

By: Fleming

To: Universities and
Colleges;
Appropriations

HOUSE BILL NO. 523

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE BOARD OF
2 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO ESTABLISH A
3 SEPARATE BOARD OF TRUSTEES FOR EACH STATE INSTITUTION OF HIGHER
4 LEARNING; TO PROVIDE FOR THE ELECTION OF MEMBERS OF SUCH BOARDS OF
5 TRUSTEES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE BOARD OF
6 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO THE BOARDS OF
7 TRUSTEES OF THE VARIOUS INSTITUTIONS OF HIGHER LEARNING AND TO THE
8 COMMISSIONER OF HIGHER EDUCATION; TO AMEND SECTION 37-101-1,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
10 37-101-5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE
11 QUALIFICATIONS FOR MEMBERSHIP TO THE BOARD OF TRUSTEES OF A STATE
12 INSTITUTION OF HIGHER LEARNING; TO AMEND SECTION 37-101-7,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ORGANIZATION OF THE
14 BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS OF HIGHER
15 LEARNING AND FOR THE APPOINTMENT OF A COMMISSIONER OF HIGHER
16 EDUCATION; TO AMEND SECTIONS 37-101-9 THROUGH 37-101-13,
17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
18 37-101-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND
19 DUTIES OF THE BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS
20 OF HIGHER LEARNING; TO AMEND SECTIONS 1-1-11, 11-46-17, 17-13-5,
21 19-3-47, 19-9-1, 21-25-23, 21-33-301, 25-3-41, 27-7-701,
22 27-103-127, 29-1-205, 29-17-1, 31-1-1, 31-7-10, 37-3-2, 37-4-4,
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34 37-107-7, 37-107-9, 37-108-3, 37-108-5, 37-110-1, 37-110-3,
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38 37-113-47, 37-113-51, 37-115-33, 37-115-35, 37-115-51, 37-115-69,
39 37-115-71, 37-115-73, 37-115-101, 37-115-105, 37-115-107,

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47 37-157-1, 37-157-3, 37-159-3, 37-159-15, 41-13-15, 41-87-5,
48 43-55-5, 43-55-23, 47-5-401, 47-5-451, 49-3-5, 49-3-7, 49-3-11,
49 55-23-5, 55-23-9, 55-23-53, 57-1-357, 57-13-22, 57-15-3, 57-15-9,
50 57-18-5, 57-18-7, 57-18-9, 57-19-5, 57-19-7, 57-19-11, 57-21-7,
51 57-23-5, 57-23-7, 57-23-11, 57-39-105, 57-49-11, 57-55-5, 57-55-7,
52 57-55-9, 57-55-11, 57-55-13, 57-55-15, 57-55-17, 57-67-5,
53 57-67-13, 57-75-13, 61-5-71, 61-5-73, 61-5-75, 63-11-32, 69-2-5,
54 73-15-19, 73-15-33, 75-59-1 AND 75-60-5, MISSISSIPPI CODE OF 1972,
55 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
56 PURPOSES.

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

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

72 (2) In order to provide for an orderly transition to the
73 separate boards of trustees of the various state institutions of
74 higher learning, the members of the Board of Trustees of State
75 Institutions of Higher Learning holding office on the date that
76 House Concurrent Resolution No. ____, 2001 Regular Session, which
77 provides for the abolishment of the Board of Trustees of State
78 Institutions of Higher Learning, is ratified by the electorate
79 shall continue to hold office until the members of the separate

80 boards of trustees of the various state institutions of higher
81 learning have been elected and taken office.

82 (3) Any reference in the laws of this state to the "Board of
83 Trustees of State Institutions of Higher Learning" or to the
84 "board" when referring to the Board of Trustees of State
85 Institutions of Higher Learning shall mean the board of trustees
86 of the respective state institution of higher learning.

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

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

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

108 SECTION 3. (1) The Board of Trustees of the University of
109 Mississippi shall consist of five (5) members. On the first
110 Tuesday after the first Monday in November 2003, an election shall
111 be held, at the same time and in the same manner the general state
112 election is held, for the purpose of electing the members of the
113 board of trustees established under this section. All members of
114 the board of trustees as constituted under this section shall take
115 office on the first Monday of January following the date of their
116 election and shall hold office for a term of four (4) years. The
117 members of the board of trustees shall be elected from the five
118 (5) congressional districts, as such districts existed following
119 the 1990 federal decennial census, and shall hold the
120 qualifications for the office of trustee established under Section
121 37-101-5.

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

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

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

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

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

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

146 SECTION 5. (1) The Board of Trustees of the University of
147 Southern Mississippi shall consist of five (5) members. On the
148 first Tuesday after the first Monday in November 2003, an election
149 shall be held, at the same time and in the same manner the general
150 state election is held, for the purpose of electing the members of
151 the board of trustees established under this section. All members
152 of the board of trustees as constituted under this section shall
153 take office on the first Monday of January following the date of
154 their election and shall hold office for a term of four (4) years.

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

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

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

164 the University of Southern Mississippi shall be filled in the
165 manner provided by law for the filling of vacancies in district
166 offices.

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

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

183 (3) Vacancies in the membership of the Board of Trustees of
184 Alcorn State University shall be filled in the manner provided by
185 law for the filling of vacancies in district offices.

186 SECTION 7. (1) The Board of Trustees of Delta State
187 University shall consist of five (5) members. On the first
188 Tuesday after the first Monday in November 2003, an election shall
189 be held, at the same time and in the same manner the general state
190 election is held, for the purpose of electing the members of the
191 board of trustees established under this section. All members of

192 the board of trustees as constituted under this section shall take
193 office on the first Monday of January following the date of their
194 election and shall hold office for a term of four (4) years. The
195 members of the board of trustees shall be elected from the five
196 (5) congressional districts, as such districts existed following
197 the 1990 federal decennial census, and shall hold the
198 qualifications for the office of trustee established under Section
199 37-101-5.

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

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

205 SECTION 8. (1) The Board of Trustees of Jackson State
206 University shall consist of five (5) members. On the first
207 Tuesday after the first Monday in November 2003, an election shall
208 be held, at the same time and in the same manner the general state
209 election is held, for the purpose of electing the members of the
210 board of trustees established under this section. All members of
211 the board of trustees as constituted under this section shall take
212 office on the first Monday of January following the date of their
213 election and shall hold office for a term of four (4) years. The
214 members of the board of trustees shall be elected from the five
215 (5) congressional districts, as such districts existed following
216 the 1990 federal decennial census, and shall hold the
217 qualifications for the office of trustee established under Section
218 37-101-5.

219 (2) The Board of Trustees of Jackson State University shall

220 organize in the manner provided in Section 37-101-7.

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

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

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

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

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

246 37-101-1. The following state institutions of higher
247 learning, namely:

248 (a) The University of Mississippi;

249 (b) The Mississippi State University of Agriculture and
250 Applied Science;

251 (c) The Mississippi University for Women;

252 (d) The University of Southern Mississippi;

253 (e) The Delta State University;

254 (f) The Alcorn State University;

255 (g) The Jackson State University;

256 (h) The Mississippi Valley State University;

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

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

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

264 37-101-5. * * * Only men and women who are graduates of the
265 university for which they are seeking to hold the office of
266 trustee who also are qualified electors residing in the
267 congressional district from which they are seeking election and
268 who are at least twenty-five (25) years of age and of the highest
269 order of intelligence, character, learning and fitness for the
270 performance of such duties shall be eligible to hold the office of
271 trustee.

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

274 37-101-7. (1) Within ten (10) days after the beginning of
275 the terms of office of its members, upon call of the president of

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

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

304 said board.

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

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

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

327 37-101-9. The board of trustees of each university shall
328 serve without salary compensation but shall receive a per diem and
329 mileage as authorized by law including time of going to and
330 returning from meetings of the board, together with actual travel
331 and hotel expenses incident to the meetings of the board, and in

332 the discharge of duties prescribed by the board.

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

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

344 37-101-11. The board of trustees of each state institution
345 of higher learning is hereby authorized and empowered, in its
346 discretion, to adopt and have an official seal in such form as it
347 deems appropriate for its official use.

348 SECTION 15. Section 37-101-13, Mississippi Code of 1972, is
349 amended as follows:[LH6]

350 37-101-13. It shall be the duty of the Commissioner of
351 Higher Education to begin immediately a comprehensive study of the
352 role and scope of all of the various state institutions of higher
353 learning, including a detailed study of the programs of study,
354 degrees and courses offered. Following the completion of such
355 study, the commissioner shall recommend such adjustments as may be
356 found to be necessary in the programs of the various institutions,
357 to the end that the broadest possible educational opportunities
358 shall be offered to the citizens of this state without inefficient
359 and needless duplication. The commissioner shall give advice to

360 the boards of trustees on the establishment of new courses of
361 study, new departments and new functions and activities in each
362 institution so that the growth and development of the program of
363 higher education in the state shall proceed in an orderly and
364 rational manner, inefficient and needless duplication may be
365 avoided, and new expanded programs will be undertaken only as the
366 same may become justified, based upon objective criteria to be
367 established by the commissioner. In carrying out the purposes of
368 this section, particular attention shall be given to the extension
369 programs of the various institutions. The commissioner, in
370 conjunction with the boards of trustees, chancellor and presidents
371 of the institutions of higher learning, shall take such steps as
372 may be necessary to improve and coordinate such programs and shall
373 exercise such direct control over the establishment, organization,
374 operation and granting of credit for such programs as may be
375 necessary to accomplish such purposes.

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

378 37-101-15. (a) The board of trustees of each state
379 institution of higher learning shall succeed to and continue to
380 exercise control of all records, books, papers, equipment, and
381 supplies, and all lands, buildings, and other real and personal
382 property belonging to or assigned to the use and benefit of the
383 state institution of higher learning under the supervision and
384 control of the respective board. Each board shall have and
385 exercise control of the use, distribution and disbursement of all
386 funds, appropriations and taxes, now and hereafter in possession,
387 levied and collected, received, or appropriated for the use,

388 benefit, support, and maintenance or capital outlay expenditures
389 of the respective institution of higher learning, including the
390 authorization of employees to sign vouchers for the disbursement
391 of funds for the institution, except where otherwise specifically
392 provided by law.

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

409 (c) Each board shall exercise all the powers and
410 prerogatives conferred upon it under the laws establishing and
411 providing for the operation of the several institutions herein
412 specified. The board shall adopt such bylaws and regulations from
413 time to time as it deems expedient for the proper supervision and
414 control of the institution of higher learning under its
415 jurisdiction, insofar as such bylaws and regulations are not

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

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

434 (e) For each institution specified herein, the respective
435 board shall prepare an annual report to the Legislature setting
436 forth the disbursements of all monies appropriated to the
437 institution. Each report to the Legislature shall show how the
438 money appropriated to the institution has been expended, beginning
439 and ending with the fiscal year of the institution, showing the
440 name of each teacher, officer, and employee, and the salary paid
441 each, and an itemized statement of each and every item of receipts
442 and expenditures. Each report must be balanced, and must begin
443 with the former balance. If any property belonging to * * * the

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

464 (f) The board of each institution shall have the power and
465 authority to elect the heads of the institution of higher learning
466 and to contract with all deans, professors, and other members of
467 the teaching staff, and all administrative employees of said
468 institution for a term of not exceeding four (4) years. The board
469 shall have the power and authority to terminate any such contract
470 at any time for malfeasance, inefficiency, or contumacious
471 conduct, but never for political reasons. It shall be the policy

472 of the board to permit the executive head of the institution to
473 nominate for election by the board all subordinate employees of
474 the institution over which he presides. It shall be the policy of
475 the board to elect all officials for a definite tenure of service
476 and to reelect during the period of satisfactory service. The
477 board shall have the power to make any adjustments it thinks
478 necessary between the various departments and schools of the
479 institution * * *.

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

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

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

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

494 1-1-11. (1) Except as provided in subsection (2) of this
495 section, the Joint Committee on Compilation, Revision and
496 Publication of Legislation shall distribute or provide for the
497 distribution of the sets of the compilation of the Mississippi
498 Code of 1972 purchased by the state as follows:

499 Fifty-seven (57) sets to the Mississippi House of

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

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

505 One (1) set to each of the following: the Lieutenant
506 Governor; each member of the Legislature; the Treasurer; each
507 district attorney; each county attorney; each judge of the Court
508 of Appeals and each judge of the Supreme, circuit, chancery,
509 county, family, justice and municipal courts; each Mississippi
510 Senator and Mississippi Representative in Congress; State
511 Superintendent of Education; Director of the Department of Finance
512 and Administration; six (6) sets to the Performance Evaluation and
513 Expenditure Review (PEER) Committee, two (2) sets to the Director
514 of the Legislative Budget Office; the Commissioner of Agriculture
515 and Commerce; each Mississippi Transportation Commissioner; six
516 (6) sets to the Department of Corrections; the Insurance
517 Commissioner; the Clerk of the Supreme Court; the State Board of
518 Health; each circuit clerk; each chancery clerk in the state for
519 the use of the chancery clerk and the board of supervisors; each
520 sheriff in the state for the use of his office and the county
521 officers; and each county for the county library (and an
522 additional set shall be given to each circuit clerk, chancery
523 clerk, sheriff and county library in counties having two (2)
524 judicial districts).

525 Two (2) sets to the Department of Archives and History; two
526 (2) sets to the State Soil and Water Conservation Commission;
527 sixty-eight (68) sets to the Attorney General's Office; six (6)

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

545 One (1) set to each state junior or community college; three
546 (3) sets to the Department of Wildlife, Fisheries and Parks; two
547 (2) sets to the Department of Environmental Quality; two (2) sets
548 to the Department of Marine Resources; two (2) sets to the
549 Mississippi Ethics Commission; six (6) sets to the Mississippi
550 Workers' Compensation Commission; four (4) sets to the State
551 Department of Rehabilitation Services; and seven (7) sets to the
552 Department of Human Services. One (1) set to each of the
553 following: State Textbook Procurement Commission; University
554 Medical Center; State Library Commission; Department of
555 Agriculture and Commerce; Forestry Commission; and seventeen (17)

556 sets to the Department of Public Safety. Also, one (1) set to
557 each of the following: Adjutant General, Department of Economic
558 and Community Development, Department of Banking and Consumer
559 Finance, Bureau of Building, Grounds and Real Property Management,
560 the State Educational Finance Commission, the Mississippi Board of
561 Vocational and Technical Education, Division of Medicaid, State
562 Board of Mental Health, and Department of Youth Services.

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

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

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

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

579 Before the joint committee delivers or provides for delivery
580 of a copy of the Mississippi Code of 1972 to an individual
581 officeholder, the joint committee shall prepare and submit a
582 written agreement to the officeholder. The agreement shall, among
583 other provisions, state that the code is the property of the State

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

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

611 No more than one (1) set of the Mississippi Code of 1972

612 shall be furnished to any one (1) individual, regardless of the
613 office or offices he may hold.

614 (2) The joint committee, in its discretion, may determine
615 whether electronic access to the Mississippi Code of 1972 is
616 available and a sufficient substitute for actual bound volumes of
617 the code and, if so, may omit furnishing any one or more sets
618 otherwise required by this section.

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

621 11-46-17. (1) There is hereby created in the State Treasury
622 a special fund to be known as the "Tort Claims Fund."

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

634 (2) From and after July 1, 1993, each governmental entity
635 other than political subdivisions shall participate in a
636 comprehensive plan of self-insurance and/or one or more policies
637 of liability insurance administered by the Department of Finance
638 and Administration. Such plan shall provide coverage to each of
639 such governmental entities for every risk for which the board

640 determines the respective governmental entities to be liable in
641 the event of a claim or suit for injuries under the provisions of
642 this chapter, including claims or suits for injuries from the use
643 or operation of motor vehicles; provided, however, that the board
644 may allow such plan to contain any reasonable limitations or
645 exclusions not contrary to Mississippi state statutes or case law
646 as are normally included in commercial liability insurance
647 policies generally available to governmental entities. In
648 addition to the coverage authorized in the preceding sentence, the
649 plan may provide coverage for liabilities outside the provisions
650 of this chapter, including, but not limited to, liabilities
651 arising from Sections 1983 through 1987 of Title 42 of the United
652 States Code and liabilities from actions brought in foreign
653 jurisdictions, and the board shall establish limits of coverage
654 for such liabilities. Each governmental entity participating in
655 the plan shall make payments to the board in such amounts, times
656 and manner determined by the board as the board deems necessary to
657 provide sufficient funds to be available for payment by the board
658 of such costs as it incurs in providing coverage for the
659 governmental entity. Each governmental entity of the state other
660 than the political subdivisions thereof participating in the plan
661 procured by the board shall be issued by the board a certificate
662 of coverage whose form and content shall be determined by the
663 board but which shall have the effect of certifying that in the
664 opinion of the board each of such governmental entities is
665 adequately insured.

666 Prior to July 1, 1993, the Board of Trustees of State
667 Institutions of Higher Learning may provide such liability

668 coverage for each university, department, trustee, employee,
669 volunteer, facility and activity as the board of trustees, in its
670 discretion, shall determine advisable. If liability coverage,
671 either through insurance policies or self-insurance retention is
672 in effect, immunity from suit shall be waived only to the limit of
673 liability established by such insurance or self-insurance program.
674 From and after July 1, 1993, such liability coverage established
675 by the Board of Trustees of State Institutions of Higher Learning
676 and, after the effective date of House Bill No. _____, 2001 Regular
677 Session, the board of trustees of each state institution of higher
678 learning, must conform to the provisions of this section and must
679 receive approval from the board. Should the board reject such
680 plan, the boards of trustees shall participate in the liability
681 program for state agencies established by the board.

682 (3) All political subdivisions shall, from and after October
683 1, 1993, obtain such policy or policies of insurance, establish
684 such self-insurance reserves, or provide a combination of such
685 insurance and reserves as necessary to cover all risks of claims
686 and suits for which political subdivisions may be liable under
687 this chapter; except any political subdivision shall not be
688 required to obtain pollution liability insurance. However, this
689 shall not limit any cause of action against such political
690 subdivision relative to limits of liability under the Tort Claims
691 Act. Such policy or policies of insurance or such self-insurance
692 may contain any reasonable limitations or exclusions not contrary
693 to Mississippi state statutes or case law as are normally included
694 in commercial liability insurance policies generally available to
695 political subdivisions. All such plans of insurance and/or

696 reserves shall be submitted for approval to the board. The board
697 shall issue a certificate of coverage to each political
698 subdivision whose plan of insurance and/or reserves it approves in
699 the same manner as provided in subsection (2) of this section.
700 Whenever any political subdivision fails to obtain the board's
701 approval of any plan of insurance and/or reserves, the political
702 subdivision shall act in accordance with the rules and regulations
703 of the board and obtain a satisfactory plan of insurance and/or
704 reserves to be approved by the board.

705 (4) Any governmental entity of the state may purchase
706 liability insurance to cover claims in excess of the amounts
707 provided for in Section 11-46-15 and may be sued by anyone in
708 excess of the amounts provided for in Section 11-46-15 to the
709 extent of such excess insurance carried; provided, however, that
710 the immunity from suit above the amounts provided for in Section
711 11-46-15 shall be waived only to the extent of such excess
712 liability insurance carried.

713 (5) Any two (2) or more political subdivisions are hereby
714 authorized to enter into agreement and to contract between and
715 among themselves for the purpose of pooling their liabilities as a
716 group under this chapter. Such pooling agreements and contracts
717 may provide for the purchase of one or more policies of liability
718 insurance and/or the establishment of self-insurance reserves and
719 shall be subject to approval by the board in the manner provided
720 in subsections (2) and (3) of this section.

721 (6) The board shall have subrogation rights against a third
722 party for amounts paid out of any plan of self-insurance
723 administered by such board pursuant to this section in behalf of a

724 governmental entity as a result of damages caused under
725 circumstances creating a cause of action in favor of such
726 governmental entity against a third party. The board shall
727 deposit in the Tort Claims Fund all monies received in connection
728 with the settlement or payment of any claim, including proceeds
729 from the sale of salvage.

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

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

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

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

747 SECTION 20. Section 19-3-47, Mississippi Code of 1972, is
748 amended as follows:[LH11]

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

752 maximum annual amount authorized by law for payment to a member of
753 the board.

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

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

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

780 issue for which a declaration to issue the bonds has heretofore
781 been adopted by proper resolution.

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

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

793 (3) In any county having a 1980 federal census population
794 in excess of one hundred eighteen thousand (118,000), and in which
795 is located a major refinery for the production of petroleum
796 products and a facility for the construction of ships for the
797 United States Navy; in any county which is traversed by an
798 interstate highway and having a 1980 federal census population in
799 excess of sixty-six thousand (66,000), and in which is located a
800 comprehensive public university * * * and a National Guard
801 training base; in any county in which is located the State Capitol
802 and the state's largest municipality; in any county which is
803 traversed by Interstate Highway 55, United States Highway 51 and
804 United States Highway 98; in any county bordering the Gulf of
805 Mexico, having a 1980 federal census population in excess of one
806 hundred fifty-seven thousand (157,000), and in which is located a
807 state-owned port; and in any county which is traversed by

808 Interstate Highway 20, United States Highway 49 and United States
809 Highway 80, and in which is located the State Hospital and an
810 international airport; all of which foregoing criteria the
811 Legislature finds to be conducive to industrial development
812 requiring the issuance of industrial revenue bonds and which
813 counties would gain benefits by employment of counsel in the
814 manner authorized by this subsection, the board of supervisors, as
815 an alternative to the authority conferred upon it in subsections
816 (1) and (2) of this section, may employ annually, in its
817 discretion, an attorney as a full-time employee of the county,
818 subject to the following conditions:

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

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

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

835 (d) The board of supervisors shall have the power, in

836 its discretion, to pay the attorney an annual salary not to exceed
837 the maximum annual salary authorized by law to be paid to the
838 county judge of that county; and

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

846 SECTION 21. Section 19-9-1, Mississippi Code of 1972, is
847 amended as follows:[RM12]

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

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

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

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

864 county and other such subdivision;

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

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

875 (f) Erecting, repairing, equipping, remodeling or
876 enlarging or assisting or cooperating with another county or other
877 counties in erecting, repairing, equipping, remodeling, or
878 enlarging buildings, and related facilities for an agricultural
879 high school, or agricultural high school-junior college, including
880 gymnasiums, auditoriums, lunchrooms, vocational training
881 buildings, libraries, teachers' homes, school barns, garages for
882 transportation vehicles, and purchasing land therefor;

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

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

892 preceding federal census;

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

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

907 (k) Establishing rubbish and garbage disposal systems
908 in accordance with the provisions of Sections 19-5-17 through
909 19-5-27;

910 (l) Defraying the expenses of projects of the county
911 cooperative service district in which it is a participating
912 county, regardless of whether the project is located in the county
913 issuing such bonds;

914 (m) Purchasing machinery and equipment which have an
915 expected useful life in excess of ten (10) years. The life of
916 such bonds shall not exceed the expected useful life of such
917 machinery and equipment. Machinery and equipment shall not
918 include any motor vehicle weighing less than twelve thousand
919 (12,000) pounds;

920 (n) Purchasing fire fighting equipment and apparatus,
921 and providing housing for the same and purchasing land necessary
922 therefor;

923 (o) A project for which a certificate of public
924 convenience and necessity has been obtained by the county pursuant
925 to the Regional Economic Development Act.

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

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

944 SECTION 23. Section 21-33-301, Mississippi Code of 1972, is
945 amended as follows:[RM14]

946 21-33-301. The governing authorities of any municipality are
947 authorized to issue negotiable bonds of the municipality to raise

948 money for the following purposes:

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

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

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

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

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

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

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

975 (h) Constructing bridges and culverts;

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

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

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

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

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

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

999 (o) Acquiring and improving existing mass transit
1000 system; however, no municipal governing authorities shall
1001 authorize any bonds to be issued for the acquiring and improving
1002 of an existing mass transit system unless an election be conducted
1003 in said municipality in the same manner provided for general and

1004 special elections, and a majority of the qualified electors of the
1005 municipality participating in said election approve the bond
1006 issuance for the acquiring and improving of an existing mass
1007 transit system;

1008 (p) Purchasing machinery and equipment which have an
1009 expected useful life in excess of ten (10) years. The life of
1010 such bonds shall not exceed the expected useful life of such
1011 machinery and equipment. Machinery and equipment shall not
1012 include any motor vehicle weighing less than twelve thousand
1013 (12,000) pounds;

1014 (q) A project for which a certificate of public
1015 convenience and necessity has been obtained by the municipality
1016 pursuant to the Regional Economic Development Act.

1017 SECTION 24. Section 25-3-41, Mississippi Code of 1972, is
1018 amended as follows:[LH15]

1019 25-3-41. (1) When any officer or employee of the State of
1020 Mississippi, or any department, agency or institution thereof,
1021 after first being duly authorized, is required to travel in the
1022 performance of his official duties, such officer or employee shall
1023 receive as expenses for each mile actually and necessarily
1024 traveled, when such travel is done by a privately owned automobile
1025 or other privately owned motor vehicle, the mileage reimbursement
1026 rate allowable to federal employees for the use of a privately
1027 owned vehicle while on official travel.

1028 (2) When any officer or employee of any county or
1029 municipality, or of any agency, board or commission thereof, after
1030 first being duly authorized, is required to travel in the
1031 performance of his official duties, such officer or employee shall

1032 receive as expenses Twenty Cents (20¢) for each mile actually and
1033 necessarily traveled, when such travel is done by a privately
1034 owned motor vehicle; provided, however, that the governing
1035 authorities of a county or municipality may, in their discretion,
1036 authorize an increase in the mileage reimbursement of officers and
1037 employees of such county or municipality, or of any agency, board
1038 or commission thereof, in an amount not to exceed the mileage
1039 reimbursement rate authorized for officers and employees of the
1040 State of Mississippi in subsection (1) of this section.

1041 (3) Where two (2) or more officers or employees travel in
1042 one (1) privately owned motor vehicle, only one (1) travel expense
1043 allowance at the authorized rate per mile shall be allowed for any
1044 one (1) trip. When such travel is done by means of a public
1045 carrier or other means not involving a privately owned motor
1046 vehicle, then such officer or employee shall receive as travel
1047 expense the actual fare or other expenses incurred in such travel.

1048 (4) In addition to the foregoing, a public officer or
1049 employee shall be reimbursed for other actual expenses such as
1050 meals, lodging and other necessary expenses incurred in the course
1051 of such travel, subject to limitations placed on meals for
1052 intrastate and interstate official travel by the Department of
1053 Finance and Administration, provided, that the Legislative Budget
1054 Office shall place any limitations for expenditures made on
1055 matters under the jurisdiction of the Legislature. The Department
1056 of Finance and Administration shall set a maximum daily
1057 expenditure annually for such meals and shall notify officers and
1058 employees of changes to these allowances immediately upon approval
1059 of such changes. Travel by airline shall be at the tourist rate

1060 unless such space was unavailable. The officer or employee shall
1061 certify that tourist accommodations were not available if travel
1062 is performed in first class airline accommodations. Itemized
1063 expense accounts shall be submitted by such officers or employees
1064 in such number as the department, agency or institution may
1065 require; but in any case one (1) copy shall be furnished by state
1066 departments, agencies or institutions to the Department of Finance
1067 and Administration for preaudit or postaudit. The Department of
1068 Finance and Administration shall promulgate and adopt reasonable
1069 rules and regulations which it deems necessary and requisite to
1070 effectuate economies for all expenses authorized and paid pursuant
1071 to this section. Requisitions shall be made on the State Fiscal
1072 Officer who shall issue his warrant on the State Treasurer.
1073 Provided, however, that the provisions of this section shall not
1074 include agencies financed entirely by federal funds and audited by
1075 federal auditors.

1076 (5) Any officer or employee of a county or municipality, or
1077 any department, board or commission thereof, who is required to
1078 travel in the performance of his official duties, may receive
1079 funds prior to such travel, in the discretion of the
1080 administrative head of the county or municipal department, board
1081 or commission involved, for the purpose of paying necessary
1082 expenses incurred during such travel. Upon return from such
1083 travel, the officer or employee shall provide receipts of
1084 transportation, lodging, meals, fees and any other expenses
1085 incurred during the travel. Any portion of the funds advanced
1086 which is not expended during the travel shall be returned by the
1087 officer or employee. The Department of Audit shall adopt rules

1088 and regulations regarding advance payment of travel expenses and
1089 submission of receipts to ensure proper control and strict
1090 accountability for such payments and expenses.

1091 (6) No state or federal funds received from any source by
1092 any arm or agency of the state shall be expended in traveling
1093 outside of the continental limits of the United States until the
1094 governing body or head of the agency makes a finding and
1095 determination that the travel would be extremely beneficial to the
1096 state agency and obtains a written concurrence thereof from the
1097 Governor or his designee and the Department of Finance and
1098 Administration.

1099 (7) Where any officer or employee of the State of
1100 Mississippi, or any department, agency or institution thereof, or
1101 of any county or municipality, or of any agency, board or
1102 commission thereof, is authorized to receive travel reimbursement
1103 under any other provision of law, such reimbursement may be paid
1104 under the provisions of this section or such other section, but
1105 not under both.

1106 (8) (a) The Department of Finance and Administration may
1107 contract with one or more commercial travel agencies, after
1108 receiving competitive bids or proposals therefor, for such travel
1109 agency or agencies to provide * * * necessary travel services for
1110 state officers and employees. However, the administrative head of
1111 each state institution of higher learning may, in his discretion,
1112 contract with a commercial travel agency to provide necessary
1113 travel services for all academic officials and staff of the
1114 university in lieu of participation in the state travel agency
1115 contract. Any such decision by a university to contract with a

1116 separate travel agency shall be approved by the Commissioner of
1117 Higher Education and * * * the Executive Director of the
1118 Department of Finance and Administration.

1119 (b) Before executing a contract with one or more travel
1120 agencies, the Department of Finance and Administration shall
1121 advertise for competitive bids or proposals once a week for two
1122 (2) consecutive weeks in a regular newspaper having a general
1123 circulation throughout the State of Mississippi. * * * If the
1124 department determines that it should not contract with any of the
1125 bidders initially submitting proposals, the department may reject
1126 all such bids, advertise as provided herein and receive new
1127 proposals before executing the contract or contracts. The
1128 contract or contracts may be for a period not greater than three
1129 (3) years, with an option for the travel agency or agencies to
1130 renew the contract or contracts on a one-year basis on the same
1131 terms as the original contract or contracts, for a maximum of two
1132 (2) renewals. After the travel agency or agencies have renewed
1133 the contract twice or have declined to renew the contract for the
1134 maximum number of times, the Department of Finance and
1135 Administration shall advertise for bids in the manner required by
1136 this section and execute a new contract or contracts.

1137 (c) Whenever any state officer or employee travels in
1138 the performance of his official duties by airline or other public
1139 carrier, he shall have his travel arrangements handled by such
1140 travel agency or agencies.

1141 SECTION 25. Section 27-7-701, Mississippi Code of 1972, is
1142 amended as follows:[LH16]

1143 27-7-701. For the purposes of this article, the following

1144 terms shall have the respective meanings ascribed by this section:

1145 (a) "Claimant agency" means the board of trustees of
1146 any state institution of higher learning * * *, the Mississippi
1147 Guarantee Student Loan Agency, the Mississippi Post-Secondary
1148 Education Assistance Board, or any state agency which has loaned
1149 money to an individual for educational purposes.

1150 (b) "Debtor" means any individual owing money or having
1151 a delinquent account with any claimant agency, which obligation
1152 has not been adjudicated satisfied by court order, set aside by
1153 court order, or discharged in bankruptcy.

1154 (c) "Debt" means any liquidated sum due and owing any
1155 claimant agency which has accrued through contract, subrogation,
1156 tort or operation of law, regardless of whether there is an
1157 outstanding judgment for that sum.

1158 (d) "Commission" means the State Tax Commission of the
1159 State of Mississippi.

1160 (e) "Refund" means the Mississippi income tax refund
1161 which the commission determines to be due any individual taxpayer.

1162 SECTION 26. Section 27-103-127, Mississippi Code of 1972, is
1163 amended as follows:[LH17]

1164 27-103-127. To the end that the overall budget shall present
1165 in comparable terms a complete summary of all financial operations
1166 of all state agencies, Part 2 of the overall budget shall include
1167 therein the requested budget and the recommended budget for each
1168 special fund agency. The overall budget shall show for each
1169 special fund agency, in addition to such other information as may
1170 be prescribed by the Legislative Budget Office, the following:

1171 (a) The amount by source of all special fund receipts

1172 collected or otherwise available in the current fiscal year, and
1173 an estimate by source of all special funds which will be collected
1174 or become available by the end of the then current fiscal year;

1175 (b) The estimated amount of all expenditures to be made
1176 or obligations to be incurred payable from such special funds
1177 during the then current fiscal year;

1178 (c) The estimated aggregate amount of special funds
1179 which will be needed by the agency for the succeeding fiscal year;
1180 beginning with the 1995 fiscal year and in the event that any
1181 services proposed to be provided by the agency in the succeeding
1182 fiscal year are Medicaid reimbursable, any state general matching
1183 funds necessary for such reimbursement shall be included in the
1184 agency's proposed budget, and the appropriation to the Division of
1185 Medicaid in the 1995 fiscal year shall be adjusted accordingly;

1186 (d) The estimated amount by source of special funds
1187 which will be available under existing laws during the succeeding
1188 fiscal year, including any balances which will be on hand at the
1189 close of the then current fiscal year;

1190 (e) The estimated amount which will be needed and which
1191 will require change in existing law or laws;

1192 (f) If any new item of expense is included in the
1193 proposed budget of any special fund agency, the reason therefor
1194 shall be given; and in any case where the Legislative Budget
1195 Office shall eliminate or reduce any item or items in the proposed
1196 budget of any special fund agency, it shall note briefly the
1197 reasons therefor, together with the reasons advanced by the agency
1198 in support of the item or items eliminated or reduced;

1199 (g) The proposed budget of each special fund agency

1200 shall show the amounts required for operating expenses separately
1201 from the amounts required for permanent improvements.

1202 Proposed expenditures for any agency in Part 2 of the overall
1203 budget shall not exceed the amount of estimated revenues which
1204 will be available to it. Provided, that the Legislative Budget
1205 Office may recommend changes in existing law so as to decrease or
1206 increase the revenues available to any agency if in its judgment
1207 such changes are necessary or desirable.

1208 Provided further, that expenditures approved or authorized by
1209 the Legislature for any special fund agency or special funds
1210 approved for general fund agency shall constitute a maximum to be
1211 expended or encumbered by such agency, and shall not constitute
1212 authority to expend or encumber more than the amount of revenue
1213 actually collected or otherwise received.

1214 No special fund agency or general fund agency shall make
1215 expenditures from special funds available to such agency unless
1216 such expenditures are set forth in a budget approved by the
1217 Legislature. Such legislative approval shall be set forth in an
1218 appropriation act. Provided, however, that special funds derived
1219 from the collection of taxes for any political subdivision of the
1220 state shall be excepted from the foregoing provisions. The
1221 executive head of the state agency shall be liable on his official
1222 bond for expenditures or encumbrances which exceed the total
1223 amount of the budget or the amount received if receipts are less
1224 than the approved budget.

1225 * * * Each university and college shall submit through the
1226 board of trustees of the state institution of higher learning an
1227 annual budget to the Legislative Budget Office prior to the

1228 beginning of each fiscal year with such information and in such
1229 form, and in such detail, as may be required by the Legislative
1230 Budget Office. If the Legislative Budget Office determines that
1231 sufficient funds will be available during the fiscal year to fund
1232 the proposed budget as submitted, then and in that event the
1233 proposed budget shall be approved. However, if the Legislative
1234 Budget Office determines that, in its judgment, sufficient funds
1235 will not be available to fund the proposed budget, the affected
1236 institution * * * and its board * * * shall be promptly notified
1237 and given an opportunity to either justify the proposed budget or
1238 proposed amendments which can be mutually agreed upon. The
1239 Legislative Budget Office shall then approve the proposed budget
1240 or budgets of the several universities and colleges. The total
1241 amount approved for each institution shall constitute the maximum
1242 funds which may be expended during the fiscal year.

1243 The municipal, county or combined municipal and county port
1244 and harbor commissions, authorities or other port or harbor
1245 agencies not owned or operated by the state, shall submit annual
1246 or amended budgets of their estimated receipts and expenditures to
1247 the governing bodies of such municipality, county or municipality
1248 and county, for their approval, and a copy of such budget as
1249 approved by such governing body or bodies shall be filed with the
1250 Legislative Budget Office. Such budget shall itemize all
1251 estimated receipts and expenditures, and the Legislative Budget
1252 Office may require particularization, explanation or audit
1253 thereof, and shall report such information to the Legislature.

1254 To the end that the overall budget shall present in
1255 comparable terms a complete summary of all financial operations of

1256 all state agencies, Part 3 of such overall budget shall consist of
1257 an estimated preliminary annual budget of the Department of
1258 Transportation and the Division of State Aid Road Construction of
1259 the Department of Transportation and such information for the
1260 current fiscal year as is necessary to make presentation
1261 comparable to that specified for Part 2 special fund agencies.

1262 The annual budget request of the Department of Transportation
1263 shall be divided into the following program budgets: (a)
1264 administration and other expenses, (b) construction, (c)
1265 maintenance, and (d) debt service. In making its annual
1266 appropriation to the Department of Transportation from the State
1267 Highway Fund, the Legislature shall separate the appropriation
1268 bill into the four (4) program budget areas herein specified. For
1269 the purposes of this paragraph, "administration and other
1270 expenses" shall be construed to mean those expenses incurred due
1271 to departmental support activities which cannot be assigned to a
1272 specific construction or maintenance project, and shall be
1273 construed to include expenses incurred for office machines,
1274 furniture, fixtures, automobiles, station wagons, truck and other
1275 vehicles, road machinery, farm equipment and other working
1276 equipment, data processing and computer equipment, all other
1277 equipment, and replacements for equipment. "Construction" shall
1278 be construed to mean those expenses associated with the creation
1279 and development of the state highway system and its related
1280 facilities; "maintenance" shall be construed to mean those
1281 expenses incurred due to activities associated with preservation
1282 of safe and aesthetically acceptable highways in an attempt to
1283 maintain them in as close to the original condition as possible;

1284 and "debt service" shall be construed to mean amounts needed to
1285 pay bonds and interest coming due, bank service charges, and bond
1286 debt service.

1287 SECTION 27. Section 29-1-205, Mississippi Code of 1972, is
1288 amended as follows:[LH18]

1289 29-1-205. (1) The Department of Finance and Administration,
1290 Bureau of Building, Grounds and Real Property Management, is
1291 hereby authorized, empowered and directed to sell and convey on
1292 behalf of the State of Mississippi to a nationally recognized
1293 organization which has as its purpose the recognition and
1294 promotion of scholarship, leadership and service among two-year
1295 college students throughout the country for the purpose of
1296 constructing a national headquarters thereon, the following
1297 described state-owned lands. The property authorized to be sold
1298 and conveyed is a certain parcel of land situated in the Northwest
1299 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
1300 County, Mississippi, and being more particularly described as
1301 follows, to-wit:

1302 Commence at the Southwest corner of Lot 2 of Northeast
1303 Heights, a subdivision on file and of record in the
1304 office of the Chancery Clerk at Jackson, Hinds County,
1305 Mississippi, in Plat Book 10 at Page 45; run thence
1306 Southerly along the extension of the West line of said
1307 Lot 2 for a distance of 80.00 feet to a point on the
1308 South Line of Eastover Drive; turn thence right through
1309 a deflection angle of 89 degrees 13 minutes and run
1310 westerly along the South line of Eastover Drive for a
1311 distance of 43.84 feet to the POINT OF BEGINNING; thence

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

1340 of Tangency; turn thence right through a deflection
1341 angle of 00 degrees 20 minutes 45 seconds and run
1342 Easterly along the South line said Eastover Drive for a
1343 distance of 472.74 feet to the POINT OF BEGINNING,
1344 containing 5.44 acres more or less.

1345 (2) The Legislature recognizes that Mississippi's public
1346 two-year college system is the oldest system of its kind in the
1347 nation, and further recognizes that this system enjoys national
1348 notoriety and respect for its achievement and promotion of
1349 educational, civic, social and cultural excellence. The
1350 Legislature declares and finds that the purpose of this
1351 legislation is to promote, enhance and foster continued excellence
1352 in Mississippi's two-year college system and the overall
1353 educational development and improvement of the State of
1354 Mississippi and the educational, civic, social, cultural, moral
1355 and economic welfare thereof, and that such purposes will be
1356 accomplished by the conveyance of the above-described property to
1357 an organization within the aforesaid classification for
1358 construction of a national headquarters thereon.

1359 (3) The conveyance to be executed by the Department of
1360 Finance and Administration, acting through the Bureau of Building,
1361 Grounds and Real Property Management, shall be within the limits
1362 contained in Sections 29-1-205 and 29-1-209 and contain a
1363 provision reserving unto the state all oil, gas and mineral rights
1364 of every kind and character. The conveyance shall make provision
1365 for reasonable access to the conveyed premises over existing
1366 roadways and to existing utility lines for the benefit of the
1367 conveyed premises. The conveyance shall include terms granting to

1368 the board of trustees of each state institution of higher
1369 learning, to the State Board for Community and Junior Colleges and
1370 to the Mississippi Authority for Educational Television reasonable
1371 rights to utilize the improvements to be constructed thereon, or
1372 portions thereof, for conference or meeting purposes, specifying
1373 the architectural style of the improvements and providing a
1374 reasonable setback of wooded undeveloped property contiguous to
1375 the improvements in order to maintain the natural environment of
1376 the site.

1377 (4) The conveyance herein shall be for such consideration as
1378 determined appropriate by the Public Procurement Review Board.
1379 Such consideration may be paid or provided in installments over a
1380 period of time (not to exceed twenty-five (25) years) and may also
1381 be provided in kind. In-kind consideration may include the
1382 reasonable use of the improvements constructed on the property by
1383 the board of trustees of any state institution of higher learning
1384 and its institutions, the State Board for Community and Junior
1385 Colleges and the community and junior colleges, and the
1386 Mississippi Authority for Educational Television and other state
1387 agencies, and the provision of leadership training certification
1388 programs for community and junior college faculty and others.
1389 Such in-kind consideration may also constitute full and fair
1390 consideration for the property. In establishing consideration,
1391 the board may take into account the appraised value of the
1392 property, but shall allow reasonable credit to the purchaser for
1393 benefits accruing to the State of Mississippi, including the
1394 enhancement of the state's community and junior college program
1395 and the promotion of excellence in public education afforded by

1396 the location of such organization and its headquarters in this
1397 state, the increase in employment made possible, and that the only
1398 use which can be made of the conveyed premises is for the
1399 organization's national headquarters with reversion to the state
1400 otherwise.

1401 SECTION 28. Section 29-17-1, Mississippi Code of 1972, is
1402 amended as follows:[LH19]

1403 29-17-1. As used in this chapter, the following words shall
1404 have the meanings ascribed herein unless the context clearly
1405 requires otherwise:

1406 (a) "Public facility" shall mean any building or other
1407 facility owned by the State of Mississippi, or by any agency,
1408 department or political subdivision of the State of Mississippi,
1409 which is occupied, used or under the control of the State of
1410 Mississippi, or any agency or department of the State of
1411 Mississippi, or any junior college district of the State of
1412 Mississippi, or the board of trustees of any state institution of
1413 higher learning of the State of Mississippi * * *.

1414 (b) "Capitol complex" shall include the following state
1415 property located in Jackson, Mississippi: the New State Capitol
1416 Building, the Woolfolk State Office Building, the Carroll Gartin
1417 Justice Building, the Walter Sillers Office Building, the War
1418 Veterans' Memorial Building, the State Archives Building, the Ike
1419 Sanford Veterans Affairs Building, the Old State Capitol Building,
1420 the Governor's Mansion, the Heber Ladner Building, the Burroughs
1421 Building, the Robert E. Lee Hotel Property, the Central High
1422 Legislative Services Building, the 301 Building or any other
1423 properties which may come under the supervision of the Department

1424 of Finance and Administration and are deemed to be in the Capitol
1425 Complex.

1426 SECTION 29. Section 31-1-1, Mississippi Code of 1972, is
1427 amended as follows:[LH20]

1428 31-1-1. The responsibility for the making of contracts for
1429 printing, binding, engraving and lithographing is hereby vested in
1430 each state agency or office which requires such printing, binding,
1431 engraving and lithographing, including but not restricted to the
1432 Secretary of State, State Department of Education, State Tax
1433 Commission, Supreme Court, Department of Insurance, State Auditor,
1434 Public Service Commission, State Treasurer, State Fiscal
1435 Management Board, State Veterans Affairs Board, Attorney General,
1436 Department of Agriculture and Commerce, State Board of Pharmacy,
1437 State Board of Dental Examiners, State Law Library, State Board of
1438 Health, Mississippi Department of Corrections, State Educational
1439 Finance Commission, Department of Archives and History,
1440 Mississippi State Hospital and board of trustees of each state
1441 institution of higher learning.

1442 All contracts referred to herein shall be submitted to and
1443 approved by the State Fiscal Management Board prior to their
1444 execution, except that those contracts under the jurisdiction of
1445 the Legislature shall be submitted to and approved by the
1446 Legislative Budget Office.

1447 All state agencies shall purchase all commodities required
1448 for their operation or for the proper fulfillment of their duties
1449 and functions in accordance with Chapter 7 of this title in order
1450 to coordinate and promote efficiency and economy in the purchase
1451 of such commodities for the state.

1452 SECTION 30. Section 31-7-10, Mississippi Code of 1972, is
1453 amended as follows:[LH21]

1454 31-7-10. (1) For purposes of this section, the term
1455 "equipment" shall mean equipment, furniture, and if applicable,
1456 associated software and other applicable direct costs associated
1457 with the acquisition. In addition to its other powers and duties,
1458 the Department of Finance and Administration shall have the
1459 authority to develop a master lease-purchase program and, pursuant
1460 to that program, shall have the authority to execute on behalf of
1461 the state master lease-purchase agreements for equipment to be
1462 used by an agency, as herein provided. Each agency electing to
1463 acquire equipment by a lease-purchase agreement shall participate
1464 in the Department of Finance and Administration's master
1465 lease-purchase program, unless the Department of Finance and
1466 Administration makes a determination that such equipment cannot be
1467 obtained under the program or unless the equipment can be obtained
1468 elsewhere at an overall cost lower than that for which the
1469 equipment can be obtained under the program. Such lease-purchase
1470 agreements may include the refinancing and/or consolidation of any
1471 state agency lease-purchase agreements entered into after June 30,
1472 1990.

1473 (2) All funds designated by agencies for procurement of
1474 equipment and financing thereof under the master lease-purchase
1475 program shall be paid into a special fund hereby created in the
1476 State Treasury known as the "Master Lease-Purchase Program Fund"
1477 which shall be used by the Department of Finance and
1478 Administration for payment to the lessors for equipment acquired
1479 under master lease-purchase agreements.

1480 (3) Upon final approval of an appropriation bill, each
1481 agency shall submit to the Public Procurement Review Board a
1482 schedule of proposed equipment acquisitions for the master
1483 lease-purchase program. Upon approval of an equipment schedule by
1484 the Public Procurement Review Board with the advice of the
1485 Mississippi Department of Information Technology Services, the
1486 Office of Purchasing and Travel, and the Division of Energy and
1487 Transportation of the Department of Economic and Community
1488 Development as it pertains to energy efficient climate control
1489 systems, the Public Procurement Review Board shall forward a copy
1490 of the equipment schedule to the Department of Finance and
1491 Administration.

1492 (4) The level of lease-purchase debt recommended by the
1493 Department of Finance and Administration shall be subject to
1494 approval by the State Bond Commission. After such approval, the
1495 Department of Finance and Administration shall be authorized to
1496 advertise and solicit written competitive proposals for a lessor,
1497 who will purchase the equipment pursuant to bid awards made by the
1498 using agency under a given category and then transfer the
1499 equipment to the Department of Finance and Administration as
1500 lessee, pursuant to a master lease-purchase agreement.

1501 The Department of Finance and Administration shall select the
1502 successful proposer for the financing of equipment under the
1503 master lease-purchase program with the approval of the State Bond
1504 Commission.

1505 (5) Each master lease-purchase agreement, and any subsequent
1506 amendments, shall include such terms and conditions as the State
1507 Bond Commission shall determine to be appropriate and in the

1508 public interest, and may include any covenants deemed necessary or
1509 desirable to protect the interests of the lessor, including, but
1510 not limited to, provisions setting forth the interest rate (or
1511 method for computing interest rates) for financing pursuant to
1512 such agreement, covenants concerning application of payments and
1513 funds held in the Master Lease-Purchase Program Fund, covenants to
1514 maintain casualty insurance with respect to equipment subject to
1515 the master lease-purchase agreement (and all state agencies are
1516 specifically authorized to purchase any insurance required by a
1517 master lease-purchase agreement) and covenants precluding or
1518 limiting the right of the lessee or user to acquire equipment
1519 within a specified time (not to exceed five (5) years) after
1520 cancellation on the basis of a failure to appropriate funds for
1521 payment of amounts due under a lease-purchase agreement covering
1522 comparable equipment. The State Bond Commission shall transmit
1523 copies of each such master lease-purchase agreement and each such
1524 amendment to the Joint Legislative Budget Committee. To the
1525 extent provided in any master lease-purchase agreement, title to
1526 equipment leased pursuant thereto shall be deemed to be vested in
1527 the state or the user of the equipment (as specified in such
1528 master lease-purchase agreement), subject to default under or
1529 termination of such master lease-purchase agreement.

1530 A master lease-purchase agreement may provide for payment by
1531 the lessor to the lessee of the purchase price of the equipment to
1532 be acquired pursuant thereto prior to the date on which payment is
1533 due to the vendor for such equipment and that the lease payments
1534 by the lessee shall commence as though the equipment had been
1535 provided on the date of payment. If the lessee, or lessee's

1536 escrow agent, has sufficient funds for payment of equipment
1537 purchases prior to payment due date to vendor of equipment, such
1538 funds shall be held or utilized on an as needed basis for payment
1539 of equipment purchases either by the State Treasurer (in which
1540 event the master lease-purchase agreement may include provisions
1541 concerning the holding of such funds, the creation of a security
1542 interest for the benefit of the lessor in such funds until
1543 disbursed and other appropriate provisions approved by the Bond
1544 Commission) or by a corporate trustee selected by the Department
1545 of Finance and Administration (in which event the Department of
1546 Finance and Administration shall have the authority to enter into
1547 an agreement with such a corporate trustee containing terms and
1548 conditions approved by the bond commission). Earnings on any
1549 amount paid by the lessor prior to the acquisition of the
1550 equipment may be used to make lease payments under the master
1551 lease-purchase agreement or applied to pay costs and expenses
1552 incurred in connection with such lease-purchase agreement. In
1553 such event, the equipment use agreements with the user agency may
1554 provide for lease payments to commence upon the date of payment by
1555 the lessor and may also provide for a credit against such payments
1556 to the extent that investment receipts from investment of the
1557 purchase price are to be used to make lease-purchase payments.

1558 (6) The annual rate of interest paid under any
1559 lease-purchase agreement authorized under this section shall not
1560 exceed the maximum interest rate to maturity on general obligation
1561 indebtedness permitted under Section 75-17-101.

1562 (7) The Department of Finance and Administration shall
1563 furnish the equipment to the various agencies, also known as the

1564 user, pursuant to an equipment-use agreement developed by the
1565 Department of Finance and Administration. Such agreements shall
1566 require that all monthly payments due from such agency be paid,
1567 transferred or allocated into the Master Lease-Purchase Program
1568 Fund pursuant to a schedule established by the Department of
1569 Finance and Administration. In the event such sums are not paid
1570 by the defined payment period, the Executive Director of the
1571 Department of Finance and Administration shall issue a requisition
1572 for a warrant to draw such amount as may be due from any funds
1573 appropriated for the use of the agency which has failed to make
1574 the payment as agreed.

1575 (8) All master lease-purchase agreements executed under the
1576 authority of this section shall contain the following annual
1577 allocation dependency clause or an annual allocation dependency
1578 clause which is substantially equivalent thereto: "The
1579 continuation of each equipment schedule to this agreement is
1580 contingent in whole or in part upon the appropriation of funds by
1581 the Legislature to make the lease-purchase payments required under
1582 such equipment schedule. If the Legislature fails to appropriate
1583 sufficient funds to provide for the continuation of the
1584 lease-purchase payments under any such equipment schedule, then
1585 the obligations of the lessee and of the agency to make such
1586 lease-purchase payments and the corresponding provisions of any
1587 such equipment schedule to this agreement shall terminate on the
1588 last day of the fiscal year for which appropriations were made."

