

By: Representative Peranich

To: Universities and  
Colleges; Appropriations

## HOUSE BILL NO. 1610

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE STATE BOARD FOR  
2 COMMUNITY AND JUNIOR COLLEGES AND THE BOARDS OF TRUSTEES OF THE  
3 COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO TRANSFER THE POWERS AND  
4 DUTIES OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO THE  
5 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO  
6 AMEND SECTIONS 37-4-3, 37-101-15 AND 37-29-31, MISSISSIPPI CODE OF  
7 1972, IN CONFORMITY THERETO; TO AMEND SECTION 37-29-33,  
8 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE TRANSFER OF THE  
9 PROPERTY BELONGING TO THE EXISTING BOARDS OF TRUSTEES OF THE  
10 COMMUNITY AND JUNIOR COLLEGE DISTRICTS TO THE COMMUNITY COLLEGES;  
11 TO PROVIDE THAT THE TERM "JUNIOR COLLEGE" MEANS COMMUNITY COLLEGE;  
12 TO AMEND SECTIONS 7-1-365, 25-3-39, 25-9-107, 25-15-9, 29-1-205,  
13 29-17-3, 37-3-2, 37-4-1, 37-4-9, 37-4-11, 37-11-17, 37-13-92,  
14 37-27-6, 37-27-51, 37-29-1 THROUGH 37-29-5, 37-29-61, 37-29-63,  
15 37-29-69 THROUGH 37-29-79, 37-29-85, 37-29-87, 37-29-131 THROUGH  
16 37-29-137, 37-29-141, 37-29-145, 37-29-161 THROUGH 37-29-175,  
17 37-29-231, 37-29-241, 37-29-261, 37-29-267 THROUGH 37-29-269,  
18 37-29-272, 37-29-275, 37-29-405, 37-29-407, 37-29-451, 37-29-453,  
19 37-29-455, 37-29-503, 37-29-509, 37-29-553, 37-29-555, 37-29-559,  
20 37-31-61 THROUGH 37-31-65, 37-31-73, 37-31-205, 37-35-1 THROUGH  
21 37-35-11, 37-47-17, 37-47-19, 37-47-29, 37-57-107, 37-61-33,  
22 37-63-3, 37-101-3, 37-102-3, 37-103-1, 37-103-9, 37-103-25,  
23 37-103-29, 37-106-9, 37-149-1, 37-151-17, 37-151-69, 37-151-75,  
24 37-155-9, 41-87-5, 43-1-30, 45-4-3, 53-3-51, 57-73-25, 69-2-5,  
25 75-59-1, 75-60-3 THROUGH 75-60-5, 75-60-19 AND 75-60-43,  
26 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS  
27 ACT; TO REPEAL SECTION 37-4-4, MISSISSIPPI CODE OF 1972, WHICH  
28 REQUIRES THE COMMISSIONER OF HIGHER EDUCATION TO ATTEND MEETINGS  
29 OF THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES, SECTION  
30 37-4-5, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE MEANING  
31 OF THE TERM "JUNIOR COLLEGE COMMISSION," AND SECTION 37-4-7,  
32 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE STATE BOARD FOR  
33 COMMUNITY AND JUNIOR COLLEGES TO STUDY THE FEASIBILITY OF  
34 IMPLEMENTING A UNIFORM STATE EMPLOYMENT CONTRACT; TO REPEAL  
35 SECTIONS 37-29-37 AND 37-29-39, MISSISSIPPI CODE OF 1972, WHICH  
36 EXPRESSLY PROVIDE FOR THE CONTINUATION OF CERTAIN JUNIOR COLLEGE  
37 DISTRICTS; TO REPEAL SECTIONS 37-29-65 AND 37-29-67, MISSISSIPPI  
38 CODE OF 1972, WHICH PROVIDE FOR THE SELECTION OF THE TRUSTEES OF  
39 THE COMMUNITY AND JUNIOR COLLEGE DISTRICTS AND ESTABLISH THE  
40 GENERAL POWERS AND DUTIES OF SUCH BOARDS OF TRUSTEES; TO REPEAL  
41 SECTION 37-29-81, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES  
42 COMMUNITY AND JUNIOR COLLEGE DISTRICTS, IN THE DISCRETION OF THE  
43 BOARD OF TRUSTEES, TO CHARGE TUITION AND FEES; TO REPEAL SECTIONS  
44 37-29-101 THROUGH 37-29-127, MISSISSIPPI CODE OF 1972, WHICH  
45 AUTHORIZE THE BOARDS OF TRUSTEES OF COMMUNITY AND JUNIOR COLLEGE  
46 DISTRICTS TO BORROW MONEY AND ESTABLISH PROCEDURES FOR SUCH  
47 BORROWING; TO REPEAL SECTION 37-29-143, MISSISSIPPI CODE OF 1972,  
48 WHICH PROVIDES FOR THE RECEIPT AND EXPENDITURE OF TAX REVENUES BY  
49 THE COMMUNITY AND JUNIOR COLLEGE DISTRICTS; TO REPEAL SECTION  
50 37-29-177, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS A COMMUNITY  
51 OR JUNIOR COLLEGE DISTRICT FROM CHARGING OUT-OF-DISTRICT STUDENTS  
52 A GREATER FEE FOR SPECIALIZED PROGRAMS IN VOCATIONAL EDUCATION



53 WHICH ARE UNAVAILABLE TO THE STUDENTS IN THEIR HOME DISTRICT; TO  
54 REPEAL SECTIONS 37-29-211 THROUGH 37-29-217, MISSISSIPPI CODE OF  
55 1972, WHICH REQUIRE COMMUNITY COLLEGE FACULTY MEMBERS TO FILE AN  
56 AFFIDAVIT AS TO MEMBERSHIP IN ORGANIZATIONS AS A CONDITION FOR  
57 EMPLOYMENT; TO REPEAL SECTION 37-29-263, MISSISSIPPI CODE OF 1972,  
58 WHICH AUTHORIZES THE COMMUNITY AND JUNIOR COLLEGES TO USE ANY  
59 AVAILABLE FUNDS TO DEFRAY THE COST OF ELECTRONIC DATA PROCESSING  
60 EQUIPMENT; TO REPEAL SECTION 37-29-273, MISSISSIPPI CODE OF 1972,  
61 WHICH AUTHORIZES THE ATTENDANCE OF PUPILS IN A COUNTY SCHOOL  
62 DISTRICT AT A MUNICIPAL JUNIOR COLLEGE IN SUCH COUNTY; TO REPEAL  
63 SECTIONS 37-29-409 THROUGH 37-29-437, MISSISSIPPI CODE OF 1972,  
64 WHICH CREATE A BOARD OF TRUSTEES FOR THE MISSISSIPPI GULF COAST  
65 JUNIOR COLLEGE DISTRICT AND PRESCRIBE ITS POWERS AND DUTIES; TO  
66 REPEAL SECTIONS 37-29-457, 37-29-459 AND 37-29-463 THROUGH  
67 37-29-471, MISSISSIPPI CODE OF 1972, WHICH CREATE A BOARD OF  
68 TRUSTEES FOR THE COPIAH-LINCOLN JUNIOR COLLEGE DISTRICT AND  
69 PRESCRIBE ITS POWERS AND DUTIES; TO REPEAL SECTIONS 37-29-505,  
70 37-29-507 AND 37-29-511 THROUGH 37-29-515, MISSISSIPPI CODE OF  
71 1972, WHICH CREATE A BOARD OF TRUSTEES FOR THE MERIDIAN JUNIOR  
72 COLLEGE DISTRICT AND PRESCRIBE ITS POWERS AND DUTIES; TO REPEAL  
73 SECTIONS 37-29-557, 37-29-561 THROUGH 37-29-567 and 37-29-571,  
74 MISSISSIPPI CODE OF 1972, WHICH CREATE A BOARD OF TRUSTEES FOR THE  
75 COAHOMA COMMUNITY COLLEGE DISTRICT AND PRESCRIBE ITS POWERS AND  
76 DUTIES; TO REPEAL SECTION 37-101-331, MISSISSIPPI CODE OF 1972,  
77 WHICH REQUIRES THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES  
78 TO SUBMIT A REPORT TO THE LEGISLATURE ON THE RENOVATION AND REPAIR  
79 NEEDS OF THE COMMUNITY AND JUNIOR COLLEGES BEFORE JANUARY 3, 1989;  
80 TO REPEAL SECTIONS 37-153-1 THROUGH 37-153-13, MISSISSIPPI CODE OF  
81 1972, WHICH IS THE DUPLICATIVE CODIFICATION OF THE WORK FORCE  
82 EDUCATION ACT OF 1994, ALSO CODIFIED AS SECTIONS 37-151-63 THROUGH  
83 37-151-75; AND FOR RELATED PURPOSES.

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

85 **SECTION 1.** (1) From and after July 1, 2002, the State Board  
86 for Community and Junior Colleges is abolished, and all powers,  
87 duties and responsibilities of the State Board for Community and  
88 Junior Colleges are transferred to the Board of Trustees of State  
89 Institutions of Higher Learning. All records, property,  
90 contractual rights and obligations, unexpended balances of  
91 appropriations, allocations or other funds of the State Board for  
92 Community and Junior Colleges are transferred to the Board of  
93 Trustees of State Institutions of Higher Learning.

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

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



101           37-4-3. (1) From and after July 1, 2002, the Board of  
102 Trustees of State Institutions of Higher Learning shall receive  
103 and distribute funds appropriated by the Legislature for the use  
104 of the public community \* \* \* colleges and funds from federal and  
105 other sources that are transmitted through the state governmental  
106 organization for use by said colleges. The Board of Trustees of  
107 State Institutions of Higher Learning shall provide general  
108 coordination of the public community \* \* \* colleges, assemble  
109 reports and such other duties as may be prescribed by law.

