H. B. No. 523

AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE BOARD OF
TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO ESTABLISH A
SEPARATE BOARD OF TRUSTEES FOR EACH STATE INSTITUTION OF HIGHER
LEARNING; TO PROVIDE FOR THE ELECTION OF MEMBERS OF SUCH BOARDS OF
TRUSTEES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE BOARD OF
TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO THE BOARDS OF
TRUSTEES OF THE VARIOUS INSTITUTIONS OF HIGHER LEARNING AND TO THE
COMMISSIONER OF HIGHER EDUCATION; TO AMEND SECTION 37-101-1,
MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
37-101-5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE
QUALIFICATIONS FOR MEMBERSHIP TO THE BOARD OF TRUSTEES OF A STATE
INSTITUTION OF HIGHER LEARNING; TO AMEND SECTION 37-101-7,
MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ORGANIZATION OF THE
BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS OF HIGHER
LEARNING AND FOR THE APPOINTMENT OF A COMMISSIONER OF HIGHER
EDUCATION; TO AMEND SECTIONS 37-101-9 THROUGH 37-101-13,
MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
37-101-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND
DUTIES OF THE BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS
OF HIGHER LEARNING; TO AMEND SECTIONS 1-1-11, 11-46-17, 17-13-5,
19-3-47, 19-9-1, 21-25-23, 21-33-301, 25-3-41, 27-7-701,
27-103-127, 29-1-205, 29-17-1, 31-1-1, 31-7-10, 37-3-2, 37-4-4,
37-102-15, 37-103-1, 37-103-9, 37-103-25, 37-103-29, 37-104-5,
37-105-1, 37-105-7, 37-105-9, 37-106-5, 37-106-9, 37-106-35,
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

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

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

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

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

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

(3) Vacancies in the membership of the Board of Trustees of Mississippi State University of Agriculture and Applied Science shall be filled in the manner provided by law for the filling of vacancies in district offices.
SECTION 3. (1) The Board of Trustees of the University of Mississippi shall consist of five (5) members. On the first Tuesday after the first Monday in November 2003, an election shall be held, at the same time and in the same manner the general state election is held, for the purpose of electing the members of the board of trustees established under this section. All members of the board of trustees as constituted under this section shall take office on the first Monday of January following the date of their election and shall hold office for a term of four (4) years. The members of the board of trustees shall be elected from the five (5) congressional districts, as such districts existed following the 1990 federal decennial census, and shall hold the qualifications for the office of trustee established under Section 37-101-5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 10. Section 37-101-1, Mississippi Code of 1972, is amended as follows:

37-101-1. The following state institutions of higher learning, namely:
(a) The University of Mississippi;
(b) The Mississippi State University of Agriculture and Applied Science;
(c) The Mississippi University for Women;
(d) The University of Southern Mississippi;
(e) The Delta State University;
(f) The Alcorn State University;
(g) The Jackson State University;
(h) The Mississippi Valley State University;
(i) And any other of like kind which may be hereafter established by the state;
each shall be under the management and control of a board of trustees for that state institution of higher learning elected in the manner provided for by law.

SECTION 11. Section 37-101-5, Mississippi Code of 1972, is amended as follows:

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

SECTION 12. Section 37-101-7, Mississippi Code of 1972, is amended as follows:

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

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

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

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

SECTION 13. Section 37-101-9, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

SECTION 16. Section 37-101-15, Mississippi Code of 1972, is amended as follows:

37-101-15. (a) The board of trustees of each state institution of higher learning shall succeed to and continue to exercise control of all records, books, papers, equipment, and supplies, and all lands, buildings, and other real and personal property belonging to or assigned to the use and benefit of the state institution of higher learning under the supervision and control of the respective board. Each board shall have and exercise control of the use, distribution and disbursement of all funds, appropriations and taxes, now and hereafter in possession, levied and collected, received, or appropriated for the use,
benefit, support, and maintenance or capital outlay expenditures
of the respective institution of higher learning, including the
authorization of employees to sign vouchers for the disbursement
of funds for the institution, except where otherwise specifically
provided by law.

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

(c) Each board shall exercise all the powers and
prerogatives conferred upon it under the laws establishing and
providing for the operation of the several institutions herein
specified. The board shall adopt such bylaws and regulations from
time to time as it deems expedient for the proper supervision and
control of the institution of higher learning under its
jurisdiction, insofar as such bylaws and regulations are not
repugnant to the Constitution and laws, and not inconsistent with the object for which these institutions were established. The board shall have power and authority to prescribe rules and regulations for policing the campuses and all buildings of the institution, to authorize the arrest of all persons violating on any campus any criminal law of the state, and to have such law violators turned over to the civil authorities.

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

(e) For each institution specified herein, the respective board shall prepare an annual report to the Legislature setting forth the disbursements of all monies appropriated to the institution. Each report to the Legislature shall show how the money appropriated to the institution has been expended, beginning and ending with the fiscal year of the institution, showing the name of each teacher, officer, and employee, and the salary paid each, and an itemized statement of each and every item of receipts and expenditures. Each report must be balanced, and must begin with the former balance. If any property belonging to the
institution is used for profit, the reports shall show the expense
incurred in managing the property and the amount received
therefrom. The reports shall also show a summary of the gross
receipts and gross disbursements for each year and shall show the
money on hand at the beginning of the fiscal period of the
institution next preceding each session of the Legislature and the
necessary amount of expense to be incurred from said date to
January 1 following. The board shall keep the annual expenditures
of the institution within the income derived from
legislative appropriations and other sources, but in case of
emergency arising from acts of providence, epidemics, fire or
storm with the written approval of the Governor and by written
consent of a majority of the Senators and of the Representatives
it may exceed the income. The board shall require a surety bond
in a surety company authorized to do business in this state, of
every employee who is the custodian of funds belonging to the
institution, which bond shall be in a sum to be fixed
by the board in an amount that will properly safeguard the said
funds, the premium for which shall be paid out of the funds
appropriated for said institution.

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

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

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

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

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

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

Fifty-seven (57) sets to the Mississippi House of
Representatives and forty (40) sets to the Mississippi Senate for
the use of the Legislative Reference Bureau, Legislative Services
Offices, staffs and committees thereof.

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

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

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

One (1) set to each state junior or community college; three (3) sets to the Department of Wildlife, Fisheries and Parks; two (2) sets to the Department of Environmental Quality; two (2) sets to the Department of Marine Resources; two (2) sets to the Mississippi Ethics Commission; six (6) sets to the Mississippi Workers' Compensation Commission; four (4) sets to the State Department of Rehabilitation Services; and seven (7) sets to the Department of Human Services. One (1) set to each of the following: State Textbook Procurement Commission; University Medical Center; State Library Commission; Department of Agriculture and Commerce; Forestry Commission; and seventeen (17)
sets to the Department of Public Safety. Also, one (1) set to each of the following: Adjutant General, Department of Economic and Community Development, Department of Banking and Consumer Finance, Bureau of Building, Grounds and Real Property Management, the State Educational Finance Commission, the Mississippi Board of Vocational and Technical Education, Division of Medicaid, State Board of Mental Health, and Department of Youth Services.

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

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

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

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

Before the joint committee delivers or provides for delivery of a copy of the Mississippi Code of 1972 to an individual officeholder, the joint committee shall prepare and submit a written agreement to the officeholder. The agreement shall, among other provisions, state that the code is the property of the State...
of Mississippi, that it shall be transferred to the officeholder's successor in office, that the officeholder has an obligation to make such transfer and that the officeholder shall be responsible for the failure to deliver the code and for any damage or destruction to the code, normal wear and tear excepted. The joint committee shall execute the agreement and forward it to the officeholder for execution. The joint committee shall not deliver or provide for delivery of the code to the officeholder until the executed agreement is received by the committee. The joint committee may include in the agreement such other provisions as it may deem reasonable and necessary. In addition to damages or any other remedy for not transferring a set of the code to his successor, an officeholder who does not transfer his set of the code shall be guilty of a misdemeanor and shall, upon conviction, pay a fine of One Thousand Dollars ($1,000.00). Upon request of the joint committee, the Attorney General shall assist the joint committee in taking such actions as necessary to require an officeholder to transfer the set of code provided under this section to his successor, or to the joint committee if there is no successor, and to recover reimbursement or damages from any officeholder for the loss of or damage or destruction to any volumes of the set of the code provided under this section, other than normal wear and tear.

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

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

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

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

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

All such monies as the Department of Finance and
Administration shall receive and collect under the provisions of
subsection (2) of this section and all such funds as the
Legislature may appropriate for use by the board in administering
the provisions of this chapter shall be deposited in such fund.

All monies in the fund may be expended by the board for any and
all purposes for which the board is authorized to expend funds
under the provisions of this chapter. All interest earned from
the investment of monies in the fund shall be credited to the
fund. Monies remaining in such fund at the end of a fiscal year
shall not lapse into the State General Fund.

(2) From and after July 1, 1993, each governmental entity
other than political subdivisions shall participate in a
comprehensive plan of self-insurance and/or one or more policies
of liability insurance administered by the Department of Finance
and Administration. Such plan shall provide coverage to each of
such governmental entities for every risk for which the board
determines the respective governmental entities to be liable in the event of a claim or suit for injuries under the provisions of this chapter, including claims or suits for injuries from the use or operation of motor vehicles; provided, however, that the board may allow such plan to contain any reasonable limitations or exclusions not contrary to Mississippi state statutes or case law as are normally included in commercial liability insurance policies generally available to governmental entities. In addition to the coverage authorized in the preceding sentence, the plan may provide coverage for liabilities outside the provisions of this chapter, including, but not limited to, liabilities arising from Sections 1983 through 1987 of Title 42 of the United States Code and liabilities from actions brought in foreign jurisdictions, and the board shall establish limits of coverage for such liabilities. Each governmental entity participating in the plan shall make payments to the board in such amounts, times and manner determined by the board as the board deems necessary to provide sufficient funds to be available for payment by the board of such costs as it incurs in providing coverage for the governmental entity. Each governmental entity of the state other than the political subdivisions thereof participating in the plan procured by the board shall be issued by the board a certificate of coverage whose form and content shall be determined by the board but which shall have the effect of certifying that in the opinion of the board each of such governmental entities is adequately insured.

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

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

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

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

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

SECTION 19. Section 17-13-5, Mississippi Code of 1972, is amended as follows:

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

(a) "Local governmental unit" shall mean any county, any incorporated city, town or village, any school district, any utility district, any community college, any institution of higher learning, or any municipal airport authority or regional airport authority.

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

SECTION 20. Section 19-3-47, Mississippi Code of 1972, is amended as follows:

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

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

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

One percent (1%) of the first Five Hundred Thousand Dollars ($500,000.00) of any one (1) bond issue; one-half percent (1/2%) of the amount of the issue in excess of Five Hundred Thousand Dollars ($500,000.00) but not more than One Million Dollars ($1,000,000.00); and one-fourth percent (1/4%) of the amount of the issue in excess of One Million Dollars ($1,000,000.00). The limitations imposed in this paragraph shall not apply to any bond
issue for which a declaration to issue the bonds has heretofore
been adopted by proper resolution.

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

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

(3) In any county having a 1980 federal census population
in excess of one hundred eighteen thousand (118,000), and in which
is located a major refinery for the production of petroleum
products and a facility for the construction of ships for the
United States Navy; in any county which is traversed by an
interstate highway and having a 1980 federal census population in
excess of sixty-six thousand (66,000), and in which is located a
comprehensive "public university *** and a National Guard
training base; in any county in which is located the State Capitol
and the state's largest municipality; in any county which is
traversed by Interstate Highway 55, United States Highway 51 and
United States Highway 98; in any county bordering the Gulf of
Mexico, having a 1980 federal census population in excess of one
hundred fifty-seven thousand (157,000), and in which is located a
state-owned port; and in any county which is traversed by
Interstate Highway 20, United States Highway 49 and United States Highway 80, and in which is located the State Hospital and an international airport; all of which foregoing criteria the Legislature finds to be conducive to industrial development requiring the issuance of industrial revenue bonds and which counties would gain benefits by employment of counsel in the manner authorized by this subsection, the board of supervisors, as an alternative to the authority conferred upon it in subsections (1) and (2) of this section, may employ annually, in its discretion, an attorney as a full-time employee of the county, subject to the following conditions:

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

(b) The attorney shall be employed by the board of supervisors in the matter of the issuance of all bonds of the county and the drafting of resolutions in connection therewith, and shall represent the board in all state and federal courts.

Attorney's fees for the services which otherwise would have been paid to an attorney under paragraph (1)(c) of this section shall be paid into the county general fund and used to defray the salary of the attorney and his necessary office expenses;

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

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

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

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

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

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

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

(c) Purchasing or constructing, repairing, improving
and equipping buildings for public libraries and for purchasing
land, equipment and books therefor, whether the title to same be
vested in the county issuing such bonds or in some subdivision of
the state government other than the county, or jointly in such
(d) Establishing county farms for convicts, purchasing land therefor, and erecting, remodeling, and equipping necessary buildings therefor;

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

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

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

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

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

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

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

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

(m) Purchasing machinery and equipment which have an expected useful life in excess of ten (10) years. The life of such bonds shall not exceed the expected useful life of such machinery and equipment. Machinery and equipment shall not include any motor vehicle weighing less than twelve thousand (12,000) pounds;
(n) Purchasing fire fighting equipment and apparatus, and providing housing for the same and purchasing land necessary therefor;

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

SECTION 22. Section 21-25-23, Mississippi Code of 1972, is amended as follows:

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

SECTION 23. Section 21-33-301, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

(h) Constructing bridges and culverts;
(i) Constructing, repairing and improving wharves, docks, harbors and appurtenant facilities, and purchasing land therefor;

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

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

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

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

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

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

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

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

SECTION 24. Section 25-3-41, Mississippi Code of 1972, is amended as follows:

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

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

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

(4) In addition to the foregoing, a public officer or
employee shall be reimbursed for other actual expenses such as
meals, lodging and other necessary expenses incurred in the course
of such travel, subject to limitations placed on meals for
intrastate and interstate official travel by the Department of
Finance and Administration, provided, that the Legislative Budget
Office shall place any limitations for expenditures made on
matters under the jurisdiction of the Legislature. The Department
of Finance and Administration shall set a maximum daily
expenditure annually for such meals and shall notify officers and
employees of changes to these allowances immediately upon approval
of such changes. Travel by airline shall be at the tourist rate
unless such space was unavailable. The officer or employee shall certify that tourist accommodations were not available if travel is performed in first class airline accommodations. Itemized expense accounts shall be submitted by such officers or employees in such number as the department, agency or institution may require; but in any case one (1) copy shall be furnished by state departments, agencies or institutions to the Department of Finance and Administration for preaudit or postaudit. The Department of Finance and Administration shall promulgate and adopt reasonable rules and regulations which it deems necessary and requisite to effectuate economies for all expenses authorized and paid pursuant to this section. Requisitions shall be made on the State Fiscal Officer who shall issue his warrant on the State Treasurer.

Provided, however, that the provisions of this section shall not include agencies financed entirely by federal funds and audited by federal auditors.

(5) Any officer or employee of a county or municipality, or any department, board or commission thereof, who is required to travel in the performance of his official duties, may receive funds prior to such travel, in the discretion of the administrative head of the county or municipal department, board or commission involved, for the purpose of paying necessary expenses incurred during such travel. Upon return from such travel, the officer or employee shall provide receipts of transportation, lodging, meals, fees and any other expenses incurred during the travel. Any portion of the funds advanced which is not expended during the travel shall be returned by the officer or employee. The Department of Audit shall adopt rules
and regulations regarding advance payment of travel expenses and submission of receipts to ensure proper control and strict accountability for such payments and expenses.

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

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

(8) (a) The Department of Finance and Administration may contract with one or more commercial travel agencies, after receiving competitive bids or proposals therefor, for such travel agency or agencies to provide necessary travel services for state officers and employees. However, the administrative head of each state institution of higher learning may, in his discretion, contract with a commercial travel agency to provide necessary travel services for all academic officials and staff of the university in lieu of participation in the state travel agency contract. Any such decision by a university to contract with a
separate travel agency shall be approved by the Commissioner of Higher Education and the Executive Director of the Department of Finance and Administration.

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

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

SECTION 25. Section 27-7-701, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

SECTION 26. Section 27-103-127, Mississippi Code of 1972, is amended as follows:

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

(a) The amount by source of all special fund receipts
collected or otherwise available in the current fiscal year, and
an estimate by source of all special funds which will be collected
or become available by the end of the then current fiscal year;
(b) The estimated amount of all expenditures to be made
or obligations to be incurred payable from such special funds
during the then current fiscal year;
(c) The estimated aggregate amount of special funds
which will be needed by the agency for the succeeding fiscal year;
beginning with the 1995 fiscal year and in the event that any
services proposed to be provided by the agency in the succeeding
fiscal year are Medicaid reimbursable, any state general matching
funds necessary for such reimbursement shall be included in the
agency's proposed budget, and the appropriation to the Division of
Medicaid in the 1995 fiscal year shall be adjusted accordingly;
(d) The estimated amount by source of special funds
which will be available under existing laws during the succeeding
fiscal year, including any balances which will be on hand at the
close of the then current fiscal year;
(e) The estimated amount which will be needed and which
will require change in existing law or laws;
(f) If any new item of expense is included in the
proposed budget of any special fund agency, the reason therefor
shall be given; and in any case where the Legislative Budget
Office shall eliminate or reduce any item or items in the proposed
budget of any special fund agency, it shall note briefly the
reasons therefor, together with the reasons advanced by the agency
in support of the item or items eliminated or reduced;
(g) The proposed budget of each special fund agency
shall show the amounts required for operating expenses separately
from the amounts required for permanent improvements.

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

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

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

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

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

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

The annual budget request of the Department of Transportation
shall be divided into the following program budgets: (a)
administration and other expenses, (b) construction, (c)
maintenance, and (d) debt service. In making its annual
appropriation to the Department of Transportation from the State
Highway Fund, the Legislature shall separate the appropriation
bill into the four (4) program budget areas herein specified. For
the purposes of this paragraph, "administration and other
expenses" shall be construed to mean those expenses incurred due
to departmental support activities which cannot be assigned to a
specific construction or maintenance project, and shall be
construed to include expenses incurred for office machines,
furniture, fixtures, automobiles, station wagons, truck and other
vehicles, road machinery, farm equipment and other working
equipment, data processing and computer equipment, all other
equipment, and replacements for equipment. "Construction" shall
be construed to mean those expenses associated with the creation
and development of the state highway system and its related
facilities; "maintenance" shall be construed to mean those
expenses incurred due to activities associated with preservation
of safe and aesthetically acceptable highways in an attempt to
maintain them in as close to the original condition as possible;
and "debt service" shall be construed to mean amounts needed to pay bonds and interest coming due, bank service charges, and bond debt service.

SECTION 27. Section 29-1-205, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

SECTION 28. Section 29-17-1, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

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

All state agencies shall purchase all commodities required for their operation or for the proper fulfillment of their duties and functions in accordance with Chapter 7 of this title in order to coordinate and promote efficiency and economy in the purchase of such commodities for the state.
SECTION 30. Section 31-7-10, Mississippi Code of 1972, is amended as follows:

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

(2) All funds designated by agencies for procurement of equipment and financing thereof under the master lease-purchase program shall be paid into a special fund hereby created in the State Treasury known as the "Master Lease-Purchase Program Fund" which shall be used by the Department of Finance and Administration for payment to the lessors for equipment acquired under master lease-purchase agreements.
(3) Upon final approval of an appropriation bill, each agency shall submit to the Public Procurement Review Board a schedule of proposed equipment acquisitions for the master lease-purchase program. Upon approval of an equipment schedule by the Public Procurement Review Board with the advice of the Mississippi Department of Information Technology Services, the Office of Purchasing and Travel, and the Division of Energy and Transportation of the Department of Economic and Community Development as it pertains to energy efficient climate control systems, the Public Procurement Review Board shall forward a copy of the equipment schedule to the Department of Finance and Administration.

(4) The level of lease-purchase debt recommended by the Department of Finance and Administration shall be subject to approval by the State Bond Commission. After such approval, the Department of Finance and Administration shall be authorized to advertise and solicit written competitive proposals for a lessor, who will purchase the equipment pursuant to bid awards made by the using agency under a given category and then transfer the equipment to the Department of Finance and Administration as lessee, pursuant to a master lease-purchase agreement. The Department of Finance and Administration shall select the successful proposer for the financing of equipment under the master lease-purchase program with the approval of the State Bond Commission.

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

A master lease-purchase agreement may provide for payment by
the lessor to the lessee of the purchase price of the equipment to
be acquired pursuant thereto prior to the date on which payment is
due to the vendor for such equipment and that the lease payments
by the lessee shall commence as though the equipment had been
provided on the date of payment. If the lessee, or lessee's
escrow agent, has sufficient funds for payment of equipment purchases prior to payment due date to vendor of equipment, such funds shall be held or utilized on an as needed basis for payment of equipment purchases either by the State Treasurer (in which event the master lease-purchase agreement may include provisions concerning the holding of such funds, the creation of a security interest for the benefit of the lessor in such funds until disbursed and other appropriate provisions approved by the Bond Commission) or by a corporate trustee selected by the Department of Finance and Administration (in which event the Department of Finance and Administration shall have the authority to enter into an agreement with such a corporate trustee containing terms and conditions approved by the bond commission). Earnings on any amount paid by the lessor prior to the acquisition of the equipment may be used to make lease payments under the master lease-purchase agreement or applied to pay costs and expenses incurred in connection with such lease-purchase agreement. In such event, the equipment use agreements with the user agency may provide for lease payments to commence upon the date of payment by the lessor and may also provide for a credit against such payments to the extent that investment receipts from investment of the purchase price are to be used to make lease-purchase payments.

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

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

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

(9) The maximum lease term for any equipment acquired under
the master lease-purchase program shall not exceed the useful life
of such equipment as determined according to the upper limit of
the asset depreciation range (ADR) guidelines for the Class Life

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

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

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

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

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

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

(15) The Department of Finance and Administration may
develop a master lease-purchase program for school districts and,
pursuant to that program, may execute on behalf of the school
districts master lease-purchase agreements for equipment to be
used by the school districts. The form and structure of this
program shall be substantially the same as set forth in this section for the master lease-purchase program for state agencies. If sums due from a school district under the master lease-purchase program are not paid by the expiration of the defined payment period, the Executive Director of the Department of Finance and Administration may withhold such amount that is due from the school district's minimum education or adequate education program fund allotments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) An application on a department form;

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

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

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

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

(b) **Standard License – Alternate Teaching Route.** Applicants for a standard license-alternate teaching route shall submit to the department:

(i) An application on a department form;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Beginning with the 1997-1998 school year, individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. Applicants...
seeking school administrator licensure prior to June 30, 1997, and completing all requirements for provisional or standard administrator certification and who have never practiced, shall be exempt from taking the Mississippi Assessment Battery Phase I.

Applicants seeking school administrator licensure during the period beginning July 1, 1997, through June 30, 1998, shall participate in the Mississippi Assessment Battery, and upon request of the applicant, the department shall reimburse the applicant for the cost of the assessment process required. After June 30, 1998, all applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

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

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

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

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

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

(a) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;
(b) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;
(c) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect, at the time of application for a license;
(d) Revocation of an applicant's certificate or license by another state;
(e) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;
(f) Failing or refusing to furnish reasonable evidence of identification;
(g) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law; or
(h) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law.
(12) The State Board of Education, acting on the recommendation of the commission, may revoke or suspend any teacher or administrator license for specified periods of time for one or more of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 32. Section 37-4-4, Mississippi Code of 1972, is amended as follows:

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

SECTION 33. Section 37-9-77, Mississippi Code of 1972, is amended as follows:

37-9-77. (1) There is established the Mississippi School Administrator Sabbatical Program which shall be available to licensed teachers employed in Mississippi school districts for not less than three (3) years, for the purpose of allowing such teachers to become local school district administrators under the conditions set forth in this section. The State Board of Education, in coordination with the board of trustees of each state institution of higher learning offering administrator course work and training, shall develop guidelines for the program. Application shall be made to the State Department of Education for the Mississippi School Administrator Sabbatical Program by qualified teachers meeting the criteria for a department-approved
administration program and who have been recommended by the local
school board. Administration programs that are eligible for the
administrator sabbatical program shall be limited to those that
have been approved by the department by the January 1 preceding
the date of admission to the program. Admission into the program
shall authorize the applicant to take university course work and
training leading to an administrator's license.