1589 (9) The maximum lease term for any equipment acquired under
1590 the master lease-purchase program shall not exceed the useful life
1591 of such equipment as determined according to the upper limit of

1592 the asset depreciation range (ADR) guidelines for the Class Life
1593 Asset Depreciation Range System established by the Internal
1594 Revenue Service pursuant to the United States Internal Revenue
1595 Code and regulations thereunder as in effect on December 31, 1980,
1596 or comparable depreciation guidelines with respect to any
1597 equipment not covered by ADR guidelines. The Department of
1598 Finance and Administration shall be deemed to have met the
1599 requirements of this subsection if the term of a master
1600 lease-purchase agreement does not exceed the weighted average
1601 useful life of all equipment covered by such agreement and the
1602 schedules thereto as determined by the Department of Finance and
1603 Administration. For purposes of this subsection (9), the "term of
1604 a master lease-purchase agreement" shall be the weighted average
1605 maturity of all principal payments to be made under such master
1606 lease-purchase agreement and all schedules thereto.

1607 (10) Interest paid on any master lease-purchase agreement
1608 under this section shall be exempt from State of Mississippi
1609 income taxation. All equipment, and the purchase thereof by any
1610 lessor, acquired under the master lease-purchase program and all
1611 lease-purchase payments with respect thereto shall be exempt from
1612 all Mississippi sales, use and ad valorem taxes.

1613 (11) The Governor, in his annual executive budget to the
1614 Legislature, shall recommend appropriations sufficient to provide
1615 funds to pay all amounts due and payable during the applicable
1616 fiscal year under master lease-purchase agreements entered into
1617 pursuant to this section.

1618 (12) Any master lease-purchase agreement reciting in
1619 substance that such agreement has been entered into pursuant to

1620 this section shall be conclusively deemed to have been entered
1621 into in accordance with all of the provisions and conditions set
1622 forth in this section. Any defect or irregularity arising with
1623 respect to procedures applicable to the acquisition of any
1624 equipment shall not invalidate or otherwise limit the obligation
1625 of the Department of Finance and Administration, or the state or
1626 any agency of the state, under any master lease-purchase agreement
1627 or any equipment-use agreement.

1628 (13) There shall be maintained by the Department of Finance
1629 and Administration with respect to each master lease-purchase
1630 agreement an itemized statement of the cash price, interest rates,
1631 interest costs, commissions, debt service schedules and all other
1632 costs and expenses paid by the state incident to the
1633 lease-purchase of equipment under such agreement.

1634 (14) Lease-purchase agreements entered into by the board of
1635 trustees of any state institution of higher learning pursuant to
1636 the authority of Section 37-101-413 or by any other agency which
1637 has specific statutory authority other than pursuant to Section
1638 31-7-13(e) to acquire equipment by lease-purchase shall not be
1639 made pursuant to the master lease-purchase program under this
1640 section, unless the board * * * or such other agency elects to
1641 participate as to part or all of its lease-purchase acquisitions
1642 in the master lease-purchase program pursuant to this section.

1643 (15) The Department of Finance and Administration may
1644 develop a master lease-purchase program for school districts and,
1645 pursuant to that program, may execute on behalf of the school
1646 districts master lease-purchase agreements for equipment to be
1647 used by the school districts. The form and structure of this

1648 program shall be substantially the same as set forth in this
1649 section for the master lease-purchase program for state agencies.

1650 If sums due from a school district under the master
1651 lease-purchase program are not paid by the expiration of the
1652 defined payment period, the Executive Director of the Department
1653 of Finance and Administration may withhold such amount that is due
1654 from the school district's minimum education or adequate education
1655 program fund allotments.

1656 SECTION 31. Section 37-3-2, Mississippi Code of 1972, is
1657 amended as follows:

1658 37-3-2. (1) There is established within the State
1659 Department of Education the Commission on Teacher and
1660 Administrator Education, Certification and Licensure and
1661 Development. It shall be the purpose and duty of the commission
1662 to make recommendations to the State Board of Education regarding
1663 standards for the certification and licensure and continuing
1664 professional development of those who teach or perform tasks of an
1665 educational nature in the public schools of Mississippi.

1666 (2) The commission shall be composed of fifteen (15)
1667 qualified members. The membership of the commission shall be
1668 composed of the following members to be appointed, three (3) from
1669 each congressional district: four (4) classroom teachers; three
1670 (3) school administrators; one (1) representative of schools of
1671 education of institutions of higher learning located within the
1672 state to be recommended by the Commissioner of Higher Education;
1673 one (1) representative from the schools of education of
1674 independent institutions of higher learning to be recommended by
1675 the Board of the Mississippi Association of Independent Colleges;

1676 one (1) representative from public community and junior colleges
1677 located within the state to be recommended by the State Board for
1678 Community and Junior Colleges; one (1) local school board member;
1679 and four (4) lay persons. All appointments shall be made by the
1680 State Board of Education after consultation with the State
1681 Superintendent of Public Education. The first appointments by the
1682 State Board of Education shall be made as follows: five (5)
1683 members shall be appointed for a term of one (1) year; five (5)
1684 members shall be appointed for a term of two (2) years; and five
1685 (5) members shall be appointed for a term of three (3) years.
1686 Thereafter, all members shall be appointed for a term of four (4)
1687 years.

1688 (3) The State Board of Education when making appointments
1689 shall designate a chairman. The commission shall meet at least
1690 once every two (2) months or more often if needed. Members of the
1691 commission shall be compensated at a rate of per diem as
1692 authorized by Section 25-3-69 and be reimbursed for actual and
1693 necessary expenses as authorized by Section 25-3-41.

1694 (4) An appropriate staff member of the State Department of
1695 Education shall be designated and assigned by the State
1696 Superintendent of Public Education to serve as executive secretary
1697 and coordinator for the commission. No less than two (2) other
1698 appropriate staff members of the State Department of Education
1699 shall be designated and assigned by the State Superintendent of
1700 Public Education to serve on the staff of the commission.

1701 (5) It shall be the duty of the commission to:

1702 (a) Set standards and criteria, subject to the approval
1703 of the State Board of Education, for all educator preparation

1704 programs in the state;

1705 (b) Recommend to the State Board of Education each year
1706 approval or disapproval of each educator preparation program in
1707 the state;

1708 (c) Establish, subject to the approval of the State
1709 Board of Education, standards for initial teacher certification
1710 and licensure in all fields;

1711 (d) Establish, subject to the approval of the State
1712 Board of Education, standards for the renewal of teacher licenses
1713 in all fields;

1714 (e) Review and evaluate objective measures of teacher
1715 performance, such as test scores, which may form part of the
1716 licensure process, and to make recommendations for their use;

1717 (f) Review all existing requirements for certification
1718 and licensure;

1719 (g) Consult with groups whose work may be affected by
1720 the commission's decisions;

1721 (h) Prepare reports from time to time on current
1722 practices and issues in the general area of teacher education and
1723 certification and licensure;

1724 (i) Hold hearings concerning standards for teachers'
1725 and administrators' education and certification and licensure with
1726 approval of the State Board of Education;

1727 (j) Hire expert consultants with approval of the State
1728 Board of Education;

1729 (k) Set up ad hoc committees to advise on specific
1730 areas; and

1731 (l) Perform such other functions as may fall within

1732 their general charge and which may be delegated to them by the
1733 State Board of Education.

1734 (6) (a) **Standard License - Approved Program Route.** An
1735 educator entering the school system of Mississippi for the first
1736 time and meeting all requirements as established by the State
1737 Board of Education shall be granted a standard five-year license.

1738 Persons who possess two (2) years of classroom experience as an
1739 assistant teacher or who have taught for one (1) year in an
1740 accredited public or private school shall be allowed to fulfill
1741 student teaching requirements under the supervision of a qualified
1742 participating teacher approved by an accredited college of
1743 education. The local school district in which the assistant
1744 teacher is employed shall compensate such assistant teachers at
1745 the required salary level during the period of time such
1746 individual is completing student teaching requirements.

1747 Applicants for a standard license shall submit to the department:

1748 (i) An application on a department form;

1749 (ii) An official transcript of completion of a

1750 teacher education program or a bachelor of science degree with

1751 child development emphasis from a program accredited by the

1752 American Association of Family and Consumer Sciences (AAFCS)

1753 approved by the department or a nationally accredited program,

1754 subject to the following: Licensure to teach in Mississippi

1755 prekindergarten through kindergarten classrooms shall require

1756 completion of a teacher education program or a bachelor of science

1757 degree with child development emphasis from a program accredited

1758 by the American Association of Family and Consumer Sciences

1759 (AAFCS). Licensure to teach in Mississippi kindergarten, for

1760 those applicants who have completed a teacher education program,
1761 and in Grade 1 through Grade 4 shall require the completion of an
1762 interdisciplinary program of studies. Licenses for Grades 4
1763 through 8 shall require the completion of an interdisciplinary
1764 program of studies with two (2) or more areas of concentration.
1765 Licensure to teach in Mississippi Grades 7 through 12 shall
1766 require a major in an academic field other than education, or a
1767 combination of disciplines other than education. Students
1768 preparing to teach a subject shall complete a major in the
1769 respective subject discipline. All applicants for standard
1770 licensure shall demonstrate that such person's college preparation
1771 in those fields was in accordance with the standards set forth by
1772 the National Council for Accreditation of Teacher Education
1773 (NCATE) or the National Association of State Directors of Teacher
1774 Education and Certification (NASDTEC) or, for those applicants who
1775 have a bachelor of science degree with child development emphasis,
1776 the American Association of Family and Consumer Sciences (AAFCS);
1777 (iii) A copy of test scores evidencing
1778 satisfactory completion of nationally administered examinations of
1779 achievement, such as the Educational Testing Service's teacher
1780 testing examinations; and
1781 (iv) Any other document required by the State
1782 Board of Education.

1783 (b) **Standard License - Alternate Teaching Route.**

1784 Applicants for a standard license-alternate teaching route shall
1785 submit to the department:

- 1786 (i) An application on a department form;
- 1787 (ii) An official transcript evidencing a bachelors

1788 degree from an accredited institution of higher learning;
1789 (iii) A copy of test scores evidencing
1790 satisfactory completion of an examination of achievement specified
1791 by the commission and approved by the State Board of Education;
1792 (iv) An official transcript evidencing appropriate
1793 credit hours or a copy of test scores evidencing successful
1794 completion of tests as required by the State Board of Education;
1795 and
1796 (v) Any other document required by the State Board
1797 of Education.

1798 A Standard License-Approved Program Route and a Standard
1799 License-Alternate Teaching Route shall be issued for a five-year
1800 period, and may be renewed. Recognizing teaching as a profession,
1801 a hiring preference shall be granted to persons holding a Standard
1802 License-Approved Program Route or Standard License-Alternate
1803 Teaching Route over persons holding any other license.

1804 (c) **Special License - Expert Citizen.** In order to
1805 allow a school district to offer specialized or technical courses,
1806 the State Department of Education, in accordance with rules and
1807 regulations established by the State Board of Education, may grant
1808 a one-year expert citizen-teacher license to local business or
1809 other professional personnel to teach in a public school or
1810 nonpublic school accredited or approved by the state. Such person
1811 may begin teaching upon his employment by the local school board
1812 and licensure by the Mississippi Department of Education. The
1813 board shall adopt rules and regulations to administer the expert
1814 citizen-teacher license. A special license-expert citizen may be
1815 renewed in accordance with the established rules and regulations

1816 of the State Department of Education.

1817 (d) **Special License - Nonrenewable.** The State Board of
1818 Education is authorized to establish rules and regulations to
1819 allow those educators not meeting requirements in subsection
1820 (6)(a), (b) or (c) to be licensed for a period of not more than
1821 three (3) years, except by special approval of the State Board of
1822 Education.

1823 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1824 person may teach for a maximum of three (3) periods per teaching
1825 day in a public school or a nonpublic school accredited/approved
1826 by the state. Such person shall submit to the department a
1827 transcript or record of his education and experience which
1828 substantiates his preparation for the subject to be taught and
1829 shall meet other qualifications specified by the commission and
1830 approved by the State Board of Education. In no case shall any
1831 local school board hire nonlicensed personnel as authorized under
1832 this paragraph in excess of five percent (5%) of the total number
1833 of licensed personnel in any single school.

1834 (f) In the event any school district meets Level 4 or 5
1835 accreditation standards, the State Board of Education, in its
1836 discretion, may exempt such school district from any restrictions
1837 in paragraph (e) relating to the employment of nonlicensed
1838 teaching personnel.

1839 (7) **Administrator License.** The State Board of Education is
1840 authorized to establish rules and regulations and to administer
1841 the licensure process of the school administrators in the State of
1842 Mississippi. There will be four (4) categories of administrator
1843 licensure with exceptions only through special approval of the

1844 State Board of Education.

1845 (a) **Administrator License - Nonpracticing.** Those
1846 educators holding administrative endorsement but have no
1847 administrative experience or not serving in an administrative
1848 position on January 15, 1997.

1849 (b) **Administrator License - Entry Level.** Those
1850 educators holding administrative endorsement and having met the
1851 department's qualifications to be eligible for employment in a
1852 Mississippi school district. Administrator license - entry level
1853 shall be issued for a five-year period and shall be nonrenewable.

1854 (c) **Standard Administrator License - Career Level.** An
1855 administrator who has met all the requirements of the department
1856 for standard administrator licensure.

1857 (d) **Administrator License - Alternate Route.** The board
1858 may establish an alternate route for licensing administrative
1859 personnel. Such alternate route for administrative licensure
1860 shall be available for persons holding, but not limited to, a
1861 master of business administration degree, a master of public
1862 administration degree or a master of public planning and policy
1863 degree from an accredited college or university, with five (5)
1864 years of administrative or supervisory experience. Successful
1865 completion of the requirements of alternate route licensure for
1866 administrators shall qualify the person for a standard
1867 administrator license.

1868 Beginning with the 1997-1998 school year, individuals seeking
1869 school administrator licensure under paragraph (b), (c) or (d)
1870 shall successfully complete a training program and an assessment
1871 process prescribed by the State Board of Education. Applicants

1872 seeking school administrator licensure prior to June 30, 1997, and
1873 completing all requirements for provisional or standard
1874 administrator certification and who have never practiced, shall be
1875 exempt from taking the Mississippi Assessment Battery Phase I.
1876 Applicants seeking school administrator licensure during the
1877 period beginning July 1, 1997, through June 30, 1998, shall
1878 participate in the Mississippi Assessment Battery, and upon
1879 request of the applicant, the department shall reimburse the
1880 applicant for the cost of the assessment process required. After
1881 June 30, 1998, all applicants for school administrator licensure
1882 shall meet all requirements prescribed by the department under
1883 paragraph (b), (c) or (d), and the cost of the assessment process
1884 required shall be paid by the applicant.

1885 (8) **Reciprocity.** (a) The department shall grant a standard
1886 license to any individual who possesses a valid standard license
1887 from another state and has a minimum of two (2) years of full-time
1888 teaching or administrator experience.

1889 (b) The department shall grant a nonrenewable special
1890 license to any individual who possesses a credential which is less
1891 than a standard license or certification from another state, or
1892 who possesses a standard license from another state but has less
1893 than two (2) years of full-time teaching or administration
1894 experience. Such special license shall be valid for the current
1895 school year plus one (1) additional school year to expire on June
1896 30 of the second year, not to exceed a total period of twenty-four
1897 (24) months, during which time the applicant shall be required to
1898 complete the requirements for a standard license in Mississippi.

1899 (9) **Renewal and Reinstatement of Licenses.** The State Board

1900 of Education is authorized to establish rules and regulations for
1901 the renewal and reinstatement of educator and administrator
1902 licenses. Effective May 15, 1997, the valid standard license held
1903 by an educator shall be extended five (5) years beyond the
1904 expiration date of the license in order to afford the educator
1905 adequate time to fulfill new renewal requirements established
1906 pursuant to this subsection. An educator completing a master of
1907 education, educational specialist or doctor of education degree in
1908 May 1997 for the purpose of upgrading the educator's license to a
1909 higher class shall be given this extension of five (5) years plus
1910 five (5) additional years for completion of a higher degree.

1911 (10) All controversies involving the issuance, revocation,
1912 suspension or any change whatsoever in the licensure of an
1913 educator required to hold a license shall be initially heard in a
1914 hearing de novo, by the commission or by a subcommittee
1915 established by the commission and composed of commission members
1916 for the purpose of holding hearings. Any complaint seeking the
1917 denial of issuance, revocation or suspension of a license shall be
1918 by sworn affidavit filed with the Commission of Teacher and
1919 Administrator Education, Certification and Licensure and
1920 Development. The decision thereon by the commission or its
1921 subcommittee shall be final, unless the aggrieved party shall
1922 appeal to the State Board of Education, within ten (10) days, of
1923 the decision of the committee or its subcommittee. An appeal to
1924 the State Board of Education shall be on the record previously
1925 made before the commission or its subcommittee unless otherwise
1926 provided by rules and regulations adopted by the board. The State
1927 Board of Education in its authority may reverse, or remand with

1928 instructions, the decision of the committee or its subcommittee.

1929 The decision of the State Board of Education shall be final.

1930 (11) The State Board of Education, acting through the
1931 commission, may deny an application for any teacher or
1932 administrator license for one or more of the following:

1933 (a) Lack of qualifications which are prescribed by law
1934 or regulations adopted by the State Board of Education;

1935 (b) The applicant has a physical, emotional or mental
1936 disability that renders the applicant unfit to perform the duties
1937 authorized by the license, as certified by a licensed psychologist
1938 or psychiatrist;

1939 (c) The applicant is actively addicted to or actively
1940 dependent on alcohol or other habit-forming drugs or is a habitual
1941 user of narcotics, barbiturates, amphetamines, hallucinogens, or
1942 other drugs having similar effect, at the time of application for
1943 a license;

1944 (d) Revocation of an applicant's certificate or license
1945 by another state;

1946 (e) Fraud or deceit committed by the applicant in
1947 securing or attempting to secure such certification and license;

1948 (f) Failing or refusing to furnish reasonable evidence
1949 of identification;

1950 (g) The applicant has been convicted, has pled guilty
1951 or entered a plea of nolo contendere to a felony, as defined by
1952 federal or state law; or

1953 (h) The applicant has been convicted, has pled guilty
1954 or entered a plea of nolo contendere to a sex offense as defined
1955 by federal or state law.

1956 (12) The State Board of Education, acting on the
1957 recommendation of the commission, may revoke or suspend any
1958 teacher or administrator license for specified periods of time for
1959 one or more of the following:

1960 (a) Breach of contract or abandonment of employment may
1961 result in the suspension of the license for one (1) school year as
1962 provided in Section 37-9-57;

1963 (b) Obtaining a license by fraudulent means shall
1964 result in immediate suspension and continued suspension for one
1965 (1) year after correction is made;

1966 (c) Suspension or revocation of a certificate or
1967 license by another state shall result in immediate suspension or
1968 revocation and shall continue until records in the prior state
1969 have been cleared;

1970 (d) The license holder has been convicted, has pled
1971 guilty or entered a plea of nolo contendere to a felony, as
1972 defined by federal or state law;

1973 (e) The license holder has been convicted, has pled
1974 guilty or entered a plea of nolo contendere to a sex offense, as
1975 defined by federal or state law; or

1976 (f) The license holder knowingly and willfully
1977 committing any of the acts affecting validity of mandatory uniform
1978 test results as provided in Section 37-16-4(1).

1979 (13) (a) Dismissal or suspension of a licensed employee by
1980 a local school board pursuant to Section 37-9-59 may result in the
1981 suspension or revocation of a license for a length of time which
1982 shall be determined by the commission and based upon the severity
1983 of the offense.

1984 (b) Any offense committed or attempted in any other
1985 state shall result in the same penalty as if committed or
1986 attempted in this state.

1987 (c) A person may voluntarily surrender a license. The
1988 surrender of such license may result in the commission
1989 recommending any of the above penalties without the necessity of a
1990 hearing. However, any such license which has voluntarily been
1991 surrendered by a licensed employee may be reinstated by a
1992 unanimous vote of all members of the commission.

1993 (14) A person whose license has been suspended on any
1994 grounds except criminal grounds may petition for reinstatement of
1995 the license after one (1) year from the date of suspension, or
1996 after one-half (1/2) of the suspended time has lapsed, whichever
1997 is greater. A license suspended on the criminal grounds may be
1998 reinstated upon petition to the commission filed after expiration
1999 of the sentence and parole or probationary period imposed upon
2000 conviction. A revoked license may be reinstated upon satisfactory
2001 showing of evidence of rehabilitation. The commission shall
2002 require all who petition for reinstatement to furnish evidence
2003 satisfactory to the commission of good character, good mental,
2004 emotional and physical health and such other evidence as the
2005 commission may deem necessary to establish the petitioner's
2006 rehabilitation and fitness to perform the duties authorized by the
2007 license.

2008 (15) Reporting procedures and hearing procedures for dealing
2009 with infractions under this section shall be promulgated by the
2010 commission, subject to the approval of the State Board of
2011 Education. The revocation or suspension of a license shall be

2012 effected at the time indicated on the notice of suspension or
2013 revocation. The commission shall immediately notify the
2014 superintendent of the school district or school board where the
2015 teacher or administrator is employed of any disciplinary action
2016 and also notify the teacher or administrator of such revocation or
2017 suspension and shall maintain records of action taken. The State
2018 Board of Education may reverse or remand with instructions any
2019 decision of the commission regarding a petition for reinstatement
2020 of a license, and any such decision of the State Board of
2021 Education shall be final.

2022 (16) An appeal from the action of the State Board of
2023 Education in denying an application, revoking or suspending a
2024 license or otherwise disciplining any person under the provisions
2025 of this section, shall be filed in the Chancery Court of the First
2026 Judicial District of Hinds County on the record made, including a
2027 verbatim transcript of the testimony at the hearing. The appeal
2028 shall be filed within thirty (30) days after notification of the
2029 action of the board is mailed or served and the proceedings in
2030 chancery court shall be conducted as other matters coming before
2031 the court. The appeal shall be perfected upon filing notice of
2032 the appeal and by the prepayment of all costs, including the cost
2033 of preparation of the record of the proceedings by the State Board
2034 of Education, and the filing of a bond in the sum of Two Hundred
2035 Dollars (\$200.00) conditioned that if the action of the board be
2036 affirmed by the chancery court, the applicant or license holder
2037 shall pay the costs of the appeal and the action of the chancery
2038 court.

2039 (17) All such programs, rules, regulations, standards and

2040 criteria recommended or authorized by the commission shall become
2041 effective upon approval by the State Board of Education as
2042 designated by appropriate orders entered upon the minutes thereof.

2043 (18) The granting of a license shall not be deemed a
2044 property right nor a guarantee of employment in any public school
2045 district. A license is a privilege indicating minimal eligibility
2046 for teaching in the public schools of Mississippi. This section
2047 shall in no way alter or abridge the authority of local school
2048 districts to require greater qualifications or standards of
2049 performance as a prerequisite of initial or continued employment
2050 in such districts.

2051 (19) In addition to the reasons specified in subsections
2052 (12) and (13) of this section, the board shall be authorized to
2053 suspend the license of any licensee for being out of compliance
2054 with an order for support, as defined in Section 93-11-153. The
2055 procedure for suspension of a license for being out of compliance
2056 with an order for support, and the procedure for the reissuance or
2057 reinstatement of a license suspended for that purpose, and the
2058 payment of any fees for the reissuance or reinstatement of a
2059 license suspended for that purpose, shall be governed by Section
2060 93-11-157 or 93-11-163, as the case may be. Actions taken by the
2061 board in suspending a license when required by Section 93-11-157
2062 or 93-11-163 are not actions from which an appeal may be taken
2063 under this section. Any appeal of a license suspension that is
2064 required by Section 93-11-157 or 93-11-163 shall be taken in
2065 accordance with the appeal procedure specified in Section
2066 93-11-157 or 93-11-163, as the case may be, rather than the
2067 procedure specified in this section. If there is any conflict

2068 between any provision of Section 93-11-157 or 93-11-163 and any
2069 provision of this chapter, the provisions of Section 93-11-157 or
2070 93-11-163, as the case may be, shall control.

2071 SECTION 32. Section 37-4-4, Mississippi Code of 1972, is
2072 amended as follows:[LH22]

2073 37-4-4. The Commissioner of Higher Education, or his
2074 designee, * * * shall attend all regular meetings of the State
2075 Board for Community and Junior Colleges. The commissioner shall
2076 have no jurisdiction or vote on any matter within the jurisdiction
2077 of the board. The Commissioner of Higher Education and any
2078 designee who is a state employee shall receive no per diem for
2079 attending meetings of the board, but shall be entitled to actual
2080 and necessary expense reimbursement and mileage for attending
2081 meetings at locations other than Jackson, Mississippi. * * *

2082 SECTION 33. Section 37-9-77, Mississippi Code of 1972, is
2083 amended as follows:[LH23]

2084 37-9-77. (1) There is established the Mississippi School
2085 Administrator Sabbatical Program which shall be available to
2086 licensed teachers employed in Mississippi school districts for not
2087 less than three (3) years, for the purpose of allowing such
2088 teachers to become local school district administrators under the
2089 conditions set forth in this section. The State Board of
2090 Education, in coordination with the board of trustees of each
2091 state institution of higher learning offering administrator course
2092 work and training, shall develop guidelines for the program.
2093 Application shall be made to the State Department of Education for
2094 the Mississippi School Administrator Sabbatical Program by
2095 qualified teachers meeting the criteria for a department-approved

2096 administration program and who have been recommended by the local
2097 school board. Administration programs that are eligible for the
2098 administrator sabbatical program shall be limited to those that
2099 have been approved by the department by the January 1 preceding
2100 the date of admission to the program. Admission into the program
2101 shall authorize the applicant to take university course work and
2102 training leading to an administrator's license .

2103 (2) The salaries of the teachers approved for participation
2104 in the administrator sabbatical program shall be paid by the
2105 employing school district from nonminimum education program funds.
2106 However, the State Department of Education shall reimburse the
2107 employing school districts for the cost of the salaries and paid
2108 fringe benefits of teachers participating in the administrator
2109 sabbatical program for one (1) contract year. Reimbursement shall
2110 be made in accordance with the then current minimum education
2111 program salary schedule under Section 37-19-7, except that the
2112 maximum amount of the reimbursement from state funds shall not
2113 exceed the minimum education program salary for a teacher holding
2114 a Class A license and having five (5) years' experience. The
2115 local school district shall be responsible for that portion of a
2116 participating teacher's salary attributable to the local
2117 supplement and for any portion of the teacher's salary that
2118 exceeds the maximum amount allowed for reimbursement from state
2119 funds as provided in this subsection, and the school board may not
2120 reduce the local supplement payable to that teacher. Any
2121 reimbursements made by the State Department of Education to local
2122 school districts under this section shall be subject to available
2123 appropriations and may be made only to school districts determined

2124 by the State Board of Education as being in need of
2125 administrators.

2126 (3) Such teachers participating in the program on a
2127 full-time basis shall continue to receive teaching experience and
2128 shall receive the salary prescribed in Section 37-19-7, including
2129 the annual experience increments. Such participants shall be
2130 fully eligible to continue participation in the Public Employees
2131 Retirement System and the Public School Employees Health Insurance
2132 Plan during the time they are in the program on a full-time basis.

2133 (4) As a condition for participation in the School
2134 Administrator Sabbatical Program, such teachers shall agree to
2135 employment as administrators in the sponsoring school district for
2136 not less than five (5) years following completion of administrator
2137 licensure requirements. Any person failing to comply with this
2138 employment commitment in any required school year, unless the
2139 commitment is deferred as provided in subsection (5) of this
2140 section, shall immediately be in breach of contract and become
2141 liable to the State Department of Education for that amount of his
2142 salary and paid fringe benefits paid by the state while the
2143 teacher was on sabbatical, less twenty percent (20%) of the amount
2144 of his salary and paid fringe benefits paid by the state for each
2145 year that the person was employed as an administrator following
2146 completion of the administrator licensure requirements. In
2147 addition, the person shall become liable to the local school
2148 district for any portion of his salary and paid fringe benefits
2149 paid by the local school district while the teacher was on
2150 sabbatical that is attributable to the local salary supplement or
2151 is attributable to the amount that exceeds the maximum amount

2152 allowed for reimbursement from state funds as provided in
2153 subsection (2) of this section, less twenty percent (20%) of the
2154 amount of his salary and paid fringe benefits paid by the school
2155 district for each year that the person was employed as an
2156 administrator following completion of the administrator licensure
2157 requirements. Interest on the amount due shall accrue at the
2158 current Stafford Loan rate at the time the breach occurs. If the
2159 claim for repayment of such salary and fringe benefits is placed
2160 in the hands of an attorney for collection after default, then the
2161 obligor shall be liable for an additional amount equal to a
2162 reasonable attorney's fee.

2163 (5) If there is not an administrator position immediately
2164 available in the sponsoring school district after a person has
2165 completed the administrator licensure requirements, or if the
2166 administrator position in the sponsoring school district in which
2167 the person is employed is no longer needed before the completion
2168 of the five-year employment commitment, the local school board
2169 shall defer any part of the employment commitment that has not
2170 been met until such time as an administrator position becomes
2171 available in the sponsoring school district. If such a deferral
2172 is made, the sponsoring school district shall employ the person as
2173 a teacher in the school district during the period of deferral,
2174 unless the person desires to be released from employment by the
2175 sponsoring school district and the district agrees to release the
2176 person from employment. If the sponsoring school district
2177 releases a person from employment, that person may be employed as
2178 an administrator in another school district in the state that is
2179 in need of administrators as determined by the State Board of

2180 Education, and that employment for the other school district shall
2181 be applied to any remaining portion of the five-year employment
2182 commitment required under this section. Nothing in this
2183 subsection shall prevent a school district from not renewing the
2184 person's contract before the end of the five-year employment
2185 commitment in accordance with the School Employment Procedures Law
2186 (Section 37-9-101 et seq.). However, if the person is not
2187 employed as an administrator by another school district after
2188 being released by the sponsoring school district, or after his
2189 contract was not renewed by the sponsoring school district, he
2190 shall be liable for repayment of the amount of his salary and
2191 fringe benefits as provided in subsection (4) of this section.

2192 (6) All funds received by the State Department of Education
2193 from the repayment of salary and fringe benefits paid by the state
2194 from program participants shall be deposited in the Mississippi
2195 Critical Teacher Shortage Fund.

2196 (7) This section shall stand repealed from and after July 1,
2197 2001.

2198 SECTION 34. Section 37-9-213, Mississippi Code of 1972, is
2199 amended as follows:[LH24]

2200 37-9-213. The Mississippi Teacher Center shall be
2201 responsible for the regular and ongoing evaluation of the
2202 beginning teacher support program and may contract for such
2203 evaluation. The evaluation shall include, but not be limited to,
2204 assessments of the following:

2205 (a) A survey and follow-up of all eligible mentor
2206 teachers and beginning teachers and appropriate district
2207 officials, to assess satisfaction with and the effectiveness of

2208 the beginning teacher support program;

2209 (b) The amount and quality of the contact time between
2210 mentor teachers and beginning teachers;

2211 (c) The effectiveness of workshops and other training
2212 required under Sections 37-9-201 through 37-9-211;

2213 (d) The effectiveness of the mentor program in
2214 enhancing the professional development and retention of new
2215 teachers in the district;

2216 (e) The desirability of extending this assistance
2217 program to students participating in graduate level teacher
2218 preparation programs similar to those which have been proposed by
2219 the boards of trustees of state institutions of higher learning
2220 offering such programs; and

2221 (f) The desirability of extending this assistance
2222 program to all probationary teachers.

2223 SECTION 35. Section 37-11-17, Mississippi Code of 1972, is
2224 amended as follows:[LH25]

2225 37-11-17. (1) The State Board of Education, the board of
2226 trustees of each state institution of higher learning, the State
2227 Board for Community and Junior Colleges, the boards of trustees of
2228 the several junior colleges, the county boards of education, the
2229 governing authorities of any county, municipal or other public
2230 school districts, such other boards set up by law for any
2231 educational institution, school, college or university, or their
2232 authorized representative, or the State Health Officer or his
2233 authorized representative, may require any teacher, supervisor,
2234 janitor or other employee of the school to submit to a thorough
2235 physical examination, deemed advisable to determine whether he has

2236 any infectious or communicable disease.

2237 (2) The State Board of Education may develop a program to
2238 accomplish the identification of public school students with
2239 abnormal spinal curvature. No state funds shall be expended for
2240 the purposes of implementing this subsection. Such program shall:

2241 (a) Provide that an adequate number of school personnel
2242 in each district be instructed by qualified medical experts in the
2243 proper examination of students for abnormal spinal curvatures;

2244 (b) Provide that all public school students who are at
2245 least ten (10) years old be screened at least every two (2) years
2246 but at least in the fourth, sixth, eighth and tenth grades or at
2247 such other times as may be recommended by medical experts on a per
2248 case basis;

2249 (c) Provide that students identified as having abnormal
2250 spinal curvatures or potential for abnormal spinal curvatures be
2251 referred to the county health officer or to the student's personal
2252 physician or chiropractor with notice of the evaluation; and

2253 (d) Provide for notification of the parent or guardian
2254 of any student identified under this program and for the supplying
2255 to such parent or guardian information on the condition and
2256 resources available for the correction or treatment of such
2257 condition. However, the requirement for screening shall not apply
2258 to a child whose parent or guardian objects thereto on grounds
2259 that the requirement conflicts with his conscientiously held
2260 religious beliefs.

2261 SECTION 36. Section 37-11-29, Mississippi Code of 1972, is
2262 amended as follows:[LH26]

2263 37-11-29. (1) Any principal, teacher or other school

2264 employee who has knowledge of any unlawful activity which occurred
2265 on educational property or during a school related activity or
2266 which may have occurred shall report such activity to the
2267 superintendent of the school district or his designee who shall
2268 notify the appropriate law enforcement officials as required by
2269 this section. In the event of an emergency or if the
2270 superintendent or his designee is unavailable, any principal may
2271 make a report required under this subsection.

2272 (2) Whenever any person who shall be an enrolled student in
2273 any school or educational institution in this state supported in
2274 whole or in part by public funds, or who shall be an enrolled
2275 student in any private school or educational institution, is
2276 arrested for, and lawfully charged with, the commission of any
2277 crime and convicted upon the charge for which he was arrested, or
2278 convicted of any crime charged against him after his arrest and
2279 before trial, the office or law enforcement department of which
2280 the arresting officer is a member, and the justice court judge and
2281 any circuit judge or court before whom such student is tried upon
2282 said charge or charges, shall make or cause to be made a report
2283 thereof to the superintendent or the president or chancellor, as
2284 the case may be, of the school district or other educational
2285 institution in which such student is enrolled.

2286 If the charge upon which such student was arrested, or any
2287 other charges preferred against him are dismissed or nol prossed,
2288 or if upon trial he is either convicted or acquitted of such
2289 charge or charges, same shall be reported to said respective
2290 superintendent or president, or chancellor, as the case may
2291 be. * * *

2292 Said report shall be made within one (1) week after the
2293 arrest of such student and within one (1) week after any charge
2294 placed against him is dismissed or nol prossed, and within one (1)
2295 week after he shall have pled guilty, been convicted, or have been
2296 acquitted by trial upon any charge placed against him. This
2297 section shall not apply to ordinary traffic violations involving a
2298 penalty of less than Fifty Dollars (\$50.00) and costs.

2299 (3) When the superintendent or his designee has a reasonable
2300 belief that an act has occurred on educational property or during
2301 a school related activity involving any of the offenses set forth
2302 in subsection (6) of this section, the superintendent or his
2303 designee shall immediately report the act to the appropriate local
2304 law enforcement agency. For purposes of this subsection, "school
2305 property" shall include any public school building, bus, public
2306 school campus, grounds, recreational area or athletic field in the
2307 charge of the superintendent. The State Board of Education shall
2308 prescribe a form for making reports required under this
2309 subsection. Any superintendent or his designee who fails to make
2310 a report required by this section shall be subject to the
2311 penalties provided in Section 37-11-15.

2312 (4) The law enforcement authority shall immediately dispatch
2313 an officer to the educational institution and with probable cause
2314 the officer is authorized to make an arrest if necessary as
2315 provided in Section 99-3-7.

2316 (5) Any superintendent, principal, teacher or other school
2317 personnel participating in the making of a required report
2318 pursuant to this section or participating in any judicial
2319 proceeding resulting therefrom shall be presumed to be acting in

2320 good faith. Any person reporting in good faith shall be immune
2321 from any civil liability that might otherwise be incurred or
2322 imposed.

2323 (6) For purposes of this section, "unlawful activity" means
2324 any of the following:

2325 (a) Possession or use of a deadly weapon, as defined in
2326 Section 97-37-1;

2327 (b) Possession, sale or use of any controlled
2328 substance;

2329 (c) Aggravated assault, as defined in Section 97-3-7;

2330 (d) Simple assault, as defined in Section 97-3-7, upon
2331 any school employee;

2332 (e) Rape, as defined under Mississippi law;

2333 (f) Sexual battery, as defined under Mississippi law;

2334 (g) Murder, as defined under Mississippi law;

2335 (h) Kidnapping, as defined under Mississippi law; or

2336 (i) Fondling, touching, handling, etc., a child for
2337 lustful purposes, as defined in Section 97-5-23.

2338 SECTION 37. Section 37-26-9, Mississippi Code of 1972, is
2339 amended as follows:[LH27]

2340 37-26-9. (1) It shall be the duty of the clerk of any court
2341 to promptly collect the costs imposed pursuant to the provisions
2342 of Section 37-26-3. In all cases the clerk shall monthly deposit
2343 all such costs so collected with the State Treasurer either
2344 directly or by other appropriate procedures. All such deposits
2345 shall be clearly marked for the State Court Education Fund and the
2346 State Prosecutor Education Fund. Upon receipt of such deposits,
2347 the State Treasurer shall credit seventy-five percent (75%) of any

2348 amounts so deposited to the State Court Education Fund created
2349 pursuant to subsection (2) of this section, and shall credit the
2350 remaining twenty-five percent (25%) of any amounts so deposited to
2351 the State Prosecutor Education Fund created pursuant to subsection
2352 (3) of this section.

2353 (2) Such assessments as are collected under Section 99-19-73
2354 shall be deposited in a special fund hereby created in the State
2355 Treasury and designated the "State Court Education Fund." Monies
2356 deposited in such fund shall be expended by the board of trustees
2357 of each state institution of higher learning as authorized and
2358 appropriated by the Legislature to defray the cost of providing:
2359 (i) education and training for the courts of Mississippi and
2360 related personnel; (ii) technical assistance for the courts of
2361 Mississippi and related personnel; and (iii) current and accurate
2362 information for the Mississippi Legislature pertaining to the
2363 needs of the courts of Mississippi and related personnel.

2364 (3) Such assessments as are collected under Section 99-19-73
2365 shall be deposited in a special fund hereby created in the State
2366 Treasury and designated the "State Prosecutor Education Fund."
2367 Monies deposited in such fund shall be expended by the Attorney
2368 General of the State of Mississippi as authorized and appropriated
2369 by the Legislature to defray the cost of providing: (i) education
2370 and training for district attorneys, county prosecuting attorneys
2371 and municipal prosecuting attorneys; (ii) technical assistance for
2372 district attorneys, county prosecuting attorneys and municipal
2373 prosecuting attorneys; and (iii) current and accurate information
2374 for the Mississippi Legislature pertaining to the needs of
2375 district attorneys, county prosecuting attorneys and municipal

2376 prosecuting attorneys.

2377 (4) A supplemental fund is hereby created in the State
2378 Treasury and designated the State Court Constituents Fund. Monies
2379 deposited in such fund shall be for the education and training of
2380 judges and related court personnel other than those specified in
2381 Section 37-26-1(b). In addition to any other fees or costs now or
2382 as may hereafter be provided by law, there is hereby charged in
2383 all civil cases in the chancery, circuit, county, justice and
2384 municipal courts of this state a supplemental court education and
2385 training cost in the amount of Fifty Cents (50¢), except in
2386 justice court cases where the amount sued for is less than Fifteen
2387 Dollars (\$15.00); and in all criminal cases in the circuit,
2388 county, justice and municipal courts of this state, except in
2389 cases where the fine is less than Ten Dollars (\$10.00). Such
2390 costs shall be charged and collected as provided by Sections
2391 37-26-3 and 37-26-5.

2392 After the transfer to the State Prosecutor Education Fund of
2393 twenty-five percent (25%) of the money provided for in subsection
2394 (1) of this section, there shall then be transferred into the
2395 State Court Education Fund the money on deposit in the State Court
2396 Constituents Fund.

2397 (5) A special fund is created in the State Treasury and
2398 designated the "State Court Security Systems Fund." Monies
2399 deposited in such fund shall be expended for general courtroom
2400 security as well as the maintenance and operation of security
2401 surveillance and detection devices for the courtrooms of each
2402 court of the State of Mississippi specified in Section 37-26-1(2).
2403 The Administrative Office of Courts shall conduct a study to

2404 assess and determine the security needs of the courts and is
2405 authorized to expend monies in the fund for the purposes of the
2406 fund as authorized and appropriated by the Legislature.

2407 SECTION 38. Section 37-61-33, Mississippi Code of 1972, is
2408 amended as follows:[LH28]

2409 **[Until July 1, 2002, this section reads as follows:]**

2410 37-61-33. (1) There is hereby created within the State
2411 Treasury a special fund to be designated the "Education
2412 Enhancement Fund" into which shall be deposited all the revenues
2413 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)
2414 and (b) and 27-103-203(1).

2415 (2) Of the amount deposited into the Education Enhancement
2416 Fund, excluding revenues deposited pursuant to Section
2417 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
2418 appropriated each fiscal year to the State Department of Education
2419 to be distributed to all school districts. Such money shall be
2420 distributed to all school districts in the proportion that the
2421 average daily attendance of each school district bears to the
2422 average daily attendance of all school districts within the state
2423 for the following purposes:

2424 (a) Purchasing, erecting, repairing, equipping,
2425 remodeling and enlarging school buildings and related facilities,
2426 including gymnasiums, auditoriums, lunchrooms, vocational training
2427 buildings, libraries, teachers' homes, school barns,
2428 transportation vehicles (which shall include new and used
2429 transportation vehicles) and garages for transportation vehicles,
2430 and purchasing land therefor.

2431 (b) Establishing and equipping school athletic fields

2432 and necessary facilities connected therewith, and purchasing land
2433 therefor.

2434 (c) Providing necessary water, light, heating, air
2435 conditioning and sewerage facilities for school buildings, and
2436 purchasing land therefor.

2437 (d) As a pledge to pay all or a portion of the debt
2438 service on debt issued by the school district under Sections
2439 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2440 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2441 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
2442 of supervisors for agricultural high schools pursuant to Section
2443 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
2444 pursuant to a written contract or resolution approved and spread
2445 upon the minutes of an official meeting of the district's school
2446 board or board of supervisors. The annual grant to such district
2447 in any subsequent year during the term of the resolution or
2448 contract shall not be reduced below an amount equal to the
2449 district's grant amount for the year in which the contract or
2450 resolution was adopted. The intent of this provision is to allow
2451 school districts to irrevocably pledge a certain, constant stream
2452 of revenue as security for long-term obligations issued under the
2453 code sections enumerated in this paragraph or as otherwise allowed
2454 by law. It is the intent of the Legislature that the provisions
2455 of this paragraph shall be cumulative and supplemental to any
2456 existing funding programs or other authority conferred upon school
2457 districts or school boards. Debt of a district secured by a
2458 pledge of sales tax revenue pursuant to this paragraph shall not
2459 be subject to any debt limitation contained in the foregoing

2460 enumerated code sections.

2461 (3) The remainder of the money deposited into the Education
2462 Enhancement Fund, excluding funds deposited pursuant to Section
2463 27-103-203(1), shall be appropriated as follows:

2464 (a) To the State Department of Education as follows:

2465 (i) Eight and thirty-five one-hundredths percent
2466 (8.35%) to be distributed to public school districts for the
2467 funding of textbooks and other educational materials and to be
2468 used by the State Department of Education for the purchase of
2469 textbooks to be loaned under Sections 37-43-1 through 37-43-59 to
2470 approved nonpublic schools, as described under Section 37-43-1.
2471 The amount of funds under this item to be used by the department
2472 for purchasing textbooks to loan to approved nonpublic schools
2473 shall be in the proportion that the average daily attendance of
2474 the nonpublic schools that are loaned textbooks by the state bears
2475 to the average daily attendance of all school districts in the
2476 state. The funds distributed to the school districts under this
2477 item shall be in the proportion that the average daily attendance
2478 of each school district bears to the average daily attendance of
2479 all school districts within the state and shall be used to assist
2480 in the funding of textbooks and other educational materials, to
2481 include not more than Two Million Dollars (\$2,000,000.00) each
2482 year for technology enhancement projects for elementary and
2483 secondary education programs;

2484 (ii) Seven and ninety-seven one-hundredths percent
2485 (7.97%) to assist the funding of transportation operations and
2486 maintenance pursuant to Section 37-19-23;

2487 (iii) Eight and twenty-six one-hundredths percent

2488 (8.26%) to assist the funding of the Uniform Millage Assistance
2489 Grant Program pursuant to Section 37-22-1; and

2490 (iv) Nine and sixty-one one-hundredths percent
2491 (9.61%) for classroom supplies, instructional materials and
2492 equipment, including computers and computer software, to be
2493 distributed to all school districts in the proportion that the
2494 average daily attendance of each school district bears to the
2495 average daily attendance of all school districts within the state.
2496 Such funds shall not be expended for administrative purposes.
2497 Local school districts shall allocate classroom supply funds
2498 equally among all classroom teachers in the school district. For
2499 purposes of this subparagraph, "teacher" shall mean any employee
2500 of the school board of a school district who is required by law to
2501 obtain a teacher's license from the State Board of Education and
2502 who is assigned to an instructional area of work as defined by the
2503 State Department of Education, but shall not include a federally
2504 funded teacher. Two (2) or more teachers may agree to pool their
2505 classroom supply funds for the benefit of a school within the
2506 district pursuant to the development of a spending plan that
2507 supports the overall goals of the school which includes the type,
2508 quantity and quality of such supplies, instructional materials,
2509 equipment, computers or computer software. This plan shall be
2510 submitted, in writing, to the school principal for approval.
2511 Classroom supply funds allocated under this subparagraph shall
2512 supplement, not replace, other local and state funds available for
2513 the same purposes. School districts need not fully expend the
2514 funds received under this subparagraph in the year in which they
2515 are received, but such funds may be carried forward for

2516 expenditure in any succeeding school year. The State Board of
2517 Education shall develop and promulgate rules and regulations for
2518 the administration of this subparagraph consistent with the above
2519 criteria, with particular emphasis on allowing the individual
2520 teachers to expend funds as they deem appropriate, with minimum
2521 input from school principals;

2522 (b) Twenty-two and nine one-hundredths percent (22.09%)
2523 to the various boards of trustees of the state institutions of
2524 higher learning for the purpose of supporting the institutions of
2525 higher learning; and

2526 (c) Fourteen and forty-one one-hundredths percent
2527 (14.41%) to the State Board for Community and Junior Colleges for
2528 the purpose of providing support to community and junior colleges.

2529 (4) The amount remaining in the Education Enhancement Fund
2530 after funds are distributed as provided in subsections (2) and (3)
2531 of this section, excluding funds deposited pursuant to Section
2532 27-103-203(1), shall be disbursed as follows:

2533 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2534 be deposited into the Working Cash-Stabilization Reserve Fund
2535 created pursuant to Section 27-103-203(1), until the balance in
2536 such fund reaches the maximum balance of seven and one-half
2537 percent (7-1/2%) of the General Fund appropriations in the
2538 appropriate fiscal year. After the maximum balance in the Working
2539 Cash-Stabilization Reserve Fund is reached, such money shall
2540 remain in the Education Enhancement Fund to be appropriated in the
2541 manner provided for in paragraph (b) of this section.

2542 (b) The remainder shall be appropriated for other
2543 educational needs.

2544 (5) None of the funds appropriated pursuant to subsection
2545 (3)(a) of this section shall be used to reduce the state's general
2546 fund appropriation for the categories listed in an amount below
2547 the following amounts:

2548 (a) For subsection (3)(a)(i) of this section, Six
2549 Million Three Hundred Thirty Thousand Nine Hundred Twenty Dollars
2550 (\$6,330,920.00);

2551 (b) For subsection (3)(a)(ii) of this section
2552 Thirty-six Million Seven Hundred Thousand Dollars
2553 (\$36,700,000.00);

2554 (c) For subsection (3)(a)(iii) of this section,
2555 Twenty-one Million Four Hundred Thousand Dollars (\$21,400,000.00);
2556 and

2557 (d) For the aggregate of minimum program allotments
2558 provided for in Chapter 19, Title 37, Mississippi Code of 1972, as
2559 amended, excluding those funds for transportation as provided for
2560 in subsection (5)(b) herein.

2561 (6) At the end of a fiscal year such amounts as required by
2562 Section 27-103-203(1) to be transferred to the Education
2563 Enhancement Fund shall be deposited into said Education
2564 Enhancement Fund and shall be kept separate from other monies in
2565 the fund by the State Treasurer. Beginning with the 1994 fiscal
2566 year the monies in such special fund deposited pursuant to said
2567 Section 27-103-203(1) shall be subject to appropriation by the
2568 Legislature in the following manner: (a) fifty percent (50%) to
2569 support public education, including but not limited to, Grades K
2570 through 12, Mississippi Educational Television and/or the
2571 Mississippi Library Commission; (b) twenty-five percent (25%) to

2572 support institutions of higher learning; and (c) twenty-five
2573 percent (25%) to support the junior or community colleges. Any
2574 amount of such monies transferred into said separate fund pursuant
2575 to Section 27-103-203(1) which are not appropriated by the
2576 Legislature shall not lapse but shall carry over and be subject to
2577 appropriation by the Legislature in the succeeding fiscal year in
2578 the same manner provided in this subsection (6). The interest
2579 earned on the investment of such monies transferred pursuant to
2580 Section 27-103-203(1) shall be paid into said separate fund within
2581 the Education Enhancement Fund.

2582 **[From and after July 1, 2002, this section reads as follows:]**

2583 37-61-33. (1) There is hereby created within the State
2584 Treasury a special fund to be designated the "Education
2585 Enhancement Fund" into which shall be deposited all the revenues
2586 collected pursuant to Sections 27-65-75(7) and (8), 27-67-31(a)
2587 and (b) and 27-103-203(1).

2588 (2) Of the amount deposited into the Education Enhancement
2589 Fund, excluding revenues deposited pursuant to Section
2590 27-103-203(1), Sixteen Million Dollars (\$16,000,000.00) shall be
2591 appropriated each fiscal year to the State Department of Education
2592 to be distributed to all school districts. Such money shall be
2593 distributed to all school districts in the proportion that the
2594 average daily attendance of each school district bears to the
2595 average daily attendance of all school districts within the state
2596 for the following purposes:

2597 (a) Purchasing, erecting, repairing, equipping,
2598 remodeling and enlarging school buildings and related facilities,
2599 including gymnasiums, auditoriums, lunchrooms, vocational training

2600 buildings, libraries, teachers' homes, school barns,
2601 transportation vehicles (which shall include new and used
2602 transportation vehicles) and garages for transportation vehicles,
2603 and purchasing land therefor.

2604 (b) Establishing and equipping school athletic fields
2605 and necessary facilities connected therewith, and purchasing land
2606 therefor.

2607 (c) Providing necessary water, light, heating, air
2608 conditioning and sewerage facilities for school buildings, and
2609 purchasing land therefor.

2610 (d) As a pledge to pay all or a portion of the debt
2611 service on debt issued by the school district under Sections
2612 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2613 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2614 and 37-41-81, Mississippi Code of 1972, or debt issued by boards
2615 of supervisors for agricultural high schools pursuant to Section
2616 37-27-65, Mississippi Code of 1972, if such pledge is accomplished
2617 pursuant to a written contract or resolution approved and spread
2618 upon the minutes of an official meeting of the district's school
2619 board or board of supervisors. The annual grant to such district
2620 in any subsequent year during the term of the resolution or
2621 contract shall not be reduced below an amount equal to the
2622 district's grant amount for the year in which the contract or
2623 resolution was adopted. The intent of this provision is to allow
2624 school districts to irrevocably pledge a certain, constant stream
2625 of revenue as security for long-term obligations issued under the
2626 code sections enumerated in this paragraph or as otherwise allowed
2627 by law. It is the intent of the Legislature that the provisions

2628 of this paragraph shall be cumulative and supplemental to any
2629 existing funding programs or other authority conferred upon school
2630 districts or school boards. Debt of a district secured by a
2631 pledge of sales tax revenue pursuant to this paragraph shall not
2632 be subject to any debt limitation contained in the foregoing
2633 enumerated code sections.