110       \* \* \*

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

114           (a) To authorize disbursements of state appropriated  
115 funds to community \* \* \* colleges \* \* \*.

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

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

120           (d) To require community \* \* \* colleges to supply such  
121 information as the board of trustees may request and compile,  
122 publish and make available such reports based thereon as the board  
123 of trustees may deem advisable.

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

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

134 (g) To approve applications from community \* \* \*  
135 colleges for state funds for vocational-technical education  
136 facilities.

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

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

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

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

148 (l) To fix standards for community \* \* \* colleges to  
149 qualify for appropriations, and qualifications for community \* \* \*  
150 college teachers.

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

154 (n) To approve or disapprove of any proposed inclusion  
155 within municipal corporate limits of state-owned buildings and  
156 grounds of any community college \* \* \* and to approve or  
157 disapprove of land use development, zoning requirements, building  
158 codes and delivery of governmental services applicable to  
159 state-owned buildings and grounds of any community college \* \* \*.  
160 Any agreement by a \* \* \* community college \* \* \* to annexation of  
161 state-owned property or other conditions described in this  
162 paragraph shall be void unless approved by the board of trustees  
163 and by the board of supervisors of the county in which the  
164 state-owned property is located.

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



167           37-101-15. (a) The Board of Trustees of State Institutions  
168 of Higher Learning shall succeed to and continue to exercise  
169 control of all records, books, papers, equipment, and supplies,  
170 and all lands, buildings, and other real and personal property  
171 belonging to or assigned to the use and benefit of the board of  
172 trustees formerly supervising and controlling the institutions of  
173 higher learning named in Section 37-101-1. The board shall have  
174 and exercise control of the use, distribution and disbursement of  
175 all funds, appropriations and taxes, now and hereafter in  
176 possession, levied and collected, received, or appropriated for  
177 the use, benefit, support, and maintenance or capital outlay  
178 expenditures of the community colleges and institutions of higher  
179 learning, including the authorization of employees to sign  
180 vouchers for the disbursement of funds for the various community  
181 colleges and institutions, except where otherwise specifically  
182 provided by law.

183           (b) The board shall have general supervision of the affairs  
184 of all the community colleges and institutions of higher learning,  
185 including the departments and the schools thereof. The board  
186 shall have the power in its discretion to determine who shall be  
187 privileged to enter, to remain in, or to graduate therefrom. The  
188 board shall have general supervision of the conduct of libraries  
189 and laboratories, the care of dormitories, buildings, and grounds;  
190 the business methods and arrangement of accounts and records; the  
191 organization of the administrative plan of each college and  
192 institution; and all other matters incident to the proper  
193 functioning of the community colleges and institutions. The board  
194 shall have the authority to establish minimum standards of  
195 achievement as a prerequisite for entrance into any of the  
196 community colleges and institutions under its jurisdiction, which  
197 standards need not be uniform between the various community  
198 colleges and institutions and which may be based upon such  
199 criteria as the board may establish.



200 (c) The board shall exercise all the powers and prerogatives  
201 conferred upon it under the laws establishing and providing for  
202 the operation of the several community colleges and  
203 institutions \* \* \*. The board shall adopt such bylaws and  
204 regulations from time to time as it deems expedient for the proper  
205 supervision and control of the several community colleges and  
206 institutions of higher learning, insofar as such bylaws and  
207 regulations are not repugnant to the Constitution and laws, and  
208 not inconsistent with the object for which these community  
209 colleges and institutions were established. The board shall have  
210 power and authority to prescribe rules and regulations for  
211 policing the campuses and all buildings of the respective  
212 community colleges and institutions, to authorize the arrest of  
213 all persons violating on any campus any criminal law of the state,  
214 and to have such law violators turned over to the civil  
215 authorities.

216 (d) For all community colleges and institutions \* \* \*, the  
217 board shall provide a uniform system of recording and of  
218 accounting approved by the State Department of Audit. The board  
219 shall annually prepare, or cause to be prepared, a budget for each  
220 community college and institution of higher learning for the  
221 succeeding year which must be prepared and in readiness for at  
222 least thirty (30) days before the convening of the regular session  
223 of the Legislature. All relationships and negotiations between  
224 the state Legislature and its various committees and the community  
225 colleges and institutions \* \* \* shall be carried on through the  
226 board of trustees. No official, employee or agent representing  
227 any of the separate community colleges or institutions shall  
228 appear before the Legislature or any committee thereof except upon  
229 the written order of the board or upon the request of the  
230 Legislature or a committee thereof.

231 (e) For all community colleges and institutions \* \* \*, the  
232 board shall prepare an annual report to the Legislature setting



233 forth the disbursements of all monies appropriated to the  
234 respective community colleges and institutions. Each report to  
235 the Legislature shall show how the money appropriated to the  
236 several community colleges and institutions has been expended,  
237 beginning and ending with the fiscal years of the community  
238 colleges and institutions, showing the name of each teacher,  
239 officer, and employee, and the salary paid each, and an itemized  
240 statement of each and every item of receipts and expenditures.  
241 Each report must be balanced, and must begin with the former  
242 balance. If any property belonging to the state or the community  
243 college or institution is used for profit, the reports shall show  
244 the expense incurred in managing the property and the amount  
245 received therefrom. The reports shall also show a summary of the  
246 gross receipts and gross disbursements for each year and shall  
247 show the money on hand at the beginning of the fiscal period of  
248 the community college and institution next preceding each session  
249 of the Legislature and the necessary amount of expense to be  
250 incurred from said date to January 1 following. The board shall  
251 keep the annual expenditures of each community college and  
252 institution \* \* \* within the income derived from legislative  
253 appropriations and other sources, but in case of emergency arising  
254 from acts of providence, epidemics, fire or storm with the written  
255 approval of the Governor and by written consent of a majority of  
256 the Senators and of the Representatives it may exceed the income.  
257 The board shall require a surety bond in a surety company  
258 authorized to do business in this state, of every employee who is  
259 the custodian of funds belonging to one or more of the community  
260 colleges and institutions \* \* \*, which bond shall be in a sum to  
261 be fixed by the board in an amount that will properly safeguard  
262 the said funds, the premium for which shall be paid out of the  
263 funds appropriated for said community colleges and institutions.

264 (f) The board shall have the power and authority to elect  
265 the heads of the various community colleges and institutions of



266 higher learning and to contract with all deans, professors, and  
267 other members of the teaching staff, and all administrative  
268 employees of said community colleges and institutions for a term  
269 of not exceeding four (4) years. The board shall have the power  
270 and authority to terminate any such contract at any time for  
271 malfeasance, inefficiency, or contumacious conduct, but never for  
272 political reasons. It shall be the policy of the board to permit  
273 the executive head of each community college and institution to  
274 nominate for election by the board all subordinate employees of  
275 the community college or institution over which he presides. It  
276 shall be the policy of the board to elect all officials for a  
277 definite tenure of service and to reelect during the period of  
278 satisfactory service. The board shall have the power to make any  
279 adjustments it thinks necessary between the various departments  
280 and schools of any community college or institution or between the  
281 different community colleges and institutions.

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

285 (h) The board shall have the power to contract, on a  
286 shared-savings, lease or lease-purchase basis, for energy  
287 efficiency services and/or equipment as prescribed in Section  
288 31-7-14, not to exceed ten (10) years.

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

295 (j) From and after July 1, 2002, the Board of Trustees of  
296 State Institutions of Higher Learning shall exercise control of  
297 all records, books, papers, equipment and supplies, and all lands,  
298 buildings and other real and personal property belonging to or





299 assigned to the use and benefit of the State Board for Community  
300 and Junior Colleges on June 30, 2002. The Board of Trustees of  
301 State Institutions of Higher Learning shall exercise all powers  
302 and duties granted by law which, on June 30, 2002, were exercised  
303 by the State Board for Community and Junior Colleges.

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

306 37-29-31. There are hereby created the following community  
307 college districts comprising the entire counties therein named and  
308 having boundaries coinciding with the external boundaries thereof,  
309 each of which shall be under the jurisdiction and control of the  
310 Board of Trustees of State Institutions of Higher Learning:

311 (a) East Central Community College District shall be  
312 comprised of the counties of Leake, Neshoba, Newton, Scott and  
313 Winston.

314 (b) East Mississippi Community College District shall  
315 be comprised of the counties of Clay, Kemper, Lauderdale, Lowndes,  
316 Noxubee and Oktibbeha.

317 (c) Hinds Community College District shall be comprised  
318 of the counties of Hinds, Rankin, Warren and Claiborne.

319 (d) Holmes Community College District shall be  
320 comprised of the counties of Attala, Carroll, Choctaw, Grenada,  
321 Holmes, Madison, Montgomery, Webster and Yazoo.

322 (e) Itawamba Community College District shall be  
323 comprised of the counties of Chickasaw, Itawamba, Lee, Monroe and  
324 Pontotoc.

325 (f) Jones County Community College District shall be  
326 comprised of the counties of Clarke, Covington, Greene, Jasper,  
327 Jones, Perry, Smith and Wayne.

328 (g) Mississippi Delta Community College District shall  
329 be comprised of the counties of Bolivar, Humphreys, Issaquena,  
330 Leflore, Sharkey, Sunflower and Washington.



331 (h) Northeast Community College District shall be  
332 comprised of the counties of Alcorn, Prentiss, Tippah, Tishomingo  
333 and Union.

334 (i) Northwest Community College District shall be  
335 comprised of the counties of Benton, Calhoun, DeSoto, Lafayette,  
336 Marshall, Panola, Quitman, Tallahatchie, Tate, Tunica and  
337 Yalobusha.

