withdrawn from the public
3002 school building fund by the board and deposited in the school
3003 depository to the credit of the school district entitled thereto
3004 as a special fund to be known as the "Public School Building Fund"
3005 of the school district entitled thereto. Such money so deposited
3006 shall be paid out and expended in the same manner as may be now or
3007 hereafter provided by law for the expenditure of other school
3008 funds belonging to such district; however, where the contract for
3009 construction of a secondary vocational and technical training
3010 center shall have been entered into and awarded by * * * a
3011 community college district as authorized by Section 37-47-29, the
3012 money so deposited in the public school building fund of the



3013 school district for which said facility is being constructed may
3014 be paid out and expended to pay a part of the cost of construction
3015 of such facility.

3016 SECTION 70. Section 37-47-29, Mississippi Code of 1972, is
3017 amended as follows:

3018 37-47-29. All contracts for capital improvements by any
3019 school district which are financed in whole or in part with funds
3020 received from the State Public School Building Fund pursuant to an
3021 application approved by the board shall be awarded and entered
3022 into upon receipt of sealed bids or proposals after the time and
3023 place of letting such contracts and the manner of bidding has been
3024 duly advertised. The contract shall be let and awarded to the
3025 lowest and best bidder but the board of trustees or other
3026 governing body of the school district shall have the power to
3027 reject any and all bids. No such contract shall be finally
3028 awarded or entered into without the prior written approval of the
3029 board. It is hereby expressly provided that in order to bid upon
3030 and be awarded contracts for the construction of school facilities
3031 under the provisions of this chapter, if such contract,
3032 subcontract or undertaking is less than Fifty Thousand Dollars
3033 (\$50,000.00), it shall not be necessary that the bidder obtain a
3034 certificate of responsibility from the Board of Public Contractors
3035 under the provisions of Chapter 3, Title 31, of the Mississippi
3036 Code of 1972, or otherwise be qualified under said chapter, and
3037 none of the provisions of said chapter shall be applicable to such
3038 contracts for the construction of school facilities under the
3039 provisions hereof. Notwithstanding the foregoing provisions of
3040 this section or any other provisions of law, the contract for
3041 construction of a secondary vocational and technical training
3042 center for exclusive use and operation by a county school district
3043 may be entered into and awarded by * * * a community college
3044 district where a grant of federal funds by the Appalachian
3045 Commission has been made to * * * such community college district



3046 to assist in financing construction of such secondary vocational
3047 and technical training facility for such county school district.

3048 SECTION 71. Section 37-57-107, Mississippi Code of 1972, is
3049 amended as follows:

3050 **[Until July 1, 2002, this section shall read as follows:]**

3051 37-57-107. Beginning with the tax levy for the 1997 fiscal
3052 year and for each fiscal year thereafter, the aggregate receipts
3053 from taxes levied for school district purposes pursuant to
3054 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
3055 receipts from those sources during any one (1) of the immediately
3056 preceding three (3) fiscal years, as determined by the school
3057 board, plus an increase not to exceed seven percent (7%). For the
3058 purpose of this limitation, the term "aggregate receipts" when
3059 used in connection with the amount of funds generated in a
3060 preceding fiscal year shall not include excess receipts required
3061 by law to be deposited into a special account, and shall not
3062 include amounts received by school districts from the School Ad
3063 Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
3064 additional revenue from the ad valorem tax on any newly
3065 constructed properties or any existing properties added to the tax
3066 rolls or any properties previously exempt which were not assessed
3067 in the next preceding year may be excluded from the seven percent
3068 (7%) increase limitation set forth herein. Taxes levied for
3069 payment of principal of and interest on general obligation school
3070 bonds issued heretofore or hereafter shall be excluded from the
3071 seven percent (7%) increase limitation set forth herein. Any
3072 additional millage levied to fund any new program mandated by the
3073 Legislature shall be excluded from the limitation for the first
3074 year of the levy and included within such limitation in any year
3075 thereafter. For the purposes of this section, the term "new
3076 program" shall include, but shall not be limited to, (a) the Early
3077 Childhood Education Program required to commence with the
3078 1986-1987 school year as provided by Section 37-21-7 and any



3079 additional millage levied and the revenue generated therefrom,
3080 which is excluded from the limitation for the first year of the
3081 levy, to support the mandated Early Childhood Education Program
3082 shall be specified on the minutes of the school board and of the
3083 governing body making such tax levy, (b) any additional millage
3084 levied and the revenue generated therefrom which shall be excluded
3085 from the limitation for the first year of the levy, for the
3086 purpose of generating additional local contribution funds required
3087 for the minimum education program for the 1987 fiscal year and for
3088 each fiscal year thereafter through the 1996 fiscal year under
3089 Section 37-19-35; (c) any additional millage levied and the
3090 revenue generated therefrom which shall be excluded from the
3091 limitation for the first and each subsequent year of the levy, for
3092 the purpose of generating additional local contributions mandated
3093 under Section 37-57-105 requiring the board of trustees of a
3094 school district to reach the millage levy certified by the State
3095 Board of Education as the uniform minimum school district ad
3096 valorem tax levy or the millage levy which would generate funds in
3097 an amount equal to a school district's "district entitlement" as
3098 defined in Section 37-22-1(2)(e); and (d) any additional millage
3099 levied and the revenue generated therefrom which shall be excluded
3100 from the limitation for the first year of the levy, for the
3101 purpose of support and maintenance of any agricultural high school
3102 which has been transferred to the control, operation and
3103 maintenance of the school board by a community college district
3104 under provisions of Section 37-29-272.

3105 The seven percent (7%) increase limitation prescribed in this
3106 section may be increased an additional amount only when the school
3107 board has determined the need for additional revenues and has held
3108 an election on the question of raising the limitation prescribed
3109 in this section. The limitation may be increased only if
3110 three-fifths (3/5) of those voting in the election shall vote for
3111 the proposed increase. The resolution, notice and manner of



3112 holding the election shall be as prescribed by law for the holding
3113 of elections for the issuance of bonds by the respective school
3114 boards. Revenues collected for the fiscal year in excess of the
3115 seven percent (7%) increase limitation pursuant to an election
3116 shall be included in the tax base for the purpose of determining
3117 aggregate receipts for which the seven percent (7%) increase
3118 limitation applies for subsequent fiscal years.

3119 Except as otherwise provided for excess revenues generated
3120 pursuant to an election, if revenues collected as the result of
3121 the taxes levied for the fiscal year pursuant to this section and
3122 Section 37-57-1 exceed the increase limitation, then it shall be
3123 the mandatory duty of the school board of the school district to
3124 deposit such excess receipts over and above the increase
3125 limitation into a special account and credit it to the fund for
3126 which the levy was made. It will be the further duty of such
3127 board to hold said funds and invest the same as authorized by law.
3128 Such excess funds shall be calculated in the budgets for the
3129 school districts for the purpose for which such levies were made,
3130 for the succeeding fiscal year. Taxes imposed for the succeeding
3131 year shall be reduced by the amount of excess funds available.
3132 Under no circumstances shall such excess funds be expended during
3133 the fiscal year in which such excess funds are collected.

3134 For the purposes of determining ad valorem tax receipts for a
3135 preceding fiscal year under this section, the term "fiscal year"
3136 means the fiscal year beginning October 1 and ending September 30.

3137 **[From and after July 1, 2002, this section shall read as**
3138 **follows:]**

3139 37-57-107. Beginning with the tax levy for the 1997 fiscal
3140 year and for each fiscal year thereafter, the aggregate receipts
3141 from taxes levied for school district purposes pursuant to
3142 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
3143 receipts from those sources during any one (1) of the immediately
3144 preceding three (3) fiscal years, as determined by the school



3145 board, plus an increase not to exceed seven percent (7%). For the
3146 purpose of this limitation, the term "aggregate receipts" when
3147 used in connection with the amount of funds generated in a
3148 preceding fiscal year shall not include excess receipts required
3149 by law to be deposited into a special account, and shall not
3150 include any amounts received by school districts from the School
3151 Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35. The
3152 additional revenue from the ad valorem tax on any newly
3153 constructed properties or any existing properties added to the tax
3154 rolls or any properties previously exempt which were not assessed
3155 in the next preceding year may be excluded from the seven percent
3156 (7%) increase limitation set forth herein. Taxes levied for
3157 payment of principal of and interest on general obligation school
3158 bonds issued heretofore or hereafter shall be excluded from the
3159 seven percent (7%) increase limitation set forth herein. Any
3160 additional millage levied to fund any new program mandated by the
3161 Legislature shall be excluded from the limitation for the first
3162 year of the levy and included within such limitation in any year
3163 thereafter. For the purposes of this section, the term "new
3164 program" shall include, but shall not be limited to, (a) the Early
3165 Childhood Education Program required to commence with the
3166 1986-1987 school year as provided by Section 37-21-7 and any
3167 additional millage levied and the revenue generated therefrom,
3168 which is excluded from the limitation for the first year of the
3169 levy, to support the mandated Early Childhood Education Program
3170 shall be specified on the minutes of the school board and of the
3171 governing body making such tax levy, (b) any additional millage
3172 levied and the revenue generated therefrom which shall be excluded
3173 from the limitation for the first year of the levy, for the
3174 purpose of generating additional local contribution funds required
3175 for the adequate education program for the 2003 fiscal year and
3176 for each fiscal year thereafter under Section 37-151-7(2); and (c)
3177 any additional millage levied and the revenue generated therefrom



3178 which shall be excluded from the limitation for the first year of
3179 the levy, for the purpose of support and maintenance of any
3180 agricultural high school which has been transferred to the
3181 control, operation and maintenance of the school board by a
3182 community college district under provisions of Section 37-29-272.

3183 The seven percent (7%) increase limitation prescribed in this
3184 section may be increased an additional amount only when the school
3185 board has determined the need for additional revenues and has held
3186 an election on the question of raising the limitation prescribed
3187 in this section. The limitation may be increased only if
3188 three-fifths (3/5) of those voting in the election shall vote for
3189 the proposed increase. The resolution, notice and manner of
3190 holding the election shall be as prescribed by law for the holding
3191 of elections for the issuance of bonds by the respective school
3192 boards. Revenues collected for the fiscal year in excess of the
3193 seven percent (7%) increase limitation pursuant to an election
3194 shall be included in the tax base for the purpose of determining
3195 aggregate receipts for which the seven percent (7%) increase
3196 limitation applies for subsequent fiscal years.

3197 Except as otherwise provided for excess revenues generated
3198 pursuant to an election, if revenues collected as the result of
3199 the taxes levied for the fiscal year pursuant to this section and
3200 Section 37-57-1 exceed the increase limitation, then it shall be
3201 the mandatory duty of the school board of the school district to
3202 deposit such excess receipts over and above the increase
3203 limitation into a special account and credit it to the fund for
3204 which the levy was made. It will be the further duty of such
3205 board to hold said funds and invest the same as authorized by law.
3206 Such excess funds shall be calculated in the budgets for the
3207 school districts for the purpose for which such levies were made,
3208 for the succeeding fiscal year. Taxes imposed for the succeeding
3209 year shall be reduced by the amount of excess funds available.



3210 Under no circumstances shall such excess funds be expended during
3211 the fiscal year in which such excess funds are collected.

3212 For the purposes of determining ad valorem tax receipts for a
3213 preceding fiscal year under this section, the term "fiscal year"
3214 means the fiscal year beginning October 1 and ending September 30.

3215 SECTION 72. Section 37-61-33, Mississippi Code of 1972, is
3216 amended as follows:

3217 **[Until July 1, 2002, this section reads as follows:]**

3218 37-61-33. (1) There is hereby created within the State
3219 Treasury a special fund to be designated the "Education
3220 Enhancement Fund" into which shall be deposited all the revenues
3221 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)
3222 and (b) and 27-103-203(1).

3223 (2) Of the amount deposited into the Education Enhancement
3224 Fund, excluding revenues deposited pursuant to Section
3225 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
3226 appropriated each fiscal year to the State Department of Education
3227 to be distributed to all school districts. Such money shall be
3228 distributed to all school districts in the proportion that the
3229 average daily attendance of each school district bears to the
3230 average daily attendance of all school districts within the state
3231 for the following purposes:

3232 (a) Purchasing, erecting, repairing, equipping,
3233 remodeling and enlarging school buildings and related facilities,
3234 including gymnasiums, auditoriums, lunchrooms, vocational training
3235 buildings, libraries, teachers' homes, school barns,
3236 transportation vehicles (which shall include new and used
3237 transportation vehicles) and garages for transportation vehicles,
3238 and purchasing land therefor.

3239 (b) Establishing and equipping school athletic fields
3240 and necessary facilities connected therewith, and purchasing land
3241 therefor.



3242 (c) Providing necessary water, light, heating, air
3243 conditioning and sewerage facilities for school buildings, and
3244 purchasing land therefor.

3245 (d) As a pledge to pay all or a portion of the debt
3246 service on debt issued by the school district under Sections
3247 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
3248 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
3249 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
3250 of supervisors for agricultural high schools pursuant to Section
3251 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
3252 pursuant to a written contract or resolution approved and spread
3253 upon the minutes of an official meeting of the district's school
3254 board or board of supervisors. The annual grant to such district
3255 in any subsequent year during the term of the resolution or
3256 contract shall not be reduced below an amount equal to the
3257 district's grant amount for the year in which the contract or
3258 resolution was adopted. The intent of this provision is to allow
3259 school districts to irrevocably pledge a certain, constant stream
3260 of revenue as security for long-term obligations issued under the
3261 code sections enumerated in this paragraph or as otherwise allowed
3262 by law. It is the intent of the Legislature that the provisions
3263 of this paragraph shall be cumulative and supplemental to any
3264 existing funding programs or other authority conferred upon school
3265 districts or school boards. Debt of a district secured by a
3266 pledge of sales tax revenue pursuant to this paragraph shall not
3267 be subject to any debt limitation contained in the foregoing
3268 enumerated code sections.