2634 (3) The remainder of the money deposited into the Education
2635 Enhancement Fund, excluding funds deposited pursuant to Section
2636 27-103-203(1), shall be appropriated as follows:

2637 (a) To the State Department of Education as follows:

2638 (i) Sixteen and sixty-one one-hundredths percent
2639 (16.61%) to the cost of the adequate education program determined
2640 under Section 37-151-7;

2641 (ii) Seven and ninety-seven one-hundredths percent
2642 (7.97%) to assist the funding of transportation operations and
2643 maintenance pursuant to Section 37-19-23; and

2644 (iii) Nine and sixty-one one-hundredths percent
2645 (9.61%) for classroom supplies, instructional materials and
2646 equipment, including computers and computer software, to be
2647 distributed to all school districts in the proportion that the
2648 average daily attendance of each school district bears to the
2649 average daily attendance of all school districts within the state.

2650 It is the intent of the Legislature that all classroom teachers
2651 shall be involved in the development of a spending plan that
2652 addresses individual classroom needs and supports the overall
2653 goals of the school regarding supplies, instructional materials,
2654 equipment, computers or computer software under the provisions of
2655 this subparagraph, including the type, quantity and quality of

2656 such supplies, materials and equipment. This plan shall be
2657 submitted to the school principal for approval. School districts
2658 need not fully expend the funds received under this subparagraph
2659 in the year in which they are received, but such funds may be
2660 carried forward for expenditure in any succeeding school year.

2661 (b) Twenty-two and nine one-hundredths percent (22.09%)
2662 to the various boards of trustees of the state institutions of
2663 higher learning for the purpose of supporting the institutions of
2664 higher learning, and fourteen and forty-one one-hundredths percent
2665 (14.41%) to the State Board for Community and Junior Colleges for
2666 the purpose of providing support to community and junior colleges.

2667 (4) The amount remaining in the Education Enhancement Fund
2668 after funds are distributed as provided in subsections (2) and (3)
2669 of this section, excluding funds deposited pursuant to Section
2670 27-103-203(1), shall be disbursed as follows:

2671 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2672 be deposited into the Working Cash-Stabilization Reserve Fund
2673 created pursuant to Section 27-103-203(1), until the balance in
2674 such fund reaches the maximum balance of seven and one-half
2675 percent (7-1/2%) of the General Fund appropriations in the
2676 appropriate fiscal year. After the maximum balance in the Working
2677 Cash-Stabilization Reserve Fund is reached, such money shall
2678 remain in the Education Enhancement Fund to be appropriated in the
2679 manner provided for in paragraph (b) of this section.

2680 (b) The remainder shall be appropriated for other
2681 educational needs.

2682 (5) None of the funds appropriated pursuant to subsection
2683 (3)(a) of this section shall be used to reduce the state's general

2684 fund appropriation for the categories listed in an amount below
2685 the following amounts:

2686 (a) For subsection (3)(a)(ii) of this section
2687 Thirty-six Million Seven Hundred Thousand Dollars
2688 (\$36,700,000.00);

2689 (b) For the aggregate of minimum program allotments in
2690 the 1997 fiscal year, formerly provided for in Chapter 19, Title
2691 37, Mississippi Code of 1972, as amended, excluding those funds
2692 for transportation as provided for in subsection (5)(a) herein.

2693 (6) At the end of a fiscal year such amounts as required by
2694 Section 27-103-203(1) to be transferred to the Education
2695 Enhancement Fund shall be deposited into said Education
2696 Enhancement Fund and shall be kept separate from other monies in
2697 the fund by the State Treasurer. Beginning with the 1994 fiscal
2698 year the monies in such special fund deposited pursuant to said
2699 Section 27-103-203(1) shall be subject to appropriation by the
2700 Legislature in the following manner: (a) fifty percent (50%) to
2701 support public education, including but not limited to, Grades K
2702 through 12, Mississippi Educational Television and/or the
2703 Mississippi Library Commission; (b) twenty-five percent (25%) to
2704 support institutions of higher learning; and (c) twenty-five
2705 percent (25%) to support the junior or community colleges. Any
2706 amount of such monies transferred into said separate fund pursuant
2707 to Section 27-103-203(1) which are not appropriated by the
2708 Legislature shall not lapse but shall carry over and be subject to
2709 appropriation by the Legislature in the succeeding fiscal year in
2710 the same manner provided in this subsection (6). The interest
2711 earned on the investment of such monies transferred pursuant to

2712 Section 27-103-203(1) shall be paid into said separate fund within
2713 the Education Enhancement Fund.

2714 SECTION 39. Section 37-65-7, Mississippi Code of 1972, is
2715 amended as follows:[LH29]

2716 37-65-7. The board of trustees of any such school district,
2717 agricultural high school district or agricultural high school and
2718 junior college district, and the board of trustees of any state
2719 institution of higher learning, respectively, as the case may be,
2720 may, in their discretion, pay all or any part of the salary of all
2721 superintendents, principals, teachers and other employees during
2722 or for the period when any of the said schools, agricultural high
2723 schools, agricultural high schools and junior colleges, or
2724 institutions of higher learning are closed in accordance with the
2725 terms of this article, and funds shall be drawn from the same
2726 source or sources as such funds would be drawn to pay such items
2727 if the schools, agricultural high schools, agricultural high
2728 schools and junior colleges, or institutions of higher learning
2729 had not been closed.

2730 SECTION 40. Section 37-101-2, Mississippi Code of 1972, is
2731 amended as follows:[LH30]

2732 37-101-2. There is hereby established * * * a Welfare Policy
2733 Institute at a campus location to be designated by the
2734 Commissioner of Higher Education. The purpose of the institute
2735 shall be to research and gather empirical information regarding
2736 the social and welfare programs authorized under Sections 43-49-1
2737 through 43-49-15, 43-13-115, 43-17-1, 43-17-5, 43-1-8, 43-1-10,
2738 43-1-30 and 37-101-2 and to write grant proposals regarding the
2739 policy implications of such program.

2740 SECTION 41. Section 37-101-16, Mississippi Code of 1972, is
2741 amended as follows:[LH31]

2742 37-101-16. The board of trustees of each state institution
2743 of higher learning shall develop a system of manpower management
2744 which shall be implemented in the institution under the control of
2745 the particular board. The manpower management system shall be so
2746 designed to insure accurate and rapid reporting of all manpower
2747 positions within each institution by job classification to include
2748 position number and title, grade, salary and fringe benefits, name
2749 of incumbent, social security number and date of hire.

2750 SECTION 42. Section 37-101-19, Mississippi Code of 1972, is
2751 amended as follows:[LH32]

2752 37-101-19. The Board of Trustees of the University of
2753 Southern Mississippi is hereby authorized and empowered to
2754 establish and maintain a marine research laboratory on lands
2755 belonging to the State of Mississippi, said lands being a part of
2756 the Magnolia State Park in Jackson County, Mississippi, and to be
2757 assigned for the use of such laboratory by the Mississippi
2758 Department of Marine Resources.

2759 The marine research laboratory may, in the discretion of the
2760 board of trustees * * *, be operated by the Mississippi Academy of
2761 Science, Inc., under the supervision and control of the board of
2762 trustees * * *.

2763 The board of trustees * * * is hereby authorized and
2764 empowered to expend annually out of its regular appropriation for
2765 the support and maintenance of the University of Southern
2766 Mississippi a sum not exceeding Five Thousand Dollars (\$5,000.00)
2767 for the support and maintenance of the marine research laboratory.

2768 SECTION 43. Section 37-101-21, Mississippi Code of 1972, is
2769 amended as follows:[LH33]

2770 37-101-21. A body politic and corporate is hereby created
2771 under the name of Gulf Coast Research Laboratory, to have
2772 perpetual succession, with powers to contract and be contracted
2773 with; to receive and acquire, by any legal method, property of any
2774 description, necessary or convenient for its operation, and to
2775 hold, employ, use and convey the same; to adopt and use a
2776 corporate seal; and to adopt by-laws, rules and regulations for
2777 the government of the same, its employees, officials, agents, and
2778 members.

2779 The object and purposes of the Gulf Coast Research Laboratory
2780 shall be to promote the study and knowledge of science including
2781 the natural resources of the State of Mississippi and to provide
2782 for the dissemination of research findings and specimens from the
2783 Gulf Coast area.

2784 The Gulf Coast Research Laboratory shall be under the control
2785 and supervision of the Board of Trustees of the University of
2786 Southern Mississippi, and the powers of said laboratory shall be
2787 vested in and its duties performed by said board.

2788 The laboratory shall be located at some appropriate place
2789 within the state and on the Gulf of Mexico to be determined by the
2790 board of trustees * * *.

2791 It shall be the duty of the board of trustees * * * to
2792 appoint or elect a director for said laboratory, determine the
2793 number of instructors, assistants and other employees and fix
2794 their compensation, and in cooperation with the Mississippi
2795 Academy of Science, prescribe rules, regulations, and policies

2796 governing the operation of the institution, qualifications of
2797 instructors and employees and for the admission of students, and
2798 for the direction of research programs.

2799 SECTION 44. Section 37-101-23, Mississippi Code of 1972, is
2800 amended as follows:[LH34]

2801 37-101-23. (1) The Mississippi Small Farm Development
2802 Center, which shall be referred to in this section as the SFDC, is
2803 established under the management and control of the Board of
2804 Trustees of * * * Alcorn State University and shall be under the
2805 direction of the president of the university subject to the
2806 governance of the board of trustees. The president shall appoint
2807 a director of the SFDC who shall recommend to the president
2808 necessary professional and administrative staff of the center, all
2809 subject to the approval of the board of trustees.

2810 (2) It shall be the function and duty of the SFDC to:

2811 (a) Develop a system to deliver management and
2812 technical assistance to small farms utilizing the resources of
2813 local, state and federal government programs, various segments of
2814 the private sector, and universities and colleges throughout the
2815 state;

2816 (b) Make management and technical assistance available
2817 to small farms by linking together with the above resources;

2818 (c) Research and develop small farm opportunities for
2819 new or alternative crops;

2820 (d) Develop a clearinghouse for the collection and
2821 dissemination of agricultural and economic data; and

2822 (e) Assist small farms in developing more efficient
2823 marketing and distribution channels, including foreign trade

2824 marketing.

2825 SECTION 45. Section 37-101-27, Mississippi Code of 1972, is
2826 amended as follows:[LH35]

2827 37-101-27. (1) There is created within the Working
2828 Cash-Stabilization Reserve Fund in the State Treasury a trust to
2829 be known as the Ayers Endowment Trust, which shall be used as
2830 provided in this section. On July 1, 1997, Fifteen Million
2831 Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve
2832 Fund shall be set aside and placed in the Ayers Endowment Trust.

2833 (2) The principal of the Ayers Endowment Trust shall remain
2834 inviolate within the Working Cash-Stabilization Reserve Fund, and
2835 shall be invested in the same manner as the remainder of the
2836 Working Cash-Stabilization Reserve Fund.

2837 (3) The interest and income earned from the investment of
2838 the principal of the Ayers Endowment Trust shall be appropriated
2839 by the Legislature to the Boards of Trustees * * * of Jackson
2840 State University, Alcorn State University and Mississippi Valley
2841 State University, the historically black institutions of higher
2842 learning in Mississippi, with one-third (1/3) of the amount of the
2843 interest and income earned being allocated for the benefit of each
2844 of those universities. The money allotted for each university
2845 shall be used for continuing educational enhancement and racial
2846 diversity, including recruitment of white students and
2847 scholarships for white applicants.

2848 (4) The creation of the Ayers Endowment Trust and the
2849 appropriation of the interest and income for the purposes
2850 specified in this section shall be to comply with the order of the
2851 United States District Court in the case of Ayers v. Fordice, 879

2852 F.Supp. 1419 (N.D. Miss. 1995), with regard to Jackson State
2853 University and Alcorn State University, and to provide Mississippi
2854 Valley State University with an equal amount of funding for the
2855 same purposes as for the other historically black institutions of
2856 higher learning.

2857 SECTION 46. Section 37-101-29, Mississippi Code of 1972, is
2858 amended as follows:[LH36]

2859 37-101-29. Each institution of higher learning with a
2860 teacher education program approved by the State Board of Education
2861 shall prepare and submit to the State Board of Education * * * an
2862 annual performance report on the institution's teacher education
2863 program. The report shall include the following information:

2864 (a) Teacher enrollment data;

2865 (b) Professional education faculty data;

2866 (c) Characteristics of students receiving initial
2867 licensure;

2868 (d) Number and percentage of program completers scoring
2869 at or above the proficiency level on the prescribed teacher
2870 education exit tests;

2871 (e) Satisfaction rate of employers and graduates;

2872 (f) Follow-up profiles of graduates of the teacher
2873 education program; and

2874 (g) Any other information required by the State Board
2875 of Education. Before requiring any other information, the State
2876 Board of Education shall conduct collaborative planning activities
2877 with the Mississippi Association of Colleges of Teacher
2878 Education * * *.

2879 The State Department of Education, in collaboration with the

2880 Mississippi Association of Colleges of Teacher Education * * *,
2881 shall prepare a common form for the preparation and submission of
2882 the annual performance reports. The State Department of Education
2883 shall establish the date by which such reports must be submitted
2884 to the board. No later than sixty (60) days after the deadline
2885 date established for the submission of reports, the department
2886 shall submit a compilation of all annual performance reports
2887 received from the state institutions of higher learning to the
2888 Chairmen of the Education Committees of the House of
2889 Representatives and the Senate.

2890 SECTION 47. Section 37-101-31, Mississippi Code of 1972, is
2891 amended as follows:[LH37]

2892 37-101-31. In addition to the powers vested in the board of
2893 trustees of each state institution of higher learning by Section
2894 213-A, Mississippi Constitution of 1890 and by this chapter, each
2895 board is hereby authorized to establish a reserve fund to receive
2896 funds from state, federal or private sources for the purpose of
2897 guaranteeing payment of loans obtained by college or university
2898 students from public or private lenders or banking institutions.
2899 The boards are authorized and empowered to do and perform all the
2900 necessary and requisite acts and deeds necessary to carry out the
2901 provisions of this section.

2902 SECTION 48. Section 37-101-41, Mississippi Code of 1972, is
2903 amended as follows:[LH38]

2904 37-101-41. The board of trustees of each state institution
2905 of higher learning is hereby authorized and empowered to lease to
2906 private individuals or corporations, for a term not exceeding
2907 thirty-one (31) years, any land at * * * Mississippi State

2908 University of Agriculture and Applied Science, Jackson State
2909 University, Mississippi Valley State University, Alcorn State
2910 University, University of Southern Mississippi, Mississippi
2911 University for Women and Delta State University, for the purpose
2912 of erecting housing and dormitory facilities thereon for active
2913 faculty and students. Said housing facilities shall be
2914 constructed thereon by private financing, and shall be leased back
2915 to said board for use by the concerned state-supported institution
2916 of higher learning. The lease shall contain a provision
2917 permitting said board to purchase the building located thereon for
2918 the sum of One Dollar (\$1.00) after payment by said board of all
2919 sums of money due under said lease.

2920 SECTION 49. Section 37-101-43, Mississippi Code of 1972, is
2921 amended as follows:[LH39]

2922 37-101-43. Prior to entering into or awarding any such lease
2923 contract under the provisions of Section 37-101-41, the board of
2924 trustees of a state institution of higher learning shall cause the
2925 interested state-supported institution upon which a facility is
2926 proposed to be constructed to select and submit three architects
2927 to the board. Thereupon, the board shall approve and employ an
2928 architect, who shall be paid by said interested institution from
2929 any funds available to said interested institution. Said
2930 architect, under the direction of said interested institution,
2931 shall prepare complete plans and specifications for the facility
2932 desired to be constructed on the leased property.

2933 Upon completion of said plans and specifications and the
2934 approval thereof by said board, and before entering into any lease
2935 contract, said (3) consecutive weeks and not less than twenty-one

2936 (21) days in at least one (1) newspaper having a general
2937 circulation in the county in which the interested institution is
2938 located and in one newspaper with a general statewide circulation,
2939 a notice inviting bids or proposals for the leasing, construction
2940 and leasing back of said land and constructed facility, said
2941 facility to be constructed in accordance with said plans and
2942 specifications. Said notice shall distinctly state the thing to
2943 be done, and invite sealed proposals, to be filed with said board,
2944 to do the thing to be done. Said notice shall contain the
2945 following specific provisions, together with such others as said
2946 board in its discretion deems appropriate, to wit: bids shall be
2947 accompanied by a bid security evidenced by a certified or
2948 cashier's check or bid-bond payable to said board in a sum of not
2949 less than five percent (5%) of the gross construction cost of the
2950 facility to be constructed as estimated by said board and the bids
2951 shall contain proof satisfactory to the board of interim and
2952 permanent financing. The board shall state in the notice when
2953 construction shall commence. The bid shall contain the proposed
2954 contractor's certificate of responsibility number and bidder's
2955 license. In all cases, before the notice shall be published, the
2956 plans and specifications shall be filed with said board and also
2957 in the office of the president of the interested institution,
2958 there to remain.

2959 The board shall award the lease contract to the lowest and
2960 best bidder, who will comply with the terms imposed by said
2961 contract documents. At the time of the awarding of the lease
2962 contract the successful bidder shall enter into bond with
2963 sufficient sureties, to be approved by the board, in such penalty

2964 as may be fixed by the board, but in no case to be less than the
2965 estimated gross construction cost of the facility to be
2966 constructed as estimated by said board, conditioned for the
2967 prompt, proper and efficient performance of the contract. The
2968 bond shall be made by an authorized corporate surety bonding
2969 company. The said bid security herein provided for shall be
2970 forfeited if the successful bidder fails to enter into lease
2971 contract and commence construction within the time limitation set
2972 forth in the notice. At such time, and simultaneously with the
2973 signing of said contract, the successful bidder shall deposit a
2974 sum of money, in cash or certified or cashier's check, not less
2975 than the bid security previously deposited as bid security to
2976 reimburse the interested institution for all sums expended by it
2977 for architectural services and other expenditures of the board and
2978 interested institution connected with the bidden lease contract,
2979 of which such other anticipated expenditures notice is to be given
2980 to bidder in said notice. The bid security posted by an
2981 unsuccessful bidder shall be refunded to him.

2982 SECTION 50. Section 37-101-61, Mississippi Code of 1972, is
2983 amended as follows:[LH40]

2984 37-101-61. Whenever the board of trustees of a state
2985 institution of higher learning of the State of Mississippi shall
2986 by a proper resolution declare the necessity of the formation of
2987 nonprofit corporations for the purpose of acquiring or
2988 constructing facilities for the institution of higher learning
2989 under the jurisdiction and control of said board, any number of
2990 natural persons, not less than three (3), who are residents of the
2991 State of Mississippi, may file with the Secretary of State of this

2992 state an application in writing for authority to incorporate a
2993 public nonprofit corporation, known as an "educational building
2994 corporation." If it shall be made to appear that each of said
2995 persons is a duly qualified resident of this state, then the
2996 persons filing such application shall be authorized, subject to
2997 the prior approval by said board of the form of the articles of
2998 incorporation and bylaws thereof, to proceed to form such
2999 corporation as provided by the general law of this state with
3000 respect to corporations organized not for profit except as
3001 hereinafter provided. The Secretary of State, upon receipt of
3002 such application, shall forthwith issue a certificate of
3003 incorporation.

3004 SECTION 51. Section 37-101-63, Mississippi Code of 1972, is
3005 amended as follows:[LH41]

3006 37-101-63. Each corporation formed under the provisions of
3007 Section 37-101-61 shall have the following powers, together with
3008 all powers incidental thereto or necessary to the discharge
3009 thereof in corporate form: to have succession by its corporate
3010 name for the duration of time (which may be in perpetuity)
3011 specified in its certificate of incorporation; to sue and be sued
3012 and to defend suits against it; to make use of a corporate seal
3013 and to alter it at pleasure; to acquire, whether by purchase,
3014 construction or gift, facilities for the institution of higher
3015 learning and land therefor; to equip, maintain, enlarge or improve
3016 such facilities; to lease under such terms and conditions as its
3017 board of directors may deem advisable and as shall not conflict
3018 with the provisions of Sections 37-101-61 through 37-101-71 to the
3019 board of trustees of the state institution of higher learning or

3020 to such other entity as may be approved by such board subject to
3021 prior approval by said board of each issue of bonds; to issue its
3022 bonds for the purpose of defraying the cost of acquiring,
3023 constructing, maintaining, enlarging, improving or equipping any
3024 of such facilities or land in the manner provided in Section
3025 37-101-65; to secure the payment of such bonds through the pledge
3026 of and lien on such revenues or other sources of income, including
3027 lease payments, entering into trust agreements, and the making of
3028 such covenants as are provided in Section 37-101-101; to refund
3029 bonds previously issued; to enter into contracts and agreements or
3030 do any act necessary for or incidental to the performance of its
3031 duties and the execution of its powers under Sections 37-101-61
3032 through 37-101-71; to accept gifts from any source whatsoever; to
3033 appoint and employ such officers and agents, including attorneys,
3034 as its business may require; and to provide for such insurance as
3035 its board of directors may deem advisable.

3036 SECTION 52. Section 37-101-71, Mississippi Code of 1972, is
3037 amended as follows:[LH42]

3038 37-101-71. The board of trustees of each state institution
3039 of higher learning * * * is hereby authorized and empowered, in
3040 its discretion, to pass proper resolutions declaring the necessity
3041 of the formation of nonprofit educational building corporations,
3042 as set forth in Section 37-101-61, and to lease facilities from
3043 said corporations in the manner provided by law.

3044 When the principal of and the interest on any bonds of an
3045 educational building corporation payable from the revenues derived
3046 from the operation of facilities owned by such corporation shall
3047 have been paid in full, then such facilities shall thereupon

3048 become the property of the board of trustees of the state
3049 institution of higher learning and title to the facilities shall
3050 thereupon immediately vest in the State of Mississippi.

3051 SECTION 53. Section 37-101-91, Mississippi Code of 1972, is
3052 amended as follows:[LH43]

3053 37-101-91. The board of trustees of each state institution
3054 of higher learning is hereby authorized and empowered to contract
3055 with and borrow money from the United States of America, or any
3056 department, instrumentality, or agency thereof, as may be
3057 designated or created to make loans and grants, or from private
3058 lenders, at an overall rate of interest to maturity not to exceed
3059 that allowed in Section 75-17-103, for the purpose of acquiring
3060 land for, and erecting, repairing, remodeling, maintaining, adding
3061 to, extending, improving, equipping, or acquiring dormitories,
3062 dwellings, apartments, athletic stadium, gymnasiums, student union
3063 buildings, student service centers, athletic fields, swimming
3064 pools, parking facilities, cafeterias, dining halls, and/or other
3065 revenue producing facilities, to be located at or near the
3066 campuses of the University of Mississippi, Mississippi State
3067 University of Agriculture and Applied Science, Mississippi
3068 University for Women, Alcorn State University, University of
3069 Southern Mississippi, Delta State University, Jackson State
3070 University, Mississippi Valley State University, and Gulf Coast
3071 Research Laboratory.

3072 In agreements or commitments by or between the aforesaid
3073 boards of trustees and private lenders and/or the U.S. Department
3074 of Housing and Urban Development to make loans or grants for the
3075 construction of dormitories in which bonds are to be issued under

3076 the provisions of Sections 37-101-91 through 37-101-103, and in
3077 which part or all of the principal and/or interest on said bonds
3078 is to be paid or guaranteed by the U.S. Department of Housing and
3079 Urban Development, said bonds shall bear a net interest rate not
3080 in excess of that allowed in Section 75-17-103.

3081 Notwithstanding the foregoing provisions of this section,
3082 bonds referred to hereinabove may be issued pursuant to the
3083 supplemental powers and authorizations conferred by the provisions
3084 of the Registered Bond Act, being Sections 31-21-1 through
3085 31-21-7.

3086 SECTION 54. Section 37-101-93, Mississippi Code of 1972, is
3087 amended as follows:[LH44]

3088 37-101-93. Bonds issued for the purposes enumerated in
3089 Section 37-101-91 shall be authorized by resolution of the board
3090 of trustees of the state institution of higher learning involved.

3091 Said resolution shall positively show the said land, to be
3092 acquired, if any, and the said dormitories, dwellings, apartments,
3093 athletic stadiums, gymnasiums, student union buildings, student
3094 service centers, athletic fields, swimming pools and the like, to
3095 be erected, repaired, remodeled, maintained, added to, extended,
3096 improved, equipped or acquired, together with equipment therefor.
3097 A majority vote of all the members of the board of trustees shall
3098 be necessary to the passage of said resolution, and all votes on
3099 such resolutions shall be by yea and nay vote, duly recorded on
3100 the minutes of the proceedings of the board.

3101 The bonds may be issued in one or more series, may bear such
3102 date or dates, may be in such denomination or denominations, may
3103 mature at such time or times, not exceeding forty (40) years from

3104 the respective dates thereof, may mature in such amount or
3105 amounts, may bear interest at such rate or rates, not exceeding
3106 that allowed in Section 75-17-103, payable semiannually, may be in
3107 such forms, either coupon or registered, may carry such
3108 registration privileges, may be executed in such manner, may be
3109 payable in such medium of payment, at such place or places, and
3110 may be subject to such term of redemption, with or without
3111 premium, as such resolution or other resolutions may provide. The
3112 bonds may be sold at a private sale, at not less than par and
3113 accrued interest, without advertising the same at competitive
3114 bidding. The bonds shall be fully negotiable within the meaning
3115 and for all purposes of the Uniform Commercial Code.

3116 Notwithstanding any other provision of law, in any resolution
3117 authorizing bonds hereunder, including refunding bonds, the board
3118 of trustees may provide for the initial issuance of one or more
3119 bonds (hereinafter sometimes collectively called "bond"), may make
3120 such provision for installment payments of the principal amount of
3121 any such bond as it may consider desirable, and may provide for
3122 the making of any such bond registerable as to principal or as to
3123 both principal and interest and, where interest accruing thereon
3124 is not represented by interest coupons, for the endorsing of
3125 payments of interest on such bond. The board may further make
3126 provision in any such resolution for the manner and circumstances
3127 in and under which any such bond may in the future, at the request
3128 of the holder thereof, be converted into bonds of smaller
3129 denominations, which bonds of small denominations may in turn be
3130 either coupon bonds or bonds registerable as to principal or
3131 principal and interest.

3132 SECTION 55. Section 37-101-95, Mississippi Code of 1972, is
3133 amended as follows:[LH45]

3134 37-101-95. Bonds issued for the purposes enumerated in
3135 Section 37-101-91 may be refunded, in whole or in part:

3136 (a) When any such bonds have by their terms become due
3137 and payable and there are not sufficient sums in the fund
3138 established for their payment to pay such bonds and the interest
3139 thereon;

3140 (b) When any such bonds are by their terms callable for
3141 payment and redemption in advance of their date of maturity and
3142 shall have been duly called for payment and redemption;

3143 (c) When any such bonds are voluntarily surrendered by
3144 the holder or holders thereof in exchange for refunding bonds; or

3145 (d) When, in connection with the issuance of any
3146 additional bonds under Sections 37-101-91 through 37-101-103 for
3147 the purpose of financing any additional authorized construction,
3148 the board of trustees of the state institution of higher learning
3149 shall determine to combine such new issue of bonds with any issue
3150 or issues of bonds of the same institution of higher learning of
3151 the State of Mississippi then outstanding for the purpose of
3152 unifying such indebtedness and utilizing the income and revenues
3153 derived from all projects or facilities operated at such
3154 institution to the payment of such indebtedness, and the board of
3155 trustees shall determine that such outstanding bonds are by their
3156 terms then callable for redemption or are obtainable by and
3157 through the voluntary surrender thereof by the holder or holders
3158 thereof.

3159 For the purpose of refunding any bonds, including refunding

3160 bonds, the board of trustees may make and issue refunding bonds in
3161 such amount as may be necessary to pay off and redeem bonds to be
3162 refunded together with unpaid and past due interest thereon and
3163 any premium which may be due under the terms of such bonds,
3164 together also with the cost of issuing and refunding bonds, and
3165 may sell the same in like manner as provided in Section 37-101-97
3166 for the initial issuance of bonds. With the proceeds of any such
3167 refunding bonds, the board shall pay off, redeem, and cancel such
3168 old bonds and coupons as may have matured or such bonds as may
3169 have been called for payment and redemption together with the past
3170 due interest and the premium, if any, due thereon; such bonds may
3171 be issued and delivered in exchange for a like par value amount of
3172 bonds to refund which the refunding bonds were issued. No
3173 refunding bonds issued hereunder shall be payable in more than
3174 forty (40) years from the date thereof or shall bear interest at a
3175 rate in excess of the rate of interest authorized in Section
3176 75-17-103 for the bonds being refunded.

3177 Such refunding bonds shall be payable from the same sources
3178 as were pledged to the payment of the bonds refunded thereby and,
3179 in the discretion of the board of trustees, may be payable from
3180 any other sources which may be pledged to the payment of revenue
3181 bonds issued under Sections 37-101-91 through 37-101-103. Bonds
3182 of two (2) or more issues of any institution of higher learning of
3183 the State of Mississippi may be refunded by a single issue of
3184 refunding bonds.

3185 Notwithstanding the foregoing provisions of this section,
3186 bonds referred to hereinabove may be issued pursuant to the
3187 supplemental powers and authorizations conferred by the provisions

3188 of the Registered Bond Act, being Sections 31-21-1 through
3189 31-21-7.

3190 SECTION 56. Section 37-101-101, Mississippi Code of 1972, is
3191 amended as follows:[LH46]

3192 37-101-101. The board of trustees of each state institution
3193 of higher learning in connection with the issuance of the bonds
3194 for the purposes enumerated in Section 37-101-91, or in order to
3195 secure the payment of such bonds and interest thereon, shall have
3196 power by resolutions:

3197 (a) To fix and maintain (1) fees, rentals, and other
3198 charges to be paid by students, faculty members and others using
3199 or being served by any dormitories, dwellings, apartments,
3200 athletic stadiums, gymnasiums, student union buildings, student
3201 service centers, athletic fields, swimming pools, or other
3202 projects or facilities, erected, repaired, remodeled, maintained,
3203 added to, extended, improved, or acquired under the authority of
3204 Section 37-101-91; (2) fees, rentals and other charges to be paid
3205 by students, faculty members, and others using or being served by
3206 any other dormitories, dwellings, apartments, athletic stadiums,
3207 gymnasiums, student union buildings, student service centers,
3208 athletic fields, swimming pools, or other projects or facilities
3209 at any institution which so issues bonds, which fees, rentals and
3210 other charges to be paid by students, faculty members, and others
3211 using or being served by such other dormitories, dwellings,
3212 apartments, athletic stadiums, gymnasiums, student union
3213 buildings, student service centers, athletic fields, swimming
3214 pools, or other projects or facilities, shall be the same as those
3215 applicable to the dormitories, dwellings, apartments, athletic

3216 stadiums, gymnasiums, student union buildings, student service
3217 centers, athletic fields, swimming pools, or other projects or
3218 facilities referred to in the preceding subdivision (1); however,
3219 in fixing such fees, rentals and other charges, there may be
3220 allowed reasonable differentials based on the condition, type,
3221 location and relative convenience of the dormitories, dwellings,
3222 apartments, athletic stadiums, gymnasiums, student union
3223 buildings, student service centers, athletic fields, swimming
3224 pools, or other projects or facilities in question, but such
3225 differentials shall be uniform as to all such students or faculty
3226 members and others similarly accommodated;

3227 (b) To provide that bonds so issued shall be secured by
3228 a first, exclusive and closed lien on, and shall be payable from,
3229 all or any part of the income and revenues derived from fees,
3230 rentals and other charges to be paid by students, faculty members
3231 or others using or being served by any dormitories, dwellings,
3232 apartments, athletic stadiums, gymnasiums, student union
3233 buildings, student service centers, athletic fields, swimming
3234 pools, or other projects or facilities operated at any such
3235 institution, and erected, repaired, remodeled, maintained, added
3236 to, extended, improved or acquired under Section 37-101-91, or any
3237 other law, or otherwise, and not theretofore so pledged;

3238 (c) To pledge and assign to, or in trust for the
3239 benefit of the holder or holders of any bond or bonds, coupon or
3240 coupons so issued, an amount of the income and revenues derived
3241 from such fees, rentals and other charges to be paid by students,
3242 faculty members, or others using or being served by any
3243 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,

3244 student union buildings, student service centers, athletic fields,
3245 swimming pools, or other projects or facilities operated at any
3246 such institution, and erected, repaired, remodeled, maintained,
3247 added to, extended, improved or acquired under Section 37-101-91,
3248 or any other law, or otherwise, and not theretofore so pledged,
3249 which rentals, fees and charges imposed and pledged pursuant to
3250 the terms of this section shall be sufficient to pay when due the
3251 bonds so issued and interest thereon, to create and maintain a
3252 reasonable reserve therefor and to operate and maintain the
3253 project so constructed, and to create and at all times maintain an
3254 adequate reserve for contingencies and for major repairs and
3255 replacements;

3256 (d) To covenant with or for the benefit of the holder
3257 or holders of any bond or bonds, coupon or coupons so issued to
3258 erect, repair, remodel, maintain, add to, extend, improve or
3259 acquire any dormitories, dwellings, apartments, athletic stadiums,
3260 gymnasiums, student union buildings, student service centers,
3261 athletic fields, swimming pools, or other projects or facilities,
3262 that so long as any of said bonds or coupons shall remain
3263 outstanding and unpaid, such institution shall fix, maintain and
3264 collect, in such installments as may be agreed upon, an amount of
3265 fees, rentals or other charges from students, faculty members, and
3266 others using or being served by any dormitories, dwellings,
3267 apartments, athletic stadiums, gymnasiums, student union
3268 buildings, student service centers, athletic fields, swimming
3269 pools, or other projects or facilities operated at any such
3270 institution and erected, repaired, remodeled, maintained, added
3271 to, extended, improved or acquired under Section 37-101-91, or any

3272 other law, or otherwise, which shall be sufficient to pay when due
3273 any bond or bonds, coupons or coupons so issued, and to create and
3274 maintain a reasonable reserve therefor, and to pay the cost of
3275 operation and maintenance of such dormitories, dwellings,
3276 apartments, athletic stadiums, gymnasiums, student union
3277 buildings, student service centers, athletic fields, swimming
3278 pools, or other projects or facilities, including a sum sufficient
3279 to pay the cost of insuring such dormitories, dwellings,
3280 apartments, athletic stadiums, gymnasiums, student union
3281 buildings, student service centers, athletic fields, swimming
3282 pools, or other projects or facilities against loss or damage by
3283 fire and windstorm or other calamities, in such sum as may be
3284 acceptable to the purchaser or purchasers of such bonds. The
3285 rentals, fees and other charges shall at all times be sufficient
3286 to maintain an adequate bond sinking fund to provide for the
3287 payment of interest on and principal of the bonds as and when they
3288 accrue and mature, to create a reasonable reserve therein and to
3289 pay the cost of operation and maintenance and insurance as herein
3290 provided and to create and at all times maintain an adequate
3291 reserve for contingencies and for major repairs and replacements;

3292 (e) To make and enforce and agree to make and enforce
3293 parietal rules that shall insure the use of any such dormitory,
3294 dwelling, apartment, athletic stadium, gymnasium, student union
3295 building, student service center, athletic field, swimming pool,
3296 or other project or facility by all students in attendance at such
3297 institution, and faculty members thereof, to the maximum extent to
3298 which such dormitories, dwellings, apartments, athletic stadiums,
3299 gymnasiums, student union buildings, student service centers,

3300 athletic fields, swimming pools, or other projects or facilities
3301 are capable of serving same, so long as it does not interfere with
3302 any existing contract;

3303 (f) To covenant that as long as any of the bonds so
3304 issued shall remain outstanding and unpaid, it will not, except
3305 upon such terms and conditions as may be determined by the
3306 resolution issuing such bonds, (1) voluntarily create, or cause to
3307 be created, any debt, lien, pledge, assignment, encumbrance, or
3308 other charge having priority to or being on a parity with the lien
3309 of the bonds so issued upon any of the income and revenues derived
3310 from fees, rentals and other charges to be paid by students,
3311 faculty members and others using or being served by any
3312 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3313 student union buildings, student service centers, athletic fields,
3314 swimming pools, or other projects or facilities operated at any
3315 such institution and erected, repaired, remodeled, maintained,
3316 added to, extended, improved or acquired under Section 37-101-91,
3317 or any other law, or otherwise, or (2) convey or otherwise
3318 alienate any such dormitories, dwellings, apartments, athletic
3319 stadiums, gymnasiums, student union buildings, student service
3320 centers, athletic fields, swimming pools, or other projects or
3321 facilities, or the real estate upon which the same shall be
3322 located, except at a price sufficient to pay all the bonds then
3323 outstanding payable from the revenues derived therefrom and
3324 interest accrued on such bonds, and then only in accordance with
3325 any agreements with the holder or holders of such bonds, or (3)
3326 mortgage or otherwise voluntarily create, or cause to be created,
3327 any encumbrance on any such dormitory, dwelling, apartment,

3328 athletic stadium, gymnasium, student union building, student
3329 service center, athletic field, swimming pool, or other project or
3330 facility, or the real estate upon which it shall be located;

3331 (g) To covenant as to the proceedings by which the
3332 terms of any contract with a holder or holders of such bonds may
3333 be amended or rescinded, the amount or percentage of bonds the
3334 holder or holders of which must consent thereto and the manner in
3335 which such consent may be given;

3336 (h) To vest in a trustee or trustees the right to
3337 receive all or any part of the income and revenue and proceeds of
3338 insurance pledged and assigned to, or for the benefit of, the
3339 holder or holders of such bonds, and to hold, apply and dispose of
3340 the same and the right to enforce any covenant made to secure or
3341 pay or in relation to such bonds;

3342 (i) To authorize the chairman and the secretary of said
3343 board to execute and deliver, in the name of the institution for
3344 which such bonds are being issued, a trust agreement or agreements
3345 which may set forth the powers and duties of such trustee or
3346 trustees, and limiting the liabilities thereof, and describing
3347 what occurrences shall constitute events of default and
3348 prescribing the terms and conditions upon which such trustee or
3349 trustees or the holder or holders of bonds of any specified amount
3350 or percentage of such bonds may exercise such right and enforce
3351 any and all such covenants and resort to any such remedies as may
3352 be appropriate; and

3353 (j) To vest in a trustee or trustees or the holder or
3354 holders of any specified amount or percentage of bonds the right
3355 to apply to any court of competent jurisdiction for and have

3356 granted the appointment of a receiver or receivers of the income
3357 and revenue pledged and assigned to or for the benefit of the
3358 holder or holders of such bonds, which receiver or receivers may
3359 have and be granted such powers and duties as are usually granted
3360 under the laws of the State of Mississippi to a receiver or
3361 receivers appointed in connection with the foreclosure of a
3362 mortgage made by a private corporation.

3363 SECTION 57. Section 37-101-103, Mississippi Code of 1972, is
3364 amended as follows:[LH47]

3365 37-101-103. No moneys derived from the sale of bonds of any
3366 institution or otherwise borrowed or received by such institution
3367 under Sections 37-101-91 through 37-101-103, or from the fees,
3368 rentals, and charges received and collected for the use of any
3369 project constructed, repaired, remodeled, maintained, added to,
3370 extended, improved, or acquired under authority of said sections,
3371 shall be required to be paid into the State Treasury, but shall,
3372 except as herein otherwise provided, be deposited by the Treasurer
3373 or other fiscal officer of the institution in a separate bank
3374 account or accounts in such bank or banks or trust company or
3375 trust companies as may be designated by the board of trustees of
3376 the state institution of higher learning. All deposits of such
3377 moneys shall, if required by the board, be secured by obligations
3378 of the United States of America or of the State of Mississippi, of
3379 a market value equal at all times to the amount of the deposit,
3380 and all banks and all trust companies are hereby authorized to
3381 give such security. Such money may be disbursed as may be
3382 directed by the board and in accordance with the terms of any
3383 agreements with the holder or holders of any bonds. This section

3384 shall be construed as limiting the power of said board to agree in
3385 connection with issuance of any such bonds as to the custody and
3386 disposition of the moneys received from the sale of such bonds or
3387 the income and revenues pledged and assigned to or in trust for
3388 the benefit of the holder or holders thereof.

3389 It is specifically provided, however, notwithstanding any
3390 other provision of this section, that when any project financed by
3391 the proceeds of revenue bonds issued hereunder shall be supervised
3392 by the State Building Commission and the said State Building
3393 Commission shall execute and enter into construction contracts
3394 with respect thereto, the board of trustees of each state
3395 institution of higher learning shall have the power and authority
3396 to pay into the State Treasury in a special account for said
3397 project an amount from the proceeds of the sale of the bonds which
3398 shall be sufficient to pay all such construction contracts and all
3399 fees and expenses incidental thereto, including any amount, plus
3400 interest thereon, which may have been borrowed for interim
3401 financing of said project. The amount so paid into such special
3402 account shall be expended by the State Building Commission in the
3403 manner provided by law in payment of the amounts due under such
3404 construction contracts, and fees and expenses incidental thereto,
3405 and in repayment of money, if any, borrowed for interim financing,
3406 plus interest thereon. If, at the conclusion of the project, any
3407 sum should remain in said special account it shall be repaid to
3408 the institution entitled thereto to be handled in accordance with
3409 the terms of the agreement with the holder or holders of the
3410 bonds.

3411 Notwithstanding any other provisions of this section, such

3412 reports as may be required by the State Auditor of Public Accounts
3413 shall be made to him by the institutions of higher learning in the
3414 manner and at the times he may prescribe, so that his records may
3415 reflect full and complete information relative thereto.

3416 SECTION 58. Section 37-101-121, Mississippi Code of 1972, is
3417 amended as follows:[LH48]

3418 37-101-121. The board of trustees of each state institution
3419 of higher learning is hereby authorized and empowered, in its
3420 discretion, and with the consent and approval of the State
3421 Building Commission, to invest any funds derived or made available
3422 for the purpose of constructing, erecting, repairing, remodeling
3423 or equipping dormitories and other housing facilities under
3424 projects approved and sanctioned by the Home and Housing Finance
3425 Agency of the United States of America, whether said funds be
3426 derived from the proceeds of bonds issued under the provisions of
3427 Sections 37-101-91 through 37-101-103, or from money borrowed for
3428 the interim financing of any such project, or from any other
3429 sources, in short-term bonds or other direct obligations of the
3430 United States of America. However, no such funds shall be so
3431 invested except the amount of such funds which is in excess of the
3432 sums which will be required for expenditure in financing the
3433 construction of said projects during the succeeding ninety (90)
3434 days. In all cases, the bonds or other obligations in which such
3435 funds are invested shall mature or be redeemable prior to the time
3436 the funds so invested will be needed for expenditure in financing
3437 the construction of said projects.

3438 The board * * *, with the consent and approval of the State
3439 Building Commission, may, by order or resolution spread upon its

3440 minutes, authorize and empower any member or members of said board
3441 of trustees, or any officers or employees thereof, or any other
3442 person or persons, to make investments of such funds from time to
3443 time as they shall be available for investment under the
3444 provisions of this section. Any such member or members or
3445 officers or employees, or other person or persons, when so
3446 authorized by such order or resolution, shall have the power and
3447 authority to make such investments of such funds, to make
3448 purchases of such bonds or other obligations, to execute all
3449 necessary instruments in connection therewith, and to take such
3450 other action as may be necessary to effectuate the investment of
3451 such funds.

3452 SECTION 59. Section 37-101-123, Mississippi Code of 1972, is
3453 amended as follows:[LH49]

3454 37-101-123. When any such bonds or other direct obligations
3455 of the United States of America shall have been purchased with
3456 such excess funds as is provided for in Section 37-101-121, such
3457 bonds or other obligations may be sold or surrendered for
3458 redemption at any time by order or resolution adopted by the board
3459 of trustees of the state institution of higher learning, and
3460 approved by the State Building Commission. Any member or members
3461 thereof or any officers or employees thereof, or any other person
3462 or persons, when authorized by such order or resolution, shall
3463 have the power and authority to sell said bonds or other
3464 obligations or to surrender same for redemption and to execute all
3465 instruments and take such other action as may be necessary to
3466 effectuate the sale or redemption thereof. When such bonds or
3467 other obligations shall be sold or redeemed, the proceeds thereof,

3468 including the accrued interest thereon, shall be paid into the
3469 proper fund and shall in all respects be dealt with and expended
3470 for the purpose for which said funds were originally derived or
3471 made available.

3472 SECTION 60. Section 37-101-125, Mississippi Code of 1972, is
3473 amended as follows:[LH50]

3474 37-101-125. Orders or resolutions of the board of trustees
3475 of any state institution of higher learning authorizing the
3476 investment of funds or the sale and redemption of bonds and other
3477 obligations purchased therewith under the provisions of Sections
3478 37-101-121 and 37-101-123, may be in general terms and may confer
3479 continuing authority upon the person or persons authorized to act.
3480 It shall not be necessary that separate resolutions or orders be
3481 passed and adopted with reference to each transaction.

3482 SECTION 61. Section 37-101-141, Mississippi Code of 1972, is
3483 amended as follows:[LH51]

3484 37-101-141. The board of trustees of each state institution
3485 of higher learning is hereby authorized and empowered, in its
3486 discretion, to sell and dispose of the timber, trees, dead wood
3487 and stumps standing, growing and being upon the lands granted to
3488 the State of Mississippi for the use and benefit of the University
3489 of Mississippi by an act of Congress of the United States approved
3490 June 20, 1894, and upon the lands granted to the State of
3491 Mississippi for the use and benefit of Mississippi University for
3492 Women by an act of Congress of the United States approved March 2,
3493 1895, and upon the lands granted to the State of Mississippi for
3494 the use and benefit of Mississippi State University of Agriculture
3495 and Applied Science, and Alcorn State University by an act of

3496 Congress of the United States approved February 20, 1895, whenever
3497 the sale or disposition of such timber shall be to the best
3498 advantage of the institutions named herein. Such timber shall be
3499 sold and disposed of under the direction and specifications of the
3500 State Forestry Commission in accordance with sound and efficient
3501 principles of forestry management and conservation.

3502 SECTION 62. Section 37-101-143, Mississippi Code of 1972, is
3503 amended as follows:[LH52]

3504 37-101-143. The board of trustees of each state institution
3505 of higher learning named in Section 37-101-141 is also authorized
3506 and empowered to lease those lands referred to in Section
3507 37-101-141, or any part thereof, for oil, gas and mineral
3508 development, or for any other purpose, for such consideration,
3509 upon such terms and conditions as the board of trustees shall deem
3510 proper, and for the best advantage of the respective institutions.

3511 Any such oil, gas or mineral lease shall not be for a primary
3512 term of more than six (6) years and so long thereafter as oil, gas
3513 or other minerals are produced from said lands. The royalties
3514 reserved in such lease or leases shall be not less than the
3515 following:

3516 (a) On oil, one-eighth (1/8) part produced and saved
3517 from said land;

3518 (b) On gas, including casinghead gas, or other gaseous
3519 substances, produced from said land and sold or used off the
3520 premises, or for the extraction of gasoline or other products
3521 therefrom, the market value at the well of one-eighth (1/8) of the
3522 gas so sold or used; and

3523 (c) On all other minerals mined and marketed,

3524 one-eighth (1/8) part in kind or value at the well or mine except
3525 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3526 ton.

3527 SECTION 63. Section 37-101-145, Mississippi Code of 1972, is
3528 amended as follows:[LH53]

3529 37-101-145. Before any timber, trees, dead wood, or stumps,
3530 standing, growing or being upon lands shall be sold from said
3531 lands as is authorized in Section 37-101-141, and before any lands
3532 shall be leased for oil, gas and mineral purposes, or other
3533 purposes as is authorized in Section 37-101-143, the board of
3534 trustees of the involved state institution of higher learning
3535 shall advertise its intention to do so by publication in a
3536 newspaper in the City of Jackson, and also in a newspaper
3537 published in each county where such lands are situated, such
3538 notice to be published once a week for three (3) consecutive weeks
3539 preceding such sale or lease, and by posting one (1) notice at the
3540 courthouse in the county or counties where the lands are situated.

3541 In any county having no paper published therein, the publication
3542 shall be placed in some paper having a general circulation in said
3543 county. Said board shall sell or lease at public auction, or by
3544 sealed bids, at the place designated in said notices, to the
3545 highest and best bidder for cash. The board shall have the right
3546 to reject any or all of such bids.

3547 SECTION 64. Section 37-101-147, Mississippi Code of 1972, is
3548 amended as follows:[LH54]

3549 37-101-147. All leases and conveyances of timber, trees,
3550 dead wood and stumps, and all oil, gas and mineral leases, or
3551 leases for other purposes, provided for in Sections 37-101-141 and

3552 37-101-143, shall be executed by the president of the board of
3553 trustees of * * * the University of Mississippi, Mississippi
3554 University for Women, Mississippi State University of Agriculture
3555 and Applied Science and Alcorn State University, as the case may
3556 be. The corporate seal of the proper institution shall be affixed
3557 to all conveyances and leases of the lands held for the use and
3558 benefit of such institutions. In all such cases such conveyances
3559 and leases shall be executed only upon the order or resolution of
3560 the board of trustees of the state institution of higher learning
3561 in the manner and method hereinbefore set forth.

3562 SECTION 65. Section 37-101-149, Mississippi Code of 1972, is
3563 amended as follows:[LH55]

3564 37-101-149. The proceeds derived or received from all sales
3565 of timber, trees, dead wood, and stumps, and from all oil, gas and
3566 mineral leases, or leases for other purposes, provided for in
3567 Sections 37-101-141 and 37-101-143, including but not limited to
3568 rentals, bonuses, royalties, and delay rentals, shall be deposited
3569 in such special funds as the * * * board of trustees of the
3570 involved state institution of higher learning may designate for
3571 the use and benefit of the institution owning or having the use
3572 and benefit of the land from which such money was derived. Such
3573 money, after all expenditures for maintenance, operation, and
3574 improvements necessary for effective and scientific management of
3575 said resources shall have been deducted, shall be used and
3576 expended under the supervision of said board of trustees for the
3577 erection and construction of permanent improvements on the
3578 campuses of such institution, or for the repair of permanent
3579 improvements existing on said campuses. It is the purpose of this

3580 section that the funds received from lands held for the use of
3581 each of the respective institutions shall be kept in a special
3582 fund for the use and benefit of the institution having the use and
3583 benefit of the land from which such funds were derived, and that
3584 such funds shall be expended only for the purposes hereinabove set
3585 forth.

3586 Notwithstanding any other provisions of this section, such
3587 reports as may be required by the State Auditor of Public Accounts
3588 shall be made to him by the institutions of higher learning in the
3589 manner and at the times he may prescribe, so that his records may
3590 reflect full and complete information relative thereto.

3591 SECTION 66. Section 37-101-153, Mississippi Code of 1972, is
3592 amended as follows:[LH56]

3593 37-101-153. The board of trustees of each state institution
3594 of higher learning is hereby authorized and empowered, in its
3595 discretion, to lease any lands, or any part thereof, belonging
3596 to * * * said institution, for oil, gas and mineral development,
3597 upon such terms, conditions and considerations as said board of
3598 trustees shall deem proper and for the best interest of the
3599 institution * * *. Any such oil, gas or mineral lease shall be
3600 for a primary term of not more than six (6) years and so long
3601 thereafter as oil, gas or other mineral is produced from said
3602 land. The royalty reserved in such lease or leases shall not be
3603 less than the following:

3604 (a) On oil, one-eighth (1/8) part produced and saved
3605 from said land;

3606 (b) On gas, including casinghead gas, or other gaseous
3607 substances, produced from said land and sold or used off the

3608 premises, or for the extraction of gasoline or other products
3609 therefrom the market value at the well of one-eighth (1/8) of the
3610 gas so sold or used; and

3611 (c) On all other minerals mined and marketed,
3612 one-eighth (1/8) part in kind or value at the well or mine except
3613 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3614 ton.

3615 SECTION 67. Section 37-101-155, Mississippi Code of 1972, is
3616 amended as follows:[LH57]

3617 37-101-155. Before any of the land named in Section
3618 37-101-153, shall be leased for oil, gas and mineral purposes, the
3619 board of trustees of the involved state institution of higher
3620 learning shall give notice of its intention by publishing a notice
3621 in some newspaper in the City of Jackson and also a newspaper
3622 published in the county or counties where such lands are situated,
3623 giving the time and place that said board will receive bids. Said
3624 notice shall be published once each week for three (3) consecutive
3625 weeks. Said board at said time and place will receive sealed bids
3626 for such lease or leases, and will consider the highest and best
3627 bid that is the most advantageous to the institution * * *. The
3628 board shall have the right to reject any or all such bids.

3629 SECTION 68. Section 37-101-157, Mississippi Code of 1972, is
3630 amended as follows:[LH58]

3631 37-101-157. All oil, gas and mineral leases provided for in
3632 Section 37-101-153, shall be executed by the president of the
3633 board of trustees of the involved state institution of higher
3634 learning * * * on behalf of the institution owning or having the
3635 use of such lands, as the case may be. The corporate seal of the

3636 institution owning or having benefit of such land shall be affixed
3637 to all leases. In all such cases such leases shall be executed
3638 only upon order or resolution of the board of trustees of the
3639 state institutions of higher learning in the manner hereinbefore
3640 set forth.