338 (j) Pearl River Community College District shall be  
339 comprised of the counties of Forrest, Hancock, Jefferson Davis,  
340 Lamar, Marion and Pearl River.

341 (k) Southwest Community College District shall be  
342 comprised of the counties of Amite, Pike, Walthall and Wilkinson.

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

345 37-29-33. Except as otherwise provided in Sections 37-29-1  
346 through 37-29-273, all of the property belonging to the board of  
347 trustees of any community or junior college district existing on  
348 June 30, 2002, and all of the property belonging to any or all of  
349 the counties cooperating, as of June 30, 2002, in the existing  
350 community and junior colleges or the agricultural high schools and  
351 community and junior colleges located at the existing campuses and  
352 utilized or held for the present or future use and benefit of such  
353 community and junior colleges \* \* \* or agricultural high schools  
354 and community and junior colleges, shall be and the same is hereby  
355 transferred to and vested in \* \* \* the community colleges in the  
356 respective community college districts created in Section  
357 37-29-31.

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

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



364 7-1-365. The State Department of Education,  
365 Vocational-Technical Division, the Board of Trustees of State  
366 Institutions of Higher Learning and the junior colleges, the board  
367 of trustees of any school district, the Mississippi Employment  
368 Security Commission, and the Department of Economic and Community  
369 Development shall cooperate in carrying out the provisions of  
370 Sections 7-1-351 through 7-1-371.

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

373 25-3-39. (1) No public officer, public employee,  
374 administrator, or executive head of any arm or agency of the  
375 state, in the executive branch of government, shall be paid a  
376 salary or compensation, directly or indirectly, in excess of the  
377 salary fixed in Section 25-3-31 for the Governor. All academic  
378 officials, members of the teaching staffs and employees of the  
379 state institutions of higher learning \* \* \* and community \* \* \*  
380 colleges, and licensed physicians who are public employees, shall  
381 be exempt from this subsection. In addition, the Executive  
382 Director of the Department of Economic and Community Development  
383 and the Chief of Staff of the Governor's Office shall be exempt  
384 from this subsection. The Governor shall fix the annual salary of  
385 the Executive Director of the Department of Economic and Community  
386 Development and the annual salary of the Chief of Staff of the  
387 Governor's Office, which salaries shall be completely paid by the  
388 state and may not be supplemented with any funds from any source,  
389 including federal or private funds. Provided, however, that the  
390 salary of the Executive Director of the Department of Economic and  
391 Community Development and the Governor's Chief of Staff shall not  
392 be greater than fifty percent (50%) in excess of the salary of the  
393 Governor.

394 (2) No public officer, employee or administrator shall be  
395 paid a salary or compensation, directly or indirectly, in excess  
396 of the salary of the executive head of the state agency or



397 department in which he is employed. The State Personnel Board,  
398 based upon its findings of fact, may exempt physicians and  
399 actuaries from this subsection when the acquisition of such  
400 professional services is precluded based on the prevailing wage in  
401 the relevant labor market.

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

404 25-9-107. The following terms, when used in this chapter,  
405 unless a different meaning is plainly required by the context,  
406 shall have the following meanings:

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

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

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

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

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

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

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

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

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



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

431 (viii) Officers and enlisted members of the  
432 National Guard of the state;

433 (ix) Prisoners, inmates, student or patient help  
434 working in or about institutions;

435 (x) Contract personnel; provided, that any agency  
436 which employs state service employees may enter into contracts for  
437 personal and professional services only if such contracts are  
438 approved in compliance with the rules and regulations promulgated  
439 by the State Personal Service Contract Review Board under Section  
440 25-9-120(3). Before paying any warrant for such contractual  
441 services in excess of One Hundred Thousand Dollars (\$100,000.00),  
442 the Auditor of Public Accounts, or the successor to those duties,  
443 shall determine whether the contract involved was for personal or  
444 professional services, and, if so, was approved by the State  
445 Personal Service Contract Review Board;

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

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

458 (xiii) Physicians, dentists, veterinarians, nurse  
459 practitioners and attorneys, while serving in their professional  
460 capacities in authorized employment positions who are required by



461 statute to be licensed, registered or otherwise certified as such,  
462 provided that the State Personnel Director shall verify that the  
463 statutory qualifications are met prior to issuance of a payroll  
464 warrant by the auditor;

465 (xiv) Personnel who are employed and paid from  
466 funds received from a federal grant program which has been  
467 approved by the Legislature or the Department of Finance and  
468 Administration whose length of employment has been determined to  
469 be time-limited in nature. This subparagraph shall apply to  
470 personnel employed under the provisions of the Comprehensive  
471 Employment and Training Act of 1973, as amended, and other special  
472 federal grant programs which are not a part of regular federally  
473 funded programs wherein appropriations and employment positions  
474 are appropriated by the Legislature. Such employees shall be paid  
475 in accordance with the Variable Compensation Plan and shall meet  
476 all qualifications required by federal statutes or by the  
477 Mississippi Classification Plan;

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

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



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

497 (xviii) Repealed;

498 (xix) The associate director, deputy directors and  
499 bureau directors within the Department of Agriculture and  
500 Commerce;

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

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

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

519 25-15-9. (1) (a) The board shall design a plan of health  
520 insurance for state employees which provides benefits for  
521 semiprivate rooms in addition to other incidental coverages which  
522 the board deems necessary. The amount of the coverages shall be  
523 in such reasonable amount as may be determined by the board to be  
524 adequate, after due consideration of current health costs in  
525 Mississippi. The plan shall also include major medical benefits  
526 in such amounts as the board shall determine. The board is also



527 authorized to accept bids for such alternate coverage and optional  
528 benefits as the board shall deem proper. Any contract for  
529 alternative coverage and optional benefits shall be awarded by the  
530 board after it has carefully studied and evaluated the bids and  
531 selected the best and most cost-effective bid. The board may  
532 reject all such bids; however, the board shall notify all bidders  
533 of the rejection and shall actively solicit new bids if all bids  
534 are rejected. The board may employ or contract for such  
535 consulting or actuarial services as may be necessary to formulate  
536 the plan, and to assist the board in the preparation of  
537 specifications and in the process of advertising for the bids for  
538 the plan. Such contracts shall be solicited and entered into in  
539 accordance with Section 25-15-5. The board shall keep a record of  
540 all persons, agents and corporations who contract with or assist  
541 the board in preparing and developing the plan. The board in a  
542 timely manner shall provide copies of this record to the members  
543 of the advisory council created in this section and those  
544 legislators, or their designees, who may attend meetings of the  
545 advisory council. The board shall provide copies of this record  
546 in the solicitation of bids for the administration or servicing of  
547 the self-insured program. Each person, agent or corporation  
548 which, during the previous fiscal year, has assisted in the  
549 development of the plan or employed or compensated any person who  
550 assisted in the development of the plan, and which bids on the  
551 administration or servicing of the plan, shall submit to the board  
552 a statement accompanying the bid explaining in detail its  
553 participation with the development of the plan. This statement  
554 shall include the amount of compensation paid by the bidder to any  
555 such employee during the previous fiscal year. The board shall  
556 make all such information available to the members of the advisory  
557 council and those legislators, or their designees, who may attend  
558 meetings of the advisory council before any action is taken by the  
559 board on the bids submitted. The failure of any bidder to fully





560 and accurately comply with this paragraph shall result in the  
561 rejection of any bid submitted by that bidder or the cancellation  
562 of any contract executed when the failure is discovered after the  
563 acceptance of that bid. The board is authorized to promulgate  
564 rules and regulations to implement the provisions of this  
565 subsection.

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

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

582 (b) There is created an advisory council to advise the  
583 board in the formulation of the State and School Employees Health  
584 Insurance Plan. The council shall be composed of the State  
585 Insurance Commissioner or his designee, an employee-representative  
586 of the institutions of higher learning appointed by the board of  
587 trustees thereof, an employee-representative of the Department of  
588 Transportation appointed by the director thereof, an  
589 employee-representative of the State Tax Commission appointed by  
590 the Commissioner of Revenue, an employee-representative of the  
591 Mississippi Department of Health appointed by the State Health  
592 Officer, an employee-representative of the Mississippi Department



593 of Corrections appointed by the Commissioner of Corrections, and  
594 an employee-representative of the Department of Human Services  
595 appointed by the Executive Director of Human Services, two (2)  
596 certificated public school administrators appointed by the State  
597 Board of Education, two (2) certificated classroom teachers  
598 appointed by the State Board of Education, a noncertificated  
599 school employee appointed by the State Board of Education and a  
600 community \* \* \* college employee appointed by the \* \* \* Board of  
601 Trustees of State Institutions of Higher Learning.

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

624         (c) No change in the terms of the State and School  
625 Employees Health Insurance Plan may be made effective unless the



626 board, or its designee, has provided notice to the State and  
627 School Employees Health Insurance Advisory Council and has called  
628 a meeting of the council at least fifteen (15) days before the  
629 effective date of such change. In the event that the State and  
630 School Employees Health Insurance Advisory Council does not meet  
631 to advise the board on the proposed changes, the changes to the  
632 plan shall become effective at such time as the board has informed  
633 the council that the changes shall become effective.

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

644           (e) **Medical benefits for retired employees and**  
645 **dependents over age sixty-five (65) years or otherwise eligible**  
646 **for Medicare benefits.** The health insurance coverage available to  
647 retired employees over age sixty-five (65) years or otherwise  
648 eligible for Medicare benefits, and all dependents over age  
649 sixty-five (65) years or otherwise eligible for Medicare benefits,  
650 shall be the major medical coverage with the lifetime maximum of  
651 One Million Dollars (\$1,000,000.00). Benefits shall be reduced by  
652 Medicare benefits as though such Medicare benefits were the base  
653 plan.