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

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

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

(4) As a condition for participation in the School
Administrator Sabbatical Program, such teachers shall agree to
employment as administrators in the sponsoring school district for
not less than five (5) years following completion of administrator
licensure requirements. Any person failing to comply with this
employment commitment in any required school year, unless the
commitment is deferred as provided in subsection (5) of this
section, shall immediately be in breach of contract and become
liable to the State Department of Education for that amount of his
salary and paid fringe benefits paid by the state while the
teacher was on sabbatical, less twenty percent (20%) of the amount
of his salary and paid fringe benefits paid by the state for each
year that the person was employed as an administrator following
completion of the administrator licensure requirements. In
addition, the person shall become liable to the local school
district for any portion of his salary and paid fringe benefits
paid by the local school district while the teacher was on
sabbatical that is attributable to the local salary supplement or
is attributable to the amount that exceeds the maximum amount
allowed for reimbursement from state funds as provided in subsection (2) of this section, less twenty percent (20%) of the amount of his salary and paid fringe benefits paid by the school district for each year that the person was employed as an administrator following completion of the administrator licensure requirements. Interest on the amount due shall accrue at the current Stafford Loan rate at the time the breach occurs. If the claim for repayment of such salary and fringe benefits is placed in the hands of an attorney for collection after default, then the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(5) If there is not an administrator position immediately available in the sponsoring school district after a person has completed the administrator licensure requirements, or if the administrator position in the sponsoring school district in which the person is employed is no longer needed before the completion of the five-year employment commitment, the local school board shall defer any part of the employment commitment that has not been met until such time as an administrator position becomes available in the sponsoring school district. If such a deferral is made, the sponsoring school district shall employ the person as a teacher in the school district during the period of deferral, unless the person desires to be released from employment by the sponsoring school district and the district agrees to release the person from employment. If the sponsoring school district releases a person from employment, that person may be employed as an administrator in another school district in the state that is in need of administrators as determined by the State Board of
Education, and that employment for the other school district shall be applied to any remaining portion of the five-year employment commitment required under this section. Nothing in this subsection shall prevent a school district from not renewing the person's contract before the end of the five-year employment commitment in accordance with the School Employment Procedures Law (Section 37-9-101 et seq.). However, if the person is not employed as an administrator by another school district after being released by the sponsoring school district, or after his contract was not renewed by the sponsoring school district, he shall be liable for repayment of the amount of his salary and fringe benefits as provided in subsection (4) of this section.

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

(7) This section shall stand repealed from and after July 1, 2001.
the beginning teacher support program;

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 36. Section 37-11-29, Mississippi Code of 1972, is amended as follows:

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

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

If the charge upon which such student was arrested, or any
other charges preferred against him are dismissed or nol prossed,
or if upon trial he is either convicted or acquitted of such
charge or charges, same shall be reported to said respective
superintendent or president, or chancellor, as the case may
be. * * *
Said report shall be made within one (1) week after the arrest of such student and within one (1) week after any charge placed against him is dismissed or nol prossed, and within one (1) week after he shall have pled guilty, been convicted, or have been acquitted by trial upon any charge placed against him. This section shall not apply to ordinary traffic violations involving a penalty of less than Fifty Dollars ($50.00) and costs.

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

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

(5) Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in
good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed.

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

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

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

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

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

(e) Rape, as defined under Mississippi law;

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

(g) Murder, as defined under Mississippi law;

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

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

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

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

(2) Such assessments as are collected under Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "State Court Education Fund." Monies deposited in such fund shall be expended by the board of trustees of each state institution of higher learning as authorized and appropriated by the Legislature to defray the cost of providing:

(i) education and training for the courts of Mississippi and related personnel; (ii) technical assistance for the courts of Mississippi and related personnel; and (iii) current and accurate information for the Mississippi Legislature pertaining to the needs of the courts of Mississippi and related personnel.

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

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

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

(5) A special fund is created in the State Treasury and designated the "State Court Security Systems Fund." Monies deposited in such fund shall be expended for general courtroom security as well as the maintenance and operation of security surveillance and detection devices for the courtrooms of each court of the State of Mississippi specified in Section 37-26-1(2).

The Administrative Office of Courts shall conduct a study to
assess and determine the security needs of the courts and is authorized to expend monies in the fund for the purposes of the fund as authorized and appropriated by the Legislature.

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Eight and twenty-six one-hundredths percent (8.26%) to be distributed to public school districts for the funding of textbooks and other educational materials and to be used by the State Department of Education for the purchase of textbooks to be loaned under Sections 37-43-1 through 37-43-59 to approved nonpublic schools, as described under Section 37-43-1. The amount of funds under this item to be used by the department for purchasing textbooks to loan to approved nonpublic schools shall be in the proportion that the average daily attendance of the nonpublic schools that are loaned textbooks by the state bears to the average daily attendance of all school districts in the state. The funds distributed to the school districts under this item shall be in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state and shall be used to assist in the funding of textbooks and other educational materials, to include not more than Two Million Dollars ($2,000,000.00) each year for technology enhancement projects for elementary and secondary education programs;
(8.26%) to assist the funding of the Uniform Millage Assistance Grant Program pursuant to Section 37-22-1; and

(iv) Nine and sixty-one one-hundredths percent (9.61%) for classroom supplies, instructional materials and equipment, including computers and computer software, to be distributed to all school districts in the proportion that the average daily attendance of each school district bears to the average daily attendance of all school districts within the state. Such funds shall not be expended for administrative purposes. Local school districts shall allocate classroom supply funds equally among all classroom teachers in the school district. For purposes of this subparagraph, "teacher" shall mean any employee of the school board of a school district who is required by law to obtain a teacher's license from the State Board of Education and who is assigned to an instructional area of work as defined by the State Department of Education, but shall not include a federally funded teacher. Two (2) or more teachers may agree to pool their classroom supply funds for the benefit of a school within the district pursuant to the development of a spending plan that supports the overall goals of the school which includes the type, quantity and quality of such supplies, instructional materials, equipment, computers or computer software. This plan shall be submitted, in writing, to the school principal for approval. Classroom supply funds allocated under this subparagraph shall supplement, not replace, other local and state funds available for the same purposes. School districts need not fully expend the funds received under this subparagraph in the year in which they are received, but such funds may be carried forward for
expenditure in any succeeding school year. The State Board of
Education shall develop and promulgate rules and regulations for
the administration of this subparagraph consistent with the above
criteria, with particular emphasis on allowing the individual
teachers to expend funds as they deem appropriate, with minimum
input from school principals;

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

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

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

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

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

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

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

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

and

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

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

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

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

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

(a) Purchasing, erecting, repairing, equipping, remodeling and enlarging school buildings and related facilities, including gymnasiums, auditoriums, lunchrooms, vocational training
buildings, libraries, teachers' homes, school barns,
transportation vehicles (which shall include new and used
transportation vehicles) and garages for transportation vehicles,
and purchasing land therefor.
(b) Establishing and equipping school athletic fields
and necessary facilities connected therewith, and purchasing land
therefor.
(c) Providing necessary water, light, heating, air
conditioning and sewerage facilities for school buildings, and
purchasing land therefor.
(d) As a pledge to pay all or a portion of the debt
service on debt issued by the school district under Sections
through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
and 37-41-81, Mississippi Code of 1972, or debt issued by boards
of supervisors for agricultural high schools pursuant to Section
37-27-65, Mississippi Code of 1972, if such pledge is accomplished
pursuant to a written contract or resolution approved and spread
upon the minutes of an official meeting of the district's school
board or board of supervisors. The annual grant to such district
in any subsequent year during the term of the resolution or
contract shall not be reduced below an amount equal to the
district's grant amount for the year in which the contract or
resolution was adopted. The intent of this provision is to allow
school districts to irrevocably pledge a certain, constant stream
of revenue as security for long-term obligations issued under the
code sections enumerated in this paragraph or as otherwise allowed
by law. It is the intent of the Legislature that the provisions
of this paragraph shall be cumulative and supplemental to any existing funding programs or other authority conferred upon school districts or school boards. Debt of a district secured by a pledge of sales tax revenue pursuant to this paragraph shall not be subject to any debt limitation contained in the foregoing enumerated code sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37-101-2. There is hereby established a Welfare Policy Institute at a campus location to be designated by the Commissioner of Higher Education. The purpose of the institute shall be to research and gather empirical information regarding the social and welfare programs authorized under Sections 43-49-1 through 43-49-15, 43-13-115, 43-17-1, 43-17-5, 43-1-8, 43-1-10, 43-1-30 and 37-101-2 and to write grant proposals regarding the policy implications of such program.
SECTION 41. Section 37-101-16, Mississippi Code of 1972, is amended as follows:

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

SECTION 42. Section 37-101-19, Mississippi Code of 1972, is amended as follows:

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

The marine research laboratory may, in the discretion of the board of trustees ***, be operated by the Mississippi Academy of Science, Inc., under the supervision and control of the board of trustees ***. The board of trustees *** is hereby authorized and empowered to expend annually out of its regular appropriation for the support and maintenance of the University of Southern Mississippi a sum not exceeding Five Thousand Dollars ($5,000.00) for the support and maintenance of the marine research laboratory.
SECTION 43. Section 37-101-21, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

SECTION 44. Section 37-101-23, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

(e) Assist small farms in developing more efficient marketing and distribution channels, including foreign trade.
SECTION 45. Section 37-101-27, Mississippi Code of 1972, is amended as follows:

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

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

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

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

SECTION 46. Section 37-101-29, Mississippi Code of 1972, is amended as follows:

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

(a) Teacher enrollment data;
(b) Professional education faculty data;
(c) Characteristics of students receiving initial licensure;
(d) Number and percentage of program completers scoring at or above the proficiency level on the prescribed teacher education exit tests;
(e) Satisfaction rate of employers and graduates;
(f) Follow-up profiles of graduates of the teacher education program; and
(g) Any other information required by the State Board of Education. Before requiring any other information, the State Board of Education shall conduct collaborative planning activities with the Mississippi Association of Colleges of Teacher Education.

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

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

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

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

37-101-41. The board of trustees of each state institution
of higher learning is hereby authorized and empowered to lease to
private individuals or corporations, for a term not exceeding
thirty-one (31) years, any land at * * * Mississippi State
University of Agriculture and Applied Science, Jackson State University, Mississippi Valley State University, Alcorn State University, University of Southern Mississippi, Mississippi University for Women and Delta State University, for the purpose of erecting housing and dormitory facilities thereon for active faculty and students. Said housing facilities shall be constructed thereon by private financing, and shall be leased back to said board for use by the concerned state-supported institution of higher learning. The lease shall contain a provision permitting said board to purchase the building located thereon for the sum of One Dollar ($1.00) after payment by said board of all sums of money due under said lease.

SECTION 49. Section 37-101-43, Mississippi Code of 1972, is amended as follows:

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

Upon completion of said plans and specifications and the approval thereof by said board, and before entering into any lease contract, said (3) consecutive weeks and not less than twenty-one
(21) days in at least one (1) newspaper having a general circulation in the county in which the interested institution is located and in one newspaper with a general statewide circulation, a notice inviting bids or proposals for the leasing, construction and leasing back of said land and constructed facility, said facility to be constructed in accordance with said plans and specifications. Said notice shall distinctly state the thing to be done, and invite sealed proposals, to be filed with said board, to do the thing to be done. Said notice shall contain the following specific provisions, together with such others as said board in its discretion deems appropriate, to wit: bids shall be accompanied by a bid security evidenced by a certified or cashier's check or bid-bond payable to said board in a sum of not less than five percent (5%) of the gross construction cost of the facility to be constructed as estimated by said board and the bids shall contain proof satisfactory to the board of interim and permanent financing. The board shall state in the notice when construction shall commence. The bid shall contain the proposed contractor's certificate of responsibility number and bidder's license. In all cases, before the notice shall be published, the plans and specifications shall be filed with said board and also in the office of the president of the interested institution, there to remain.

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

SECTION 50. Section 37-101-61, Mississippi Code of 1972, is amended as follows:

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

SECTION 51. Section 37-101-63, Mississippi Code of 1972, is
amended as follows:

37-101-63. Each corporation formed under the provisions of
Section 37-101-61 shall have the following powers, together with
all powers incidental thereto or necessary to the discharge
thereof in corporate form: to have succession by its corporate
name for the duration of time (which may be in perpetuity)
specified in its certificate of incorporation; to sue and be sued
and to defend suits against it; to make use of a corporate seal
and to alter it at pleasure; to acquire, whether by purchase,
construction or gift, facilities for the institution of higher
learning and land therefor; to equip, maintain, enlarge or improve
such facilities; to lease under such terms and conditions as its
board of directors may deem advisable and as shall not conflict
with the provisions of Sections 37-101-61 through 37-101-71 to the
board of trustees of the state institution of higher learning or
to such other entity as may be approved by such board subject to prior approval by said board of each issue of bonds; to issue its bonds for the purpose of defraying the cost of acquiring, constructing, maintaining, enlarging, improving or equipping any of such facilities or land in the manner provided in Section 37-101-65; to secure the payment of such bonds through the pledge of and lien on such revenues or other sources of income, including lease payments, entering into trust agreements, and the making of such covenants as are provided in Section 37-101-101; to refund bonds previously issued; to enter into contracts and agreements or do any act necessary for or incidental to the performance of its duties and the execution of its powers under Sections 37-101-61 through 37-101-71; to accept gifts from any source whatsoever; to appoint and employ such officers and agents, including attorneys, as its business may require; and to provide for such insurance as its board of directors may deem advisable.

SECTION 52. Section 37-101-71, Mississippi Code of 1972, is amended as follows:

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

When the principal of and the interest on any bonds of an educational building corporation payable from the revenues derived from the operation of facilities owned by such corporation shall have been paid in full, then such facilities shall thereupon
become the property of the board of trustees of the state institution of higher learning and title to the facilities shall thereupon immediately vest in the State of Mississippi.

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

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

In agreements or commitments by or between the aforesaid boards of trustees and private lenders and/or the U.S. Department of Housing and Urban Development to make loans or grants for the construction of dormitories in which bonds are to be issued under...
the provisions of Sections 37-101-91 through 37-101-103, and in which part or all of the principal and/or interest on said bonds is to be paid or guaranteed by the U.S. Department of Housing and Urban Development, said bonds shall bear a net interest rate not in excess of that allowed in Section 75-17-103.

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

SECTION 54. Section 37-101-93, Mississippi Code of 1972, is amended as follows:

37-101-93. Bonds issued for the purposes enumerated in Section 37-101-91 shall be authorized by resolution of the board of trustees of the state institution of higher learning involved. Said resolution shall positively show the said land, to be acquired, if any, and the said dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools and the like, to be erected, repaired, remodeled, maintained, added to, extended, improved, equipped or acquired, together with equipment therefor. A majority vote of all the members of the board of trustees shall be necessary to the passage of said resolution, and all votes on such resolutions shall be by yea and nay vote, duly recorded on the minutes of the proceedings of the board.

The bonds may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding forty (40) years from
the respective dates thereof, may mature in such amount or amounts, may bear interest at such rate or rates, not exceeding that allowed in Section 75-17-103, payable semiannually, may be in such forms, either coupon or registered, may carry such registration privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, and may be subject to such term of redemption, with or without premium, as such resolution or other resolutions may provide. The bonds may be sold at a private sale, at not less than par and accrued interest, without advertising the same at competitive bidding. The bonds shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code. Notwithstanding any other provision of law, in any resolution authorizing bonds hereunder, including refunding bonds, the board of trustees may provide for the initial issuance of one or more bonds (hereinafter sometimes collectively called "bond"), may make such provision for installment payments of the principal amount of any such bond as it may consider desirable, and may provide for the making of any such bond registerable as to principal or as to both principal and interest and, where interest accruing thereon is not represented by interest coupons, for the endorsing of payments of interest on such bond. The board may further make provision in any such resolution for the manner and circumstances in and under which any such bond may in the future, at the request of the holder thereof, be converted into bonds of smaller denominations, which bonds of small denominations may in turn be either coupon bonds or bonds registerable as to principal or principal and interest.
SECTION 55. Section 37-101-95, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

SECTION 56. Section 37-101-101, Mississippi Code of 1972, is amended as follows:

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

(a) To fix and maintain (1) fees, rentals, and other charges to be paid by students, faculty members and others using or being served by any dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities, erected, repaired, remodeled, maintained, added to, extended, improved, or acquired under the authority of Section 37-101-91; (2) fees, rentals and other charges to be paid by students, faculty members, and others using or being served by any other dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities at any institution which so issues bonds, which fees, rentals and other charges to be paid by students, faculty members, and others using or being served by such other dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities, shall be the same as those applicable to the dormitories, dwellings, apartments, athletic
stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities referred to in the preceding subdivision (1); however, in fixing such fees, rentals and other charges, there may be allowed reasonable differentials based on the condition, type, location and relative convenience of the dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities in question, but such differentials shall be uniform as to all such students or faculty members and others similarly accommodated;

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

(c) To pledge and assign to, or in trust for the benefit of the holder or holders of any bond or bonds, coupon or coupons so issued, an amount of the income and revenues derived from such fees, rentals and other charges to be paid by students, faculty members, or others using or being served by any dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities operated at any such institution, and erected, repaired, remodeled, maintained, added to, extended, improved or acquired under Section 37-101-91, or any other law, or otherwise, and not theretofore so pledged, which rentals, fees and charges imposed and pledged pursuant to the terms of this section shall be sufficient to pay when due the bonds so issued and interest thereon, to create and maintain a reasonable reserve therefor and to operate and maintain the project so constructed, and to create and at all times maintain an adequate reserve for contingencies and for major repairs and replacements;

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

apartments, athletic stadiums, gymnasiums, student union

buildings, student service centers, athletic fields, swimming

pools, or other projects or facilities, including a sum sufficient
to pay the cost of insuring such dormitories, dwellings,
apartments, athletic stadiums, gymnasiums, student union
buildings, student service centers, athletic fields, swimming

pools, or other projects or facilities against loss or damage by
fire and windstorm or other calamities, in such sum as may be
acceptable to the purchaser or purchasers of such bonds. The

rentals, fees and other charges shall at all times be sufficient
to maintain an adequate bond sinking fund to provide for the

payment of interest on and principal of the bonds as and when they

accrue and mature, to create a reasonable reserve therein and to

pay the cost of operation and maintenance and insurance as herein

provided and to create and at all times maintain an adequate

reserve for contingencies and for major repairs and replacements;

(e) To make and enforce and agree to make and enforce

parietal rules that shall insure the use of any such dormitory,
dwelling, apartment, athletic stadium, gymnasium, student union
building, student service center, athletic field, swimming pool,
or other project or facility by all students in attendance at such
institution, and faculty members thereof, to the maximum extent to
which such dormitories, dwellings, apartments, athletic stadiums,
gymnasiums, student union buildings, student service centers,
(f) To covenant that as long as any of the bonds so issued shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined by the resolution issuing such bonds, (1) voluntarily create, or cause to be created, any debt, lien, pledge, assignment, encumbrance, or other charge having priority to or being on a parity with the lien of the bonds so issued upon any of the income and revenues derived from fees, rentals and other charges to be paid by students, faculty members and others using or being served by any dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities operated at any such institution and erected, repaired, remodeled, maintained, added to, extended, improved or acquired under Section 37-101-91, or any other law, or otherwise, or (2) convey or otherwise alienate any such dormitories, dwellings, apartments, athletic stadiums, gymnasiums, student union buildings, student service centers, athletic fields, swimming pools, or other projects or facilities, or the real estate upon which the same shall be located, except at a price sufficient to pay all the bonds then outstanding payable from the revenues derived therefrom and interest accrued on such bonds, and then only in accordance with any agreements with the holder or holders of such bonds, or (3) mortgage or otherwise voluntarily create, or cause to be created, any encumbrance on any such dormitory, dwelling, apartment,
(g) To covenant as to the proceedings by which the terms of any contract with a holder or holders of such bonds may be amended or rescinded, the amount or percentage of bonds the holder or holders of which must consent thereto and the manner in which such consent may be given;

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

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

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

SECTION 57. Section 37-101-103, Mississippi Code of 1972, is
amended as follows:

37-101-103. No moneys derived from the sale of bonds of any
institution or otherwise borrowed or received by such institution
under Sections 37-101-91 through 37-101-103, or from the fees,
rentals, and charges received and collected for the use of any
project constructed, repaired, remodeled, maintained, added to,
extended, improved, or acquired under authority of said sections,
shall be required to be paid into the State Treasury, but shall,
except as herein otherwise provided, be deposited by the Treasurer
or other fiscal officer of the institution in a separate bank
account or accounts in such bank or banks or trust company or
trust companies as may be designated by the board of trustees of
the state institution of higher learning. All deposits of such
moneys shall, if required by the board, be secured by obligations
of the United States of America or of the State of Mississippi, of
a market value equal at all times to the amount of the deposit,
and all banks and all trust companies are hereby authorized to
give such security. Such money may be disbursed as may be
directed by the board and in accordance with the terms of any
agreements with the holder or holders of any bonds. This section
shall be construed as limiting the power of said board to agree in
connection with issuance of any such bonds as to the custody and
disposition of the moneys received from the sale of such bonds or
the income and revenues pledged and assigned to or in trust for
the benefit of the holder or holders thereof.

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

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

SECTION 58. Section 37-101-121, Mississippi Code of 1972, is amended as follows:

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

The board ***, with the consent and approval of the State Building Commission, may, by order or resolution spread upon its
minutes, authorize and empower any member or members of said board
of trustees, or any officers or employees thereof, or any other
person or persons, to make investments of such funds from time to
time as they shall be available for investment under the
provisions of this section. Any such member or members or
officers or employees, or other person or persons, when so
authorized by such order or resolution, shall have the power and
authority to make such investments of such funds, to make
purchases of such bonds or other obligations, to execute all
necessary instruments in connection therewith, and to take such
other action as may be necessary to effectuate the investment of
such funds.

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

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

SECTION 60. Section 37-101-125, Mississippi Code of 1972, is
amended as follows:

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

SECTION 61. Section 37-101-141, Mississippi Code of 1972, is
amended as follows:

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

SECTION 62. Section 37-101-143, Mississippi Code of 1972, is amended as follows:

37-101-143. The board of trustees of each state institution of higher learning named in Section 37-101-141 is also authorized and empowered to lease those lands referred to in Section 37-101-141, or any part thereof, for oil, gas and mineral development, or for any other purpose, for such consideration, upon such terms and conditions as the board of trustees shall deem proper, and for the best advantage of the respective institutions. Any such oil, gas or mineral lease shall not be for a primary term of more than six (6) years and so long thereafter as oil, gas or other minerals are produced from said lands. The royalties reserved in such lease or leases shall be not less than the following:

(a) On oil, one-eighth (1/8) part produced and saved from said land;
(b) On gas, including casinghead gas, or other gaseous substances, produced from said land and sold or used off the premises, or for the extraction of gasoline or other products therefrom, the market value at the well of one-eighth (1/8) of the gas so sold or used; and
(c) On all other minerals mined and marketed,
one-eighth (1/8) part in kind or value at the well or mine except
sulphur on which the royalty shall be Two Dollars ($2.00) per long
ton.

SECTION 63. Section 37-101-145, Mississippi Code of 1972, is
amended as follows:

37-101-145. Before any timber, trees, dead wood, or stumps,
standing, growing or being upon lands shall be sold from said
lands as is authorized in Section 37-101-141, and before any lands
shall be leased for oil, gas and mineral purposes, or other
purposes as is authorized in Section 37-101-143, the board of
trustees of the involved state institution of higher learning
shall advertise its intention to do so by publication in a
newspaper in the City of Jackson, and also in a newspaper
published in each county where such lands are situated, such
notice to be published once a week for three (3) consecutive weeks
preceding such sale or lease, and by posting one (1) notice at the
courthouse in the county or counties where the lands are situated.
In any county having no paper published therein, the publication
shall be placed in some paper having a general circulation in said
county. Said board shall sell or lease at public auction, or by
sealed bids, at the place designated in said notices, to the
highest and best bidder for cash. The board shall have the right
to reject any or all of such bids.

SECTION 64. Section 37-101-147, Mississippi Code of 1972, is
amended as follows:

37-101-147. All leases and conveyances of timber, trees,
dead wood and stumps, and all oil, gas and mineral leases, or
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
to all conveyances and leases of the lands held for the use and
benefit of such institutions. In all such cases such conveyances
and leases shall be executed only upon the order or resolution of
3557 the board of trustees of the state institution of higher learning
3558 in the manner and method hereinbefore set forth.

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

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

SECTION 66. Section 37-101-153, Mississippi Code of 1972, is amended as follows:

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

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

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

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

SECTION 67. Section 37-101-155, Mississippi Code of 1972, is amended as follows:

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

SECTION 68. Section 37-101-157, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37-101-283. Each male applicant for any scholarship or loan
funded in whole or in part by this state, whether granted by the Commissioner of Higher Education, the board of trustees of a state institution of higher learning, the Post-Secondary Education Financial Assistance Board, or otherwise granted by any state-supported college or university, and whether to be used at a state-supported institution of higher learning or at a private institution, shall within six (6) months after he attains the age of eighteen (18) years submit to the person, commission, board or agency in which his application for scholarship or loan is or has been made satisfactory evidence of his compliance with the draft registration requirements of the Military Selective Service Act. Such evidence shall consist of a copy of the draft registration acknowledgment letter received from the Selective Service System by the scholarship or loan applicant or holder. If an applicant for or holder of any such scholarship or loan fails to submit a copy of his draft registration acknowledgment letter in the manner and within the time allowed therefor, any pending application of such person for the award, grant or renewal of any such scholarship or loan shall be denied, and any such scholarship or loan currently held by such person shall be revoked to the extent that no further payments under that scholarship or loan may be made to him or on his behalf. The person, commission, board or agency to which an application for the award, grant or renewal of such scholarship or loan is made, or by or through which any such scholarship or loan is administered or issued shall notify the applicant or holder and the chief executive officer of any institution at which a holder of a scholarship or loan so revoked is enrolled of its action, and upon request of the scholarship or
loan applicant or holder shall afford him the opportunity, either
in person, in writing or by counsel of his choice to present
evidence against such action.