3641 SECTION 69. Section 37-101-159, Mississippi Code of 1972, is
3642 amended as follows:[LH59]

3643 37-101-159. The consideration and proceeds derived or
3644 received from all oil, gas and mineral leases provided for in
3645 Section 37-101-153, including, but not limited to bonuses,
3646 rentals, royalties and delay rentals, shall be paid to the board
3647 of trustees of the state institution of higher learning for the
3648 use and benefit of the institution owning or having the use and
3649 benefit of the land from which said money was derived. All such
3650 money or funds shall be allocated to or used for the benefit of
3651 such institution * * *.

3652 SECTION 70. Section 37-101-181, Mississippi Code of 1972, is
3653 amended as follows:[LH60]

3654 37-101-181. Any member of the faculties of Alcorn State
3655 University, Jackson State University, and Mississippi Valley State
3656 University shall be eligible for leave of absence to pursue
3657 advanced academic training so as to elevate the scholastic
3658 qualifications of the faculties of these above-mentioned colleges,
3659 in line with the requirements of the several accrediting agencies.

3660 In order to provide for the above leaves the board of
3661 trustees of those state institutions of higher learning shall have
3662 power to adopt rules and regulations regarding such leave. In no
3663 instance shall leave be granted unless there is a contract

3664 providing for continued service, after expiration of the leave, in
3665 the college where the faculty member is employed.

3666 The board of trustees * * * is hereby authorized to make
3667 payment of salary, or such part of salary as may be decided, of
3668 such faculty members who are under contract for academic leaves.

3669 SECTION 71. Section 37-101-183, Mississippi Code of 1972, is
3670 amended as follows:[LH61]

3671 37-101-183. Any members of the faculty of the state
3672 institutions of higher learning of the State of Mississippi shall
3673 be eligible for sabbatical leaves, for the purpose of professional
3674 improvement, for not more than two (2) semesters immediately
3675 following any twelve (12) or more consecutive semesters of active
3676 service in the institutions of higher learning of this state where
3677 such faculty member is employed or for not more than one (1)
3678 semester immediately following any six (6) or more consecutive
3679 semesters of such service. Absence on sick leave shall not be
3680 deemed to interrupt the active service herein provided for.

3681 Applications for sabbatical leave shall be made to the board
3682 of trustees of the state institution of higher learning, with the
3683 approval of the chancellor or the president of the institution of
3684 higher learning. Approval or disapproval of the applications for
3685 sabbatical leave shall be made on the basis of regulations
3686 prescribed by the board * * *.

3687 Any person who is granted a sabbatical leave and who fails to
3688 comply with the provisions of such leave as approved by the state
3689 institution of higher learning may have his or her leave
3690 terminated by the board * * *.

3691 No person on sabbatical leave can be denied any regular

3692 increment of increase in salary because of absence on sabbatical
3693 leave.

3694 Service on sabbatical leave shall count as active service for
3695 the purpose of retirement and contributions to the retirement fund
3696 shall be continued.

3697 In order to provide for the above leaves the board of
3698 trustees of each state institution of higher learning shall have
3699 power to adopt rules and regulations regarding such leave. In no
3700 instance shall leave be granted unless there is a contract
3701 providing for continued service, after expiration of the leave, in
3702 the college where the faculty member is employed.

3703 Every person on sabbatical leave shall enjoy all the rights
3704 and privileges pertaining to his or her employment in the
3705 institution of higher learning in which such person is employed,
3706 which such person would have enjoyed if in active service during
3707 such leave in the position from which such leave was taken.

3708 Each person granted sabbatical leave may receive and be paid
3709 compensation up to the rate of fifty percent (50%) of such
3710 person's annual salary.

3711 Compensation payable to persons on sabbatical leave shall be
3712 paid at the same time and in the same manner salaries of the other
3713 members of the faculty are paid.

3714 SECTION 72. Section 37-101-185, Mississippi Code of 1972, is
3715 amended as follows:[LH62]

3716 37-101-185. The board of trustees of each state institution
3717 of higher learning is hereby authorized to cooperate with the
3718 state building commission, in the discretion of both agencies, in
3719 the employment of technical and professional personnel for

3720 supervising the planning and constructing or repairs of physical
3721 plant facilities located on the campuses of the several
3722 institutions of higher learning. Upon determination by the state
3723 building commission as to the proportionate amount due from the
3724 board of trustees for salaries and other expenses of such
3725 employees, said board is authorized and empowered to pay over to
3726 the state building commission such sums from funds available to
3727 the board * * * for such purposes.

3728 SECTION 73. Section 37-101-221, Mississippi Code of 1972, is
3729 amended as follows:[LH63]

3730 37-101-221. The Commissioner of Higher Education may provide
3731 instruction in graduate and professional schools for qualified
3732 students, who are residents of Mississippi, in institutions
3733 outside the state boundaries, when such instruction is not
3734 available for them in the regularly supported Mississippi
3735 institutions of higher learning. The commissioner shall, by * * *
3736 rules and regulations, determine the qualifications of such
3737 students as may be aided by this section, and the decision by the
3738 commissioner as to the qualifications of such students shall be
3739 final. The commissioner shall provide such graduate and
3740 professional instruction, within the limits of the funds available
3741 for this purpose, at a cost to students, not exceeding the cost,
3742 as estimated by the commissioner, of such instruction, if it were
3743 available at a state supported institution of higher learning in
3744 the State of Mississippi.

3745 SECTION 74. Section 37-101-283, Mississippi Code of 1972, is
3746 amended as follows:[LH64]

3747 37-101-283. Each male applicant for any scholarship or loan

3748 funded in whole or in part by this state, whether granted by the
3749 Commissioner of Higher Education, the board of trustees of a state
3750 institution of higher learning, the Post-Secondary Education
3751 Financial Assistance Board, or otherwise granted by any
3752 state-supported college or university, and whether to be used at a
3753 state-supported institution of higher learning or at a private
3754 institution, shall within six (6) months after he attains the age
3755 of eighteen (18) years submit to the person, commission, board or
3756 agency in which his application for scholarship or loan is or has
3757 been made satisfactory evidence of his compliance with the draft
3758 registration requirements of the Military Selective Service Act.
3759 Such evidence shall consist of a copy of the draft registration
3760 acknowledgment letter received from the Selective Service System
3761 by the scholarship or loan applicant or holder. If an applicant
3762 for or holder of any such scholarship or loan fails to submit a
3763 copy of his draft registration acknowledgment letter in the manner
3764 and within the time allowed therefor, any pending application of
3765 such person for the award, grant or renewal of any such
3766 scholarship or loan shall be denied, and any such scholarship or
3767 loan currently held by such person shall be revoked to the extent
3768 that no further payments under that scholarship or loan may be
3769 made to him or on his behalf. The person, commission, board or
3770 agency to which an application for the award, grant or renewal of
3771 such scholarship or loan is made, or by or through which any such
3772 scholarship or loan is administered or issued shall notify the
3773 applicant or holder and the chief executive officer of any
3774 institution at which a holder of a scholarship or loan so revoked
3775 is enrolled of its action, and upon request of the scholarship or

3776 loan applicant or holder shall afford him the opportunity, either
3777 in person, in writing or by counsel of his choice to present
3778 evidence against such action.

3779 SECTION 75. Section 37-101-303, Mississippi Code of 1972, is
3780 amended as follows:[LH65]

3781 37-101-303. Before the issuance of any of the bonds herein
3782 authorized, the board of trustees of each state institution of
3783 higher learning shall forward to the State Bond Commission its
3784 recommendation declaring the necessity for the issuance of general
3785 obligation bonds as authorized by Sections 37-101-301 through
3786 37-101-331 for the purpose of erecting, repairing, constructing,
3787 remodeling, adding to or improving capital facilities for
3788 institutions of higher learning. The State Bond Commission shall
3789 have the power and is hereby authorized, upon receipt of the
3790 aforesaid recommendations, at one time or from time to time, to
3791 declare the necessity for issuance of negotiable general
3792 obligation bonds of the State of Mississippi in an aggregate
3793 amount not to exceed Forty Million Dollars (\$40,000,000.00) to
3794 provide funds for the purposes hereinabove set forth and to issue
3795 and sell bonds in the amount specified.

3796 Out of the total amount of bonds authorized to be issued,
3797 funds shall be allocated among the institutions of higher learning
3798 as follows:

3799	Alcorn State University.....	\$ 4,416,000.00
3800	Delta State University.....	1,882,000.00
3801	Jackson State University.....	2,396,000.00
3802	Mississippi State University.....	9,810,000.00
3803	Mississippi University for Women.....	1,909,000.00

3804	Mississippi Valley State University.....	1,775,000.00
3805	University of Mississippi.....	6,086,000.00
3806	University of Southern Mississippi.....	5,971,000.00
3807	University of Southern Mississippi -	
3808	Gulf Park Campus.....	309,000.00
3809	University Medical Center.....	3,465,000.00
3810	Gulf Coast Research Laboratory.....	260,000.00
3811	Education and Research Center.....	475,000.00
3812	Division of Agriculture, Forestry and	
3813	Veterinary Medicine.....	1,246,000.00

3814 * * *

3815 SECTION 76. Section 37-101-305, Mississippi Code of 1972, is
3816 amended as follows:[LH66]

3817 37-101-305. Upon receipt of a certified copy of a resolution
3818 of the board of trustees of a state institution of higher learning
3819 declaring the necessity for the issuance of any part or all of the
3820 bonds authorized by Sections 37-101-301 et seq., the State Bond
3821 Commission is hereby authorized and empowered to sell and issue
3822 general obligation bonds of the State of Mississippi in the
3823 principal amount requested, not to exceed an aggregate principal
3824 amount of Forty Million Dollars (\$40,000,000.00) for the purposes
3825 hereinabove set forth. The State Bond Commission is authorized
3826 and empowered to pay the costs that are incident to the sale,
3827 issuance and delivery of the bonds authorized under Sections
3828 37-101-301 et seq. from the proceeds derived from the sale of such
3829 bonds.

3830 SECTION 77. Section 37-101-351, Mississippi Code of 1972, is
3831 amended as follows:[LH67]

3832 37-101-351. The board of trustees of each state institution
3833 of higher learning is hereby authorized to establish an executive
3834 institute which shall be responsible for providing advanced
3835 training and assessment for public sector executives, elected
3836 officials, state board and commission members, and officers and
3837 employees of local government entities of the State of
3838 Mississippi.

3839 SECTION 78. Section 37-102-1, Mississippi Code of 1972, is
3840 amended as follows:[LH68]

3841 37-102-1. The board of trustees of each state institution of
3842 higher learning may establish off-campus instructional programs
3843 for existing universities. However, the board * * * shall not
3844 establish off-campus instructional programs if in its opinion such
3845 action is not in the best interest of quality education for the
3846 State of Mississippi and the university system.

3847 Students at any off-campus program site may, in the
3848 discretion of the board * * *, be permitted to register for
3849 full-time course loads.

3850 Attendance at an off-campus site shall fulfill the residency
3851 requirements as if the student had attended class on the parent
3852 campus of the university, and there shall be no difference in the
3853 standards for work nor quality weight of a degree earned in the
3854 off-campus program from that earned at the parent institution.

3855 SECTION 79. Section 37-102-3, Mississippi Code of 1972, is
3856 amended as follows:[LH69]

3857 37-102-3. The boards of trustees of the state institutions
3858 of higher learning shall not permit the public universities to
3859 offer courses for college credit at the lower undergraduate level

3860 at an off-campus site unless approved by the State Board for
3861 Community and Junior Colleges. The Commissioner of Higher
3862 Education, in cooperation with the State Board for Community and
3863 Junior Colleges, shall study the need and advisability of offering
3864 (a) courses for college credit at the lower undergraduate level,
3865 and (b) advanced centers for technology partnerships for
3866 industrial training and professional development for credit and
3867 noncredit courses, at the following off-campus sites by four-year
3868 public state institutions of higher learning: the Mississippi
3869 Gulf Coast counties; Greenville, Mississippi; Columbus,
3870 Mississippi; McComb, Mississippi; Hattiesburg, Mississippi;
3871 Meridian, Mississippi; Laurel, Mississippi; and any other proposed
3872 area of the state. Any such study shall take into account the
3873 ongoing programs of the community and junior colleges in the State
3874 of Mississippi when a board authorizes off-campus programs created
3875 under this chapter. It is the intent of the Legislature to meet
3876 the educational needs of students who do not have ready access to
3877 the educational opportunities that they desire. It is the further
3878 intent of this chapter that university off-campus programs
3879 established hereunder will in no way usurp the responsibilities of
3880 the public junior colleges of the State of Mississippi. The
3881 Commissioner of Higher Education shall establish such rules and
3882 regulations as it deems necessary and proper to carry out the
3883 purposes and intent of this chapter.

3884 SECTION 80. Section 37-102-5, Mississippi Code of 1972, is
3885 amended as follows:[LH70]

3886 37-102-5. The board of trustees of each state institution of
3887 higher learning may designate * * * off-campus sites. However,

3888 off-campus sites shall be located in such a manner as to make the
3889 services of the institutions of higher learning available to the
3890 people of Mississippi without unnecessary program duplication in
3891 the same geographic area.

3892 SECTION 81. Section 37-102-7, Mississippi Code of 1972, is
3893 amended as follows:[LH71]

3894 37-102-7. The board of trustees of each state institution of
3895 higher learning shall submit to the Legislature budget requests
3896 with off-campus programs being an identified part of the
3897 total * * * budget request for the university by being a separate
3898 item within the budget request * * *. Said budget request shall
3899 include a statement of all actual or estimated receipts and
3900 disbursements for such off-campus programs and such other
3901 information as may be required by the Legislative Budget Office.

3902 SECTION 82. Section 37-102-13, Mississippi Code of 1972, is
3903 amended as follows:[LH72]

3904 37-102-13. The board of trustees of each state institution
3905 of higher learning shall take into account the ongoing programs of
3906 the private colleges in the State of Mississippi when authorizing
3907 off-campus programs created under this chapter. It is the intent
3908 of this chapter to meet the educational needs of students who do
3909 not have ready access to the educational opportunities that they
3910 desire.

3911 SECTION 83. Section 37-102-15, Mississippi Code of 1972, is
3912 amended as follows:[LH73]

3913 37-102-15. (1) The board of trustees of each state
3914 institution of higher learning and the Bureau of Buildings,
3915 Grounds and Real Property Management shall not make any

3916 expenditure for capital improvements for off-campus sites unless
3917 specifically authorized by the Mississippi Legislature. However,
3918 this shall not preclude such capital improvements from being made
3919 by county or municipal governments locally or regionally involved.

3920 (2) The Board of Trustees of Mississippi State University
3921 and the Bureau of Buildings, Grounds and Real Property Management
3922 is specifically authorized to expend any funds available to it
3923 from private sources, from the proceeds of the sale of any
3924 property and improvements currently on the site of Mississippi
3925 State University off-campus instructional program at Meridian and
3926 from the proceeds of funds designated to the Mississippi State
3927 University system for "repair, renovation and new construction" in
3928 Chapter 2, Section 2, General Laws, First Extraordinary Session of
3929 1989, for the construction, equipping and furnishing and new
3930 building, and/or for the repair, renovation, equipping and
3931 furnishing of any existing building at the Mississippi State
3932 University off-campus instructional program site at Meridian,
3933 Mississippi. The board * * * is hereby authorized to receive and
3934 expend matching funds from the local, county and municipal
3935 governments for such construction, equipping, furnishing, repair
3936 or renovation.

3937 SECTION 84. Section 37-103-1, Mississippi Code of 1972, is
3938 amended as follows:[LH74]

3939 37-103-1. The board of trustees of each junior college in
3940 this state, the board of trustees of each state institution of
3941 higher learning, and the administrative authorities of each
3942 institution governed by said boards, in ascertaining and
3943 determining the legal residence of and tuition to be charged any

3944 student applying for admission to such institutions shall be
3945 governed by the definitions and conditions set forth in Sections
3946 37-103-1 through 37-103-23.

3947 SECTION 85. Section 37-103-9, Mississippi Code of 1972, is
3948 amended as follows:[LH75]

3949 37-103-9. Children of parents who are members of the faculty
3950 or staff of any institution under the jurisdiction of the board of
3951 trustees of any junior college * * * or of any state institution
3952 of higher learning in this state may be classified as residents
3953 for the purpose of attendance at the institution where their
3954 parents are faculty or staff members.

3955 SECTION 86. Section 37-103-25, Mississippi Code of 1972, is
3956 amended as follows:[LH76]

3957 37-103-25. The board of trustees of each state institution
3958 of higher learning and the boards of trustees of the junior
3959 colleges are hereby authorized to prescribe the amount of fees to
3960 be paid by students attending the several state-supported
3961 institutions of higher learning and junior colleges of the State
3962 of Mississippi. In prescribing the rates to be paid by residents
3963 of other states, the total fees shall not be less than the average
3964 cost per student from appropriated funds.

3965 SECTION 87. Section 37-103-29, Mississippi Code of 1972, is
3966 amended as follows:[LH77]

3967 37-103-29. Nothing in this chapter shall be construed to
3968 provide that the board of trustees of any state institution of
3969 higher learning or the board of trustees of any junior college is
3970 required to consider for admission the application of a
3971 nonresident.

3972 SECTION 88. Section 37-104-5, Mississippi Code of 1972, is
3973 amended as follows:[LH78]

3974 37-104-5. As used in this chapter, the following words and
3975 terms shall have the following meanings:

3976 (a) "Authority" means the members of the State Bond
3977 Commission, which is composed of the Governor, the Attorney
3978 General, and the State Treasurer, under Section 31-17-1, acting as
3979 the Educational Facilities Authority for Private, Nonprofit
3980 Institutions of Higher Learning.

3981 (b) "Private institution of higher learning" means a
3982 nonprofit university, college or junior college within the State
3983 of Mississippi, authorized by law to provide a program of
3984 education beyond the high school level, which is not under the
3985 jurisdiction of a board of trustees of a state institution of
3986 higher learning or the State Board for Community and Junior
3987 Colleges, and which is accredited by the Southern Association of
3988 Colleges and Schools.

3989 (c) "Educational facility" means any facility or
3990 structure, including, but not limited to, a housing or dormitory
3991 facility, academic building, library, laboratory, research
3992 facility, classroom, athletic facility, health care facility,
3993 maintenance, storage or utility facility, student union building,
3994 administration building, and parking facility, and any other
3995 facility or structure related thereto, which is essential, useful
3996 or convenient for the instruction of students, the conducting of
3997 research or the operation and conduct of a private institution of
3998 higher learning, and the land underlying said facility or
3999 structure, but shall not include any facility or structure used or

4000 to be used for sectarian instruction or as a place of religious
4001 worship nor any facility which is used or to be used primarily in
4002 connection with any part of the program of a school or department
4003 of divinity for any religious denomination or sect.

4004 (d) "Educational facility project" means the
4005 construction, enlargement, repair, improvement, alteration,
4006 remodeling, reconstruction, equipping or acquisition of an
4007 educational facility.

4008 (e) "Cost of the educational facility project" means
4009 the cost of construction, enlargement, repair, improvement,
4010 alteration, remodeling, reconstruction, equipping or acquisition
4011 of an educational facility; the cost of all lands, properties,
4012 rights-of-way, easements, franchises and interests acquired, used
4013 for or in connection with the educational facility; the cost of
4014 demolishing or removing buildings or structures on land so
4015 acquired, including the cost of acquiring any lands to which such
4016 buildings or structures may be moved; the cost of all machinery
4017 and equipment; financing charges, interest prior to and during
4018 construction, enlargement, repair, improvement, alteration,
4019 remodeling, reconstruction, or equipping of the said educational
4020 facility and for one (1) year after completion of said
4021 construction, enlargement, repair, improvement, alteration,
4022 remodeling, reconstruction, equipping or acquisition; the cost of
4023 engineering, architectural, financial and legal services; the cost
4024 of all plans, surveys and specifications; studies, estimates of
4025 cost and of revenues, and other expenses necessary or incident to
4026 determining the feasibility or practicability of the project;
4027 administrative expenses; the cost of such other expenses as may be

4028 necessary or incident to the financing herein authorized of the
4029 construction, enlargement, repair, improvement, alteration,
4030 remodeling, reconstruction, equipping or acquisition of any
4031 educational facility and the placing of said project in operation.
4032 Any obligations or expenses incurred for any of the foregoing
4033 purposes shall be regarded as a cost of the educational facility
4034 project and may be paid or reimbursed as such out of the proceeds
4035 of revenue bonds issued under the provisions of this chapter for
4036 such educational facility project.

4037 (f) "Participating private institution of higher
4038 learning" means a private institution of higher learning which,
4039 pursuant to the provisions of this chapter, undertakes an
4040 educational facility project, and the financing thereof, or
4041 undertakes the refinancing of an educational facility project.

4042 (g) "Revenue bonds" means revenue bonds issued by the
4043 Authority, under the provisions of this chapter, to finance or
4044 refinance an educational facility project at a participating
4045 private institution of higher learning and payable from monies
4046 received by the Authority from the participating private
4047 institution of higher learning pursuant to the bond loan agreement
4048 as defined herein.

4049 (h) "Bond loan agreement" means an agreement between
4050 the participating private institution of higher learning and the
4051 Authority for the purposes of: (i) establishing the terms for the
4052 payment of the revenue bonds by the participating private
4053 institution of higher learning; (ii) establishing the collateral
4054 of the participating private institution of higher learning which
4055 the parties determine to be necessary to secure the payment of the

4056 revenue bonds; (iii) establishing the terms for the payment by the
4057 Authority to the participating private institution of higher
4058 learning of the proceeds from the sale of the revenue bonds for
4059 the payment of the costs of the educational facilities project by
4060 the participating private institution of higher learning; and (iv)
4061 setting forth all other matters relating to the revenue bonds.

4062 SECTION 89. Section 37-105-1, Mississippi Code of 1972, is
4063 amended as follows:[LH79]

4064 37-105-1. The board of trustees of each state institution of
4065 higher learning is hereby authorized and empowered to enact
4066 traffic rules and regulations for the control, direction, parking
4067 and general regulation of traffic and automobiles on the campus
4068 and streets of the state institution of higher learning under the
4069 supervision of such board.

4070 Any rules and regulations promulgated hereunder shall become
4071 effective only after notice of the enactment of same has been
4072 published in three (3) consecutive weekly issues of the college
4073 newspaper and in a newspaper published and having general
4074 circulation in the county or municipality where the institution to
4075 which same pertain is located; such notice shall state where the
4076 full text of such rules and regulations may be found on file. In
4077 addition, such rules and regulations shall be posted on five (5)
4078 bulletin boards at each such institution for a period of four (4)
4079 weeks after their promulgation.

4080 SECTION 90. Section 37-105-7, Mississippi Code of 1972, is
4081 amended as follows:[LH80]

4082 37-105-7. The board of trustees of each state institution of
4083 higher learning is hereby authorized and empowered to prevent or

4084 regulate the running at large of animals of all kinds on the
4085 campus and the streets of the state institution of higher learning
4086 under the supervision of such board, and to cause such animals as
4087 may be running at large to be impounded and a charge made against
4088 the owner to discharge the cost and expenses of keeping the same.

4089 If the owner of any such animal does not pay such cost within the
4090 time prescribed by the board * * *, such impounded animal may be
4091 sold to discharge the cost and expense of impounding and selling
4092 the same.

4093 If the owner of any such animal does not pay such cost within
4094 the time prescribed by the board * * * and if such impounded
4095 animal cannot be sold to discharge the cost and expense of
4096 impounding and selling the same, such impounded animal may be sold
4097 or donated to research organizations.

4098 SECTION 91. Section 37-105-9, Mississippi Code of 1972, is
4099 amended as follows:[LH81]

4100 37-105-9. Any act which, if committed within the limits of a
4101 city, town or village, or in any public place, would be a
4102 violation of the general laws of this state, shall be criminal and
4103 punishable if done on the campus, grounds or roads of any of the
4104 state institutions of higher learning. The peace officers duly
4105 appointed by the board of trustees of each state institution of
4106 higher learning are vested with the powers and subjected to the
4107 duties of a constable for the purpose of preventing and punishing
4108 all violations of law on university or college grounds, and for
4109 preserving order and decorum thereon.

4110 SECTION 92. Section 37-106-5, Mississippi Code of 1972, is
4111 amended as follows:[LH82]

4112 37-106-5. For purposes of this chapter, the following words
4113 shall be defined as follows unless the context requires otherwise:

4114 (a) "Eligible applicant or eligible student" means an
4115 individual who is a bona fide resident of Mississippi or an
4116 out-of-state student who is enrolled or accepted for attendance at
4117 an approved institution located in Mississippi in a course of
4118 study including at least six (6) semester hours or the full-time
4119 equivalent thereof.

4120 (b) "Approved institution" means an institution of
4121 higher learning, public or private, which is accredited by the
4122 Southern Association of Colleges and Secondary Schools, or its
4123 equivalent or a business, vocational, technical or other
4124 specialized school recognized and approved by the Post-secondary
4125 Education Financial Assistance Board.

4126 (c) "Board" means the Post-secondary Education
4127 Financial Assistance Board created by Section 37-106-9 authorized
4128 and empowered to administer the provisions of this chapter.

4129 (d) "Fund" means the Post-secondary Education
4130 Assistance Fund created by Section 37-106-13.

4131 (e) "Financial need" means anticipated expenses of an
4132 eligible student while attending an approved institution which
4133 cannot reasonably be met by said student or by the parents thereof
4134 as shall be determined according to the criteria established by
4135 the rules and regulations of the board. Financial need shall be
4136 reevaluated and redetermined at least annually.

4137 (f) "Agency" means the board of trustees of each state
4138 institution of higher learning.

4139 (g) "Commissioner" means the Commissioner of Higher

4140 Education.

4141 SECTION 93. Section 37-106-9, Mississippi Code of 1972, is
4142 amended as follows:[LH83]

4143 37-106-9. (1) There is hereby created the Post-secondary
4144 Education Financial Assistance Board which shall consist of the
4145 following three (3) members: the Commissioner of Higher
4146 Education; one (1) person to be appointed by the State Board for
4147 Community and Junior Colleges for an initial period of three (3)
4148 years; and one (1) person to be appointed by the Governor for an
4149 initial period of two (2) years. All subsequent appointments
4150 shall be for a period of four (4) years. Vacancies shall be
4151 filled for the length of the unexpired term only. The board shall
4152 elect from its membership a chairman.

4153 (2) The agency shall designate one (1) member of its staff
4154 to serve as director, to administer the provisions of this
4155 financial assistance program. The director shall be assigned by
4156 the agency sufficient staff, professional and clerical, funds and
4157 quarters to administer this program.

4158 (3) The director:

4159 (a) Subject to the review of the board, shall have the
4160 power of final approval of any application submitted;

4161 (b) Subject to the approval of the board and the
4162 agency, shall have authority to promulgate the necessary rules and
4163 regulations for effective administration of this chapter,
4164 including the method of making application for assistance
4165 authorized by this chapter.

4166 SECTION 94. Section 37-106-35, Mississippi Code of 1972, is
4167 amended as follows:[LH84]

4168 37-106-35. (1) There is established the assistant teacher
4169 scholarship program for the purpose of assisting eligible
4170 assistant teachers to become certificated teachers through the
4171 awarding of financial scholarships and to attract and retain
4172 qualified teachers for those geographical areas of the state and
4173 academic subject areas in which there exist a critical shortage of
4174 teachers. The scholarship program shall be implemented and
4175 administered by the Commissioner of Higher Education and is
4176 subject to the availability of funds appropriated specifically
4177 therefor by the Legislature.

4178 (2) Under the assistant teacher scholarship program,
4179 qualified assistant teachers may be awarded financial assistance
4180 in an amount that is equal to the actual cost of three (3)
4181 three-hour academic courses per year. However, no assistant
4182 teacher may receive assistance through the program for more than
4183 fifteen (15) three-hour academic courses. An assistant teacher
4184 scholarship shall not be based upon an applicant's eligibility for
4185 financial aid, and the receipt of any other scholarship or
4186 financial assistance shall not affect an assistant teacher's
4187 eligibility under the program.

4188 (3) In order to qualify for an assistant teacher
4189 scholarship, an applicant must satisfy the following requirements:

4190 (a) The applicant must be employed full-time as an
4191 assistant teacher with a local school district;

4192 (b) The applicant must be accepted for enrollment at a
4193 baccalaureate degree-granting institution of higher learning in
4194 the State of Mississippi which is accredited by the Southern
4195 Association of Colleges and Schools and approved by the

4196 Mississippi Commission on College Accreditation or at any
4197 accredited nonprofit community or junior college in the state;

4198 (c) The assistant teacher must maintain a minimum
4199 cumulative grade point average of 2.5 calculated on a 4.0 scale
4200 for all courses funded through the assistant teacher scholarship
4201 program; and

4202 (d) The assistant teacher must have expressed in
4203 writing a present intention to teach in a critical teacher
4204 shortage geographic or academic subject area.

4205 (4) The Commissioner of Higher Education shall develop a
4206 system that provides for the payment of scholarship funds directly
4207 to the educational institution at which a recipient of an
4208 assistant teacher scholarship is enrolled.

4209 (5) At the beginning of the school year next succeeding the
4210 date on which a person who has received an assistant teacher
4211 scholarship obtains a baccalaureate degree, that person shall
4212 begin to render service as a certificated teacher in a school
4213 district or academic subject area, or both, designated by the
4214 State Board of Education. The State Board of Education shall
4215 establish the duration of teaching service due for recipients of
4216 scholarships based upon the number of academic hours funded
4217 through the assistant teacher scholarship program. Any person
4218 failing to meet teaching requirements shall be liable for the
4219 amount of the corresponding scholarship received, plus interest
4220 accruing at the current Stafford Loan rate.

4221 SECTION 95. Section 37-107-7, Mississippi Code of 1972, is
4222 amended as follows:[LH85]

4223 37-107-7. Any applicant qualified and desiring a scholarship

4224 under the provisions of this chapter shall apply in writing to the
4225 Commissioner of Higher Education. Said Commissioner of Higher
4226 Education shall make inquiries into each such application and
4227 shall make such investigation as * * * proper to establish and
4228 validate all claims before a scholarship is granted.

4229 SECTION 96. Section 37-107-9, Mississippi Code of 1972, is
4230 amended as follows:[LH86]

4231 37-107-9. The cost of the scholarship program established
4232 under the provisions of this chapter will be administered by the
4233 Commissioner of Higher Education, and necessary allowances for
4234 scholarships granted shall be included in the annual budget of the
4235 Office of the Commissioner for Higher Education.

4236 SECTION 97. Section 37-108-3, Mississippi Code of 1972, is
4237 amended as follows:[LH87]

4238 37-108-3. Any applicant qualified and desiring a scholarship
4239 under this chapter shall apply in writing to the Commissioner of
4240 Higher Education. Said Commissioner of Higher Education shall
4241 make inquiries into each such application and shall make such
4242 investigation as * * * proper to establish and validate all claims
4243 made under this chapter before a scholarship is granted.

4244 SECTION 98. Section 37-108-5, Mississippi Code of 1972, is
4245 amended as follows:[LH88]

4246 37-108-5. The cost of this scholarship program will be
4247 administered by the Commissioner of Higher Education, and
4248 necessary allowances for scholarships granted shall be included in
4249 the annual budget of the office of the commissioner.

4250 SECTION 99. Section 37-110-1, Mississippi Code of 1972, is
4251 amended as follows:[LH89]

4252 37-110-1. There is hereby established an intern educational
4253 program to be designated as the Mississippi Public Management
4254 Graduate Intern Program to be administered by the Commissioner of
4255 Higher Education through a program coordinator. The program shall
4256 consist of not more than thirty-six (36) positions in the general
4257 fields of public management, program analysis and public
4258 administration. Said positions shall not be included in the
4259 number of employees allowed by law within a particular state
4260 agency. Graduate intern students shall be temporarily assigned by
4261 the program coordinator to specific state or local agencies and
4262 offices, including offices of the Legislature. Each participating
4263 agency or office shall not employ more than four (4) graduate
4264 intern students per year. To qualify for the program, a student
4265 must (a) be enrolled as a graduate student in a state university
4266 masters program in one (1) of the following: public
4267 administration, public policy and administration, and criminal
4268 justice administration, and (b) have committed himself to a field
4269 of graduate study directly related to a state or local government
4270 public managerial position.

4271 SECTION 100. Section 37-110-3, Mississippi Code of 1972, is
4272 amended as follows:[LH90]

4273 37-110-3. (1) There is hereby created the Mississippi
4274 Intern Public Management Education Council to consist of the
4275 following members: The chairmen of the various departments of
4276 Mississippi institutions of higher learning which offer graduate
4277 programs in one of the following: public administration, public
4278 policy and administration, and criminal justice administration.
4279 The council shall elect from its membership a chairman which shall

4280 be a rotating, one-year appointment. The council shall meet at
4281 the place and time designated by the chairman at least twice but
4282 no more than six (6) times per year.

4283 (2) The council shall adopt, amend and repeal such rules and
4284 regulations as it deems necessary to establish standards and
4285 ensure the orderly execution of the objectives of the intern
4286 educational program, not inconsistent with the provisions of this
4287 chapter. Such regulations shall be submitted to the Commissioner
4288 of Higher Education for implementation by the program coordinator.

4289 The council shall review and evaluate the program on a yearly
4290 basis and submit its findings to the program coordinator.

4291 SECTION 101. Section 37-110-5, Mississippi Code of 1972, is
4292 amended as follows:[LH91]

4293 37-110-5. (1) There is hereby created the position of
4294 program coordinator who shall be the chief administrative officer
4295 of the Mississippi Public Management Graduate Intern Program. The
4296 program coordinator shall be appointed by and be an employee of
4297 the Commissioner of Higher Education.

4298 (2) The program coordinator shall administer the policies of
4299 the council and supervise and direct all technical activities of
4300 the program. The coordinator shall select students to participate
4301 in the program based upon the nominees of the participating state
4302 institutions of higher learning. No participating university
4303 shall be allotted less than three (3) intern students per year
4304 unless said university nominates less than three (3) students. The
4305 coordinator shall place the intern students in state or local
4306 agencies which agree in writing to participate in the program.

4307 (3) The program coordinator shall prepare and deliver to the

4308 Legislature and to the Governor an annual report describing the
4309 operation and progress of the Mississippi Public Management
4310 Graduate Intern Program, including a detailed statement of
4311 expenditures and any recommendations the board may have.

4312 SECTION 102. Section 37-111-3, Mississippi Code of 1972, is
4313 amended as follows:[LH92]

4314 37-111-3. No society of the character designated in Section
4315 37-111-1 shall be organized without first having made written
4316 application to the faculty of the institution concerned, which
4317 application shall be signed by each of the proposed membership. A
4318 majority vote of the faculty present at a regular meeting shall
4319 suffice to approve or reject such application. The board of
4320 trustees of each state institution of higher learning may
4321 determine who constitutes the members of the faculty having
4322 jurisdiction of student activities.

4323 SECTION 103. Section 37-111-7, Mississippi Code of 1972, is
4324 amended as follows:[LH93]

4325 37-111-7. Organizations of the character designated in
4326 Section 37-111-1 shall be permitted to hold their regular meetings
4327 for academic, social or business purposes in such places as the
4328 authorities may agree upon. Such organizations shall not be
4329 permitted to purchase, lease, or as an organization live within a
4330 domicile especially set apart for their purpose at any time,
4331 except under such regulations as shall be prescribed by the board
4332 of trustees of each state institution of higher learning.

4333 SECTION 104. Section 37-111-9, Mississippi Code of 1972, is
4334 amended as follows:[LH94]

4335 37-111-9. The board of trustees of each state institution of

4336 higher learning is hereby authorized and empowered, in its
4337 discretion, to lease to social fraternities, sororities, or other
4338 social organizations, upon such conditions as it may prescribe,
4339 for a term not exceeding ninety-nine (99) years, any land at the
4340 state-supported institution of higher learning for the purpose of
4341 erecting fraternity houses, sorority houses, or other facilities
4342 for recreation thereon.

4343 SECTION 105. Section 37-111-11, Mississippi Code of 1972, is
4344 amended as follows:[LH95]

4345 37-111-11. The members of organizations of the character
4346 designated in Section 37-111-1, shall be amenable to the same
4347 rules and regulations as any and all other students in the
4348 institution. In the event that the members of such an
4349 organization become guilty of continued violation of the rules and
4350 of infractions of discipline, the board of trustees of the state
4351 institution of higher learning shall have the authority to
4352 dissolve such society and prohibit further meetings or its
4353 continuation as an organization. A failure to comply with the
4354 requirements of the trustees shall be a cause for suspension or
4355 expulsion from the institution as the faculty of the same may
4356 elect.

4357 SECTION 106. Section 37-113-7, Mississippi Code of 1972, is
4358 amended as follows:[LH96]

4359 37-113-7. (1) The Board of Trustees of Mississippi State
4360 University is hereby authorized, in its discretion, to acquire by
4361 purchase, gift, or otherwise, any real property required by and
4362 for the use of the university * * *, and said university is
4363 authorized to hold, use and operate such real property in

4364 conducting its authorized and necessary program of work. This
4365 section is designed to make it possible for said university and
4366 its subdivisions to acquire, hold and operate real property needed
4367 in its program of operations without the benefit of state funds
4368 specifically appropriated for the purchase of such properties.
4369 Such properties shall be acquired or purchased on the
4370 recommendation of the Director of the Mississippi Agricultural and
4371 Forestry Experimental Station made to the president of said
4372 university and approved by the board of trustees of the
4373 institution.

4374 (2) The Board of Trustees of Mississippi State University is
4375 hereby authorized, in its discretion, to sell any such real
4376 property purchased or otherwise acquired under the authority of
4377 subsection (1) for the use of the university * * * or its
4378 subdivisions when such property is not needed in the university's
4379 programs of operations. Such properties shall be sold on the
4380 recommendation of the Director of the Mississippi Agricultural and
4381 Forestry Experimental Station made to the president of the
4382 university and approved by the board * * *. The proceeds from the
4383 sale of such properties may be used to purchase other real
4384 properties for the use of the university under the provisions of
4385 subsection (1), or may be retained by the university for its
4386 operations. Consideration for the sale of real property hereunder
4387 shall not be less than the fair market price thereof as determined
4388 by a professional property appraiser selected and approved by the
4389 State Building Commission. Said appraisal shall be filed with the
4390 State Building Commission at least thirty (30) days prior to the
4391 proposed sale of said property. Appraisal fees shall be shared

4392 equally by the university and the purchaser.

4393 (3) The Board of Trustees of Mississippi State University is
4394 hereby authorized and empowered to sell the following described
4395 property owned by the university * * * in Oktibbeha County,
4396 Mississippi, to-wit:

4397 Commence at the Northeast corner of the Southeast
4398 Quarter of Section 15, Township 19 North, Range 15 East,
4399 Oktibbeha County, Mississippi and use as the point of
4400 beginning. Thence run West along the North boundary of
4401 the South Half of Section 15 a distance of 3,997 feet to
4402 the East right-of-way of Macon-Aberdeen Road; thence run
4403 South along said right-of-way a distance of 20 feet;
4404 thence run East a distance of 800 feet; thence run South
4405 78 degrees 41' East a distance of 102 feet; thence run
4406 East a distance of 410 feet; thence run South a distance
4407 of 1,107 feet; thence run East a distance of 2,687 feet
4408 to the East boundary of Section 15; thence run North
4409 along said East boundary of Section 15 a distance of
4410 1,147 feet to the point of beginning. Being 71.56 acres
4411 located in the East Three Quarter of the South Half of
4412 Section 15, Township 19 North, Range 15 East, Oktibbeha
4413 County, Mississippi.

4414 The proceeds from the sale of said property shall be used by
4415 the board * * * to purchase other real property adjacent or in
4416 close proximity to the Mississippi State University of Agriculture
4417 and Applied Science, or its subdivisions, suitable for use in the
4418 university's programs of operation. Consideration for the sale
4419 and purchase of said property shall be for the fair market price

4420 thereof as determined by a professional property appraiser
4421 selected and approved by the State Building Commission. Said
4422 appraisals shall be filed with the State Building Commission at
4423 least thirty (30) days prior to the proposed sale or purchase of
4424 said property. Appraisal fees shall be shared equally by the
4425 university and the purchaser in the case of the sale herein
4426 authorized, and by the university and the seller(s) in the case of
4427 the purchase herein authorized.

4428 (4) The Board of Trustees of Mississippi State University is
4429 hereby authorized and empowered to sell the following described
4430 property owned by the university * * * in George County,
4431 Mississippi, to-wit:

4432 The South West Quarter of the North West Quarter of
4433 Section Twenty, in Township One South of Range Six West,
4434 of the St. Stephens Meridian, Mississippi, containing
4435 Forty and Thirty One Hundredths of an acre.

4436 The proceeds from the sale of said property shall be used by
4437 the board * * * to purchase other real property adjacent or in
4438 close proximity to the Mississippi State University of Agriculture
4439 and Applied Science, or its subdivisions, suitable for use in the
4440 university's programs of operation. Consideration for the sale
4441 and purchase of said property shall be for the fair market price
4442 thereof as determined by a professional property appraiser
4443 selected and approved by the State Building Commission. Said
4444 appraisals shall be filed with the State Building Commission at
4445 least thirty (30) days prior to the proposed sale or purchase of
4446 said property. Appraisal fees shall be shared equally by the
4447 university and the purchaser in the case of the sale herein

4448 authorized, and by the university and the seller(s) in the case of
4449 the purchase herein authorized.

4450 (5) The Board of Trustees of Mississippi State University is
4451 hereby authorized and empowered to sell the following described
4452 property owned by the university * * * in Lauderdale County,
4453 Mississippi, to-wit:

4454 The Northeast Quarter of the Northeast Quarter of
4455 Section 2, in Township 6, Range 16 East, plus applicable
4456 easements and mineral rights thereto.

4457 The proceeds from the sale of said property shall be used by
4458 the board * * * to purchase other real property adjacent or in
4459 close proximity to the Mississippi State University of Agriculture
4460 and Applied Science, or its subdivisions, suitable for use in the
4461 university's programs of operation. Consideration for the sale
4462 and purchase of said property shall be for the fair market price
4463 thereof as determined by a professional property appraiser
4464 selected and approved by the State Building Commission. Said
4465 appraisals shall be filed with the State Building Commission at
4466 least thirty (30) days prior to the proposed sale or purchase of
4467 said property. Appraisal fees shall be shared equally by the
4468 university and the purchaser in the case of the sale herein
4469 authorized, and by the university and the seller(s) in the case of
4470 the purchase herein authorized.

4471 (6) When any property is sold by the Board of Trustees of
4472 Mississippi State University pursuant to this section, the board
4473 shall retain for the university any mineral rights which the board
4474 or the university has in such land.

4475 SECTION 107. Section 37-113-17, Mississippi Code of 1972, is

4476 amended as follows:[LH97]

4477 37-113-17. The money received by this state, under act of
4478 Congress, entitled "An act to establish agricultural experimental
4479 stations, etc.," approved March 2, 1887, and the provisions of
4480 which were accepted by this state, by act approved January 31,
4481 1888, and assigned to the Mississippi State University of
4482 Agriculture and Applied Science, shall be expended under its
4483 direction. The Agricultural and Forestry Experimental Station for
4484 this state is established at and with said university, and the
4485 Board of Trustees of Mississippi State University shall have full
4486 control thereof.

4487 SECTION 108. Section 37-113-19, Mississippi Code of 1972, is
4488 amended as follows:[LH98]

4489 37-113-19. The State of Mississippi by its Legislature
4490 assents to and accepts the provisions and requirements of an act
4491 entitled "An act to provide for the further development of
4492 agricultural extension work between the agricultural colleges in
4493 the several states receiving the benefits of the act entitled 'An
4494 act donating public lands of the several counties and territories
4495 which may provide colleges for the benefit of agriculture and the
4496 mechanical arts,' approved July 2, 1862, and all acts
4497 supplementary thereto, and the United States Department of
4498 Agriculture," approved by the President on the 22nd day of May,
4499 1928. The Board of Trustees of Mississippi State University, on
4500 behalf of the Mississippi State University of Agriculture and
4501 Applied Science, is authorized and empowered to receive the grants
4502 of money appropriated under said act and to organize and conduct
4503 agricultural extension work, which shall be carried on in

4504 connection with the said university in accordance with the terms
4505 and conditions expressed in the said act of Congress.

4506 SECTION 109. Section 37-113-21, Mississippi Code of 1972, is
4507 amended as follows:[LH99]

4508 37-113-21. (1) Agriculture is the primary industry of
4509 Mississippi and it is to the interest of said state agriculture
4510 that research in the fields of livestock products, pastures and
4511 forage crops, poultry, herd and flock management, horticulture,
4512 farm mechanization, soil conservation, forestry, disease and
4513 insect and parasite control, the testing of plants and livestock
4514 under different conditions, farm enterprises for different sized
4515 farms under different soil and climatic conditions and market
4516 locations, and other important phases of Mississippi's
4517 agricultural economy, be expanded in the manner provided for in
4518 this section.

4519 (2) There is hereby authorized a branch experiment station
4520 to be known as the Brown Loam Branch Experiment Station, which is
4521 to be located on a part of that tract of land owned by the State
4522 of Mississippi and formerly operated as the Oakley Penitentiary
4523 and known as the Oakley Training School, same to be selected in
4524 accordance with Laws, 1954, Chapter 159, Section 3, and used as an
4525 agricultural experiment station. This property is to be supplied
4526 with necessary buildings, equipment, and other facilities; and
4527 title to such Oakley Penitentiary Farm, now known as the Oakley
4528 Training School, is to be transferred to the board of trustees of
4529 state institutions of higher learning for the use of the
4530 Mississippi Agricultural and Forestry Experimental Station as the
4531 site of, and to be used for said Brown Loam Branch Experiment

4532 Station in accordance with Laws, 1954, Chapter 159, Section 3.

4533 There is hereby authorized a branch experiment station to be
4534 known as the Coastal Plain Branch Experiment Station to be located
4535 on a suitable tract of approximately nine hundred (900) acres to
4536 be purchased in the upper coastal plain or short leaf pine area of
4537 East Central Mississippi and to be supplied with necessary
4538 buildings, equipment, and other facilities.

4539 The enlargement of the Holly Springs Branch Experiment
4540 Station, hereafter to be known as the North Mississippi Branch
4541 Experiment Station, is hereby authorized, by the purchase of
4542 approximately five hundred (500) acres of additional land adjacent
4543 to or in the vicinity of either of the two (2) farms now operated
4544 by said branch stations, and by the provision of the necessary
4545 buildings, equipment, and other facilities, and the sale as,
4546 hereinafter provided, of that farm of said branch station which is
4547 not adjacent to the additional land to be purchased.

4548 There is hereby authorized the reactivation of the former
4549 McNeil Branch Experiment Station to be operated as a part of the
4550 South Mississippi Branch Experiment Station at Poplarville, and to
4551 be supplied with necessary buildings, equipment, and other
4552 facilities.

4553 There is hereby authorized a branch experiment station to be
4554 known as the Black Belt Branch Experiment Station to be located on
4555 a suitable tract of approximately six hundred forty (640) acres of
4556 land to be purchased in Noxubee County, Mississippi, and to be
4557 supplied with the necessary buildings, equipment, and other
4558 facilities.

4559 There is hereby authorized a branch experiment station to be

4560 known as the Northeast Mississippi Branch Experiment Station to be
4561 located on a suitable tract of approximately two hundred (200)
4562 acres of land to be purchased in Lee County, Mississippi. Said
4563 station shall be primarily devoted to the development of the dairy
4564 industry and shall be supplied with necessary buildings,
4565 equipment, and other facilities.

4566 There is hereby authorized the expansion of the office and
4567 laboratory building at the Delta Branch Experiment Station at
4568 Stoneville and of the office and laboratory and dwellings for
4569 station workers at the Truck Crops Branch Experiment Station at
4570 Crystal Springs.

4571 (3) The governing authorities of any municipality, town, or
4572 county in the state may, in their discretion, donate land, money
4573 or other property to the Board of Trustees of Mississippi State
4574 University in furtherance of the purposes of this section.

4575 For the purpose of securing funds to carry out this
4576 subsection, the governing authorities of such municipality, town,
4577 or county are hereby authorized and empowered, in their
4578 discretion, to issue bonds or negotiate notes for the purpose of
4579 acquiring by purchase, gift, or lease real estate for the purpose
4580 herein authorized. Such issuance of bonds or notes shall be
4581 issued in an amount not to exceed the limitation now or hereafter
4582 imposed by law on counties, municipalities and towns, and shall be
4583 issued in all respects including interest rate, maturities and
4584 other details as is now or may hereafter be provided by general
4585 law regulating the issuance of bond or notes by the governing
4586 authorities of such municipality, town, or county.

4587 (4) Any person, firm or corporation may contribute or donate

4588 real or other property to the board of trustees of state
4589 institutions of higher learning in furtherance of the purpose of
4590 this section.

4591 (5) The Board of Trustees of Mississippi State University is
4592 hereby authorized, upon recommendation of the Director of the
4593 Agricultural and Forestry Experimental Station at the * * *
4594 university * * *, which recommendation is approved by and
4595 transmitted to said board by the president of said university, to
4596 carry out the provisions of this section with particular reference
4597 to the establishment, reactivation, expansion, and the
4598 discontinuance of branch stations as herein provided, to receive
4599 and accept title to any land or property or money herein
4600 authorized, to buy or sell and dispose of any real or personal
4601 property herein authorized, to make available for carrying into
4602 effect the provisions of this section all money received from such
4603 sale or sales, and to do any and all things necessary to
4604 effectuate the purposes of this section. One-half (1/2) interest
4605 in and to all oil, gas and other minerals shall be retained under
4606 any lands sold hereunder.

4607 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
4608 authorized by the General Education Board of the Rockefeller
4609 Foundation for the development of agricultural research, with
4610 particular reference to expanding the branch experiment stations
4611 and conditioned upon a general program of expansion substantially,
4612 as herein provided, is hereby accepted. The Director of the
4613 Agricultural and Forestry Experimental Station at the Mississippi
4614 State University of Agriculture and Applied Science is authorized
4615 and instructed to control and expend such fund in the same manner

4616 as other funds appropriated to carry out the provisions of this
4617 section.

4618 (7) The experiment station in Clay County, Mississippi,
4619 shall not be affected by this section.

4620 SECTION 110. Section 37-113-23, Mississippi Code of 1972, is
4621 amended as follows:[LH100]

4622 37-113-23. (1) There is hereby authorized a branch
4623 experiment station, to be known as the "Pontotoc Ridge-Flatwoods
4624 Soil Experiment Station," to be located on a suitable tract of
4625 approximately six hundred (600) acres of land in Pontotoc County,
4626 Mississippi, the site of which is to be selected by the Director
4627 of the Agricultural and Forestry Experimental Station at the
4628 Mississippi State University of Agriculture and Applied Science.
4629 Said acreage shall be divided equally, as nearly as practicable,
4630 between the Pontotoc Ridge and Flatwoods soil types, for the
4631 purpose of experimentation with said two types of soil in
4632 forestry, pasture-improvement, horticulture, soil conservation,
4633 truck crops, forage crops, poultry, disease and insect control and
4634 general farm products. The said experiment station shall be
4635 supplied with the necessary buildings, equipment, and other
4636 facilities.

4637 (2) The purpose of this section is to provide for increased
4638 efficiency in agriculture research for the farmers in the Pontotoc
4639 Ridge and Flatwoods soil types, who have been denied this service
4640 for all these years. Said branch experiment station shall serve
4641 the following named counties, to-wit: The Pontotoc Ridge soil
4642 begins at the Tennessee line and traverses the counties of Alcorn,
4643 Prentiss, Union, Pontotoc, Chickasaw and Clay. The Flatwoods soil

4644 which joins the Pontotoc Ridge soil on the west, begins at the
4645 Tennessee line and traverses the counties of Tippah, Benton,
4646 Union, Pontotoc, Calhoun, Chickasaw, Webster, Clay, Choctaw,
4647 Oktibbeha, Winston, Neshoba, Kemper and Lauderdale County or other
4648 counties applicable to these conditions.

4649 (3) The governing authorities of any municipality, town, or
4650 county in the state, or any person, firm or corporation may
4651 contribute or donate land, money or other property to the Board of
4652 Trustees of Mississippi State University in furtherance of the
4653 purpose of this section.

4654 (4) The Board of Trustees of Mississippi State University is
4655 hereby authorized, upon the recommendation of the Director of the
4656 Agricultural and Forestry Experimental Station at the
4657 university * * *, which recommendation is approved by and
4658 transmitted to said board by the president of said university, to
4659 establish said Pontotoc Ridge-Flatwoods soil experiment station,
4660 to receive and accept title to any land or money or property
4661 herein authorized or to be authorized, made available or to be
4662 made available by the State Legislature, to purchase land, let
4663 contracts for the construction of necessary buildings, to equip
4664 same, and to further equip said experiment station with farm
4665 equipment and any and all other equipment, and to do all things
4666 necessary to effectuate the purposes of this section.