654           All covered individuals shall be assumed to have full  
655 Medicare coverage, Parts A and B; and any Medicare payments under  
656 both Parts A and B shall be computed to reduce benefits payable  
657 under this plan.



658           (2) Nonduplication of benefits--reduction of benefits by  
659 Title XIX benefits: When benefits would be payable under more  
660 than one (1) group plan, benefits under those plans will be  
661 coordinated to the extent that the total benefits under all plans  
662 will not exceed the total expenses incurred.

663           Benefits for hospital or surgical or medical benefits shall  
664 be reduced by any similar benefits payable in accordance with  
665 Title XIX of the Social Security Act or under any amendments  
666 thereto, or any implementing legislation.

667           Benefits for hospital or surgical or medical benefits shall  
668 be reduced by any similar benefits payable by workers'  
669 compensation.

670           (3) (a) Schedule of life insurance benefits--group term:  
671 The amount of term life insurance for each active employee of a  
672 department, agency or institution of the state government shall  
673 not be in excess of One Hundred Thousand Dollars (\$100,000.00), or  
674 twice the amount of the employee's annual wage to the next highest  
675 One Thousand Dollars (\$1,000.00), whichever may be less, but in no  
676 case less than Thirty Thousand Dollars (\$30,000.00), with a like  
677 amount for accidental death and dismemberment on a  
678 twenty-four-hour basis. The plan will further contain a premium  
679 waiver provision if a covered employee becomes totally and  
680 permanently disabled prior to age sixty-five (65) years.  
681 Employees retiring after June 30, 1999, shall be eligible to  
682 continue life insurance coverage in an amount of Five Thousand  
683 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty  
684 Thousand Dollars (\$20,000.00) into retirement.

685           (b) Effective October 1, 1999, schedule of life  
686 insurance benefits--group term: The amount of term life insurance  
687 for each active employee of any school district, community/junior  
688 college, public library or university-based program authorized  
689 under Section 37-23-31 for deaf, aphasic and emotionally disturbed  
690 children or any regular nonstudent bus driver shall not be in



691 excess of One Hundred Thousand Dollars (\$100,000.00), or twice the  
692 amount of the employee's annual wage to the next highest One  
693 Thousand Dollars (\$1,000.00), whichever may be less, but in no  
694 case less than Thirty Thousand Dollars (\$30,000.00), with a like  
695 amount for accidental death and dismemberment on a  
696 twenty-four-hour basis. The plan will further contain a premium  
697 waiver provision if a covered employee of any school district,  
698 community/junior college, public library or university-based  
699 program authorized under Section 37-23-31 for deaf, aphasic and  
700 emotionally disturbed children or any regular nonstudent bus  
701 driver becomes totally and permanently disabled prior to age  
702 sixty-five (65) years. Employees of any school district,  
703 community/junior college, public library or university-based  
704 program authorized under Section 37-23-31 for deaf, aphasic and  
705 emotionally disturbed children or any regular nonstudent bus  
706 driver retiring after September 30, 1999, shall be eligible to  
707 continue life insurance coverage in an amount of Five Thousand  
708 Dollars (\$5,000.00), Ten Thousand Dollars (\$10,000.00) or Twenty  
709 Thousand Dollars (\$20,000.00) into retirement.

710 (4) Any eligible employee who on March 1, 1971, was  
711 participating in a group life insurance program which has  
712 provisions different from those included herein and for which the  
713 State of Mississippi was paying a part of the premium may, at his  
714 discretion, continue to participate in such plan. Such employee  
715 shall pay in full all additional costs, if any, above the minimum  
716 program established by this article. Under no circumstances shall  
717 any individual who begins employment with the state after March 1,  
718 1971, be eligible for the provisions of this paragraph.

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

721 (6) Any premium differentials, differences in coverages,  
722 discounts determined by risk or by any other factors shall be  
723 uniformly applied to all active employees participating in the



724 insurance plan. It is the intent of the Legislature that the  
725 state contribution to the plan be the same for each employee  
726 throughout the state.

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

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

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



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

759 (d) The insurance company group life insurance plan  
760 shall have one (1) composite rate per One Thousand Dollars  
761 (\$1,000.00) of coverage for active employees regardless of age and  
762 one (1) composite rate per One Thousand Dollars (\$1,000.00) of  
763 coverage for all retirees regardless of age or type of retiree.

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

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

774 29-1-205. (1) The Department of Finance and Administration,  
775 Bureau of Building, Grounds and Real Property Management, is  
776 hereby authorized, empowered and directed to sell and convey on  
777 behalf of the State of Mississippi to a nationally recognized  
778 organization which has as its purpose the recognition and  
779 promotion of scholarship, leadership and service among two-year  
780 college students throughout the country for the purpose of  
781 constructing a national headquarters thereon, the following  
782 described state-owned lands. The property authorized to be sold  
783 and conveyed is a certain parcel of land situated in the Northwest  
784 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds  
785 County, Mississippi, and being more particularly described as  
786 follows, to-wit:

787 Commence at the Southwest corner of Lot 2 of Northeast  
788 Heights, a subdivision on file and of record in the



789 office of the Chancery Clerk at Jackson, Hinds County,  
790 Mississippi, in Plat Book 10 at Page 45; run thence  
791 Southerly along the extension of the West line of said  
792 Lot 2 for a distance of 80.00 feet to a point on the  
793 South Line of Eastover Drive; turn thence right through  
794 a deflection angle of 89 degrees 13 minutes and run  
795 westerly along the South line of Eastover Drive for a  
796 distance of 43.84 feet to the POINT OF BEGINNING; thence  
797 leaving said South line of Eastover Drive, turn left  
798 through a deflection angle of 95 degrees 41 minutes 50  
799 seconds and run Southerly along a line twenty five feet  
800 from and parallel to the centerline of a 31 foot asphalt  
801 drive for a distance of 118.08 feet; turn thence right  
802 through a deflection angle of 3 degrees 07 minutes 37  
803 seconds and continue Southerly along a line twenty five  
804 feet from and parallel to the centerline of a 31 foot  
805 asphalt drive for a distance of 132.71 feet to a point  
806 on the North line of a United Gas Pipe Line Company  
807 easement; turn thence right through a deflection angle  
808 of 59 degrees 18 minutes 47 seconds and run  
809 Southwesterly along the North line of said United Gas  
810 Pipe Line Company easement for a distance of 520.00  
811 feet; turn thence right through a deflection angle of 90  
812 degrees 00 minutes 00 seconds and run Northwesterly for  
813 a distance of 410.00 feet; turn thence right through a  
814 deflection angle of 69 degrees 42 minutes 33 seconds and  
815 run Northeasterly for a distance of 238.99 feet to a  
816 point on the South line of said Eastover Drive; said  
817 point further being on a 2 degrees 27 minutes curve  
818 bearing to the right, said curve having a central angle  
819 of 8 degrees 58 minutes 45 seconds and a radius of  
820 2258.60 feet; turn thence right through a deflection  
821 angle of 53 degrees 12 minutes 08 seconds and run





822 Easterly along the chord of said 2 degrees 27 minutes  
823 curve bearing to the right and the South line of said  
824 Eastover Drive for a distance of 27.26 feet to the Point  
825 of Tangency; turn thence right through a deflection  
826 angle of 00 degrees 20 minutes 45 seconds and run  
827 Easterly along the South line said Eastover Drive for a  
828 distance of 472.74 feet to the POINT OF BEGINNING,  
829 containing 5.44 acres more or less.

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

844 (3) The conveyance to be executed by the Department of  
845 Finance and Administration, acting through the Bureau of Building,  
846 Grounds and Real Property Management, shall be within the limits  
847 contained in Sections 29-1-205 and 29-1-209 and contain a  
848 provision reserving unto the state all oil, gas and mineral rights  
849 of every kind and character. The conveyance shall make provision  
850 for reasonable access to the conveyed premises over existing  
851 roadways and to existing utility lines for the benefit of the  
852 conveyed premises. The conveyance shall include terms granting to  
853 the Board of Trustees of State Institutions of Higher  
854 Learning \* \* \* and to the Mississippi Authority for Educational



855 Television reasonable rights to utilize the improvements to be  
856 constructed thereon, or portions thereof, for conference or  
857 meeting purposes, specifying the architectural style of the  
858 improvements and providing a reasonable setback of wooded  
859 undeveloped property contiguous to the improvements in order to  
860 maintain the natural environment of the site.

861 (4) The conveyance herein shall be for such consideration as  
862 determined appropriate by the Public Procurement Review Board.  
863 Such consideration may be paid or provided in installments over a  
864 period of time (not to exceed twenty-five (25) years) and may also  
865 be provided in kind. In-kind consideration may include the  
866 reasonable use of the improvements constructed on the property by  
867 the Board of Trustees of State Institutions of Higher Learning and  
868 its institutions \* \* \* and the Mississippi Authority for  
869 Educational Television and other state agencies, and the provision  
870 of leadership training certification programs for community and  
871 junior college faculty and others. Such in-kind consideration may  
872 also constitute full and fair consideration for the property. In  
873 establishing consideration, the board may take into account the  
874 appraised value of the property, but shall allow reasonable credit  
875 to the purchaser for benefits accruing to the State of  
876 Mississippi, including the enhancement of the state's community  
877 and junior college program and the promotion of excellence in  
878 public education afforded by the location of such organization and  
879 its headquarters in this state, the increase in employment made  
880 possible, and that the only use which can be made of the conveyed  
881 premises is for the organization's national headquarters with  
882 reversion to the state otherwise.