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

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

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

Alcorn State University......................$ 4,416,000.00
Delta State University......................  1,882,000.00
Jackson State University.....................  2,396,000.00
Mississippi State University.................  9,810,000.00
Mississippi University for Women.........  1,909,000.00
Mississippi Valley State University........... 1,775,000.00
University of Mississippi..................... 6,086,000.00
University of Southern Mississippi.......... 5,971,000.00
University of Southern Mississippi -
    Gulf Park Campus............................ 309,000.00
University Medical Center------------------- 3,465,000.00
Gulf Coast Research Laboratory............... 260,000.00
Education and Research Center............... 475,000.00
Division of Agriculture, Forestry and
    Veterinary Medicine...................... 1,246,000.00

* * *

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

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

SECTION 77. Section 37-101-351, Mississippi Code of 1972, is amended as follows:[LH67]
37-101-351. The board of trustees of each state institution of higher learning is hereby authorized to establish an executive institute which shall be responsible for providing advanced training and assessment for public sector executives, elected officials, state board and commission members, and officers and employees of local government entities of the State of Mississippi.

SECTION 78. Section 37-102-1, Mississippi Code of 1972, is amended as follows:

37-102-1. The board of trustees of each state institution of higher learning may establish off-campus instructional programs for existing universities. However, the board ** shall not establish off-campus instructional programs if in its opinion such action is not in the best interest of quality education for the State of Mississippi and the university system. Students at any off-campus program site may, in the discretion of the board **, be permitted to register for full-time course loads.

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

SECTION 79. Section 37-102-3, Mississippi Code of 1972, is amended as follows:

37-102-3. The boards of trustees of the state institutions of higher learning shall not permit the public universities to offer courses for college credit at the lower undergraduate level
at an off-campus site unless approved by the State Board for Community and Junior Colleges. The Commissioner of Higher Education, in cooperation with the State Board for Community and Junior Colleges, shall study the need and advisability of offering (a) courses for college credit at the lower undergraduate level, and (b) advanced centers for technology partnerships for industrial training and professional development for credit and noncredit courses, at the following off-campus sites by four-year public state institutions of higher learning: the Mississippi Gulf Coast counties; Greenville, Mississippi; Columbus, Mississippi; McComb, Mississippi; Hattiesburg, Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any other proposed area of the state. Any such study shall take into account the ongoing programs of the community and junior colleges in the State of Mississippi when a board authorizes off-campus programs created under this chapter. It is the intent of the Legislature to meet the educational needs of students who do not have ready access to the educational opportunities that they desire. It is the further intent of this chapter that university off-campus programs established hereunder will in no way usurp the responsibilities of the public junior colleges of the State of Mississippi. The Commissioner of Higher Education shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this chapter.

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

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

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

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

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

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

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

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

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

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

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

SECTION 85. Section 37-103-9, Mississippi Code of 1972, is amended as follows:

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

SECTION 86. Section 37-103-25, Mississippi Code of 1972, is amended as follows:

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

SECTION 87. Section 37-103-29, Mississippi Code of 1972, is amended as follows:

37-103-29. Nothing in this chapter shall be construed to provide that the board of trustees of any state institution of higher learning or the board of trustees of any junior college is required to consider for admission the application of a nonresident.
SECTION 88. Section 37-104-5, Mississippi Code of 1972, is amended as follows:[LH78]

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

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

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

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

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

(e) "Cost of the educational facility project" means
the cost of construction, enlargement, repair, improvement,
alteration, remodeling, reconstruction, equipping or acquisition
of an educational facility; the cost of all lands, properties,
rights-of-way, easements, franchises and interests acquired, used
for or in connection with the educational facility; the cost of
demolishing or removing buildings or structures on land so
acquired, including the cost of acquiring any lands to which such
buildings or structures may be moved; the cost of all machinery
and equipment; financing charges, interest prior to and during
construction, enlargement, repair, improvement, alteration,
remodeling, reconstruction, or equipping of the said educational
facility and for one (1) year after completion of said
construction, enlargement, repair, improvement, alteration,
remodeling, reconstruction, equipping or acquisition; the cost of
engineering, architectural, financial and legal services; the cost
of all plans, surveys and specifications; studies, estimates of
cost and of revenues, and other expenses necessary or incident to
determining the feasibility or practicability of the project;
administrative expenses; the cost of such other expenses as may be
necessary or incident to the financing herein authorized of the
construction, enlargement, repair, improvement, alteration,
remodeling, reconstruction, equipping or acquisition of any
educational facility and the placing of said project in operation.
Any obligations or expenses incurred for any of the foregoing
purposes shall be regarded as a cost of the educational facility
project and may be paid or reimbursed as such out of the proceeds
of revenue bonds issued under the provisions of this chapter for
such educational facility project.

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

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

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

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

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

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

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

37-105-7. The board of trustees of each state institution of
higher learning is hereby authorized and empowered to prevent or
regulate the running at large of animals of all kinds on the
campus and the streets of the state institution of higher learning
under the supervision of such board, and to cause such animals as
may be running at large to be impounded and a charge made against
the owner to discharge the cost and expenses of keeping the same.
If the owner of any such animal does not pay such cost within the
time prescribed by the board, such impounded animal may be
sold to discharge the cost and expense of impounding and selling
the same.
If the owner of any such animal does not pay such cost within
the time prescribed by the board and if such impounded animal cannot be sold to discharge the cost and expense of
impounding and selling the same, such impounded animal may be
sold or donated to research organizations.

SECTION 91. Section 37-105-9, Mississippi Code of 1972, is
amended as follows:

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

SECTION 92. Section 37-106-5, Mississippi Code of 1972, is
amended as follows:
For purposes of this chapter, the following words shall be defined as follows unless the context requires otherwise:

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

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

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

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

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

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

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

SECTION 93. Section 37-106-9, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 94. Section 37-106-35, Mississippi Code of 1972, is amended as follows:
(1) There is established the assistant teacher scholarship program for the purpose of assisting eligible assistant teachers to become certificated teachers through the awarding of financial scholarships and to attract and retain qualified teachers for those geographical areas of the state and academic subject areas in which there exist a critical shortage of teachers. The scholarship program shall be implemented and administered by the Commissioner of Higher Education and is subject to the availability of funds appropriated specifically therefor by the Legislature.

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

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

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

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

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

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

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

(5) At the beginning of the school year next succeeding the date on which a person who has received an assistant teacher scholarship obtains a baccalaureate degree, that person shall begin to render service as a certificated teacher in a school district or academic subject area, or both, designated by the State Board of Education. The State Board of Education shall establish the duration of teaching service due for recipients of scholarships based upon the number of academic hours funded through the assistant teacher scholarship program. Any person failing to meet teaching requirements shall be liable for the amount of the corresponding scholarship received, plus interest accruing at the current Stafford Loan rate.
under the provisions of this chapter shall apply in writing to the Commissioner of Higher Education. Said Commissioner of Higher Education shall make inquiries into each such application and shall make such investigation as proper to establish and validate all claims before a scholarship is granted.

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

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

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

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

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

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

SECTION 99. Section 37-110-1, Mississippi Code of 1972, is amended as follows:[LH89]
37-110-1. There is hereby established an intern educational program to be designated as the Mississippi Public Management Graduate Intern Program to be administered by the Commissioner of Higher Education through a program coordinator. The program shall consist of not more than thirty-six (36) positions in the general fields of public management, program analysis and public administration. Said positions shall not be included in the number of employees allowed by law within a particular state agency. Graduate intern students shall be temporarily assigned by the program coordinator to specific state or local agencies and offices, including offices of the Legislature. Each participating agency or office shall not employ more than four (4) graduate intern students per year. To qualify for the program, a student must (a) be enrolled as a graduate student in a state university masters program in one (1) of the following: public administration, public policy and administration, and criminal justice administration, and (b) have committed himself to a field of graduate study directly related to a state or local government public managerial position.

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

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

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

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

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

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

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

SECTION 102. Section 37-111-3, Mississippi Code of 1972, is amended as follows:

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

SECTION 103. Section 37-111-7, Mississippi Code of 1972, is amended as follows:

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

SECTION 104. Section 37-111-9, Mississippi Code of 1972, is amended as follows:

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

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

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

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

37-113-7. (1) The Board of Trustees of Mississippi State
University is hereby authorized, in its discretion, to acquire by
purchase, gift, or otherwise, any real property required by and
for the use of the university, and said university is
authorized to hold, use and operate such real property in
conducting its authorized and necessary program of work. This section is designed to make it possible for said university and its subdivisions to acquire, hold and operate real property needed in its program of operations without the benefit of state funds specifically appropriated for the purchase of such properties. Such properties shall be acquired or purchased on the recommendation of the Director of the Mississippi Agricultural and Forestry Experimental Station made to the president of said university and approved by the board of trustees of the institution.

(2) The Board of Trustees of Mississippi State University is hereby authorized, in its discretion, to sell any such real property purchased or otherwise acquired under the authority of subsection (1) for the use of the university or its subdivisions when such property is not needed in the university's programs of operations. Such properties shall be sold on the recommendation of the Director of the Mississippi Agricultural and Forestry Experimental Station made to the president of the university and approved by the board. The proceeds from the sale of such properties may be used to purchase other real properties for the use of the university under the provisions of subsection (1), or may be retained by the university for its operations. Consideration for the sale of real property hereunder shall not be less than the fair market price thereof as determined by a professional property appraiser selected and approved by the State Building Commission. Said appraisal shall be filed with the State Building Commission at least thirty (30) days prior to the proposed sale of said property. Appraisal fees shall be shared...
(3) The Board of Trustees of Mississippi State University is hereby authorized and empowered to sell the following described property owned by the university * * * in Oktibbeha County, Mississippi, to-wit:

Commence at the Northeast corner of the Southeast Quarter of Section 15, Township 19 North, Range 15 East, Oktibbeha County, Mississippi and use as the point of beginning. Thence run West along the North boundary of the South Half of Section 15 a distance of 3,997 feet to the East right-of-way of Macon-Aberdeen Road; thence run South along said right-of-way a distance of 20 feet; thence run East a distance of 800 feet; thence run South 78 degrees 41' East a distance of 102 feet; thence run East a distance of 410 feet; thence run South a distance of 1,107 feet; thence run East a distance of 2,687 feet to the East boundary of Section 15; thence run North along said East boundary of Section 15 a distance of 1,147 feet to the point of beginning. Being 71.56 acres located in the East Three Quarter of the South Half of Section 15, Township 19 North, Range 15 East, Oktibbeha County, Mississippi.

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

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

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

The proceeds from the sale of said property shall be used by the board * * * to purchase other real property adjacent or in close proximity to the Mississippi State University of Agriculture and Applied Science, or its subdivisions, suitable for use in the university's programs of operation. Consideration for the sale and purchase of said property shall be for the fair market price thereof as determined by a professional property appraiser selected and approved by the State Building Commission. Said appraisals shall be filed with the State Building Commission at least thirty (30) days prior to the proposed sale or purchase of said property. Appraisal fees shall be shared equally by the university and the purchaser in the case of the sale herein.
(5) The Board of Trustees of Mississippi State University is hereby authorized and empowered to sell the following described property owned by the university in Lauderdale County, Mississippi, to-wit:

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

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

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

SECTION 107. Section 37-113-17, Mississippi Code of 1972, is authorized, and by the university and the seller(s) in the case of the purchase herein authorized.
amended as follows:[LH97]

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

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

37-113-19. The State of Mississippi by its Legislature assents to and accepts the provisions and requirements of an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefits of the act entitled 'An act donating public lands of the several counties and territories which may provide colleges for the benefit of agriculture and the mechanical arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved by the President on the 22nd day of May, 1928. The Board of Trustees of Mississippi State University, on behalf of the Mississippi State University of Agriculture and Applied Science, is authorized and empowered to receive the grants of money appropriated under said act and to organize and conduct agricultural extension work, which shall be carried on in
connection with the said university in accordance with the terms and conditions expressed in the said act of Congress.

SECTION 109. Section 37-113-21, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 110. Section 37-113-23, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

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

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

SECTION 112. Section 37-113-28, Mississippi Code of 1972, is amended as follows:

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

SECTION 113. Section 37-113-29, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 114. Section 37-113-31, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

The purpose of this program is to provide a means for the broadening, balancing, and rounding-out of courses in animal husbandry for the training of animal husbandry students in livestock breeding, feeding, fitting, showing, judging, buying and selling, and to establish and maintain a source of foundation seed
Selected animals purchased, or produced, under this program may be sold only at public auctions sponsored by breed associations, after approval of the board. The proceeds accruing from the sales of such animals, from show premium money, or from any other source, shall revert to, and be used for the maintenance of the revolving fund, when established by law, to carry out this program.

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

SECTION 116. Section 37-113-41, Mississippi Code of 1972, is amended as follows:

37-113-41. The Board of Trustees of Mississippi State University is hereby authorized to establish a fund to be known as the J. C. Hardy Memorial Fund. The fund herein authorized shall be raised and supplemented by donations, gifts, legacies, and otherwise. Under the supervision of said board of trustees, said fund or the proceeds therefrom shall be used to assist sons of low-income Mississippi citizens to meet their educational expenses at the Mississippi State University of Agriculture and Applied Science.

SECTION 117. Section 37-113-43, Mississippi Code of 1972, is amended as follows:

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

SECTION 118. Section 37-113-45, Mississippi Code of 1972, is amended as follows:

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

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

Such bonds, notes or other evidences of indebtedness shall bear such date or dates, shall be of such denomination or denominations, shall be payable at such place or places, shall bear such rate or rates of interest and shall mature in such amounts and at such times as may be provided and directed by the board of supervisors of said county. Such bonds shall bear interest at a rate or rates not exceeding six percent (6%) per annum and shall mature in not more than twenty-five (25) years from the date thereof and shall be sold for not less than par and accrued interest.

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

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

SECTION 119. Section 37-113-47, Mississippi Code of 1972, is
amended as follows:

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

SECTION 120. Section 37-113-51, Mississippi Code of 1972, is
amended as follows:

37-113-51. The Board of Trustees of Mississippi State
University is hereby authorized and directed to establish a
college of veterinary medicine at Mississippi State University at
SECTION 121. Section 37-115-33, Mississippi Code of 1972, is amended as follows:

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

SECTION 122. Section 37-115-35, Mississippi Code of 1972, is amended as follows:

37-115-35. The Board of Trustees of the University of Mississippi is hereby authorized and empowered to establish a fund to be known as "The Fielding L. Wright Memorial Health Fund," which fund shall be administered by said board. The corpus of "The Fielding L. Wright Memorial Health Fund" shall consist of any moneys appropriated to it by the State Legislature and any funds received by donation, gift, legacy, or otherwise, the said board of trustees being hereby specifically authorized and empowered to accept such funds. All funds received by said board of trustees shall be invested in the following classes of securities, preference being in the order listed:

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

(b) Bonds, notes, certificates, and other valid obligations of the United States;
(c) Bonds, notes, debentures and other securities issued by any federal instrumentality and fully guaranteed by the United States; or

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

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

SECTION 123. Section 37-115-51, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

SECTION 124. Section 37-115-69, Mississippi Code of 1972, is amended as follows:

37-115-69. Any county of this state now or hereafter having a population of more than one hundred thousand (100,000) according to the latest available census, and in which there is located a municipality of one hundred thousand (100,000) or more, acting by and through its board of supervisors, is hereby authorized and empowered to contribute the sum of One Million Dollars ($1,000,000.00) toward the construction, erection and equipping of educational facilities to be utilized by the University of Mississippi within such county, by the Board of Trustees of the University of Mississippi.

SECTION 125. Section 37-115-71, Mississippi Code of 1972, is amended as follows:

37-115-71. Any such county as is provided for in Section 37-115-69 is hereby authorized and empowered to issue and sell its bonds, notes or other evidences of indebtedness for the purpose of providing funds with which to make the contribution or donation authorized under the provisions of said section. Such bonds, notes or other evidences of indebtedness shall not be issued in an
amount which will exceed the limit of indebtedness of said county
as such limit is prescribed by Sections 19-9-1 through 19-9-31.

Before issuing any such bonds, notes or other evidences of
indebtedness, the board of supervisors acting for such county
shall adopt a resolution declaring its intention to issue the
same, stating the amount and purpose thereof and fixing the date
upon which an election will be held on the proposition. Notice of
such election shall be given by publication of such resolution
once a week for at least three (3) consecutive weeks in at least
one (1) newspaper published in said county. The first publication
of such notice shall be made not less than twenty-one (21) days
prior to the date fixed in such resolution for the holding of said
election as aforesaid and the last publication shall be made not
more than seven (7) days prior to such date. At such election all
qualified electors of said county may vote and the ballots used
shall have printed thereon a brief statement of the amount and
purpose of the bonds, notes or other evidences of indebtedness
proposed to be issued and the voter shall vote by placing a cross
(x) or check (V) opposite his choice on the proposition. The
bonds, notes or other evidences of indebtedness authorized herein
shall not be issued unless authorized by the affirmative vote of a
majority of the qualified voters of said county who vote on the
proposition at such election.

Such election shall be conducted and the returns thereof
made, canvassed, and declared as nearly as may be in like manner
as is now or may hereafter be provided by law in the case of
general elections in counties. In the event that the question of
the issuance of such bonds, notes or other evidences of
indebtedness be not authorized at such election, such question
shall not again be submitted to a vote until the expiration of a
period of six months, from and after the date of such election.

Such bonds, notes or other evidences of indebtedness shall
bear such date or dates, shall be of such denomination or
denominations, shall be payable at such place or places, shall
bear such rate or rates of interest and shall mature in such
amounts and at such times as may be provided and directed by the
board of supervisors of said county. Such bonds shall bear
interest at a rate or rates not exceeding six percent (6%) per
annum and shall mature in not more than twenty-five (25) years
from the date thereof and shall be sold for not less than par and
accrued interest.

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

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

SECTION 126. Section 37-115-73, Mississippi Code of 1972, is
amended as follows:[LH116]
37-115-73. The proceeds of any contribution made by any county under the provisions of Section 37-115-69, including the proceeds from the sale of any bonds issued for such purposes, shall be paid by the board of supervisors of such county into the State Treasury into a special fund to the credit of the Board of Trustees of the University of Mississippi, and shall thereafter be utilized and expended by said board of trustees in the construction, erection and equipping of educational facilities in such county to be utilized by the University of Mississippi.

SECTION 127. Section 37-115-101, Mississippi Code of 1972, is amended as follows:

37-115-101. The Board of Trustees of the University of Mississippi is hereby directed and authorized to establish a school of dentistry at the University of Mississippi Medical Center in Jackson.

SECTION 128. Section 37-115-105, Mississippi Code of 1972, is amended as follows:

37-115-105. The school of dentistry created and authorized by Sections 37-115-101 through 37-115-111 shall be in operation within three (3) years from the date the Legislature makes funds available for the construction of a building to house said school; provided, however, that no staff may be employed and no construction may begin until One Million Two Hundred Fifty Thousand Dollars ($1,250,000.00) from the City of Jackson and One Million Two Hundred Fifty Thousand Dollars ($1,250,000.00) from Hinds County has been deposited in the State Treasury for use by the building commission in construction and furnishing of the dental school. The Board of Trustees of the University of
Mississippi is authorized and directed to take any and all necessary and proper actions for the implementation of this section.

SECTION 129. Section 37-115-107, Mississippi Code of 1972, is amended as follows:

37-115-107. It shall be the duty of the Board of Trustees of the University of Mississippi to elect or appoint a dean of this school; to determine and provide for an adequate faculty, staff and other employees; to fix and provide for the compensation of said faculty, staff and employees; to provide an adequate physical plant for this school; to prescribe the courses of study and research compatible with the objects and purposes hereinabove set forth; and to do and accomplish all other related functions consistent with the implementation of Sections 37-115-101 through 37-115-111.

SECTION 130. Section 37-115-109, Mississippi Code of 1972, is amended as follows:

37-115-109. The Board of Trustees of the University of Mississippi is directed, empowered and authorized to take necessary and proper actions to assure that the School of Dentistry of the University of Mississippi Medical Center, as hereby established, acquires and maintains recognition and accreditation in local, regional and national accreditation associations at least at the level of its counterparts in the southeastern region of the United States and on a level with the other professional schools of this state.

SECTION 131. Section 37-119-3, Mississippi Code of 1972, is amended as follows:
37-119-3. The principal object of the University of Southern Mississippi shall be to qualify teachers for the public schools of this state, by imparting instruction in the art and practice of teaching in all branches of study which pertain to a common school education, and such other studies as the Board of Trustees of the University of Southern Mississippi may from time to time prescribe.

SECTION 132. Section 37-119-7, Mississippi Code of 1972, is amended as follows:

37-119-7. The University of Southern Mississippi (herein sometimes referred to as the "university") is authorized and empowered to require the State Building Commission to issue bonds in an amount not exceeding the sum of Seven Hundred Fifty Thousand Dollars ($750,000.00), bearing interest at a rate not exceeding six percent (6%) per annum, for the purpose of and to be expended in extending, adding to and improving the athletic stadium on its campus; to impose student athletic fees; to impose charges, in addition to and distinguished from the established price of admission, upon persons, other than students, for the privilege of attending events held in such stadium, which such charges shall be exempt from any amusement tax now levied and collected in the State of Mississippi, and to immediately commence, prior to the issuance and sale of the bonds herein authorized and to continue, the collection of such charges; and to apply to the satisfaction and retirement, as and when due, of the principal of and interest on such bonds, said athletic fees and said charges, and also, rental income from the dormitory facilities now in the stadium, and income, not otherwise appropriated or allocated, from any
other sources. Such bonds shall be authorized by the Board of Trustees of the University of Southern Mississippi in the manner now provided by Sections 37-101-91 through 37-101-103, and all of the provisions of said sections (except as herein otherwise provided and as are not in conflict with the provisions hereof) shall be applicable to the authorization and issuance of such bonds. Reference in Sections 37-101-95, 37-101-101, to "dormitories, dwellings or apartments" shall be understood to apply also to all other projects authorized to be financed under the provisions of Section 37-101-99.

Upon request of the university, acting through its president and financial secretary, authorization having been first obtained from the Board of Trustees ***, the State Building Commission shall issue and sell bonds of the university at not less than par and accrued interest in the manner provided by Section 21-27-45, for the sale of bonds of municipalities issued thereunder and upon terms and at interest rates, not to exceed the maximum therein authorized, to be fixed by the State Building Commission. The State Building Commission is hereby authorized to supervise the contracting for, and the erection of, all buildings erected, extended, added to, or improved under the provisions of this section. The board of trustees ** is hereby authorized and empowered to specify the nature of such extensions, additions, improvements or new construction, and shall approve the plans and specifications therefor prior to the letting of any new contract for any such work. All contracts let under the supervision of the State Building Commission shall be let as provided by law for other contracts let by said commission.
The board of trustees *, *, *, in the resolution authorizing such bonds, may provide for the imposition of such student athletic fees, such charges for the privilege of attending events held in such stadium (as hereinabove distinguished from the price of admission), such rental charges for use of the dormitories facilities now in the stadium and for application to the retirement of such bonds of such other sources of income, not otherwise appropriated or allocated, as it may consider desirable. Said board may provide for the collection and the allocation of such fees and charges. Such fees and charges or other income shall always be in such amounts as will assure the prompt payment of principal of and interest on such bonds and the carrying out of all of the covenants and agreements contained in such resolution authorizing such bonds.

All bonds so issued shall constitute negotiable instruments within the meaning of the Uniform Commercial Code of Mississippi. Any bonds authorized under authority of this section may be validated in the Chancery Court of First Judicial District, Hinds County, in the manner and with the force and effect now or hereafter provided by general law for the validation of municipal bonds.

This section, without reference to any other statute or law of Mississippi other than the portions of Sections 37-101-91 through 37-101-103, not in conflict herewith, and Section 31-19-25, shall constitute full authority for the extension, adding to and improvement of the aforesaid stadium and the authorization and issuance of bonds hereunder and no other provisions of the statutes pertinent thereto, except as herein
expressly provided, shall be construed as applying to any
proceedings had hereunder or any acts done pursuant hereto.

SECTION 133. Section 37-123-3, Mississippi Code of 1972, is
amended as follows:

37-123-3. The principal object of the Delta State University
shall be to qualify teachers for the public schools of this state,
by imparting instruction in the art and practice of teaching in
all branches of study which pertain to a common school education,
and such other studies as the Board of Trustees of Delta State
University may from time to time prescribe.

SECTION 134. Section 37-125-3, Mississippi Code of 1972, is
amended as follows:

37-125-3. The object of the Jackson State University shall
be to qualify teachers for the public schools of this state by
giving instruction in the art and practice of teaching in all
branches of study which pertain to industrial training, health,
and rural and elementary education, and such other studies as the
Board of Trustees of Jackson State University, in cooperation with
the State Department of Education, may, from time to time,
prescribe.

SECTION 135. Section 37-125-7, Mississippi Code of 1972, is
amended as follows:

37-125-7. The executive head of the Jackson State University
shall be held as the professional adviser of the Board of Trustees
of Jackson State University on all matters pertaining to the
inside arrangements of buildings, selection of faculty, and course
of study. He shall have the immediate supervision and management
of the university in all its departments, subject however, to the
general supervision, management, and direction of the board of trustees.