3269 (3) The remainder of the money deposited into the Education
3270 Enhancement Fund, excluding funds deposited pursuant to Section
3271 27-103-203(1), shall be appropriated as follows:

3272 (a) To the State Department of Education as follows:

3273 (i) Eight and thirty-five one-hundredths percent
3274 (8.35%) to be distributed to public school districts for the



3275 funding of textbooks and other educational materials and to be
3276 used by the State Department of Education for the purchase of
3277 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to
3278 approved nonpublic schools, as described under Section 37-43-1.
3279 The amount of funds under this item to be used by the department
3280 for purchasing textbooks to loan to approved nonpublic schools
3281 shall be in the proportion that the average daily attendance of
3282 the nonpublic schools that are loaned textbooks by the state bears
3283 to the average daily attendance of all school districts in the
3284 state. The funds distributed to the school districts under this
3285 item shall be in the proportion that the average daily attendance
3286 of each school district bears to the average daily attendance of
3287 all school districts within the state and shall be used to assist
3288 in the funding of textbooks and other educational materials, to
3289 include not more than Two Million Dollars (\$2,000,000.00) each
3290 year for technology enhancement projects for elementary and
3291 secondary education programs;

3292 (ii) Seven and ninety-seven one-hundredths percent
3293 (7.97%) to assist the funding of transportation operations and
3294 maintenance pursuant to Section 37-19-23;

3295 (iii) Eight and twenty-six one-hundredths percent
3296 (8.26%) to assist the funding of the Uniform Millage Assistance
3297 Grant Program pursuant to Section 37-22-1; and

3298 (iv) Nine and sixty-one one-hundredths percent
3299 (9.61%) for classroom supplies, instructional materials and
3300 equipment, including computers and computer software, to be
3301 distributed to all school districts in the proportion that the
3302 average daily attendance of each school district bears to the
3303 average daily attendance of all school districts within the state.
3304 Such funds shall not be expended for administrative purposes.
3305 Local school districts shall allocate classroom supply funds
3306 equally among all classroom teachers in the school district. For
3307 purposes of this subparagraph, "teacher" shall mean any employee



3308 of the school board of a school district who is required by law to
3309 obtain a teacher's license from the State Board of Education and
3310 who is assigned to an instructional area of work as defined by the
3311 State Department of Education, but shall not include a federally
3312 funded teacher. Two (2) or more teachers may agree to pool their
3313 classroom supply funds for the benefit of a school within the
3314 district pursuant to the development of a spending plan that
3315 supports the overall goals of the school which includes the type,
3316 quantity and quality of such supplies, instructional materials,
3317 equipment, computers or computer software. This plan shall be
3318 submitted, in writing, to the school principal for approval.
3319 Classroom supply funds allocated under this subparagraph shall
3320 supplement, not replace, other local and state funds available for
3321 the same purposes. School districts need not fully expend the
3322 funds received under this subparagraph in the year in which they
3323 are received, but such funds may be carried forward for
3324 expenditure in any succeeding school year. The State Board of
3325 Education shall develop and promulgate rules and regulations for
3326 the administration of this subparagraph consistent with the above
3327 criteria, with particular emphasis on allowing the individual
3328 teachers to expend funds as they deem appropriate, with minimum
3329 input from school principals;

3330 (b) Twenty-two and nine one-hundredths percent (22.09%)
3331 to the Board of Trustees of State Institutions of Higher Learning
3332 for the purpose of supporting institutions of higher learning; and

3333 (c) Fourteen and forty-one one-hundredths percent
3334 (14.41%) to the Board of Trustees of State Institutions of Higher
3335 Learning for the purpose of providing support to community * * *
3336 colleges.

3337 (4) The amount remaining in the Education Enhancement Fund
3338 after funds are distributed as provided in subsections (2) and (3)
3339 of this section, excluding funds deposited pursuant to Section
3340 27-103-203(1), shall be disbursed as follows:



3341 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
3342 be deposited into the Working Cash-Stabilization Reserve Fund
3343 created pursuant to Section 27-103-203(1), until the balance in
3344 such fund reaches the maximum balance of seven and one-half
3345 percent (7-1/2%) of the General Fund appropriations in the
3346 appropriate fiscal year. After the maximum balance in the Working
3347 Cash-Stabilization Reserve Fund is reached, such money shall
3348 remain in the Education Enhancement Fund to be appropriated in the
3349 manner provided for in paragraph (b) of this section.

3350 (b) The remainder shall be appropriated for other
3351 educational needs.

3352 (5) None of the funds appropriated pursuant to subsection
3353 (3)(a) of this section shall be used to reduce the state's general
3354 fund appropriation for the categories listed in an amount below
3355 the following amounts:

3356 (a) For subsection (3)(a)(i) of this section, Six
3357 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
3358 (\$6,330,920.00);

3359 (b) For subsection (3)(a)(ii) of this section
3360 Thirty-six Million Seven Hundred Thousand Dollars
3361 (\$36,700,000.00);

3362 (c) For subsection (3)(a)(iii) of this section,
3363 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);
3364 and

3365 (d) For the aggregate of minimum program allotments
3366 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
3367 amended, excluding those funds for transportation as provided for
3368 in subsection (5)(b) herein.

3369 (6) At the end of a fiscal year such amounts as required by
3370 Section 27-103-203(1) to be transferred to the Education
3371 Enhancement Fund shall be deposited into said Education
3372 Enhancement Fund and shall be kept separate from other monies in
3373 the fund by the State Treasurer. Beginning with the 1994 fiscal



3374 year the monies in such special fund deposited pursuant to said
3375 Section 27-103-203(1) shall be subject to appropriation by the
3376 Legislature in the following manner: (a) fifty percent (50%) to
3377 support public education, including but not limited to, Grades K
3378 through 12, Mississippi Educational Television and/or the
3379 Mississippi Library Commission; (b) twenty-five percent (25%) to
3380 support institutions of higher learning; and (c) twenty-five
3381 percent (25%) to support the * * * community colleges. Any amount
3382 of such monies transferred into said separate fund pursuant to
3383 Section 27-103-203(1) which are not appropriated by the
3384 Legislature shall not lapse but shall carry over and be subject to
3385 appropriation by the Legislature in the succeeding fiscal year in
3386 the same manner provided in this subsection (6). The interest
3387 earned on the investment of such monies transferred pursuant to
3388 Section 27-103-203(1) shall be paid into said separate fund within
3389 the Education Enhancement Fund.

3390 **[From and after July 1, 2002, this section reads as follows:]**

3391 37-61-33. (1) There is hereby created within the State
3392 Treasury a special fund to be designated the "Education
3393 Enhancement Fund" into which shall be deposited all the revenues
3394 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)
3395 and (b) and 27-103-203(1).

3396 (2) Of the amount deposited into the Education Enhancement
3397 Fund, excluding revenues deposited pursuant to Section
3398 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
3399 appropriated each fiscal year to the State Department of Education
3400 to be distributed to all school districts. Such money shall be
3401 distributed to all school districts in the proportion that the
3402 average daily attendance of each school district bears to the
3403 average daily attendance of all school districts within the state
3404 for the following purposes:

3405 (a) Purchasing, erecting, repairing, equipping,
3406 remodeling and enlarging school buildings and related facilities,



3407 including gymnasiums, auditoriums, lunchrooms, vocational training
3408 buildings, libraries, teachers' homes, school barns,
3409 transportation vehicles (which shall include new and used
3410 transportation vehicles) and garages for transportation vehicles,
3411 and purchasing land therefor.

3412 (b) Establishing and equipping school athletic fields
3413 and necessary facilities connected therewith, and purchasing land
3414 therefor.

3415 (c) Providing necessary water, light, heating, air
3416 conditioning and sewerage facilities for school buildings, and
3417 purchasing land therefor.

3418 (d) As a pledge to pay all or a portion of the debt
3419 service on debt issued by the school district under Sections
3420 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
3421 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
3422 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
3423 of supervisors for agricultural high schools pursuant to Section
3424 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
3425 pursuant to a written contract or resolution approved and spread
3426 upon the minutes of an official meeting of the district's school
3427 board or board of supervisors. The annual grant to such district
3428 in any subsequent year during the term of the resolution or
3429 contract shall not be reduced below an amount equal to the
3430 district's grant amount for the year in which the contract or
3431 resolution was adopted. The intent of this provision is to allow
3432 school districts to irrevocably pledge a certain, constant stream
3433 of revenue as security for long-term obligations issued under the
3434 code sections enumerated in this paragraph or as otherwise allowed
3435 by law. It is the intent of the Legislature that the provisions
3436 of this paragraph shall be cumulative and supplemental to any
3437 existing funding programs or other authority conferred upon school
3438 districts or school boards. Debt of a district secured by a
3439 pledge of sales tax revenue pursuant to this paragraph shall not



3440 be subject to any debt limitation contained in the foregoing
3441 enumerated code sections.

3442 (3) The remainder of the money deposited into the Education
3443 Enhancement Fund, excluding funds deposited pursuant to Section
3444 27-103-203(1), shall be appropriated as follows:

3445 (a) To the State Department of Education as follows:

3446 (i) Sixteen and sixty-one one-hundredths percent
3447 (16.61%) to the cost of the adequate education program determined
3448 under Section 37-151-7;

3449 (ii) Seven and ninety-seven one-hundredths percent
3450 (7.97%) to assist the funding of transportation operations and
3451 maintenance pursuant to Section 37-19-23; and

3452 (iii) Nine and sixty-one one-hundredths percent
3453 (9.61%) for classroom supplies, instructional materials and
3454 equipment, including computers and computer software, to be
3455 distributed to all school districts in the proportion that the
3456 average daily attendance of each school district bears to the
3457 average daily attendance of all school districts within the state.

3458 It is the intent of the Legislature that all classroom teachers
3459 shall be involved in the development of a spending plan that
3460 addresses individual classroom needs and supports the overall
3461 goals of the school regarding supplies, instructional materials,
3462 equipment, computers or computer software under the provisions of
3463 this subparagraph, including the type, quantity and quality of
3464 such supplies, materials and equipment. This plan shall be
3465 submitted to the school principal for approval. School districts
3466 need not fully expend the funds received under this subparagraph
3467 in the year in which they are received, but such funds may be
3468 carried forward for expenditure in any succeeding school year.

3469 (b) Twenty-two and nine one-hundredths percent (22.09%)
3470 to the Board of Trustees of State Institutions of Higher Learning
3471 for the purpose of supporting institutions of higher learning, and
3472 fourteen and forty-one one-hundredths percent (14.41%) to the



3473 Board of Trustees of State Institutions of Higher Learning for the
3474 purpose of providing support to community * * * colleges.

3475 (4) The amount remaining in the Education Enhancement Fund
3476 after funds are distributed as provided in subsections (2) and (3)
3477 of this section, excluding funds deposited pursuant to Section
3478 27-103-203(1), shall be disbursed as follows:

3479 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
3480 be deposited into the Working Cash-Stabilization Reserve Fund
3481 created pursuant to Section 27-103-203(1), until the balance in
3482 such fund reaches the maximum balance of seven and one-half
3483 percent (7-1/2%) of the General Fund appropriations in the
3484 appropriate fiscal year. After the maximum balance in the Working
3485 Cash-Stabilization Reserve Fund is reached, such money shall
3486 remain in the Education Enhancement Fund to be appropriated in the
3487 manner provided for in paragraph (b) of this section.

3488 (b) The remainder shall be appropriated for other
3489 educational needs.

3490 (5) None of the funds appropriated pursuant to subsection
3491 (3)(a) of this section shall be used to reduce the state's general
3492 fund appropriation for the categories listed in an amount below
3493 the following amounts:

3494 (a) For subsection (3)(a)(ii) of this section
3495 Thirty-six Million Seven Hundred Thousand Dollars
3496 (\$36,700,000.00);

3497 (b) For the aggregate of minimum program allotments in
3498 the 1997 fiscal year, formerly provided for in Chapter 19, Title
3499 37, Mississippi Code of 1972, as amended, excluding those funds
3500 for transportation as provided for in subsection (5)(a) herein.

3501 (6) At the end of a fiscal year such amounts as required by
3502 Section 27-103-203(1) to be transferred to the Education
3503 Enhancement Fund shall be deposited into said Education
3504 Enhancement Fund and shall be kept separate from other monies in
3505 the fund by the State Treasurer. Beginning with the 1994 fiscal



3506 year the monies in such special fund deposited pursuant to said
3507 Section 27-103-203(1) shall be subject to appropriation by the
3508 Legislature in the following manner: (a) fifty percent (50%) to
3509 support public education, including but not limited to, Grades K
3510 through 12, Mississippi Educational Television and/or the
3511 Mississippi Library Commission; (b) twenty-five percent (25%) to
3512 support institutions of higher learning; and (c) twenty-five
3513 percent (25%) to support the * * * community colleges. Any amount
3514 of such monies transferred into said separate fund pursuant to
3515 Section 27-103-203(1) which are not appropriated by the
3516 Legislature shall not lapse but shall carry over and be subject to
3517 appropriation by the Legislature in the succeeding fiscal year in
3518 the same manner provided in this subsection (6). The interest
3519 earned on the investment of such monies transferred pursuant to
3520 Section 27-103-203(1) shall be paid into said separate fund within
3521 the Education Enhancement Fund.

3522 SECTION 73. Section 37-63-3, Mississippi Code of 1972, is
3523 amended as follows:

3524 37-63-3. The Authority for Educational Television shall
3525 consist of the State Superintendent of Public Education and six
3526 (6) members appointed, with the advice and consent of the Senate.
3527 The Governor shall appoint four (4) members, one (1) of whom shall
3528 be actively engaged as a teacher or principal in a secondary
3529 school system in the State of Mississippi and one (1) of whom
3530 shall be actively engaged as a teacher or principal in an
3531 elementary school system in the State of Mississippi. Beginning
3532 July 1, 1994, the appointee actively engaged as a teacher or
3533 principal in a secondary school shall be appointed for an initial
3534 term of three (3) years. The member actively engaged as a teacher
3535 or principal in an elementary school shall be appointed for an
3536 initial term of four (4) years. The remaining two (2)
3537 gubernatorial appointees shall serve until July 1, 1996.
3538 Beginning July 1, 1996, the Governor shall appoint two (2) members



3539 for initial terms of three (3) and four (4) years, with the
3540 Governor specifically designating which member shall be appointed
3541 for three (3) years and which shall be appointed for four (4)
3542 years. The * * * Board of Trustees of * * * State Institutions of
3543 Higher Learning shall appoint two (2) members. After the
3544 expiration of the initial terms, all members shall serve for terms
3545 of four (4) years. An appointment to fill a vacancy among the
3546 gubernatorial appointees, other than by expiration of a term of
3547 office, shall be made by the Governor for the balance of the
3548 unexpired term.