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

885 29-17-3. (1) A special fund, to be designated the "1991  
886 Mississippi Public Facilities Asbestos Abatement Fund," is hereby  
887 created within the State Treasury. Monies deposited into such



888 fund shall be allocated and disbursed, in the discretion of the  
889 Department of Finance and Administration, to pay costs of and  
890 relating to asbestos abatement (removal of friable asbestos) in  
891 public facilities.

892 (2) A special fund, to be designated the "1991 Mississippi  
893 Public Facilities Roofing and Waterproofing Fund," is hereby  
894 created within the State Treasury. Amounts deposited into such  
895 fund shall be allocated and disbursed, in the discretion of the  
896 Department of Finance and Administration, to pay costs of and  
897 relating to the repair and replacement of roofs of public  
898 facilities and the waterproofing of foundations and other parts of  
899 public facilities.

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

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

916 (5) A special fund, to be designated the "1991 Mississippi  
917 Public Facilities Handicapped Accessibility Improvements Fund," is  
918 hereby created in the State Treasury. Monies deposited into such  
919 fund shall be allocated and disbursed, in the discretion of the  
920 Department of Finance and Administration, to pay costs of and



921 relating to improvements necessary to make Mississippi public  
922 facilities accessible to handicapped individuals.

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

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

936	AGENCY NAME	PROJECT	AMOUNT ALLOCATED
937	<b>INSTITUTIONS OF HIGHER LEARNING:</b>		
938	Mississippi State	Library addition - Phase I.....	\$ 4,850,000
939	University		
940	MAFES	Complete School of Forest Resources	1,000,000
941	University of	Library addition - Phase I.....	4,000,000
942	Mississippi		
943	Mississippi Valley	Misc. campus repairs .....	800,000
944	State University		
945	University of	Construct perinatal center	
946	Mississippi	Phase I.....	2,000,000
947	Medical Center	Expenditure of such funds is	
948		contingent upon federal funds	
949		being made available for such	
950		project.	
951	University of	Library addition - Phase I.....	4,850,000
952	Southern		
953	Mississippi		



954	Delta State	Construct fine arts facility.....	3,225,000
955	University		
956	Jackson State	University Park Auditorium	
957	University	Miscellaneous campus repairs.....	3,000,000
958	Alcorn State	Alcorn Stadium	
959	University	Miscellaneous campus repairs.....	2,500,000
960	Mississippi	Miscellaneous campus repairs.....	400,000
961	University		
962	For Women		
963	USM - Gulf Coast	Miscellaneous campus repairs.....	500,000
964	Research Lab and		
965	Gulf Park Campus		

966 **COMMUNITY AND JUNIOR COLLEGES:**

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

974	Coahoma.....	1,473,400
975	Co-Lin.....	374,996
976	East Central.....	321,364
977	East Miss.....	295,021
978	Hinds.....	873,120
979	Holmes.....	357,910
980	Itawamba.....	421,036
981	Jones Co.....	549,303
982	Meridian.....	402,762
983	Miss. Delta.....	393,626
984	Mississippi Gulf Coast.....	786,754
985	Northeast Miss.....	489,975
986	Northwest Miss.....	492,586



987	Pearl River.....	428,155
988	Southwest Miss.....	339,992
989	<b>DEPARTMENT OF WILDLIFE, FISHERIES AND PARKS:</b>	
990	J.P. Coleman	Addition of marina slips
991		and parking..... 675,000
992	Buccaneer	Expand wave pool and
993		attendant facilities..... 460,000
994	Roosevelt	Construct lodge and parking..... 650,000
995	Roosevelt	Construct swimming pool and
996		attendant facilities..... 200,000
997	Statewide	FY-91 Soil Stabilization Program..... 200,000
998	Percy Quinn	Construction of a convention center
999		and additional lodge rooms..... 1,000,000
1000	Feasibility study.....	100,000
1001	The Department of Finance and Administration shall study	
1002	appropriate measures to enhance revenues generated by the park	
1003	system, including the desirability and feasibility of private	
1004	investment ventures at state parks. In order to consider the	
1005	feasibility of private investment at state parks the department	
1006	shall employ a qualified firm with expertise to study and assist	
1007	in this regard.	
1008	<b>DEPARTMENT OF CORRECTIONS:</b> Construction, repair, and/or	
1009	renovation of the following projects will be accomplished	
1010	utilizing inmate labor where possible to affect cost savings. The	
1011	Department of Correction Facilities Engineer shall determine the	
1012	extent of inmate labor available to affect maximum savings. Such	
1013	savings may be transferred to any of the following construction	
1014	projects:	
1015	<b>DEPARTMENT OF CORRECTIONS:</b>	
1016	Calhoun County	Replace Community Work Center..... 50,000
1017	State Penitentiary	FY-91 Housing renovation program..... 700,000
1018	South Mississippi	Construct emergency vehicle and
1019	Correctional	repair building..... 200,000



1020 Institution

1021 **MISSISSIPPI AUTHORITY FOR EDUCATIONAL TELEVISION:**

1022 Replace production

1023 facility equipment..... 2,400,000

1024 **DEPARTMENT OF FINANCE AND ADMINISTRATION:**

1025 Restoration of Central High

1026 Legislative Services Building..... 2,000,000

1027 There is also hereby allocated

1028 for the restoration of such

1029 office facilities not more than

1030 \$6,575,000.00 of the proceeds of

1031 bonds issued under Chapter 2,

1032 First Extraordinary Session of

1033 1989, which proceeds were

1034 originally allocated therein

1035 for the construction of new

1036 facilities to house the Department

1037 of Rehabilitation Services.

1038 Install energy management system

1039 and related utility equipment

1040 in the "Capitol Complex"..... 2,000,000

1041 Acquire and improve land for parking

1042 in the "Capitol Complex"..... 25,000

1043 Construct additional parking

1044 facilities in the "Capitol

1045 Complex"..... 2,500,000

1046 **DEPARTMENT OF MENTAL HEALTH:**

1047 Statewide Construct eight ICF-MR community

1048 group homes..... 2,640,000

1049 East Mississippi Renovate shower facilities -

1050 State Hospital "Administration building"..... 350,000

1051 Ellisville State Replace dietary building..... 1,800,000

1052 Hudspeth FY-91 cottage renovation project..... 310,000



1053	Retardation Center		
1054	Mississippi	Life-safety upgrade renovation	
1055	State Hospital	of building 34.....	1,400,000
1056		Life-safety upgrade renovation	
1057		of building 87.....	1,200,000
1058		Life-safety upgrade renovation	
1059		of building 90.....	1,500,000
1060	North Mississippi	Construct ICF-MR	
1061	Retardation	severely-handicapped building.....	2,400,000
1062	Center		
1063	South Mississippi	Construct ICF-MR	
1064	Retardation	severely-handicapped building.....	2,400,000
1065	Center		
1066	<b>DEPARTMENT OF HUMAN SERVICES:</b>		
1067	Department of	FY-91 Campus-housing renovation	
1068	Youth Services	program for the Columbia and	
1069		Oakley campuses.....	300,000
1070	<b>DEPARTMENT OF ARCHIVES AND HISTORY:</b>		
1071		Installation of movable shelving	
1072		in the Charlotte Capers Archives	
1073		and History Building.....	500,000
1074	<b>TOTAL</b> .....		\$63,085,000

1075       The Department of Finance and Administration is authorized to  
1076 pay up to the amounts stipulated in this section for the purchase  
1077 of land and buildings. In no case shall the department pay an  
1078 amount in excess of the appraised value of the property to be  
1079 acquired. The appraised value shall be determined by taking the  
1080 average of two (2) appraisals performed by different competent  
1081 appraisers, one (1) to be selected by the Department of Finance  
1082 and Administration and one (1) to be selected by the Department of  
1083 Audit.

1084       (8) A special fund, to be designated the "1991 Mississippi  
1085 Public Facilities Capital Improvement Contingency Revolving Fund,"





1086 is hereby created in the State Treasury. Amounts deposited into  
1087 such fund shall be disbursed to: (a) pay costs of projects  
1088 identified in subsection (7) of this section in the event that the  
1089 actual cost of such project not paid from sources other than the  
1090 proceeds of the bonds authorized pursuant to this act shall exceed  
1091 the amount specified in subsection (7), provided that the total  
1092 amount disbursed from such fund with respect to any project may  
1093 not exceed ten percent (10%) of the amount allocated to such  
1094 project as set forth in subsection (7); and (b) pay costs of other  
1095 projects as may be authorized in a subsequent act. Promptly after  
1096 the State Bond Commission, by resolution duly adopted, shall have  
1097 certified that all of the projects specified in subsection (7)  
1098 (and all other projects, if any, the payment of all or part of the  
1099 cost of which from the 1991 Mississippi Public Facilities Capital  
1100 Improvement Contingency Revolving Fund shall have been authorized  
1101 in a subsequent act) shall have been completed or abandoned, any  
1102 amounts remaining in the 1991 Mississippi Public Facilities  
1103 Capital Improvement Contingency Revolving Fund shall be applied to  
1104 pay debt service on bonds issued pursuant to this act, in  
1105 accordance with the proceedings authorizing issuance of such  
1106 bonds. Any funds remaining after construction of the above  
1107 buildings at Mississippi State Hospital can be used for  
1108 furnishings and equipment in Buildings 34, 87, 90 and 33.

1109 (9) Each of the funds created pursuant to subsections (1),  
1110 (2), (3), (4), (5), (6), (7) and (8) above shall be maintained by  
1111 the State Treasurer as a separate and special fund, separate and  
1112 apart from the General Fund of the state, and investment earnings  
1113 on amounts in each such fund shall be deposited into such fund.  
1114 The expenditure of monies deposited into such special funds shall  
1115 be under the direction of the Department of Finance and  
1116 Administration, and such funds shall be paid by the State  
1117 Treasurer upon warrants issued by such department, which warrants



1118 shall be issued upon requisitions signed by the Executive Director  
1119 of the Department of Finance and Administration.