4667 SECTION 111. Section 37-113-25, Mississippi Code of 1972, is
4668 amended as follows:[LH101]

4669 37-113-25. The Board of Trustees of Mississippi State
4670 University is hereby authorized to establish and maintain a system
4671 of retirement for the employees of the Agricultural and Forestry

4672 Experimental Station and Extension Service, out of any federal
4673 funds available under the provisions of the act of Congress,
4674 approved March 4, 1940, and out of contributions made by the
4675 employees of such experimental station and extension service.

4676 In the establishment of such special retirement system, the
4677 board of trustees * * * shall have full authority to make all
4678 needful rules and regulations, to carry into effect the provisions
4679 of this section.

4680 SECTION 112. Section 37-113-28, Mississippi Code of 1972, is
4681 amended as follows:[LH102]

4682 37-113-28. Neither the Board of Trustees of Mississippi
4683 State University, nor any person acting on behalf thereof, shall
4684 lease or rent hunting rights on any land located in Washington
4685 County, Mississippi, under the jurisdiction, ownership or
4686 trusteeship of the Mississippi Agriculture and Forestry Experiment
4687 Station, Delta Branch at Stoneville, but shall allow the public to
4688 hunt on such lands in accordance with the rules, regulations and
4689 permits as shall be adopted by the Delta Branch Experiment
4690 Station. The Department of Wildlife, Fisheries and Parks shall
4691 assist in the enforcement of such rules, regulations and permits
4692 as adopted by the Delta Branch Experiment Station, as well as
4693 enforcing the general hunting statutes of the State of
4694 Mississippi.

4695 SECTION 113. Section 37-113-29, Mississippi Code of 1972, is
4696 amended as follows:[LH103]

4697 37-113-29. The Agricultural Extension Service of the
4698 Mississippi State University of Agriculture and Applied Science,
4699 by and with the approval and consent of the president of said

4700 university and the board of trustees of the university, is hereby
4701 authorized and empowered to create, establish, equip and maintain
4702 a 4-H Club demonstration camp on a designated area on Sardis Lake
4703 in Panola County, Mississippi, on lands belonging to the federal
4704 government and leased to the agricultural extension service for
4705 such purpose.

4706 It shall be the duty and responsibility of the agricultural
4707 extension service of said university to direct and supervise the
4708 utilization of this facility in carrying out the purposes of this
4709 section. When not in use by the agricultural extension service
4710 for the purpose herein provided, this facility may be rented to
4711 other organizations for educational and recreational use only.
4712 Any money derived from such rental shall be used by the
4713 agricultural extension service by and with the approval of the
4714 president of said university and the board * * *, for maintaining
4715 and further improving such facilities for use of the 4-H Clubs in
4716 Mississippi.

4717 The purpose of this section is to authorize the agricultural
4718 extension service of said university, by and with the approval and
4719 consent of the president of said university and the board * * *,
4720 to establish, equip and maintain this 4-H Club demonstration camp
4721 for the purpose of teaching these Mississippi boys and girls
4722 standards of better farm and home making, the importance of and
4723 the methods of conservation of our natural resources, and the
4724 development of character and leadership and training for
4725 citizenship. To accomplish such purposes, the agricultural
4726 extension service, by and with the approval and consent of the
4727 president of said university and the board * * *, is authorized

4728 and empowered to do such things as may be necessary, and to
4729 prescribe such rules and regulations as it may deem proper to
4730 carry out and put into effect the intent and purpose of this
4731 section.

4732 SECTION 114. Section 37-113-31, Mississippi Code of 1972, is
4733 amended as follows:[LH104]

4734 37-113-31. The Agricultural Extension Service of the
4735 Mississippi State University of Agriculture and Applied Science,
4736 by and with the approval and consent of the president of said
4737 university and the Board of Trustees of Mississippi State
4738 University, is hereby authorized and empowered to create,
4739 establish, equip and maintain a 4-H Club demonstration camp
4740 for * * * 4-H Club members, located on a designated area in
4741 Madison County, Mississippi, on lands belonging to the State of
4742 Mississippi.

4743 It shall be the duty and responsibility of the agricultural
4744 extension service of said university to direct and supervise the
4745 utilization of this facility in carrying out the purposes of this
4746 section. When not in use by the agricultural extension service
4747 for the purpose herein provided, this facility may be rented to
4748 other * * * organizations for educational and recreational use
4749 only. Any money derived from such rental shall be used by the
4750 agricultural extension service by and with the approval of the
4751 president of said university and the board * * *, for maintaining
4752 and further improving such facilities for use of the 4-H Clubs of
4753 Mississippi.

4754 The purpose of this section is to authorize the Agricultural
4755 Extension Service of Mississippi by and with the approval and

4756 consent of the president of said university and the board * * * ,
4757 to establish, equip and maintain this 4-H Club demonstration camp
4758 for the purpose of teaching * * * boys and girls of Mississippi
4759 standards of better farm and home making, the importance of and
4760 the methods of conservation of our natural resources, and the
4761 development of character and leadership and training for
4762 citizenship. To accomplish such purposes, the agricultural
4763 extension service, by, and with the approval and consent of the
4764 president of said university and the board * * * , is authorized
4765 and empowered to do such things as may be necessary, and to
4766 prescribe such rules and regulations as it may deem proper, to
4767 carry out and put into effect the intent and purpose of this
4768 section.

4769 SECTION 115. Section 37-113-33, Mississippi Code of 1972, is
4770 amended as follows:[LH105]

4771 37-113-33. The Board of Trustees of Mississippi State
4772 University is hereby authorized and empowered to purchase, breed,
4773 maintain, manage, show and sell foundation herds of beef cattle,
4774 sheep and hogs at the Mississippi State University of Agriculture
4775 and Applied Science. The said board is further authorized to
4776 establish necessary facilities, to employ and maintain necessary
4777 personnel, and to take any other action necessary to carry out
4778 this program.

4779 The purpose of this program is to provide a means for the
4780 broadening, balancing, and rounding-out of courses in animal
4781 husbandry for the training of animal husbandry students in
4782 livestock breeding, feeding, fitting, showing, judging, buying and
4783 selling, and to establish and maintain a source of foundation seed

4784 stock.

4785 Selected animals purchased, or produced, under this program
4786 may be sold only at public auctions sponsored by breed
4787 associations, after approval of the board * * *. The proceeds
4788 accruing from the sales of such animals, from show premium money,
4789 or from any other source, shall revert to, and be used for the
4790 maintenance of the revolving fund, when established by law, to
4791 carry out this program.

4792 This is a remedial statute and shall be liberally construed
4793 to accomplish its purpose.

4794 SECTION 116. Section 37-113-41, Mississippi Code of 1972, is
4795 amended as follows:[LH106]

4796 37-113-41. The Board of Trustees of Mississippi State
4797 University is hereby authorized to establish a fund to be known as
4798 the J. C. Hardy Memorial Fund.

4799 The fund herein authorized shall be raised and supplemented
4800 by donations, gifts, legacies, and otherwise. Under the
4801 supervision of said board of trustees, said fund or the proceeds
4802 therefrom shall be used to assist sons of low-income Mississippi
4803 citizens to meet their educational expenses at the Mississippi
4804 State University of Agriculture and Applied Science.

4805 SECTION 117. Section 37-113-43, Mississippi Code of 1972, is
4806 amended as follows:[LH107]

4807 37-113-43. Any county of this state now or hereafter having
4808 a population of more than one hundred thousand (100,000) according
4809 to the latest available census, and in which there is located a
4810 municipality of one hundred thousand (100,000) or more, acting by
4811 and through its board of supervisors, is hereby authorized and

4812 empowered to contribute the sum of One Million Dollars
4813 (\$1,000,000.00) toward the construction, erection and equipping of
4814 educational facilities to be utilized by Mississippi State
4815 University of Agriculture and Applied Science within such county,
4816 by the Board of Trustees of Mississippi State University.

4817 SECTION 118. Section 37-113-45, Mississippi Code of 1972, is
4818 amended as follows:[LH108]

4819 37-113-45. Any such county as is provided for in Section
4820 37-113-43 is hereby authorized and empowered to issue and sell its
4821 bonds, notes or other evidences of indebtedness for the purpose of
4822 providing funds with which to make the contribution or donation
4823 authorized under the provisions of said section. Such bonds,
4824 notes or other evidences of indebtedness shall not be issued in an
4825 amount which will exceed the limit of indebtedness of said county
4826 as such limit is prescribed by Sections 19-9-1 through 19-9-31.

4827 Before issuing any such bonds, notes or other evidences of
4828 indebtedness, the board of supervisors acting for such county
4829 shall adopt a resolution declaring its intention to issue the
4830 same, stating the amount and purpose thereof and fixing the date
4831 upon which an election will be held on the proposition. Notice of
4832 such election shall be given by publication of such resolution
4833 once a week for at least three (3) consecutive weeks in at least
4834 one newspaper published in said county. The first publication of
4835 such notice shall be made not less than twenty-one (21) days prior
4836 to the date fixed in such resolution for the holding of said
4837 election as aforesaid and the last publication shall be made not
4838 more than seven (7) days prior to such date. At such election all
4839 qualified electors of said county may vote and the ballots used

4840 shall have printed thereon a brief statement of the amount and
4841 purpose of the bonds, notes or other evidences of indebtedness
4842 proposed to be issued and the voter shall vote by placing a cross
4843 (x) or check (✓) opposite his choice on the proposition. The
4844 bonds, notes or other evidences of indebtedness authorized herein
4845 shall not be issued unless authorized by the affirmative vote of a
4846 majority of the qualified voters of said county who vote on the
4847 proposition at such election. Such election shall be conducted
4848 and the returns thereof made, canvassed, and declared as nearly as
4849 may be in like manner as is now or may hereafter be provided by
4850 law in the case of general elections in counties. In the event
4851 that the question of the issuance of such bonds, notes or other
4852 evidences of indebtedness be not authorized at such election, such
4853 question shall not again be submitted to a vote until the
4854 expiration of a period of six (6) months, from and after the date
4855 of such election.

4856 Such bonds, notes or other evidences of indebtedness shall
4857 bear such date or dates, shall be of such denomination or
4858 denominations, shall be payable at such place or places, shall
4859 bear such rate or rates of interest and shall mature in such
4860 amounts and at such times as may be provided and directed by the
4861 board of supervisors of said county. Such bonds shall bear
4862 interest at a rate or rates not exceeding six percent (6%) per
4863 annum and shall mature in not more than twenty-five (25) years
4864 from the date thereof and shall be sold for not less than par and
4865 accrued interest.

4866 Any bonds authorized to be issued at an election as provided
4867 for in this section shall be issued by such county, acting by and

4868 through its board of supervisors, at such times and in such
4869 amounts as shall be provided for by resolution of the Board of
4870 Trustees of Mississippi State University.

4871 All bonds, notes or other evidences of indebtedness issued
4872 hereunder shall be secured by a pledge of the full faith, credit
4873 and resources of such county. There shall annually be levied upon
4874 all taxable property within said county an ad valorem tax in
4875 addition to all other taxes, sufficient to provide for the payment
4876 of the principal of and the interest on said bonds, notes or other
4877 evidences of indebtedness as the same respectively mature and
4878 accrue.

4879 SECTION 119. Section 37-113-47, Mississippi Code of 1972, is
4880 amended as follows:[LH109]

4881 37-113-47. The proceeds of any contribution made by any
4882 county under the provisions of Section 37-113-43, including the
4883 proceeds from the sale of any bonds issued for such purposes,
4884 shall be paid by the board of supervisors of such county into the
4885 State Treasury into a special fund to the credit of the Board of
4886 Trustees of Mississippi State University, and shall thereafter be
4887 utilized and expended by said board * * * in the construction,
4888 erection and equipping of educational facilities in such county to
4889 be utilized by the Mississippi State University of Agriculture and
4890 Applied Science.

4891 SECTION 120. Section 37-113-51, Mississippi Code of 1972, is
4892 amended as follows:[LH110]

4893 37-113-51. The Board of Trustees of Mississippi State
4894 University is hereby authorized and directed to establish a
4895 college of veterinary medicine at Mississippi State University at

4896 Starkville, Mississippi.

4897 SECTION 121. Section 37-115-33, Mississippi Code of 1972, is
4898 amended as follows:[LH111]

4899 37-115-33. The State Building Commission in the development
4900 of the architectural facilities of the medical center and hospital
4901 facilities is hereby authorized, empowered and directed to erect
4902 and equip adequate facilities for the training of nurses under
4903 such rules and regulations as may be promulgated by the Board of
4904 Trustees of the University of Mississippi.

4905 SECTION 122. Section 37-115-35, Mississippi Code of 1972, is
4906 amended as follows:[LH112]

4907 37-115-35. The Board of Trustees of the University of
4908 Mississippi is hereby authorized and empowered to establish a fund
4909 to be known as "The Fielding L. Wright Memorial Health Fund,"
4910 which fund shall be administered by said board.

4911 The corpus of "The Fielding L. Wright Memorial Health Fund"
4912 shall consist of any moneys appropriated to it by the State
4913 Legislature and any funds received by donation, gift, legacy, or
4914 otherwise, the said board of trustees being hereby specifically
4915 authorized and empowered to accept such funds. All funds received
4916 by said board of trustees shall be invested in the following
4917 classes of securities, preference being in the order listed:

4918 (a) Bonds, notes, certificates, and other valid
4919 obligations of the State of Mississippi, or any county or city of
4920 the State of Mississippi, or of any school district bonds of the
4921 State of Mississippi;

4922 (b) Bonds, notes, certificates, and other valid
4923 obligations of the United States;

4924 (c) Bonds, notes, debentures and other securities
4925 issued by any federal instrumentality and fully guaranteed by the
4926 United States; or

4927 (d) Interest-bearing bonds or notes which are general
4928 obligations of any other state in the United States or of any city
4929 or county therein, provided that any such city or county had a
4930 population as shown by the federal census next preceding such
4931 investment of not less than twenty-five thousand (25,000)
4932 inhabitants, and provided that any such state, city or county has
4933 not defaulted for a period longer than thirty (30) days in the
4934 payment of principal or interest on any of its general obligation
4935 indebtedness during a period of ten (10) calendar years
4936 immediately preceding such investment.

4937 All interest derived from investments and any gains from the
4938 sale or exchange of investments shall be expended by the staff of
4939 the University Medical Center, under the supervision of the
4940 Director of the University Medical Center, for medical research in
4941 behalf of The Fielding L. Wright Memorial Health Fund.

4942 SECTION 123. Section 37-115-51, Mississippi Code of 1972, is
4943 amended as follows:[LH113]

4944 37-115-51. The Legislature hereby finds that there is great
4945 need of additional and better trained nurses in Mississippi and
4946 the purpose of this section is to meet that need to the extent
4947 herein provided.

4948 The Board of Trustees of the University of Mississippi is
4949 hereby authorized and directed to establish a school of nursing at
4950 the University of Mississippi under the jurisdiction of the dean
4951 of the school of medicine or such other authority as said board of

4952 trustees may determine, and other regularly constituted
4953 administrative authorities of the university.

4954 Said board of trustees shall provide for such school, such
4955 buildings and equipment, and such teaching staff and other
4956 personnel as may be deemed appropriate for the establishment and
4957 operation of such school of nursing and for the performance of the
4958 other functions herein provided for, all of which shall, however,
4959 be done within the appropriations made for such purposes.

4960 Such school of nursing shall, under the direction and
4961 supervision of the dean of the school of medicine and the other
4962 regularly constituted administrative authorities of the university
4963 and of said board of trustees and under curricula to be prescribed
4964 by said board, and beginning each of its functions at such time as
4965 may be determined by said board, carry on a teaching course,
4966 looking to the conferring of bachelor's or master's degrees in
4967 nursing.

4968 Such school of nursing shall under the same direction,
4969 supervision, control and conditions as set forth in the fourth
4970 paragraph hereof, have authority, in its discretion, to arrange
4971 and contract with hospitals, hospital schools of nursing or other
4972 similar institutions, for students in the school of nursing to
4973 take clinical training and practice in such institutions. It
4974 shall have the further authority to contract with hospitals,
4975 hospital schools of nursing or other similar institutions with
4976 respect to providing to any such institution instructors or
4977 instruction services from the university school of nursing upon
4978 full or part time basis and upon such basis of compensation or
4979 reimbursement of costs as may be deemed reasonable and proper in

4980 view of the public interests involved.

4981 Under the same supervision, direction, control and conditions
4982 as are set forth in the fourth paragraph hereof, said school of
4983 nursing shall also administer such scholarship programs in nursing
4984 education and such activities with respect to recruitment of
4985 nursing students and counseling work with such students and
4986 prospective students as may be provided for by the Legislature
4987 from time to time.

4988 SECTION 124. Section 37-115-69, Mississippi Code of 1972, is
4989 amended as follows:[LH114]

4990 37-115-69. Any county of this state now or hereafter having
4991 a population of more than one hundred thousand (100,000) according
4992 to the latest available census, and in which there is located a
4993 municipality of one hundred thousand (100,000) or more, acting by
4994 and through its board of supervisors, is hereby authorized and
4995 empowered to contribute the sum of One Million Dollars
4996 (\$1,000,000.00) toward the construction, erection and equipping of
4997 educational facilities to be utilized by the University of
4998 Mississippi within such county, by the Board of Trustees of the
4999 University of Mississippi.

5000 SECTION 125. Section 37-115-71, Mississippi Code of 1972, is
5001 amended as follows:[LH115]

5002 37-115-71. Any such county as is provided for in Section
5003 37-115-69 is hereby authorized and empowered to issue and sell its
5004 bonds, notes or other evidences of indebtedness for the purpose of
5005 providing funds with which to make the contribution or donation
5006 authorized under the provisions of said section. Such bonds,
5007 notes or other evidences of indebtedness shall not be issued in an

5008 amount which will exceed the limit of indebtedness of said county
5009 as such limit is prescribed by Sections 19-9-1 through 19-9-31.
5010 Before issuing any such bonds, notes or other evidences of
5011 indebtedness, the board of supervisors acting for such county
5012 shall adopt a resolution declaring its intention to issue the
5013 same, stating the amount and purpose thereof and fixing the date
5014 upon which an election will be held on the proposition. Notice of
5015 such election shall be given by publication of such resolution
5016 once a week for at least three (3) consecutive weeks in at least
5017 one (1) newspaper published in said county. The first publication
5018 of such notice shall be made not less than twenty-one (21) days
5019 prior to the date fixed in such resolution for the holding of said
5020 election as aforesaid and the last publication shall be made not
5021 more than seven (7) days prior to such date. At such election all
5022 qualified electors of said county may vote and the ballots used
5023 shall have printed thereon a brief statement of the amount and
5024 purpose of the bonds, notes or other evidences of indebtedness
5025 proposed to be issued and the voter shall vote by placing a cross
5026 (x) or check (v) opposite his choice on the proposition. The
5027 bonds, notes or other evidences of indebtedness authorized herein
5028 shall not be issued unless authorized by the affirmative vote of a
5029 majority of the qualified voters of said county who vote on the
5030 proposition at such election.

5031 Such election shall be conducted and the returns thereof
5032 made, canvassed, and declared as nearly as may be in like manner
5033 as is now or may hereafter be provided by law in the case of
5034 general elections in counties. In the event that the question of
5035 the issuance of such bonds, notes or other evidences of

5036 indebtedness be not authorized at such election, such question
5037 shall not again be submitted to a vote until the expiration of a
5038 period of six months, from and after the date of such election.

5039 Such bonds, notes or other evidences of indebtedness shall
5040 bear such date or dates, shall be of such denomination or
5041 denominations, shall be payable at such place or places, shall
5042 bear such rate or rates of interest and shall mature in such
5043 amounts and at such times as may be provided and directed by the
5044 board of supervisors of said county. Such bonds shall bear
5045 interest at a rate or rates not exceeding six percent (6%) per
5046 annum and shall mature in not more than twenty-five (25) years
5047 from the date thereof and shall be sold for not less than par and
5048 accrued interest.

5049 Any bonds authorized to be issued at an election as provided
5050 for in this section shall be issued by such county, acting by and
5051 through its board of supervisors, at such times and in such
5052 amounts as shall be provided for by resolution of the Board of
5053 Trustees of the University of Mississippi.

5054 All bonds, notes or other evidences of indebtedness issued
5055 hereunder shall be secured by a pledge of the full faith, credit
5056 and resources of such county. There shall annually be levied upon
5057 all taxable property within said county an ad valorem tax in
5058 addition to all other taxes, sufficient to provide for the payment
5059 of the principal of and the interest on said bonds, notes or other
5060 evidences of indebtedness as the same respectively mature and
5061 accrue.

5062 SECTION 126. Section 37-115-73, Mississippi Code of 1972, is
5063 amended as follows:[LH116]

5064 37-115-73. The proceeds of any contribution made by any
5065 county under the provisions of Section 37-115-69, including the
5066 proceeds from the sale of any bonds issued for such purposes,
5067 shall be paid by the board of supervisors of such county into the
5068 State Treasury into a special fund to the credit of the Board of
5069 Trustees of the University of Mississippi, and shall thereafter be
5070 utilized and expended by said board of trustees * * * in the
5071 construction, erection and equipping of educational facilities in
5072 such county to be utilized by the University of Mississippi.

5073 SECTION 127. Section 37-115-101, Mississippi Code of 1972,
5074 is amended as follows:[LH117]

5075 37-115-101. The Board of Trustees of the University of
5076 Mississippi is hereby directed and authorized to establish a
5077 school of dentistry at the University of Mississippi Medical
5078 Center in Jackson.

5079 SECTION 128. Section 37-115-105, Mississippi Code of 1972,
5080 is amended as follows:[LH118]

5081 37-115-105. The school of dentistry created and authorized
5082 by Sections 37-115-101 through 37-115-111 shall be in operation
5083 within three (3) years from the date the Legislature makes funds
5084 available for the construction of a building to house said school;
5085 provided, however, that no staff may be employed and no
5086 construction may begin until One Million Two Hundred Fifty
5087 Thousand Dollars (\$1,250,000.00) from the City of Jackson and One
5088 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from
5089 Hinds County has been deposited in the State Treasury for use by
5090 the building commission in construction and furnishing of the
5091 dental school. The Board of Trustees of the University of

5092 Mississippi is authorized and directed to take any and all
5093 necessary and proper actions for the implementation of this
5094 section.

5095 SECTION 129. Section 37-115-107, Mississippi Code of 1972,
5096 is amended as follows:[LH119]

5097 37-115-107. It shall be the duty of the Board of Trustees of
5098 the University of Mississippi to elect or appoint a dean of this
5099 school; to determine and provide for an adequate faculty, staff
5100 and other employees; to fix and provide for the compensation of
5101 said faculty, staff and employees; to provide an adequate physical
5102 plant for this school; to prescribe the courses of study and
5103 research compatible with the objects and purposes hereinabove set
5104 forth; and to do and accomplish all other related functions
5105 consistent with the implementation of Sections 37-115-101 through
5106 37-115-111.

5107 SECTION 130. Section 37-115-109, Mississippi Code of 1972,
5108 is amended as follows:[LH120]

5109 37-115-109. The Board of Trustees of the University of
5110 Mississippi is directed, empowered and authorized to take
5111 necessary and proper actions to assure that the School of
5112 Dentistry of the University of Mississippi Medical Center, as
5113 hereby established, acquires and maintains recognition and
5114 accreditation in local, regional and national accreditation
5115 associations at least at the level of its counterparts in the
5116 southeastern region of the United States and on a level with the
5117 other professional schools of this state.

5118 SECTION 131. Section 37-119-3, Mississippi Code of 1972, is
5119 amended as follows:[LH121]

5120 37-119-3. The principal object of the University of Southern
5121 Mississippi shall be to qualify teachers for the public schools of
5122 this state, by imparting instruction in the art and practice of
5123 teaching in all branches of study which pertain to a common school
5124 education, and such other studies as the Board of Trustees of the
5125 University of Southern Mississippi may from time to time
5126 prescribe.

5127 SECTION 132. Section 37-119-7, Mississippi Code of 1972, is
5128 amended as follows:[LH122]

5129 37-119-7. The University of Southern Mississippi (herein
5130 sometimes referred to as the "university") is authorized and
5131 empowered to require the State Building Commission to issue bonds
5132 in an amount not exceeding the sum of Seven Hundred Fifty Thousand
5133 Dollars (\$750,000.00), bearing interest at a rate not exceeding
5134 six percent (6%) per annum, for the purpose of and to be expended
5135 in extending, adding to and improving the athletic stadium on its
5136 campus; to impose student athletic fees; to impose charges, in
5137 addition to and distinguished from the established price of
5138 admission, upon persons, other than students, for the privilege of
5139 attending events held in such stadium, which such charges shall be
5140 exempt from any amusement tax now levied and collected in the
5141 State of Mississippi, and to immediately commence, prior to the
5142 issuance and sale of the bonds herein authorized and to continue,
5143 the collection of such charges; and to apply to the satisfaction
5144 and retirement, as and when due, of the principal of and interest
5145 on such bonds, said athletic fees and said charges, and also,
5146 rental income from the dormitory facilities now in the stadium,
5147 and income, not otherwise appropriated or allocated, from any

5148 other sources. Such bonds shall be authorized by the Board of
5149 Trustees of the University of Southern Mississippi in the manner
5150 now provided by Sections 37-101-91 through 37-101-103, and all of
5151 the provisions of said sections (except as herein otherwise
5152 provided and as are not in conflict with the provisions hereof)
5153 shall be applicable to the authorization and issuance of such
5154 bonds. Reference in Sections 37-101-95, 37-101-101, to
5155 "dormitories, dwellings or apartments" shall be understood to
5156 apply also to all other projects authorized to be financed under
5157 the provisions of Section 37-101-99.

5158 Upon request of the university, acting through its president
5159 and financial secretary, authorization having been first obtained
5160 from the Board of Trustees * * *, the State Building Commission
5161 shall issue and sell bonds of the university at not less than par
5162 and accrued interest in the manner provided by Section 21-27-45,
5163 for the sale of bonds of municipalities issued thereunder and upon
5164 terms and at interest rates, not to exceed the maximum therein
5165 authorized, to be fixed by the State Building Commission. The
5166 State Building Commission is hereby authorized to supervise the
5167 contracting for, and the erection of, all buildings erected,
5168 extended, added to, or improved under the provisions of this
5169 section. The board of trustees * * * is hereby authorized and
5170 empowered to specify the nature of such extensions, additions,
5171 improvements or new construction, and shall approve the plans and
5172 specifications therefor prior to the letting of any new contract
5173 for any such work. All contracts let under the supervision of the
5174 State Building Commission shall be let as provided by law for
5175 other contracts let by said commission.

5176 The board of trustees * * *, in the resolution authorizing
5177 such bonds, may provide for the imposition of such student
5178 athletic fees, such charges for the privilege of attending events
5179 held in such stadium (as hereinabove distinguished from the price
5180 of admission), such rental charges for use of the dormitories
5181 facilities now in the stadium and for application to the
5182 retirement of such bonds of such other sources of income, not
5183 otherwise appropriated or allocated, as it may consider desirable.

5184 Said board may provide for the collection and the allocation of
5185 such fees and charges. Such fees and charges or other income
5186 shall always be in such amounts as will assure the prompt payment
5187 of principal of and interest on such bonds and the carrying out of
5188 all of the covenants and agreements contained in such resolution
5189 authorizing such bonds.

5190 All bonds so issued shall constitute negotiable instruments
5191 within the meaning of the Uniform Commercial Code of Mississippi.

5192 Any bonds authorized under authority of this section may be
5193 validated in the Chancery Court of First Judicial District, Hinds
5194 County, in the manner and with the force and effect now or
5195 hereafter provided by general law for the validation of municipal
5196 bonds.

5197 This section, without reference to any other statute or law
5198 of Mississippi other than the portions of Sections 37-101-91
5199 through 37-101-103, not in conflict herewith, and Section
5200 31-19-25, shall constitute full authority for the extension,
5201 adding to and improvement of the aforesaid stadium and the
5202 authorization and issuance of bonds hereunder and no other
5203 provisions of the statutes pertinent thereto, except as herein

5204 expressly provided, shall be construed as applying to any
5205 proceedings had hereunder or any acts done pursuant hereto.

5206 SECTION 133. Section 37-123-3, Mississippi Code of 1972, is
5207 amended as follows:[LH123]

5208 37-123-3. The principal object of the Delta State University
5209 shall be to qualify teachers for the public schools of this state,
5210 by imparting instruction in the art and practice of teaching in
5211 all branches of study which pertain to a common school education,
5212 and such other studies as the Board of Trustees of Delta State
5213 University may from time to time prescribe.

5214 SECTION 134. Section 37-125-3, Mississippi Code of 1972, is
5215 amended as follows:[LH124]

5216 37-125-3. The object of the Jackson State University shall
5217 be to qualify teachers for the public schools of this state by
5218 giving instruction in the art and practice of teaching in all
5219 branches of study which pertain to industrial training, health,
5220 and rural and elementary education, and such other studies as the
5221 Board of Trustees of Jackson State University, in cooperation with
5222 the State Department of Education, may, from time to time,
5223 prescribe.

5224 SECTION 135. Section 37-125-7, Mississippi Code of 1972, is
5225 amended as follows:[LH125]

5226 37-125-7. The executive head of the Jackson State University
5227 shall be held as the professional adviser of the Board of Trustees
5228 of Jackson State University on all matters pertaining to the
5229 inside arrangements of buildings, selection of faculty, and course
5230 of study. He shall have the immediate supervision and management
5231 of the university in all its departments, subject however, to the

5232 general supervision, management, and direction of the board of
5233 trustees * * *.

5234 SECTION 136. Section 37-127-3, Mississippi Code of 1972, is
5235 amended as follows:[LH126]

5236 37-127-3. The object of the Mississippi Valley State
5237 University shall be to train teachers for teaching in the public
5238 schools of this state by giving instruction in the art and
5239 practice of teaching in the elementary and high school grades and
5240 in all branches of study which pertain to industrial training,
5241 health, and rural and elementary education, and to provide
5242 instruction and training in such other subjects as the Board of
5243 Trustees of Mississippi Valley State University, in cooperation
5244 with the State Department of Education, may, from time to time,
5245 prescribe. It shall also be the object of the university to
5246 establish and conduct schools, classes or courses, for preparing,
5247 equipping and training citizens of the State of Mississippi for
5248 employment in gainful occupations, in trade, industrial and
5249 distributive pursuits whether such students are qualified by
5250 educational requirements or not.

5251 SECTION 137. Section 37-127-5, Mississippi Code of 1972, is
5252 amended as follows:[LH127]

5253 37-127-5. The Mississippi Valley State University shall be
5254 located at some appropriate place in the Delta section of the
5255 state, to be determined by the Board of Trustees of Mississippi
5256 Valley State University.

5257 SECTION 138. Section 37-127-7, Mississippi Code of 1972, is
5258 amended as follows:[LH128]

5259 37-127-7. The President of the Mississippi Valley State

5260 University shall be held as the professional adviser of the Board
5261 of Trustees of Mississippi Valley State University of all matters
5262 pertaining to the inside arrangements of buildings, selection of
5263 faculty, and course of study. He shall have the immediate
5264 supervision and management of the university in all its
5265 departments, subject however, to the general supervision,
5266 management, and direction of the board of trustees * * *.

5267 SECTION 139. Section 37-129-1, Mississippi Code of 1972, is
5268 amended as follows:[LH129]

5269 37-129-1. In addition to all other powers and duties now
5270 vested by law in the Commissioner of Higher Education, said
5271 commissioner is hereby empowered and required to:

5272 (a) Establish by rules and regulations and promulgate
5273 uniform standards for accreditation of schools of nursing in the
5274 State of Mississippi (1) insofar as concerns the eligibility of
5275 graduates of such schools to take the examination prescribed by
5276 law to become registered nurses authorized to practice the
5277 profession of nursing as registered nurses in Mississippi, and (2)
5278 insofar as concerns student nurses attending such schools being
5279 eligible to participate in any student nurse scholarship program
5280 or other program of assistance now existing or hereafter
5281 established by legislative enactment;

5282 (b) Issue to such schools of nursing upon an annual
5283 basis certificates of accreditation as may be proper under such
5284 standards;

5285 (c) Administer any scholarship program or other program
5286 of assistance heretofore or hereafter established by legislative
5287 enactment for the benefit of students attending accredited schools

5288 of nursing in this state;

5289 (d) Administer any other funds available or which may
5290 be made available for the promotion of nursing education in the
5291 state, with the exception of nursing faculty supplement funds to
5292 the public junior colleges, which funds shall be appropriated to
5293 and administered by the Division of Junior Colleges of the State
5294 Department of Education;

5295 (e) Adopt rules and regulations to provide that a nurse
5296 in training may, during the two-year period in an approved
5297 hospital, be allowed to transfer at any time with full credit
5298 after six (6) months in training, to any other hospital of her
5299 choice at which there is a vacancy; suitable provision shall be
5300 made to protect her against coercion or intimidation concerning
5301 such a contemplated transfer.

5302 In addition to other powers now vested by law in the
5303 Commissioner of Higher Education, said commissioner is hereby
5304 empowered to establish and maintain a nurse-midwifery education
5305 program that meets the accreditation standards of the American
5306 College of Nurse-Midwives at a public state institution of higher
5307 learning * * *.

5308 In order to implement subsection (d) above, the commissioner
5309 is hereby authorized and directed to arrange and contract with
5310 hospitals, senior colleges and hospital schools of nursing for the
5311 financial support of programs of nursing education. The
5312 commissioner is further authorized to adopt such terms for
5313 contracts, and such rules and regulations for reimbursing
5314 contracting agencies for costs of instruction in schools of
5315 nursing as may be feasible in accordance with appropriations made

5316 by the Legislature for this purpose. However, no reimbursement
5317 may be made to contracting agencies in excess of the actual cost
5318 of instruction in the schools of nursing.

5319 No provision of this section shall be construed to authorize
5320 any department, agency, officer or employee of the State of
5321 Mississippi to exercise any controls over the admissions policy of
5322 any private educational institution offering a baccalaureate
5323 degree in nursing.

5324 SECTION 140. Section 37-131-1, Mississippi Code of 1972, is
5325 amended as follows:[LH130]

5326 37-131-1. The president or executive head of any
5327 state-supported institution of higher learning of the State of
5328 Mississippi, subject to the approval of the board of trustees of
5329 that state institution of higher learning, is hereby authorized
5330 and empowered to establish, operate, maintain, and conduct
5331 teachers demonstration and practice schools in connection with the
5332 operation of such institution of higher learning. The president
5333 or executive head of any such institution, subject to the approval
5334 of the board of trustees of that state institution of higher
5335 learning, shall have full power and authority to regulate and
5336 conduct the affairs of such schools and to establish rules and
5337 regulations for their government.

5338 SECTION 141. Section 37-131-3, Mississippi Code of 1972, is
5339 amended as follows:[LH131]

5340 37-131-3. The president or executive head of any institution
5341 of higher learning which has established a demonstration or
5342 practice school, subject to the approval of the board of trustees
5343 of that state institution of higher learning, shall have the power

5344 and authority to enter into contracts and agreements with the
5345 board of trustees of any school district providing for the
5346 attendance of pupils, or one or more, or parts of, grades, from
5347 the educable children of such school district at such
5348 demonstration or practice school. The board of trustees of any
5349 school district is hereby authorized and empowered to enter into
5350 contracts and agreements with the president or executive head of
5351 an institution of higher learning for such purpose. All such
5352 contracts shall be upon such terms and conditions as may be agreed
5353 upon by and between the president or executive head of the
5354 institution of higher learning and the board of trustees of the
5355 school district involved.

5356 SECTION 142. Section 37-131-9, Mississippi Code of 1972, is
5357 amended as follows:[LH132]

5358 37-131-9. In addition to the amounts paid to the
5359 demonstration or practice school from minimum education program
5360 funds, as provided in Section 37-131-7, the board of trustees of
5361 the school district involved may contract with the said
5362 demonstration or practice school for the payment of additional
5363 amounts thereto to defray expenses over and above those defrayed
5364 by minimum education program funds, which additional amounts shall
5365 be paid from any funds available to the school district other than
5366 minimum education program funds, whether produced by a
5367 supplemental district tax levy or otherwise.

5368 If the total funds paid to the demonstration or practice
5369 school by the school district are inadequate to defray the cost
5370 and expense of maintaining and operating such demonstration or
5371 practice school then the president or executive head of the

5372 institution may, subject to the approval of the board of trustees
5373 of that state institution of higher learning, require the payment
5374 of additional fees or tuition in an amount to be fixed by the
5375 president or executive head of the institution, subject to the
5376 approval of the board of trustees * * *, which amount shall be
5377 paid by and collected from the student or his parents.

5378 Boards of trustees of school districts involved may designate
5379 an area within the jurisdiction of the board as an attendance
5380 center as provided by law, and may require students in such area
5381 to attend demonstration or practice schools, subject to a
5382 satisfactory contract between the school board and the president
5383 or executive head of the institution operating the demonstration
5384 or practice school. In such event, all fees and tuition must be
5385 borne by the school district and in no case shall the child or the
5386 parents of the child assigned to such demonstration or practice
5387 school be required to pay any fees or tuition.

5388 The president or executive head of the institution, subject
5389 to the approval of the board of trustees of that state institution
5390 of higher learning, may also fix the amount of fees and tuition to
5391 be paid by students desiring to attend such demonstration or
5392 practice school in cases where there is no contract with the board
5393 of trustees of the school district in which the students reside
5394 therefor.

5395 All funds received by an institution, under the provisions of
5396 this section, shall be deposited in a special fund and shall be
5397 used and expended solely for the purpose of defraying and paying
5398 the cost and expense of operating, maintaining and conducting such
5399 teachers demonstration and practice school. Such funds may be

5400 supplemented by and used in connection with any other funds
5401 available to the institutions for such purpose whether made
5402 available by legislative appropriation or otherwise.

5403 SECTION 143. Section 37-131-13, Mississippi Code of 1972, is
5404 amended as follows:[LH133]

5405 37-131-13. In order to carry into effect the right and
5406 authority granted in Sections 37-131-1 through 37-131-11,
5407 authorizing demonstration and practice schools in connection with
5408 major state institutions of higher learning, the board of trustees
5409 of each state institution of higher learning is hereby authorized
5410 to accept by donations, grants, cooperative agreements or
5411 otherwise, such sums of money as may be deemed necessary for the
5412 construction and maintenance of such demonstration and practice
5413 schools from whatever sources available, including agencies of the
5414 federal, state and county governments, the city of Starkville,
5415 Mississippi, private individuals, benevolent institutions or
5416 organizations, or any other available and legal source or sources.

5417 SECTION 144. Section 37-131-15, Mississippi Code of 1972, is
5418 amended as follows:[LH134]

5419 37-131-15. Oktibbeha County, Mississippi, the Starkville
5420 Municipal Separate School District, and any one or more of the
5421 consolidated or separate school districts in Oktibbeha County,
5422 Mississippi, are hereby authorized to cooperate with the Board of
5423 Trustees of Mississippi State University by establishing,
5424 constructing, maintaining and operating a teachers demonstration
5425 or practice school.

5426 The Board of Trustees of Mississippi State University is
5427 hereby authorized to act as sponsor with respect to any funds that

5428 may be secured for the construction, maintenance, and operation of
5429 such teachers demonstration or practice school from any agency or
5430 subdivision of the federal, state, Oktibbeha County, City of
5431 Starkville, or school district, or from private individuals,
5432 benevolent institutions or organizations, or any other available
5433 and legal source or sources.

5434 SECTION 145. Section 37-133-5, Mississippi Code of 1972, is
5435 amended as follows:[LH135]

5436 37-133-5. In addition to all other powers and duties now
5437 vested by law in the board of trustees of each state institution
5438 of higher learning of the State of Mississippi, each board is
5439 hereby empowered and required to permit the establishment of
5440 technical institutes, as branches within the framework of the
5441 existing state institutions of higher learning, that have an
5442 ongoing program in the areas concerned, adequately staffed and
5443 equipped to offer a curriculum designed and intended to
5444 immediately initiate training (extending beyond the junior college
5445 level) in the field of vocational, scientific, engineering,
5446 technical, and aerospace education and the necessary supporting
5447 studies, so that the demands of heavy and aerospace industry and
5448 installations for skilled engineering technicians may be satisfied
5449 and maintained. The * * * curriculum of any technical institute
5450 established under the provisions of the Mississippi Technical
5451 Institute Law of 1964 shall be complementary and supplementary to
5452 public junior college curriculums so that the full advantage of
5453 the educational resources of the State of Mississippi may be
5454 realized. The * * * establishment of such technical institutes
5455 shall be permitted anywhere within the State of Mississippi, in

5456 the areas of most urgent need, on any land or facility presently,
5457 or hereafter, under the jurisdiction and control of a board of
5458 trustees of a state institution of higher learning and on such
5459 terms and conditions as shall seem appropriate. The State
5460 Building Commission shall, at its discretion, provide new
5461 buildings, facilities, and necessary repairs, renovations and
5462 remodeling of any facility designated by a board of trustees of a
5463 state institution of higher learning as a technical institute from
5464 funds made available for such purposes.

5465 SECTION 146. Section 37-133-7, Mississippi Code of 1972, is
5466 amended as follows:[LH136]

5467 37-133-7. There is hereby created in the State Treasury a
5468 special fund to be known as the "Technical Institute Fund." All
5469 sums of money received by the board of trustees of each state
5470 institution of higher learning to carry out the provisions of the
5471 Mississippi Technical Institute Law of 1964 shall be maintained in
5472 a separate account for the respective university in said special
5473 fund. All expenditures therefrom shall be for the purposes of
5474 carrying out the intents and purposes of said law, including the
5475 payment of salaries for qualified instructors as well as the
5476 equipping and staffing of the institute. Such expenditures shall
5477 be paid therefrom by the State Treasurer on warrant of the Auditor
5478 of Public Accounts. Said Auditor shall issue his warrant upon
5479 requisition signed by the proper person, officer or officers, as
5480 authorized by law. Each board is authorized to accept gifts,
5481 bequests of money, or other property, real or personal, to be used
5482 for the purpose of establishing or maintaining any technical
5483 institute which may be authorized under the provisions of said law

5484 and in accordance with the law of the State of Mississippi.

5485 SECTION 147. Section 37-133-9, Mississippi Code of 1972, is
5486 amended as follows:[LH137]

5487 37-133-9. It shall be the duty of the board of trustees of
5488 each state institution of higher learning to make periodic fiscal
5489 reports to the State Fiscal Management Board and the Legislative
5490 Budget Office, and to otherwise comply with the budget and
5491 accounting laws of the State of Mississippi.

5492 SECTION 148. Section 37-138-7, Mississippi Code of 1972, is
5493 amended as follows:[LH138]

5494 37-138-7. The commission is authorized and directed to adopt
5495 regulations for certification of contractors, inspectors,
5496 management planners, project designers, air monitors, supervisors
5497 and workers. The regulations shall include an accreditation plan
5498 which shall be equivalent to paragraphs 1 through 3 of the Model
5499 Plan. The accreditation plan shall be no more stringent than the
5500 Model Plan, except as provided herein. The regulations and
5501 accreditation plan shall include the requirements for all training
5502 courses for accreditation of contractors, inspectors, management
5503 planners, project designers, air monitors, supervisors and
5504 workers. All regulations promulgated by the commission pursuant
5505 to this chapter shall not be effective until November 1, 1990. By
5506 October 1, 1989, the Commissioner of Higher Education shall
5507 designate a university which may offer all training courses set
5508 forth in the regulations and accreditation plan and such
5509 university may charge reasonable fees to offset costs of the
5510 courses offered. The commission shall not approve any training
5511 courses offered in Mississippi other than those courses offered at

5512 the designated university and those certified abatement worker
5513 courses that have received Environmental Protection Agency
5514 approval pursuant to Section III of Appendix C to Title 40, Part
5515 763, Subpart E, of the Code of Federal Regulations.

5516 SECTION 149. Section 37-139-7, Mississippi Code of 1972, is
5517 amended as follows:[LH139]

5518 37-139-7. The board shall be authorized to solicit and
5519 utilize the staff of the State Department of Education, staff of
5520 the board of trustees of any state institution of higher learning
5521 and other state agencies as required for the implementation of
5522 this chapter. In addition, the board shall be authorized to
5523 contract or enter into agreements with other agencies and/or
5524 private research centers that it may deem necessary to carry out
5525 its duties and functions.

5526 SECTION 150. Section 37-140-5, Mississippi Code of 1972, is
5527 amended as follows:[LH140]

5528 37-140-5. (1) The school shall be governed by the State
5529 Board of Education. The board shall develop a plan relating to
5530 the opening, operation and funding of the school to be presented
5531 to the Legislature during the 2000 Regular Session. The plan
5532 shall include an equitable and reasonable plan for student
5533 recruitment without regard to race, creed or color.

5534 (2) The State Superintendent of Public Education shall
5535 appoint an advisory panel to assist the board in developing the
5536 plan relating to the school. The advisory panel shall consist of
5537 the following twelve (12) appointed or designated members:

5538 (a) Three (3) licensed school teachers or
5539 administrators, one (1) to be appointed from each of the three (3)

5540 Mississippi Supreme Court Districts;

5541 (b) Three (3) citizens or professionals representing
5542 the areas of dance, creative writing, literature, music, theater
5543 arts or visual arts, one (1) to be appointed from each of the
5544 three (3) Mississippi Supreme Court Districts;

5545 (c) Three (3) citizens knowledgeable in business,
5546 personnel management or public administration, with at least three
5547 (3) years' actual experience therein, one (1) to be appointed from
5548 each of the three (3) Mississippi Supreme Court Districts.

5549 (d) One (1) member shall be a representative of the
5550 Mississippi Arts Commission to be designated by the commission,
5551 one (1) member shall be a representative of the Mississippi
5552 Humanities Council to be designated by the council, and one (1)
5553 member shall be a representative of a state institution of higher
5554 learning in Mississippi which offers degrees in visual, fine and
5555 performing arts, to be designated by the Commissioner of Higher
5556 Education.

5557 Appointments to the advisory panel shall be made within
5558 ninety (90) days of April 23, 1999. The advisory panel shall meet
5559 upon the call of the State Superintendent of Public Education and
5560 shall organize for business by selecting a chairman and vice
5561 chairman/secretary for keeping records of the panel. Members of
5562 the advisory panel shall receive no compensation but may be
5563 reimbursed for necessary expenses and mileage for attending
5564 meetings and necessary business of the panel, in the amount
5565 authorized for state employees under Section 25-3-41.

5566 (3) The board may utilize the staff of the State Department
5567 of Education and other state agencies as may be required for the

5568 implementation of this chapter. The department may employ any
5569 personnel deemed necessary by the board for assisting in the
5570 development and implementation of the plan relating to the
5571 opening, operation and funding of the school. The board also may
5572 contract or enter into agreements with other agencies or private
5573 entities which it deems necessary to carry out its duties and
5574 functions relating to the opening and operation of the school.

5575 (4) To the extent possible, the board shall enter into
5576 agreements with the Board of Trustees of the Brookhaven Municipal
5577 Separate School District for the dual enrollment of students for
5578 the purpose of teaching academic courses to students attending the
5579 school, and the local school board shall be fully authorized to
5580 offer any such courses to students attending the school. The
5581 State Board of Education may develop and issue necessary
5582 regulations for the coordination of such courses for these
5583 students, the preparation and transfer of transcripts, and the
5584 reimbursement of any costs incurred by the school district for
5585 providing such services.

5586 (5) The board may enter into agreements with public school
5587 districts to authorize students enrolled in such school districts
5588 to participate in the fine arts programs at the school to the
5589 extent that adequate space is available. The parent or guardian
5590 of any student participating in fine arts programs at the school
5591 under this subsection shall be responsible for transporting the
5592 student to and from the school.

5593 SECTION 151. Section 37-141-3, Mississippi Code of 1972, is
5594 amended as follows:[LH141]

5595 37-141-3. (1) There is hereby created the University

5596 Research Center, as an agency of the State of Mississippi,
5597 hereinafter referred to as the "center," which shall have full
5598 authority to contract and to be contracted with. The Commissioner
5599 of Higher Education shall serve as the director for the center.

5600 (2) The center shall be under the direction and management
5601 of the Commissioner of Higher Education. The commissioner shall,
5602 in his discretion, obtain fidelity bonds and determine who and
5603 what should be covered thereby and the amount of such bonds.

5604 (3) The Commissioner of Higher Education * * * shall appoint
5605 and employ such staff and employees as he deems necessary to carry
5606 out the objectives and purposes of this chapter and Section
5607 57-63-17 and may establish the organizational structure of the
5608 center, which shall include the creation of any divisions
5609 necessary to implement the duties assigned to the center. It is
5610 specifically provided that the commissioner establish such units
5611 within the center as he deems necessary to include but not limited
5612 to areas of economic analysis, economic forecasting, long range
5613 economic development planning, research, grants, services and
5614 university and agency coordination and reporting.

5615 * * *

5616 (4) The Commissioner of Higher Education shall use savings
5617 realized through personnel attrition and other economies created
5618 by the reorganization effected in Senate Bill No. 2925, 1988
5619 Regular Session [Laws, 1988, Chapter 518], to establish a special
5620 account in the University Research Center out of which funds may
5621 be expended to conduct priority research projects by contracting
5622 with universities, agencies and individuals.

5623 SECTION 152. Section 37-141-5, Mississippi Code of 1972, is

5624 amended as follows:[LH142]

5625 37-141-5. The main office building of the University
5626 Research Center and the Department of Economic Development in the
5627 City of Jackson shall be known and designated as the Paul B.
5628 Johnson, Jr. Building. The Commissioner of Higher Education and
5629 the Governor's Office of General Services shall coordinate and
5630 cooperate to effect the relocation of the Department of Economic
5631 Development to the Paul B. Johnson, Jr. Building and any other
5632 related agency relocations necessary to accomplish the requirement
5633 of this section if such relocation is feasible. If such
5634 relocation of the Department of Economic Development to the Paul
5635 B. Johnson, Jr. Building is not feasible because of space
5636 limitations, the Governor's Office of General Services shall
5637 coordinate the relocation of such department to some other
5638 location and shall, if possible, secure the amount of space
5639 necessary to also place the University Research Center in the same
5640 location with the department.

5641 The Office of General Services shall provide proper signs to
5642 be placed on the building in accordance with this section.

5643 SECTION 153. Section 37-141-13, Mississippi Code of 1972, is
5644 amended as follows:[LH143]

5645 37-141-13. (1) The Commissioner of Higher Education shall
5646 have responsibility for the administration of the center. By so
5647 designating the commissioner as administrator for the center, the
5648 Legislature hereby expresses its intent that the center shall have
5649 a relationship of close cooperation and coordination with the
5650 several universities but that the center shall not be under the
5651 control or influence of any single institution. * * *

5652 Academically eligible center staff may hold appointment to
5653 faculties of state universities and university faculty members may
5654 be assigned to the center.

5655 (2) The Mississippi Department of Economic Development,
5656 being the economic development agency for the state, shall advise
5657 on the programs and projects of the center focused upon economic
5658 development.

5659 (3) The center may advise the various agencies and
5660 departments of state government regarding internal research needs
5661 and programs and shall assist in the establishment of such
5662 programs where needed. These programs shall be coordinated by the
5663 center in order to minimize duplication of effort, to maximize
5664 utilization of data and equipment and to standardize procedures
5665 for the more efficient pursuit of research.

5666 (4) Communities, counties, special-purpose districts,
5667 multicounty area development groupings and other such
5668 organizations may call upon the center for informational services.
5669 Specific research projects may be undertaken by the center for
5670 such organizations on a contract basis.

5671 (5) The center may provide advice and counsel, consistent
5672 with its duties and responsibilities, to the private business
5673 community. Consultation and information may also be made
5674 available to other segments of the private business community.
5675 Advice and assistance for the establishment of research programs
5676 within business organizations may be provided by the center.
5677 Specific research projects may be undertaken by the center for
5678 private business on a contract basis. The center may solicit and
5679 accept grants and other financial aid or support from private

5680 sources.

5681 SECTION 154. Section 37-141-15, Mississippi Code of 1972, is
5682 amended as follows:[LH144]

5683 37-141-15. With the approval of the Commissioner of Higher
5684 Education, the center may establish and staff branch operations at
5685 various universities within the state.

5686 SECTION 155. Section 37-141-17, Mississippi Code of 1972, is
5687 amended as follows:[LH145]

5688 37-141-17. The center, on behalf of the Commissioner of
5689 Higher Education, shall prepare an annual report of economic
5690 development activities of those agencies and institutions subject
5691 to the commissioner. The report shall describe:

5692 (a) Economic development efforts and accomplishments of
5693 the University Research Center, each university, and each
5694 institute.