3549 SECTION 74. Section 37-101-3, Mississippi Code of 1972, is
3550 amended as follows:

3551 37-101-3. (1) The Governor, by and with the advice and
3552 consent of the Senate, shall appoint the members of the Board of
3553 Trustees of State Institutions of Higher Learning, one (1) member
3554 from each congressional district of the state as existing as of
3555 March 31, 1944, one (1) member from each Supreme Court district
3556 and two (2) members from the state at large, with the terms of
3557 each to begin on May 8, 1944. One-third (1/3) of the membership
3558 of said board so appointed shall be appointed for a period of four
3559 (4) years, one-third (1/3) for a period of eight (8) years and
3560 one-third (1/3) for a period of twelve (12) years. On the
3561 expiration of any of said terms of office the Governor shall
3562 appoint successors, by and with the advice and consent of the
3563 Senate, for terms of twelve (12) years in each case.

3564 (2) In case of a vacancy on said board by death or
3565 resignation of a member or from any other cause than the
3566 expiration of such member's term of office, the board shall elect
3567 his successor who shall hold office until the end of the next
3568 session of the Legislature. During such term of the session of
3569 the Legislature the Governor shall appoint the successor member of
3570 the board from the district from which his predecessor was
3571 appointed to hold office until the end of the period or term for



3572 which said original trustee was appointed, to the end that
3573 one-third (1/3) of such trustees' terms shall expire each four (4)
3574 years.

3575 * * *

3576 SECTION 75. Section 37-102-3, Mississippi Code of 1972, is
3577 amended as follows:

3578 37-102-3. * * * The Board of Trustees of State Institutions
3579 of Higher Learning * * * shall study the need and advisability of
3580 offering: (a) courses for college credit at the lower
3581 undergraduate level; and (b) advanced centers for technology
3582 partnerships for industrial training and professional development
3583 for credit and noncredit courses, at the following off-campus
3584 sites by four-year public state institutions of higher learning:
3585 the Mississippi Gulf Coast counties; Greenville, Mississippi;
3586 Columbus, Mississippi; McComb, Mississippi; Hattiesburg,
3587 Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any
3588 other proposed area of the state. Any such study shall take into
3589 account the ongoing programs of the community * * * colleges in
3590 the State of Mississippi * * *. It is the intent of the
3591 Legislature to meet the educational needs of students who do not
3592 have ready access to the educational opportunities that they
3593 desire. * * * The board shall establish such rules and
3594 regulations as it deems necessary and proper to carry out the
3595 purposes and intent of this chapter.

3596 SECTION 76. Section 37-103-1, Mississippi Code of 1972, is
3597 amended as follows:

3598 37-103-1. The * * * Board of Trustees of State Institutions
3599 of Higher Learning and the administrative authorities of each
3600 institution governed by said board, in ascertaining and
3601 determining the legal residence of and tuition to be charged any
3602 student applying for admission to such institutions, shall be
3603 governed by the definitions and conditions set forth in Sections
3604 37-103-1 through 37-103-23.



3605 SECTION 77. Section 37-103-9, Mississippi Code of 1972, is
3606 amended as follows:

3607 37-103-9. Children of parents who are members of the faculty
3608 or staff of any institution under the jurisdiction of * * * the
3609 Board of Trustees of State Institutions of Higher Learning may be
3610 classified as residents for the purpose of attendance at the
3611 institution where their parents are faculty or staff members.

3612 SECTION 78. Section 37-103-25, Mississippi Code of 1972, is
3613 amended as follows:

3614 37-103-25. The Board of Trustees of State Institutions of
3615 Higher Learning is authorized to prescribe the amount of fees to
3616 be paid by students attending the several state-supported
3617 institutions of higher learning and community colleges of the
3618 State of Mississippi. In prescribing the rates to be paid by
3619 residents of other states, the total fees shall not be less than
3620 the average cost per student from appropriated funds.

3621 SECTION 79. Section 37-103-29, Mississippi Code of 1972, is
3622 amended as follows:

3623 37-103-29. Nothing in this chapter shall be construed to
3624 provide that the Board of Trustees of State Institutions of Higher
3625 Learning * * * is required to consider for admission the
3626 application of a nonresident.

3627 SECTION 80. Section 37-106-9, Mississippi Code of 1972, is
3628 amended as follows:

3629 37-106-9. (1) There is hereby created the Postsecondary
3630 Education Financial Assistance Board which shall consist of the
3631 following three (3) members: one (1) person to be appointed by
3632 the Board of Trustees of State Institutions of Higher Learning
3633 from its membership for an initial period of four (4) years; one
3634 (1) person representing the state community colleges to be
3635 appointed by the * * * Board of Trustees of State Institutions of
3636 Higher Learning for an initial period of three (3) years; and one
3637 (1) person to be appointed by the Governor for an initial period



3638 of two (2) years. All subsequent appointments shall be for a
3639 period of four (4) years. Vacancies shall be filled for the
3640 length of the unexpired term only. The board shall elect from its
3641 membership a chairman.

3642 (2) The agency shall designate one (1) member of its staff
3643 to serve as director, to administer the provisions of this
3644 financial assistance program. The director shall be assigned by
3645 the agency sufficient staff, professional and clerical, funds and
3646 quarters to administer this program.

3647 (3) The director:

3648 (a) Subject to the review of the board, shall have the
3649 power of final approval of any application submitted;

3650 (b) Subject to the approval of the board and the
3651 agency, shall have authority to promulgate the necessary rules and
3652 regulations for effective administration of this chapter,
3653 including the method of making application for assistance
3654 authorized by this chapter.

3655 SECTION 81. Section 37-149-1, Mississippi Code of 1972, is
3656 amended as follows:

3657 37-149-1. (1) There is established within the State
3658 Department of Education, the Mississippi Teacher Center for the
3659 purpose of insuring that the children of our state are taught by
3660 quality professionals. The center shall serve as an interagency
3661 center focused on teacher recruitment, enhanced training and
3662 initial instructional support.

3663 (2) The center shall have a staff which shall consist of one
3664 (1) director, one (1) administrative assistant and professional
3665 teacher recruiters. A steering committee shall be established
3666 which shall consist of one (1) member from each of the following:
3667 the Board of Trustees of State Institutions of Higher
3668 Learning, * * * the State Board of Education, the Board of the
3669 Mississippi Association of Independent Colleges, the Board of the
3670 Mississippi Association of Colleges of Teacher Education, trustees



3671 of the local school boards, teachers and the private sector. The
3672 members of the steering committee shall be appointed by the State
3673 Superintendent with the approval of the board. The steering
3674 committee shall direct the work and establish policies for the
3675 purpose of operating the center.

3676 (3) The center shall provide leadership for the following
3677 initiatives:

3678 (a) The initiation and monitoring of high school
3679 programs for teacher recruitment;

3680 (b) The initiation and monitoring of college level
3681 programs for teacher recruitment;

3682 (c) The establishment of a Beginning Teacher/Mentoring
3683 program, as authorized in Sections 37-9-201 through 37-9-213;

3684 (d) The sponsorship of a teacher renewal institute;

3685 (e) The continuation of the Teacher Corps program;

3686 (f) The enhancement of the William Winter Scholarship
3687 program;

3688 (g) Research for the development of professional
3689 teaching standards;

3690 (h) Provide additional scholarships for any targeted
3691 populations needing potential teachers; and

3692 (i) Provide assistance to local school districts in
3693 identifying and locating specific teacher needs.

3694 SECTION 82. Section 37-151-17, Mississippi Code of 1972, is
3695 amended as follows:

3696 37-151-17. (1) There is established the Council for
3697 Education Technology which shall be an advisory group attached to
3698 the State Board of Education. The council shall develop a master
3699 plan for education technology.

3700 (2) The council shall consist of the State Superintendent of
3701 Education, the Executive Director of the Mississippi Department of
3702 Information Technology Services, the Executive Director of
3703 Mississippi Educational Television (ETV), the Executive Director



3704 of the Mississippi Library Commission * * * and the Commissioner
3705 of Higher Education, who shall serve as ex officio voting members
3706 and four (4) members appointed within thirty (30) days after July
3707 1, 1994, as follows:

3708 (a) One (1) member appointed by the State Board of
3709 Education;

3710 (b) Two (2) members appointed by the Governor; and

3711 (c) One (1) member appointed by the Executive Director
3712 of the Mississippi Department of Economic and Community

3713 Development. All appointed members of the council shall have a
3714 demonstrated knowledge in an area of technology as defined in
3715 Section 37-151-15(2). All appointments to the council shall be
3716 made with the advice and consent of the Senate. A majority of the
3717 membership present at any meeting shall constitute a quorum for
3718 the official conduct of business.

3719 (3) Members shall be appointed for four-year terms and may
3720 be reappointed. Members may be reimbursed for mileage and actual
3721 and necessary expenses in accordance with state law, and members
3722 who are not state officers or employees shall receive per diem as
3723 authorized in Section 25-3-69.

3724 (4) Immediately upon receiving notice of the appointment of
3725 all members, the State Superintendent of Education shall call an
3726 organizational meeting. At this meeting the State Superintendent
3727 of Education shall preside as temporary chairman, and the council
3728 shall elect from among the members a chairman and any other
3729 officers it deems necessary, and define the duties of the
3730 officers.

3731 (5) Meetings shall be held at least four (4) times per year,
3732 or upon call of the chairman, at a time and place designated by
3733 the chairman. The State Department of Education shall provide
3734 staff support for the council.

3735 (6) The duties and responsibilities of the council shall
3736 include, but not be limited to, the following:



3737 (a) Developing a long-range master plan for the
3738 efficient and equitable use of technology at all levels from
3739 primary school through higher education, including vocational and
3740 adult education. The plan shall focus on the technology
3741 requirements of classroom instruction, literacy laboratories,
3742 student record management, financial and administrative
3743 management, distance learning and communications as they relate to
3744 the state's performance goals for students. The plan shall be
3745 presented to the Mississippi Department of Information Technology
3746 Services for approval;

3747 (b) Creating, overseeing and monitoring a well-planned
3748 and efficient statewide network of technology services designed to
3749 meet the educational and informational needs of the schools;

3750 (c) Working with private enterprise to encourage the
3751 development of technology products specifically designed to answer
3752 Mississippi's educational needs;

3753 (d) Encouraging an environment receptive to
3754 technological progress in education throughout the state; and

3755 (e) Working with other state entities to maximize the
3756 use and benefit of the state's technology infrastructure, to avoid
3757 duplication of public and private resources and to maximize the
3758 purchasing ability of the state. When appropriate, shared
3759 resources and competitive bidding shall be used.

3760 All contracts, requests for proposals and bid awards shall be
3761 subject to the approval of the Mississippi Department of
3762 Information Technology Services.

3763 SECTION 83. Section 37-151-69, Mississippi Code of 1972, is
3764 amended as follows:

3765 37-151-69. (1) There is created the Mississippi Work Force
3766 Development Advisory Council, which shall have the following
3767 duties:



3768 (a) To provide a forum for developing the necessary
3769 collaboration among state agencies at the highest level for
3770 accomplishing the purposes of this article;

3771 (b) To monitor the effectiveness of the career centers
3772 and district councils created pursuant to this article;

3773 (c) To advise the Governor and public schools,
3774 community * * * colleges and institutions of higher learning on
3775 effective school-to-work transition policies and programs that
3776 link students moving from high school to higher education and
3777 students moving between community colleges and four-year
3778 institutions in pursuit of academic and technical skills training;

3779 (d) To work with industry to identify barriers that
3780 inhibit the delivery of quality work force education and the
3781 responsiveness of educational institutions to the needs of
3782 industry; and

3783 (e) To provide periodic assessments on effectiveness
3784 and results of the system of career centers and district councils.

3785 (2) The state council shall be composed of the following
3786 seventeen (17) persons:

3787 (a) A private sector representative from each of the
3788 following six (6) district councils * * *: a representative of
3789 Northwest Mississippi Community College district; Northeast
3790 Mississippi Community College district; Central Mississippi
3791 Community College district; East Central Mississippi Community
3792 College district; Southwest Mississippi Community College
3793 district; and South Mississippi Community College district * * *.

3794 All * * * appointments shall be for a term of three (3) years and
3795 continue until their successors are appointed and qualify. An
3796 appointment to fill a vacancy which arises for reasons other than
3797 by expiration of a term of office shall be for the unexpired term
3798 only;

3799 (b) The State Superintendent of Public Education;

3800 (c) The Commissioner of Higher Education;



3801 * * *

3802 (d) The Executive Director of the Mississippi
3803 Employment Security Commission;

3804 (e) The Executive Director of the Mississippi
3805 Department of Human Services;

3806 (f) The Executive Director of the Mississippi
3807 Department of Economic and Community Development;

3808 (g) The Governor of the State of Mississippi;

3809 (h) A representative of the private business sector
3810 appointed by the Governor;

3811 (i) A representative of the State Literacy Resource
3812 Center;

3813 (j) The Executive Director of the Mississippi
3814 Department of Rehabilitation Services;

3815 (k) An employee representing an employee group or
3816 association appointed by the Lieutenant Governor; and

3817 (l) An executive of a major service provider appointed
3818 by the Lieutenant Governor.

3819 (3) The Executive Director of the Mississippi Department of
3820 Economic and Community Development and the Governor's private
3821 business sector appointee to the state council shall serve as the
3822 cochairs of the state council.