SECTION 136. Section 37-127-3, Mississippi Code of 1972, is amended as follows:

37-127-3. The object of the Mississippi Valley State University shall be to train teachers for teaching in the public schools of this state by giving instruction in the art and practice of teaching in the elementary and high school grades and in all branches of study which pertain to industrial training, health, and rural and elementary education, and to provide instruction and training in such other subjects as the Board of Trustees of Mississippi Valley State University, in cooperation with the State Department of Education, may, from time to time, prescribe. It shall also be the object of the university to establish and conduct schools, classes or courses, for preparing, equipping and training citizens of the State of Mississippi for employment in gainful occupations, in trade, industrial and distributive pursuits whether such students are qualified by educational requirements or not.

SECTION 137. Section 37-127-5, Mississippi Code of 1972, is amended as follows:

37-127-5. The Mississippi Valley State University shall be located at some appropriate place in the Delta section of the state, to be determined by the Board of Trustees of Mississippi Valley State University.

SECTION 138. Section 37-127-7, Mississippi Code of 1972, is amended as follows:

37-127-7. The President of the Mississippi Valley State
University shall be held as the professional adviser of the Board of Trustees of Mississippi Valley State University of all matters pertaining to the inside arrangements of buildings, selection of faculty, and course of study. He shall have the immediate supervision and management of the university in all its departments, subject however, to the general supervision, management, and direction of the board of trustees.

SECTION 139. Section 37-129-1, Mississippi Code of 1972, is amended as follows:

37-129-1. In addition to all other powers and duties now vested by law in the Commissioner of Higher Education, said commissioner is hereby empowered and required to:

(a) Establish by rules and regulations and promulgate uniform standards for accreditation of schools of nursing in the State of Mississippi (1) insofar as concerns the eligibility of graduates of such schools to take the examination prescribed by law to become registered nurses authorized to practice the profession of nursing as registered nurses in Mississippi, and (2) insofar as concerns student nurses attending such schools being eligible to participate in any student nurse scholarship program or other program of assistance now existing or hereafter established by legislative enactment;

(b) Issue to such schools of nursing upon an annual basis certificates of accreditation as may be proper under such standards;

(c) Administer any scholarship program or other program of assistance heretofore or hereafter established by legislative enactment for the benefit of students attending accredited schools.
of nursing in this state;

(d) Administer any other funds available or which may be made available for the promotion of nursing education in the state, with the exception of nursing faculty supplement funds to the public junior colleges, which funds shall be appropriated to and administered by the Division of Junior Colleges of the State Department of Education;

(e) Adopt rules and regulations to provide that a nurse in training may, during the two-year period in an approved hospital, be allowed to transfer at any time with full credit after six (6) months in training, to any other hospital of her choice at which there is a vacancy; suitable provision shall be made to protect her against coercion or intimidation concerning such a contemplated transfer.

In addition to other powers now vested by law in the Commissioner of Higher Education, said commissioner is hereby empowered to establish and maintain a nurse-midwifery education program that meets the accreditation standards of the American College of Nurse-Midwives at a public state institution of higher learning * * *.

In order to implement subsection (d) above, the commissioner is hereby authorized and directed to arrange and contract with hospitals, senior colleges and hospital schools of nursing for the financial support of programs of nursing education. The commissioner is further authorized to adopt such terms for contracts, and such rules and regulations for reimbursing contracting agencies for costs of instruction in schools of nursing as may be feasible in accordance with appropriations made...
by the Legislature for this purpose. However, no reimbursement may be made to contracting agencies in excess of the actual cost of instruction in the schools of nursing.

No provision of this section shall be construed to authorize any department, agency, officer or employee of the State of Mississippi to exercise any controls over the admissions policy of any private educational institution offering a baccalaureate degree in nursing.

SECTION 140. Section 37-131-1, Mississippi Code of 1972, is amended as follows:[LH130]

37-131-1. The president or executive head of any state-supported institution of higher learning of the State of Mississippi, subject to the approval of the board of trustees of that state institution of higher learning, is hereby authorized and empowered to establish, operate, maintain, and conduct teachers demonstration and practice schools in connection with the operation of such institution of higher learning. The president or executive head of any such institution, subject to the approval of the board of trustees of that state institution of higher learning, shall have full power and authority to regulate and conduct the affairs of such schools and to establish rules and regulations for their government.

SECTION 141. Section 37-131-3, Mississippi Code of 1972, is amended as follows:[LH131]

37-131-3. The president or executive head of any institution of higher learning which has established a demonstration or practice school, subject to the approval of the board of trustees of that state institution of higher learning, shall have the power...
and authority to enter into contracts and agreements with the
board of trustees of any school district providing for the
attendance of pupils, or one or more, or parts of, grades, from
the educable children of such school district at such
demonstration or practice school. The board of trustees of any
school district is hereby authorized and empowered to enter into
contracts and agreements with the president or executive head of
an institution of higher learning for such purpose. All such
contracts shall be upon such terms and conditions as may be agreed
upon by and between the president or executive head of the
institution of higher learning and the board of trustees of the
school district involved.

SECTION 142. Section 37-131-9, Mississippi Code of 1972, is
amended as follows:

In addition to the amounts paid to the
demonstration or practice school from minimum education program
funds, as provided in Section 37-131-7, the board of trustees of
the school district involved may contract with the said
demonstration or practice school for the payment of additional
amounts thereto to defray expenses over and above those defrayed
by minimum education program funds, which additional amounts shall
be paid from any funds available to the school district other than
minimum education program funds, whether produced by a
supplemental district tax levy or otherwise.

If the total funds paid to the demonstration or practice
school by the school district are inadequate to defray the cost
and expense of maintaining and operating such demonstration or
practice school then the president or executive head of the
institution may, subject to the approval of the board of trustees of that state institution of higher learning, require the payment of additional fees or tuition in an amount to be fixed by the president or executive head of the institution, subject to the approval of the board of trustees, which amount shall be paid by and collected from the student or his parents.

Boards of trustees of school districts involved may designate an area within the jurisdiction of the board as an attendance center as provided by law, and may require students in such area to attend demonstration or practice schools, subject to a satisfactory contract between the school board and the president or executive head of the institution operating the demonstration or practice school. In such event, all fees and tuition must be borne by the school district and in no case shall the child or the parents of the child assigned to such demonstration or practice school be required to pay any fees or tuition.

The president or executive head of the institution, subject to the approval of the board of trustees of that state institution of higher learning, may also fix the amount of fees and tuition to be paid by students desiring to attend such demonstration or practice school in cases where there is no contract with the board of trustees of the school district in which the students reside therefor.

All funds received by an institution, under the provisions of this section, shall be deposited in a special fund and shall be used and expended solely for the purpose of defraying and paying the cost and expense of operating, maintaining and conducting such teachers demonstration and practice school. Such funds may be
supplemented by and used in connection with any other funds

available to the institutions for such purpose whether made
available by legislative appropriation or otherwise.

SECTION 143. Section 37-131-13, Mississippi Code of 1972, is
amended as follows:[LH133]

37-131-13. In order to carry into effect the right and
authority granted in Sections 37-131-1 through 37-131-11,
authorizing demonstration and practice schools in connection with
major state institutions of higher learning, the board of trustees
of each state institution of higher learning is hereby authorized
to accept by donations, grants, cooperative agreements or
otherwise, such sums of money as may be deemed necessary for the
construction and maintenance of such demonstration and practice
schools from whatever sources available, including agencies of the
federal, state and county governments, the city of Starkville,
Mississippi, private individuals, benevolent institutions or
organizations, or any other available and legal source or sources.

SECTION 144. Section 37-131-15, Mississippi Code of 1972, is
amended as follows:[LH134]

37-131-15. Oktibbeha County, Mississippi, the Starkville
Municipal Separate School District, and any one or more of the
consolidated or separate school districts in Oktibbeha County,
Mississippi, are hereby authorized to cooperate with the Board of
Trustees of Mississippi State University by establishing,
constructing, maintaining and operating a teachers demonstration
or practice school.

The Board of Trustees of Mississippi State University is
hereby authorized to act as sponsor with respect to any funds that
may be secured for the construction, maintenance, and operation of such teachers demonstration or practice school from any agency or subdivision of the federal, state, Oktibbeha County, City of Starkville, or school district, or from private individuals, benevolent institutions or organizations, or any other available and legal source or sources.

SECTION 145. Section 37-133-5, Mississippi Code of 1972, is amended as follows:[LH135]

37-133-5. In addition to all other powers and duties now vested by law in the board of trustees of each state institution of higher learning of the State of Mississippi, each board is hereby empowered and required to permit the establishment of technical institutes, as branches within the framework of the existing state institutions of higher learning, that have an ongoing program in the areas concerned, adequately staffed and equipped to offer a curriculum designed and intended to immediately initiate training (extending beyond the junior college level) in the field of vocational, scientific, engineering, technical, and aerospace education and the necessary supporting studies, so that the demands of heavy and aerospace industry and installations for skilled engineering technicians may be satisfied and maintained. The * * * curriculum of any technical institute established under the provisions of the Mississippi Technical Institute Law of 1964 shall be complementary and supplementary to public junior college curriculums so that the full advantage of the educational resources of the State of Mississippi may be realized. The * * * establishment of such technical institutes shall be permitted anywhere within the State of Mississippi, in
the areas of most urgent need, on any land or facility presently, or hereafter, under the jurisdiction and control of a board of trustees of a state institution of higher learning and on such terms and conditions as shall seem appropriate. The State Building Commission shall, at its discretion, provide new buildings, facilities, and necessary repairs, renovations and remodeling of any facility designated by a board of trustees of a state institution of higher learning as a technical institute from funds made available for such purposes.

SECTION 146. Section 37-133-7, Mississippi Code of 1972, is amended as follows:[LH136]

37-133-7. There is hereby created in the State Treasury a special fund to be known as the "Technical Institute Fund." All sums of money received by the board of trustees of each state institution of higher learning to carry out the provisions of the Mississippi Technical Institute Law of 1964 shall be maintained in a separate account for the respective university in said special fund. All expenditures therefrom shall be for the purposes of carrying out the intents and purposes of said law, including the payment of salaries for qualified instructors as well as the equipping and staffing of the institute. Such expenditures shall be paid therefrom by the State Treasurer on warrant of the Auditor of Public Accounts. Said Auditor shall issue his warrant upon requisition signed by the proper person, officer or officers, as authorized by law. Each board is authorized to accept gifts, bequests of money, or other property, real or personal, to be used for the purpose of establishing or maintaining any technical institute which may be authorized under the provisions of said law.
and in accordance with the law of the State of Mississippi.

SECTION 147. Section 37-133-9, Mississippi Code of 1972, is amended as follows:

37-133-9. It shall be the duty of the board of trustees of each state institution of higher learning to make periodic fiscal reports to the State Fiscal Management Board and the Legislative Budget Office, and to otherwise comply with the budget and accounting laws of the State of Mississippi.

SECTION 148. Section 37-138-7, Mississippi Code of 1972, is amended as follows:

37-138-7. The commission is authorized and directed to adopt regulations for certification of contractors, inspectors, management planners, project designers, air monitors, supervisors and workers. The regulations shall include an accreditation plan which shall be equivalent to paragraphs 1 through 3 of the Model Plan. The accreditation plan shall be no more stringent than the Model Plan, except as provided herein. The regulations and accreditation plan shall include the requirements for all training courses for accreditation of contractors, inspectors, management planners, project designers, air monitors, supervisors and workers. All regulations promulgated by the commission pursuant to this chapter shall not be effective until November 1, 1990. By October 1, 1989, the Commissioner of Higher Education shall designate a university which may offer all training courses set forth in the regulations and accreditation plan and such university may charge reasonable fees to offset costs of the courses offered. The commission shall not approve any training courses offered in Mississippi other than those courses offered at
the designated university and those certified abatement worker

courses that have received Environmental Protection Agency

approval pursuant to Section III of Appendix C to Title 40, Part

763, Subpart E, of the Code of Federal Regulations.

SECTION 149. Section 37-139-7, Mississippi Code of 1972, is

amended as follows: [LH139]

37-139-7. The board shall be authorized to solicit and

utilize the staff of the State Department of Education, staff of

the board of trustees of any state institution of higher learning

and other state agencies as required for the implementation of

this chapter. In addition, the board shall be authorized to

contract or enter into agreements with other agencies and/or

private research centers that it may deem necessary to carry out

its duties and functions.

SECTION 150. Section 37-140-5, Mississippi Code of 1972, is

amended as follows: [LH140]

37-140-5. (1) The school shall be governed by the State

Board of Education. The board shall develop a plan relating to

the opening, operation and funding of the school to be presented

to the Legislature during the 2000 Regular Session. The plan

shall include an equitable and reasonable plan for student

recruitment without regard to race, creed or color.

(2) The State Superintendent of Public Education shall

appoint an advisory panel to assist the board in developing the

plan relating to the school. The advisory panel shall consist of

the following twelve (12) appointed or designated members:

(a) Three (3) licensed school teachers or

administrators, one (1) to be appointed from each of the three (3)
Mississippi Supreme Court Districts;

(b) Three (3) citizens or professionals representing the areas of dance, creative writing, literature, music, theater arts or visual arts, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts;

(c) Three (3) citizens knowledgeable in business, personnel management or public administration, with at least three (3) years' actual experience therein, one (1) to be appointed from each of the three (3) Mississippi Supreme Court Districts.

(d) One (1) member shall be a representative of the Mississippi Arts Commission to be designated by the commission, one (1) member shall be a representative of the Mississippi Humanities Council to be designated by the council, and one (1) member shall be a representative of a state institution of higher learning in Mississippi which offers degrees in visual, fine and performing arts, to be designated by the Commissioner of Higher Education.

Appointments to the advisory panel shall be made within ninety (90) days of April 23, 1999. The advisory panel shall meet upon the call of the State Superintendent of Public Education and shall organize for business by selecting a chairman and vice chairman/secretary for keeping records of the panel. Members of the advisory panel shall receive no compensation but may be reimbursed for necessary expenses and mileage for attending meetings and necessary business of the panel, in the amount authorized for state employees under Section 25-3-41.

(3) The board may utilize the staff of the State Department of Education and other state agencies as may be required for the
implementation of this chapter. The department may employ any personnel deemed necessary by the board for assisting in the development and implementation of the plan relating to the opening, operation and funding of the school. The board also may contract or enter into agreements with other agencies or private entities which it deems necessary to carry out its duties and functions relating to the opening and operation of the school.

(4) To the extent possible, the board shall enter into agreements with the Board of Trustees of the Brookhaven Municipal Separate School District for the dual enrollment of students for the purpose of teaching academic courses to students attending the school, and the local school board shall be fully authorized to offer any such courses to students attending the school. The State Board of Education may develop and issue necessary regulations for the coordination of such courses for these students, the preparation and transfer of transcripts, and the reimbursement of any costs incurred by the school district for providing such services.

(5) The board may enter into agreements with public school districts to authorize students enrolled in such school districts to participate in the fine arts programs at the school to the extent that adequate space is available. The parent or guardian of any student participating in fine arts programs at the school under this subsection shall be responsible for transporting the student to and from the school.

SECTION 151. Section 37-141-3, Mississippi Code of 1972, is amended as follows:

37-141-3. (1) There is hereby created the University...
Research Center, as an agency of the State of Mississippi, hereinafter referred to as the "center," which shall have full authority to contract and to be contracted with. The Commissioner of Higher Education shall serve as the director for the center.

(2) The center shall be under the direction and management of the Commissioner of Higher Education. The commissioner shall, in his discretion, obtain fidelity bonds and determine who and what should be covered thereby and the amount of such bonds.

(3) The Commissioner of Higher Education shall appoint and employ such staff and employees as he deems necessary to carry out the objectives and purposes of this chapter and Section 57-63-17 and may establish the organizational structure of the center, which shall include the creation of any divisions necessary to implement the duties assigned to the center. It is specifically provided that the commissioner establish such units within the center as he deems necessary to include but not limited to areas of economic analysis, economic forecasting, long range economic development planning, research, grants, services and university and agency coordination and reporting.

* * *

(4) The Commissioner of Higher Education shall use savings realized through personnel attrition and other economies created by the reorganization effected in Senate Bill No. 2925, 1988 Regular Session [Laws, 1988, Chapter 518], to establish a special account in the University Research Center out of which funds may be expended to conduct priority research projects by contracting with universities, agencies and individuals.

SECTION 152. Section 37-141-5, Mississippi Code of 1972, is
amended as follows:

37-141-5. The main office building of the University Research Center and the Department of Economic Development in the City of Jackson shall be known and designated as the Paul B. Johnson, Jr. Building. The Commissioner of Higher Education and the Governor's Office of General Services shall coordinate and cooperate to effect the relocation of the Department of Economic Development to the Paul B. Johnson, Jr. Building and any other related agency relocations necessary to accomplish the requirement of this section if such relocation is feasible. If such relocation of the Department of Economic Development to the Paul B. Johnson, Jr. Building is not feasible because of space limitations, the Governor's Office of General Services shall coordinate the relocation of such department to some other location and shall, if possible, secure the amount of space necessary to also place the University Research Center in the same location with the department.

The Office of General Services shall provide proper signs to be placed on the building in accordance with this section.

SECTION 153. Section 37-141-13, Mississippi Code of 1972, is amended as follows:

37-141-13. (1) The Commissioner of Higher Education shall have responsibility for the administration of the center. By so designating the commissioner as administrator for the center, the Legislature hereby expresses its intent that the center shall have a relationship of close cooperation and coordination with the several universities but that the center shall not be under the control or influence of any single institution.
Academically eligible center staff may hold appointment to
faculties of state universities and university faculty members may
be assigned to the center.

(2) The Mississippi Department of Economic Development,
being the economic development agency for the state, shall advise
on the programs and projects of the center focused upon economic
development.

(3) The center may advise the various agencies and
departments of state government regarding internal research needs
and programs and shall assist in the establishment of such
programs where needed. These programs shall be coordinated by the
center in order to minimize duplication of effort, to maximize
utilization of data and equipment and to standardize procedures
for the more efficient pursuit of research.

(4) Communities, counties, special-purpose districts,
multicounty area development groupings and other such
organizations may call upon the center for informational services.
Specific research projects may be undertaken by the center for
such organizations on a contract basis.

(5) The center may provide advice and counsel, consistent
with its duties and responsibilities, to the private business
community. Consultation and information may also be made
available to other segments of the private business community.
Advice and assistance for the establishment of research programs
within business organizations may be provided by the center.
Specific research projects may be undertaken by the center for
private business on a contract basis. The center may solicit and
accept grants and other financial aid or support from private
SECTION 154. Section 37-141-15, Mississippi Code of 1972, is amended as follows:

37-141-15. With the approval of the Commissioner of Higher Education, the center may establish and staff branch operations at various universities within the state.

SECTION 155. Section 37-141-17, Mississippi Code of 1972, is amended as follows:

37-141-17. The center, on behalf of the Commissioner of Higher Education, shall prepare an annual report of economic development activities of those agencies and institutions subject to the commissioner. The report shall describe:

(a) Economic development efforts and accomplishments of the University Research Center, each university, and each institute.

(b) Efforts and accomplishments of the center in coordinating economic development activities among the universities.

(c) Recommendations of the center for coordination and utilization of university resources in economic development, for university-based initiatives in economic development, and for funding related to economic development and plans of the universities.

(d) Assistance rendered to the Department of Economic Development by the center and each university.

(e) Activities and accomplishments of staff assigned to planning and development districts pursuant to Section 37-141-19.

(f) Any other information which the center wishes to
The annual report shall be submitted to the Governor and the Joint Legislative Budget Committee not later than July 1 of each year.

SECTION 156. Section 37-141-19, Mississippi Code of 1972, is amended as follows:

37-141-19. The board of trustees of each state institution of higher learning shall require that the president of the university under its jurisdiction designate, at the level of vice president, a person responsible for economic development activities at the university. The person so designated shall be the primary contact at each university for the center in carrying out its responsibilities related to coordinating, assisting, monitoring and reporting on economic development activities at the universities.

SECTION 157. Section 37-141-21, Mississippi Code of 1972, is amended as follows:

37-141-21. (1) The director of the center, subject to the approval of the Commissioner of Higher Education, shall fix the salaries and wages of employees of the center, shall reimburse employees for actual expenses incurred in the performance of their duties, and may approve receipt by employees of additional income payments from grants, fellowships and other sources.

(2) The director of the center, upon approval of the commissioner, may contract with universities and colleges, with individuals and with public or private research organizations for their services and, under the same approval, may contract for performance by the center of services to governmental subdivisions.
of the state, to United States government departments and
agencies, to area development organizations, to trade associations
and other similar groups of public or private nature, and to
private business enterprises, and may set fees for such services.
Upon approval of the commissioner, the center may establish intern
programs to provide experience that supplements the education of
students enrolled in state institutions of higher learning.

(3) Expenditures by and for the center and its branches
shall be paid by the State Treasurer out of the funds appropriated
to carry out the provisions of this chapter, upon warrant issued
by the State Fiscal Management Board; and such board shall issue
its warrant upon requisition signed by the director of the center,
in the manner provided by law. Full and complete accounting shall
be kept and made by the center for all funds received and expended
by it. Representatives of the office of the State Auditor
annually shall audit the expenditures of funds received by the
center from all sources, and the auditor shall make a complete and
detailed report of such audit to the Legislature.

SECTION 158. Section 37-143-3, Mississippi Code of 1972, is
amended as follows:

37-143-3. The Legislature makes the following findings of
fact and declarations of purpose: By legislative enactment, five
loan or scholarship programs have been created wherein
Mississippi residents are granted scholarships in certain
professional fields in return for their contractual obligation to
perform services in such professions under a variety of
requirements of location, duration, manner and mode of service,
and institution in which performed. Such loan or scholarship
programs provide variously for different degrees of recourse in
the event that the recipient's contract is not fulfilled, but
shall provide in every case that the scholarship convert to a loan
which must be repaid at interest and, in some of the programs,
require the payment of penalties also. In addition to the
foregoing described loan or scholarship programs, a State of
Mississippi fund-financed loan program was created in the
Postsecondary Education Financial Assistance Law of 1975. The
purposes and needs, for which the Postsecondary Education
Financial Assistance Law was enacted, have now been almost
entirely supplanted by the provisions of the federal laws
providing for guaranteed student loans. The Legislature further
finds, that as a result of the restrictive and punitive provisions
contained in the loan or scholarship programs in existence prior
to this chapter, there are low levels of utilization of such
programs. The Legislature further finds that such programs being
enacted at various times and for various specialized purposes have
inconsistencies in the provisions for their administration, which
should be made consistent, uniform and regular. The Legislature
further finds that because of the low use of the Postsecondary
Education Financial Assistance Law, there are sums of monies
dedicated for use in student loans or scholarships which could be
utilized in the improved scholarship or loan programs created by
this chapter. The Legislature finds and declares that such older
existing revolving funds should be collapsed and consolidated into
a single revolving fund in support of the loan or scholarship
programs authorized herein. The Legislature further finds and
declares that there is a need for the creation of additional
scholarship programs for the purpose of encouraging eligible
Mississippi residents to enter into professional schools, and
that, in particular, there should be programs to encourage the
participation of minorities in graduate professional programs in
the institutions of this state, and that the Commissioner of
Higher Education should be granted the power and authority to
create and implement such new loan or scholarship programs as the
need may arise. And the Legislature further finds and declares
that there is a need to create an ability within the office of the
commissioner to fashion new and innovative systems for the
financing of loan or scholarship programs by combining the use of
private sector loans for education and guaranteed student loans
with scholarship repayment programs promulgated by the board, and
that the board should be granted authority to devise and develop
such innovative systems to obtain the most efficient use of state
funds to encourage entry and service in certain professional
fields.

SECTION 159. Section 37-143-5, Mississippi Code of 1972, is
amended as follows:[LH149]

37-143-5. (1) There is hereby created the medical loan or
scholarship program. The purpose of such program shall be to
enable eligible applicants who desire to become physicians to
obtain a medical education in the University of Mississippi School
of Medicine, which will qualify them to become licensed,
practicing physicians and surgeons.

(2) The Board of Trustees of the University of Mississippi
shall establish, by rule and regulation, the maximum annual award
which may be made under this program at an amount not to exceed
the cost of tuition and other expenses, and shall establish the maximum number of awards which may be made not to exceed the length of time required to complete the degree requirements and internship or residency.

(3) Loans made to applicants under this program may be made under similar terms and conditions as then current provisions of the Federal Guaranteed Student Loan Program, or its successor, as to the repayment of principal and interest. Such loans shall be eligible for deferment during attendance as a full-time student in an approved course of training. No interest shall accrue on such loan during the time the recipient is in such attendance. Such loans may be eligible for other deferments for such other causes as may be established by the board by rule and regulations not inconsistent with the foregoing.