5695 (b) Efforts and accomplishments of the center in
5696 coordinating economic development activities among the
5697 universities.

5698 (c) Recommendations of the center for coordination and
5699 utilization of university resources in economic development, for
5700 university-based initiatives in economic development, and for
5701 funding related to economic development and plans of the
5702 universities.

5703 (d) Assistance rendered to the Department of Economic
5704 Development by the center and each university.

5705 (e) Activities and accomplishments of staff assigned to
5706 planning and development districts pursuant to Section 37-141-19.

5707 (f) Any other information which the center wishes to

5708 present.

5709 The annual report shall be submitted to the Governor and the
5710 Joint Legislative Budget Committee not later than July 1 of each
5711 year.

5712 SECTION 156. Section 37-141-19, Mississippi Code of 1972, is
5713 amended as follows:[LH146]

5714 37-141-19. The board of trustees of each state institution
5715 of higher learning shall require that the president of the
5716 university under its jurisdiction designate, at the level of vice
5717 president, a person responsible for economic development
5718 activities at the university. The person so designated shall be
5719 the primary contact at each university for the center in carrying
5720 out its responsibilities related to coordinating, assisting,
5721 monitoring and reporting on economic development activities at the
5722 universities.

5723 SECTION 157. Section 37-141-21, Mississippi Code of 1972, is
5724 amended as follows:[LH147]

5725 37-141-21. (1) The director of the center, subject to the
5726 approval of the Commissioner of Higher Education, shall fix the
5727 salaries and wages of employees of the center, shall reimburse
5728 employees for actual expenses incurred in the performance of their
5729 duties, and may approve receipt by employees of additional income
5730 payments from grants, fellowships and other sources.

5731 (2) The director of the center, upon approval of the
5732 commissioner, may contract with universities and colleges, with
5733 individuals and with public or private research organizations for
5734 their services and, under the same approval, may contract for
5735 performance by the center of services to governmental subdivisions

5736 of the state, to United States government departments and
5737 agencies, to area development organizations, to trade associations
5738 and other similar groups of public or private nature, and to
5739 private business enterprises, and may set fees for such services.
5740 Upon approval of the commissioner, the center may establish intern
5741 programs to provide experience that supplements the education of
5742 students enrolled in state institutions of higher learning.

5743 (3) Expenditures by and for the center and its branches
5744 shall be paid by the State Treasurer out of the funds appropriated
5745 to carry out the provisions of this chapter, upon warrant issued
5746 by the State Fiscal Management Board; and such board shall issue
5747 its warrant upon requisition signed by the director of the center,
5748 in the manner provided by law. Full and complete accounting shall
5749 be kept and made by the center for all funds received and expended
5750 by it. Representatives of the office of the State Auditor
5751 annually shall audit the expenditures of funds received by the
5752 center from all sources, and the auditor shall make a complete and
5753 detailed report of such audit to the Legislature.

5754 SECTION 158. Section 37-143-3, Mississippi Code of 1972, is
5755 amended as follows:[LH148]

5756 37-143-3. The Legislature makes the following findings of
5757 fact and declarations of purpose: By legislative enactment, five
5758 (5) loan or scholarship programs have been created wherein
5759 Mississippi residents are granted scholarships in certain
5760 professional fields in return for their contractual obligation to
5761 perform services in such professions under a variety of
5762 requirements of location, duration, manner and mode of service,
5763 and institution in which performed. Such loan or scholarship

5764 programs provide variously for different degrees of recourse in
5765 the event that the recipient's contract is not fulfilled, but
5766 shall provide in every case that the scholarship convert to a loan
5767 which must be repaid at interest and, in some of the programs,
5768 require the payment of penalties also. In addition to the
5769 foregoing described loan or scholarship programs, a State of
5770 Mississippi fund-financed loan program was created in the
5771 Postsecondary Education Financial Assistance Law of 1975. The
5772 purposes and needs, for which the Postsecondary Education
5773 Financial Assistance Law was enacted, have now been almost
5774 entirely supplanted by the provisions of the federal laws
5775 providing for guaranteed student loans. The Legislature further
5776 finds, that as a result of the restrictive and punitive provisions
5777 contained in the loan or scholarship programs in existence prior
5778 to this chapter, there are low levels of utilization of such
5779 programs. The Legislature further finds that such programs being
5780 enacted at various times and for various specialized purposes have
5781 inconsistencies in the provisions for their administration, which
5782 should be made consistent, uniform and regular. The Legislature
5783 further finds that because of the low use of the Postsecondary
5784 Education Financial Assistance Law, there are sums of monies
5785 dedicated for use in student loans or scholarships which could be
5786 utilized in the improved scholarship or loan programs created by
5787 this chapter. The Legislature finds and declares that such older
5788 existing revolving funds should be collapsed and consolidated into
5789 a single revolving fund in support of the loan or scholarship
5790 programs authorized herein. The Legislature further finds and
5791 declares that there is a need for the creation of additional

5792 scholarship programs for the purpose of encouraging eligible
5793 Mississippi residents to enter into professional schools, and
5794 that, in particular, there should be programs to encourage the
5795 participation of minorities in graduate professional programs in
5796 the institutions of this state, and that the Commissioner of
5797 Higher Education should be granted the power and authority to
5798 create and implement such new loan or scholarship programs as the
5799 need may arise. And the Legislature further finds and declares
5800 that there is a need to create an ability within the office of the
5801 commissioner to fashion new and innovative systems for the
5802 financing of loan or scholarship programs by combining the use of
5803 private sector loans for education and guaranteed student loans
5804 with scholarship repayment programs promulgated by the board, and
5805 that the board should be granted authority to devise and develop
5806 such innovative systems to obtain the most efficient use of state
5807 funds to encourage entry and service in certain professional
5808 fields.

5809 SECTION 159. Section 37-143-5, Mississippi Code of 1972, is
5810 amended as follows:[LH149]

5811 37-143-5. (1) There is hereby created the medical loan or
5812 scholarship program. The purpose of such program shall be to
5813 enable eligible applicants who desire to become physicians to
5814 obtain a medical education in the University of Mississippi School
5815 of Medicine, which will qualify them to become licensed,
5816 practicing physicians and surgeons.

5817 (2) The Board of Trustees of the University of Mississippi
5818 shall establish, by rule and regulation, the maximum annual award
5819 which may be made under this program at an amount not to exceed

5820 the cost of tuition and other expenses, and shall establish the
5821 maximum number of awards which may be made not to exceed the
5822 length of time required to complete the degree requirements and
5823 internship or residency.

5824 (3) Loans made to applicants under this program may be made
5825 under similar terms and conditions as then current provisions of
5826 the Federal Guaranteed Student Loan Program, or its successor, as
5827 to the repayment of principal and interest. Such loans shall be
5828 eligible for deferment during attendance as a full-time student in
5829 an approved course of training. No interest shall accrue on such
5830 loan during the time the recipient is in such attendance. Such
5831 loans may be eligible for other deferments for such other causes
5832 as may be established by the board by rule and regulations not
5833 inconsistent with the foregoing.

5834 (4) Loans made to applicants shall be made and based upon
5835 the following options for repayment or conversion to interest-free
5836 scholarships:

5837 (a) Payment in full of principal and interest must be
5838 made in sixty (60) or less equal monthly installments, commencing
5839 one (1) month after graduation and internship or residency, or
5840 termination of attendance as a full-time student;

5841 (b) In lieu of payment in full of both principal and
5842 interest, a loan recipient may elect to repay by entry into public
5843 health work at a state health institution as defined in Section
5844 37-143-13(2), or community health centers that are grantees under
5845 Section 330 of the United States Public Health Service Act.

5846 Repayment under this option shall convert loan to scholarship, and
5847 discharge the same, on the basis of one (1) year's service for one

5848 (1) year's loan amount, or the appropriate proportion of the total
5849 outstanding balance of principal and interest, all as shall be
5850 established by rule and regulation of the board of trustees. If
5851 at any time prior to the repayment in full of the total obligation
5852 the recipient abandons or abrogates repayment by this option, the
5853 provisions of Section 37-143-5(d) shall apply;

5854 (c) In lieu of payment in full of both principal and
5855 interest, a loan recipient may elect to repay by entry into the
5856 practice of medicine in a primary health care field in an area
5857 outside of a metropolitan statistical area, as defined and
5858 established by the United States Census Bureau, and within a
5859 region ranking between 1 and 54, inclusively, on the Relative
5860 Needs Index of Five Factors for Primary Care Physicians, as
5861 annually determined by the State Board of Health, for a period of
5862 five (5) years. Repayment under this option shall convert loan to
5863 scholarship, and discharge the same on the basis of one (1) year's
5864 service for one (1) year's loan amount, or the appropriate
5865 proportion of the total outstanding balance of principal and
5866 interest, all as shall be established by rule and regulation of
5867 the board of trustees. If at any time prior to the repayment in
5868 full of the total obligation the recipient abandons or abrogates
5869 repayment by this option, the provisions of Section 37-143-5(4)(d)
5870 shall apply;

5871 (d) In the event of abandonment or abrogation of the
5872 options for repayment as provided for in Section 37-143-5(4)(b)
5873 and (c), the remaining balance of unpaid or undischarged principal
5874 and interest shall become due and payable over the remaining
5875 period of time as if the option provided for in Section

5876 37-143-5(4)(a) had been elected upon graduation and internship or
5877 residency.

5878 (5) The board * * * shall establish such rules and
5879 regulations as it deems necessary and proper to carry out the
5880 purposes and intent of this section.

5881 SECTION 160. Section 37-143-6, Mississippi Code of 1972, is
5882 amended as follows:

5883 37-143-6. (1) There is established a medical education
5884 scholarship program, which shall be administered by the Board of
5885 Trustees of the University of Mississippi. The program shall
5886 provide a certain number of eligible applicants each year with a
5887 full scholarship to obtain a medical education at the University
5888 of Mississippi School of Medicine at no cost to the recipient, if
5889 the recipient meets the conditions upon which the scholarship is
5890 granted.

5891 (2) The program shall provide scholarships to up to twenty
5892 (20) new recipients each year, and the program shall be funded
5893 from monies appropriated from the Health Care Expendable Fund
5894 established under Section 43-13-407 and from any other funds
5895 appropriated to or otherwise made available to the board of
5896 trustees for that purpose. The amounts that may be expended
5897 annually for scholarships under the program shall not exceed the
5898 following: Five Hundred Thousand Dollars (\$500,000.00) in fiscal
5899 year 2001; One Million Dollars (\$1,000,000.00) in fiscal year
5900 2002; One Million Five Hundred Thousand Dollars (\$1,500,000.00) in
5901 fiscal year 2003; and Two Million Dollars (\$2,000,000.00) in
5902 fiscal year 2004 and in any later fiscal year.

5903 (3) The scholarship shall be in an amount that will pay the

5904 full cost of attendance, as defined by federal law and regulation,
5905 at the University of Mississippi School of Medicine for the entire
5906 time necessary for the recipient to complete the requirements for
5907 a medical degree. The actual amount of the scholarship shall be
5908 determined by the Office of Financial Aid of the University of
5909 Mississippi Medical Center but shall not exceed Twenty-five
5910 Thousand Dollars (\$25,000.00) per year for any recipient.

5911 (4) Before being granted a scholarship, each applicant shall
5912 enter into a contract with the board of trustees, which shall be
5913 deemed a contract with the State of Mississippi, agreeing to the
5914 terms and conditions upon which the scholarship will be granted.
5915 In order to receive a scholarship under the program, the recipient
5916 must agree in the contract to practice family medicine for a
5917 period of not less than ten (10) years after completion of his or
5918 her residency in an area of the state that is a critical needs
5919 area for primary medical care at the time of the recipient's entry
5920 into medical practice. The determination and designation of the
5921 areas of the state that are critical needs areas for primary
5922 medical care shall be made by a committee to be known as the
5923 Medical Care Critical Needs Committee, which shall be composed of
5924 the following persons: the Vice Chancellor for Health Affairs of
5925 the University of Mississippi Medical Center, who shall be
5926 chairman of the committee; the Executive Director of the State
5927 Department of Health; the Executive Director of the Division of
5928 Medicaid; the President of the Mississippi State Medical
5929 Association or his designee; the President of the Mississippi
5930 State Hospital Association or his designee; the President of the
5931 Mississippi Academy of Family Physicians; and the Executive

5932 Director of the Mississippi Primary Health Care Association. The
5933 committee shall meet at least once annually to determine and
5934 designate the areas of the state that are critical needs areas for
5935 primary medical care in which scholarship recipients may practice
5936 family medicine in order to fulfill their contractual obligation.

5937 (5) If a scholarship recipient leaves the University of
5938 Mississippi School of Medicine before graduation, or leaves his or
5939 her residency before completion, or fails to practice family
5940 medicine for a period of ten (10) years in a critical needs area
5941 for primary medical care as designated by the Medical Care
5942 Critical Needs Committee under subsection (4) of this section, the
5943 full amount that the recipient received under the scholarship
5944 shall be due and payable within ninety (90) days, together with
5945 interest. The amount of interest due shall be equal to the annual
5946 rate of return on the Health Care Trust Fund established under
5947 Section 43-13-405 for each year from the time the recipient
5948 received the scholarship money until the time the scholarship
5949 money is repaid. The board of trustees may bring suit against any
5950 scholarship recipient to recover the amount due to the state under
5951 this section for the recipient's failure to comply with the
5952 conditions upon which the scholarship was granted, as provided in
5953 this section and in the contract between the recipient and the
5954 board of trustees. The board of trustees is authorized to
5955 postpone or forgive the repayment of all or part of the amount
5956 that a recipient received under the scholarship and the interest
5957 that would otherwise be due under this subsection if the
5958 recipient's failure to comply with the conditions upon which the
5959 scholarship was granted was due to circumstances beyond the

5960 recipient's control that caused the recipient to be physically
5961 unable to comply with those conditions, such as suffering a severe
5962 illness, injury or other disabling condition.

5963 (6) The board of trustees shall establish such rules and
5964 regulations as it deems necessary and proper to carry out the
5965 purposes and intent of this section.

5966 SECTION 161. Section 37-143-7, Mississippi Code of 1972, is
5967 amended as follows:[LH150]

5968 37-143-7. (1) There is hereby created the dental loan or
5969 scholarship program. The purpose of such program shall be to
5970 enable eligible applicants who desire to become dentists to obtain
5971 a standard four-year education in the study of dentistry in the
5972 University of Mississippi School of Dentistry, which will qualify
5973 them to become licensed, practicing dentists.

5974 (2) The Board of Trustees of the University of Mississippi
5975 shall establish, by rule and regulation, the maximum annual award
5976 which may be made under this program at an amount not to exceed
5977 the cost of tuition and other expenses, and shall establish the
5978 maximum number of awards, which may be made not to exceed the
5979 length of time required to complete the degree requirements.

5980 (3) Loans made to applicants under this program may be made
5981 under similar terms and conditions as then current provisions of
5982 the Federal Guaranteed Student Loan Program, or its successor, as
5983 to the repayment of principal and interest. Such loans shall be
5984 eligible for deferment during attendance as a full-time student in
5985 an approved course of training. No interest shall accrue on such
5986 loan during the time the recipient is in such attendance. Such
5987 loans may be eligible for other deferments for such other causes

5988 as may be established by the board by rule and regulations not
5989 inconsistent with the foregoing.

5990 (4) Loans made to applicants shall be made and based upon
5991 the following options for repayment or conversion to interest-free
5992 scholarships:

5993 (a) Payment in full of principal and interest must be
5994 made in sixty (60) or less equal monthly installments, commencing
5995 one (1) month after graduation or termination of attendance as a
5996 full-time student;

5997 (b) In lieu of payment in full of both principal and
5998 interest, a loan recipient may elect to repay by entry into public
5999 health work at a state health institution as defined in Section
6000 37-143-13(2), or community health centers that are grantees under
6001 Section 330 of the United States Public Health Service Act.
6002 Repayment under this option shall convert loan to scholarship, and
6003 discharge the same, on the basis of one (1) year's service for one
6004 (1) year's loan amount, or the appropriate proportion of the total
6005 outstanding balance of principal and interest, all as shall be
6006 established by rule and regulation of the board of trustees. If
6007 at any time prior to the discharge in full of the total obligation
6008 the recipient abandons or abrogates repayment by this option, the
6009 provisions of Section 37-143-7(4)(d) shall apply;

6010 (c) In lieu of payment in full of both principal and
6011 interest, a loan recipient may elect to repay by entry into the
6012 practice of dentistry in an area outside of a metropolitan
6013 statistical area, as defined and established by the United States
6014 Census Bureau, and within a region ranking between 1 and 54,
6015 inclusively, on the Relative Needs Index of Four Factors for

6016 Dentists, as annually determined by the State Board of Health, for
6017 a period of five (5) years. Repayment under this option shall
6018 convert loan to scholarship and discharge the same on the basis of
6019 one (1) year's service for one (1) year's loan amount, or the
6020 appropriate proportion of the total outstanding balance of
6021 principal and interest, all as shall be established by rule and
6022 regulation of the board of trustees. If at any time prior to the
6023 repayment in full of the total obligation the recipient abandons
6024 or abrogates repayment by this option, the provisions of Section
6025 37-143-7(4)(d) shall apply;

6026 (d) In the event of abandonment or abrogation of the
6027 options for repayment as provided for in Section 37-143-7(4)(b)
6028 and (c), the remaining balance of unpaid or undischarged principal
6029 and interest shall become due and payable over the remaining
6030 period of time as if the option provided for in Section
6031 37-143-7(4)(a) had been elected upon graduation.

6032 (5) The board * * * shall establish such rules and
6033 regulations as it deems necessary and proper to carry out the
6034 purposes and intent of this section.

6035 SECTION 162. Section 37-143-9, Mississippi Code of 1972, is
6036 amended as follows:[LH151]

6037 37-143-9. There is created a program for advanced study in
6038 nursing. Scholarships are established and shall be allocated to
6039 students who: (a) have graduated from an accredited high school
6040 and from a school of nursing and are licensed registered nurses in
6041 Mississippi; and (b) are approved by the Commissioner of Higher
6042 Education; and (c) enter into contract with the commissioner,
6043 obligating themselves to pursue to completion the course of study

6044 agreed upon, and immediately following the completion of such
6045 work, to spend a period of time, equal to the period of study
6046 provided under the scholarship, in teaching nursing at any
6047 accredited school of nursing in Mississippi, approved by the
6048 commissioner, or in performing other work in the interest of
6049 public health in the state, to be approved by the commissioner.
6050 Such period of service, after completion of study under a
6051 scholarship, shall in no event be less than one (1) year.

6052 In addition to a scholarship, any such student may be
6053 allocated a loan not to exceed One Thousand Dollars (\$1,000.00)
6054 per month for each month of full-time study in a graduate nursing
6055 program. The repayment of the principal and interest of such
6056 loans shall be eligible for deferment during attendance as a
6057 full-time student in an approved program for advanced study in an
6058 accredited school of nursing. For any student who receives this
6059 loan, the student's contract with the commissioner shall obligate
6060 the student, immediately following completion of the course of
6061 study, to repay the loan by teaching nursing for not less than two
6062 (2) years at any accredited school of nursing in Mississippi
6063 approved by the commissioner. Such teaching service shall convert
6064 the loan to an interest-free scholarship, and discharge the same,
6065 on the basis of two (2) years of service for one-year's loan
6066 amount, or the appropriate proportion of the total outstanding
6067 balance of principal and interest, all as established by rule and
6068 regulation of the commissioner. Any such student who fails to
6069 complete all of the teaching service obligation shall be liable to
6070 the commissioner for the remaining balance of the principal and
6071 interest that remains undischarged.

6072 The commissioner shall establish such rules and regulations
6073 as it deems necessary and proper to carry out the purposes and
6074 intent of this section.

6075 SECTION 163. Section 37-143-11, Mississippi Code of 1972, is
6076 amended as follows:[LH152]

6077 37-143-11. (1) It is the intention of the Legislature to
6078 attract and retain qualified teachers by awarding incentive loans
6079 to persons declaring an intention to serve in the teaching field
6080 and who actually render service to the state while possessing an
6081 appropriate teaching license.

6082 (2) There is established the "William F. Winter Teacher
6083 Scholar Loan Program."

6084 (3) To the extent of appropriations available, students who
6085 are enrolled in any baccalaureate degree-granting institution of
6086 higher learning in the State of Mississippi accredited by the
6087 Southern Association of Colleges and Schools and approved by the
6088 Mississippi Commission on College Accreditation, or any accredited
6089 nonprofit community or junior college, and who have expressed in
6090 writing a present intention to teach in Mississippi, shall be
6091 eligible for student loans to be applied to the costs of their
6092 college education. Persons who have been admitted to a teacher
6093 education program as approved by the State Board of Education
6094 shall also qualify for loans at approved institutions.

6095 (4) A freshman establishing initial eligibility shall be
6096 eligible for a maximum of four (4) annual loans and a senior shall
6097 be eligible for one (1) annual loan.

6098 (5) The maximum annual loan shall be set by the Commissioner
6099 of Higher Education at an amount not to exceed the cost of

6100 attendance at any baccalaureate degree-granting institution of
6101 higher learning in the State of Mississippi. However, it is the
6102 intent of the Legislature that the maximum annual loan amounts
6103 under the William F. Winter Teacher Scholar Loan Program shall not
6104 be of such amounts that would compete with the Critical Needs
6105 Teacher Scholarship Program.

6106 (6) The loans of persons who actually render service as
6107 licensed teachers in a public school in Mississippi for a major
6108 portion of the school day for at least seventy-eight (78) school
6109 days during each of eight (8) school semesters of the ten (10)
6110 immediately after obtaining a baccalaureate degree, shall be
6111 converted to interest-free scholarships. Conversion shall be
6112 based on two (2) semesters of service for each year a loan was
6113 received, and the Commissioner of Higher Education shall not
6114 authorize the conversion of loans into interest-free scholarships
6115 at any other ratio, except as follows: Participants in the
6116 William F. Winter Teacher Scholar Loan Program may have their
6117 loans converted into interest-free scholarships at the same ratio
6118 as under the Critical Needs Teacher Scholarship Program if they
6119 render service as a licensed teacher in a public school district
6120 in a geographical area of the state where there is a critical
6121 shortage of teachers, as designated by the State Board of
6122 Education.

6123 (7) Persons failing to complete an appropriate program of
6124 study shall immediately become liable to the Commissioner of
6125 Higher Education for the sum of all outstanding loans, except in
6126 the case of a deferral of debt for cause by the board, after which
6127 period of deferral, study may be resumed. Persons failing to meet

6128 teaching requirements in any required semester shall immediately
6129 be in breach of contract and become liable to the board for the
6130 amount of the corresponding loan received, with interest accruing
6131 at the current Stafford Loan rate at the time the breach occurs,
6132 except in the case of a deferral of debt for cause by the
6133 commissioner, after which period of deferral, teaching duties
6134 required hereunder will be resumed. If the claim for payment of
6135 such loan is placed in the hands of an attorney for collection
6136 after default, then the obligor shall be liable for an additional
6137 amount equal to a reasonable attorney's fee.

6138 (8) A loan made pursuant to this section shall not be
6139 voidable by reason of the age of the borrower at the time of
6140 receiving the loan.

6141 (9) Failure to repay any loan and interest that becomes due
6142 shall be cause for the revocation of a person's teaching license
6143 by the State Department of Education.

6144 (10) All monies repaid to the Commissioner of Higher
6145 Education hereunder shall be added to the appropriations made for
6146 purposes of this section, and those appropriations shall not
6147 lapse.

6148 (11) The Commissioner of Higher Education with the
6149 concurrence of the State Board of Education shall jointly
6150 promulgate regulations necessary for the proper administration of
6151 this section.

6152 (12) If insufficient funds are available for requested loans
6153 to a qualified student during any fiscal year, the commissioner
6154 shall make pro rata reductions in the loans made to qualifying
6155 applicants. Priority consideration shall be given to persons

6156 receiving previous loans and participating in the program.

6157 (13) The commissioner shall make an annual report to the
6158 Legislature. Each report shall contain a complete enumeration of
6159 the * * * loans or scholarships granted, names of persons to whom
6160 granted and the institutions attended by those receiving the same,
6161 the teaching location of applicants who have received their
6162 education and become licensed teachers within this state as a
6163 result of the loans and/or scholarships. The commissioner shall
6164 make a full report and account of receipts and expenditures for
6165 salaries and expenses incurred under the provisions of this
6166 section. The commissioner shall, upon his records and any
6167 published reports, distinguish between those recipients who have
6168 breached their contracts but with the commissioner's permission
6169 who have paid their financial obligations in full, and those
6170 recipients who have breached their contracts and remain
6171 financially indebted to the state.

6172 SECTION 164. Section 37-143-15, Mississippi Code of 1972, is
6173 amended as follows:[LH153]

6174 37-143-15. The Commissioner of Higher Education is
6175 authorized and empowered to establish loan or scholarship programs
6176 of like character, operation and purpose to the foregoing
6177 enumerated programs to encourage the participation of eligible
6178 worthy persons in courses of instruction in the public
6179 institutions of higher learning, and in furtherance of such power
6180 and authority is authorized: to adopt and implement rules and
6181 regulations declaring and describing the goals and objectives of
6182 such loan or scholarship programs; to establish the eligibility
6183 requirements for entry into such program and required for

6184 continuing participation for succeeding years; to determine the
6185 maximum amount to be made available to recipients; to delineate
6186 the terms and conditions of contracts with recipients and
6187 establish the service requirements for such contracts, if any; to
6188 enter into contracts pertaining to such programs with recipients;
6189 to enter into loan agreements and other contracts with financial
6190 institutions or other providers of loan monies for scholarship or
6191 loan participants; and to allocate and utilize such funds as may
6192 be necessary for the operation of such loan or scholarship
6193 programs from the annual appropriation for student financial aid.
6194 In issuing rules and regulations governing the administration of
6195 the Graduate Teacher Summer Scholarship (GTS) Program, the
6196 commissioner shall provide that certified teachers at the Columbia
6197 or Oakley Training Schools under the jurisdiction of the
6198 Department of Human Services shall be fully eligible to
6199 participate in said program.

6200 SECTION 165. Section 37-143-19, Mississippi Code of 1972, is
6201 amended as follows:[LH154]

6202 37-143-19. The Commissioner of Higher Education is
6203 authorized to establish a consolidated revolving loan fund for the
6204 purpose of providing monies for the operation of all loan or
6205 scholarship programs authorized * * * by this chapter, and to the
6206 Postsecondary Education Financial Assistance Board by the
6207 provisions of Chapter 106 of Title 37, Mississippi Code of 1972,
6208 and for the purpose of providing monies for the operation of such
6209 other loan programs as may be deemed appropriate and authorized by
6210 the commissioner from time to time for the furtherance of
6211 education of eligible applicants. The commissioner shall be

6212 charged with the duty of directing the dispensing of such funds in
6213 a manner so as to best effectuate the purpose of this chapter.
6214 Any monies collected in the form of repayment of loans, both
6215 principal and interest, shall be deposited in this fund. The
6216 commissioner is authorized to maintain such revolving fund in an
6217 official state depository and, in accordance with Section
6218 27-105-21, Mississippi Code of 1972, shall invest such funds, less
6219 the amount required for current operation, at interest as required
6220 by said section. All interest earned on such investments shall
6221 likewise be deposited in said fund. From such revolving fund, the
6222 commissioner shall provide the Postsecondary Education Financial
6223 Assistance Board such sums as shall be required to fulfill its
6224 role as lender of last resort to the Guarantee Student Loan
6225 program. The assets of the Postsecondary Education Financial
6226 Assistance Board, including cash and loans on hand, shall not
6227 exceed Five Hundred Thousand Dollars (\$500,000.00), and repayments
6228 of principal and interest and all other revenue * * * shall be
6229 deposited in the fund created hereby.

6230 From and after * * * July 1, 1991, the sums maintained in the
6231 respective revolving funds being repealed by Chapter 547, Laws,
6232 1991, or other revolving funds being maintained by the
6233 commissioner shall become and constitute the monies of the
6234 consolidated revolving fund created by this section, wherever such
6235 funds may be physically located. The commissioner is hereby
6236 authorized to transfer said funds to an official state depository,
6237 as aforesaid.

6238 SECTION 166. Section 37-143-21, Mississippi Code of 1972, is
6239 amended as follows:[LH155]

6240 37-143-21. The board of trustees of each state institution
6241 of higher learning shall make an annual report to the Legislature.
6242 Each said report shall contain a complete summary of the board's
6243 activities, loans or scholarships granted, names of persons to
6244 whom granted, institutions attended by those receiving same, and
6245 the location of loan recipients who have contracted to repay loan
6246 or scholarship through approved service in their profession. The
6247 board shall make a full report and account of the receipts and
6248 expenditures for salaries and expenses incurred under the
6249 provisions of this chapter. The board shall, upon its records and
6250 any published reports, distinguish between those recipients who
6251 have breached their contracts, but with the board's permission who
6252 have paid their financial obligations in full, and those
6253 recipients who have breached their contracts and remain
6254 financially indebted to the state.

6255 SECTION 167. Section 37-145-3, Mississippi Code of 1972, is
6256 amended as follows:[LH156]

6257 37-145-3. As used in this chapter:

6258 (a) "Company" means the Mississippi Business Finance
6259 Corporation established pursuant to Section 57-10-167.

6260 (b) "Board of trustees" means the board of trustees of
6261 each state institution of higher learning.

6262 (c) "Guaranty Agency" means the Mississippi Guarantee
6263 Student Loan Agency * * *.

6264 SECTION 168. Section 37-147-5, Mississippi Code of 1972, is
6265 amended as follows:[LH157]

6266 37-147-5. The following words shall have the meaning
6267 ascribed herein unless the context clearly requires otherwise:

6268 (a) "Act" means the Mississippi University Research
6269 Authority Act;

6270 (b) "Authority" means the entity created pursuant to
6271 this act;

6272 (c) "Board" means the board of trustees of each state
6273 institution of higher learning;

6274 (d) "Technological innovations" means research,
6275 development, prototype assembly, manufacture, patenting,
6276 licensing, marketing and sale of inventions, ideas, practices,
6277 applications, processes, machines, technology and related property
6278 rights of all kinds; and

6279 (e) "University" means a Mississippi educational
6280 institution established pursuant to the provisions of Section 213A
6281 of the 1890 Constitution of the State of Mississippi.

6282 (f) "Intellectual property" means any formula, pattern,
6283 compilation, program, device, method, technique or process created
6284 primarily as a result of the research effort of an employee or
6285 employees of an institution of higher learning of the State of
6286 Mississippi.

6287 SECTION 169. Section 37-147-15, Mississippi Code of 1972, is
6288 amended as follows:[LH158]

6289 37-147-15. (1) With the approval of the Commissioner of
6290 Higher Education, any university may form, pursuant to the
6291 provisions of the Mississippi Nonprofit Corporation Act or the
6292 Mississippi Business Corporation Act, one or more research
6293 corporations, separate and apart from the state and the
6294 university, to promote, develop and administer enterprises arising
6295 from research or technological innovations in order to take

6296 advantage of opportunities of scientific, educational and economic
6297 development.

6298 (2) Each such corporation shall be governed by, and all of
6299 the functions, powers and duties of it shall be exercised by, a
6300 board of directors appointed by the president of the university.
6301 Members of the board of directors may include the president of the
6302 university, officers and employees of the university, and other
6303 persons selected by the president of the university. Officers and
6304 employees of the university may have ownership or financial
6305 interests in such corporations.

6306 (3) The board of directors of each such corporation shall
6307 adopt bylaws, in accordance with the provisions of the Mississippi
6308 Nonprofit Corporation Act or the Mississippi Business Corporation
6309 Act, as appropriate, governing the conduct of the corporation in
6310 the performance of its duties under its charter and this act.

6311 SECTION 170. Section 37-149-1, Mississippi Code of 1972, is
6312 amended as follows:[LH159]

6313 37-149-1. (1) There is established within the State
6314 Department of Education, the Mississippi Teacher Center for the
6315 purpose of insuring that the children of our state are taught by
6316 quality professionals. The center shall serve as an interagency
6317 center focused on teacher recruitment, enhanced training and
6318 initial instructional support.

6319 (2) The center shall have a staff which shall consist of one
6320 (1) director, one (1) administrative assistant and professional
6321 teacher recruiters. A steering committee shall be established
6322 which shall consist of one (1) member from each of the following:
6323 the Office of the Commissioner of Higher Education, the State

6324 Board for Community and Junior Colleges, the State Board of
6325 Education, the Board of the Mississippi Association of Independent
6326 Colleges, the Board of the Mississippi Association of Colleges of
6327 Teacher Education, trustees of the local school boards, teachers
6328 and the private sector. The members of the steering committee
6329 shall be appointed by the State Superintendent with the approval
6330 of the board. The steering committee shall direct the work and
6331 establish policies for the purpose of operating the center.

6332 (3) The center shall provide leadership for the following
6333 initiatives:

6334 (a) The initiation and monitoring of high school
6335 programs for teacher recruitment;

6336 (b) The initiation and monitoring of college level
6337 programs for teacher recruitment;

6338 (c) The establishment of a Beginning Teacher/Mentoring
6339 program, as authorized in Sections 37-9-201 through 37-9-213;

6340 (d) The sponsorship of a teacher renewal institute;

6341 (e) The continuation of the Teacher Corps program;

6342 (f) The enhancement of the William Winter Scholarship
6343 program;

6344 (g) Research for the development of professional
6345 teaching standards;

6346 (h) Provide additional scholarships for any targeted
6347 populations needing potential teachers; and

6348 (i) Provide assistance to local school districts in
6349 identifying and locating specific teacher needs.

6350 SECTION 171. Section 37-155-9, Mississippi Code of 1972, is
6351 amended as follows:[LH160]

6352 37-155-9. In addition to the powers granted by any other
6353 provision of this chapter, the board of directors shall have the
6354 powers necessary or convenient to carry out the purposes and
6355 provisions of this chapter, the purposes and objectives of the
6356 trust fund and the powers delegated by any other law of the state
6357 or any executive order thereof, including, but not limited to, the
6358 following express powers:

6359 (a) To adopt and amend bylaws;

6360 (b) To adopt such rules and regulations as are
6361 necessary to implement the provisions of this chapter;

6362 (c) To invest any funds of the trust fund in any
6363 instrument, obligation, security or property that constitutes
6364 legal investments for public funds in the state and to name and
6365 use depositories for its investments and holdings;

6366 (d) To execute contracts and other necessary
6367 instruments;

6368 (e) To impose reasonable requirements for residency for
6369 beneficiaries at the time of purchase of the contract;

6370 (f) To impose reasonable limits on the number of
6371 contract participants in the trust fund at any given period of
6372 time;

6373 (g) To contract for necessary goods and services, to
6374 employ necessary personnel, and to engage the services of
6375 consultants for administrative and technical assistance in
6376 carrying out the responsibilities of the trust fund;

6377 (h) To solicit and accept gifts, including
6378 bequeathments or other testamentary gifts made by will, trust or
6379 other disposition, grants, loans and other aids from any personal

6380 source or to participate in any other way in any federal, state or
6381 local governmental programs in carrying out the purposes of this
6382 chapter. Any gifts made to the board under this subsection shall
6383 be deductible from taxable income of the state in the tax year;

6384 (i) To define the terms and conditions under which
6385 payments may be withdrawn or refunded from the trust fund,
6386 including, but not limited to, the amount paid in and an
6387 additional amount in the nature of interest at a rate that
6388 corresponds, at a minimum, to the prevailing interest rates for
6389 savings accounts provided by banks and savings and loan
6390 associations and impose reasonable charges for such withdrawal or
6391 refund;

6392 (j) To ensure applicability to private and out-of-state
6393 tuitions:

6394 (i) Under the program, a state purchaser may enter
6395 into a prepaid tuition contract with the board under which the
6396 purchaser agrees to attend a public institution of higher
6397 education in Mississippi;

6398 (ii) If the beneficiary of a plan described by
6399 Section 37-155-11 enrolls in any in-state or out-of-state
6400 regionally accredited private four- or two-year college or an
6401 out-of-state regionally accredited, state-supported, nonprofit
6402 four- or two-year college or university, the board shall pay to
6403 the institution an amount up to, but not greater than, the tuition
6404 and required fees that the board would have paid had the
6405 beneficiary enrolled in an institution of higher education covered
6406 by the plan selected in the prepaid tuition contract. The
6407 beneficiary is responsible for paying a private institution or an

6408 out-of-state public institution the amount by which the tuition
6409 and required fees of the institution exceed the tuition and
6410 required fees paid by the board;

6411 (k) To impose reasonable time limits on the use of the
6412 tuition benefits provided by the program;

6413 (l) To provide for the receipt of contributions to the
6414 trust fund in lump sums or installment payments;

6415 (m) To adopt an official seal and rules;

6416 (n) To sue and be sued;

6417 (o) To establish agreements or other transactions with
6418 federal, state and local agencies, including state universities
6419 and community colleges;

6420 (p) To appear in its own behalf before boards,
6421 commissions or other governmental agencies;

6422 (q) To segregate contributions and payments to the fund
6423 into various accounts and funds;

6424 (r) To require and collect administrative fees and
6425 charges in connection with any transaction and impose reasonable
6426 penalties, including default, for delinquent payments or for
6427 entering into an advance payment contract on a fraudulent basis;

6428 (s) To procure insurance against any loss in connection
6429 with the property, assets and activities of the fund or the board;

6430 (t) To require that purchasers of advance payment
6431 contracts verify, under oath, any requests for contract
6432 conversions, substitutions, transfers, cancellations, refund
6433 requests or contract changes of any nature;

6434 (u) To administer the fund in a manner that is
6435 sufficiently actuarially sound to meet the obligations of the

6436 program. The board shall annually evaluate or cause to be
6437 evaluated the actuarial soundness of the fund. If the board
6438 perceives a need for additional assets in order to preserve
6439 actuarial soundness, the board may adjust the terms of subsequent
6440 advance payment contracts to ensure such soundness;

6441 (v) To establish a comprehensive investment plan for
6442 the purposes of this section. The comprehensive investment plan
6443 shall specify the investment policies to be utilized by the board
6444 in its administration of the fund. The board may authorize
6445 investments in:

6446 (i) Bonds, notes, certificates and other valid
6447 general obligations of the State of Mississippi, or of any county,
6448 or of any city, or of any supervisors district of any county of
6449 the State of Mississippi, or of any school district bonds of the
6450 State of Mississippi; notes or certificates of indebtedness issued
6451 by the Veterans' Home Purchase Board of Mississippi, provided such
6452 notes or certificates of indebtedness are secured by the pledge of
6453 collateral equal to two hundred percent (200%) of the amount of
6454 the loan, which collateral is also guaranteed at least for fifty
6455 percent (50%) of the face value by the United States government,
6456 and provided that not more than five percent (5%) of the total
6457 investment holdings of the system shall be in Veterans' Home
6458 Purchase Board notes or certificates at any time; real estate
6459 mortgage loans one hundred percent (100%) insured by the Federal
6460 Housing Administration on single family homes located in the State
6461 of Mississippi, where monthly collections and all servicing
6462 matters are handled by Federal Housing Administration approved
6463 mortgagees authorized to make such loans in the State of

6464 Mississippi;

6465 (ii) State of Mississippi highway bonds;

6466 (iii) Funds may be deposited in federally insured
6467 institutions domiciled in the State of Mississippi or a custodial
6468 bank which appears on the State of Mississippi Treasury
6469 Department's approved depository list and/or safekeeper list;

6470 (iv) Corporate bonds of investment grade as rated
6471 by Standard & Poor's or by Moody's Investment Service, with bonds
6472 rated BAA/BBB not to exceed five percent (5%) of the book value of
6473 the total fixed income investments; or corporate short-term
6474 obligations of corporations or of wholly owned subsidiaries of
6475 corporations, whose short-term obligations are rated A-3 or better
6476 by Standard and Poor's or rated P-3 or better by Moody's
6477 Investment Service;

6478 (v) Bonds of the Tennessee Valley Authority;

6479 (vi) Bonds, notes, certificates and other valid
6480 obligations of the United States, and other valid obligations of
6481 any federal instrumentality that issues securities under authority
6482 of an act of Congress and are exempt from registration with the
6483 Securities and Exchange Commission;

6484 (vii) Bonds, notes, debentures and other
6485 securities issued by any federal instrumentality and fully
6486 guaranteed by the United States. Direct obligations issued by the
6487 United States of America shall be deemed to include securities of,
6488 or other interests in, any open-end or closed-end management type
6489 investment company or investment trust registered under the
6490 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
6491 portfolio of such investment company or investment trust is

6492 limited to direct obligations issued by the United States of
6493 America, United States government agencies, United States
6494 government instrumentalities or United States government sponsored
6495 enterprises, and to repurchase agreements fully collateralized by
6496 direct obligations of the United States of America, United States
6497 government agencies, United States government instrumentalities or
6498 United States government sponsored enterprises, and the investment
6499 company or investment trust takes delivery of such collateral for
6500 the repurchase agreement, either directly or through an authorized
6501 custodian. The State Treasurer and the Executive Director of the
6502 Department of Finance and Administration shall review and approve
6503 the investment companies and investment trusts in which funds may
6504 be invested;

6505 (viii) Interest-bearing bonds or notes which are
6506 general obligations of any other state in the United States or of
6507 any city or county therein, provided such city or county had a
6508 population as shown by the federal census next preceding such
6509 investment of not less than twenty-five thousand (25,000)
6510 inhabitants and provided that such state, city or county has not
6511 defaulted for a period longer than thirty (30) days in the payment
6512 of principal or interest on any of its general obligation
6513 indebtedness during a period of ten (10) calendar years
6514 immediately preceding such investment;

6515 (ix) Shares of stocks, common and/or preferred, of
6516 corporations created by or existing under the laws of the United
6517 States or any state, district or territory thereof; provided:

6518 (A) The maximum investments in stocks shall
6519 not exceed fifty percent (50%) of the book value of the total

6520 investment fund of the system;

6521 (B) The stock of such corporation shall:

6522 1. Be listed on a national stock

6523 exchange, or

6524 2. Be traded in the over-the-counter

6525 market, provided price quotations for such over-the-counter stocks

6526 are quoted by the National Association of Securities Dealers

6527 Automated Quotation System (NASDAQ);

6528 (C) The outstanding shares of such

6529 corporation shall have a total market value of not less than Fifty

6530 Million Dollars (\$50,000,000.00);

6531 (D) The amount of investment in any one (1)

6532 corporation shall not exceed three percent (3%) of the book value

6533 of the assets of the system; and

6534 (E) The shares of any one (1) corporation

6535 owned by the system shall not exceed five percent (5%) of that

6536 corporation's outstanding stock;

6537 (x) Bonds rated Single A or better, stocks and

6538 convertible securities of established non-United States companies,

6539 which companies are listed on only primary national stock

6540 exchanges of foreign nations; and in foreign government securities

6541 rated Single A or better by a recognized rating agency; provided

6542 that the total book value of investments under this paragraph

6543 shall at no time exceed twenty percent (20%) of the total book

6544 value of all investments of the system. The board may take

6545 requisite action to effectuate or hedge such transactions through

6546 foreign banks, including the purchase and sale, transfer, exchange

6547 or otherwise disposal of, and generally deal in foreign exchange

6548 through the use of foreign currency, interbank forward contracts,
6549 futures contracts, options contracts, swaps and other related
6550 derivative instruments, notwithstanding any other provisions of
6551 this chapter to the contrary;

6552 (xi) Covered call and put options on securities
6553 traded on one or more of the regulated exchanges;

6554 (xii) Institutional investment trusts managed by a
6555 corporate trustee or by a Securities and Exchange Commission
6556 registered investment advisory firm retained as an investment
6557 manager by the board of directors, and institutional class shares
6558 of investment companies and unit investment trusts registered
6559 under the Investment Company Act of 1940 where such funds or
6560 shares are comprised of common or preferred stocks, bonds, money
6561 market instruments or other investments authorized under this
6562 section. Any investment manager or managers approved by the board
6563 of directors shall invest such funds or shares as a fiduciary;

6564 (xiii) Pooled or commingled real estate funds or
6565 real estate securities managed by a corporate trustee or by a
6566 Securities and Exchange Commission registered investment advisory
6567 firm retained as an investment manager by the board of directors.

6568 Such investment in commingled funds or shares shall be held in
6569 trust; provided that the total book value of investments under
6570 this paragraph shall at no time exceed five percent (5%) of the
6571 total book value of all investments of the system. Any investment
6572 manager approved by the board of directors shall invest such
6573 commingled funds or shares as a fiduciary;

6574 (w) All investments shall be acquired by the board at
6575 prices not exceeding the prevailing market values for such

6576 securities;

6577 (x) Any limitations herein set forth shall be
6578 applicable only at the time of purchase and shall not require the
6579 liquidation of any investment at any time. All investments shall
6580 be clearly marked to indicate ownership by the system and to the
6581 extent possible shall be registered in the name of the system;

6582 (y) Subject to the above terms, conditions, limitations
6583 and restrictions, the board shall have power to sell, assign,
6584 transfer and dispose of any of the securities and investments of
6585 the system, provided that the sale, assignment or transfer has the
6586 majority approval of the entire board. The board may employ or
6587 contract with investment managers, evaluation services or other
6588 such services as determined by the board to be necessary for the
6589 effective and efficient operation of the system;

6590 (z) Except as otherwise provided herein, no trustee and
6591 no employee of the board shall have any direct or indirect
6592 interest in the income, gains or profits of any investment made by
6593 the board, nor shall any such person receive any pay or emolument
6594 for his services in connection with any investment made by the
6595 board. No trustee or employee of the board shall become an
6596 endorser or surety, or in any manner an obligor for money loaned
6597 by or borrowed from the system;

6598 (aa) All interest derived from investments and any
6599 gains from the sale or exchange of investments shall be credited
6600 by the board to the account of the system;

6601 (bb) To delegate responsibility for administration of
6602 the comprehensive investment plan to a consultant the board
6603 determines to be qualified. Such consultant shall be compensated

6604 by the board. Directly or through such consultant, the board may
6605 contract to provide such services as may be a part of the
6606 comprehensive investment plan or as may be deemed necessary or
6607 proper by the board or such consultant, including, but not limited
6608 to, providing consolidated billing, individual and collective
6609 record keeping and accounting, and asset purchase, control and
6610 safekeeping;

6611 (cc) To annually prepare or cause to be prepared a
6612 report setting forth in appropriate detail an accounting of the
6613 fund and a description of the financial condition of the program
6614 at the close of each fiscal year. Such report shall be submitted
6615 to the Governor, the Lieutenant Governor, the President of the
6616 Senate, the Speaker of the House of Representatives, the
6617 Commissioner of Higher Education, the State Board for Community
6618 and Junior Colleges and the State Board of Education on or before
6619 March 31 each year. In addition, the board shall make the report
6620 available to purchasers of advance payment contracts. The board
6621 shall provide to the Commissioner of Higher Education and the
6622 State Board for Community and Junior Colleges by March 31 each
6623 year complete advance payment contract sales information including
6624 projected postsecondary enrollments of beneficiaries. The
6625 accounts of the fund shall be subject to annual audits by the
6626 State Auditor or his designee;

6627 (dd) To solicit proposals for the marketing of the
6628 Mississippi Prepaid Affordable College Tuition Program. The
6629 entity designated pursuant to this paragraph shall serve as a
6630 centralized marketing agent for the program and shall solely be
6631 responsible for the marketing of the program. Any materials

6632 produced for the purpose of marketing the programs shall be
6633 submitted to the board for review. No such materials shall be
6634 made available to the public before the materials are approved by
6635 the board. Any educational institution may distribute marketing
6636 materials produced for the program; however, all such materials
6637 shall have been approved by the board prior to distribution.

6638 Neither the state nor the board shall be liable for
6639 misrepresentation of the program by a marketing agent; and

6640 (ee) To establish other policies, procedures and
6641 criteria necessary to implement and administer the provisions of
6642 this chapter.

6643 For efficient and effective administration of the program and
6644 trust fund, the board may authorize the State of Mississippi
6645 Treasury Department and/or the State Treasurer to carry out any or
6646 all of the powers and duties enumerated above.

6647 SECTION 172. Section 37-157-1, Mississippi Code of 1972, is
6648 amended as follows:[LH161]

6649 37-157-1. (1) The tuition at any institution of higher
6650 education in the state shall be paid by the state on behalf of any
6651 student who enrolls in such a school to pursue an academic
6652 undergraduate degree, who applies for the payment thereof, and who
6653 meets all of the following qualifications:

6654 (a) Actual residence in Mississippi during the
6655 twenty-four (24) months immediately preceding university
6656 enrollment. For the purposes of this paragraph, residency shall
6657 be demonstrated by proof of the following as required by the
6658 administering agency:

6659 (i) If registered to vote, being registered in

6660 Mississippi.

6661 (ii) If licensed to drive a motor vehicle, being
6662 in possession of a Mississippi driver's license.

6663 (iii) If owning a motor vehicle located within
6664 Mississippi, being in possession of Mississippi registration for
6665 that vehicle.

6666 (iv) If earning an income, having filed a
6667 Mississippi state income tax return and having complied with state
6668 income tax laws and regulations.

6669 (b) Having a parent or guardian who is a domiciliary of
6670 Mississippi.

6671 (c) Graduation from high school within the two (2)
6672 years preceding the application with a minimum cumulative grade
6673 point average of 2.5 calculated on a 4.0 scale.

6674 (d) Successful completion of seventeen and one-half
6675 (17-1/2) units of high school course work (Grade 9 level or
6676 higher) which constitutes a core curriculum and meets standards
6677 for admission to the desired college or university. The core
6678 curriculum is defined as follows:

6679 (i) English I, II, III and IV (four (4) units).

6680 (ii) Algebra I and II (two (2) units).

6681 (iii) Geometry, Trigonometry, Calculus or
6682 comparable Advanced Mathematics (one (1) unit).

6683 (iv) Biology (one (1) unit).

6684 (v) Chemistry (one (1) unit).

6685 (vi) Earth Science, Environmental Science,
6686 Physical Science, Biology II, Chemistry II or Physics (one (1)
6687 unit).

6688 (vii) American History (one (1) unit).

6689 (viii) World History, World Cultures, Western
6690 Civilization or World Geography (one (1) unit).

6691 (ix) Civics and/or Economics (one (1) unit).

6692 (x) Fine Arts Survey (one (1) unit; or substitute
6693 two (2) units of performance courses in music, dance or theater;
6694 or substitute two (2) units of studio art courses).

6695 (xi) Foreign Language (two (2) units in a single
6696 language).

6697 (xii) Computer Science, Computer Literacy or Data
6698 Processing (one-half (1/2) unit).

6699 (xiii) Electives from the above (one (1) unit).

6700 (e) Having a composite score on the American College
6701 Test of at least twenty (20) on the 1989 version or an equivalent
6702 concordant value on an enhanced version of such test.

6703 (f) Having no criminal record, except for misdemeanor
6704 traffic violations.

6705 (g) Being in financial need.

6706 (2) For purposes of this section:

6707 (a) "Institution of higher education" shall mean any of
6708 the following institutions of higher learning or community or
6709 junior colleges located in Mississippi: Alcorn State University,
6710 Delta State University, Jackson State University, Mississippi
6711 State University, Mississippi University for Women, Mississippi
6712 Valley State University, University of Mississippi, University of
6713 Southern Mississippi, Coahoma Community College, Copiah-Lincoln
6714 Community College, East Central Community College, East
6715 Mississippi Community College, Hinds Community College, Holmes

6716 Community College, Itawamba Community College, Jones County Junior
6717 College, Meridian Community College, Mississippi Delta Community
6718 College, Mississippi Gulf Coast Community College, Northeast
6719 Mississippi Community College, Northwest Mississippi Community
6720 College, Pearl River Community College, Southwest Mississippi
6721 Community College, Belhaven College, Blue Mountain College,
6722 Millsaps College, Mississippi College, Rust College, Tougaloo
6723 College, William Carey College, Mary Holmes College, Magnolia
6724 Bible College and Wood College.

6725 (b) "Tuition" shall mean the semester or trimester or
6726 term charges and all required fees imposed by an institution of
6727 higher education as a condition of enrollment by all students.
6728 However, for a two-year nonpublic institution of higher education
6729 defined in paragraph (a), the tuition payments shall not exceed
6730 the average charges and fees required by all of the two-year
6731 public institutions of higher education defined in paragraph (a),
6732 and for a four-year nonpublic institution of higher education
6733 defined in paragraph (a), the tuition payments shall not exceed
6734 the average charges and fees required by all of the four-year
6735 public institutions of higher education defined in paragraph (a).

6736 (3) The tuition at any institution of higher education in
6737 the state shall be paid by the state on behalf of any student who
6738 enrolls in such a school to pursue an academic undergraduate or
6739 associate degree, who applies for the payment thereof, and who
6740 meets the qualifications enumerated in paragraphs (a), (b), (f)
6741 and (g) of subsection (1) but who fails to meet one (1) of the
6742 particular requirements established by paragraph (c), (d) or (e)
6743 of subsection (1) by an amount of ten percent (10%) or less.