3823 (4) The * * * Board of Trustees of State Institutions of
3824 Higher Learning shall provide the necessary staff and
3825 administrative support to the state council.

3826 SECTION 84. Section 37-151-75, Mississippi Code of 1972, is
3827 amended as follows:

3828 37-151-75. The * * * Board of Trustees of State Institutions
3829 of Higher Learning is designated as the primary support agency to
3830 the career centers and district councils. The * * * board of
3831 trustees may exercise the following powers:

3832 (a) To provide the career centers the assistance
3833 necessary to accomplish the purposes of this article;



3834 (b) To provide the career centers consistent standards
3835 and benchmarks to guide development of the local work force
3836 development system and to provide a means by which the outcomes of
3837 local services can be measured;

3838 (c) To develop the staff capacity to provide, broker or
3839 contract for the provision of technical assistance to the career
3840 centers, including, but not limited to:

3841 (i) Training local staff in methods of recruiting,
3842 assessment and career counseling;

3843 (ii) Establishing rigorous and comprehensive local
3844 pre-employment training programs;

3845 (iii) Developing local institutional capacity to
3846 deliver Total Quality Management training;

3847 (iv) Developing local institutional capacity to
3848 transfer new technologists into the marketplace;

3849 (v) Expanding the Skills Enhancement Program and
3850 improving the quality of adult literacy programs; and

3851 (vi) Developing data for strategic planning;

3852 (d) To collaborate with the Department of Economic and
3853 Community Development and other economic development organizations
3854 to increase the community college systems' economic development
3855 potential;

3856 (e) To administer presented and approved certification
3857 programs by the community colleges for tax credits and partnership
3858 funding for corporate training;

3859 (f) To create and maintain an evaluation team that
3860 examines which kinds of curricula and programs and what forms of
3861 quality control of training are most productive so that the
3862 knowledge developed at one (1) institution of education can be
3863 transferred to others;

3864 (g) To develop internal capacity to provide services
3865 and to contract for services from universities and other providers
3866 directly to local institutions;



3867 (h) To develop and administer an incentive
3868 certification program; and

3869 (i) To develop and hire staff and purchase equipment
3870 necessary to accomplish the goals set forth in this section.

3871 SECTION 85. Section 37-155-9, Mississippi Code of 1972, is
3872 amended as follows:

3873 37-155-9. In addition to the powers granted by any other
3874 provision of this chapter, the board of directors shall have the
3875 powers necessary or convenient to carry out the purposes and
3876 provisions of this chapter, the purposes and objectives of the
3877 trust fund and the powers delegated by any other law of the state
3878 or any executive order thereof, including, but not limited to, the
3879 following express powers:

3880 (a) To adopt and amend bylaws;

3881 (b) To adopt such rules and regulations as are
3882 necessary to implement the provisions of this chapter;

3883 (c) To invest any funds of the trust fund in any
3884 instrument, obligation, security or property that constitutes
3885 legal investments for public funds in the state and to name and
3886 use depositories for its investments and holdings;

3887 (d) To execute contracts and other necessary
3888 instruments;

3889 (e) To impose reasonable requirements for residency for
3890 beneficiaries at the time of purchase of the contract;

3891 (f) To impose reasonable limits on the number of
3892 contract participants in the trust fund at any given period of
3893 time;

3894 (g) To contract for necessary goods and services, to
3895 employ necessary personnel, and to engage the services of
3896 consultants for administrative and technical assistance in
3897 carrying out the responsibilities of the trust fund;

3898 (h) To solicit and accept gifts, including
3899 bequeathments or other testamentary gifts made by will, trust or



3900 other disposition, grants, loans and other aids from any personal
3901 source or to participate in any other way in any federal, state or
3902 local governmental programs in carrying out the purposes of this
3903 chapter. Any gifts made to the board under this subsection shall
3904 be deductible from taxable income of the state in the tax year;

3905 (i) To define the terms and conditions under which
3906 payments may be withdrawn or refunded from the trust fund,
3907 including, but not limited to, the amount paid in and an
3908 additional amount in the nature of interest at a rate that
3909 corresponds, at a minimum, to the prevailing interest rates for
3910 savings accounts provided by banks and savings and loan
3911 associations and impose reasonable charges for such withdrawal or
3912 refund;

3913 (j) To ensure applicability to private and out-of-state
3914 tuitions:

3915 (i) Under the program, a state purchaser may enter
3916 into a prepaid tuition contract with the board under which the
3917 purchaser agrees to attend a public institution of higher
3918 education in Mississippi;

3919 (ii) If the beneficiary of a plan described by
3920 Section 37-155-11 enrolls in any in-state or out-of-state
3921 regionally accredited private four- or two-year college or an
3922 out-of-state regionally accredited, state-supported, nonprofit
3923 four- or two-year college or university, the board shall pay to
3924 the institution an amount up to, but not greater than, the tuition
3925 and required fees that the board would have paid had the
3926 beneficiary enrolled in an institution of higher education covered
3927 by the plan selected in the prepaid tuition contract. The
3928 beneficiary is responsible for paying a private institution or an
3929 out-of-state public institution the amount by which the tuition
3930 and required fees of the institution exceed the tuition and
3931 required fees paid by the board;



3932 (k) To impose reasonable time limits on the use of the
3933 tuition benefits provided by the program;

3934 (l) To provide for the receipt of contributions to the
3935 trust fund in lump sums or installment payments;

3936 (m) To adopt an official seal and rules;

3937 (n) To sue and be sued;

3938 (o) To establish agreements or other transactions with
3939 federal, state and local agencies, including state universities
3940 and community colleges;

3941 (p) To appear in its own behalf before boards,
3942 commissions or other governmental agencies;

3943 (q) To segregate contributions and payments to the fund
3944 into various accounts and funds;

3945 (r) To require and collect administrative fees and
3946 charges in connection with any transaction and impose reasonable
3947 penalties, including default, for delinquent payments or for
3948 entering into an advance payment contract on a fraudulent basis;

3949 (s) To procure insurance against any loss in connection
3950 with the property, assets and activities of the fund or the board;

3951 (t) To require that purchasers of advance payment
3952 contracts verify, under oath, any requests for contract
3953 conversions, substitutions, transfers, cancellations, refund
3954 requests or contract changes of any nature;

3955 (u) To administer the fund in a manner that is
3956 sufficiently actuarially sound to meet the obligations of the
3957 program. The board shall annually evaluate or cause to be
3958 evaluated the actuarial soundness of the fund. If the board
3959 perceives a need for additional assets in order to preserve
3960 actuarial soundness, the board may adjust the terms of subsequent
3961 advance payment contracts to ensure such soundness;

3962 (v) To establish a comprehensive investment plan for
3963 the purposes of this section. The comprehensive investment plan
3964 shall specify the investment policies to be utilized by the board



3965 in its administration of the fund. The board may authorize
3966 investments in:

3967 (i) Bonds, notes, certificates and other valid
3968 general obligations of the State of Mississippi, or of any county,
3969 or of any city, or of any supervisors district of any county of
3970 the State of Mississippi, or of any school district bonds of the
3971 State of Mississippi; notes or certificates of indebtedness issued
3972 by the Veterans' Home Purchase Board of Mississippi, provided such
3973 notes or certificates of indebtedness are secured by the pledge of
3974 collateral equal to two hundred percent (200%) of the amount of
3975 the loan, which collateral is also guaranteed at least for fifty
3976 percent (50%) of the face value by the United States government,
3977 and provided that not more than five percent (5%) of the total
3978 investment holdings of the system shall be in Veterans' Home
3979 Purchase Board notes or certificates at any time; real estate
3980 mortgage loans one hundred percent (100%) insured by the Federal
3981 Housing Administration on single family homes located in the State
3982 of Mississippi, where monthly collections and all servicing
3983 matters are handled by Federal Housing Administration approved
3984 mortgagees authorized to make such loans in the State of
3985 Mississippi;

3986 (ii) State of Mississippi highway bonds;

3987 (iii) Funds may be deposited in federally insured
3988 institutions domiciled in the State of Mississippi or a custodial
3989 bank which appears on the State of Mississippi Treasury
3990 Department's approved depository list and/or safekeeper list;

3991 (iv) Corporate bonds of investment grade as rated
3992 by Standard & Poor's or by Moody's Investment Service, with bonds
3993 rated BAA/BBB not to exceed five percent (5%) of the book value of
3994 the total fixed income investments; or corporate short-term
3995 obligations of corporations or of wholly owned subsidiaries of
3996 corporations, whose short-term obligations are rated A-3 or better



3997 by Standard and Poor's or rated P-3 or better by Moody's
3998 Investment Service;

3999 (v) Bonds of the Tennessee Valley Authority;

4000 (vi) Bonds, notes, certificates and other valid
4001 obligations of the United States, and other valid obligations of
4002 any federal instrumentality that issues securities under authority
4003 of an act of Congress and are exempt from registration with the
4004 Securities and Exchange Commission;

4005 (vii) Bonds, notes, debentures and other
4006 securities issued by any federal instrumentality and fully
4007 guaranteed by the United States. Direct obligations issued by the
4008 United States of America shall be deemed to include securities of,
4009 or other interests in, any open-end or closed-end management type
4010 investment company or investment trust registered under the
4011 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
4012 portfolio of such investment company or investment trust is
4013 limited to direct obligations issued by the United States of
4014 America, United States government agencies, United States
4015 government instrumentalities or United States government sponsored
4016 enterprises, and to repurchase agreements fully collateralized by
4017 direct obligations of the United States of America, United States
4018 government agencies, United States government instrumentalities or
4019 United States government sponsored enterprises, and the investment
4020 company or investment trust takes delivery of such collateral for
4021 the repurchase agreement, either directly or through an authorized
4022 custodian. The State Treasurer and the Executive Director of the
4023 Department of Finance and Administration shall review and approve
4024 the investment companies and investment trusts in which funds may
4025 be invested;

4026 (viii) Interest-bearing bonds or notes which are
4027 general obligations of any other state in the United States or of
4028 any city or county therein, provided such city or county had a
4029 population as shown by the federal census next preceding such



4030 investment of not less than twenty-five thousand (25,000)
4031 inhabitants and provided that such state, city or county has not
4032 defaulted for a period longer than thirty (30) days in the payment
4033 of principal or interest on any of its general obligation
4034 indebtedness during a period of ten (10) calendar years
4035 immediately preceding such investment;

4036 (ix) Shares of stocks, common and/or preferred, of
4037 corporations created by or existing under the laws of the United
4038 States or any state, district or territory thereof; provided:

4039 (A) The maximum investments in stocks shall
4040 not exceed fifty percent (50%) of the book value of the total
4041 investment fund of the system;

4042 (B) The stock of such corporation shall:

4043 1. Be listed on a national stock
4044 exchange, or

4045 2. Be traded in the over-the-counter
4046 market, provided price quotations for such over-the-counter stocks
4047 are quoted by the National Association of Securities Dealers
4048 Automated Quotation System (NASDAQ);

4049 (C) The outstanding shares of such
4050 corporation shall have a total market value of not less than Fifty
4051 Million Dollars (\$50,000,000.00);

4052 (D) The amount of investment in any one (1)
4053 corporation shall not exceed three percent (3%) of the book value
4054 of the assets of the system; and

4055 (E) The shares of any one (1) corporation
4056 owned by the system shall not exceed five percent (5%) of that
4057 corporation's outstanding stock;

4058 (x) Bonds rated Single A or better, stocks and
4059 convertible securities of established non-United States companies,
4060 which companies are listed on only primary national stock
4061 exchanges of foreign nations; and in foreign government securities
4062 rated Single A or better by a recognized rating agency; provided



4063 that the total book value of investments under this paragraph
4064 shall at no time exceed twenty percent (20%) of the total book
4065 value of all investments of the system. The board may take
4066 requisite action to effectuate or hedge such transactions through
4067 foreign banks, including the purchase and sale, transfer, exchange
4068 or otherwise disposal of, and generally deal in foreign exchange
4069 through the use of foreign currency, interbank forward contracts,
4070 futures contracts, options contracts, swaps and other related
4071 derivative instruments, notwithstanding any other provisions of
4072 this chapter to the contrary;

4073 (xi) Covered call and put options on securities
4074 traded on one or more of the regulated exchanges;

4075 (xii) Institutional investment trusts managed by a
4076 corporate trustee or by a Securities and Exchange Commission
4077 registered investment advisory firm retained as an investment
4078 manager by the board of directors, and institutional class shares
4079 of investment companies and unit investment trusts registered
4080 under the Investment Company Act of 1940 where such funds or
4081 shares are comprised of common or preferred stocks, bonds, money
4082 market instruments or other investments authorized under this
4083 section. Any investment manager or managers approved by the board
4084 of directors shall invest such funds or shares as a fiduciary;

4085 (xiii) Pooled or commingled real estate funds or
4086 real estate securities managed by a corporate trustee or by a
4087 Securities and Exchange Commission registered investment advisory
4088 firm retained as an investment manager by the board of directors.
4089 Such investment in commingled funds or shares shall be held in
4090 trust; provided that the total book value of investments under
4091 this paragraph shall at no time exceed five percent (5%) of the
4092 total book value of all investments of the system. Any investment
4093 manager approved by the board of directors shall invest such
4094 commingled funds or shares as a fiduciary;



4095 (w) All investments shall be acquired by the board at
4096 prices not exceeding the prevailing market values for such
4097 securities;

4098 (x) Any limitations herein set forth shall be
4099 applicable only at the time of purchase and shall not require the
4100 liquidation of any investment at any time. All investments shall
4101 be clearly marked to indicate ownership by the system and to the
4102 extent possible shall be registered in the name of the system;

4103 (y) Subject to the above terms, conditions, limitations
4104 and restrictions, the board shall have power to sell, assign,
4105 transfer and dispose of any of the securities and investments of
4106 the system, provided that the sale, assignment or transfer has the
4107 majority approval of the entire board. The board may employ or
4108 contract with investment managers, evaluation services or other
4109 such services as determined by the board to be necessary for the
4110 effective and efficient operation of the system;