(4) Loans made to applicants shall be made and based upon the following options for repayment or conversion to interest-free scholarships:

(a) Payment in full of principal and interest must be made in sixty (60) or less equal monthly installments, commencing one (1) month after graduation and internship or residency, or termination of attendance as a full-time student;

(b) In lieu of payment in full of both principal and interest, a loan recipient may elect to repay by entry into public health work at a state health institution as defined in Section 37-143-13(2), or community health centers that are grantees under Section 330 of the United States Public Health Service Act. Repayment under this option shall convert loan to scholarship, and discharge the same, on the basis of one (1) year's service for one
(1) year's loan amount, or the appropriate proportion of the total outstanding balance of principal and interest, all as shall be established by rule and regulation of the board of trustees. If at any time prior to the repayment in full of the total obligation the recipient abandons or abrogates repayment by this option, the provisions of Section 37-143-5(d) shall apply;

(c) In lieu of payment in full of both principal and interest, a loan recipient may elect to repay by entry into the practice of medicine in a primary health care field in an area outside of a metropolitan statistical area, as defined and established by the United States Census Bureau, and within a region ranking between 1 and 54, inclusively, on the Relative Needs Index of Five Factors for Primary Care Physicians, as annually determined by the State Board of Health, for a period of five (5) years. Repayment under this option shall convert loan to scholarship, and discharge the same on the basis of one (1) year's service for one (1) year's loan amount, or the appropriate proportion of the total outstanding balance of principal and interest, all as shall be established by rule and regulation of the board of trustees. If at any time prior to the repayment in full of the total obligation the recipient abandons or abrogates repayment by this option, the provisions of Section 37-143-5(4)(d) shall apply;

(d) In the event of abandonment or abrogation of the options for repayment as provided for in Section 37-143-5(4)(b) and (c), the remaining balance of unpaid or undischarged principal and interest shall become due and payable over the remaining period of time as if the option provided for in Section
37-143-5(4)(a) had been elected upon graduation and internship or residency.

(5) The board shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

SECTION 160. Section 37-143-6, Mississippi Code of 1972, is amended as follows:

37-143-6. (1) There is established a medical education scholarship program, which shall be administered by the Board of Trustees of the University of Mississippi. The program shall provide a certain number of eligible applicants each year with a full scholarship to obtain a medical education at the University of Mississippi School of Medicine at no cost to the recipient, if the recipient meets the conditions upon which the scholarship is granted.

(2) The program shall provide scholarships to up to twenty (20) new recipients each year, and the program shall be funded from monies appropriated from the Health Care Expendable Fund established under Section 43-13-407 and from any other funds appropriated to or otherwise made available to the board of trustees for that purpose. The amounts that may be expended annually for scholarships under the program shall not exceed the following: Five Hundred Thousand Dollars ($500,000.00) in fiscal year 2001; One Million Dollars ($1,000,000.00) in fiscal year 2002; One Million Five Hundred Thousand Dollars ($1,500,000.00) in fiscal year 2003; and Two Million Dollars ($2,000,000.00) in fiscal year 2004 and in any later fiscal year.

(3) The scholarship shall be in an amount that will pay the
full cost of attendance, as defined by federal law and regulation, at the University of Mississippi School of Medicine for the entire time necessary for the recipient to complete the requirements for a medical degree. The actual amount of the scholarship shall be determined by the Office of Financial Aid of the University of Mississippi Medical Center but shall not exceed Twenty-five Thousand Dollars ($25,000.00) per year for any recipient.

(4) Before being granted a scholarship, each applicant shall enter into a contract with the board of trustees, which shall be deemed a contract with the State of Mississippi, agreeing to the terms and conditions upon which the scholarship will be granted. In order to receive a scholarship under the program, the recipient must agree in the contract to practice family medicine for a period of not less than ten (10) years after completion of his or her residency in an area of the state that is a critical needs area for primary medical care at the time of the recipient's entry into medical practice. The determination and designation of the areas of the state that are critical needs areas for primary medical care shall be made by a committee to be known as the Medical Care Critical Needs Committee, which shall be composed of the following persons: the Vice Chancellor for Health Affairs of the University of Mississippi Medical Center, who shall be chairman of the committee; the Executive Director of the State Department of Health; the Executive Director of the Division of Medicaid; the President of the Mississippi State Medical Association or his designee; the President of the Mississippi State Hospital Association or his designee; the President of the Mississippi Academy of Family Physicians; and the Executive
Director of the Mississippi Primary Health Care Association. The
committee shall meet at least once annually to determine and
designate the areas of the state that are critical needs areas for
primary medical care in which scholarship recipients may practice
family medicine in order to fulfill their contractual obligation.

(5) If a scholarship recipient leaves the University of
Mississippi School of Medicine before graduation, or leaves his or
her residency before completion, or fails to practice family
medicine for a period of ten (10) years in a critical needs area
for primary medical care as designated by the Medical Care
Critical Needs Committee under subsection (4) of this section, the
full amount that the recipient received under the scholarship
shall be due and payable within ninety (90) days, together with
interest. The amount of interest due shall be equal to the annual
rate of return on the Health Care Trust Fund established under
Section 43-13-405 for each year from the time the recipient
received the scholarship money until the time the scholarship
money is repaid. The board of trustees may bring suit against any
scholarship recipient to recover the amount due to the state under
this section for the recipient's failure to comply with the
conditions upon which the scholarship was granted, as provided in
this section and in the contract between the recipient and the
board of trustees. The board of trustees is authorized to
postpone or forgive the repayment of all or part of the amount
that a recipient received under the scholarship and the interest
that would otherwise be due under this subsection if the
recipient's failure to comply with the conditions upon which the
scholarship was granted was due to circumstances beyond the
recipient's control that caused the recipient to be physically
unable to comply with those conditions, such as suffering a severe
illness, injury or other disabling condition.

(6) The board of trustees shall establish such rules and
regulations as it deems necessary and proper to carry out the
purposes and intent of this section.

SECTION 161. Section 37-143-7, Mississippi Code of 1972, is
amended as follows:

37-143-7. (1) There is hereby created the dental loan or
scholarship program. The purpose of such program shall be to
enable eligible applicants who desire to become dentists to obtain
a standard four-year education in the study of dentistry in the
University of Mississippi School of Dentistry, which will qualify
them to become licensed, practicing dentists.

(2) The Board of Trustees of the University of Mississippi
shall establish, by rule and regulation, the maximum annual award
which may be made under this program at an amount not to exceed
the cost of tuition and other expenses, and shall establish the
maximum number of awards, which may be made not to exceed the
length of time required to complete the degree requirements.

(3) Loans made to applicants under this program may be made
under similar terms and conditions as then current provisions of
the Federal Guaranteed Student Loan Program, or its successor, as
to the repayment of principal and interest. Such loans shall be
eligible for deferment during attendance as a full-time student in
an approved course of training. No interest shall accrue on such
loan during the time the recipient is in such attendance. Such
loans may be eligible for other deferments for such other causes
as may be established by the board by rule and regulations not inconsistent with the foregoing.

(4) Loans made to applicants shall be made and based upon the following options for repayment or conversion to interest-free scholarships:

(a) Payment in full of principal and interest must be made in sixty (60) or less equal monthly installments, commencing one (1) month after graduation or termination of attendance as a full-time student;

(b) In lieu of payment in full of both principal and interest, a loan recipient may elect to repay by entry into public health work at a state health institution as defined in Section 37-143-13(2), or community health centers that are grantees under Section 330 of the United States Public Health Service Act. Repayment under this option shall convert loan to scholarship, and discharge the same, on the basis of one (1) year's service for one (1) year's loan amount, or the appropriate proportion of the total outstanding balance of principal and interest, all as shall be established by rule and regulation of the board of trustees. If at any time prior to the discharge in full of the total obligation the recipient abandons or abrogates repayment by this option, the provisions of Section 37-143-7(4)(d) shall apply;

(c) In lieu of payment in full of both principal and interest, a loan recipient may elect to repay by entry into the practice of dentistry in an area outside of a metropolitan statistical area, as defined and established by the United States Census Bureau, and within a region ranking between 1 and 54, inclusively, on the Relative Needs Index of Four Factors for
Dentists, as annually determined by the State Board of Health, for a period of five (5) years. Repayment under this option shall convert loan to scholarship and discharge the same on the basis of one (1) year's service for one (1) year's loan amount, or the appropriate proportion of the total outstanding balance of principal and interest, all as shall be established by rule and regulation of the board of trustees. If at any time prior to the repayment in full of the total obligation the recipient abandons or abrogates repayment by this option, the provisions of Section 37-143-7(4)(d) shall apply;

(d) In the event of abandonment or abrogation of the options for repayment as provided for in Section 37-143-7(4)(b) and (c), the remaining balance of unpaid or undischarged principal and interest shall become due and payable over the remaining period of time as if the option provided for in Section 37-143-7(4)(a) had been elected upon graduation.

(5) The board shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

SECTION 162. Section 37-143-9, Mississippi Code of 1972, is amended as follows:[LH151]

37-143-9. There is created a program for advanced study in nursing. Scholarships are established and shall be allocated to students who: (a) have graduated from an accredited high school and from a school of nursing and are licensed registered nurses in Mississippi; and (b) are approved by the Commissioner of Higher Education; and (c) enter into contract with the commissioner, obligating themselves to pursue to completion the course of study
agreed upon, and immediately following the completion of such work, to spend a period of time, equal to the period of study provided under the scholarship, in teaching nursing at any accredited school of nursing in Mississippi, approved by the commissioner, or in performing other work in the interest of public health in the state, to be approved by the commissioner. Such period of service, after completion of study under a scholarship, shall in no event be less than one (1) year.

In addition to a scholarship, any such student may be allocated a loan not to exceed One Thousand Dollars ($1,000.00) per month for each month of full-time study in a graduate nursing program. The repayment of the principal and interest of such loans shall be eligible for deferment during attendance as a full-time student in an approved program for advanced study in an accredited school of nursing. For any student who receives this loan, the student's contract with the commissioner shall obligate the student, immediately following completion of the course of study, to repay the loan by teaching nursing for not less than two (2) years at any accredited school of nursing in Mississippi approved by the commissioner. Such teaching service shall convert the loan to an interest-free scholarship, and discharge the same, on the basis of two (2) years of service for one-year's loan amount, or the appropriate proportion of the total outstanding balance of principal and interest, all as established by rule and regulation of the commissioner. Any such student who fails to complete all of the teaching service obligation shall be liable to the commissioner for the remaining balance of the principal and interest that remains undischarged.
The commissioner shall establish such rules and regulations as it deems necessary and proper to carry out the purposes and intent of this section.

SECTION 163. Section 37-143-11, Mississippi Code of 1972, is amended as follows:

37-143-11. (1) It is the intention of the Legislature to attract and retain qualified teachers by awarding incentive loans to persons declaring an intention to serve in the teaching field and who actually render service to the state while possessing an appropriate teaching license.

(2) There is established the "William F. Winter Teacher Scholar Loan Program."

(3) To the extent of appropriations available, students who are enrolled in any baccalaureate degree-granting institution of higher learning in the State of Mississippi accredited by the Southern Association of Colleges and Schools and approved by the Mississippi Commission on College Accreditation, or any accredited nonprofit community or junior college, and who have expressed in writing a present intention to teach in Mississippi, shall be eligible for student loans to be applied to the costs of their college education. Persons who have been admitted to a teacher education program as approved by the State Board of Education shall also qualify for loans at approved institutions.

(4) A freshman establishing initial eligibility shall be eligible for a maximum of four (4) annual loans and a senior shall be eligible for one (1) annual loan.

(5) The maximum annual loan shall be set by the Commissioner of Higher Education at an amount not to exceed the cost of
attendance at any baccalaureate degree-granting institution of
higher learning in the State of Mississippi. However, it is the
intent of the Legislature that the maximum annual loan amounts
under the William F. Winter Teacher Scholar Loan Program shall not
be of such amounts that would compete with the Critical Needs
Teacher Scholarship Program.

(6) The loans of persons who actually render service as
licensed teachers in a public school in Mississippi for a major
portion of the school day for at least seventy-eight (78) school
days during each of eight (8) school semesters of the ten (10)
immediately after obtaining a baccalaureate degree, shall be
converted to interest-free scholarships. Conversion shall be
based on two (2) semesters of service for each year a loan was
received, and the Commissioner of Higher Education shall not
authorize the conversion of loans into interest-free scholarships
at any other ratio, except as follows: Participants in the
William F. Winter Teacher Scholar Loan Program may have their
loans converted into interest-free scholarships at the same ratio
as under the Critical Needs Teacher Scholarship Program if they
render service as a licensed teacher in a public school district
in a geographical area of the state where there is a critical
shortage of teachers, as designated by the State Board of
Education.

(7) Persons failing to complete an appropriate program of
study shall immediately become liable to the Commissioner of
Higher Education for the sum of all outstanding loans, except in
the case of a deferral of debt for cause by the board, after which
period of deferral, study may be resumed. Persons failing to meet
teaching requirements in any required semester shall immediately
be in breach of contract and become liable to the board for the
amount of the corresponding loan received, with interest accruing
at the current Stafford Loan rate at the time the breach occurs,
except in the case of a deferral of debt for cause by the
commissioner, after which period of deferral, teaching duties
required hereunder will be resumed. If the claim for payment of
such loan is placed in the hands of an attorney for collection
after default, then the obligor shall be liable for an additional
amount equal to a reasonable attorney's fee.

(8) A loan made pursuant to this section shall not be
voidable by reason of the age of the borrower at the time of
receiving the loan.

(9) Failure to repay any loan and interest that becomes due
shall be cause for the revocation of a person's teaching license
by the State Department of Education.

(10) All monies repaid to the Commissioner of Higher
Education hereunder shall be added to the appropriations made for
purposes of this section, and those appropriations shall not
lapse.

(11) The Commissioner of Higher Education with the
concurrence of the State Board of Education shall jointly
promulgate regulations necessary for the proper administration of
this section.

(12) If insufficient funds are available for requested loans
to a qualified student during any fiscal year, the commissioner
shall make pro rata reductions in the loans made to qualifying
applicants. Priority consideration shall be given to persons
receiving previous loans and participating in the program.

(13) The commissioner shall make an annual report to the Legislature. Each report shall contain a complete enumeration of the loans or scholarships granted, names of persons to whom granted and the institutions attended by those receiving the same, the teaching location of applicants who have received their education and become licensed teachers within this state as a result of the loans and/or scholarships. The commissioner shall make a full report and account of receipts and expenditures for salaries and expenses incurred under the provisions of this section. The commissioner shall, upon his records and any published reports, distinguish between those recipients who have breached their contracts but with the commissioner's permission who have paid their financial obligations in full, and those recipients who have breached their contracts and remain financially indebted to the state.

SECTION 164. Section 37-143-15, Mississippi Code of 1972, is amended as follows:

37-143-15. The Commissioner of Higher Education is authorized and empowered to establish loan or scholarship programs of like character, operation and purpose to the foregoing enumerated programs to encourage the participation of eligible worthy persons in courses of instruction in the public institutions of higher learning, and in furtherance of such power and authority is authorized: to adopt and implement rules and regulations declaring and describing the goals and objectives of such loan or scholarship programs; to establish the eligibility requirements for entry into such program and required for
continuing participation for succeeding years; to determine the
maximum amount to be made available to recipients; to delineate
the terms and conditions of contracts with recipients and
establish the service requirements for such contracts, if any; to
enter into contracts pertaining to such programs with recipients;
to enter into loan agreements and other contracts with financial
institutions or other providers of loan monies for scholarship or
loan participants; and to allocate and utilize such funds as may
be necessary for the operation of such loan or scholarship
programs from the annual appropriation for student financial aid.

In issuing rules and regulations governing the administration of
the Graduate Teacher Summer Scholarship (GTS) Program, the
commissioner shall provide that certified teachers at the Columbia
or Oakley Training Schools under the jurisdiction of the
Department of Human Services shall be fully eligible to
participate in said program.

SECTION 165. Section 37-143-19, Mississippi Code of 1972, is
amended as follows:[LH154]

37-143-19. The Commissioner of Higher Education is
authorized to establish a consolidated revolving loan fund for the
purpose of providing monies for the operation of all loan or
scholarship programs authorized * * * by this chapter, and to the
Postsecondary Education Financial Assistance Board by the
provisions of Chapter 106 of Title 37, Mississippi Code of 1972,
and for the purpose of providing monies for the operation of such
other loan programs as may be deemed appropriate and authorized by
the commissioner from time to time for the furtherance of
education of eligible applicants. The commissioner shall be
charged with the duty of directing the dispensing of such funds in a manner so as to best effectuate the purpose of this chapter.

Any monies collected in the form of repayment of loans, both principal and interest, shall be deposited in this fund. The commissioner is authorized to maintain such revolving fund in an official state depository and, in accordance with Section 27-105-21, Mississippi Code of 1972, shall invest such funds, less the amount required for current operation, at interest as required by said section. All interest earned on such investments shall likewise be deposited in said fund. From such revolving fund, the commissioner shall provide the Postsecondary Education Financial Assistance Board such sums as shall be required to fulfill its role as lender of last resort to the Guarantee Student Loan program. The assets of the Postsecondary Education Financial Assistance Board, including cash and loans on hand, shall not exceed Five Hundred Thousand Dollars ($500,000.00), and repayments of principal and interest and all other revenue * * * shall be deposited in the fund created hereby.

From and after * * * July 1, 1991, the sums maintained in the respective revolving funds being repealed by Chapter 547, Laws, 1991, or other revolving funds being maintained by the commissioner shall become and constitute the monies of the consolidated revolving fund created by this section, wherever such funds may be physically located. The commissioner is hereby authorized to transfer said funds to an official state depository, as aforesaid.

SECTION 166. Section 37-143-21, Mississippi Code of 1972, is amended as follows:[LH155]
37-143-21. The board of trustees of each state institution of higher learning shall make an annual report to the Legislature. Each said report shall contain a complete summary of the board's activities, loans or scholarships granted, names of persons to whom granted, institutions attended by those receiving same, and the location of loan recipients who have contracted to repay loan or scholarship through approved service in their profession. The board shall make a full report and account of the receipts and expenditures for salaries and expenses incurred under the provisions of this chapter. The board shall, upon its records and any published reports, distinguish between those recipients who have breached their contracts, but with the board's permission who have paid their financial obligations in full, and those recipients who have breached their contracts and remain financially indebted to the state.

SECTION 167. Section 37-145-3, Mississippi Code of 1972, is amended as follows:

37-145-3. As used in this chapter:

(a) "Company" means the Mississippi Business Finance Corporation established pursuant to Section 57-10-167.

(b) "Board of trustees" means the board of trustees of each state institution of higher learning.

(c) "Guaranty Agency" means the Mississippi Guarantee Student Loan Agency.

SECTION 168. Section 37-147-5, Mississippi Code of 1972, is amended as follows:

37-147-5. The following words shall have the meaning ascribed herein unless the context clearly requires otherwise:
(a) "Act" means the Mississippi University Research Authority Act;

(b) "Authority" means the entity created pursuant to this act;

(c) "Board" means the board of trustees of each state institution of higher learning;

(d) "Technological innovations" means research, development, prototype assembly, manufacture, patenting, licensing, marketing and sale of inventions, ideas, practices, applications, processes, machines, technology and related property rights of all kinds; and

(e) "University" means a Mississippi educational institution established pursuant to the provisions of Section 213A of the 1890 Constitution of the State of Mississippi.

(f) "Intellectual property" means any formula, pattern, compilation, program, device, method, technique or process created primarily as a result of the research effort of an employee or employees of an institution of higher learning of the State of Mississippi.

SECTION 169. Section 37-147-15, Mississippi Code of 1972, is amended as follows:

37-147-15. (1) With the approval of the Commissioner of Higher Education, any university may form, pursuant to the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, one or more research corporations, separate and apart from the state and the university, to promote, develop and administer enterprises arising from research or technological innovations in order to take
advantage of opportunities of scientific, educational and economic
development.

(2) Each such corporation shall be governed by, and all of
the functions, powers and duties of it shall be exercised by, a
board of directors appointed by the president of the university.
Members of the board of directors may include the president of the
university, officers and employees of the university, and other
persons selected by the president of the university. Officers and
employees of the university may have ownership or financial
interests in such corporations.

(3) The board of directors of each such corporation shall
adopt bylaws, in accordance with the provisions of the Mississippi
Nonprofit Corporation Act or the Mississippi Business Corporation
Act, as appropriate, governing the conduct of the corporation in
the performance of its duties under its charter and this act.

SECTION 170.  Section 37-149-1, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

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

(d) The sponsorship of a teacher renewal institute;

(e) The continuation of the Teacher Corps program;

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

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

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

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

SECTION 171. Section 37-155-9, Mississippi Code of 1972, is amended as follows:[LH160]
37-155-9. In addition to the powers granted by any other provision of this chapter, the board of directors shall have the powers necessary or convenient to carry out the purposes and provisions of this chapter, the purposes and objectives of the trust fund and the powers delegated by any other law of the state or any executive order thereof, including, but not limited to, the following express powers:

(a) To adopt and amend bylaws;
(b) To adopt such rules and regulations as are necessary to implement the provisions of this chapter;
(c) To invest any funds of the trust fund in any instrument, obligation, security or property that constitutes legal investments for public funds in the state and to name and use depositories for its investments and holdings;
(d) To execute contracts and other necessary instruments;
(e) To impose reasonable requirements for residency for beneficiaries at the time or purchase of the contract;
(f) To impose reasonable limits on the number of contract participants in the trust fund at any given period of time;
(g) To contract for necessary goods and services, to employ necessary personnel, and to engage the services of consultants for administrative and technical assistance in carrying out the responsibilities of the trust fund;
(h) To solicit and accept gifts, including bequeathments or other testamentary gifts made by will, trust or other disposition, grants, loans and other aids from any personal
source or to participate in any other way in any federal, state or local governmental programs in carrying out the purposes of this chapter. Any gifts made to the board under this subsection shall be deductible from taxable income of the state in the tax year;

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

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

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

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

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

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

(m) To adopt an official seal and rules;

(n) To sue and be sued;

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

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

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

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

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

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

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

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

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

(ii) State of Mississippi highway bonds;

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

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

(v) Bonds of the Tennessee Valley Authority;

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

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

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

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

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

(B) The stock of such corporation shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(dd) To solicit proposals for the marketing of the Mississippi Prepaid Affordable College Tuition Program. The entity designated pursuant to this paragraph shall serve as a centralized marketing agent for the program and shall solely be responsible for the marketing of the program. Any materials
produced for the purpose of marketing the programs shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the program; however, all such materials shall have been approved by the board prior to distribution.

Neither the state nor the board shall be liable for misrepresentation of the program by a marketing agent; and

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

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

SECTION 172. Section 37-157-1, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(vi) Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II or Physics (one (1) unit).
(vii) American History (one (1) unit).
(viii) World History, World Cultures, Western Civilization or World Geography (one (1) unit).
(ix) Civics and/or Economics (one (1) unit).
(x) Fine Arts Survey (one (1) unit; or substitute two (2) units of performance courses in music, dance or theater; or substitute two (2) units of studio art courses).
(xi) Foreign Language (two (2) units in a single language).
(xii) Computer Science, Computer Literacy or Data Processing (one-half (1/2) unit).
(xiii) Electives from the above (one (1) unit).

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

(2) For purposes of this section:

(a) "Institution of higher education" shall mean any of the following institutions of higher learning or community or junior colleges located in Mississippi: Alcorn State University, Delta State University, Jackson State University, Mississippi State University, Mississippi University for Women, Mississippi Valley State University, University of Mississippi, University of Southern Mississippi, Coahoma Community College, Copiah-Lincoln Community College, East Central Community College, East Mississippi Community College, Hinds Community College, Holmes
Community College, Itawamba Community College, Jones County Junior College, Meridian Community College, Mississippi Delta Community College, Mississippi Gulf Coast Community College, Northeast Mississippi Community College, Pearl River Community College, Southwest Mississippi Community College, Belhaven College, Blue Mountain College, Millsaps College, Mississippi College, Rust College, Tougaloo College, William Carey College, Mary Holmes College, Magnolia Bible College and Wood College.

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

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

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

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

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

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

(e) Be found to be in financial need.

(5) The provisions of this chapter shall be administered by the Commissioner of Higher Education in conjunction with the State Board for Community and Junior Colleges. The board may provide by rule for all matters necessary for the implementation of this chapter.

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

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

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

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

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

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

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

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

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

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

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

SECTION 173. Section 37-157-3, Mississippi Code of 1972, is amended as follows:

37-157-3. There is hereby created in the State Treasury a special trust fund to be known as the Student Tuition Assistance Trust Fund. The trust fund shall consist of all monies designated by the Legislature for deposit therein and any gift, donation, bequest, trust, grant, endowment, transfer of money or securities, or any other monies from any source whatsoever, designated for deposit in the trust fund.

The principal of the trust fund shall remain inviolate and shall be invested by the State Treasurer in the same manner as
provided by Section 27-105-33, Mississippi Code of 1972, for the
investment of excess state funds. Interest and income derived
from investment of the principal of the trust fund shall be
appropriated by the Legislature to the Commissioner of Higher
Education for expenditure as provided in this chapter.

SECTION 174. Section 37-159-3, Mississippi Code of 1972, is
amended as follows:

37-159-3. (1) There is established the "Critical Needs Teacher Scholarship Program," the purpose of which is to attract
qualified teachers to those geographical areas of the state where
there exists a critical shortage of teachers by awarding full
scholarships to persons declaring an intention to serve in the
teaching field who actually render service to the state while
possessing an appropriate teaching license.

(2) Any individual who is enrolled in or accepted for
enrollment at a baccalaureate degree-granting institution of
higher learning whose teacher education program is approved by the
State Board of Education or at an accredited, nonprofit community
or junior college in the State of Mississippi who expresses in
writing an intention to teach in a geographical area of the state
in which there exists a critical shortage of teachers, as
designated by the State Board of Education, shall be eligible for
a financial scholarship to be applied toward the costs of the
individual's college education. The annual amount of the award
shall be equal to the total cost for tuition, room and meals,
books, materials and fees at the college or university in which
the student is enrolled, not to exceed an amount equal to the
highest total cost of tuition, room and meals, books, materials
and fees assessed by a state institution of higher learning during that school year. Awards made to nonresidents of the state shall not include any amount assessed by the college or university for out-of-state tuition.