1120 **SECTION 13.** Section 37-3-2, Mississippi Code of 1972, is  
1121 amended as follows:

1122 37-3-2. (1) There is established within the State  
1123 Department of Education the Commission on Teacher and  
1124 Administrator Education, Certification and Licensure and  
1125 Development. It shall be the purpose and duty of the commission  
1126 to make recommendations to the State Board of Education regarding  
1127 standards for the certification and licensure and continuing  
1128 professional development of those who teach or perform tasks of an  
1129 educational nature in the public schools of Mississippi.

1130 (2) The commission shall be composed of fifteen (15)  
1131 qualified members. The membership of the commission shall be  
1132 composed of the following members to be appointed, three (3) from  
1133 each congressional district: four (4) classroom teachers; three  
1134 (3) school administrators; one (1) representative of schools of  
1135 education of institutions of higher learning located within the  
1136 state to be recommended by the Board of Trustees of State  
1137 Institutions of Higher Learning; one (1) representative from the  
1138 schools of education of independent institutions of higher  
1139 learning to be recommended by the Board of the Mississippi  
1140 Association of Independent Colleges; one (1) representative from  
1141 public community \* \* \* colleges located within the state to be  
1142 recommended by the \* \* \* Board of Trustees of State Institutions  
1143 of Higher Learning; one (1) local school board member; and four  
1144 (4) lay persons. All appointments shall be made by the State  
1145 Board of Education after consultation with the State  
1146 Superintendent of Public Education. The first appointments by the  
1147 State Board of Education shall be made as follows: five (5)  
1148 members shall be appointed for a term of one (1) year; five (5)  
1149 members shall be appointed for a term of two (2) years; and five  
1150 (5) members shall be appointed for a term of three (3) years.



1151 Thereafter, all members shall be appointed for a term of four (4)  
1152 years.

1153 (3) The State Board of Education when making appointments  
1154 shall designate a chairman. The commission shall meet at least  
1155 once every two (2) months or more often if needed. Members of the  
1156 commission shall be compensated at a rate of per diem as  
1157 authorized by Section 25-3-69 and be reimbursed for actual and  
1158 necessary expenses as authorized by Section 25-3-41.

1159 (4) An appropriate staff member of the State Department of  
1160 Education shall be designated and assigned by the State  
1161 Superintendent of Public Education to serve as executive secretary  
1162 and coordinator for the commission. No less than two (2) other  
1163 appropriate staff members of the State Department of Education  
1164 shall be designated and assigned by the State Superintendent of  
1165 Public Education to serve on the staff of the commission.

1166 (5) It shall be the duty of the commission to:

1167 (a) Set standards and criteria, subject to the approval  
1168 of the State Board of Education, for all educator preparation  
1169 programs in the state;

1170 (b) Recommend to the State Board of Education each year  
1171 approval or disapproval of each educator preparation program in  
1172 the state;

1173 (c) Establish, subject to the approval of the State  
1174 Board of Education, standards for initial teacher certification  
1175 and licensure in all fields;

1176 (d) Establish, subject to the approval of the State  
1177 Board of Education, standards for the renewal of teacher licenses  
1178 in all fields;

1179 (e) Review and evaluate objective measures of teacher  
1180 performance, such as test scores, which may form part of the  
1181 licensure process, and to make recommendations for their use;

1182 (f) Review all existing requirements for certification  
1183 and licensure;



1184 (g) Consult with groups whose work may be affected by  
1185 the commission's decisions;

1186 (h) Prepare reports from time to time on current  
1187 practices and issues in the general area of teacher education and  
1188 certification and licensure;

1189 (i) Hold hearings concerning standards for teachers'  
1190 and administrators' education and certification and licensure with  
1191 approval of the State Board of Education;

1192 (j) Hire expert consultants with approval of the State  
1193 Board of Education;

1194 (k) Set up ad hoc committees to advise on specific  
1195 areas; and

1196 (l) Perform such other functions as may fall within  
1197 their general charge and which may be delegated to them by the  
1198 State Board of Education.

1199 (6) (a) **Standard License - Approved Program Route.** An  
1200 educator entering the school system of Mississippi for the first  
1201 time and meeting all requirements as established by the State  
1202 Board of Education shall be granted a standard five-year license.  
1203 Persons who possess two (2) years of classroom experience as an  
1204 assistant teacher or who have taught for one (1) year in an  
1205 accredited public or private school shall be allowed to fulfill  
1206 student teaching requirements under the supervision of a qualified  
1207 participating teacher approved by an accredited college of  
1208 education. The local school district in which the assistant  
1209 teacher is employed shall compensate such assistant teachers at  
1210 the required salary level during the period of time such  
1211 individual is completing student teaching requirements.

1212 Applicants for a standard license shall submit to the department:

1213 (i) An application on a department form;

1214 (ii) An official transcript of completion of a  
1215 teacher education program or a bachelor of science degree with  
1216 child development emphasis from a program accredited by the



1217 American Association of Family and Consumer Sciences (AAFCS)  
1218 approved by the department or a nationally accredited program,  
1219 subject to the following: Licensure to teach in Mississippi  
1220 prekindergarten through kindergarten classrooms shall require  
1221 completion of a teacher education program or a bachelor of science  
1222 degree with child development emphasis from a program accredited  
1223 by the American Association of Family and Consumer Sciences  
1224 (AAFCS). Licensure to teach in Mississippi kindergarten, for  
1225 those applicants who have completed a teacher education program,  
1226 and in Grade 1 through Grade 4 shall require the completion of an  
1227 interdisciplinary program of studies. Licenses for Grades 4  
1228 through 8 shall require the completion of an interdisciplinary  
1229 program of studies with two (2) or more areas of concentration.  
1230 Licensure to teach in Mississippi Grades 7 through 12 shall  
1231 require a major in an academic field other than education, or a  
1232 combination of disciplines other than education. Students  
1233 preparing to teach a subject shall complete a major in the  
1234 respective subject discipline. All applicants for standard  
1235 licensure shall demonstrate that such person's college preparation  
1236 in those fields was in accordance with the standards set forth by  
1237 the National Council for Accreditation of Teacher Education  
1238 (NCATE) or the National Association of State Directors of Teacher  
1239 Education and Certification (NASDTEC) or, for those applicants who  
1240 have a bachelor of science degree with child development emphasis,  
1241 the American Association of Family and Consumer Sciences (AAFCS);  
1242 (iii) A copy of test scores evidencing  
1243 satisfactory completion of nationally administered examinations of  
1244 achievement, such as the Educational Testing Service's teacher  
1245 testing examinations; and  
1246 (iv) Any other document required by the State  
1247 Board of Education.



1248 (b) **Standard License - Alternate Teaching Route.**

1249 Applicants for a standard license-alternate teaching route shall  
1250 submit to the department:

1251 (i) An application on a department form;

1252 (ii) An official transcript evidencing a bachelors  
1253 degree from an accredited institution of higher learning;

1254 (iii) A copy of test scores evidencing  
1255 satisfactory completion of an examination of achievement specified  
1256 by the commission and approved by the State Board of Education;

1257 (iv) An official transcript evidencing appropriate  
1258 credit hours or a copy of test scores evidencing successful  
1259 completion of tests as required by the State Board of Education;

1260 and

1261 (v) Any other document required by the State Board  
1262 of Education.

1263 A Standard License-Approved Program Route and a Standard  
1264 License-Alternate Teaching Route shall be issued for a five-year  
1265 period, and may be renewed. Recognizing teaching as a profession,  
1266 a hiring preference shall be granted to persons holding a Standard  
1267 License-Approved Program Route or Standard License-Alternate  
1268 Teaching Route over persons holding any other license.

1269 (c) **Special License - Expert Citizen.** In order to  
1270 allow a school district to offer specialized or technical courses,  
1271 the State Department of Education, in accordance with rules and  
1272 regulations established by the State Board of Education, may grant  
1273 a one-year expert citizen-teacher license to local business or  
1274 other professional personnel to teach in a public school or  
1275 nonpublic school accredited or approved by the state. Such person  
1276 may begin teaching upon his employment by the local school board  
1277 and licensure by the Mississippi Department of Education. The  
1278 board shall adopt rules and regulations to administer the expert  
1279 citizen-teacher license. A special license-expert citizen may be



1280 renewed in accordance with the established rules and regulations  
1281 of the State Department of Education.

1282           (d) **Special License - Nonrenewable.** The State Board of  
1283 Education is authorized to establish rules and regulations to  
1284 allow those educators not meeting requirements in subsection  
1285 (6) (a), (b) or (c) to be licensed for a period of not more than  
1286 three (3) years, except by special approval of the State Board of  
1287 Education.

1288           (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
1289 person may teach for a maximum of three (3) periods per teaching  
1290 day in a public school or a nonpublic school accredited/approved  
1291 by the state. Such person shall submit to the department a  
1292 transcript or record of his education and experience which  
1293 substantiates his preparation for the subject to be taught and  
1294 shall meet other qualifications specified by the commission and  
1295 approved by the State Board of Education. In no case shall any  
1296 local school board hire nonlicensed personnel as authorized under  
1297 this paragraph in excess of five percent (5%) of the total number  
1298 of licensed personnel in any single school.

1299           (f) In the event any school district meets Level 4 or 5  
1300 accreditation standards, the State Board of Education, in its  
1301 discretion, may exempt such school district from any restrictions  
1302 in paragraph (e) relating to the employment of nonlicensed  
1303 teaching personnel.

1304           (7) **Administrator License.** The State Board of Education is  
1305 authorized to establish rules and regulations and to administer  
1306 the licensure process of the school administrators in the State of  
1307 Mississippi. There will be four (4) categories of administrator  
1308 licensure with exceptions only through special approval of the  
1309 State Board of Education.