4111 (z) Except as otherwise provided herein, no trustee and
4112 no employee of the board shall have any direct or indirect
4113 interest in the income, gains or profits of any investment made by
4114 the board, nor shall any such person receive any pay or emolument
4115 for his services in connection with any investment made by the
4116 board. No trustee or employee of the board shall become an
4117 endorser or surety, or in any manner an obligor for money loaned
4118 by or borrowed from the system;

4119 (aa) All interest derived from investments and any
4120 gains from the sale or exchange of investments shall be credited
4121 by the board to the account of the system;

4122 (bb) To delegate responsibility for administration of
4123 the comprehensive investment plan to a consultant the board
4124 determines to be qualified. Such consultant shall be compensated
4125 by the board. Directly or through such consultant, the board may
4126 contract to provide such services as may be a part of the
4127 comprehensive investment plan or as may be deemed necessary or



4128 proper by the board or such consultant, including, but not limited
4129 to, providing consolidated billing, individual and collective
4130 record keeping and accounting, and asset purchase, control and
4131 safekeeping;

4132 (cc) To annually prepare or cause to be prepared a
4133 report setting forth in appropriate detail an accounting of the
4134 fund and a description of the financial condition of the program
4135 at the close of each fiscal year. Such report shall be submitted
4136 to the Governor, the Lieutenant Governor, the President of the
4137 Senate, the Speaker of the House of Representatives, and members
4138 of the Board of Trustees of State Institutions of Higher
4139 Learning * * * and the State Board of Education on or before March
4140 31 each year. In addition, the board shall make the report
4141 available to purchasers of advance payment contracts. The board
4142 shall provide to the Board of Trustees of State Institutions of
4143 Higher Learning * * * by March 31 each year complete advance
4144 payment contract sales information including projected
4145 postsecondary enrollments of beneficiaries. The accounts of the
4146 fund shall be subject to annual audits by the State Auditor or his
4147 designee;

4148 (dd) To solicit proposals for the marketing of the
4149 Mississippi Prepaid Affordable College Tuition Program. The
4150 entity designated pursuant to this paragraph shall serve as a
4151 centralized marketing agent for the program and shall solely be
4152 responsible for the marketing of the program. Any materials
4153 produced for the purpose of marketing the programs shall be
4154 submitted to the board for review. No such materials shall be
4155 made available to the public before the materials are approved by
4156 the board. Any educational institution may distribute marketing
4157 materials produced for the program; however, all such materials
4158 shall have been approved by the board prior to distribution.
4159 Neither the state nor the board shall be liable for
4160 misrepresentation of the program by a marketing agent; and



4161 (ee) To establish other policies, procedures and
4162 criteria necessary to implement and administer the provisions of
4163 this chapter.

4164 For efficient and effective administration of the program and
4165 trust fund, the board may authorize the State of Mississippi
4166 Treasury Department and/or the State Treasurer to carry out any or
4167 all of the powers and duties enumerated above.

4168 SECTION 86. Section 37-157-1, Mississippi Code of 1972, is
4169 amended as follows:

4170 37-157-1. (1) The tuition at any institution of higher
4171 education in the state shall be paid by the state on behalf of any
4172 student who enrolls in such a school to pursue an academic
4173 undergraduate degree, who applies for the payment thereof, and who
4174 meets all of the following qualifications:

4175 (a) Actual residence in Mississippi during the
4176 twenty-four (24) months immediately preceding university
4177 enrollment. For the purposes of this paragraph, residency shall
4178 be demonstrated by proof of the following as required by the
4179 administering agency:

4180 (i) If registered to vote, being registered in
4181 Mississippi.

4182 (ii) If licensed to drive a motor vehicle, being
4183 in possession of a Mississippi driver's license.

4184 (iii) If owning a motor vehicle located within
4185 Mississippi, being in possession of Mississippi registration for
4186 that vehicle.

4187 (iv) If earning an income, having filed a
4188 Mississippi state income tax return and having complied with state
4189 income tax laws and regulations.

4190 (b) Having a parent or guardian who is a domiciliary of
4191 Mississippi.



4192 (c) Graduation from high school within the two (2)
4193 years preceding the application with a minimum cumulative grade
4194 point average of 2.5 calculated on a 4.0 scale.

4195 (d) Successful completion of seventeen and one-half
4196 (17-1/2) units of high school course work (Grade 9 level or
4197 higher) which constitutes a core curriculum and meets standards
4198 for admission to the desired college or university. The core
4199 curriculum is defined as follows:

4200 (i) English I, II, III and IV (four (4) units).

4201 (ii) Algebra I and II (two (2) units).

4202 (iii) Geometry, Trigonometry, Calculus or
4203 comparable Advanced Mathematics (one (1) unit).

4204 (iv) Biology (one (1) unit).

4205 (v) Chemistry (one (1) unit).

4206 (vi) Earth Science, Environmental Science,
4207 Physical Science, Biology II, Chemistry II or Physics (one (1)
4208 unit).

4209 (vii) American History (one (1) unit).

4210 (viii) World History, World Cultures, Western
4211 Civilization or World Geography (one (1) unit).

4212 (ix) Civics and/or Economics (one (1) unit).

4213 (x) Fine Arts Survey (one (1) unit; or substitute
4214 two (2) units of performance courses in music, dance or theater;
4215 or substitute two (2) units of studio art courses).

4216 (xi) Foreign Language (two (2) units in a single
4217 language).

4218 (xii) Computer Science, Computer Literacy or Data
4219 Processing (one-half (1/2) unit).

4220 (xiii) Electives from the above (one (1) unit).

4221 (e) Having a composite score on the American College
4222 Test of at least twenty (20) on the 1989 version or an equivalent
4223 concordant value on an enhanced version of such test.



4224 (f) Having no criminal record, except for misdemeanor
4225 traffic violations.

4226 (g) Being in financial need.

4227 (2) For purposes of this section:

4228 (a) "Institution of higher education" shall mean any of
4229 the following institutions of higher learning or community or
4230 junior colleges located in Mississippi: Alcorn State University,
4231 Delta State University, Jackson State University, Mississippi
4232 State University, Mississippi University for Women, Mississippi
4233 Valley State University, University of Mississippi, University of
4234 Southern Mississippi, Central Mississippi Community College, East
4235 Central Mississippi Community College, * * * Northeast Mississippi
4236 Community College, Northwest Mississippi Community College, South
4237 Mississippi Community College, Southwest Mississippi Community
4238 College, Belhaven College, Blue Mountain College, Millsaps
4239 College, Mississippi College, Rust College, Tougaloo College,
4240 William Carey College, Mary Holmes College, Magnolia Bible College
4241 and Wood College.

4242 (b) "Tuition" shall mean the semester or trimester or
4243 term charges and all required fees imposed by an institution of
4244 higher education as a condition of enrollment by all students.
4245 However, for a two-year nonpublic institution of higher education
4246 defined in paragraph (a), the tuition payments shall not exceed
4247 the average charges and fees required by all of the two-year
4248 public institutions of higher education defined in paragraph (a),
4249 and for a four-year nonpublic institution of higher education
4250 defined in paragraph (a), the tuition payments shall not exceed
4251 the average charges and fees required by all of the four-year
4252 public institutions of higher education defined in paragraph (a).

4253 (3) The tuition at any institution of higher education in
4254 the state shall be paid by the state on behalf of any student who
4255 enrolls in such a school to pursue an academic undergraduate or
4256 associate degree, who applies for the payment thereof, and who



4257 meets the qualifications enumerated in paragraphs (a), (b), (f)
4258 and (g) of subsection (1) but who fails to meet one (1) of the
4259 particular requirements established by paragraph (c), (d) or (e)
4260 of subsection (1) by an amount of ten percent (10%) or less.

4261 (4) To maintain continued state payment of tuition, once
4262 enrolled in an institution of higher education, a student shall
4263 meet all of the following requirements:

4264 (a) Make steady academic progress toward a degree,
4265 earning not less than the minimum number of hours of credit
4266 required for full-time standing in each academic period requiring
4267 such enrollment;

4268 (b) Maintain continuous enrollment for not less than
4269 two (2) semesters or three (3) quarters in each successive
4270 academic year, unless granted an exception for cause by the
4271 administering agency;

4272 (c) Have a cumulative grade point average of at least
4273 2.5 calculated on a 4.0 scale at the end of the first academic
4274 year and thereafter maintain such a cumulative grade point average
4275 as evaluated at the end of each academic year;

4276 (d) Have no criminal record, except for misdemeanor
4277 traffic violations; and

4278 (e) Be found to be in financial need.

4279 (5) The provisions of this chapter shall be administered by
4280 the Board of Trustees of State Institutions of Higher
4281 Learning * * *. The board may provide by rule for all matters
4282 necessary for the implementation of this chapter.

4283 (6) By rule, the board shall provide for:

4284 (a) A mechanism for informing all students of the
4285 availability of the assistance provided pursuant to this chapter
4286 early enough in their schooling that a salutary motivational
4287 effect is possible.



4288 (b) Applications, forms, financial audit procedures,
4289 eligibility and other program audit procedures and other matters
4290 related to efficient operation.

4291 (c) A procedure for waiver through the 1996-1997
4292 academic year of the program eligibility requirement for
4293 successful completion of a specified core curriculum upon proper
4294 documentation by the applicant that failure to comply with such
4295 requirement is due solely to the fact that the required course or
4296 courses were not available to the applicant at the school
4297 attended.

4298 (7) An applicant shall be found to be in financial need if:

4299 (a) The family has one (1) child under the age of
4300 twenty-one (21), and the two-year average annual adjusted gross
4301 income of the family is less than Thirty-six Thousand Five Hundred
4302 Dollars (\$36,500.00); or

4303 (b) The family has a two-year average annual adjusted
4304 gross income of less than Thirty-six Thousand Five Hundred Dollars
4305 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
4306 additional child under the age of twenty-one (21).

4307 The two-year average annual adjusted gross income of the
4308 family shall be verified by Internal Revenue Service returns or by
4309 certified affidavits in cases of income that cannot be verified by
4310 such returns.

4311 As used in this subsection, the term "family" for an
4312 unemancipated applicant means the applicant, the applicant's
4313 parents, and other children under age twenty-one (21) of the
4314 applicant's parents. The term "family" for an emancipated
4315 applicant means the applicant, an applicant's spouse, and any
4316 children under age twenty-one (21) of the applicant and spouse.

4317 (8) An appropriation of funds may annually be made to the
4318 board sufficient to cover, in addition to any other available
4319 funds, the costs of tuition required to be paid, both initial and
4320 continuing, for the coming academic year. All such payments shall



4321 be made directly to the institution to which such tuition is due
4322 after notice to the school that the state shall pay the tuition of
4323 a student and after notice from the school that the student has
4324 actually enrolled.

4325 (9) The board may seek, accept and expend funds from any
4326 source, including private business, industry, foundations and
4327 other groups as well as any federal or other governmental funding
4328 available for this purpose.

4329 (10) No student shall receive a grant pursuant to this
4330 chapter in an amount greater than the tuition charged by the
4331 school. The student must apply for a federal grant prior to
4332 receiving state funds.

4333 SECTION 87. Section 41-87-5, Mississippi Code of 1972, is
4334 amended as follows:

4335 41-87-5. Unless the context requires otherwise, the
4336 following definitions in this section apply throughout this
4337 chapter:

4338 (a) "Eligible infants and toddlers" or "eligible
4339 children" means children from birth through thirty-six (36) months
4340 of age who need early intervention services because they:

4341 (i) Are experiencing developmental delays as
4342 measured by appropriate diagnostic instruments and procedures in
4343 one or more of the following areas:

4344 (A) Cognitive development;

4345 (B) Physical development, including vision or
4346 hearing;

4347 (C) Communication development;

4348 (D) Social or emotional development;

4349 (E) Adaptive development.

4350 (ii) Have a diagnosed physical or mental
4351 condition, as defined in state policy, that has a high probability
4352 of resulting in developmental delay.



4353 (iii) Are at risk of having substantial
4354 developmental delays if early intervention services are not
4355 provided due to conditions as defined in state policy. (This
4356 category may be served at the discretion of the lead agency
4357 contingent upon available resources.)

4358 (b) "Early intervention services" are developmental
4359 services that:

4360 (i) Are provided under public supervision;

4361 (ii) Are provided at no cost except where federal
4362 or state law provides for a system of payments by families,
4363 including a schedule of sliding fees;

4364 (iii) Are designed to meet the developmental needs
4365 of an infant or toddler with a disability in any one or more of
4366 the following areas:

4367 (A) Physical development;

4368 (B) Cognitive development;

4369 (C) Communication development;

4370 (D) Social or emotional development; or

4371 (E) Adaptive development;

4372 (iv) Meet the requirements of Part H of the
4373 Individuals with Disabilities Education Act (IDEA) and the early
4374 intervention standards of the State of Mississippi;

4375 (v) Include, but are not limited to, the following
4376 services:

4377 (A) Assistive technology devices and
4378 assistive technology services;

4379 (B) Audiology;

4380 (C) Family training, counseling and home
4381 visits;

4382 (D) Health services necessary to enable a
4383 child to benefit from other early intervention services;

4384 (E) Medical services only for diagnostic or
4385 evaluation purposes;



4386 (F) Nutrition services;
4387 (G) Occupational therapy;
4388 (H) Physical therapy;
4389 (I) Psychological services;
4390 (J) Service coordination (case management);
4391 (K) Social work services;
4392 (L) Special instruction;
4393 (M) Speech-language pathology;
4394 (N) Transportation and related costs that are
4395 necessary to enable an infant or toddler and her/his family to
4396 receive early intervention services; and

4397 (O) Vision services;

4398 (vi) Are provided by qualified personnel as
4399 determined by the state's personnel standards, including:

4400 (A) Audiologists;
4401 (B) Family therapists;
4402 (C) Nurses;
4403 (D) Nutritionists;
4404 (E) Occupational therapists;
4405 (F) Orientation and mobility specialists;
4406 (G) Pediatricians and other physicians;
4407 (H) Physical therapists;
4408 (I) Psychologists;
4409 (J) Social workers;
4410 (K) Special educators;
4411 (L) Speech and language pathologists;

4412 (vii) Are provided, to the maximum extent
4413 appropriate, in natural environments, including the home, and
4414 community settings in which children without disabilities would
4415 participate;

4416 (viii) Are provided in conformity with an
4417 individualized family service plan.