(3) Awards granted under the Critical Needs Teacher Scholarship Program shall be available to both full-time and part-time students. Students enrolling on a full-time basis may receive a maximum of four (4) annual awards. The maximum number of awards that may be made to students attending school on a part-time basis, and the maximum time period for part-time students to complete the number of academic hours necessary to obtain a baccalaureate degree in education, shall be established by rules and regulations jointly promulgated by the Commissioner of Higher Education and the State Board of Education. Critical Needs Teacher Scholarships shall not be based upon an applicant's eligibility for financial aid.

(4) Except in those cases where employment positions may not be available upon completion of licensure requirements, at the beginning of the first school year in which a recipient of a Critical Needs Teacher Scholarship is eligible for employment as a licensed teacher, that person shall begin to render service as a licensed teacher in a public school district in a geographical area of the state where there is a critical shortage of teachers, as approved by the State Board of Education. Any person who received four (4) annual awards, or the equivalent of four (4) annual awards, shall render three (3) years' service as a licensed teacher. Any person who received fewer than four (4) annual awards, or the equivalent of four (4) annual awards, shall render
one (1) year's service as a licensed teacher for each year that the person received a full-time student scholarship, or for the number of academic hours equivalent to one (1) school year, as determined by the Commissioner of Higher Education, which a part-time student received a scholarship.

(5) Any person failing to complete a program of study which will enable that person to become a licensed teacher shall become liable immediately to the Commissioner of Higher Education for the sum of all Critical Needs Teacher Scholarship awards made to that person, plus interest accruing at the current Stafford Loan rate at the time the person abrogates his participation in the program.

Any person failing to complete his teaching obligation, as required under subsection (4) of this section, shall become liable immediately to the commissioner for the sum of all scholarship awards made to that person less the corresponding amount of any awards for which service has been rendered, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his service, except in the case of a deferral of debt for cause by the State Board of Education when there is no employment position immediately available upon a teacher's completion of licensure requirements. After the period of such deferral, such person shall begin or resume teaching duties as required under subsection (4) or shall become liable to the commissioner under this subsection. If a claim for payment under this subsection is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(6) The obligations made by the recipient of a Critical
Needs Teacher Scholarship award shall not be voidable by reason of the age of the student at the time of receiving the scholarship.

(7) The Commissioner of Higher Education and the State Board of Education shall jointly promulgate rules and regulations necessary for the proper administration of the Critical Needs Teacher Scholarship Program. The commissioner shall be the administrator of the program.

(8) If insufficient funds are available to fully fund scholarship awards to all eligible students, the commissioner shall make the awards to first-time students on a first-come, first-served basis; however, priority consideration shall be given to persons previously receiving awards under the Critical Needs Teacher Scholarship Program.

(9) All funds received by the Commissioner of Higher Education from the repayment of scholarship awards by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

SECTION 175. Section 37-159-15, Mississippi Code of 1972, is amended as follows:

37-159-15. The State Department of Education and the Commissioner of Higher Education shall jointly prepare an annual report for the Legislature, to be submitted by December 1 of each year beginning in 1998, which shall assess the impact of the teacher recruitment incentive programs authorized under House Bill No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the employment of licensed teachers in critical teacher shortage areas. The report shall include, at a minimum, the numbers of persons who have participated in each of the programs each year,
and the numbers of persons who have participated in the programs
who have rendered service as teachers in critical teacher shortage
areas each year by school district.

SECTION 176. Section 41-13-15, Mississippi Code of 1972, is
amended as follows:

41-13-15. (1) Any county and/or any political or judicial
subdivision of a county and/or any municipality of the State of
Mississippi, acting individually or jointly, may acquire and hold
real estate for a community hospital either recognized and/or
licensed as such by either the State of Mississippi or the United
States government, and may, after complying with applicable health
planning and licensure statutes, construct a community hospital
thereon and/or appropriate funds according to the provisions of
this chapter for the construction, remodeling, maintaining,
equipping, furnishing and expansion of such facilities by the
board of trustees upon such real estate.

(2) Where joint ownership of a community hospital is
involved, the owners are hereby authorized to contract with each
other for determining the pro rata ownership of such community
hospital, the proportionate cost of maintenance and operation, and
the proportionate financing that each will contribute to the
community hospital.

(3) The owners may likewise contract with each other, or on
behalf of any subordinate political or judicial subdivision, or
with the board of trustees of a community hospital, and/or any
agency of the State of Mississippi or the United States
government, for necessary purposes related to the establishment,
operation or maintenance of community hospitals and related
programs wherever located, and may either accept from, sell or
contribute to the other entities, monies, personal property or
existing health facilities. The owners or the board of trustees
may also receive monies, property or any other valuables of any
kind through gifts, donations, devises or other recognized means
from any source for the purpose of hospital use.

(4) Owners and boards of trustees, acting jointly or
severally, may acquire and hold real estate for offices for
physicians and other health care practitioners and related health
care or support facilities, provided that any contract for the
purchase of real property must be ratified by the owner, and may
thereon construct and equip, maintain and remodel or expand such
offices and related facilities, and the board of trustees may
lease same to members of the hospital staff or others at a rate
deemed to be in the best interest of the community hospital.

(5) If any political or judicial subdivision of a county is
obligated hereunder, the boundaries of such district shall not be
altered in such a manner as to relieve any portion thereof of its
obligation hereunder.

(6) Owners may convey to any other owner any or all
property, real or personal, comprising any existing community
hospital, including related facilities, wherever located, owned by
such conveying owner. Such conveyance shall be upon such terms
and conditions as may be agreed upon and may make such provisions
for transfers of operating funds and/or for the assumption of
liabilities of the community hospital as may be deemed appropriate
by the respective owners.

(7) (a) Except as provided for in subsection (11) of this
section, owners may lease all or part of the property, real or personal, comprising a community hospital, including any related facilities, wherever located, and/or assets of such community hospital, to any individual, partnership or corporation, whether operating on a nonprofit basis or on a profit basis, or to the board of trustees of such community hospital or any other owner or board of trustees, subject to the applicable provisions of subsections (8), (9) and (10) of this section. The term of such lease shall not exceed fifty (50) years. Such lease shall be conditioned upon (i) the leased facility continuing to operate in a manner safeguarding community health interests; (ii) the proceeds from the lease being first applied against such bonds, notes or other evidence of indebtedness as are issued pursuant to Section 41-13-19 as and when they are due, provided that the terms of the lease shall cover any indebtedness pursuant to Section 41-13-19; and (iii) any surplus proceeds from the lease being deposited in the general fund of the owner, which proceeds may be used for any lawful purpose. Such lease shall be subject to the express approval of the board of trustees of the community hospital, except in the case where the board of trustees of the community hospital will be the lessee. However, owners may not lease any community hospital to the University of Mississippi Medical Center unless first the University of Mississippi Medical Center has obtained authority to lease such hospital under specific terms and conditions from the Board of Trustees of the University of Mississippi.

If the owner wishes to lease a community hospital without an option to sell it and the approval of the board of trustees of the
community hospital is required but is not given within thirty (30)
days of the request for its approval by the owner, then the owner
may enter such lease as described herein on the following
conditions: A resolution by the owner describing its intention to
enter such lease shall be published once a week for at least three
(3) consecutive weeks in at least one (1) newspaper published in
the county or city, as the case may be, or if none be so
published, in a newspaper having a general circulation therein.
The first publication of such notice shall be made not less than
twenty-one (21) days prior to the date fixed in such resolution
for the lease of the community hospital and the last publication
shall be made not more than seven (7) days prior to such date.
If, on or prior to the date fixed in such resolution for the lease
of the community hospital, there shall be filed with the clerk of
the owner a petition signed by twenty percent (20%) or fifteen
hundred (1500), whichever is less, of the qualified voters of such
owner, requesting that an election be called and held on the
question of the lease of the community hospital, then it shall be
the duty of the owner to call and provide for the holding of an
election as petitioned for. In such case, no such lease shall be
entered into unless authorized by the affirmative vote of the
majority of the qualified voters of such owner who vote on the
proposition at such election. Notice of such election shall be
given by publication in like manner as hereinabove provided for
the publication of the initial resolution. Such election shall be
conducted and the return thereof made, canvassed and declared as
nearly as may be in like manner as is now or may hereafter be
provided by law in the case of general elections in such owner.
If, on or prior to the date fixed in the owner's resolution for
the lease of the community hospital, no such petition as described
above is filed with the clerk of the owner, then the owner may
proceed with the lease subject to the other requirements of this
section. Subject to the above conditions, the lease agreement
shall be upon such terms and conditions as may be agreed upon and
may make such provision for transfers of tangible and intangible
personal property and operating funds and/or for the assumption of
liabilities of the community hospital and for such lease payments,
all as may be deemed appropriate by the owners.

(b) Owners may sell and convey all or part of the
property, real or personal, comprising a community hospital,
including any related facilities, wherever located, and/or assets
of such community hospital, to any individual, partnership or
corporation, whether operating on a nonprofit basis or on a profit
basis, or to the board of trustees of such community hospital or
any other owner or board of trustees, subject to the applicable
provisions of subsections (8) and (10) of this section. Such sale
and conveyance shall be upon such terms and conditions as may be
agreed upon by the owner and the purchaser that are consistent
with the requirements of this section, and the parties may make
such provisions for the transfer of operating funds or for the
assumption of liabilities of the facility, or both, as they deem
appropriate. However, such sale and conveyance shall be
conditioned upon (i) the facility continuing to operate in a
manner safeguarding community health interests; (ii) the proceeds
from such sale being first applied against such bonds, notes or
other evidence of indebtedness as are issued pursuant to Section
41-13-19 as and when they are due, provided that the terms of the
sale shall cover any indebtedness pursuant to Section 41-13-19;
and (iii) any surplus proceeds from the sale being deposited in
the general fund of the owner, which proceeds may be used for any
lawful purpose. However, owners may not sell or convey any
community hospital to the University of Mississippi Medical Center
unless first the University of Mississippi Medical Center has
obtained authority to purchase such hospital under specific terms
and conditions from the Board of Trustees of the University of
Mississippi.

(8) Whenever any owner decides that it may be in its best
interests to sell or lease a community hospital as provided for
under subsection (7) of this section, the owner shall first
contract with a certified public accounting firm, a law firm or
competent professional health care or management consultants to
review the current operating condition of the community hospital.
The review shall consist of, at minimum, the following:

(a) A review of the community's inpatient facility
needs based on current workload, historical trends and
projections, based on demographic data, of future needs.

(b) A review of the competitive market for services,
including other hospitals which serve the same area, the services
provided and the market perception of the competitive hospitals.

(c) A review of the hospital's strengths relative to
the competition and its capacity to compete in light of projected
trends and competition.

(d) An analysis of the hospital's options, including
service mix and pricing strategies. If the study concludes that a
sale or lease should occur, the study shall include an analysis of which option would be best for the community and how much revenues should be derived from the lease or sale.

(9) After the review and analysis under subsection (8) of this section, an owner may choose to sell or lease the community hospital. If an owner chooses to sell such hospital or lease the hospital with an option to sell it, the owner shall follow the procedure specified in subsection (10) of this section. If an owner chooses to lease the hospital without an option to sell it, it shall first spread upon its minutes why such a lease is in the best interests of the persons living in the area served by the facility to be leased, and it shall make public any and all findings and recommendations made in the review required under proposals for the lease, which shall state clearly the minimum required terms of all respondents and the evaluation process that will be used when the owner reviews the proposals. The owner shall lease to the respondent submitting the highest and best proposal. In no case may the owner deviate from the process provided for in the request for proposals.

(10) If an owner wishes to sell such community hospital or lease the hospital with an option to sell it, the owner first shall conduct a public hearing on the issue of the proposed sale or lease with an option to sell the hospital. Notice of the date, time, location and purpose of the public hearing shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county or city, as the case may be, or if none be so published, in a newspaper having a general circulation therein. The first publication of the notice

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shall be made not less than twenty-one (21) days before the date of the public hearing and the last publication shall be made not more than seven (7) days before that date. If, after the public hearing, the owner chooses to sell or lease with an option to sell the hospital, the owner shall adopt a resolution describing its intention to sell or lease with an option to sell the hospital, which shall include the owner's reasons why such a sale or lease is in the best interests of the persons living in the area served by the facility to be sold or leased. The owner shall then publish a copy of the resolution; the requirements for proposals for the sale or lease with an option to sell the hospital, which shall state clearly the minimum required terms of all respondents and the evaluation process that will be used when the owner reviews the proposals; and the date proposed by the owner for the sale or lease with an option to sell the hospital. Such publication shall be made once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the county or city, as the case may be, or if none be so published, in a newspaper having a general circulation therein. The first publication of the notice shall be made not less than twenty-one (21) days before the date proposed for the sale or lease with an option to sell the hospital and the last publication shall be made not more than seven (7) days before that date. If, on or before the date proposed for the sale or lease of the hospital, there is filed with the clerk of the owner a petition signed by twenty percent (20%) or fifteen hundred (1500), whichever is less, of the qualified voters of the owner, requesting that an election be called and held on the question of the sale or lease with an
option to sell the hospital, then it shall be the duty of the
owner to call and provide for the holding of an election as
petitioned for. In that case, no such sale or lease shall be
entered into unless authorized by the affirmative vote of the
majority of the qualified voters of the owner who vote on the
proposition at such election. Notice of the election shall be
given by publication in the same manner as provided for the
publication of the initial resolution. The election shall be
conducted and the return thereof made, canvassed and declared in
the same manner as provided by law in the case of general
elections in the owner. If, on or before the date proposed for
the sale or lease of the hospital, no such petition is filed with
the clerk of the owner, then the owner may sell or lease with an
option to sell the hospital. Such sale or lease shall be made to
the respondent submitting the highest and best proposal. In no
case may the owner deviate from the process provided for in the
request for proposals.

(11) A lessee of a community hospital, under a lease entered
into under the authority of Section 41-13-15, in effect prior to
July 15, 1993, or an affiliate thereof, may extend or renew such
lease whether or not an option to renew or extend the lease is
contained in the lease, for a term not to exceed fifteen (15)
years, conditioned upon (a) the leased facility continuing to
operate in a manner safeguarding community health interest; (b)
proceeds from the lease being first applied against such bonds,
notes or other evidence of indebtedness as are issued pursuant to
Section 41-13-19; (c) surplus proceeds from the lease being used
for health related purposes; (d) subject to the express approval
of the board of trustees of the community hospital; and (e) subject to the express approval of the owner. If no board of trustees is then existing, the owner shall have the right to enter into a lease upon such terms and conditions as agreed upon by the parties. Any lease entered into under this subsection (11) may contain an option to purchase the hospital, on such terms as the parties shall agree.

SECTION 177. Section 41-87-5, Mississippi Code of 1972, is amended as follows:[LH166] 41-87-5. Unless the context requires otherwise, the following definitions in this section apply throughout this chapter:

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

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

(A) Cognitive development;

(B) Physical development, including vision or hearing;

(C) Communication development;

(D) Social or emotional development;

(E) Adaptive development.

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

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

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

(i) Are provided under public supervision;

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

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

(A) Physical development;

(B) Cognitive development;

(C) Communication development;

(D) Social or emotional development; or

(E) Adaptive development;

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

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

(A) Assistive technology devices and assistive technology services;

(B) Audiology;

(C) Family training, counseling and home visits;
(D) Health services necessary to enable a child to benefit from other early intervention services;

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

(F) Nutrition services;

(G) Occupational therapy;

(H) Physical therapy;

(I) Psychological services;

(J) Service coordination (case management);

(K) Social work services;

(L) Special instruction;

(M) Speech-language pathology;

(N) Transportation and related costs that are necessary to enable an infant or toddler and her/his family to receive early intervention services; and

(O) Vision services;

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

(A) Audiologists;

(B) Family therapists;

(C) Nurses;

(D) Nutritionists;

(E) Occupational therapists;

(F) Orientation and mobility specialists;

(G) Pediatricians and other physicians;

(H) Physical therapists;

(I) Psychologists;

(J) Social workers;
(K) Special educators;

(L) Speech and language pathologists;

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

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

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

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

(e) "Participating agencies" includes, but is not limited to, the State Department of Education, the Department of Human Services, the State Department of Health, the Division of Medicaid, the State Department of Mental Health, the University Medical Center, the board of trustees of each state institution of higher learning and the State Board for Community and Junior Colleges.

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

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

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

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

(ii) Developing the individualized family service plan; and

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

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

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

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

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

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

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

SECTION 178. Section 43-55-5, Mississippi Code of 1972, is amended as follows:[LH167]

43-55-5. (1) Members of the Commission for Volunteer Service shall be appointed by the Governor. The commission shall consist of no fewer than fifteen (15) and no more than twenty-five (25) members.

(2) The commission members shall include as voting members, except as otherwise indicated, at least one (1) of each of the following:

(a) An individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth.

(b) An individual with experience in promoting service and volunteerism among older adults.

(c) A representative of a community-based agency.

(d) The superintendent of the State Department of Education, or his or her designee.

(e) A representative of local government.

(f) A representative of local labor organizations.

(g) A representative of business.

(h) An individual between the ages of sixteen (16) and twenty-five (25) who is a participant or supervisor in a program as defined in Section 101 of Title I, 42 USCS 12511.
(i) A representative of a national service program described in Section 122(a) of Title I, 42 USCS 12572.

(j) The employee of the corporation designated under Section 195 of Title I, 42 USCS 12651f, as the representative of the corporation in this state, as a nonvoting member.

(3) In addition to the members described in subsection (2), the commission may include as voting members any of the following:

(a) Local educators.

(b) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons.

(c) Representative of Native American tribes.

(d) Out-of-school youth or other at-risk youth.


(f) A member of the board of trustees of a state institution of higher learning, recommended by the Commissioner of Higher Education.

(4) Not more than twenty-five percent (25%) of the voting commission members shall be officers or employees of this state. The Governor may appoint additional officers or employees of state agencies operating community service, youth service, education, social service, senior service, and job training programs, as nonvoting, ex officio members of the commission.

(5) The Governor shall ensure, to the maximum extent possible, that the commission membership is diverse with respect to race, ethnicity, age, gender, and disability characteristics.
(6) Except as provided in this subsection, members of the commission shall serve for staggered three-year terms expiring on October 1. The members constituting the Mississippi Commission for Volunteer Service under Executive Order No. 1994-742 on the day before the effective date of this chapter shall serve on the commission for the remainder of the terms for which they were appointed. Of the additional members, the Governor shall appoint one-third (1/3) of the initial members for a term of one (1) year; one-third for a term of two (2) years; and one-third (1/3) for a term of three (3) years. Following expiration of these initial terms, all appointments shall be for three-year renewable terms. Members of the commission may not serve more than two (2) consecutive terms.

(7) A vacancy on the commission shall be filled in the same manner as the original appointments, and any member so appointed shall serve during the remainder of the term for which the vacancy occurred. The vacancy shall not affect the power of the remaining commission members to execute the duties of the commission.

SECTION 179. Section 43-55-23, Mississippi Code of 1972, is amended as follows:

43-55-23. (1) The institutions of higher learning and the Office of the Governor shall provide necessary administrative and staff support services to the State Commission for Volunteer Service. Additional support services may be provided, including, but not limited to, the use of office space, furniture and equipment, motor vehicles, travel and other related services. The commission shall employ an executive director, who shall be initially designated by the Governor. The executive director
shall employ such staff as is necessary to carry out the provisions of this chapter. Future executive directors shall be selected by the commission.

(2) The commission may procure information and assistance from the state or any subdivision, municipal corporation, public officer, or governmental department or agency thereof. All agencies, officers, and political subdivisions of the state or municipal corporations shall provide the office with all relevant information and reasonable assistance on any matters of research within their knowledge or control.

(3) The commission may apply for, receive, and expend funds, grants, and services from local, state, or federal government, or any of their agencies, or any other public or private sources and is authorized to use funds derived from these sources for purposes reasonable and necessary to carry out the purposes of this chapter. The commission also may expend moneys, upon appropriation by the Legislature, from the Mississippi Commission for Volunteer Service Fund created in Section 43-55-29.

(4) The commission shall submit its budget request through the Commissioner of Higher Education. Such request shall be submitted as a separate and distinct request made on behalf of the commission.

SECTION 180. Section 47-5-401, Mississippi Code of 1972, is amended as follows:

47-5-401. (1) There is hereby authorized, in each county of the state, a public service work program for state inmates in custody of the county. Such a program may be established at the option of the county in accordance with the provisions of Sections
47-5-401 through 47-5-421. The department shall also recommend rules and regulations concerning the participation of state inmates in the program.

(2) An inmate shall not be eligible to participate in a work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421 if he has been convicted of any crime of violence, including but not limited to murder, aggravated assault, rape, robbery or armed robbery.

(3) The inmates participating in the work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421 are restricted to the performance of public service work for counties, municipalities, the state or nonprofit charitable organizations, as defined by Section 501(c)(3) of the Internal Revenue Code of 1986, except that the Classification Committee of the Department of Corrections must approve all requests by nonprofit charitable organizations to use offenders to perform any public service work. Upon request of the board of trustees of any state institution of higher learning, or the board of trustees of a county school district, municipal school district or junior college district, the inmates may be permitted to perform work for such boards.

SECTION 181. Section 47-5-451, Mississippi Code of 1972, is amended as follows:

47-5-451. (1) There is hereby authorized, in each county of the state, a public service work program for state inmates in custody of the county. Such a program may be established at the option of the county in accordance with the provisions of Sections 47-5-401 through 47-5-421. The department shall also recommend
rules and regulations concerning the participation of state inmates in the program.

(2) An inmate shall not be eligible to participate in a work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421, if he has been convicted of any crime of violence, including but not limited to murder, aggravated assault, rape, robbery or armed robbery.

(3) The inmates participating in the work program established in accordance with the provisions of Sections 47-5-401 through 47-5-421, are restricted to the performance of public service work for counties, municipalities, the state or nonprofit charitable organizations, as defined by Section 501(c)(3) of the Internal Revenue Code of 1986, except that the Classification Committee of the Department of Corrections must approve all requests by nonprofit charitable organizations to use offenders to perform any public service work. Upon request of the board of trustees of any state institution of higher learning, or the board of trustees of a county school district, municipal school district or junior college district, the inmates may be permitted to perform work for such boards.

SECTION 182. Section 49-3-5, Mississippi Code of 1972, is amended as follows:

49-3-5. The Board of Trustees of Mississippi State University is hereby authorized and directed to establish a fisheries and wildlife laboratory at Mississippi State University under the direction of the president and such other administrative authorities within the university as such board of trustees may determine.
SECTION 183. Section 49-3-7, Mississippi Code of 1972, is amended as follows:

49-3-7. The Board of Trustees of Mississippi State University shall provide for such laboratory such buildings, equipment, personnel, supplies and service as it shall determine to be necessary for the proper operation and maintenance of such laboratory, having due regard for the contributory facilities and programs already existing at Mississippi State University.

SECTION 184. Section 49-3-11, Mississippi Code of 1972, is amended as follows:

49-3-11. In addition to the appropriations made by the Mississippi Legislature for the operation and support of the laboratory, the Board of Trustees of Mississippi State University is authorized and empowered to receive contributions, donations, gifts and grants of money and/or property, equipment, materials or manpower from persons, foundations, trust funds, corporations, organizations, the federal government or any subdivision thereof, the state government or any subdivision thereof, to be expended by the board in carrying out the purposes and objectives of this chapter.

SECTION 185. Section 55-23-5, Mississippi Code of 1972, is amended as follows:

55-23-5. There is hereby created a commission to be known as "The Mississippi Veterans Memorial Stadium Commission," hereinafter sometimes referred to as the commission, which shall consist of five (5) members as follows:

(a) One (1) member shall be appointed by the Mayor of the City of Jackson, Mississippi;
(b) One (1) member shall be selected by the Commissioner of Higher Education from among the membership of the boards of trustees of the state institutions of higher learning or shall be some other person designated by the commissioner; and

(c) Two (2) members shall be appointed by the Governor from the state at large outside of Hinds County, Mississippi, and one (1) member shall be appointed by the Governor from Hinds County, Mississippi. The appointee from Hinds County may be selected from a list of three (3) persons submitted by the Hinds County Board of Supervisors to the Governor.

Terms of members shall begin on May 1, 1987, as follows: Of the members appointed by the Governor, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years and one (1) for a term of three (3) years; the member appointed by the Mayor of the City of Jackson shall serve for a term of four (4) years; and the member representing the board of trustees of a state institution of higher learning shall serve for a term of five (5) years. Upon the expiration of the foregoing terms, members shall serve for terms of five (5) years each. The appointing authority shall fill any vacancy in the above terms by appointment of a member for the unexpired term. Members shall be eligible for reappointment. An appointed member serving on the commission on April 30, 1987, shall be eligible for appointment to the commission for a term beginning May 1, 1987, of either one (1), two (2), three (3), four (4) or five (5) years, if such member is otherwise qualified. One (1) member of the commission appointed by the Governor shall be a person knowledgeable in marketing with at least three (3) years actual experience therein.
and one (1) member appointed by the Governor shall be a person of recognized ability in a trade or business with at least five (5) years actual experience therein. From and after May 1, 1987, the name of the commission shall be the "Mississippi Veterans Memorial Stadium Commission" and any references in Sections 55-23-3 through 55-23-11 to the Mississippi Memorial Stadium Commission or commission shall mean the Mississippi Veterans Memorial Stadium Commission unless the context clearly indicates a different meaning. From and after May 1, 1987, the stadium shall be known as the "Mississippi Veterans Memorial Stadium." The commission is authorized to accept donations of money, property or services from any public or private source to accomplish any physical replacement or alterations of stadium property necessary to accomplish the renaming of the stadium.