1310           (a) **Administrator License - Nonpracticing.** Those  
1311 educators holding administrative endorsement but have no



1312 administrative experience or not serving in an administrative  
1313 position on January 15, 1997.

1314           (b) **Administrator License - Entry Level.** Those  
1315 educators holding administrative endorsement and having met the  
1316 department's qualifications to be eligible for employment in a  
1317 Mississippi school district. Administrator license - entry level  
1318 shall be issued for a five-year period and shall be nonrenewable.

1319           (c) **Standard Administrator License - Career Level.** An  
1320 administrator who has met all the requirements of the department  
1321 for standard administrator licensure.

1322           (d) **Administrator License - Alternate Route.** The board  
1323 may establish an alternate route for licensing administrative  
1324 personnel. Such alternate route for administrative licensure  
1325 shall be available for persons holding, but not limited to, a  
1326 master of business administration degree, a master of public  
1327 administration degree or a master of public planning and policy  
1328 degree from an accredited college or university, with five (5)  
1329 years of administrative or supervisory experience. Successful  
1330 completion of the requirements of alternate route licensure for  
1331 administrators shall qualify the person for a standard  
1332 administrator license.

1333           Beginning with the 1997-1998 school year, individuals seeking  
1334 school administrator licensure under paragraph (b), (c) or (d)  
1335 shall successfully complete a training program and an assessment  
1336 process prescribed by the State Board of Education. Applicants  
1337 seeking school administrator licensure prior to June 30, 1997, and  
1338 completing all requirements for provisional or standard  
1339 administrator certification and who have never practiced, shall be  
1340 exempt from taking the Mississippi Assessment Battery Phase I.  
1341 Applicants seeking school administrator licensure during the  
1342 period beginning July 1, 1997, through June 30, 1998, shall  
1343 participate in the Mississippi Assessment Battery, and upon  
1344 request of the applicant, the department shall reimburse the





1345 applicant for the cost of the assessment process required. After  
1346 June 30, 1998, all applicants for school administrator licensure  
1347 shall meet all requirements prescribed by the department under  
1348 paragraph (b), (c) or (d), and the cost of the assessment process  
1349 required shall be paid by the applicant.

1350       (8) **Reciprocity.** (a) The department shall grant a standard  
1351 license to any individual who possesses a valid standard license  
1352 from another state and has a minimum of two (2) years of full-time  
1353 teaching or administrator experience.

1354       (b) The department shall grant a nonrenewable special  
1355 license to any individual who possesses a credential which is less  
1356 than a standard license or certification from another state, or  
1357 who possesses a standard license from another state but has less  
1358 than two (2) years of full-time teaching or administration  
1359 experience. Such special license shall be valid for the current  
1360 school year plus one (1) additional school year to expire on June  
1361 30 of the second year, not to exceed a total period of twenty-four  
1362 (24) months, during which time the applicant shall be required to  
1363 complete the requirements for a standard license in Mississippi.

1364       (9) **Renewal and Reinstatement of Licenses.** The State Board  
1365 of Education is authorized to establish rules and regulations for  
1366 the renewal and reinstatement of educator and administrator  
1367 licenses. Effective May 15, 1997, the valid standard license held  
1368 by an educator shall be extended five (5) years beyond the  
1369 expiration date of the license in order to afford the educator  
1370 adequate time to fulfill new renewal requirements established  
1371 pursuant to this subsection. An educator completing a master of  
1372 education, educational specialist or doctor of education degree in  
1373 May 1997 for the purpose of upgrading the educator's license to a  
1374 higher class shall be given this extension of five (5) years plus  
1375 five (5) additional years for completion of a higher degree.

1376       (10) All controversies involving the issuance, revocation,  
1377 suspension or any change whatsoever in the licensure of an



1378 educator required to hold a license shall be initially heard in a  
1379 hearing de novo, by the commission or by a subcommittee  
1380 established by the commission and composed of commission members  
1381 for the purpose of holding hearings. Any complaint seeking the  
1382 denial of issuance, revocation or suspension of a license shall be  
1383 by sworn affidavit filed with the Commission of Teacher and  
1384 Administrator Education, Certification and Licensure and  
1385 Development. The decision thereon by the commission or its  
1386 subcommittee shall be final, unless the aggrieved party shall  
1387 appeal to the State Board of Education, within ten (10) days, of  
1388 the decision of the committee or its subcommittee. An appeal to  
1389 the State Board of Education shall be on the record previously  
1390 made before the commission or its subcommittee unless otherwise  
1391 provided by rules and regulations adopted by the board. The State  
1392 Board of Education in its authority may reverse, or remand with  
1393 instructions, the decision of the committee or its subcommittee.  
1394 The decision of the State Board of Education shall be final.

1395 (11) The State Board of Education, acting through the  
1396 commission, may deny an application for any teacher or  
1397 administrator license for one or more of the following:

1398 (a) Lack of qualifications which are prescribed by law  
1399 or regulations adopted by the State Board of Education;

1400 (b) The applicant has a physical, emotional or mental  
1401 disability that renders the applicant unfit to perform the duties  
1402 authorized by the license, as certified by a licensed psychologist  
1403 or psychiatrist;

1404 (c) The applicant is actively addicted to or actively  
1405 dependent on alcohol or other habit-forming drugs or is a habitual  
1406 user of narcotics, barbiturates, amphetamines, hallucinogens, or  
1407 other drugs having similar effect, at the time of application for  
1408 a license;

1409 (d) Revocation of an applicant's certificate or license  
1410 by another state;



1411 (e) Fraud or deceit committed by the applicant in  
1412 securing or attempting to secure such certification and license;

1413 (f) Failing or refusing to furnish reasonable evidence  
1414 of identification;

1415 (g) The applicant has been convicted, has pled guilty  
1416 or entered a plea of nolo contendere to a felony, as defined by  
1417 federal or state law; or

1418 (h) The applicant has been convicted, has pled guilty  
1419 or entered a plea of nolo contendere to a sex offense as defined  
1420 by federal or state law.

1421 (12) The State Board of Education, acting on the  
1422 recommendation of the commission, may revoke or suspend any  
1423 teacher or administrator license for specified periods of time for  
1424 one or more of the following:

1425 (a) Breach of contract or abandonment of employment may  
1426 result in the suspension of the license for one (1) school year as  
1427 provided in Section 37-9-57;

1428 (b) Obtaining a license by fraudulent means shall  
1429 result in immediate suspension and continued suspension for one  
1430 (1) year after correction is made;

1431 (c) Suspension or revocation of a certificate or  
1432 license by another state shall result in immediate suspension or  
1433 revocation and shall continue until records in the prior state  
1434 have been cleared;

1435 (d) The license holder has been convicted, has pled  
1436 guilty or entered a plea of nolo contendere to a felony, as  
1437 defined by federal or state law;

1438 (e) The license holder has been convicted, has pled  
1439 guilty or entered a plea of nolo contendere to a sex offense, as  
1440 defined by federal or state law; or

1441 (f) The license holder knowingly and willfully  
1442 committing any of the acts affecting validity of mandatory uniform  
1443 test results as provided in Section 37-16-4(1).



1444           (13) (a) Dismissal or suspension of a licensed employee by  
1445 a local school board pursuant to Section 37-9-59 may result in the  
1446 suspension or revocation of a license for a length of time which  
1447 shall be determined by the commission and based upon the severity  
1448 of the offense.

1449           (b) Any offense committed or attempted in any other  
1450 state shall result in the same penalty as if committed or  
1451 attempted in this state.

1452           (c) A person may voluntarily surrender a license. The  
1453 surrender of such license may result in the commission  
1454 recommending any of the above penalties without the necessity of a  
1455 hearing. However, any such license which has voluntarily been  
1456 surrendered by a licensed employee may be reinstated by a  
1457 unanimous vote of all members of the commission.

1458           (14) A person whose license has been suspended on any  
1459 grounds except criminal grounds may petition for reinstatement of  
1460 the license after one (1) year from the date of suspension, or  
1461 after one-half (1/2) of the suspended time has lapsed, whichever  
1462 is greater. A license suspended on the criminal grounds may be  
1463 reinstated upon petition to the commission filed after expiration  
1464 of the sentence and parole or probationary period imposed upon  
1465 conviction. A revoked license may be reinstated upon satisfactory  
1466 showing of evidence of rehabilitation. The commission shall  
1467 require all who petition for reinstatement to furnish evidence  
1468 satisfactory to the commission of good character, good mental,  
1469 emotional and physical health and such other evidence as the  
1470 commission may deem necessary to establish the petitioner's  
1471 rehabilitation and fitness to perform the duties authorized by the  
1472 license.

1473           (15) Reporting procedures and hearing procedures for dealing  
1474 with infractions under this section shall be promulgated by the  
1475 commission, subject to the approval of the State Board of  
1476 Education. The revocation or suspension of a license shall be



1477 effected at the time indicated on the notice of suspension or  
1478 revocation. The commission shall immediately notify the  
1479 superintendent of the school district or school board where the  
1480 teacher or administrator is employed of any disciplinary action  
1481 and also notify the teacher or administrator of such revocation or  
1482 suspension and shall maintain records of action taken. The State  
1483 Board of Education may reverse or remand with instructions any  
1484 decision of the commission regarding a petition for reinstatement  
1485 of a license, and any such decision of the State Board of  
1486 Education shall be final.