4418 (c) "Council" means the State Interagency Coordinating
4419 Council established under Section 41-87-7.

4420 (d) "Lead agency" means the State Department of Health.

4421 (e) "Participating agencies" includes, but is not
4422 limited to, the State Department of Education, the Department of
4423 Human Services, the State Department of Health, the Division of
4424 Medicaid, the State Department of Mental Health, the University
4425 Medical Center and the Board of Trustees of State Institutions of
4426 Higher Learning * * *.

4427 (f) "Local community" means a county either jointly,
4428 severally, or a portion thereof, participating in the provision of
4429 early intervention services.

4430 (g) "Primary service agency" means the agency, whether
4431 a state agency, local agency, local interagency council or service
4432 provider which is designated by the lead agency to serve as the
4433 fiscal and contracting agent for a local community.

4434 (h) "Multidisciplinary team" means a group comprised of
4435 the parent(s) or legal guardian and the service providers, as
4436 appropriate, described in paragraph (b) of this section, who are
4437 assembled for the purposes of:

4438 (i) Assessing the developmental needs of an infant
4439 or toddler;

4440 (ii) Developing the individualized family service
4441 plan; and

4442 (iii) Providing the infant or toddler and his or
4443 her family with the appropriate early intervention services as
4444 detailed in the individualized family service plan.

4445 (i) "Individualized family service plan" means a
4446 written plan designed to address the needs of the infant or
4447 toddler and his or her family as specified under Section 41-87-13.

4448 (j) "Early intervention standards" means those
4449 standards established by any agency or agencies statutorily
4450 designated the responsibility to establish standards for infants



4451 and toddlers with disabilities, in coordination with the council
4452 and in accordance with Part H of IDEA.

4453 (k) "Early intervention system" means the total
4454 collaborative effort in the state that is directed at meeting the
4455 needs of eligible children and their families.

4456 (l) "Parent" means a parent, a guardian, a person
4457 acting as a parent of a child, or an appointed surrogate parent.
4458 The term does not include the state if the child is a ward of the
4459 state. When a child is the ward of the state, a Department of
4460 Human Services representative will act as parent for purposes of
4461 service authorization.

4462 (m) "Policies" means the state statutes, regulations,
4463 Governor's orders, directives by the lead agency, or other written
4464 documents that represent the state's position concerning any
4465 matter covered under this chapter.

4466 (n) "Regulations" means the United States Department of
4467 Education's regulations concerning the governance and
4468 implementation of Part H of IDEA, the Early Intervention Program
4469 for Infants and Toddlers with Disabilities.

4470 SECTION 88. Section 43-1-30, Mississippi Code of 1972, is
4471 amended as follows:

4472 43-1-30. (1) There is hereby created the Mississippi TANF
4473 Implementation Council. It shall serve as the independent, single
4474 state advisory and review council for assuring Mississippi's
4475 compliance with the federal Personal Responsibility and Work
4476 Opportunity Reconciliation Act of 1996 (Public Law 104-193), as
4477 amended. The council shall further cooperation between
4478 government, education and the private sector in meeting the needs
4479 of the TANF program. It shall also further cooperation between
4480 the business and labor communities, education and training
4481 delivery systems, and between businesses in developing highly
4482 skilled workers for high skill, high paying jobs in Mississippi.



4483 (2) The council shall be comprised of thirteen (13) public
4484 members and certain ex officio nonvoting members. All public
4485 members of the council shall be appointed as follows by the
4486 Governor:

4487 Ten (10) members shall be representatives from business and
4488 industry, provided that no fewer than five (5) members are from
4489 the manufacturing and industry sector who are also serving as
4490 members of private industry councils established within the state,
4491 and one (1) member may be a representative of a nonprofit
4492 organization. Three (3) members shall be recipients or former
4493 recipients of TANF assistance appointed from the state at large.

4494 The ex officio nonvoting members of the council shall consist
4495 of the following, or their designees:

4496 (a) The Executive Director of the Mississippi
4497 Department of Human Services;

4498 (b) The Executive Director of the Mississippi
4499 Employment Security Commission;

4500 (c) The Executive Director of the Mississippi
4501 Department of Economic and Community Development;

4502 (d) The State Superintendent of Public Education;

4503 (e) The Commissioner of Higher Education;

4504 (f) The Executive Director of the Division of Medicaid;

4505 (g) The Commissioner of the Mississippi Department of
4506 Corrections; and

4507 (h) The Director of the Mississippi Cooperative
4508 Extension Service.

4509 (3) The Governor shall designate one (1) public member to
4510 serve as chairman of the council for a term of two (2) years and
4511 until a successor as chairman is appointed and qualified.

4512 (4) The term of office for public members appointed by the
4513 Governor shall be four (4) years and until their successors are
4514 appointed and qualified.



4515 (5) Any vacancy shall be filled for the unexpired term by
4516 the Governor in the manner of the original appointment, unless
4517 otherwise specified in this section.

4518 (6) Public members shall receive a per diem as authorized in
4519 Section 25-3-69, for each day actually engaged in meetings of the
4520 council, and shall be reimbursed for mileage and necessary
4521 expenses incurred in the performance of their duties, as provided
4522 in Section 25-3-41.

4523 (7) The council shall:

4524 (a) Annually review and recommend policies and programs
4525 to the Governor and the Legislature that will implement and meet
4526 federal requirements under the TANF program.

4527 (b) Annually review and recommend policies and programs
4528 to the Governor and to the Legislature that will enable citizens
4529 of Mississippi to acquire the skills necessary to maximize their
4530 economic self-sufficiency.

4531 (c) Review the provision of services and the use of
4532 funds and resources under the TANF program, and under all
4533 state-financed job training and job retraining programs, and
4534 advise the Governor and the Legislature on methods of coordinating
4535 such provision of services and use of funds and resources
4536 consistent with the laws and regulations governing such programs.

4537 (d) Assist in developing outcome and output measures to
4538 measure the success of the Department of Human Services' efforts
4539 in implementing the TANF program. These recommendations shall be
4540 made to the Department of Human Services at such times as required
4541 in the event that the department implements new programs to comply
4542 with the TANF program requirements.

4543 (e) Collaborate with the Department of Economic and
4544 Community development, local planning and development districts
4545 and local industrial development boards, and shall develop an
4546 economic development plan for the creation of manufacturing jobs
4547 in each of the counties in the state that has an unemployment rate



4548 of ten percent (10%) or more, which shall include, but not be
4549 limited to, procedures for business development, entrepreneurship
4550 and financial and technical assistance.

4551 (8) A majority of the members of the council shall
4552 constitute a quorum for the conduct of meetings and all actions of
4553 the council shall be by a majority of the members present at a
4554 meeting.

4555 (9) The council shall adopt rules and regulations as it
4556 deems necessary to carry out its responsibilities under this
4557 section and under applicable federal human resources programs.

4558 (10) The council may make and enter into contracts and
4559 interagency agreements as may be necessary and proper.

4560 (11) The council is authorized to commit and expend monies
4561 appropriated to it by the Legislature for its authorized purposes.
4562 The council is authorized to solicit, accept and expend public and
4563 private gifts, grants, awards and contributions related to
4564 furtherance of its statutory duties.

4565 (12) Funds for the operations of the council shall be
4566 derived from federal funds for the operation of state councils
4567 pursuant to applicable federal human resources programs and from
4568 such other monies appropriated to it by the Legislature.

4569 SECTION 89. Section 45-4-3, Mississippi Code of 1972, is
4570 amended as follows:

4571 45-4-3. (1) There is hereby created the Board on Jail
4572 Officer Standards and Training, which shall consist of nine (9)
4573 members.

4574 (2) The members shall be appointed as follows:

4575 (a) Two (2) members to be appointed by the Mississippi
4576 Association of Supervisors.

4577 (b) Three (3) members to be appointed by the
4578 Mississippi Association of Sheriffs.

4579 (c) One (1) member to be appointed by the Board of
4580 Trustees of State Institutions of Higher Learning.



4581 (d) One (1) member to be appointed by the Governor.

4582 (e) One (1) member to be appointed by the Mississippi
4583 Association of Chiefs of Police.

4584 (f) One (1) member to be appointed by the Mississippi
4585 Municipal League.

4586 The initial appointments to the board shall be made no later
4587 than twenty (20) days after July 1, 1999, as follows:

4588 The Mississippi Association of Supervisors shall appoint one
4589 (1) member for a term of one (1) year and one (1) member for a
4590 term of three (3) years.

4591 The Mississippi Association of Sheriffs shall appoint one (1)
4592 member for a term of one (1) year, one (1) member for a term of
4593 two (2) years and one (1) member for a term of three (3) years.

4594 The Board of Trustees of State Institutions of Higher
4595 Learning shall appoint one (1) member for a term of two (2) years.

4596 The Governor shall appoint one (1) member for a term of two
4597 (2) years.

4598 The Mississippi Association of Chiefs of Police shall appoint
4599 one (1) member for a term of two (2) years not later than twenty
4600 (20) days after July 1, 2000.

4601 The Mississippi Municipal League shall appoint one (1) member
4602 for a term of two (2) years not later than twenty (20) days after
4603 July 1, 2000.

4604 Upon the expiration of the terms of the initial appointees to
4605 the board, each subsequent appointment shall be made for a term of
4606 three (3) years, beginning on the date of the expiration of the
4607 previous term. A vacancy in any appointed position on the board
4608 prior to the expiration of a term shall be filled by appointment
4609 for the balance of the unexpired term.

4610 (3) Members of the board shall serve without compensation,
4611 but shall be entitled to receive reimbursement for any actual and
4612 reasonable expenses incurred as a necessary incident to such



4613 service, including mileage, as provided in Section 25-3-41,
4614 Mississippi Code of 1972.

4615 (4) There shall be a chairman and a vice chairman of the
4616 board, elected by and from the membership of the board. The board
4617 shall adopt rules and regulations governing times and places for
4618 meetings and governing the manner of conducting its business, but
4619 the board shall meet at least every three (3) months. Any member
4620 who is absent for three (3) consecutive regular meetings of the
4621 board may be removed by a majority vote of the board.

4622 (5) The Governor shall call an organizational meeting of the
4623 board not later than thirty (30) days after July 1, 1999.

4624 (6) The board shall report annually to the Governor and the
4625 Legislature on its activities, and may make such other reports as
4626 it deems desirable.

4627 SECTION 90. Section 53-3-51, Mississippi Code of 1972, is
4628 amended as follows:

4629 53-3-51. (1) The Mississippi Commission on Environmental
4630 Quality, the county boards of supervisors, the mayors and boards
4631 of aldermen, the mayor and councilmen, the trustees of
4632 agricultural high schools * * *, the trustees of any common school
4633 districts, consolidated school districts, special consolidated
4634 school districts and separate school districts, and all other
4635 state boards, state officers, state agents, and the boards and
4636 officers of all political subdivisions of the State of
4637 Mississippi, who manage and control mineral and royalty interests,
4638 and are authorized by law to execute oil, gas or mineral leases
4639 thereon, are hereby authorized and empowered to execute, on behalf
4640 of the state or of such political, municipal, or other subdivision
4641 or agency thereof, agreements covering any lease or leases now in
4642 effect or which may hereafter be granted, and the mineral and
4643 royalty interests thereunder, for establishing and carrying out
4644 the cooperative development and operation of common accumulations
4645 of oil and gas, or both, in all or any portion of a field or area



4646 which appears from geological or other data to contain such common
4647 accumulations of oil or gas, or both, including the right and
4648 power to pool, consolidate and unitize the land covered by any
4649 lease or leases, now in effect or which may hereafter be granted,
4650 in its entirety or as to any stratum or strata or any portion or
4651 portions thereof, with other lands and leases in the immediate
4652 vicinity thereof, for the purpose of joint development and
4653 operation of the entire consolidated premises as a unit. Such
4654 agreements include, but are not limited to, all types of secondary
4655 recovery methods and operations, and operations known as cycling,
4656 recycling, pressure maintenance, repressuring, and water flooding,
4657 and the storage, processing and marketing of gas and all
4658 by-products of such operations.

4659 (2) When any mineral or royalty interest belonging to the
4660 state, or to any political subdivision or agency thereof, is
4661 included within the provisions of such unitization or other
4662 agreement, as authorized in subsection (1) hereof, the oil, gas
4663 and mineral lease on such interest shall be considered to be
4664 amended thereby to conform to such agreement, and such lease shall
4665 not terminate as long as the agreement continues in force. No
4666 such agreement shall provide for the payment of royalty on any
4667 basis which is less favorable to the state, or any such
4668 subdivision thereof, than the basis on which royalty is computed
4669 to other royalty owners.

4670 (3) The agreements herein authorized as to field-wide
4671 unitization shall not become effective until approved by the State
4672 Oil and Gas Board by an order duly entered on the minutes of said
4673 board, and when so approved shall become fully valid and binding.

4674 (4) The provisions of this section shall be cumulative of
4675 other existing laws not in conflict herewith.