The members of the commission shall serve without compensation except that members shall be paid their actual and necessary expenses in connection with the performance of their duties as members of the commission, including mileage, as authorized in Section 25-3-41, Mississippi Code of 1972, plus a per diem as is authorized by Section 25-3-69, Mississippi Code of 1972, while engaged in the performance of their duties. The expenses, mileage and per diem allowance shall be paid out of the Mississippi Veterans Memorial Stadium Fund.

The commission shall elect from its membership a chairman who shall preside over meetings and a vice chairman who shall preside in the absence of the chairman. Three (3) members of the commission shall constitute a quorum for the transaction of any and all business of the commission.
The powers of the commission shall be exercised by a majority of the members thereof, but it may delegate to one or more of its members, or to its agents and employees, such powers and duties as it may deem proper, and may adopt rules and regulations for the conduct of its business and affairs. The commission shall contract with a certified public accounting firm to conduct audits of concession and novelty sales by vendors at the stadium. The commission shall, as far as is practicable, provide that the cost of such audits shall be paid by the vendor of such concessions or novelties, or both.

The commission shall appoint a director who shall have at least a bachelor's degree from an accredited university or college. The director shall have the responsibility for insuring the marketing of tickets to events conducted in the stadium, in addition to such other duties as the commission may designate. Before entering upon the duties of his office, the director shall give bond to the State of Mississippi in the sum of Fifty Thousand Dollars ($50,000.00), and said bond shall be conditioned upon the faithful discharge and performance of his official duty. The principal and surety on said bond shall be liable thereunder to the state for double the amount of value of any money or property which the state may lose, if any, by reason of any wrongful or criminal act of said director. Said bond, when approved by the commission, shall be filed with the Secretary of State, and the premium thereon shall be paid from the Mississippi Veterans Memorial Stadium Fund.

SECTION 186. Section 55-23-9, Mississippi Code of 1972, is amended as follows: [LH174]
55-23-9. The commission shall operate the Mississippi Veterans Memorial Stadium and to that end may employ such agents and employees as may be required in connection therewith. It may enter into contracts for the use of the stadium, and fix the amount of the compensation therefor, and collect the same when due.

All monies and revenues, including the amusement tax imposed upon the sale of tickets for admission to the stadium, and all monies arising from the use of stadium property, including that realized from the sale of concessions, shall be paid by the commission to the State Treasurer, to be placed to the credit of a special fund to be known as the "Mississippi Veterans Memorial Stadium Operating Fund" and any references in the laws to the "Mississippi Memorial Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund" shall mean the "Mississippi Veterans Memorial Stadium Operating Fund" unless the context clearly indicates otherwise. Any interest earned on amounts deposited in the Mississippi Veterans Memorial Stadium Operating Fund shall be credited to such special fund. Provided, however, that twenty-five percent (25%) of all profits realized by the commission from the sale of concessions at athletic events when Jackson State University is the home team shall be deposited to the credit of a special auxiliary fund and authorized for expenditure by the Board of Trustees of Jackson State University exclusively for the support of intercollegiate athletics at such university. All expenses incident to the operation and upkeep of the facilities and property managed by the commission shall be paid out of the Mississippi Veterans Memorial Stadium Operating...
Fund by warrants drawn by the Department of Finance and Administration, which shall be issued on the requisition of the commission.

All tickets sold to an event conducted in the Mississippi Veterans Memorial Stadium shall have printed in an appropriate and prominent place thereon the words A.C. "Butch" Lambert Field.

SECTION 187. Section 55-23-53, Mississippi Code of 1972, is amended as follows:[LH175]

55-23-53. * * * The Commissioner of Higher Education shall develop a proposal to encourage scheduling of football games by Mississippi universities in the Mississippi Veterans Memorial Stadium, which scheduling will acknowledge the obligation of such universities to support the enlarged stadium, the expansion of which was encouraged by such universities.

SECTION 188. Section 57-1-357, Mississippi Code of 1972, is amended as follows:[LH176]

57-1-357. The Commissioner of Higher Education is hereby authorized to support the project by creating institutes and developing curricula of direct benefit to the enterprise. Upon notification to DECD by the enterprise that the state has been selected as the site of the project, the commissioner may establish and create programs to enhance the project's success.

SECTION 189. Section 57-13-22, Mississippi Code of 1972, is amended as follows:[LH177]

57-13-22. (1) The Mississippi Research and Development Center is hereby abolished from and after July 1, 1988. All of the functions of the center shall be transferred on that date to the Mississippi Department of Economic Development or to the
University Research Center which is created in Section 37-141-3.

(2) (a) From and after July 1, 1988, the duties and responsibilities of the Research and Development Center which are depicted organizationally in the 1989 fiscal year budget request of the Research and Development Center and which are performed by the Forecast and Analysis Division, the Administration Division, the Government Services Division and the Data Services Division except as provided in subsection 3(b) shall be transferred to the University Research Center.

(b) From and after July 1, 1988, the duties and responsibilities of the Research and Development Center not included in the transfer described in paragraph (a) except as provided in (3)(c) of this subsection shall be transferred to the Mississippi Department of Economic Development.

(3) (a) All personnel of the Mississippi Research and Development Center shall be transferred to the Department of Economic Development or to the University Research Center according to the transfer of their duties pursuant to this section.

(b) It is specifically provided that the positions identified in items (i), (ii) and (iii) below be transferred to the Department of Economic Development unless the Director of the Research and Development Center and the Executive Director of the Department of Economic Development make mutually agreeable substitutions:

(i) Position identification numbers 60, 174, 244, 98 and 177 of the Administration Unit shall be transferred June 1, 1988.

(iii) Position identification numbers 71, 104 and 148 of the Government Services Division shall be transferred July 1, 1988.

(c) It is specifically provided that position identification numbers 30 and 76 of the Office of the Director of the Research and Development Center be transferred to the University Research Center on July 1, 1988.

(d) It is the intention of the Legislature that there be a reduction in personnel where there is a duplication of effort as a result of the transfers required by this subsection. The Department of Economic Development in its reorganization pursuant to this act [Laws, 1988, Chapter 518] may utilize savings realized from personnel attrition and other economies to reallocate and reclassify positions within the department, subject to the approval of the State Personnel Board.

(e) All personnel transferred to the University Research Center shall become subject to all personnel and compensation policies of the Commissioner of Higher Education; however, anyone so transferred shall retain all of the protection and benefits to which they have been entitled under the state personnel system.

(4) All records, property, unexpended balances of appropriations or other funds, and all other resources of the Mississippi Research and Development Center shall be transferred to the Department of Economic Development or to the University
Research Center, as appropriate, pursuant to the transfer of
duties and responsibilities in subsection (2) of this section.

(5)  (a)  Each officer or agency subject to the provisions of
this act [Laws, 1988, Chapter 518] shall assist with the fullest
degree of reasonable cooperation any other officer or agency in
carrying out the intent and purpose of this act [Laws, 1988,
Chapter 518].

(b)  Each officer or agency subject to the provisions of
this act [Laws, 1988, Chapter 518] is hereby authorized and
empowered to promulgate all necessary rules and regulations not in
conflict with this act [Laws, 1988, Chapter 518] necessary to
accomplish an orderly transition pursuant to this act [Laws, 1988,
Chapter 518].

SECTION 190.  Section 57-15-3, Mississippi Code of 1972, is
amended as follows:[LH178]

57-15-3.  (1) The Mississippi Commission on Marine
Resources, hereinafter referred to as the "council," shall be the
Mississippi Marine Resources Council, and shall function insofar
as practicable under the provisions of Chapter 15 of Title 49,
Mississippi Code of 1972, in cooperation with the Mississippi
Department of Economic and Community Development and the Board of
Trustees of the University of Southern Mississippi, with
particular reference to the Gulf Coast Research Laboratory, the
Universities Marine Center, and the universities and colleges
which are conducting oceanographic research. The offices of the
commission shall be located in Hancock, Harrison or Jackson
Counties.

(2) The words "Mississippi Marine Resources Council,"
wherever they may appear in the laws of the State of Mississippi, shall be construed to mean the Mississippi Commission on Marine Resources.

SECTION 191. Section 57-15-9, Mississippi Code of 1972, is amended as follows: [LH179]

57-15-9. The council, exercising its duties and responsibilities, shall also act in an advisory capacity to the Governor and all related state agencies, including the Board of Trustees of the University of Southern Mississippi, the Gulf Coast Research Laboratory and the Universities Marine Center which are conducting oceanographic research. All state boards and agencies engaged in activities in the field of marine resources and technology shall utilize this commission as a clearinghouse on all present and future joint federal-state programs whether presently administered by an existing agency or not; to advise on the best programs available to the State of Mississippi for the development of its marine resources, and how to apply for, receive or hold any and all such authorizations, licenses and grants necessary and proper therefor; to advise on the utilization of all facilities in the State of Mississippi for marine research and development, such as the future maximum utilization of the NASA-Mississippi Test Facility, but not limiting the provisions of this chapter exclusively thereto; and to advise on all in-depth studies necessary to carry out the provisions of this chapter. This chapter shall not, however, abrogate the authority of the Mississippi Commission on Marine Resources, the Board of Trustees of the University of Southern Mississippi or the Gulf Coast Research Laboratory, the Universities Marine Center, or of the
individual institutions to apply for grants, and to carry out oceanographic research. Said council is hereby authorized to receive services, gifts, contributions, property and equipment from public and private sources to be utilized in the discharge of the council's functions, all to be done within the purview of this chapter.

SECTION 192. Section 57-18-5, Mississippi Code of 1972, is amended as follows:

57-18-5. (1) The Board of Trustees of Mississippi State University is authorized and directed to establish a Forest and Wildlife Research Center at Mississippi State University. The center will be an administrative unit within the Division of Agriculture, Forestry and Veterinary Medicine. The Dean of the School of Forest Resources shall serve as the director of the center.

(2) The center shall conduct a program of research relevant to the efficient management and utilization of the forest, wildlife and fisheries resources of this state and to the protection and enhancement of the natural environment associated with those resources. The center shall disseminate results of such research programs to the public and to individuals and organizations for whom such information will be useful. The center shall conduct research that will encourage the growth and development of the furniture manufacturing industry and allied industries in this state and shall work closely with the Mississippi Cooperative Extension Service, the University Research Center, the Mississippi Department of Economic and Community Development and other agencies, both public and private, in the
dissemination of its research findings.

(3) From and after the creation of the Forest and Wildlife Research Center, the center shall assume all research functions which are being exercised within the Division of Agriculture, Forestry and Veterinary Medicine by the Forest Products Utilization Laboratory, by the Department of Forestry, by the Department of Wildlife and Fisheries, by the Furniture Research Unit and, upon the recommendation of the President of Mississippi State University to the Board of Trustees of Mississippi State University, by other departments and units of the university.

(4) All records, personnel, property and unexpended balances of appropriations, allocations or other funds relating to those research functions which are being assumed by the center shall be transferred to the center. The transfer of segregated or special funds shall be made in such a manner that the relation between program and revenue source is retained.

SECTION 193. Section 57-18-7, Mississippi Code of 1972, is amended as follows:

57-18-7. The Board of Trustees of Mississippi State University shall provide for the Forest and Wildlife Research Center such buildings, equipment, personnel, supplies and services as it shall determine to be necessary for the proper operation and maintenance of the center, having due regard for the contributory facilities and programs already existing at Mississippi State University.

SECTION 194. Section 57-18-9, Mississippi Code of 1972, is amended as follows:

57-18-9. In addition to appropriations made by the
Legislature from the State General Fund, the Forest and Wildlife Research Center is authorized and empowered, subject to the approval of the Board of Trustees of Mississippi State University, upon recommendation by the President of Mississippi State University, to receive contributions, donations, gifts and grants of money and/or property, equipment, materials and manpower from persons, foundations, trust funds, corporations, organizations, and state and federal agencies for use in carrying out the purposes and objectives of this chapter.

SECTION 195. Section 57-19-5, Mississippi Code of 1972, is amended as follows:

57-19-5. The Board of Trustees of Mississippi State University is hereby authorized and directed to establish a food technology program at Mississippi State University of Agriculture and Applied Science under the direction of the president and such other administrative authorities within the university as said board of trustees may determine.

SECTION 196. Section 57-19-7, Mississippi Code of 1972, is amended as follows:

57-19-7. The Board of Trustees of Mississippi State University shall provide for such food technology laboratory, such building, pilot processing facilities, personnel, supplies, and services as it shall determine to be necessary for the proper operation and maintenance of the food technology program, having due regard for the contributory facilities and programs already existing at Mississippi State University of Agriculture and Applied Science.

SECTION 197. Section 57-19-11, Mississippi Code of 1972, is
amended as follows:[LH185]

7865
7866 57-19-11. In addition to appropriations made by the
7867 Mississippi Legislature for the operation and support of the
7868 laboratory, the Board of Trustees of Mississippi State University
7869 is authorized and empowered to receive contributions, donations,
7870 gifts and grants of money and/or property, equipment, materials or
7871 manpower from persons, foundations, trust funds, corporations,
7872 organizations, the federal government or any subdivision thereof,
7873 the state government or any subdivision thereof, to be expended by
7874 said board in carrying out the purposes and objectives of this
7875 chapter.
7876
7877 SECTION 198. Section 57-21-7, Mississippi Code of 1972, is
7878 amended as follows:[LH186]
7879
7880 57-21-7. The chief executive officer of the laboratory shall
7881 be the State Chemist.
7882
7883 (a) Qualifications: The State Chemist shall be an
7884 individual who has earned the doctor of philosophy degree or its
7885 equivalent in chemistry or biochemistry at a recognized university
7886 or college qualified to grant such degrees. The major field of
7887 his training should be preferably in analytical or organic
7888 chemistry, but other fields of chemistry may be acceptable if the
7889 individual has experience qualifying him otherwise. He should
7890 also have knowledge by training or experience of agricultural,
7891 industrial or health-related fields. The candidate for State
7892 Chemist must be acceptable as a research or teaching faculty
7893 member in the department of chemistry at the university.
7894
7895 (b) Appointment: The State Chemist shall be appointed
7896 by the president of the university, with the advice and consent of
the Senate, for a term of six (6) years; and the said State
Chemist shall serve for said six-year term and until his successor
shall have been appointed and qualified. However, it is provided
that the said State Chemist may be removed from office by the
Board of Trustees of Mississippi State University upon the
demonstration of his inability to serve due to illness,
incompetence, malfeasance in office, dereliction of duty or moral
turpitude. The board of trustees shall fix the annual
salary of the State Chemist, who shall be paid from the budget of
the Mississippi State Chemical Laboratory or from the budget of
the university, or from both, whichever is deemed desirable by the
Board of Trustees of Mississippi State University.

(c) Status: The State Chemist shall simultaneously
hold an appointment as Professor of Chemistry in the Chemistry
Department of the university. He may acquire tenure as a faculty
member in accordance with rules current at the university during
his appointment. The State Chemist may teach or direct research
in the Department of Chemistry as part of his professional duties,
and may serve in other administrative positions as deemed
desirable, with the consent and approval of the president of the
university and the board of trustees. He shall receive
appropriate reimbursement for such services.

(d) Responsibility: The State Chemist shall be
responsible to and shall report to the president of the
university.

(e) Duties: The State Chemist shall:

1. Serve as the chief executive officer and
director of the laboratory.
2. Recommend the appointment, discharge, annual salaries, duties, and titles of administrative, technical and support personnel and staff of the laboratory to assist him in carrying out its authorized functions.

3. Prepare and submit budget requests for the laboratory to the appropriate agency, subject to approval by the president of the university and the board of trustees. The State Chemist shall present such requests before the Legislative Budget Office and legislative committees. He shall prepare an annual budget for operation of the laboratory from appropriated or special funds or other income available, and shall make monthly, quarterly and other reports of such income and expenditures to the appropriate agencies as required by law.

4. Maintain an inventory of laboratory equipment and report it appropriately to the proper agencies as required by law.

5. Prepare annual or biennial reports and special reports as needed of laboratory activities, programs and recommendations. Such reports shall be submitted to governmental heads and agencies as required by statutes, to the president of the university, the Board of Trustees of Mississippi State University, and to the chief executive officer of each agency with which it cooperates.

6. Serve on such state or national agencies, commissions, boards, organizations or committees as required by law.

7. Conduct other business necessary and desirable for proper discharge of his responsibilities to the university or
as may be stipulated here or elsewhere in the laws of Mississippi.

SECTION 199. Section 57-23-5, Mississippi Code of 1972, is amended as follows:

57-23-5. The Board of Trustees of the University of Mississippi is hereby authorized and directed to establish a research institute of pharmaceutical sciences at the University of Mississippi under the direction of the chancellor and such other administrative authorities within the university as said board of trustees may determine.

SECTION 200. Section 57-23-7, Mississippi Code of 1972, is amended as follows:

57-23-7. The Board of Trustees of the University of Mississippi shall provide for such equipment, personnel, supplies and services as it shall determine to be necessary for the proper operation and maintenance of said institute, having due regard for the contributory facilities and programs already existing at the University of Mississippi.

SECTION 201. Section 57-23-11, Mississippi Code of 1972, is amended as follows:

57-23-11. In addition to appropriations made by the Mississippi Legislature for the operation and support of the institute, the Board of Trustees of the University of Mississippi is authorized and empowered to receive contributions, donations, gifts, and grants of money and/or property, equipment, materials or manpower from persons, foundations, trust funds, corporations, organizations, and other sources, to be expended by said board in carrying out the objectives of this chapter.

SECTION 202. Section 57-39-105, Mississippi Code of 1972, is
amended as follows:

57-39-105. The Energy Division of the Department of Economic and Community Development, referred to in Sections 57-39-103 through 57-39-117 as the "division," shall coordinate the development and implementation of a general energy management plan. The general energy management plan shall include, but not be limited to, the following elements:

(a) Data gathering requirements;
(b) Buildings and facilities energy audit procedures;
(c) Uniform data analysis procedures;
(d) Employee energy education program procedures;
(e) Energy consumption reduction techniques;
(f) Training program for agency and institution personnel and energy coordinators;
(g) Guidelines for buildings and facilities managers;
(h) Building retrofit revolving loan fund policies and procedures;
(i) Program monitoring and evaluation procedures.

The general energy management plan shall also include a description of actions to reduce consumption of electricity and nonrenewable energy sources used for heating, cooling, ventilation, lighting and water heating. The Commissioner of Higher Education, the Department of Education and the Department of Finance and Administration shall assist in the preparation of the general energy management plan. The Department of Finance and Administration, Bureau of Buildings Division, shall notify the Energy Division of all renovations and repairs of buildings and facilities and the planning and design of new buildings and facilities.
facilities to ensure that energy efficient equipment is utilized.

SECTION 203. Section 57-49-11, Mississippi Code of 1972, is amended as follows:

57-49-11. The Nuclear Waste Technical Review Committee hereby created and hereinafter referred to as the "committee" shall exercise the powers and duties and discharge the responsibilities enumerated herein.

The committee shall originally consist of eight (8) members, one (1) of whom shall be the Executive Director of the Department of Wildlife, Fisheries and Parks, one (1) of whom shall be Director of the Emergency Management Agency, one (1) of whom shall be the State Health Officer, one (1) of whom shall be the Commissioner of Higher Education, one (1) of whom shall be a chairman of a board of trustees of a state institution of higher learning, as appointed by the Commissioner of Higher Education, one (1) of whom shall be the Executive Director of the Department of Environmental Quality, one (1) of whom shall be the staff member responsible for the Nuclear Waste Program within the Department of Environmental Quality who shall serve as secretary in a nonvoting capacity, and one (1) of whom shall be the Executive Director of the Department of Economic Development. The chairman shall be elected from among the membership of the committee.

Committee members shall be permitted to designate substitute or alternate members to act in their stead, should they be unable to assume the responsibility of serving on the committee. The committee, by a majority vote of its membership, may recommend to the chairman that additional appointments should be made to the
committee from other state agencies and the chairman shall make such appointments.

The members of the committee shall receive reimbursement for mileage and actual expenses incurred in the performance of their duties at the rate authorized by Section 25-3-41. Members of the committee who are state employees shall be reimbursed for those expenses incurred which are authorized by Section 25-3-41.

Provided that funding is available under Section 57-49-39, the members of the committee shall receive per diem compensation at the rate authorized by Section 25-3-69 for each day spent in the actual discharge of their duties when attending a meeting of the committee.

SECTION 204. Section 57-55-5, Mississippi Code of 1972, is amended as follows:[LH192]

57-55-5. (1) In order to promote the orderly modernization and simplification of the law of the state and more complete utilization of the law resources of this state, the Mississippi Law Research Institute, hereafter referred to as MLRI, is hereby established as an official advisory law revision, research and reform agency of the State of Mississippi under the management and control of the Board of Trustees of the University of Mississippi as an academic department of the University of Mississippi Law Center.

(2) The general purpose of the MLRI shall be to promote and encourage the clarification and simplification of the law of Mississippi, to improve the administration of justice, and to carry on scholarly legal research in anticipation of legal requirements for the efficient utilization and conservation of the
natural resources of the state and the promotion of social, agricultural, industrial and commercial development. To that end it shall be the duty of said institute (a) to consider needed improvements in both substantive and adjective law and to make recommendations concerning same to the Legislature; (b) to examine and study the law of Mississippi and Mississippi jurisprudence with the object of discovering defects and inequities and of recommending needed reforms; (c) to receive and consider suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law; (d) to recommend from time to time such changes in the law as it deems necessary to reform or eliminate antiquated and inequitable rules of law and to bring the law of the state, both civil and criminal, into harmony with modern conditions; (e) to perform research and prepare reports on matters of law in support of the Legislature; (f) to advise and assist local governments, state agencies and associations by performing law research and preparation of related material, such as statutes and ordinances, reports, manuals, handbooks, codes, and conducting courses of instruction for the more efficient application of law and utilization of governmental resources; and (g) to prepare and publish texts and other scholarly works on law and procedure to aid in the administration of government within the state. In addition, the MLRI in cooperation with the Legislature and its staff shall devise and carry out a plan for continuous and comprehensive improvement in the utility and quality of the Mississippi Code. The MLRI shall coordinate its efforts with the work of the American Law Institute, National Conference of
SECTION 205. Section 57-55-7, Mississippi Code of 1972, is amended as follows:[LH193]

57-55-7. (1) The Board of Trustees of Mississippi State University is hereby authorized and directed to establish a Mississippi Water Resources Research Institute, hereinafter referred to as the WRRI, at Mississippi State University under the direct supervision of the president of the university or a vice president to be designated by the president.

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

(a) Assist state agencies in the development and maintenance of a state water management plan;

(b) Consult with state and local governmental agencies, water management districts, water user associations, the Legislature of the State of Mississippi, and other potential users in identifying and establishing research, planning, policy, and management priorities regarding water problems.

(c) Negotiate and administer contracts with local, regional, state and federal agencies and other universities of the state for mitigation of priority water and related problems;

(d) Report to the appropriate state agencies each year on the progress and findings of research projects;

(e) Disseminate new information and facilitate transfer and application of new technologies as they are developed;

(f) Provide for liaison between Mississippi and funding agencies as an advocate for Mississippi water research, planning,
policy, and management needs; and

(g) Facilitate and stimulate planning and management that:

(i) Deals with water policy issues facing the State of Mississippi;

(ii) Supports state water agencies' missions with research on problems encountered and expected;

(iii) Provides water planning and management organizations with tools to increase efficiency and effectiveness of water planning and management.

(3) The principal administrative officer of the WRRI shall be a director, who shall be appointed by the President of Mississippi State University, with the approval of the board of trustees. To meet the purposes of the WRRI, the director shall develop appropriate policies and procedures (a) for identification of priority research problems; (b) for collaborating with local and state governmental agencies, water user associations, other universities, federal government agencies, and the Legislature in the formulation of its research program; (c) for selection of projects to be funded; and (d) for the dissemination and transfer of information and technology produced by research.

SECTION 206. Section 57-55-9, Mississippi Code of 1972, is amended as follows:

57-55-9. (1) The Mississippi Mineral Resources Institute, hereinafter referred to as MMRI, is hereby established. The MMRI shall be under the management and control of the Board of Trustees of the University of Mississippi. The principal offices of the
MMRI shall be located at the University of Mississippi. The MMRI shall be organized to coordinate mining and mineral research, planning and development with the appropriate disciplines in other institutions of higher learning and other state, federal and private agencies concerned with the development and conservation of the mineral resources of the state.

(2) It shall be the function and duties of the MMRI to:

(a) Conduct basic and applied research for the development and conservation of mineral resources, including but not limited to mining, land reclamation and disposal of waste material;

(b) Assist and support mining and mineral related research programs at the various institutions of higher learning;

(c) Assist and consult with state and local agencies in planning the development and conservation of mineral resources;

(d) Maintain liaison with private industry and appropriate state and local agencies to promote industrial development and conservation of mineral resources and plan, initiate and maintain a program of cooperative training between private industry and the academic and technical institutions of the state;

(e) Disseminate new information and facilitate transfer and application of new technologies as they are developed; and

(f) Negotiate and administer contracts with private, local, regional, state and federal agencies.