6744 (4) To maintain continued state payment of tuition, once
6745 enrolled in an institution of higher education, a student shall
6746 meet all of the following requirements:

6747 (a) Make steady academic progress toward a degree,
6748 earning not less than the minimum number of hours of credit
6749 required for full-time standing in each academic period requiring
6750 such enrollment;

6751 (b) Maintain continuous enrollment for not less than
6752 two (2) semesters or three (3) quarters in each successive
6753 academic year, unless granted an exception for cause by the
6754 administering agency;

6755 (c) Have a cumulative grade point average of at least
6756 2.5 calculated on a 4.0 scale at the end of the first academic
6757 year and thereafter maintain such a cumulative grade point average
6758 as evaluated at the end of each academic year;

6759 (d) Have no criminal record, except for misdemeanor
6760 traffic violations; and

6761 (e) Be found to be in financial need.

6762 (5) The provisions of this chapter shall be administered by
6763 the Commissioner of Higher Education in conjunction with the State
6764 Board for Community and Junior Colleges. The board may provide by
6765 rule for all matters necessary for the implementation of this
6766 chapter.

6767 (6) By rule, the board shall provide for:

6768 (a) A mechanism for informing all students of the
6769 availability of the assistance provided pursuant to this chapter
6770 early enough in their schooling that a salutary motivational
6771 effect is possible.

6772 (b) Applications, forms, financial audit procedures,
6773 eligibility and other program audit procedures and other matters
6774 related to efficient operation.

6775 (c) A procedure for waiver through the 1996-1997
6776 academic year of the program eligibility requirement for
6777 successful completion of a specified core curriculum upon proper
6778 documentation by the applicant that failure to comply with such
6779 requirement is due solely to the fact that the required course or
6780 courses were not available to the applicant at the school
6781 attended.

6782 (7) An applicant shall be found to be in financial need if:

6783 (a) The family has one (1) child under the age of
6784 twenty-one (21), and the two-year average annual adjusted gross
6785 income of the family is less than Thirty-six Thousand Five Hundred
6786 Dollars (\$36,500.00); or

6787 (b) The family has a two-year average annual adjusted
6788 gross income of less than Thirty-six Thousand Five Hundred Dollars
6789 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
6790 additional child under the age of twenty-one (21).

6791 The two-year average annual adjusted gross income of the
6792 family shall be verified by Internal Revenue Service returns or by
6793 certified affidavits in cases of income that cannot be verified by
6794 such returns.

6795 As used in this subsection, the term "family" for an
6796 unemancipated applicant means the applicant, the applicant's
6797 parents, and other children under age twenty-one (21) of the
6798 applicant's parents. The term "family" for an emancipated
6799 applicant means the applicant, an applicant's spouse, and any

6800 children under age twenty-one (21) of the applicant and spouse.

6801 (8) An appropriation of funds may annually be made to the
6802 board sufficient to cover, in addition to any other available
6803 funds, the costs of tuition required to be paid, both initial and
6804 continuing, for the coming academic year. All such payments shall
6805 be made directly to the institution to which such tuition is due
6806 after notice to the school that the state shall pay the tuition of
6807 a student and after notice from the school that the student has
6808 actually enrolled.

6809 (9) The board may seek, accept and expend funds from any
6810 source, including private business, industry, foundations and
6811 other groups as well as any federal or other governmental funding
6812 available for this purpose.

6813 (10) No student shall receive a grant pursuant to this
6814 chapter in an amount greater than the tuition charged by the
6815 school. The student must apply for a federal grant prior to
6816 receiving state funds.

6817 SECTION 173. Section 37-157-3, Mississippi Code of 1972, is
6818 amended as follows:[LH162]

6819 37-157-3. There is hereby created in the State Treasury a
6820 special trust fund to be known as the Student Tuition Assistance
6821 Trust Fund. The trust fund shall consist of all monies designated
6822 by the Legislature for deposit therein and any gift, donation,
6823 bequest, trust, grant, endowment, transfer of money or securities,
6824 or any other monies from any source whatsoever, designated for
6825 deposit in the trust fund.

6826 The principal of the trust fund shall remain inviolate and
6827 shall be invested by the State Treasurer in the same manner as

6828 provided by Section 27-105-33, Mississippi Code of 1972, for the
6829 investment of excess state funds. Interest and income derived
6830 from investment of the principal of the trust fund shall be
6831 appropriated by the Legislature to the Commissioner of Higher
6832 Education for expenditure as provided in this chapter.

6833 SECTION 174. Section 37-159-3, Mississippi Code of 1972, is
6834 amended as follows:[LH163]

6835 37-159-3. (1) There is established the "Critical Needs
6836 Teacher Scholarship Program," the purpose of which is to attract
6837 qualified teachers to those geographical areas of the state where
6838 there exists a critical shortage of teachers by awarding full
6839 scholarships to persons declaring an intention to serve in the
6840 teaching field who actually render service to the state while
6841 possessing an appropriate teaching license.

6842 (2) Any individual who is enrolled in or accepted for
6843 enrollment at a baccalaureate degree-granting institution of
6844 higher learning whose teacher education program is approved by the
6845 State Board of Education or at an accredited, nonprofit community
6846 or junior college in the State of Mississippi who expresses in
6847 writing an intention to teach in a geographical area of the state
6848 in which there exists a critical shortage of teachers, as
6849 designated by the State Board of Education, shall be eligible for
6850 a financial scholarship to be applied toward the costs of the
6851 individual's college education. The annual amount of the award
6852 shall be equal to the total cost for tuition, room and meals,
6853 books, materials and fees at the college or university in which
6854 the student is enrolled, not to exceed an amount equal to the
6855 highest total cost of tuition, room and meals, books, materials

6856 and fees assessed by a state institution of higher learning during
6857 that school year. Awards made to nonresidents of the state shall
6858 not include any amount assessed by the college or university for
6859 out-of-state tuition.

6860 (3) Awards granted under the Critical Needs Teacher
6861 Scholarship Program shall be available to both full-time and
6862 part-time students. Students enrolling on a full-time basis may
6863 receive a maximum of four (4) annual awards. The maximum number
6864 of awards that may be made to students attending school on a
6865 part-time basis, and the maximum time period for part-time
6866 students to complete the number of academic hours necessary to
6867 obtain a baccalaureate degree in education, shall be established
6868 by rules and regulations jointly promulgated by the Commissioner
6869 of Higher Education and the State Board of Education. Critical
6870 Needs Teacher Scholarships shall not be based upon an applicant's
6871 eligibility for financial aid.

6872 (4) Except in those cases where employment positions may not
6873 be available upon completion of licensure requirements, at the
6874 beginning of the first school year in which a recipient of a
6875 Critical Needs Teacher Scholarship is eligible for employment as a
6876 licensed teacher, that person shall begin to render service as a
6877 licensed teacher in a public school district in a geographical
6878 area of the state where there is a critical shortage of teachers,
6879 as approved by the State Board of Education. Any person who
6880 received four (4) annual awards, or the equivalent of four (4)
6881 annual awards, shall render three (3) years' service as a licensed
6882 teacher. Any person who received fewer than four (4) annual
6883 awards, or the equivalent of four (4) annual awards, shall render

6884 one (1) year's service as a licensed teacher for each year that
6885 the person received a full-time student scholarship, or for the
6886 number of academic hours equivalent to one (1) school year, as
6887 determined by the Commissioner of Higher Education, which a
6888 part-time student received a scholarship.

6889 (5) Any person failing to complete a program of study which
6890 will enable that person to become a licensed teacher shall become
6891 liable immediately to the Commissioner of Higher Education for the
6892 sum of all Critical Needs Teacher Scholarship awards made to that
6893 person, plus interest accruing at the current Stafford Loan rate
6894 at the time the person abrogates his participation in the program.

6895 Any person failing to complete his teaching obligation, as
6896 required under subsection (4) of this section, shall become liable
6897 immediately to the commissioner for the sum of all scholarship
6898 awards made to that person less the corresponding amount of any
6899 awards for which service has been rendered, plus interest accruing
6900 at the current Stafford Loan rate at the time the person
6901 discontinues his service, except in the case of a deferral of debt
6902 for cause by the State Board of Education when there is no
6903 employment position immediately available upon a teacher's
6904 completion of licensure requirements. After the period of such
6905 deferral, such person shall begin or resume teaching duties as
6906 required under subsection (4) or shall become liable to the
6907 commissioner under this subsection. If a claim for payment under
6908 this subsection is placed in the hands of an attorney for
6909 collection, the obligor shall be liable for an additional amount
6910 equal to a reasonable attorney's fee.

6911 (6) The obligations made by the recipient of a Critical

6912 Needs Teacher Scholarship award shall not be voidable by reason of
6913 the age of the student at the time of receiving the scholarship.

6914 (7) The Commissioner of Higher Education and the State Board
6915 of Education shall jointly promulgate rules and regulations
6916 necessary for the proper administration of the Critical Needs
6917 Teacher Scholarship Program. The commissioner shall be the
6918 administrator of the program.

6919 (8) If insufficient funds are available to fully fund
6920 scholarship awards to all eligible students, the commissioner
6921 shall make the awards to first-time students on a first-come,
6922 first-served basis; however, priority consideration shall be given
6923 to persons previously receiving awards under the Critical Needs
6924 Teacher Scholarship Program.

6925 (9) All funds received by the Commissioner of Higher
6926 Education from the repayment of scholarship awards by program
6927 participants shall be deposited in the Mississippi Critical
6928 Teacher Shortage Fund.

6929 SECTION 175. Section 37-159-15, Mississippi Code of 1972, is
6930 amended as follows:[LH164]

6931 37-159-15. The State Department of Education and the
6932 Commissioner of Higher Education shall jointly prepare an annual
6933 report for the Legislature, to be submitted by December 1 of each
6934 year beginning in 1998, which shall assess the impact of the
6935 teacher recruitment incentive programs authorized under House Bill
6936 No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the
6937 employment of licensed teachers in critical teacher shortage
6938 areas. The report shall include, at a minimum, the numbers of
6939 persons who have participated in each of the programs each year,

6940 and the numbers of persons who have participated in the programs
6941 who have rendered service as teachers in critical teacher shortage
6942 areas each year by school district.

6943 SECTION 176. Section 41-13-15, Mississippi Code of 1972, is
6944 amended as follows:[LH165]

6945 41-13-15. (1) Any county and/or any political or judicial
6946 subdivision of a county and/or any municipality of the State of
6947 Mississippi, acting individually or jointly, may acquire and hold
6948 real estate for a community hospital either recognized and/or
6949 licensed as such by either the State of Mississippi or the United
6950 States government, and may, after complying with applicable health
6951 planning and licensure statutes, construct a community hospital
6952 thereon and/or appropriate funds according to the provisions of
6953 this chapter for the construction, remodeling, maintaining,
6954 equipping, furnishing and expansion of such facilities by the
6955 board of trustees upon such real estate.

6956 (2) Where joint ownership of a community hospital is
6957 involved, the owners are hereby authorized to contract with each
6958 other for determining the pro rata ownership of such community
6959 hospital, the proportionate cost of maintenance and operation, and
6960 the proportionate financing that each will contribute to the
6961 community hospital.

6962 (3) The owners may likewise contract with each other, or on
6963 behalf of any subordinate political or judicial subdivision, or
6964 with the board of trustees of a community hospital, and/or any
6965 agency of the State of Mississippi or the United States
6966 government, for necessary purposes related to the establishment,
6967 operation or maintenance of community hospitals and related

6968 programs wherever located, and may either accept from, sell or
6969 contribute to the other entities, monies, personal property or
6970 existing health facilities. The owners or the board of trustees
6971 may also receive monies, property or any other valuables of any
6972 kind through gifts, donations, devises or other recognized means
6973 from any source for the purpose of hospital use.

6974 (4) Owners and boards of trustees, acting jointly or
6975 severally, may acquire and hold real estate for offices for
6976 physicians and other health care practitioners and related health
6977 care or support facilities, provided that any contract for the
6978 purchase of real property must be ratified by the owner, and may
6979 thereon construct and equip, maintain and remodel or expand such
6980 offices and related facilities, and the board of trustees may
6981 lease same to members of the hospital staff or others at a rate
6982 deemed to be in the best interest of the community hospital.

6983 (5) If any political or judicial subdivision of a county is
6984 obligated hereunder, the boundaries of such district shall not be
6985 altered in such a manner as to relieve any portion thereof of its
6986 obligation hereunder.

6987 (6) Owners may convey to any other owner any or all
6988 property, real or personal, comprising any existing community
6989 hospital, including related facilities, wherever located, owned by
6990 such conveying owner. Such conveyance shall be upon such terms
6991 and conditions as may be agreed upon and may make such provisions
6992 for transfers of operating funds and/or for the assumption of
6993 liabilities of the community hospital as may be deemed appropriate
6994 by the respective owners.

6995 (7) (a) Except as provided for in subsection (11) of this

6996 section, owners may lease all or part of the property, real or
6997 personal, comprising a community hospital, including any related
6998 facilities, wherever located, and/or assets of such community
6999 hospital, to any individual, partnership or corporation, whether
7000 operating on a nonprofit basis or on a profit basis, or to the
7001 board of trustees of such community hospital or any other owner or
7002 board of trustees, subject to the applicable provisions of
7003 subsections (8), (9) and (10) of this section. The term of such
7004 lease shall not exceed fifty (50) years. Such lease shall be
7005 conditioned upon (i) the leased facility continuing to operate in
7006 a manner safeguarding community health interests; (ii) the
7007 proceeds from the lease being first applied against such bonds,
7008 notes or other evidence of indebtedness as are issued pursuant to
7009 Section 41-13-19 as and when they are due, provided that the terms
7010 of the lease shall cover any indebtedness pursuant to Section
7011 41-13-19; and (iii) any surplus proceeds from the lease being
7012 deposited in the general fund of the owner, which proceeds may be
7013 used for any lawful purpose. Such lease shall be subject to the
7014 express approval of the board of trustees of the community
7015 hospital, except in the case where the board of trustees of the
7016 community hospital will be the lessee. However, owners may not
7017 lease any community hospital to the University of Mississippi
7018 Medical Center unless first the University of Mississippi Medical
7019 Center has obtained authority to lease such hospital under
7020 specific terms and conditions from the Board of Trustees of the
7021 University of Mississippi.

7022 If the owner wishes to lease a community hospital without an
7023 option to sell it and the approval of the board of trustees of the

7024 community hospital is required but is not given within thirty (30)
7025 days of the request for its approval by the owner, then the owner
7026 may enter such lease as described herein on the following
7027 conditions: A resolution by the owner describing its intention to
7028 enter such lease shall be published once a week for at least three
7029 (3) consecutive weeks in at least one (1) newspaper published in
7030 the county or city, as the case may be, or if none be so
7031 published, in a newspaper having a general circulation therein.
7032 The first publication of such notice shall be made not less than
7033 twenty-one (21) days prior to the date fixed in such resolution
7034 for the lease of the community hospital and the last publication
7035 shall be made not more than seven (7) days prior to such date.
7036 If, on or prior to the date fixed in such resolution for the lease
7037 of the community hospital, there shall be filed with the clerk of
7038 the owner a petition signed by twenty percent (20%) or fifteen
7039 hundred (1500), whichever is less, of the qualified voters of such
7040 owner, requesting that an election be called and held on the
7041 question of the lease of the community hospital, then it shall be
7042 the duty of the owner to call and provide for the holding of an
7043 election as petitioned for. In such case, no such lease shall be
7044 entered into unless authorized by the affirmative vote of the
7045 majority of the qualified voters of such owner who vote on the
7046 proposition at such election. Notice of such election shall be
7047 given by publication in like manner as hereinabove provided for
7048 the publication of the initial resolution. Such election shall be
7049 conducted and the return thereof made, canvassed and declared as
7050 nearly as may be in like manner as is now or may hereafter be
7051 provided by law in the case of general elections in such owner.

7052 If, on or prior to the date fixed in the owner's resolution for
7053 the lease of the community hospital, no such petition as described
7054 above is filed with the clerk of the owner, then the owner may
7055 proceed with the lease subject to the other requirements of this
7056 section. Subject to the above conditions, the lease agreement
7057 shall be upon such terms and conditions as may be agreed upon and
7058 may make such provision for transfers of tangible and intangible
7059 personal property and operating funds and/or for the assumption of
7060 liabilities of the community hospital and for such lease payments,
7061 all as may be deemed appropriate by the owners.

7062 (b) Owners may sell and convey all or part of the
7063 property, real or personal, comprising a community hospital,
7064 including any related facilities, wherever located, and/or assets
7065 of such community hospital, to any individual, partnership or
7066 corporation, whether operating on a nonprofit basis or on a profit
7067 basis, or to the board of trustees of such community hospital or
7068 any other owner or board of trustees, subject to the applicable
7069 provisions of subsections (8) and (10) of this section. Such sale
7070 and conveyance shall be upon such terms and conditions as may be
7071 agreed upon by the owner and the purchaser that are consistent
7072 with the requirements of this section, and the parties may make
7073 such provisions for the transfer of operating funds or for the
7074 assumption of liabilities of the facility, or both, as they deem
7075 appropriate. However, such sale and conveyance shall be
7076 conditioned upon (i) the facility continuing to operate in a
7077 manner safeguarding community health interests; (ii) the proceeds
7078 from such sale being first applied against such bonds, notes or
7079 other evidence of indebtedness as are issued pursuant to Section

7080 41-13-19 as and when they are due, provided that the terms of the
7081 sale shall cover any indebtedness pursuant to Section 41-13-19;
7082 and (iii) any surplus proceeds from the sale being deposited in
7083 the general fund of the owner, which proceeds may be used for any
7084 lawful purpose. However, owners may not sell or convey any
7085 community hospital to the University of Mississippi Medical Center
7086 unless first the University of Mississippi Medical Center has
7087 obtained authority to purchase such hospital under specific terms
7088 and conditions from the Board of Trustees of the University of
7089 Mississippi.

7090 (8) Whenever any owner decides that it may be in its best
7091 interests to sell or lease a community hospital as provided for
7092 under subsection (7) of this section, the owner shall first
7093 contract with a certified public accounting firm, a law firm or
7094 competent professional health care or management consultants to
7095 review the current operating condition of the community hospital.
7096 The review shall consist of, at minimum, the following:

7097 (a) A review of the community's inpatient facility
7098 needs based on current workload, historical trends and
7099 projections, based on demographic data, of future needs.

7100 (b) A review of the competitive market for services,
7101 including other hospitals which serve the same area, the services
7102 provided and the market perception of the competitive hospitals.

7103 (c) A review of the hospital's strengths relative to
7104 the competition and its capacity to compete in light of projected
7105 trends and competition.

7106 (d) An analysis of the hospital's options, including
7107 service mix and pricing strategies. If the study concludes that a

7108 sale or lease should occur, the study shall include an analysis of
7109 which option would be best for the community and how much revenues
7110 should be derived from the lease or sale.

7111 (9) After the review and analysis under subsection (8) of
7112 this section, an owner may choose to sell or lease the community
7113 hospital. If an owner chooses to sell such hospital or lease the
7114 hospital with an option to sell it, the owner shall follow the
7115 procedure specified in subsection (10) of this section. If an
7116 owner chooses to lease the hospital without an option to sell it,
7117 it shall first spread upon its minutes why such a lease is in the
7118 best interests of the persons living in the area served by the
7119 facility to be leased, and it shall make public any and all
7120 findings and recommendations made in the review required under
7121 proposals for the lease, which shall state clearly the minimum
7122 required terms of all respondents and the evaluation process that
7123 will be used when the owner reviews the proposals. The owner
7124 shall lease to the respondent submitting the highest and best
7125 proposal. In no case may the owner deviate from the process
7126 provided for in the request for proposals.

7127 (10) If an owner wishes to sell such community hospital or
7128 lease the hospital with an option to sell it, the owner first
7129 shall conduct a public hearing on the issue of the proposed sale
7130 or lease with an option to sell the hospital. Notice of the date,
7131 time, location and purpose of the public hearing shall be
7132 published once a week for at least three (3) consecutive weeks in
7133 at least one (1) newspaper published in the county or city, as the
7134 case may be, or if none be so published, in a newspaper having a
7135 general circulation therein. The first publication of the notice

7136 shall be made not less than twenty-one (21) days before the date
7137 of the public hearing and the last publication shall be made not
7138 more than seven (7) days before that date. If, after the public
7139 hearing, the owner chooses to sell or lease with an option to sell
7140 the hospital, the owner shall adopt a resolution describing its
7141 intention to sell or lease with an option to sell the hospital,
7142 which shall include the owner's reasons why such a sale or lease
7143 is in the best interests of the persons living in the area served
7144 by the facility to be sold or leased. The owner then shall
7145 publish a copy of the resolution; the requirements for proposals
7146 for the sale or lease with an option to sell the hospital, which
7147 shall state clearly the minimum required terms of all respondents
7148 and the evaluation process that will be used when the owner
7149 reviews the proposals; and the date proposed by the owner for the
7150 sale or lease with an option to sell the hospital. Such
7151 publication shall be made once a week for at least three (3)
7152 consecutive weeks in at least one (1) newspaper published in the
7153 county or city, as the case may be, or if none be so published, in
7154 a newspaper having a general circulation therein. The first
7155 publication of the notice shall be made not less than twenty-one
7156 (21) days before the date proposed for the sale or lease with an
7157 option to sell the hospital and the last publication shall be made
7158 not more than seven (7) days before that date. If, on or before
7159 the date proposed for the sale or lease of the hospital, there is
7160 filed with the clerk of the owner a petition signed by twenty
7161 percent (20%) or fifteen hundred (1500), whichever is less, of the
7162 qualified voters of the owner, requesting that an election be
7163 called and held on the question of the sale or lease with an

7164 option to sell the hospital, then it shall be the duty of the
7165 owner to call and provide for the holding of an election as
7166 petitioned for. In that case, no such sale or lease shall be
7167 entered into unless authorized by the affirmative vote of the
7168 majority of the qualified voters of the owner who vote on the
7169 proposition at such election. Notice of the election shall be
7170 given by publication in the same manner as provided for the
7171 publication of the initial resolution. The election shall be
7172 conducted and the return thereof made, canvassed and declared in
7173 the same manner as provided by law in the case of general
7174 elections in the owner. If, on or before the date proposed for
7175 the sale or lease of the hospital, no such petition is filed with
7176 the clerk of the owner, then the owner may sell or lease with an
7177 option to sell the hospital. Such sale or lease shall be made to
7178 the respondent submitting the highest and best proposal. In no
7179 case may the owner deviate from the process provided for in the
7180 request for proposals.

7181 (11) A lessee of a community hospital, under a lease entered
7182 into under the authority of Section 41-13-15, in effect prior to
7183 July 15, 1993, or an affiliate thereof, may extend or renew such
7184 lease whether or not an option to renew or extend the lease is
7185 contained in the lease, for a term not to exceed fifteen (15)
7186 years, conditioned upon (a) the leased facility continuing to
7187 operate in a manner safeguarding community health interest; (b)
7188 proceeds from the lease being first applied against such bonds,
7189 notes or other evidence of indebtedness as are issued pursuant to
7190 Section 41-13-19; (c) surplus proceeds from the lease being used
7191 for health related purposes; (d) subject to the express approval

7192 of the board of trustees of the community hospital; and (e)
7193 subject to the express approval of the owner. If no board of
7194 trustees is then existing, the owner shall have the right to enter
7195 into a lease upon such terms and conditions as agreed upon by the
7196 parties. Any lease entered into under this subsection (11) may
7197 contain an option to purchase the hospital, on such terms as the
7198 parties shall agree.

7199 SECTION 177. Section 41-87-5, Mississippi Code of 1972, is
7200 amended as follows:[LH166]

7201 41-87-5. Unless the context requires otherwise, the
7202 following definitions in this section apply throughout this
7203 chapter:

7204 (a) "Eligible infants and toddlers" or "eligible
7205 children" means children from birth through thirty-six (36) months
7206 of age who need early intervention services because they:

7207 (i) Are experiencing developmental delays as
7208 measured by appropriate diagnostic instruments and procedures in
7209 one or more of the following areas:

7210 (A) Cognitive development;

7211 (B) Physical development, including vision or
7212 hearing;

7213 (C) Communication development;

7214 (D) Social or emotional development;

7215 (E) Adaptive development.

7216 (ii) Have a diagnosed physical or mental
7217 condition, as defined in state policy, that has a high probability
7218 of resulting in developmental delay.

7219 (iii) Are at risk of having substantial

7220 developmental delays if early intervention services are not
7221 provided due to conditions as defined in state policy. (This
7222 category may be served at the discretion of the lead agency
7223 contingent upon available resources.)

7224 (b) "Early intervention services" are developmental
7225 services that:

7226 (i) Are provided under public supervision;

7227 (ii) Are provided at no cost except where federal
7228 or state law provides for a system of payments by families,
7229 including a schedule of sliding fees;

7230 (iii) Are designed to meet the developmental needs
7231 of an infant or toddler with a disability in any one or more of
7232 the following areas:

7233 (A) Physical development;

7234 (B) Cognitive development;

7235 (C) Communication development;

7236 (D) Social or emotional development; or

7237 (E) Adaptive development;

7238 (iv) Meet the requirements of Part H of the
7239 Individuals with Disabilities Education Act (IDEA) and the early
7240 intervention standards of the State of Mississippi;

7241 (v) Include, but are not limited to, the following
7242 services:

7243 (A) Assistive technology devices and
7244 assistive technology services;

7245 (B) Audiology;

7246 (C) Family training, counseling and home
7247 visits;

- 7248 (D) Health services necessary to enable a
7249 child to benefit from other early intervention services;
- 7250 (E) Medical services only for diagnostic or
7251 evaluation purposes;
- 7252 (F) Nutrition services;
- 7253 (G) Occupational therapy;
- 7254 (H) Physical therapy;
- 7255 (I) Psychological services;
- 7256 (J) Service coordination (case management);
- 7257 (K) Social work services;
- 7258 (L) Special instruction;
- 7259 (M) Speech-language pathology;
- 7260 (N) Transportation and related costs that are
7261 necessary to enable an infant or toddler and her/his family to
7262 receive early intervention services; and
- 7263 (O) Vision services;
- 7264 (vi) Are provided by qualified personnel as
7265 determined by the state's personnel standards, including:
- 7266 (A) Audiologists;
- 7267 (B) Family therapists;
- 7268 (C) Nurses;
- 7269 (D) Nutritionists;
- 7270 (E) Occupational therapists;
- 7271 (F) Orientation and mobility specialists;
- 7272 (G) Pediatricians and other physicians;
- 7273 (H) Physical therapists;
- 7274 (I) Psychologists;
- 7275 (J) Social workers;

7276 (K) Special educators;

7277 (L) Speech and language pathologists;

7278 (vii) Are provided, to the maximum extent
7279 appropriate, in natural environments, including the home, and
7280 community settings in which children without disabilities would
7281 participate;

7282 (viii) Are provided in conformity with an
7283 individualized family service plan.

7284 (c) "Council" means the State Interagency Coordinating
7285 Council established under Section 41-87-7.

7286 (d) "Lead agency" means the State Department of Health.

7287 (e) "Participating agencies" includes, but is not
7288 limited to, the State Department of Education, the Department of
7289 Human Services, the State Department of Health, the Division of
7290 Medicaid, the State Department of Mental Health, the University
7291 Medical Center, the board of trustees of each state institution of
7292 higher learning and the State Board for Community and Junior
7293 Colleges.

7294 (f) "Local community" means a county either jointly,
7295 severally, or a portion thereof, participating in the provision of
7296 early intervention services.

7297 (g) "Primary service agency" means the agency, whether
7298 a state agency, local agency, local interagency council or service
7299 provider which is designated by the lead agency to serve as the
7300 fiscal and contracting agent for a local community.

7301 (h) "Multidisciplinary team" means a group comprised of
7302 the parent(s) or legal guardian and the service providers, as
7303 appropriate, described in paragraph (b) of this section, who are

7304 assembled for the purposes of:

7305 (i) Assessing the developmental needs of an infant
7306 or toddler;

7307 (ii) Developing the individualized family service
7308 plan; and

7309 (iii) Providing the infant or toddler and his or
7310 her family with the appropriate early intervention services as
7311 detailed in the individualized family service plan.

7312 (i) "Individualized family service plan" means a
7313 written plan designed to address the needs of the infant or
7314 toddler and his or her family as specified under Section 41-87-13.

7315 (j) "Early intervention standards" means those
7316 standards established by any agency or agencies statutorily
7317 designated the responsibility to establish standards for infants
7318 and toddlers with disabilities, in coordination with the council
7319 and in accordance with Part H of IDEA.

7320 (k) "Early intervention system" means the total
7321 collaborative effort in the state that is directed at meeting the
7322 needs of eligible children and their families.

7323 (l) "Parent" means a parent, a guardian, a person
7324 acting as a parent of a child, or an appointed surrogate parent.
7325 The term does not include the state if the child is a ward of the
7326 state. When a child is the ward of the state, a Department of
7327 Human Services representative will act as parent for purposes of
7328 service authorization.

7329 (m) "Policies" means the state statutes, regulations,
7330 Governor's orders, directives by the lead agency, or other written
7331 documents that represent the state's position concerning any

7332 matter covered under this chapter.

7333 (n) "Regulations" means the United States Department of
7334 Education's regulations concerning the governance and
7335 implementation of Part H of IDEA, the Early Intervention Program
7336 for Infants and Toddlers with Disabilities.

7337 SECTION 178. Section 43-55-5, Mississippi Code of 1972, is
7338 amended as follows:[LH167]

7339 43-55-5. (1) Members of the Commission for Volunteer
7340 Service shall be appointed by the Governor. The commission shall
7341 consist of no fewer than fifteen (15) and no more than twenty-five
7342 (25) members.

7343 (2) The commission members shall include as voting members,
7344 except as otherwise indicated, at least one (1) of each of the
7345 following:

7346 (a) An individual with expertise in the educational,
7347 training, and developmental needs of youth, particularly
7348 disadvantaged youth.

7349 (b) An individual with experience in promoting service
7350 and volunteerism among older adults.

7351 (c) A representative of a community-based agency.

7352 (d) The superintendent of the State Department of
7353 Education, or his or her designee.

7354 (e) A representative of local government.

7355 (f) A representative of local labor organizations.

7356 (g) A representative of business.

7357 (h) An individual between the ages of sixteen (16) and
7358 twenty-five (25) who is a participant or supervisor in a program
7359 as defined in Section 101 of Title I, 42 USCS 12511.

7360 (i) A representative of a national service program
7361 described in Section 122(a) of Title I, 42 USCS 12572.

7362 (j) The employee of the corporation designated under
7363 Section 195 of Title I, 42 USCS 12651f, as the representative of
7364 the corporation in this state, as a nonvoting member.

7365 (3) In addition to the members described in subsection (2),
7366 the commission may include as voting members any of the following:

7367 (a) Local educators.

7368 (b) Experts in the delivery of human, educational,
7369 environmental, or public safety services to communities and
7370 persons.

7371 (c) Representative of Native American tribes.

7372 (d) Out-of-school youth or other at-risk youth.

7373 (e) Representatives of entities that receive assistance
7374 under the Domestic Volunteer Service Act of 1973, Public Law
7375 93-113, 87 Stat. 394.

7376 (f) A member of the board of trustees of a state
7377 institution of higher learning, recommended by the Commissioner of
7378 Higher Education.

7379 (4) Not more than twenty-five percent (25%) of the voting
7380 commission members shall be officers or employees of this state.
7381 The Governor may appoint additional officers or employees of state
7382 agencies operating community service, youth service, education,
7383 social service, senior service, and job training programs, as
7384 nonvoting, ex officio members of the commission.

7385 (5) The Governor shall ensure, to the maximum extent
7386 possible, that the commission membership is diverse with respect
7387 to race, ethnicity, age, gender, and disability characteristics.

7388 (6) Except as provided in this subsection, members of the
7389 commission shall serve for staggered three-year terms expiring on
7390 October 1. The members constituting the Mississippi Commission
7391 for Volunteer Service under Executive Order No. 1994-742 on the
7392 day before the effective date of this chapter shall serve on the
7393 commission for the remainder of the terms for which they were
7394 appointed. Of the additional members, the Governor shall appoint
7395 one-third (1/3) of the initial members for a term of one (1) year;
7396 one-third for a term of two (2) years; and one-third (1/3) for a
7397 term of three (3) years. Following expiration of these initial
7398 terms, all appointments shall be for three-year renewable terms.
7399 Members of the commission may not serve more than two (2)
7400 consecutive terms.

7401 (7) A vacancy on the commission shall be filled in the same
7402 manner as the original appointments, and any member so appointed
7403 shall serve during the remainder of the term for which the vacancy
7404 occurred. The vacancy shall not affect the power of the remaining
7405 commission members to execute the duties of the commission.

7406 SECTION 179. Section 43-55-23, Mississippi Code of 1972, is
7407 amended as follows:[LH168]

7408 43-55-23. (1) The institutions of higher learning and the
7409 Office of the Governor shall provide necessary administrative and
7410 staff support services to the State Commission for Volunteer
7411 Service. Additional support services may be provided, including,
7412 but not limited to, the use of office space, furniture and
7413 equipment, motor vehicles, travel and other related services. The
7414 commission shall employ an executive director, who shall be
7415 initially designated by the Governor. The executive director

7416 shall employ such staff as is necessary to carry out the
7417 provisions of this chapter. Future executive directors shall be
7418 selected by the commission.

7419 (2) The commission may procure information and assistance
7420 from the state or any subdivision, municipal corporation, public
7421 officer, or governmental department or agency thereof. All
7422 agencies, officers, and political subdivisions of the state or
7423 municipal corporations shall provide the office with all relevant
7424 information and reasonable assistance on any matters of research
7425 within their knowledge or control.

7426 (3) The commission may apply for, receive, and expend funds,
7427 grants, and services from local, state, or federal government, or
7428 any of their agencies, or any other public or private sources and
7429 is authorized to use funds derived from these sources for purposes
7430 reasonable and necessary to carry out the purposes of this
7431 chapter. The commission also may expend moneys, upon
7432 appropriation by the Legislature, from the Mississippi Commission
7433 for Volunteer Service Fund created in Section 43-55-29.

7434 (4) The commission shall submit its budget request through
7435 the Commissioner of Higher Education. Such request shall be
7436 submitted * * * as a separate and distinct request made on behalf
7437 of the commission.

7438 SECTION 180. Section 47-5-401, Mississippi Code of 1972, is
7439 amended as follows:[LH169]

7440 47-5-401. (1) There is hereby authorized, in each county of
7441 the state, a public service work program for state inmates in
7442 custody of the county. Such a program may be established at the
7443 option of the county in accordance with the provisions of Sections

7444 47-5-401 through 47-5-421. The department shall also recommend
7445 rules and regulations concerning the participation of state
7446 inmates in the program.

7447 (2) An inmate shall not be eligible to participate in a work
7448 program established in accordance with the provisions of Sections
7449 47-5-401 through 47-5-421 if he has been convicted of any crime of
7450 violence, including but not limited to murder, aggravated assault,
7451 rape, robbery or armed robbery.

7452 (3) The inmates participating in the work program
7453 established in accordance with the provisions of Sections 47-5-401
7454 through 47-5-421 are restricted to the performance of public
7455 service work for counties, municipalities, the state or nonprofit
7456 charitable organizations, as defined by Section 501(c)(3) of the
7457 Internal Revenue Code of 1986, except that the Classification
7458 Committee of the Department of Corrections must approve all
7459 requests by nonprofit charitable organizations to use offenders to
7460 perform any public service work. Upon request of the board of
7461 trustees of any state institution of higher learning, or the board
7462 of trustees of a county school district, municipal school district
7463 or junior college district, the inmates may be permitted to
7464 perform work for such boards.

7465 SECTION 181. Section 47-5-451, Mississippi Code of 1972, is
7466 amended as follows:[LH170]

7467 47-5-451. (1) There is hereby authorized, in each county of
7468 the state, a public service work program for state inmates in
7469 custody of the county. Such a program may be established at the
7470 option of the county in accordance with the provisions of Sections
7471 47-5-401 through 47-5-421. The department shall also recommend

7472 rules and regulations concerning the participation of state
7473 inmates in the program.

7474 (2) An inmate shall not be eligible to participate in a work
7475 program established in accordance with the provisions of Sections
7476 47-5-401 through 47-5-421, if he has been convicted of any crime
7477 of violence, including but not limited to murder, aggravated
7478 assault, rape, robbery or armed robbery.

7479 (3) The inmates participating in the work program
7480 established in accordance with the provisions of Sections 47-5-401
7481 through 47-5-421, are restricted to the performance of public
7482 service work for counties, municipalities, the state or nonprofit
7483 charitable organizations, as defined by Section 501(c)(3) of the
7484 Internal Revenue Code of 1986, except that the Classification
7485 Committee of the Department of Corrections must approve all
7486 requests by nonprofit charitable organizations to use offenders to
7487 perform any public service work. Upon request of the board of
7488 trustees of any state institution of higher learning, or the board
7489 of trustees of a county school district, municipal school district
7490 or junior college district, the inmates may be permitted to
7491 perform work for such boards.

7492 SECTION 182. Section 49-3-5, Mississippi Code of 1972, is
7493 amended as follows:[LH171]

7494 49-3-5. The Board of Trustees of Mississippi State
7495 University is hereby authorized and directed to establish a
7496 fisheries and wildlife laboratory at Mississippi State University
7497 under the direction of the president and such other administrative
7498 authorities within the university as such board of trustees may
7499 determine.

7500 SECTION 183. Section 49-3-7, Mississippi Code of 1972, is
7501 amended as follows:

7502 49-3-7. The Board of Trustees of Mississippi State
7503 University shall provide for such laboratory such buildings,
7504 equipment, personnel, supplies and service as it shall determine
7505 to be necessary for the proper operation and maintenance of such
7506 laboratory, having due regard for the contributory facilities and
7507 programs already existing at Mississippi State University.

7508 SECTION 184. Section 49-3-11, Mississippi Code of 1972, is
7509 amended as follows:[LH172]

7510 49-3-11. In addition to the appropriations made by the
7511 Mississippi Legislature for the operation and support of the
7512 laboratory, the Board of Trustees of Mississippi State University
7513 is authorized and empowered to receive contributions, donations,
7514 gifts and grants of money and/or property, equipment, materials or
7515 manpower from persons, foundations, trust funds, corporations,
7516 organizations, the federal government or any subdivision thereof,
7517 the state government or any subdivision thereof, to be expended by
7518 the board in carrying out the purposes and objectives of this
7519 chapter.

7520 SECTION 185. Section 55-23-5, Mississippi Code of 1972, is
7521 amended as follows:[LH173]

7522 55-23-5. There is hereby created a commission to be known as
7523 "The Mississippi Veterans Memorial Stadium Commission,"
7524 hereinafter sometimes referred to as the commission, which shall
7525 consist of five (5) members as follows:

7526 (a) One (1) member shall be appointed by the Mayor of
7527 the City of Jackson, Mississippi;

7528 (b) One (1) member shall be selected by the
7529 Commissioner of Higher Education from among the membership of the
7530 boards of trustees of the state institutions of higher learning or
7531 shall be some other person designated by the commissioner; and

7532 (c) Two (2) members shall be appointed by the Governor
7533 from the state at large outside of Hinds County, Mississippi, and
7534 one (1) member shall be appointed by the Governor from Hinds
7535 County, Mississippi. The appointee from Hinds County may be
7536 selected from a list of three (3) persons submitted by the Hinds
7537 County Board of Supervisors to the Governor.

7538 Terms of members shall begin on May 1, 1987, as follows: Of
7539 the members appointed by the Governor, one (1) shall serve for a
7540 term of one (1) year, one (1) for a term of two (2) years and one
7541 (1) for a term of three (3) years; the member appointed by the
7542 Mayor of the City of Jackson shall serve for a term of four (4)
7543 years; and the member representing the board of trustees of a
7544 state institution of higher learning shall serve for a term of
7545 five (5) years. Upon the expiration of the foregoing terms,
7546 members shall serve for terms of five (5) years each. The
7547 appointing authority shall fill any vacancy in the above terms by
7548 appointment of a member for the unexpired term. Members shall be
7549 eligible for reappointment. An appointed member serving on the
7550 commission on April 30, 1987, shall be eligible for appointment to
7551 the commission for a term beginning May 1, 1987, of either one
7552 (1), two (2), three (3), four (4) or five (5) years, if such
7553 member is otherwise qualified. One (1) member of the commission
7554 appointed by the Governor shall be a person knowledgeable in
7555 marketing with at least three (3) years actual experience therein

7556 and one (1) member appointed by the Governor shall be a person of
7557 recognized ability in a trade or business with at least five (5)
7558 years actual experience therein. From and after May 1, 1987, the
7559 name of the commission shall be the "Mississippi Veterans Memorial
7560 Stadium Commission" and any references in Sections 55-23-3 through
7561 55-23-11 to the Mississippi Memorial Stadium Commission or
7562 commission shall mean the Mississippi Veterans Memorial Stadium
7563 Commission unless the context clearly indicates a different
7564 meaning. From and after May 1, 1987, the stadium shall be known
7565 as the "Mississippi Veterans Memorial Stadium." The commission is
7566 authorized to accept donations of money, property or services from
7567 any public or private source to accomplish any physical
7568 replacement or alterations of stadium property necessary to
7569 accomplish the renaming of the stadium.

7570 The members of the commission shall serve without
7571 compensation except that members shall be paid their actual and
7572 necessary expenses in connection with the performance of their
7573 duties as members of the commission, including mileage, as
7574 authorized in Section 25-3-41, Mississippi Code of 1972, plus a
7575 per diem as is authorized by Section 25-3-69, Mississippi Code of
7576 1972, while engaged in the performance of their duties. The
7577 expenses, mileage and per diem allowance shall be paid out of the
7578 Mississippi Veterans Memorial Stadium Fund.

7579 The commission shall elect from its membership a chairman who
7580 shall preside over meetings and a vice chairman who shall preside
7581 in the absence of the chairman. Three (3) members of the
7582 commission shall constitute a quorum for the transaction of any
7583 and all business of the commission.

7584 The powers of the commission shall be exercised by a majority
7585 of the members thereof, but it may delegate to one or more of its
7586 members, or to its agents and employees, such powers and duties as
7587 it may deem proper, and may adopt rules and regulations for the
7588 conduct of its business and affairs. The commission shall
7589 contract with a certified public accounting firm to conduct audits
7590 of concession and novelty sales by vendors at the stadium. The
7591 commission shall, as far as is practicable, provide that the cost
7592 of such audits shall be paid by the vendor of such concessions or
7593 novelties, or both.

7594 The commission shall appoint a director who shall have at
7595 least a bachelor's degree from an accredited university or
7596 college. The director shall have the responsibility for insuring
7597 the marketing of tickets to events conducted in the stadium, in
7598 addition to such other duties as the commission may designate.
7599 Before entering upon the duties of his office, the director shall
7600 give bond to the State of Mississippi in the sum of Fifty Thousand
7601 Dollars (\$50,000.00), and said bond shall be conditioned upon the
7602 faithful discharge and performance of his official duty. The
7603 principal and surety on said bond shall be liable thereunder to
7604 the state for double the amount of value of any money or property
7605 which the state may lose, if any, by reason of any wrongful or
7606 criminal act of said director. Said bond, when approved by the
7607 commission, shall be filed with the Secretary of State, and the
7608 premium thereon shall be paid from the Mississippi Veterans
7609 Memorial Stadium Fund.

7610 SECTION 186. Section 55-23-9, Mississippi Code of 1972, is
7611 amended as follows:[LH174]

7612 55-23-9. The commission shall operate the Mississippi
7613 Veterans Memorial Stadium and to that end may employ such agents
7614 and employees as may be required in connection therewith. It may
7615 enter into contracts for the use of the stadium, and fix the
7616 amount of the compensation therefor, and collect the same when
7617 due.

7618 All monies and revenues, including the amusement tax imposed
7619 upon the sale of tickets for admission to the stadium, and all
7620 monies arising from the use of stadium property, including that
7621 realized from the sale of concessions, shall be paid by the
7622 commission to the State Treasurer, to be placed to the credit of a
7623 special fund to be known as the "Mississippi Veterans Memorial
7624 Stadium Operating Fund" and any references in the laws to the
7625 "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans
7626 Memorial Stadium Fund" shall mean the "Mississippi Veterans
7627 Memorial Stadium Operating Fund" unless the context clearly
7628 indicates otherwise. Any interest earned on amounts deposited in
7629 the Mississippi Veterans Memorial Stadium Operating Fund shall be
7630 credited to such special fund. Provided, however, that
7631 twenty-five percent (25%) of all profits realized by the
7632 commission from the sale of concessions at athletic events when
7633 Jackson State University is the home team shall be deposited to
7634 the credit of a special auxiliary fund and authorized for
7635 expenditure by the Board of Trustees of Jackson State University
7636 exclusively for the support of intercollegiate athletics at such
7637 university. All expenses incident to the operation and upkeep of
7638 the facilities and property managed by the commission shall be
7639 paid out of the Mississippi Veterans Memorial Stadium Operating

7640 Fund by warrants drawn by the Department of Finance and
7641 Administration, which shall be issued on the requisition of the
7642 commission.

7643 All tickets sold to an event conducted in the Mississippi
7644 Veterans Memorial Stadium shall have printed in an appropriate and
7645 prominent place thereon the words A.C. "Butch" Lambert Field.

7646 SECTION 187. Section 55-23-53, Mississippi Code of 1972, is
7647 amended as follows:[LH175]

7648 55-23-53. * * * The Commissioner of Higher Education shall
7649 develop a proposal to encourage scheduling of football games by
7650 Mississippi universities in the Mississippi Veterans Memorial
7651 Stadium, which scheduling will acknowledge the obligation of such
7652 universities to support the enlarged stadium, the expansion of
7653 which was encouraged by such universities.

7654 SECTION 188. Section 57-1-357, Mississippi Code of 1972, is
7655 amended as follows:[LH176]

7656 57-1-357. The Commissioner of Higher Education is hereby
7657 authorized to support the project by creating institutes and
7658 developing curricula of direct benefit to the enterprise. Upon
7659 notification to DECD by the enterprise that the state has been
7660 selected as the site of the project, the commissioner may
7661 establish and create programs to enhance the project's success.

7662 SECTION 189. Section 57-13-22, Mississippi Code of 1972, is
7663 amended as follows:[LH177]

7664 57-13-22. (1) The Mississippi Research and Development
7665 Center is hereby abolished from and after July 1, 1988. All of
7666 the functions of the center shall be transferred on that date to
7667 the Mississippi Department of Economic Development or to the

7668 University Research Center which is created in Section 37-141-3.

7669 (2) (a) From and after July 1, 1988, the duties and
7670 responsibilities of the Research and Development Center which are
7671 depicted organizationally in the 1989 fiscal year budget request
7672 of the Research and Development Center and which are performed by
7673 the Forecast and Analysis Division, the Administration Division,
7674 the Government Services Division and the Data Services Division
7675 except as provided in subsection 3(b) shall be transferred to the
7676 University Research Center.

7677 (b) From and after July 1, 1988, the duties and
7678 responsibilities of the Research and Development Center not
7679 included in the transfer described in paragraph (a) except as
7680 provided in (3)(c) of this subsection shall be transferred to the
7681 Mississippi Department of Economic Development.

7682 (3) (a) All personnel of the Mississippi Research and
7683 Development Center shall be transferred to the Department of
7684 Economic Development or to the University Research Center
7685 according to the transfer of their duties pursuant to this
7686 section.

7687 (b) It is specifically provided that the positions
7688 identified in items (i), (ii) and (iii) below be transferred to
7689 the Department of Economic Development unless the Director of the
7690 Research and Development Center and the Executive Director of the
7691 Department of Economic Development make mutually agreeable
7692 substitutions:

7693 (i) Position identification numbers 60, 174, 244,
7694 98 and 177 of the Administration Unit shall be transferred June 1,
7695 1988.

7696 (ii) Position identification numbers 156, 27, 194,
7697 23, 307 and 308 of the Data Services Unit shall be transferred
7698 July 1, 1988.

7699 (iii) Position identification numbers 71, 104 and
7700 148 of the Government Services Division shall be transferred July
7701 1, 1988.

7702 (c) It is specifically provided that position
7703 identification numbers 30 and 76 of the Office of the Director of
7704 the Research and Development Center be transferred to the
7705 University Research Center on July 1, 1988.

7706 (d) It is the intention of the Legislature that there
7707 be a reduction in personnel where there is a duplication of effort
7708 as a result of the transfers required by this subsection. The
7709 Department of Economic Development in its reorganization pursuant
7710 to this act [Laws, 1988, Chapter 518] may utilize savings realized
7711 from personnel attrition and other economies to reallocate and
7712 reclassify positions within the department, subject to the
7713 approval of the State Personnel Board.

7714 (e) All personnel transferred to the University
7715 Research Center shall become subject to all personnel and
7716 compensation policies of the Commissioner of Higher Education;
7717 however, anyone so transferred shall retain all of the protection
7718 and benefits to which they have been entitled under the state
7719 personnel system.

7720 (4) All records, property, unexpended balances of
7721 appropriations or other funds, and all other resources of the
7722 Mississippi Research and Development Center shall be transferred
7723 to the Department of Economic Development or to the University

7724 Research Center, as appropriate, pursuant to the transfer of
7725 duties and responsibilities in subsection (2) of this section.

7726 (5) (a) Each officer or agency subject to the provisions of
7727 this act [Laws, 1988, Chapter 518] shall assist with the fullest
7728 degree of reasonable cooperation any other officer or agency in
7729 carrying out the intent and purpose of this act [Laws, 1988,
7730 Chapter 518].

7731 (b) Each officer or agency subject to the provisions of
7732 this act [Laws, 1988, Chapter 518] is hereby authorized and
7733 empowered to promulgate all necessary rules and regulations not in
7734 conflict with this act [Laws, 1988, Chapter 518] necessary to
7735 accomplish an orderly transition pursuant to this act [Laws, 1988,
7736 Chapter 518].

7737 SECTION 190. Section 57-15-3, Mississippi Code of 1972, is
7738 amended as follows:[LH178]

7739 57-15-3. (1) The Mississippi Commission on Marine
7740 Resources, hereinafter referred to as the "council," shall be the
7741 Mississippi Marine Resources Council, and shall function insofar
7742 as practicable under the provisions of Chapter 15 of Title 49,
7743 Mississippi Code of 1972, in cooperation with the Mississippi
7744 Department of Economic and Community Development and the Board of
7745 Trustees of the University of Southern Mississippi, with
7746 particular reference to the Gulf Coast Research Laboratory, the
7747 Universities Marine Center, and the universities and colleges
7748 which are conducting oceanographic research. The offices of the
7749 commission shall be located in Hancock, Harrison or Jackson
7750 Counties.

7751 (2) The words "Mississippi Marine Resources Council,"

7752 wherever they may appear in the laws of the State of Mississippi,
7753 shall be construed to mean the Mississippi Commission on Marine
7754 Resources.

7755 SECTION 191. Section 57-15-9, Mississippi Code of 1972, is
7756 amended as follows:[LH179]

7757 57-15-9. The council, exercising its duties and
7758 responsibilities, shall also act in an advisory capacity to the
7759 Governor and all related state agencies, including the Board of
7760 Trustees of the University of Southern Mississippi, the Gulf Coast
7761 Research Laboratory and the Universities Marine Center which are
7762 conducting oceanographic research. All state boards and agencies
7763 engaged in activities in the field of marine resources and
7764 technology shall utilize this commission as a clearinghouse on all
7765 present and future joint federal-state programs whether presently
7766 administered by an existing agency or not; to advise on the best
7767 programs available to the State of Mississippi for the development
7768 of its marine resources, and how to apply for, receive or hold any
7769 and all such authorizations, licenses and grants necessary and
7770 proper therefor; to advise on the utilization of all facilities in
7771 the State of Mississippi for marine research and development, such
7772 as the future maximum utilization of the NASA-Mississippi Test
7773 Facility, but not limiting the provisions of this chapter
7774 exclusively thereto; and to advise on all in-depth studies
7775 necessary to carry out the provisions of this chapter. This
7776 chapter shall not, however, abrogate the authority of the
7777 Mississippi Commission on Marine Resources, the Board of Trustees
7778 of the University of Southern Mississippi or the Gulf Coast
7779 Research Laboratory, the Universities Marine Center, or of the

7780 individual institutions * * * to apply for grants, and to carry
7781 out oceanographic research. Said council is hereby authorized to
7782 receive services, gifts, contributions, property and equipment
7783 from public and private sources to be utilized in the discharge of
7784 the council's functions, all to be done within the purview of this
7785 chapter.