4676 SECTION 91. Section 57-73-25, Mississippi Code of 1972, is
4677 amended as follows:



4678 57-73-25. (1) A fifty percent (50%) income tax credit shall
4679 be granted to any employer (as defined in subsection (4) of this
4680 section) sponsoring basic skills training. The fifty percent
4681 (50%) credit shall be granted to employers that participate in
4682 employer-sponsored retraining programs through any community * * *
4683 college in the district within which the employer is located or
4684 training approved by such community * * * college. The retraining
4685 must be designed to increase opportunities for employee
4686 advancement or retention with the employer. The credit is applied
4687 to qualified training or retraining expenses, which are expenses
4688 related to instructors, instructional materials and equipment, and
4689 the construction and maintenance of facilities by such employer
4690 designated for training purposes which is attributable to training
4691 or retraining provided through such community * * * college or
4692 training approved by such community * * * college. The credits
4693 allowed under this section shall only be used by the actual
4694 employer qualifying for the credits. The credit shall not exceed
4695 fifty percent (50%) of the income tax liability in a tax year and
4696 may be carried forward for the five (5) successive years if the
4697 amount allowable as credit exceeds the income tax liability in a
4698 tax year; however, thereafter, if the amount allowable as a credit
4699 exceeds the tax liability, the amount of excess shall not be
4700 refundable or carried forward to any other taxable year. The
4701 credit authorized under this section shall not exceed Two Thousand
4702 Five Hundred Dollars (\$2,500.00), in the aggregate, per employee,
4703 over a three-year period. Nothing in this section shall be
4704 interpreted in any manner as to prevent the continuing operation
4705 of state-supported university programs.

4706 (2) Employer-sponsored training shall include an evaluation
4707 by the local community * * * college that serves the employer to
4708 ensure that the training provided is job related and conforms to
4709 the definitions of "basic skills training" and "retraining
4710 programs" as hereinafter defined.



4711 (3) Employers shall be certified as eligible for the tax
4712 credit by the local community * * * college that serves the
4713 employer and the State Tax Commission.

4714 (4) For the purposes of this section:

4715 (a) "Basic skills training" means any
4716 employer-sponsored training by an appropriate community * * *
4717 college or training approved by such community * * * college that
4718 enhances reading, writing or math skills, up to the twelfth grade
4719 level, of employees who are unable to function effectively on the
4720 job due to deficiencies in these areas or who would be displaced
4721 because such skill deficiencies will inhibit their training for
4722 new technology.

4723 (b) "Retraining programs" means employer-sponsored
4724 training by an appropriate community * * * college or training
4725 approved by such community * * * college for hourly paid employees
4726 that have been employed a minimum of one (1) year with the
4727 employer applying the tax credit that, upon successful completion,
4728 increases the employee's opportunity for consideration for
4729 promotion or retention with the employer.

4730 (c) "Employer-sponsored training" means training
4731 purchased by the employer from an appropriate community * * *
4732 college in the district within which the employer is located or
4733 training approved by such community * * * college.

4734 (d) "Employer" means those permanent business
4735 enterprises as defined and set out in Section 57-73-21(2), (3),
4736 (4) and (5).

4737 (5) The tax credits provided for in this section shall be in
4738 addition to all other tax credits heretofore granted by the laws
4739 of the state.

4740 (6) A community * * * college may commit to provide
4741 employer-sponsored basic skills training or retraining programs
4742 for an employer for a multiple number of years, not to exceed five
4743 (5) years.



4744 (7) The Board of Trustees of State Institutions of Higher
4745 Learning shall make a report to the Legislature by January 30 of
4746 each year summarizing the number of participants, the * * *
4747 community college through which the training was offered and the
4748 type training offered.

4749 (8) This section shall stand repealed from and after July 1,
4750 2002.

4751 SECTION 92. Section 69-2-5, Mississippi Code of 1972, is
4752 amended as follows:

4753 69-2-5. (1) The Mississippi Cooperative Extension Service
4754 shall act as a clearinghouse for the dissemination of information
4755 regarding programs and services which may be available to help
4756 those persons and businesses which have been adversely affected by
4757 the present emergency in the agricultural community. The
4758 Cooperative Extension Service shall develop a plan of assistance
4759 which shall identify all programs and services available within
4760 the state which can be of assistance to those affected by the
4761 present emergency. The Department of Agriculture and Commerce,
4762 the Department of finance and Administration, Department of Human
4763 Services, Department of Mental Health, State Board of Health,
4764 Board of Trustees of State Institutions of Higher Learning,
4765 University Research * * * Center, Department of Economic and
4766 Community Development, Employment Security Commission, State Board
4767 of * * * Education, Mississippi Authority for Educational
4768 Television, and other agencies of the state which have programs
4769 and services that can be of assistance to those affected by the
4770 present emergency, shall provide information regarding their
4771 programs and services to the Cooperative Extension Service for use
4772 in the clearinghouse. The types of programs and services shall
4773 include but not be limited to financial counseling, farm and small
4774 business management, employment services, labor market
4775 information, job re-training, vocational and technical training,
4776 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 (2) The Cooperative Extension Service may accept monetary or
4790 in-kind contributions, gifts and grants for the establishment or
4791 operation of the clearinghouse.

4792 (3) The Cooperative Extension Service shall establish a
4793 method for the dissemination of information to those who can be
4794 benefited by the existing programs and services of the state.

4795 (4) The Cooperative Extension Service shall file an annual
4796 report with the Governor, Lieutenant Governor and Speaker of the
4797 House of Representatives regarding the efforts which have been
4798 made in the clearinghouse operation. The report shall also
4799 recommend any additional measures, including legislation, which
4800 may be needed or desired in providing programs and benefits to
4801 those affected by the agricultural emergency.

4802 SECTION 93. Section 75-59-1, Mississippi Code of 1972, is
4803 amended as follows:

4804 75-59-1. No person, firm or corporation shall contract to
4805 furnish correspondence courses to persons within the state unless
4806 such person, firm or corporation shall have obtained a permit from
4807 the Office of the Secretary of State, either (a) the State
4808 Department of Education * * * or (b) the Board of Trustees of
4809 State Institutions of Higher Learning, whichever is appropriate,



4810 and the Office of the Attorney General. An application for a
4811 permit shall be made on forms furnished by the Secretary of State,
4812 the State Department of Education * * * or the Board of Trustees
4813 of Institutions of Higher Learning, as the case may be, and the
4814 Attorney General and such application shall designate an agent for
4815 the service of summons within the state; shall contain the name
4816 and address of the applicant; the type of courses offered with a
4817 brief summary of the course of studies offered; and one (1) copy
4818 of all textbooks or other teaching aids and training materials
4819 which are incorporated in the course of study shall be filed with
4820 said application. The applicant shall pay the secretary of state
4821 a fee of Two Hundred Fifty Dollars (\$250.00). The applicant shall
4822 file a bond with his application in the sum of Fifty Thousand
4823 Dollars (\$50,000.00) conditioned to satisfy any judgment rendered
4824 by a court of competent jurisdiction, in favor of any person who
4825 has sustained damages as a result of the breach of a contract of
4826 instruction by the permittee. Such bond shall be executed by the
4827 permittee and a resident surety company qualified to transact
4828 business within the state. Such permit shall be valid for one (1)
4829 year from the date thereof. Suits against the permittee and his
4830 surety may be brought in the county where the plaintiff resides,
4831 or the county where the defendant has his principal place of
4832 business, or where his resident agent resides. This chapter shall
4833 not apply to any business school or business college holding a
4834 current certificate or license issued under the applicable law of
4835 this state. In addition, this chapter shall not apply to
4836 religious instructions offered by a recognized church
4837 denomination; provided, however, that no fee or charge of any kind
4838 whatever may be levied or collected directly or indirectly for
4839 such instructions or certificates issued in connection therewith
4840 or incidental thereto. No person shall be granted a permit unless
4841 he is an individual of good moral character.



4842 SECTION 94. Section 75-60-3, Mississippi Code of 1972, is
4843 amended as follows:

4844 75-60-3. As used in this chapter:

4845 (a) "Course of instruction" means the offering of
4846 instruction to individuals for a charge, fee or contribution of
4847 any kind, to a person or persons for the purpose of training or
4848 preparing such person(s) for a field of endeavor in a business,
4849 trade, technical or industrial occupation.

4850 (b) "Program of study" means a curriculum or set of
4851 individual courses in a particular area of specialization for
4852 which a diploma, degree, certificate or other written evidence of
4853 proficiency of achievement is offered or awarded.

4854 (c) "Agent" means any individual who solicits
4855 prospective students in Mississippi to enroll for a fee in a
4856 course of instruction.

4857 (d) "Person" means an individual, corporation,
4858 partnership, association or any other type of organization.

4859 (e) "Board" means the * * * Board of Trustees of State
4860 Institutions of Higher Learning.

4861 (f) "Commission" means the Commission on Proprietary
4862 School and College Registration established under this chapter.

4863 SECTION 95. Section 75-60-4, Mississippi Code of 1972, is
4864 amended as follows:

4865 75-60-4. (1) The * * * Board of Trustees of State
4866 Institutions of Higher Learning shall appoint a "Commission on
4867 Proprietary School and College Registration" to be composed of
4868 five (5) qualified members, one (1) appointed from each of the
4869 five (5) Mississippi congressional districts existing on January
4870 1, 1992. The membership of said commission shall be composed of
4871 persons who have held a teaching, managerial or other similar
4872 position with any public, private, trade, technical or other
4873 school; provided, however, that one (1) member of the commission
4874 shall be actively engaged in teaching, managerial or other similar



4875 position with a privately owned trade, technical or other school.
4876 The membership of said commission shall be appointed by the board
4877 of trustees within ninety (90) days of the passage of this
4878 chapter. In making the first appointments, two (2) members shall
4879 be appointed for three (3) years, two (2) members for four (4)
4880 years, and one (1) member for five (5) years. Thereafter, all
4881 members shall be appointed for a term of five (5) years. If one
4882 (1) of the members appointed by the board of trustees resigns or
4883 is otherwise unable to serve, a new member shall be appointed by
4884 the commission to fill the unexpired term. All five (5) members
4885 of the commission have full voting rights. The members shall not
4886 be paid for their services, but may be compensated for the
4887 expenses necessarily incurred in the attendance at meetings or in
4888 performing other services for the commission at a rate prescribed
4889 under Section 25-3-69, plus actual expenses and mileage as
4890 provided by Section 25-3-41. Members of the commission shall
4891 annually elect a chairman from among its members.

4892 (2) The * * * Board of Trustees of State Institutions of
4893 Higher Learning shall appoint such staff as may be required for
4894 the performance of the commission's duties and provide necessary
4895 facilities.

4896 (3) It shall be the purpose of the Commission on Proprietary
4897 School and College Registration to establish and implement the
4898 registration program as provided in this chapter. All
4899 controversies involving the registration of such schools shall be
4900 initially heard by a duly authorized hearing officer of the
4901 commission before whom a complete record shall be made. After the
4902 conclusion of the hearing, the duly authorized hearing officer of
4903 the commission shall make a recommendation to the commission as to
4904 the resolution of the controversies, and the commission, after
4905 considering the transcribed record and the recommendation of its
4906 hearing officer, shall make its decision which becomes final
4907 unless the school or college or other person involved shall appeal



4908 to the * * * Board of Trustees of State Institutions of Higher
4909 Learning, which appeal shall be on the record previously made
4910 before the commission's hearing officer except as may be provided
4911 by rules and regulations adopted by the * * * Board of Trustees of
4912 State Institutions of Higher Learning. All appeals from the * * *
4913 Board of Trustees of State Institutions of Higher Learning shall
4914 be on the record and shall be filed in the Chancery Court of the
4915 First Judicial District of Hinds County, Mississippi.

4916 SECTION 96. Section 75-60-5, Mississippi Code of 1972, is
4917 amended as follows:

4918 75-60-5. The provisions of this chapter do not apply to the
4919 following categories of courses, schools or colleges:

4920 (a) Tuition-free courses or schools conducted by
4921 employers exclusively for their own employees;

4922 (b) Schools, colleges, technical institutes, community
4923 colleges, junior colleges or universities under the jurisdiction
4924 of the Board of Trustees of State Institutions of Higher
4925 Learning * * *;

4926 (c) Schools or courses of instruction under the
4927 jurisdiction of the State Board of Cosmetology or State Board of
4928 Barber Examiners;

4929 (d) Courses of instruction required by law to be
4930 approved or licensed, or given by institutions approved or
4931 licensed, by a state board or agency other than the Commission on
4932 Proprietary School and College Registration; however, a school so
4933 approved or licensed may apply to the Commission on Proprietary
4934 School and College Registration for a certificate of registration
4935 to be issued in accordance with the provisions of this chapter;

4936 (e) Correspondence courses;

4937 (f) Nonprofit private schools offering academic credits
4938 at primary or secondary levels, or conducting classes for
4939 exceptional education as defined by regulations of the State
4940 Department of Education;



4941 (g) Private nonprofit colleges and universities or any
4942 private school offering academic credits at primary, secondary or
4943 postsecondary levels;

4944 (h) Courses of instruction conducted by a public school
4945 district or a combination of public school districts;

4946 (i) Courses of instruction conducted outside the United
4947 States;

4948 (j) A school which offers only instruction in subjects
4949 which the Commission on Proprietary School and College
4950 Registration determines are primarily for avocational, personal
4951 improvement or cultural purposes and which does not represent to
4952 the public that its course of study or instruction will or may
4953 produce income for those who take such study or instruction;

4954 (k) Courses conducted primarily on an individual
4955 tutorial basis, where not more than one (1) student is involved at
4956 any one (1) time, except in those instances where the Commission
4957 on Proprietary School and College Registration determines that the
4958 course is for the purpose of preparing for a vocational objective;

4959 (l) Kindergartens or similar programs for preschool-age
4960 children.