SECTION 207. Section 57-55-11, Mississippi Code of 1972, is amended as follows:

57-55-11. (1) The Mississippi Small Business Development
Center, hereinafter referred to as SBDC, is hereby established.

The Board of Trustees of the University of Mississippi is hereby authorized to establish the Mississippi Small Business Development Center at the University of Mississippi under the direct supervision of the chancellor of the university and the dean of the business school.

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

(a) Develop a system to deliver management assistance to the small business community utilizing the resources of local, state and federal government programs, various segments of the private sector, and universities and colleges throughout the state;

(b) Make management and technical assistance available to small businesses in Mississippi by linking together the above resources;

(c) Develop small business opportunities for new start-ups and the expansion of existing businesses;

(d) Develop the economic area served by the SBDC by providing opportunities for increased productivity through utilization of modern technology as developed by government, the university and the private sector;

(e) Develop a clearinghouse for the collection and dissemination of economic and business data;

(f) Assist businesses in developing more efficient marketing and distribution channels, including foreign trade marketing;

(g) Increase opportunities for socially and/or economically disadvantaged entrepreneurs to enter the mainstream
of our economy through an organized outreach program; and

(h) Increase small business viability so that the small business client "graduates" from the SBDC.

(3) The principal officer of the SBDC shall be an executive director who shall be appointed by the Chancellor of the University of Mississippi, with the approval of the board of trustees * * *.

SECTION 208. Section 57-55-13, Mississippi Code of 1972, is amended as follows:[LH196]

57-55-13. (1) The Mississippi Polymer Institute, hereinafter referred to as the MPI, is hereby established under the management and control of the Board of Trustees of the University of Southern Mississippi. The principal offices of the MPI shall be located at the University of Southern Mississippi and shall be under the direction of the president and such other administrative authorities within the university as the board of trustees may determine.

(2) It shall be the function of the MPI to conduct and sponsor research of interest to the polymer industries of the state, and to disseminate research results and other information of interest to appropriate individuals and research agencies for whom such knowledge will be helpful, and to the Mississippi polymer industries by conducting and sponsoring short courses, seminars and symposia. Said research shall be designed to increase the utilization of Mississippi raw materials in polymers and to support the rapidly growing polymer industry. Data from applications research will be released to appropriate Mississippi research agencies and industries for appropriate utilization. The
MPI shall be organized to coordinate polymer research, planning and development with the appropriate disciplines in other institutions of higher learning and other state, federal and private agencies concerned with the development of Mississippi's polymer industry.

SECTION 209. Section 57-55-15, Mississippi Code of 1972, is amended as follows:

57-55-15. (1) The Mississippi Energy Research Center, hereinafter referred to as the MERC, is hereby established under the management and control of the Board of Trustees of Mississippi State University. The MERC shall be a unit of Mississippi State University under the direct supervision of the president thereof or a vice president to be designated by the president.

(2) It shall be the purpose of the MERC to develop, implement and coordinate energy and energy-related research programs in Mississippi. It shall be the duty of the MERC to:

(a) Conduct basic and applied research related to energy needs within Mississippi;

(b) Consult with state and local government agencies, utilities, industry and Legislature and other potential users of research in identifying and prioritizing energy problems for research;

(c) Negotiate and administer contracts with other universities of the state for the conduct of research projects;

(d) Report to the Governor and to the Legislature each year on the progress and findings of research projects;

(e) Facilitate the transfer and application of new technologies as they are developed; and
(f) Facilitate and stimulate research that:

(i) Deals with policy issues facing the Legislature;

(ii) Supports state agencies' missions with research on problems encountered and expected; and

(iii) Provides energy planning and management organizations with tools to increase efficiency and effectiveness of energy planning and management.

(3) The principal administrative officer of the MERC shall be a director, who shall be appointed by the president with the approval of the board of trustees. To meet the purposes of the center, the director shall develop appropriate policies and procedures (a) for identification of priority research problems; (b) for collaborating with local and state government agencies, utilities, industry, other universities, federal government agencies and the Legislature in the formulation of its research program; (c) for selection of projects to be funded; and (d) for the transfer of technology which is produced by the research.

SECTION 210. Section 57-55-17, Mississippi Code of 1972, is amended as follows:

57-55-17. (1) The Mississippi Urban Research Center, hereinafter referred to as the MURC, is hereby established under the management and control of the Board of Trustees of Jackson State University. The principal officers of the MURC shall be located at Jackson State University and shall be under the direction of the president of the university subject to the governance of the board of trustees. The president shall appoint a director of the MURC who shall recommend to the president
necessary professional and administrative staff of the center, all
subject to the approval of the board of trustees.

(2) It shall be the function of the urban research center to
conduct basic and applied research into urban problems and public
policy and to make available the results of this research to
private groups, public bodies and public officials. They may
offer consultations and general advisory services concerning urban
problems and their solutions. According to the policies of the
board of trustees * * * and with its approval, they may conduct
instructional and training programs for those who are working in
or expect to make careers in urban public service. Such training
programs may be conducted by Jackson State University either in
its own name or by agreement and cooperation with other public and
private organizations. The MURC personnel shall cooperate fully
with the various departments of the state government, with the
colleges and universities of the state, with the University
Research Center, with the Mississippi Department of Economic
Development, and with other research and development agencies in
an effort to fully effectuate the purpose of this section. All
state agencies and departments are hereby authorized and directed
to give the MURC and its personnel their full cooperation in every
possible manner.

SECTION 211. Section 57-67-5, Mississippi Code of 1972, is
amended as follows:[LH199]

57-67-5. Words and phrases used in this chapter shall have
meanings as follows, unless the context clearly indicates a
different meaning:

(a) "Act" means the Mississippi Superconducting Super
Collider Act as originally enacted or as hereafter amended.

(b) "Authority" means the Mississippi Superconducting Super Collider Authority created pursuant to the chapter.

(c) "Bonds" means bonds, interim notes and other certificates of indebtedness of the authority issued pursuant to the provisions of Sections 57-67-19 through 57-67-31.

(d) "Facility related to the project" means and includes any of the following, as the same may pertain to the project:

(i) Facilities to provide potable and industrial water supply systems (including cooling lakes) and sewage and waste disposal systems to the site of the project;

(ii) Airports, airfields and air terminals;

(iii) Rail lines;

(iv) Port facilities on the Tennessee-Tombigbee Waterway;

(v) Highways, streets and other roadways;

(vi) Public school buildings, classrooms and instructional facilities, including any functionally related facilities;

(vii) Parks, outdoor recreation facilities and athletic facilities; and

(viii) Auditoriums, pavilions, campgrounds, art centers, cultural centers, folklore centers and other public facilities.

(e) "Person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, governmental unit, public agency,
political subdivision, or any other group acting as a unit, and
the plural as well as the singular.

(f) "Project" means the superconducting super colliding
particle beam accelerator, known as the Superconducting Super
Collider, proposed to be constructed by the United States
Department of Energy, as described in the Invitation for Proposals
issued by said department, as now or hereafter supplemented or
amended, together with all real property required for
construction, maintenance and operation of the Superconducting
Super Collider, and all buildings, tunneling and other supporting
land and facilities required or useful for construction,
maintenance and operation of the Superconducting Super Collider.

(g) "Project area" means the project site, together
with any area or territory within the state lying within fifty
(50) air miles from any portion of the project site to be conveyed
to the Department of Energy, whether or not such area or territory
be contiguous. "Project site" means the real property to be
conveyed to the United States Department of Energy as set forth in
the application to be filed with the Department of Energy by the
authority.

(h) "Public agency" means and includes:

(i) The state and any department, board,
commission, institution or other agency or instrumentality of the
state, including but not limited to, the board of trustees of each
state institution of higher learning and the State Board of
Education;

(ii) Any city, town, county, political
subdivision, school district or other district created or existing
under the laws of the state or any public agency of any such city, town, county, political subdivision or district;

(iii) Any department, commission, agency or instrumentality of the United States of America; and

(iv) Any other state of the United States of America which may be cooperating with respect to location of the project within the state, or any agency thereof.

(i) "State" means State of Mississippi.

(j) "State bonds" means general obligation bonds, notes or other evidences of the State of Mississippi issued under Section 57-67-15.

SECTION 212. Section 57-67-13, Mississippi Code of 1972, is amended as follows:[LH200]

57-67-13. (1) The Commissioner of Higher Education is hereby directed to develop plans for the creation of an Institute of High Energy Physics. Upon notification to the authority by the Department of Energy that the state has been selected as the site of the project, the board of trustees of the state institution of higher learning selected for the site, not later than one (1) year thereafter, shall establish and create the institute. Such institute shall include at least twenty (20) funded faculty positions and shall include facilities to accommodate faculty and graduate students.

(2) The Commissioner of Higher Education is hereby directed to develop plans for the creation of an Institute for Mathematics and Computing Sciences. Upon notification to the authority by the Department of Energy that the state has been selected as the site of the project, the board of trustees of the state institution of
higher learning selected for the site, not later than one (1) year thereafter, shall establish and create the institute.

(3) The authority is hereby directed to develop plans for technology transfer activities to ensure private sector conduits for exchange of information, technology and expertise related to the project to generate opportunities for commercial development within the state.

SECTION 213. Section 57-75-13, Mississippi Code of 1972, is amended as follows:

57-75-13. The Commissioner of Higher Education is hereby authorized to support the project by creating institutes and developing curricula of direct benefit to the enterprise. Upon notification to the authority by the enterprise that the state has been selected as the site of the project, the board of trustees of the state institution of higher learning that has been selected for the site may establish and create programs to enhance the project’s success.

SECTION 214. Section 61-5-71, Mississippi Code of 1972, is amended as follows:

61-5-71. It shall be the public policy of this state to encourage the construction, equipping, maintenance and operation of adequate transportation facilities, including airports, if needed, for use of the state university and the state supported four-year colleges now or hereafter located in the state, as necessary in the operation and training program of such university and colleges and desirable for the use of the municipalities and areas in or near which such airports may be located as well as being helpful in the economic, industrial and business development.
of said counties. It is the intent of Sections 61-5-71 through 61-5-77 to provide means whereby the board of trustees of each state institution of higher learning, the State Building Commission and any and all other state agencies which have either constructed such airport facilities, or contemplate so doing, may obtain assistance and contributions of funds from any municipality in or near which any such college may be located and from the county in which any such airport facilities may be located. It is also the intent of said sections to authorize such municipalities and counties to borrow money and issue bonds, under their respective bond laws, to provide funds for the purpose of aiding and assisting in the acquisition of sites for such airports, construction of buildings, construction of runways and extension of runways and in constructing and equipping all facilities needed or desirable for such airports.

SECTION 215. Section 61-5-73, Mississippi Code of 1972, is amended as follows:

61-5-73. The boards of supervisors of the several counties of the state are authorized, in their discretion, to acquire by condemnation, donation, lease or purchase land to be used as an airport or landing place for airplanes. They may erect such buildings thereon as they may deem necessary for such purpose, and equip and maintain such airport.

The boards of supervisors of the several counties of the state, wherein the university or other state supported four-year colleges now or hereafter in existence, are or shall be located, are authorized, in their discretion, to assist the board of trustees of the state institution of higher learning located in

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that county, the State Building Commission or any other state agency by contributing county funds to be used in the acquisition of a site for an airport, erecting suitable buildings, building or extending runways and equipping, maintaining and operating an airport, which shall be available for the use of said university or colleges, as the case may be, and for the general public.

SECTION 216. Section 61-5-75, Mississippi Code of 1972, is amended as follows:

61-5-75. The governing authorities of any municipality are authorized, in their discretion, to exercise all the powers conferred on boards of supervisors with reference to acquiring land to be used as an airport or landing place for airplanes, and erect suitable buildings thereon, and equip and maintain such airport. They may acquire airports or landing places already established. Such airport or landing place may be situated beyond the limits of such municipality. The governing authorities of a municipality may lease, or sublease, or contract the maintenance and operation of, any airport or landing place for airplanes to the United States of America, or any department or agency thereof, or to any person, firm, association, or corporation, for the purpose of training aviators and for other legal purposes. The county wherein such airport may be situated is hereby authorized to make such contribution to the cost of acquiring the necessary land for such airport, the placing of same in suitable condition, and the equipping and maintenance thereof, as the board of supervisors of such county and the governing body of such municipality may mutually agree upon.

The governing authorities of the several municipalities of

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the state in or near which the state university or a state
supported four-year college, now or hereafter in existence, are or
shall be located, are authorized, in their discretion, to assist
the board of trustees of the state institution of higher learning
in or near the particular municipality, the State Building
Commission or any other state agency by contributing municipal
funds to be used in the acquisition of a site for an airport,
erecting suitable buildings and building or extending runways,
equipping, maintaining and operating an airport, which shall be
available for the use of said university or colleges, as the case
may be, and for the general public.

Any such municipality which offers assistance in the
acquisition of a site for constructing suitable buildings,
building or extending runways or maintaining and operating such
airports for the university or other state supported colleges, as
the case may be, may or may not be in the county in which the
university or the state supported four-year college is located,
provided the airport is not more than ten (10) miles from said
municipality.

SECTION 217. Section 63-11-32, Mississippi Code of 1972, is
amended as follows:

63-11-32. (1) The State Department of Public Safety in
conjunction with the Governor's Highway Safety Program, the State
Board of Health, or any other state agency or institution shall
develop and implement a driver improvement program for persons
identified as first offenders convicted of driving while under the
influence of intoxicating liquor or another substance which had
impaired such person's ability to operate a motor vehicle,
including provision for referral to rehabilitation facilities.

(2) The program shall consist of a minimum of ten (10) hours of instruction. Each person who participates shall pay a nominal fee to defray a portion of the cost of the program.

(3) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Alcohol Safety Education Program Fund." Monies deposited in such fund shall be expended by the boards of trustees of the state institutions of higher learning as authorized and appropriated by the Legislature to defray the costs of the Mississippi Alcohol Safety Education Program operated pursuant to the provisions of this section. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.

(4) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "Federal-State Alcohol Program Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as authorized and appropriated by the Legislature to defray the costs of alcohol and traffic safety programs. Any revenue in the fund which is not encumbered at the end of the fiscal year shall lapse to the General Fund.

(5) Such assessments as are collected under subsection (2) of Section 99-19-73 shall be deposited in a special fund hereby created in the State Treasury and designated the "Mississippi Crime Laboratory Implied Consent Law Fund." Monies deposited in such fund shall be expended by the Department of Public Safety as
authorized and appropriated by the Legislature to defray the costs
of equipment replacement and operational support of the
Mississippi Crime Laboratory relating to enforcement of the
Implied Consent Law. Any revenue in the fund which is not
cumbered at the end of the fiscal year shall not lapse to the
General Fund but shall remain in the fund.

SECTION 218. Section 69-2-5, Mississippi Code of 1972, is
amended as follows:

69-2-5. (1) The Mississippi Cooperative Extension Service
shall act as a clearinghouse for the dissemination of information
regarding programs and services which may be available to help
those persons and businesses which have been adversely affected by
the present emergency in the agricultural community. The
Cooperative Extension Service shall develop a plan of assistance
which shall identify all programs and services available within
the state which can be of assistance to those affected by the
present emergency. The Department of Agriculture and Commerce,
the Division of Federal-State Programs of the Office of the
Governor, Department of Public Welfare, Department of Mental
Health, State Board of Health, board of trustees of each state
institution of higher learning, State Board for Community and
Junior Colleges, Research and Development Center, Board of
Economic Development, Employment Security Commission, Board of
Vocational and Technical Education, Mississippi Authority for
Educational Television, and other agencies of the state which have
programs and services that can be of assistance to those affected
by the present emergency, shall provide information regarding
their programs and services to the Cooperative Extension Service
for use in the clearinghouse. The types of programs and services
shall include but not be limited to financial counseling, farm and
small business management, employment services, labor market
information, job retraining, vocational and technical training,
food stamp programs, personal counseling, health services, and
free or low cost legal services. The clearinghouse shall provide
a single contact point to provide program information and referral
services to individuals interested or needing services from state
funded assistance programs affecting agriculture, horticulture,
aquaculture and other agribusinesses or related industries. Such
assistance information shall identify all monies available under
the Small Business Financing Act, the Business Investment Act, the
Emerging Crop Fund legislation and any other sources which may be
used singularly or combined, to provide a comprehensive financing
package. The provisions of this section in establishing a single
contact point for information and referral services shall not be
construed to authorize the hiring of additional personnel.

(2) The Cooperative Extension Service may accept monetary or
in-kind contributions, gifts and grants for the establishment or
operation of the clearinghouse.

(3) The Cooperative Extension Service shall establish a
method for the dissemination of information to those who can be
benefited by the existing programs and services of the state.

(4) The Cooperative Extension Service shall file an annual
report with the Governor, Lieutenant Governor and Speaker of the
House of Representatives regarding the efforts which have been
made in the clearinghouse operation. The report shall also
recommend any additional measures, including legislation, which
may be needed or desired in providing programs and benefits to
those affected by the agricultural emergency.

SECTION 219. Section 73-15-19, Mississippi Code of 1972, is
amended as follows:

73-15-19. (1) **Registered nurse applicant qualifications.**

Any applicant for a license to practice as a registered nurse
shall submit to the board:

(a) An attested written application on a board of
nursing form;

(b) Written official evidence of completion of a
nursing program approved by the Commissioner of Higher Education,
or one approved by a legal accrediting agency of another state,
territory or possession of the United States, the District of
Columbia, or a foreign country which is satisfactory to this
board;

(c) Evidence of competence in English related to
nursing, provided the first language is not English;

(d) Any other official records required by the board.

The board may, in its discretion, refuse to accept the
application of any person who has been convicted of a criminal
offense under any provision of Title 97 of the Mississippi Code of
1972, as now or hereafter amended, or any provision of this
chapter.

(2) **Licensure by examination.**

(a) Upon the board being satisfied that an applicant
for a license as a registered nurse has met the qualifications set
forth in subsection (1) of this section, the board shall proceed
to examine such applicant in such subjects as the board shall, in
its discretion, determine. The subjects in which applicants shall be examined shall be in conformity with curricula in schools of nursing approved by the Commissioner of Higher Education, or one approved by a legal accrediting agency of another state, territory or possession of the United States, the District of Columbia, or a foreign country which is satisfactory to the board.

(b) The applicant shall be required to pass the written examination as selected by the board.

(c) Upon successful completion of such examination, the board shall issue to the applicant a license to practice as a registered nurse.

(d) The board may use any part or all of the state board test pool examination for registered nurse licensure, its successor examination, or any other nationally standardized examination identified by the board in its rules. The passing score shall be established by the board in its rules.

(3) **Licensure by endorsement.** The board may issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or possession of the United States, the District of Columbia, or a foreign country if, in the opinion of the board, the applicant meets the qualifications required of licensed registered nurses in this state and has previously achieved the passing score or scores on the licensing examination required by this state, at the time of his or her graduation.

(4) **Requirements for rewriting the examination.** The board shall establish in its rules the requirements for rewriting the
examination for those persons failing the examination on the first
writing or subsequent rewriting.

(5) **Fee.** The applicant applying for a license by
examination or by endorsement to practice as a registered nurse
shall pay a fee not to exceed One Hundred Dollars ($100.00) to the
board.

(6) **Temporary permit.**

(a) The board may issue a temporary permit to practice
nursing to a graduate of an approved school of nursing pending the
results of the examination in Mississippi, and to a qualified
applicant from another state, territory or possession of the
United States, or District of Columbia, or pending licensure
procedures as provided for elsewhere in this chapter. The fee
shall not exceed Twenty-five Dollars ($25.00).

(b) The board may issue a temporary permit for a period
of ninety (90) days to a registered nurse who is currently
licensed in another state, territory or possession of the United
States or the District of Columbia and who is an applicant for
licensure by endorsement. Such permit is not renewable except by
board action.

(c) The board may issue a temporary permit to a
graduate of an approved school of nursing pending the results of
the first licensing examination scheduled after application. Such
permit is not renewable except by board action.

(d) The board may issue a temporary permit for a period
of thirty (30) days to any registered nurse during the time
enrolled in a nursing reorientation program. This time period may
be extended by board action. The fee shall not exceed Twenty-five
Dollars ($25.00).

(e) The board may adopt such regulations as are necessary to limit the practice of persons to whom temporary permits are issued.

(7) Temporary license. The board may issue a temporary license to practice nursing at a youth camp licensed by the State Board of Health to nonresident registered nurses and retired resident registered nurses under the provisions of Section 75-48-8.

(8) Title and abbreviation. Any person who holds a license or holds the privilege to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume such title or use such abbreviation, or any words, letters, signs or devices to indicate that the person using the same is a registered nurse.

(9) Registered nurses licensed under a previous law. Any person holding a license to practice nursing as a registered nurse issued by this board which is valid on July 1, 1981, shall thereafter be deemed to be licensed as a registered nurse under the provisions of this chapter upon payment of the fee provided in Section 73-15-27.

(10) Each application or filing made under this section shall include the Social Security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 220. Section 73-15-33, Mississippi Code of 1972, is amended as follows:[LH208] 73-15-33. It is unlawful for any person, including a corporation or association, to:
(a) Sell, fraudulently obtain or furnish any nursing diploma, license, renewal of license, or record, or to aid or abet therein;

(b) Practice nursing as defined by this chapter under cover of any diploma, license, renewal of license, or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

(c) Practice or offer to practice nursing as defined by this chapter unless duly licensed or privileged to practice under the provisions of this chapter;

(d) Use any designation by which a person presents to the public that he or she is a registered nurse or a licensed practical nurse unless duly licensed or privileged to practice under the provisions of this chapter;

(e) Practice as a registered nurse or a licensed practical nurse during the time his or her license or privilege to practice issued under the provisions of this chapter is under suspension or revocation;

(f) Conduct a nursing education program for the preparation of registered nurses, unless the program has been accredited by the Commission of Higher Education, or conduct a nursing education program for the preparation of licensed practical nurses unless the program has been accredited by the Department of Education through the Division of Vocational Education;

(g) Willfully employ unlicensed persons or persons not holding the privilege to practice, to practice as registered nurses or licensed practical nurses; or
(h) Willfully aid or abet any person who violates any provisions of this chapter.

Any person, firm or corporation who violates any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not less than twelve (12) months, or by both such fine and imprisonment.

It shall be necessary to prove, in any prosecution under this chapter, only a single act prohibited by law, or a single holding out or an attempt without proving a general course of conduct in order to constitute a violation. Each violation may constitute a separate offense. It shall be the duty of the Attorney General to advise with the board in preparing charges, to assist in conducting board disciplinary hearings, to provide assistance with appropriate affidavits and other charges for filing in the appropriate court, and to assist the county or district attorney in prosecution, if any.

SECTION 221. Section 75-59-1, Mississippi Code of 1972, is amended as follows:

No person, firm or corporation shall contract to furnish correspondence courses to persons within the state unless such person, firm or corporation shall have obtained a permit from the Office of the Secretary of State, either (a) the State Department of Education, (b) the State Board for Community and Junior Colleges, or (c) the Commissioner of Higher Education, whichever is appropriate, and the Office of the Attorney General.

An application for a permit shall be made on forms furnished by
the Secretary of State, the State Department of Education, the State Board for Community and Junior Colleges or the Commissioner of Higher Education, as the case may be, and the Attorney General and such application shall designate an agent for the service of summons within the state; shall contain the name and address of the applicant; the type of courses offered with a brief summary of the course of studies offered; and one (1) copy of all textbooks or other teaching aids and training materials which are incorporated in the course of study shall be filed with said application. The applicant shall pay the Secretary of State a fee of Two Hundred Fifty Dollars ($250.00). The applicant shall file a bond with his application in the sum of Fifty Thousand Dollars ($50,000.00) conditioned to satisfy any judgment rendered by a court of competent jurisdiction, in favor of any person who has sustained damages as a result of the breach of a contract of instruction by the permittee. Such bond shall be executed by the permittee and a resident surety company qualified to transact business within the state. Such permit shall be valid for one (1) year from the date thereof. Suits against the permittee and his surety may be brought in the county where the plaintiff resides, or the county where the defendant has his principal place of business, or where his resident agent resides. This chapter shall not apply to any business school or business college holding a current certificate or license issued under the applicable law of this state. In addition, this chapter shall not apply to religious instructions offered by a recognized church denomination; provided, however, that no fee or charge of any kind whatever may be levied or collected directly or indirectly for
such instructions or certificates issued in connection therewith or incidental thereto. No person shall be granted a permit unless he is an individual of good moral character.

SECTION 222. Section 75-60-5, Mississippi Code of 1972, is amended as follows:

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

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

(b) Schools, colleges, technical institutes, community colleges, junior colleges or universities under the jurisdiction of a board of trustees of a state institution of higher learning or the State Board for Community and Junior Colleges;

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

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

(e) Correspondence courses;

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

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

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

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

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

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

SECTION 223. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 224. This act shall take effect and be in force from

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and after either the date it is effectuated under the Voting Rights Act of 1965, as amended and extended, or the date that House Concurrent Resolution __, 2001 Regular Session, takes effect, whichever is the later date; however, this act shall take effect and be in force only if it is effectuated under the Voting Rights Act of 1965, as amended and extended, and only if House Concurrent Resolution __, 2001 Regular Session, takes effect by effectuation under the Voting Rights Act of 1965, as amended and extended, and by ratification of the electorate at the November 2002 general election.