7786 SECTION 192. Section 57-18-5, Mississippi Code of 1972, is
7787 amended as follows:[LH180]

7788 57-18-5. (1) The Board of Trustees of Mississippi State
7789 University is authorized and directed to establish a Forest and
7790 Wildlife Research Center at Mississippi State University. The
7791 center will be an administrative unit within the Division of
7792 Agriculture, Forestry and Veterinary Medicine. The Dean of the
7793 School of Forest Resources shall serve as the director of the
7794 center.

7795 (2) The center shall conduct a program of research relevant
7796 to the efficient management and utilization of the forest,
7797 wildlife and fisheries resources of this state and to the
7798 protection and enhancement of the natural environment associated
7799 with those resources. The center shall disseminate results of
7800 such research programs to the public and to individuals and
7801 organizations for whom such information will be useful. The
7802 center shall conduct research that will encourage the growth and
7803 development of the furniture manufacturing industry and allied
7804 industries in this state and shall work closely with the
7805 Mississippi Cooperative Extension Service, the University Research
7806 Center, the Mississippi Department of Economic and Community
7807 Development and other agencies, both public and private, in the

7808 dissemination of its research findings.

7809 (3) From and after the creation of the Forest and Wildlife
7810 Research Center, the center shall assume all research functions
7811 which are being exercised within the Division of Agriculture,
7812 Forestry and Veterinary Medicine by the Forest Products
7813 Utilization Laboratory, by the Department of Forestry, by the
7814 Department of Wildlife and Fisheries, by the Furniture Research
7815 Unit and, upon the recommendation of the President of Mississippi
7816 State University to the Board of Trustees of Mississippi State
7817 University, by other departments and units of the university.

7818 (4) All records, personnel, property and unexpended balances
7819 of appropriations, allocations or other funds relating to those
7820 research functions which are being assumed by the center shall be
7821 transferred to the center. The transfer of segregated or special
7822 funds shall be made in such a manner that the relation between
7823 program and revenue source is retained.

7824 SECTION 193. Section 57-18-7, Mississippi Code of 1972, is
7825 amended as follows:[LH181]

7826 57-18-7. The Board of Trustees of Mississippi State
7827 University shall provide for the Forest and Wildlife Research
7828 Center such buildings, equipment, personnel, supplies and services
7829 as it shall determine to be necessary for the proper operation and
7830 maintenance of the center, having due regard for the contributory
7831 facilities and programs already existing at Mississippi State
7832 University.

7833 SECTION 194. Section 57-18-9, Mississippi Code of 1972, is
7834 amended as follows:[LH182]

7835 57-18-9. In addition to appropriations made by the

7836 Legislature from the State General Fund, the Forest and Wildlife
7837 Research Center is authorized and empowered, subject to the
7838 approval of the Board of Trustees of Mississippi State University
7839 upon recommendation by the President of Mississippi State
7840 University, to receive contributions, donations, gifts and grants
7841 of money and/or property, equipment, materials and manpower from
7842 persons, foundations, trust funds, corporations, organizations,
7843 and state and federal agencies for use in carrying out the
7844 purposes and objectives of this chapter.

7845 SECTION 195. Section 57-19-5, Mississippi Code of 1972, is
7846 amended as follows:[LH183]

7847 57-19-5. The Board of Trustees of Mississippi State
7848 University is hereby authorized and directed to establish a food
7849 technology program at Mississippi State University of Agriculture
7850 and Applied Science under the direction of the president and such
7851 other administrative authorities within the university as said
7852 board of trustees may determine.

7853 SECTION 196. Section 57-19-7, Mississippi Code of 1972, is
7854 amended as follows:[LH184]

7855 57-19-7. The Board of Trustees of Mississippi State
7856 University shall provide for such food technology laboratory, such
7857 building, pilot processing facilities, personnel, supplies, and
7858 services as it shall determine to be necessary for the proper
7859 operation and maintenance of the food technology program, having
7860 due regard for the contributory facilities and programs already
7861 existing at Mississippi State University of Agriculture and
7862 Applied Science.

7863 SECTION 197. Section 57-19-11, Mississippi Code of 1972, is

7864 amended as follows:[LH185]

7865 57-19-11. In addition to appropriations made by the
7866 Mississippi Legislature for the operation and support of the
7867 laboratory, the Board of Trustees of Mississippi State University
7868 is authorized and empowered to receive contributions, donations,
7869 gifts and grants of money and/or property, equipment, materials or
7870 manpower from persons, foundations, trust funds, corporations,
7871 organizations, the federal government or any subdivision thereof,
7872 the state government or any subdivision thereof, to be expended by
7873 said board in carrying out the purposes and objectives of this
7874 chapter.

7875 SECTION 198. Section 57-21-7, Mississippi Code of 1972, is
7876 amended as follows:[LH186]

7877 57-21-7. The chief executive officer of the laboratory shall
7878 be the State Chemist.

7879 (a) Qualifications: The State Chemist shall be an
7880 individual who has earned the doctor of philosophy degree or its
7881 equivalent in chemistry or biochemistry at a recognized university
7882 or college qualified to grant such degrees. The major field of
7883 his training should be preferably in analytical or organic
7884 chemistry, but other fields of chemistry may be acceptable if the
7885 individual has experience qualifying him otherwise. He should
7886 also have knowledge by training or experience of agricultural,
7887 industrial or health-related fields. The candidate for State
7888 Chemist must be acceptable as a research or teaching faculty
7889 member in the department of chemistry at the university.

7890 (b) Appointment: The State Chemist shall be appointed
7891 by the president of the university, with the advice and consent of

7892 the Senate, for a term of six (6) years; and the said State
7893 Chemist shall serve for said six-year term and until his successor
7894 shall have been appointed and qualified. However, it is provided
7895 that the said State Chemist may be removed from office by the
7896 Board of Trustees of Mississippi State University upon the
7897 demonstration of his inability to serve due to illness,
7898 incompetence, malfeasance in office, dereliction of duty or moral
7899 turpitude. The board of trustees * * * shall fix the annual
7900 salary of the State Chemist, who shall be paid from the budget of
7901 the Mississippi State Chemical Laboratory or from the budget of
7902 the university, or from both, whichever is deemed desirable by the
7903 Board of Trustees of Mississippi State University.

7904 (c) Status: The State Chemist shall simultaneously
7905 hold an appointment as Professor of Chemistry in the Chemistry
7906 Department of the university. He may acquire tenure as a faculty
7907 member in accordance with rules current at the university during
7908 his appointment. The State Chemist may teach or direct research
7909 in the Department of Chemistry as part of his professional duties,
7910 and may serve in other administrative positions as deemed
7911 desirable, with the consent and approval of the president of the
7912 university and the board of trustees. He shall receive
7913 appropriate reimbursement for such services.

7914 (d) Responsibility: The State Chemist shall be
7915 responsible to and shall report to the president of the
7916 university.

7917 (e) Duties: The State Chemist shall:

7918 1. Serve as the chief executive officer and
7919 director of the laboratory.

7920 2. Recommend the appointment, discharge, annual
7921 salaries, duties, and titles of administrative, technical and
7922 support personnel and staff of the laboratory to assist him in
7923 carrying out its authorized functions.

7924 3. Prepare and submit budget requests for the
7925 laboratory to the appropriate agency, subject to approval by the
7926 president of the university and the board of trustees. The State
7927 Chemist shall present such requests before the Legislative Budget
7928 Office and legislative committees. He shall prepare an annual
7929 budget for operation of the laboratory from appropriated or
7930 special funds or other income available, and shall make monthly,
7931 quarterly and other reports of such income and expenditures to the
7932 appropriate agencies as required by law.

7933 4. Maintain an inventory of laboratory equipment
7934 and report it appropriately to the proper agencies as required by
7935 law.

7936 5. Prepare annual or biennial reports and special
7937 reports as needed of laboratory activities, programs and
7938 recommendations. Such reports shall be submitted to governmental
7939 heads and agencies as required by statutes, to the president of
7940 the university, the Board of Trustees of Mississippi State
7941 University, and to the chief executive officer of each agency with
7942 which it cooperates.

7943 6. Serve on such state or national agencies,
7944 commissions, boards, organizations or committees as required by
7945 law.

7946 7. Conduct other business necessary and desirable
7947 for proper discharge of his responsibilities to the university or

7948 as may be stipulated here or elsewhere in the laws of Mississippi.

7949 SECTION 199. Section 57-23-5, Mississippi Code of 1972, is
7950 amended as follows:[LH187]

7951 57-23-5. The Board of Trustees of the University of
7952 Mississippi is hereby authorized and directed to establish a
7953 research institute of pharmaceutical sciences at the University of
7954 Mississippi under the direction of the chancellor and such other
7955 administrative authorities within the university as said board of
7956 trustees may determine.

7957 SECTION 200. Section 57-23-7, Mississippi Code of 1972, is
7958 amended as follows:[LH188]

7959 57-23-7. The Board of Trustees of the University of
7960 Mississippi shall provide for such equipment, personnel, supplies
7961 and services as it shall determine to be necessary for the proper
7962 operation and maintenance of said institute, having due regard for
7963 the contributory facilities and programs already existing at the
7964 University of Mississippi.

7965 SECTION 201. Section 57-23-11, Mississippi Code of 1972, is
7966 amended as follows:[LH189]

7967 57-23-11. In addition to appropriations made by the
7968 Mississippi Legislature for the operation and support of the
7969 institute, the Board of Trustees of the University of Mississippi
7970 is authorized and empowered to receive contributions, donations,
7971 gifts, and grants of money and/or property, equipment, materials
7972 or manpower from persons, foundations, trust funds, corporations,
7973 organizations, and other sources, to be expended by said board in
7974 carrying out the objectives of this chapter.

7975 SECTION 202. Section 57-39-105, Mississippi Code of 1972, is

7976 amended as follows:[LH190]

7977 57-39-105. The Energy Division of the Department of Economic
7978 and Community Development, referred to in Sections 57-39-103
7979 through 57-39-117 as the "division," shall coordinate the
7980 development and implementation of a general energy management
7981 plan. The general energy management plan shall include, but not
7982 be limited to, the following elements:

- 7983 (a) Data gathering requirements;
- 7984 (b) Buildings and facilities energy audit procedures;
- 7985 (c) Uniform data analysis procedures;
- 7986 (d) Employee energy education program procedures;
- 7987 (e) Energy consumption reduction techniques;
- 7988 (f) Training program for agency and institution
7989 personnel and energy coordinators;
- 7990 (g) Guidelines for buildings and facilities managers;
- 7991 (h) Building retrofit revolving loan fund policies and
7992 procedures;
- 7993 (i) Program monitoring and evaluation procedures.

7994 The general energy management plan shall also include a
7995 description of actions to reduce consumption of electricity and
7996 nonrenewable energy sources used for heating, cooling,
7997 ventilation, lighting and water heating. The Commissioner of
7998 Higher Education, the Department of Education and the Department
7999 of Finance and Administration shall assist in the preparation of
8000 the general energy management plan. The Department of Finance and
8001 Administration, Bureau of Buildings Division, shall notify the
8002 Energy Division of all renovations and repairs of buildings and
8003 facilities and the planning and design of new buildings and

8004 facilities to ensure that energy efficient equipment is utilized.

8005 SECTION 203. Section 57-49-11, Mississippi Code of 1972, is
8006 amended as follows:[LH191]

8007 57-49-11. The Nuclear Waste Technical Review Committee
8008 hereby created and hereinafter referred to as the "committee"
8009 shall exercise the powers and duties and discharge the
8010 responsibilities enumerated herein.

8011 The committee shall originally consist of eight (8) members,
8012 one (1) of whom shall be the Executive Director of the Department
8013 of Wildlife, Fisheries and Parks, one (1) of whom shall be
8014 Director of the Emergency Management Agency, one (1) of whom shall
8015 be the State Health Officer, one (1) of whom shall be the
8016 Commissioner of Higher Education, one (1) of whom shall be a
8017 chairman of a board of trustees of a state institution of higher
8018 learning, as appointed by the Commissioner of Higher Education,
8019 one (1) of whom shall be the Executive Director of the Department
8020 of Environmental Quality, one (1) of whom shall be the staff
8021 member responsible for the Nuclear Waste Program within the
8022 Department of Environmental Quality who shall serve as secretary
8023 in a nonvoting capacity, and one (1) of whom shall be the
8024 Executive Director of the Department of Economic Development. The
8025 chairman shall be elected from among the membership of the
8026 committee.

8027 Committee members shall be permitted to designate substitute
8028 or alternate members to act in their stead, should they be unable
8029 to assume the responsibility of serving on the committee. The
8030 committee, by a majority vote of its membership, may recommend to
8031 the chairman that additional appointments should be made to the

8032 committee from other state agencies and the chairman shall make
8033 such appointments.

8034 The members of the committee shall receive reimbursement for
8035 mileage and actual expenses incurred in the performance of their
8036 duties at the rate authorized by Section 25-3-41. Members of the
8037 committee who are state employees shall be reimbursed for those
8038 expenses incurred which are authorized by Section 25-3-41.

8039 Provided that funding is available under Section 57-49-39,
8040 the members of the committee shall receive per diem compensation
8041 at the rate authorized by Section 25-3-69 for each day spent in
8042 the actual discharge of their duties when attending a meeting of
8043 the committee.

8044 SECTION 204. Section 57-55-5, Mississippi Code of 1972, is
8045 amended as follows:[LH192]

8046 57-55-5. (1) In order to promote the orderly modernization
8047 and simplification of the law of the state and more complete
8048 utilization of the law resources of this state, the Mississippi
8049 Law Research Institute, hereafter referred to as MLRI, is hereby
8050 established as an official advisory law revision, research and
8051 reform agency of the State of Mississippi under the management and
8052 control of the Board of Trustees of the University of Mississippi
8053 as an academic department of the University of Mississippi Law
8054 Center.

8055 (2) The general purpose of the MLRI shall be to promote and
8056 encourage the clarification and simplification of the law of
8057 Mississippi, to improve the administration of justice, and to
8058 carry on scholarly legal research in anticipation of legal
8059 requirements for the efficient utilization and conservation of the

8060 natural resources of the state and the promotion of social,
8061 agricultural, industrial and commercial development. To that end
8062 it shall be the duty of said institute (a) to consider needed
8063 improvements in both substantive and adjective law and to make
8064 recommendations concerning same to the Legislature; (b) to examine
8065 and study the law of Mississippi and Mississippi jurisprudence
8066 with the object of discovering defects and inequities and of
8067 recommending needed reforms; (c) to receive and consider
8068 suggestions from judges, justices, public officials, lawyers and
8069 the public generally as to defects and anachronisms in the law;
8070 (d) to recommend from time to time such changes in the law as it
8071 deems necessary to reform or eliminate antiquated and inequitable
8072 rules of law and to bring the law of the state, both civil and
8073 criminal, into harmony with modern conditions; (e) to perform
8074 research and prepare reports on matters of law in support of the
8075 Legislature; (f) to advise and assist local governments, state
8076 agencies and associations by performing law research and
8077 preparation of related material, such as statutes and ordinances,
8078 reports, manuals, handbooks, codes, and conducting courses of
8079 instruction for the more efficient application of law and
8080 utilization of governmental resources; and (g) to prepare and
8081 publish texts and other scholarly works on law and procedure to
8082 aid in the administration of government within the state. In
8083 addition, the MLRI in cooperation with the Legislature and its
8084 staff shall devise and carry out a plan for continuous and
8085 comprehensive improvement in the utility and quality of the
8086 Mississippi Code. The MLRI shall coordinate its efforts with the
8087 work of the American Law Institute, National Conference of

8088 Commissioners on Uniform State Laws, the law and government
8089 institutes of the several states, and other such organizations in
8090 aid of the mission of said institute.

8091 SECTION 205. Section 57-55-7, Mississippi Code of 1972, is
8092 amended as follows:[LH193]

8093 57-55-7. (1) The Board of Trustees of Mississippi State
8094 University is hereby authorized and directed to establish a
8095 Mississippi Water Resources Research Institute, hereinafter
8096 referred to as the WRRRI, at Mississippi State University under the
8097 direct supervision of the president of the university or a vice
8098 president to be designated by the president.

8099 (2) It shall be the function and duty of the WRRRI to:

8100 (a) Assist state agencies in the development and
8101 maintenance of a state water management plan;

8102 (b) Consult with state and local governmental agencies,
8103 water management districts, water user associations, the
8104 Legislature of the State of Mississippi, and other potential users
8105 in identifying and establishing research, planning, policy, and
8106 management priorities regarding water problems.

8107 (c) Negotiate and administer contracts with local,
8108 regional, state and federal agencies and other universities of the
8109 state for mitigation of priority water and related problems;

8110 (d) Report to the appropriate state agencies each year
8111 on the progress and findings of research projects;

8112 (e) Disseminate new information and facilitate transfer
8113 and application of new technologies as they are developed;

8114 (f) Provide for liaison between Mississippi and funding
8115 agencies as an advocate for Mississippi water research, planning,

8116 policy, and management needs; and

8117 (g) Facilitate and stimulate planning and management
8118 that:

8119 (i) Deals with water policy issues facing the
8120 State of Mississippi;

8121 (ii) Supports state water agencies' missions with
8122 research on problems encountered and expected;

8123 (iii) Provides water planning and management
8124 organizations with tools to increase efficiency and effectiveness
8125 of water planning and management.

8126 (3) The principal administrative officer of the WRRRI shall
8127 be a director, who shall be appointed by the President of
8128 Mississippi State University, with the approval of the board of
8129 trustees * * *. To meet the purposes of the WRRRI, the director
8130 shall develop appropriate policies and procedures (a) for
8131 identification of priority research problems; (b) for
8132 collaborating with local and state governmental agencies, water
8133 user associations, other universities, federal government
8134 agencies, and the Legislature in the formulation of its research
8135 program; (c) for selection of projects to be funded; and (d) for
8136 the dissemination and transfer of information and technology
8137 produced by research.

8138 SECTION 206. Section 57-55-9, Mississippi Code of 1972, is
8139 amended as follows:[LH194]

8140 57-55-9. (1) The Mississippi Mineral Resources Institute,
8141 hereinafter referred to as MMRI, is hereby established. The MMRI
8142 shall be under the management and control of the Board of Trustees
8143 of the University of Mississippi. The principal offices of the

8144 MMRI shall be located at the University of Mississippi. The MMRI
8145 shall be organized to coordinate mining and mineral research,
8146 planning and development with the appropriate disciplines in other
8147 institutions of higher learning and other state, federal and
8148 private agencies concerned with the development and conservation
8149 of the mineral resources of the state.

8150 (2) It shall be the function and duties of the MMRI to:

8151 (a) Conduct basic and applied research for the
8152 development and conservation of mineral resources, including but
8153 not limited to mining, land reclamation and disposal of waste
8154 material;

8155 (b) Assist and support mining and mineral related
8156 research programs at the various institutions of higher learning;

8157 (c) Assist and consult with state and local agencies in
8158 planning the development and conservation of mineral resources;

8159 (d) Maintain liaison with private industry and
8160 appropriate state and local agencies to promote industrial
8161 development and conservation of mineral resources and plan,
8162 initiate and maintain a program of cooperative training between
8163 private industry and the academic and technical institutions of
8164 the state;

8165 (e) Disseminate new information and facilitate transfer
8166 and application of new technologies as they are developed; and

8167 (f) Negotiate and administer contracts with private,
8168 local, regional, state and federal agencies.

8169 SECTION 207. Section 57-55-11, Mississippi Code of 1972, is
8170 amended as follows:[LH195]

8171 57-55-11. (1) The Mississippi Small Business Development

8172 Center, hereinafter referred to as SBDC, is hereby established.
8173 The Board of Trustees of the University of Mississippi is hereby
8174 authorized to establish the Mississippi Small Business Development
8175 Center at the University of Mississippi under the direct
8176 supervision of the chancellor of the university and the dean of
8177 the business school.

8178 (2) It shall be the function and duty of the SBDC to:

8179 (a) Develop a system to deliver management assistance
8180 to the small business community utilizing the resources of local,
8181 state and federal government programs, various segments of the
8182 private sector, and universities and colleges throughout the
8183 state;

8184 (b) Make management and technical assistance available
8185 to small businesses in Mississippi by linking together the above
8186 resources;

8187 (c) Develop small business opportunities for new
8188 start-ups and the expansion of existing businesses;

8189 (d) Develop the economic area served by the SBDC by
8190 providing opportunities for increased productivity through
8191 utilization of modern technology as developed by government, the
8192 university and the private sector;

8193 (e) Develop a clearinghouse for the collection and
8194 dissemination of economic and business data;

8195 (f) Assist businesses in developing more efficient
8196 marketing and distribution channels, including foreign trade
8197 marketing;

8198 (g) Increase opportunities for socially and/or
8199 economically disadvantaged entrepreneurs to enter the mainstream

8200 of our economy through an organized outreach program; and

8201 (h) Increase small business viability so that the small
8202 business client "graduates" from the SBDC.

8203 (3) The principal officer of the SBDC shall be an executive
8204 director who shall be appointed by the Chancellor of the
8205 University of Mississippi, with the approval of the board of
8206 trustees * * *.

8207 SECTION 208. Section 57-55-13, Mississippi Code of 1972, is
8208 amended as follows:[LH196]

8209 57-55-13. (1) The Mississippi Polymer Institute,
8210 hereinafter referred to as the MPI, is hereby established under
8211 the management and control of the Board of Trustees of the
8212 University of Southern Mississippi. The principal offices of the
8213 MPI shall be located at the University of Southern Mississippi and
8214 shall be under the direction of the president and such other
8215 administrative authorities within the university as the board of
8216 trustees may determine.

8217 (2) It shall be the function of the MPI to conduct and
8218 sponsor research of interest to the polymer industries of the
8219 state, and to disseminate research results and other information
8220 of interest to appropriate individuals and research agencies for
8221 whom such knowledge will be helpful, and to the Mississippi
8222 polymer industries by conducting and sponsoring short courses,
8223 seminars and symposia. Said research shall be designed to
8224 increase the utilization of Mississippi raw materials in polymers
8225 and to support the rapidly growing polymer industry. Data from
8226 applications research will be released to appropriate Mississippi
8227 research agencies and industries for appropriate utilization. The

8228 MPI shall be organized to coordinate polymer research, planning
8229 and development with the appropriate disciplines in other
8230 institutions of higher learning and other state, federal and
8231 private agencies concerned with the development of Mississippi's
8232 polymer industry.

8233 SECTION 209. Section 57-55-15, Mississippi Code of 1972, is
8234 amended as follows:[LH197]

8235 57-55-15. (1) The Mississippi Energy Research Center,
8236 hereinafter referred to as the MERC, is hereby established under
8237 the management and control of the Board of Trustees of Mississippi
8238 State University. The MERC shall be a unit of Mississippi State
8239 University under the direct supervision of the president thereof
8240 or a vice president to be designated by the president.

8241 (2) It shall be the purpose of the MERC to develop,
8242 implement and coordinate energy and energy-related research
8243 programs in Mississippi. It shall be the duty of the MERC to:

8244 (a) Conduct basic and applied research related to
8245 energy needs within Mississippi;

8246 (b) Consult with state and local government agencies,
8247 utilities, industry and Legislature and other potential users of
8248 research in identifying and prioritizing energy problems for
8249 research;

8250 (c) Negotiate and administer contracts with other
8251 universities of the state for the conduct of research projects;

8252 (d) Report to the Governor and to the Legislature each
8253 year on the progress and findings of research projects;

8254 (e) Facilitate the transfer and application of new
8255 technologies as they are developed; and

8256 (f) Facilitate and stimulate research that:
8257 (i) Deals with policy issues facing the
8258 Legislature;
8259 (ii) Supports state agencies' missions with
8260 research on problems encountered and expected; and
8261 (iii) Provides energy planning and management
8262 organizations with tools to increase efficiency and effectiveness
8263 of energy planning and management.

8264 (3) The principal administrative officer of the MERC shall
8265 be a director, who shall be appointed by the president with the
8266 approval of the board of trustees * * *. To meet the purposes of
8267 the center, the director shall develop appropriate policies and
8268 procedures (a) for identification of priority research problems;
8269 (b) for collaborating with local and state government agencies,
8270 utilities, industry, other universities, federal government
8271 agencies and the Legislature in the formulation of its research
8272 program; (c) for selection of projects to be funded; and (d) for
8273 the transfer of technology which is produced by the research.

8274 SECTION 210. Section 57-55-17, Mississippi Code of 1972, is
8275 amended as follows:[LH198]

8276 57-55-17. (1) The Mississippi Urban Research Center,
8277 hereinafter referred to as the MURC, is hereby established under
8278 the management and control of the Board of Trustees of Jackson
8279 State University. The principal officers of the MURC shall be
8280 located at Jackson State University and shall be under the
8281 direction of the president of the university subject to the
8282 governance of the board of trustees. The president shall appoint
8283 a director of the MURC who shall recommend to the president

8284 necessary professional and administrative staff of the center, all
8285 subject to the approval of the board of trustees.

8286 (2) It shall be the function of the urban research center to
8287 conduct basic and applied research into urban problems and public
8288 policy and to make available the results of this research to
8289 private groups, public bodies and public officials. They may
8290 offer consultations and general advisory services concerning urban
8291 problems and their solutions. According to the policies of the
8292 board of trustees * * * and with its approval, they may conduct
8293 instructional and training programs for those who are working in
8294 or expect to make careers in urban public service. Such training
8295 programs may be conducted by Jackson State University either in
8296 its own name or by agreement and cooperation with other public and
8297 private organizations. The MURC personnel shall cooperate fully
8298 with the various departments of the state government, with the
8299 colleges and universities of the state, with the University
8300 Research Center, with the Mississippi Department of Economic
8301 Development, and with other research and development agencies in
8302 an effort to fully effectuate the purpose of this section. All
8303 state agencies and departments are hereby authorized and directed
8304 to give the MURC and its personnel their full cooperation in every
8305 possible manner.

8306 SECTION 211. Section 57-67-5, Mississippi Code of 1972, is
8307 amended as follows:[LH199]

8308 57-67-5. Words and phrases used in this chapter shall have
8309 meanings as follows, unless the context clearly indicates a
8310 different meaning:

8311 (a) "Act" means the Mississippi Superconducting Super

8312 Collider Act as originally enacted or as hereafter amended.

8313 (b) "Authority" means the Mississippi Superconducting
8314 Super Collider Authority created pursuant to the chapter.

8315 (c) "Bonds" means bonds, interim notes and other
8316 certificates of indebtedness of the authority issued pursuant to
8317 the provisions of Sections 57-67-19 through 57-67-31.

8318 (d) "Facility related to the project" means and
8319 includes any of the following, as the same may pertain to the
8320 project:

8321 (i) Facilities to provide potable and industrial
8322 water supply systems (including cooling lakes) and sewage and
8323 waste disposal systems to the site of the project;

8324 (ii) Airports, airfields and air terminals;

8325 (iii) Rail lines;

8326 (iv) Port facilities on the Tennessee-Tombigbee
8327 Waterway;

8328 (v) Highways, streets and other roadways;

8329 (vi) Public school buildings, classrooms and
8330 instructional facilities, including any functionally related
8331 facilities;

8332 (vii) Parks, outdoor recreation facilities and
8333 athletic facilities; and

8334 (viii) Auditoriums, pavilions, campgrounds, art
8335 centers, cultural centers, folklore centers and other public
8336 facilities.

8337 (e) "Person" means any natural person, corporation,
8338 association, partnership, receiver, trustee, guardian, executor,
8339 administrator, fiduciary, governmental unit, public agency,

8340 political subdivision, or any other group acting as a unit, and
8341 the plural as well as the singular.

8342 (f) "Project" means the superconducting super colliding
8343 particle beam accelerator, known as the Superconducting Super
8344 Collider, proposed to be constructed by the United States
8345 Department of Energy, as described in the Invitation for Proposals
8346 issued by said department, as now or hereafter supplemented or
8347 amended, together with all real property required for
8348 construction, maintenance and operation of the Superconducting
8349 Super Collider, and all buildings, tunneling and other supporting
8350 land and facilities required or useful for construction,
8351 maintenance and operation of the Superconducting Super Collider.

8352 (g) "Project area" means the project site, together
8353 with any area or territory within the state lying within fifty
8354 (50) air miles from any portion of the project site to be conveyed
8355 to the Department of Energy, whether or not such area or territory
8356 be contiguous. "Project site" means the real property to be
8357 conveyed to the United States Department of Energy as set forth in
8358 the application to be filed with the Department of Energy by the
8359 authority.

8360 (h) "Public agency" means and includes:

8361 (i) The state and any department, board,
8362 commission, institution or other agency or instrumentality of the
8363 state, including but not limited to, the board of trustees of each
8364 state institution of higher learning and the State Board of
8365 Education;

8366 (ii) Any city, town, county, political
8367 subdivision, school district or other district created or existing

8368 under the laws of the state or any public agency of any such city,
8369 town, county, political subdivision or district;

8370 (iii) Any department, commission, agency or
8371 instrumentality of the United States of America; and

8372 (iv) Any other state of the United States of
8373 America which may be cooperating with respect to location of the
8374 project within the state, or any agency thereof.

8375 (i) "State" means State of Mississippi.

8376 (j) "State bonds" means general obligation bonds, notes
8377 or other evidences of the State of Mississippi issued under
8378 Section 57-67-15.

8379 SECTION 212. Section 57-67-13, Mississippi Code of 1972, is
8380 amended as follows:[LH200]

8381 57-67-13. (1) The Commissioner of Higher Education is
8382 hereby directed to develop plans for the creation of an Institute
8383 of High Energy Physics. Upon notification to the authority by the
8384 Department of Energy that the state has been selected as the site
8385 of the project, the board of trustees of the state institution of
8386 higher learning selected for the site, not later than one (1) year
8387 thereafter, shall establish and create the institute. Such
8388 institute shall include at least twenty (20) funded faculty
8389 positions and shall include facilities to accommodate faculty and
8390 graduate students.

8391 (2) The Commissioner of Higher Education is hereby directed
8392 to develop plans for the creation of an Institute for Mathematics
8393 and Computing Sciences. Upon notification to the authority by the
8394 Department of Energy that the state has been selected as the site
8395 of the project, the board of trustees of the state institution of

8396 higher learning selected for the site, not later than one (1) year
8397 thereafter, shall establish and create the institute.

8398 (3) The authority is hereby directed to develop plans for
8399 technology transfer activities to ensure private sector conduits
8400 for exchange of information, technology and expertise related to
8401 the project to generate opportunities for commercial development
8402 within the state.

8403 SECTION 213. Section 57-75-13, Mississippi Code of 1972, is
8404 amended as follows:[LH201]

8405 57-75-13. The Commissioner of Higher Education is hereby
8406 authorized to support the project by creating institutes and
8407 developing curricula of direct benefit to the enterprise. Upon
8408 notification to the authority by the enterprise that the state has
8409 been selected as the site of the project, the board of trustees of
8410 the state institution of higher learning that has been selected
8411 for the site may establish and create programs to enhance the
8412 project's success.

8413 SECTION 214. Section 61-5-71, Mississippi Code of 1972, is
8414 amended as follows:[LH202]

8415 61-5-71. It shall be the public policy of this state to
8416 encourage the construction, equipping, maintenance and operation
8417 of adequate transportation facilities, including airports, if
8418 needed, for use of the state university and the state supported
8419 four-year colleges now or hereafter located in the state, as
8420 necessary in the operation and training program of such university
8421 and colleges and desirable for the use of the municipalities and
8422 areas in or near which such airports may be located as well as
8423 being helpful in the economic, industrial and business development

8424 of said counties. It is the intent of Sections 61-5-71 through
8425 61-5-77 to provide means whereby the board of trustees of each
8426 state institution of higher learning, the State Building
8427 Commission and any and all other state agencies which have either
8428 constructed such airport facilities, or contemplate so doing, may
8429 obtain assistance and contributions of funds from any municipality
8430 in or near which any such college may be located and from the
8431 county in which any such airport facilities may be located. It is
8432 also the intent of said sections to authorize such municipalities
8433 and counties to borrow money and issue bonds, under their
8434 respective bond laws, to provide funds for the purpose of aiding
8435 and assisting in the acquisition of sites for such airports,
8436 construction of buildings, construction of runways and extension
8437 of runways and in constructing and equipping all facilities needed
8438 or desirable for such airports.

8439 SECTION 215. Section 61-5-73, Mississippi Code of 1972, is
8440 amended as follows:[LH203]

8441 61-5-73. The boards of supervisors of the several counties
8442 of the state are authorized, in their discretion, to acquire by
8443 condemnation, donation, lease or purchase land to be used as an
8444 airport or landing place for airplanes. They may erect such
8445 buildings thereon as they may deem necessary for such purpose, and
8446 equip and maintain such airport.

8447 The boards of supervisors of the several counties of the
8448 state, wherein the university or other state supported four-year
8449 colleges now or hereafter in existence, are or shall be located,
8450 are authorized, in their discretion, to assist the board of
8451 trustees of the state institution of higher learning located in

8452 that county, the State Building Commission or any other state
8453 agency by contributing county funds to be used in the acquisition
8454 of a site for an airport, erecting suitable buildings, building or
8455 extending runways and equipping, maintaining and operating an
8456 airport, which shall be available for the use of said university
8457 or colleges, as the case may be, and for the general public.

8458 SECTION 216. Section 61-5-75, Mississippi Code of 1972, is
8459 amended as follows:[LH204]

8460 61-5-75. The governing authorities of any municipality are
8461 authorized, in their discretion, to exercise all the powers
8462 conferred on boards of supervisors with reference to acquiring
8463 land to be used as an airport or landing place for airplanes, and
8464 erect suitable buildings thereon, and equip and maintain such
8465 airport. They may acquire airports or landing places already
8466 established. Such airport or landing place may be situated beyond
8467 the limits of such municipality. The governing authorities of a
8468 municipality may lease, or sublease, or contract the maintenance
8469 and operation of, any airport or landing place for airplanes to
8470 the United States of America, or any department or agency thereof,
8471 or to any person, firm, association, or corporation, for the
8472 purpose of training aviators and for other legal purposes. The
8473 county wherein such airport may be situated is hereby authorized
8474 to make such contribution to the cost of acquiring the necessary
8475 land for such airport, the placing of same in suitable condition,
8476 and the equipping and maintenance thereof, as the board of
8477 supervisors of such county and the governing body of such
8478 municipality may mutually agree upon.

8479 The governing authorities of the several municipalities of

8480 the state in or near which the state university or a state
8481 supported four-year college, now or hereafter in existence, are or
8482 shall be located, are authorized, in their discretion, to assist
8483 the board of trustees of the state institution of higher learning
8484 in or near the particular municipality, the State Building
8485 Commission or any other state agency by contributing municipal
8486 funds to be used in the acquisition of a site for an airport,
8487 erecting suitable buildings and building or extending runways,
8488 equipping, maintaining and operating an airport, which shall be
8489 available for the use of said university or colleges, as the case
8490 may be, and for the general public.

8491 Any such municipality which offers assistance in the
8492 acquisition of a site for constructing suitable buildings,
8493 building or extending runways or maintaining and operating such
8494 airports for the university or other state supported colleges, as
8495 the case may be, may or may not be in the county in which the
8496 university or the state supported four-year college is located,
8497 provided the airport is not more than ten (10) miles from said
8498 municipality.

8499 SECTION 217. Section 63-11-32, Mississippi Code of 1972, is
8500 amended as follows:[LH205]

8501 63-11-32. (1) The State Department of Public Safety in
8502 conjunction with the Governor's Highway Safety Program, the State
8503 Board of Health, or any other state agency or institution shall
8504 develop and implement a driver improvement program for persons
8505 identified as first offenders convicted of driving while under the
8506 influence of intoxicating liquor or another substance which had
8507 impaired such person's ability to operate a motor vehicle,

8508 including provision for referral to rehabilitation facilities.

8509 (2) The program shall consist of a minimum of ten (10) hours
8510 of instruction. Each person who participates shall pay a nominal
8511 fee to defray a portion of the cost of the program.

8512 (3) Such assessments as are collected under subsection (2)
8513 of Section 99-19-73 shall be deposited in a special fund hereby
8514 created in the State Treasury and designated the "Mississippi
8515 Alcohol Safety Education Program Fund." Monies deposited in such
8516 fund shall be expended by the boards of trustees of the state
8517 institutions of higher learning as authorized and appropriated by
8518 the Legislature to defray the costs of the Mississippi Alcohol
8519 Safety Education Program operated pursuant to the provisions of
8520 this section. Any revenue in the fund which is not encumbered at
8521 the end of the fiscal year shall lapse to the General Fund.

8522 (4) Such assessments as are collected under subsection (2)
8523 of Section 99-19-73 shall be deposited in a special fund hereby
8524 created in the State Treasury and designated the "Federal-State
8525 Alcohol Program Fund." Monies deposited in such fund shall be
8526 expended by the Department of Public Safety as authorized and
8527 appropriated by the Legislature to defray the costs of alcohol and
8528 traffic safety programs. Any revenue in the fund which is not
8529 encumbered at the end of the fiscal year shall lapse to the
8530 General Fund.

8531 (5) Such assessments as are collected under subsection (2)
8532 of Section 99-19-73 shall be deposited in a special fund hereby
8533 created in the State Treasury and designated the "Mississippi
8534 Crime Laboratory Implied Consent Law Fund." Monies deposited in
8535 such fund shall be expended by the Department of Public Safety as

8536 authorized and appropriated by the Legislature to defray the costs
8537 of equipment replacement and operational support of the
8538 Mississippi Crime Laboratory relating to enforcement of the
8539 Implied Consent Law. Any revenue in the fund which is not
8540 encumbered at the end of the fiscal year shall not lapse to the
8541 General Fund but shall remain in the fund.

8542 SECTION 218. Section 69-2-5, Mississippi Code of 1972, is
8543 amended as follows:[LH206]

8544 69-2-5. (1) The Mississippi Cooperative Extension Service
8545 shall act as a clearinghouse for the dissemination of information
8546 regarding programs and services which may be available to help
8547 those persons and businesses which have been adversely affected by
8548 the present emergency in the agricultural community. The
8549 Cooperative Extension Service shall develop a plan of assistance
8550 which shall identify all programs and services available within
8551 the state which can be of assistance to those affected by the
8552 present emergency. The Department of Agriculture and Commerce,
8553 the Division of Federal-State Programs of the Office of the
8554 Governor, Department of Public Welfare, Department of Mental
8555 Health, State Board of Health, board of trustees of each state
8556 institution of higher learning, State Board for Community and
8557 Junior Colleges, Research and Development Center, Board of
8558 Economic Development, Employment Security Commission, Board of
8559 Vocational and Technical Education, Mississippi Authority for
8560 Educational Television, and other agencies of the state which have
8561 programs and services that can be of assistance to those affected
8562 by the present emergency, shall provide information regarding
8563 their programs and services to the Cooperative Extension Service

8564 for use in the clearinghouse. The types of programs and services
8565 shall include but not be limited to financial counseling, farm and
8566 small business management, employment services, labor market
8567 information, job retraining, vocational and technical training,
8568 food stamp programs, personal counseling, health services, and
8569 free or low cost legal services. The clearinghouse shall provide
8570 a single contact point to provide program information and referral
8571 services to individuals interested or needing services from state
8572 funded assistance programs affecting agriculture, horticulture,
8573 aquaculture and other agribusinesses or related industries. Such
8574 assistance information shall identify all monies available under
8575 the Small Business Financing Act, the Business Investment Act, the
8576 Emerging Crop Fund legislation and any other sources which may be
8577 used singularly or combined, to provide a comprehensive financing
8578 package. The provisions of this section in establishing a single
8579 contact point for information and referral services shall not be
8580 construed to authorize the hiring of additional personnel.

8581 (2) The Cooperative Extension Service may accept monetary or
8582 in-kind contributions, gifts and grants for the establishment or
8583 operation of the clearinghouse.

8584 (3) The Cooperative Extension Service shall establish a
8585 method for the dissemination of information to those who can be
8586 benefited by the existing programs and services of the state.

8587 (4) The Cooperative Extension Service shall file an annual
8588 report with the Governor, Lieutenant Governor and Speaker of the
8589 House of Representatives regarding the efforts which have been
8590 made in the clearinghouse operation. The report shall also
8591 recommend any additional measures, including legislation, which

8592 may be needed or desired in providing programs and benefits to
8593 those affected by the agricultural emergency.

8594 SECTION 219. Section 73-15-19, Mississippi Code of 1972, is
8595 amended as follows:[LH207]

8596 73-15-19. (1) **Registered nurse applicant qualifications.**

8597 Any applicant for a license to practice as a registered nurse
8598 shall submit to the board:

8599 (a) An attested written application on a board of
8600 nursing form;

8601 (b) Written official evidence of completion of a
8602 nursing program approved by the Commissioner of Higher Education,
8603 or one approved by a legal accrediting agency of another state,
8604 territory or possession of the United States, the District of
8605 Columbia, or a foreign country which is satisfactory to this
8606 board;

8607 (c) Evidence of competence in English related to
8608 nursing, provided the first language is not English;

8609 (d) Any other official records required by the board.

8610 The board may, in its discretion, refuse to accept the
8611 application of any person who has been convicted of a criminal
8612 offense under any provision of Title 97 of the Mississippi Code of
8613 1972, as now or hereafter amended, or any provision of this
8614 chapter.

8615 (2) **Licensure by examination.**

8616 (a) Upon the board being satisfied that an applicant
8617 for a license as a registered nurse has met the qualifications set
8618 forth in subsection (1) of this section, the board shall proceed
8619 to examine such applicant in such subjects as the board shall, in

8620 its discretion, determine. The subjects in which applicants shall
8621 be examined shall be in conformity with curricula in schools of
8622 nursing approved by the Commissioner of Higher Education, or one
8623 approved by a legal accrediting agency of another state, territory
8624 or possession of the United States, the District of Columbia, or a
8625 foreign country which is satisfactory to the board.

8626 (b) The applicant shall be required to pass the written
8627 examination as selected by the board.

8628 (c) Upon successful completion of such examination, the
8629 board shall issue to the applicant a license to practice as a
8630 registered nurse.

8631 (d) The board may use any part or all of the state
8632 board test pool examination for registered nurse licensure, its
8633 successor examination, or any other nationally standardized
8634 examination identified by the board in its rules. The passing
8635 score shall be established by the board in its rules.

8636 (3) **Licensure by endorsement.** The board may issue a license
8637 to practice nursing as a registered nurse without examination to
8638 an applicant who has been duly licensed as a registered nurse
8639 under the laws of another state, territory or possession of the
8640 United States, the District of Columbia, or a foreign country if,
8641 in the opinion of the board, the applicant meets the
8642 qualifications required of licensed registered nurses in this
8643 state and has previously achieved the passing score or scores on
8644 the licensing examination required by this state, at the time of
8645 his or her graduation.

8646 (4) **Requirements for rewriting the examination.** The board
8647 shall establish in its rules the requirements for rewriting the

8648 examination for those persons failing the examination on the first
8649 writing or subsequent rewriting.

8650 (5) **Fee.** The applicant applying for a license by
8651 examination or by endorsement to practice as a registered nurse
8652 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
8653 board.

8654 (6) **Temporary permit.**

8655 (a) The board may issue a temporary permit to practice
8656 nursing to a graduate of an approved school of nursing pending the
8657 results of the examination in Mississippi, and to a qualified
8658 applicant from another state, territory or possession of the
8659 United States, or District of Columbia, or pending licensure
8660 procedures as provided for elsewhere in this chapter. The fee
8661 shall not exceed Twenty-five Dollars (\$25.00).

8662 (b) The board may issue a temporary permit for a period
8663 of ninety (90) days to a registered nurse who is currently
8664 licensed in another state, territory or possession of the United
8665 States or the District of Columbia and who is an applicant for
8666 licensure by endorsement. Such permit is not renewable except by
8667 board action.

8668 (c) The board may issue a temporary permit to a
8669 graduate of an approved school of nursing pending the results of
8670 the first licensing examination scheduled after application. Such
8671 permit is not renewable except by board action.

8672 (d) The board may issue a temporary permit for a period
8673 of thirty (30) days to any registered nurse during the time
8674 enrolled in a nursing reorientation program. This time period may
8675 be extended by board action. The fee shall not exceed Twenty-five

8676 Dollars (\$25.00).

8677 (e) The board may adopt such regulations as are
8678 necessary to limit the practice of persons to whom temporary
8679 permits are issued.

8680 (7) **Temporary license.** The board may issue a temporary
8681 license to practice nursing at a youth camp licensed by the State
8682 Board of Health to nonresident registered nurses and retired
8683 resident registered nurses under the provisions of Section
8684 75-48-8.

8685 (8) **Title and abbreviation.** Any person who holds a license
8686 or holds the privilege to practice as a registered nurse in this
8687 state shall have the right to use the title "registered nurse" and
8688 the abbreviation "R.N." No other person shall assume such title
8689 or use such abbreviation, or any words, letters, signs or devices
8690 to indicate that the person using the same is a registered nurse.

8691 (9) **Registered nurses licensed under a previous law.** Any
8692 person holding a license to practice nursing as a registered nurse
8693 issued by this board which is valid on July 1, 1981, shall
8694 thereafter be deemed to be licensed as a registered nurse under
8695 the provisions of this chapter upon payment of the fee provided in
8696 Section 73-15-27.

8697 (10) Each application or filing made under this section
8698 shall include the Social Security number(s) of the applicant in
8699 accordance with Section 93-11-64.

8700 SECTION 220. Section 73-15-33, Mississippi Code of 1972, is
8701 amended as follows:[LH208]

8702 73-15-33. It is unlawful for any person, including a
8703 corporation or association, to:

8704 (a) Sell, fraudulently obtain or furnish any nursing
8705 diploma, license, renewal of license, or record, or to aid or abet
8706 therein;

8707 (b) Practice nursing as defined by this chapter under
8708 cover of any diploma, license, renewal of license, or record
8709 illegally or fraudulently obtained or signed or issued unlawfully
8710 or under fraudulent representation;

8711 (c) Practice or offer to practice nursing as defined by
8712 this chapter unless duly licensed or privileged to practice under
8713 the provisions of this chapter;

8714 (d) Use any designation by which a person presents to
8715 the public that he or she is a registered nurse or a licensed
8716 practical nurse unless duly licensed or privileged to practice
8717 under the provisions of this chapter;

8718 (e) Practice as a registered nurse or a licensed
8719 practical nurse during the time his or her license or privilege to
8720 practice issued under the provisions of this chapter is under
8721 suspension or revocation;

8722 (f) Conduct a nursing education program for the
8723 preparation of registered nurses, unless the program has been
8724 accredited by the Commission of Higher Education, or conduct a
8725 nursing education program for the preparation of licensed
8726 practical nurses unless the program has been accredited by the
8727 Department of Education through the Division of Vocational
8728 Education;

8729 (g) Willfully employ unlicensed persons or persons not
8730 holding the privilege to practice, to practice as registered
8731 nurses or licensed practical nurses; or

8732 (h) Willfully aid or abet any person who violates any
8733 provisions of this chapter.

8734 Any person, firm or corporation who violates any provisions
8735 of this chapter shall be guilty of a misdemeanor and, upon
8736 conviction thereof, shall be punished by a fine not less than One
8737 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
8738 (\$1,000.00) or by imprisonment in the county jail for not less
8739 than twelve (12) months, or by both such fine and imprisonment.
8740 It shall be necessary to prove, in any prosecution under this
8741 chapter, only a single act prohibited by law, or a single holding
8742 out or an attempt without proving a general course of conduct in
8743 order to constitute a violation. Each violation may constitute a
8744 separate offense. It shall be the duty of the Attorney General to
8745 advise with the board in preparing charges, to assist in
8746 conducting board disciplinary hearings, to provide assistance with
8747 appropriate affidavits and other charges for filing in the
8748 appropriate court, and to assist the county or district attorney
8749 in prosecution, if any.

8750 SECTION 221. Section 75-59-1, Mississippi Code of 1972, is
8751 amended as follows:[LH209]

8752 75-59-1. No person, firm or corporation shall contract to
8753 furnish correspondence courses to persons within the state unless
8754 such person, firm or corporation shall have obtained a permit from
8755 the Office of the Secretary of State, either (a) the State
8756 Department of Education, (b) the State Board for Community and
8757 Junior Colleges, or (c) the Commissioner of Higher Education,
8758 whichever is appropriate, and the Office of the Attorney General.

8759 An application for a permit shall be made on forms furnished by

8760 the Secretary of State, the State Department of Education, the
8761 State Board for Community and Junior Colleges or the Commissioner
8762 of Higher Education, as the case may be, and the Attorney General
8763 and such application shall designate an agent for the service of
8764 summons within the state; shall contain the name and address of
8765 the applicant; the type of courses offered with a brief summary of
8766 the course of studies offered; and one (1) copy of all textbooks
8767 or other teaching aids and training materials which are
8768 incorporated in the course of study shall be filed with said
8769 application. The applicant shall pay the Secretary of State a fee
8770 of Two Hundred Fifty Dollars (\$250.00). The applicant shall file
8771 a bond with his application in the sum of Fifty Thousand Dollars
8772 (\$50,000.00) conditioned to satisfy any judgment rendered by a
8773 court of competent jurisdiction, in favor of any person who has
8774 sustained damages as a result of the breach of a contract of
8775 instruction by the permittee. Such bond shall be executed by the
8776 permittee and a resident surety company qualified to transact
8777 business within the state. Such permit shall be valid for one (1)
8778 year from the date thereof. Suits against the permittee and his
8779 surety may be brought in the county where the plaintiff resides,
8780 or the county where the defendant has his principal place of
8781 business, or where his resident agent resides. This chapter shall
8782 not apply to any business school or business college holding a
8783 current certificate or license issued under the applicable law of
8784 this state. In addition, this chapter shall not apply to
8785 religious instructions offered by a recognized church
8786 denomination; provided, however, that no fee or charge of any kind
8787 whatever may be levied or collected directly or indirectly for

8788 such instructions or certificates issued in connection therewith
8789 or incidental thereto. No person shall be granted a permit unless
8790 he is an individual of good moral character.

8791 SECTION 222. Section 75-60-5, Mississippi Code of 1972, is
8792 amended as follows:[LH210]

8793 75-60-5. The provisions of this chapter do not apply to the
8794 following categories of courses, schools or colleges:

8795 (a) Tuition-free courses or schools conducted by
8796 employers exclusively for their own employees;

8797 (b) Schools, colleges, technical institutes, community
8798 colleges, junior colleges or universities under the jurisdiction
8799 of a board of trustees of a state institution of higher learning
8800 or the State Board for Community and Junior Colleges;

8801 (c) Schools or courses of instruction under the
8802 jurisdiction of the State Board of Cosmetology or State Board of
8803 Barber Examiners;

8804 (d) Courses of instruction required by law to be
8805 approved or licensed, or given by institutions approved or
8806 licensed, by a state board or agency other than the Commission on
8807 Proprietary School and College Registration; however, a school so
8808 approved or licensed may apply to the Commission on Proprietary
8809 School and College Registration for a certificate of registration
8810 to be issued in accordance with the provisions of this chapter;

8811 (e) Correspondence courses;

8812 (f) Nonprofit private schools offering academic credits
8813 at primary or secondary levels, or conducting classes for
8814 exceptional education as defined by regulations of the State
8815 Department of Education;

8816 (g) Private nonprofit colleges and universities or any
8817 private school offering academic credits at primary, secondary or
8818 postsecondary levels;

8819 (h) Courses of instruction conducted by a public school
8820 district or a combination of public school districts;

8821 (i) Courses of instruction conducted outside the United
8822 States;

8823 (j) A school which offers only instruction in subjects
8824 which the Commission on Proprietary School and College
8825 Registration determines are primarily for avocational, personal
8826 improvement or cultural purposes and which does not represent to
8827 the public that its course of study or instruction will or may
8828 produce income for those who take such study or instruction;

8829 (k) Courses conducted primarily on an individual
8830 tutorial basis, where not more than one (1) student is involved at
8831 any one (1) time, except in those instances where the Commission
8832 on Proprietary School and College Registration determines that the
8833 course is for the purpose of preparing for a vocational objective;

8834 (l) Kindergartens or similar programs for preschool-age
8835 children.

8836 SECTION 223. The Attorney General of the State of
8837 Mississippi shall submit this act, immediately upon approval by
8838 the Governor, or upon approval by the Legislature subsequent to a
8839 veto, to the Attorney General of the United States or to the
8840 United States District Court for the District of Columbia in
8841 accordance with the provisions of the Voting Rights Act of 1965,
8842 as amended and extended.

8843 SECTION 224. This act shall take effect and be in force from

8844 and after either the date it is effectuated under the Voting
8845 Rights Act of 1965, as amended and extended, or the date that
8846 House Concurrent Resolution __, 2001 Regular Session, takes
8847 effect, whichever is the later date; however, this act shall take
8848 effect and be in force only if it is effectuated under the Voting
8849 Rights Act of 1965, as amended and extended, and only if House
8850 Concurrent Resolution ____, 2001 Regular Session, takes effect by
8851 effectuation under the Voting Rights Act of 1965, as amended and
8852 extended, and by ratification of the electorate at the November
8853 2002 general election.