4961 SECTION 97. Section 75-60-19, Mississippi Code of 1972, is
4962 amended as follows:

4963 75-60-19. (1) The Commission on Proprietary School and
4964 College Registration may suspend, revoke or cancel a certificate
4965 of registration for any one (1) or any combination of the
4966 following causes:

4967 (a) Violation of any provision of the sections of this
4968 chapter or any regulation made by the commission;

4969 (b) The furnishing of false, misleading or incomplete
4970 information requested by the commission;

4971 (c) The signing of an application or the holding of a
4972 certificate of registration by a person who has pleaded guilty or



4973 has been found guilty of a felony or has pleaded guilty or been
4974 found guilty of any other indictable offense;

4975 (d) The signing of an application or the holding of a
4976 certificate of registration by a person who is addicted to the use
4977 of any narcotic drug, or who is found to be mentally incompetent;

4978 (e) Violation of any commitment made in an application
4979 for a certificate of registration;

4980 (f) Presentation to prospective students of misleading,
4981 false or fraudulent information relating to the course of
4982 instruction, employment opportunity, or opportunities for
4983 enrollment in accredited institutions of higher education after
4984 entering or completing courses offered by the holder of a
4985 certificate of registration;

4986 (g) Failure to provide or maintain premises or
4987 equipment for offering courses of instruction in a safe and
4988 sanitary condition;

4989 (h) Refusal by an agent to display his agent's
4990 certificate of registration upon demand of a prospective student
4991 or other interested person;

4992 (i) Failure to maintain financial resources adequate
4993 for the satisfactory conduct of courses of study as presented in
4994 the plan of operation or to retain a sufficient number and
4995 qualified staff of instruction; however nothing in this chapter
4996 shall require an instructor to be certificated by the Commission
4997 on Proprietary School and College Registration or to hold any type
4998 of post-high school degree;

4999 (j) Offering training or courses of instruction other
5000 than those presented in the application; however, schools may
5001 offer special courses adapted to the needs of individual students
5002 where the special courses are in the subject field specified in
5003 the application;

5004 (k) Accepting the services of an agent not licensed in
5005 accordance with Sections 75-60-23 through 75-60-37, inclusive;



5006 (1) Conviction or a plea of nolo contendere on the part
5007 of any owner, operator or director of a registered school of any
5008 felony under Mississippi law or the law of another jurisdiction;

5009 (m) Continued employment of a teacher or instructor who
5010 has been convicted of or entered a plea of nolo contendere to any
5011 felony under Mississippi law or the law of another jurisdiction;

5012 (n) Incompetence of any owner or operator to operate a
5013 school.

5014 (2) (a) Any person who believes he has been aggrieved by a
5015 violation of this section shall have the right to file a written
5016 complaint within two (2) years of the alleged violation. The
5017 commission shall maintain a written record of each complaint that
5018 is made. The commission shall also send to the complainant a form
5019 acknowledging the complaint and requesting further information if
5020 necessary and shall advise the director of the school that a
5021 complaint has been made and, where appropriate, the nature of the
5022 complaint.

5023 (b) The commission shall within twenty (20) days of
5024 receipt of such written complaint commence an investigation of the
5025 alleged violation and shall, within ninety (90) days of the
5026 receipt of such written complaint, issue a written finding. The
5027 commission shall furnish such findings to the person who filed the
5028 complaint and to the chief operating officer of the school cited
5029 in the complaint. If the commission finds that there has been a
5030 violation of this section, the commission shall take appropriate
5031 action.

5032 (c) The commission may initiate an investigation
5033 without a complaint.

5034 (3) **Hearing procedures.** (a) Upon a finding that there is
5035 good cause to believe that a school, or an officer, agent,
5036 employee, partner or teacher, has committed a violation of
5037 subsection (1) of this section, the commission shall initiate
5038 proceedings by serving a notice of hearing upon each and every



5039 such party subject to the administrative action. The school or
5040 such party shall be given reasonable notice of hearing, including
5041 the time, place and nature of the hearing and a statement
5042 sufficiently particular to give notice of the transactions or
5043 occurrences intended to be proved, the material elements of each
5044 cause of action and the civil penalties and/or administrative
5045 sanctions sought.

5046 (b) Opportunity shall be afforded to the party to
5047 respond and present evidence and argument on the issues involved
5048 in the hearing including the right of cross-examination. In a
5049 hearing, the school or such party shall be accorded the right to
5050 have its representative appear in person or by or with counsel or
5051 other representative. Disposition may be made in any hearing by
5052 stipulation, agreed settlement, consent order, default or other
5053 informal method.

5054 (c) The commission shall designate an impartial hearing
5055 officer to conduct the hearing, who shall be empowered to:

5056 (i) Administer oaths and affirmations; and

5057 (ii) Regulate the course of the hearings, set the
5058 time and place for continued hearings, and fix the time for filing
5059 of briefs and other documents; and

5060 (iii) Direct the school or such party to appear
5061 and confer to consider the simplification of the issues by
5062 consent; and

5063 (iv) Grant a request for an adjournment of the
5064 hearing only upon good cause shown.

5065 The strict legal rules of evidence shall not apply, but the
5066 decision shall be supported by substantial evidence in the record.

5067 (4) The commission, acting by and through its hearing
5068 officer, is hereby authorized and empowered to issue subpoenas for
5069 the attendance of witnesses and the production of books and papers
5070 at such hearing. Process issued by the commission shall extend to
5071 all parts of the state and shall be served by any person



5072 designated by the commission for such service. Where, in any
5073 proceeding before the hearing officer, any witness fails or
5074 refuses to attend upon a subpoena issued by the commission,
5075 refuses to testify, or refuses to produce any books and papers the
5076 production of which is called for by a subpoena, the attendance of
5077 such witness, the giving of his testimony or the production of the
5078 books and papers shall be enforced by any court of competent
5079 jurisdiction of this state in the manner provided for the
5080 enforcement of attendance and testimony of witnesses in civil
5081 cases in the courts of this state.

5082 (5) **Decision after hearing.** The hearing officer shall make
5083 written findings of fact and conclusions of law, and shall also
5084 recommend in writing to the commission a final decision, including
5085 penalties. The hearing officer shall mail a copy of his findings
5086 of fact, conclusions of law and recommended penalty to the party
5087 and his attorney, or representative. The commission shall make
5088 the final decision, which shall be based exclusively on evidence
5089 and other materials introduced at the hearing. If it is
5090 determined that a party has committed a violation, the commission
5091 shall issue a final order and shall impose penalties in accordance
5092 with this section. The commission shall send by certified mail,
5093 return receipt requested, a copy of the final order to the party
5094 and his attorney, or representative. The commission shall, at the
5095 request of the school or such party, furnish a copy of the
5096 transcript or any part thereof upon payment of the cost thereof.

5097 (6) **Civil penalties and administrative sanctions.** (a) A
5098 hearing officer may recommend, and the commission may impose, a
5099 civil penalty not to exceed Two Thousand Five Hundred Dollars
5100 (\$2,500.00) for any violation of this section. In the case of a
5101 second or further violation committed within the previous five (5)
5102 years, the liability shall be a civil penalty not to exceed Five
5103 Thousand Dollars (\$5,000.00) for each such violation.



5104 (b) Notwithstanding the provisions of paragraph (a) of
5105 this subsection, a hearing officer may recommend and the
5106 commission may impose a civil penalty not to exceed Twenty-five
5107 Thousand Dollars (\$25,000.00) for any of the following violations:
5108 (i) operation of a school without a registration in violation of
5109 this chapter; (ii) operation of a school knowing that the school's
5110 registration has been suspended or revoked; (iii) use of false,
5111 misleading, deceptive or fraudulent advertising; (iv) employment
5112 of recruiters on the basis of a commission, bonus or quota, except
5113 as authorized by the commission; (v) directing or authorizing
5114 recruiters to offer guarantees of jobs upon completion of a
5115 course; (vi) failure to make a tuition refund when such failure is
5116 part of a pattern of misconduct; or (vii) violation of any other
5117 provision of this chapter, or any rule or regulation promulgated
5118 pursuant thereto, when such violation constitutes part of a
5119 pattern of misconduct which significantly impairs the educational
5120 quality of the program or programs being offered by the school.
5121 For each enumerated offense, a second or further violation
5122 committed within the previous five (5) years shall be subject to a
5123 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
5124 for each such violation.

5125 (c) In addition to the penalties authorized in
5126 paragraphs (a) and (b) of this subsection, a hearing officer may
5127 recommend and the commission may impose any of the following
5128 administrative sanctions: (i) a cease and desist order; (ii) a
5129 mandatory direction; (iii) a suspension or revocation of a
5130 certificate of registration; (iv) a probation order; or (v) an
5131 order of restitution.

5132 (d) The commission may suspend a registration upon the
5133 failure of a school to pay any fee, fine or penalty as required by
5134 this chapter unless such failure is determined by the commission
5135 to be for good cause.



5136 (e) All civil penalties, fines and settlements received
5137 shall accrue to the credit of the State General Fund.

5138 (7) Any penalty or administrative sanction imposed by the
5139 commission under this section may be appealed by the school,
5140 college or other person affected to the * * * Board of Trustees of
5141 State Institutions of Higher Learning as provided in Section
5142 75-60-4(3), which appeal shall be on the record previously made
5143 before the commission's hearing officer. All appeals from
5144 the * * * Board of Trustees of State Institutions of Higher
5145 Learning shall be on the record and shall be filed in the Chancery
5146 Court of the First Judicial District of Hinds County, Mississippi.

5147 SECTION 98. Section 75-60-43, Mississippi Code of 1972, is
5148 amended as follows:

5149 75-60-43. The State Department of Education shall supply to
5150 the * * * Board of Trustees of State Institutions of Higher
5151 Learning all records, regulations and forms relating to
5152 proprietary school and college registration. All certificates and
5153 permits for proprietary schools and colleges issued by the State
5154 Department of Education shall be valid until their normal
5155 expiration dates unless suspended or revoked for cause.

5156 SECTION 99. Section 37-4-4, Mississippi Code of 1972, which
5157 requires the Commissioner of Higher Education to attend meetings
5158 of the State Board for Community and Junior Colleges, is repealed.
5159 Section 37-4-5, Mississippi Code of 1972, which provides for the
5160 meaning of the term "Junior College Commission," and Section
5161 37-4-7, Mississippi Code of 1972, which requires the State Board
5162 for Community and Junior Colleges to study the feasibility of
5163 implementing a uniform state employment contract, are repealed.

5164 SECTION 100. Sections 37-29-37 and 37-29-39, Mississippi
5165 Code of 1972, which expressly provide for the continuation of
5166 certain junior college districts, are repealed.

5167 SECTION 101. Sections 37-29-65 and 37-29-67, Mississippi
5168 Code of 1972, which provide for the selection of the trustees of



5169 the community and junior college districts and establish the
5170 general powers and duties of such boards of trustees, are
5171 repealed.

5172 SECTION 102. Section 37-29-81, Mississippi Code of 1972,
5173 which authorizes community and junior college districts, in the
5174 discretion of the board of trustees, to charge tuition and fees,
5175 is repealed.

5176 SECTION 103. Sections 37-29-101, 37-29-103, 37-29-105,
5177 37-29-107, 37-29-109, 37-29-111, 37-29-113, 37-29-115, 37-29-117,
5178 37-29-119, 37-29-121, 37-29-123, 37-29-125 and 37-29-127,
5179 Mississippi Code of 1972, which authorize the boards of trustees
5180 of community and junior college districts to borrow money and
5181 establish procedures for such borrowing, are repealed.

5182 SECTION 104. Section 37-29-143, Mississippi Code of 1972,
5183 which provides for the receipt and expenditure of tax revenues by
5184 the community and junior college districts, is repealed.

5185 SECTION 105. Section 37-29-177, Mississippi Code of 1972,
5186 which prohibits a community or junior college district from
5187 charging out-of-district students a greater fee for specialized
5188 programs in vocational education which are unavailable to the
5189 students in their home district, is repealed.

5190 SECTION 106. Sections 37-29-211, 37-29-213, 37-29-215 and
5191 37-29-217, Mississippi Code of 1972, which require community
5192 college faculty members to file an affidavit as to membership in
5193 organizations as a condition for employment, are repealed.

5194 SECTION 107. Section 37-29-263, Mississippi Code of 1972,
5195 which authorizes the community and junior colleges to use any
5196 available funds to defray the cost of electronic data processing
5197 equipment, is repealed.

5198 SECTION 108. Section 37-29-273, Mississippi Code of 1972,
5199 which authorizes the attendance of pupils in a county school
5200 district at a municipal junior college in such county, is
5201 repealed.



5202 SECTION 109. Sections 37-29-401, 37-29-403, 37-29-405,
5203 37-29-407, 37-29-409, 37-29-411, 37-29-413, 37-29-415, 37-29-417,
5204 37-29-419, 37-29-421, 37-29-423, 37-29-425, 37-29-427, 37-29-429,
5205 37-29-431, 37-29-433, 37-29-435 and 37-29-437, Mississippi Code of
5206 1972, which provide for the establishment and operation of the
5207 Mississippi Gulf Coast Junior College District, are repealed.

5208 SECTION 110. Sections 37-29-451, 37-29-453, 37-29-455,
5209 37-29-457, 37-29-459, 37-29-461, 37-29-463, 37-29-465, 37-29-467,
5210 37-29-469 and 37-29-471, Mississippi Code of 1972, which provide
5211 for the establishment and operation of the Copiah-Lincoln Junior
5212 College District, are repealed.

5213 SECTION 111. Sections 37-29-501, 37-29-503, 37-29-505,
5214 37-29-507, 37-29-509, 37-29-511, 37-29-513 and 37-29-515,
5215 Mississippi Code of 1972, which provide for the establishment and
5216 operation of the Meridian Junior College District, are repealed.

5217 SECTION 112. Sections 37-29-551, 37-29-553, 37-29-555,
5218 37-29-557, 37-29-559, 37-29-561, 37-29-563, 37-29-565, 37-29-567,
5219 37-29-569 and 37-29-571, Mississippi Code of 1972, which provide
5220 for the establishment and operation of the Coahoma Community
5221 College District, are repealed.

5222 SECTION 113. Section 37-101-331, Mississippi Code of 1972,
5223 which requires the State Board for Community and Junior Colleges
5224 to submit a report to the Legislature on the renovation and repair
5225 needs of the community and junior colleges before January 3, 1989,
5226 is repealed.

5227 SECTION 114. Sections 37-153-1, 37-153-3, 37-153-5,
5228 37-153-7, 37-153-9, 37-153-11 and 37-153-13, Mississippi Code of
5229 1972, which is the duplicative codification of the Work Force
5230 Education Act of 1994, also codified as Sections 37-151-63 through
5231 37-151-75, are repealed.

5232 SECTION 115. This act shall take effect and be in force from
5233 and after July 1, 2001.