1487 (16) An appeal from the action of the State Board of  
1488 Education in denying an application, revoking or suspending a  
1489 license or otherwise disciplining any person under the provisions  
1490 of this section, shall be filed in the Chancery Court of the First  
1491 Judicial District of Hinds County on the record made, including a  
1492 verbatim transcript of the testimony at the hearing. The appeal  
1493 shall be filed within thirty (30) days after notification of the  
1494 action of the board is mailed or served and the proceedings in  
1495 chancery court shall be conducted as other matters coming before  
1496 the court. The appeal shall be perfected upon filing notice of  
1497 the appeal and by the prepayment of all costs, including the cost  
1498 of preparation of the record of the proceedings by the State Board  
1499 of Education, and the filing of a bond in the sum of Two Hundred  
1500 Dollars (\$200.00) conditioned that if the action of the board be  
1501 affirmed by the chancery court, the applicant or license holder  
1502 shall pay the costs of the appeal and the action of the chancery  
1503 court.

1504 (17) All such programs, rules, regulations, standards and  
1505 criteria recommended or authorized by the commission shall become  
1506 effective upon approval by the State Board of Education as  
1507 designated by appropriate orders entered upon the minutes thereof.

1508 (18) The granting of a license shall not be deemed a  
1509 property right nor a guarantee of employment in any public school



1510 district. A license is a privilege indicating minimal eligibility  
1511 for teaching in the public schools of Mississippi. This section  
1512 shall in no way alter or abridge the authority of local school  
1513 districts to require greater qualifications or standards of  
1514 performance as a prerequisite of initial or continued employment  
1515 in such districts.

1516 (19) In addition to the reasons specified in subsections  
1517 (12) and (13) of this section, the board shall be authorized to  
1518 suspend the license of any licensee for being out of compliance  
1519 with an order for support, as defined in Section 93-11-153. The  
1520 procedure for suspension of a license for being out of compliance  
1521 with an order for support, and the procedure for the reissuance or  
1522 reinstatement of a license suspended for that purpose, and the  
1523 payment of any fees for the reissuance or reinstatement of a  
1524 license suspended for that purpose, shall be governed by Section  
1525 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
1526 board in suspending a license when required by Section 93-11-157  
1527 or 93-11-163 are not actions from which an appeal may be taken  
1528 under this section. Any appeal of a license suspension that is  
1529 required by Section 93-11-157 or 93-11-163 shall be taken in  
1530 accordance with the appeal procedure specified in Section  
1531 93-11-157 or 93-11-163, as the case may be, rather than the  
1532 procedure specified in this section. If there is any conflict  
1533 between any provision of Section 93-11-157 or 93-11-163 and any  
1534 provision of this chapter, the provisions of Section 93-11-157 or  
1535 93-11-163, as the case may be, shall control.

1536 **SECTION 14.** Section 37-4-1, Mississippi Code of 1972, is  
1537 amended as follows:

1538 37-4-1. The Legislature finds and determines that the  
1539 social, cultural and economic well-being of the people of  
1540 Mississippi, and hence the state, are enhanced by various  
1541 educational experiences beyond the elementary and secondary school  
1542 years. The Legislature hereby provides a means for the



1543 continuation of a system of community \* \* \* colleges and declares  
1544 the following to be the policy of the State of Mississippi:

1545           (a) The general purpose of the community \* \* \* colleges  
1546 is to provide educational services for the people of its  
1547 geographic area within the legal structure of the comprehensive  
1548 community college. These services include the teaching and  
1549 guiding of students who intend to transfer to senior colleges to  
1550 pursue an academic degree and the teaching and guiding of  
1551 career-oriented students in academic, technical and vocational  
1552 programs. These services also include providing opportunities for  
1553 continuing education in academic, technical, vocational and adult  
1554 education, and providing leadership in civic, economic and  
1555 cultural growth.

1556           (b) Different geographic regions of the state have  
1557 differing needs for human development.

1558       \* \* \*

1559           (c) All post-high school youth and adults who have the  
1560 motivation and ability to benefit from additional educational  
1561 services and experiences should be provided such an opportunity.

1562           (d) Community \* \* \* colleges should provide quality  
1563 instructional activities that are accessible geographically and  
1564 financially to the people of the state, within the resources  
1565 available for this purpose.

1566           (e) Instructional activities should be related to the  
1567 needs of the individual, region and state, and should be available  
1568 throughout one's life regardless of prior educational experiences  
1569 or attainment.

1570           (f) An appropriate relationship between local district  
1571 and state financial support of community \* \* \* colleges shall be  
1572 established.

1573           (g) Coordination between public schools,  
1574 community \* \* \* colleges and universities shall complement the  
1575 educational goals and attainments of individuals and the state.



1576           (h) The associate degree should be a definitive and  
1577 accepted higher educational degree, recognized for transfer to  
1578 four-year institutions and for employment and promotion in  
1579 business and industry.

1580           (i) The community \* \* \* colleges shall be the  
1581 presumptive deliverers of public post-secondary training designed  
1582 to meet the needs of individuals, business and state development  
1583 objectives. This includes, but is not limited to, post-secondary  
1584 training conducted under federal and state vocational and  
1585 technical acts.

1586       \* \* \*

1587           **SECTION 15.** Section 37-4-9, Mississippi Code of 1972, is  
1588 amended as follows:

1589           37-4-9. The \* \* \* Board of Trustees of State Institutions of  
1590 Higher Learning is authorized to receive income from voluntary  
1591 fees, contributions, donations, other forms of financial  
1592 assistance, materials or manpower from persons, corporations,  
1593 organizations and other sources, private or public, to be utilized  
1594 and expended by the board in carrying out the incentive  
1595 certification program mandated by the Work Force and Education Act  
1596 of 1994 in Sections 37-151-63 through 37-151-75 \* \* \*.  
1597 Additionally, awards or scholarships to industry or to students or  
1598 both are authorized.

1599           **SECTION 16.** Section 37-4-11, Mississippi Code of 1972, is  
1600 amended as follows:

1601           37-4-11. (1) The purpose of this section is to insure the  
1602 uniform management, oversight and accountability of the  
1603 state-funded Industrial Training Programs, and postsecondary Adult  
1604 Short-term Training Programs and Workforce Education Programs  
1605 administered by the \* \* \* Board of Trustees of State Institutions  
1606 of Higher Learning for adults provided to the citizens of  
1607 Mississippi.





1608           (2) Effective July 1, 1999, all state-funded Industrial  
1609 Training Programs and postsecondary Adult Short-term Training  
1610 Programs administered by and through the State Department of  
1611 Education on June 30, 1999, shall be transferred to the Workforce  
1612 Education Program of the \* \* \* Board of Trustees of State  
1613 Institutions of Higher Learning. The Legislature shall  
1614 appropriate annually to the \* \* \* Board of Trustees of State  
1615 Institutions of Higher Learning funds necessary to administer  
1616 these programs.

1617           (3) Effective July 1, 1999, all funds, unexpended balances,  
1618 assets, liabilities and property of the State Department of  
1619 Education which are used in the delivery of postsecondary Adult  
1620 Short-term Training Programs and Industrial Training Programs,  
1621 excluding funds, unexpended balances, assets, liabilities and  
1622 property associated with the Research and Curriculum Unit at  
1623 Mississippi State University, shall be transferred to the  
1624 Workforce Education Program funds of the \* \* \* Board of Trustees  
1625 of State Institutions of Higher Learning. The State Department of  
1626 Education also shall transfer to the \* \* \* Board of Trustees of  
1627 State Institutions of Higher Learning all positions and funds  
1628 employed by the State Department of Education and community  
1629 colleges which render industrial training, postsecondary adult  
1630 short-term training or workforce education services, including the  
1631 seven (7) administrative and support positions providing support  
1632 to these programs. Sufficient staff positions shall be  
1633 transferred from the State Department of Education, which will  
1634 have a reduction in training and educational responsibilities by  
1635 virtue of this act, to the \* \* \* Board of Trustees of State  
1636 Institutions of Higher Learning to assure that the transferred  
1637 responsibilities will be properly managed and administered. Any  
1638 funds available to the State Department of Education for  
1639 Industrial Training Programs and state-funded postsecondary Adult  
1640 Short-term Training Programs which are subject to carryover shall



1641 be transferred to the Work Force Carryover Fund established by  
1642 Chapter 498, Laws of 1995, for use by the \* \* \* Board of Trustees  
1643 of State Institutions of Higher Learning, on or before August 15,  
1644 1999.

1645 (4) The \* \* \* Board of Trustees of State Institutions of  
1646 Higher Learning shall develop an accountability system that shall  
1647 report and describe all classes taught in the area of workforce  
1648 education, the number of persons taught in these classes, and the  
1649 location and cost of each class taught. To assess the impact of  
1650 these programs, the Board of Trustees of State Institutions of  
1651 Higher Learning also shall report:

1652 (a) Whether the needs of industry have been met through  
1653 training program offerings;

1654 (b) Any changes in the income of trainees between the  
1655 completion of training and the date of the report;

1656 (c) The number of jobs created and the number of jobs  
1657 retained through the programs; and

1658 (d) Trainee success in passing proficiency tests, where  
1659 applicable.

1660 This information shall be reported on a fiscal year basis and  
1661 shall be provided to the House and Senate Education Committees  
1662 before December 15 of each year.

1663 (5) This section shall be repealed on July 1, 2003.

1664 **SECTION 17.** Section 37-11-17, Mississippi Code of 1972, is  
1665 amended as follows:

1666 37-11-17. (1) The State Board of Education, the Board of  
1667 Trustees of State Institutions of Higher Learning, \* \* \* the  
1668 county boards of education, the governing authorities of any  
1669 county, municipal or other public school districts, such other  
1670 boards set up by law for any educational institution, school,  
1671 college or university, or their authorized representative, or the  
1672 State Health Officer or his authorized representative, may require  
1673 any teacher, supervisor, janitor or other employee of the school



1674 to submit to a thorough physical examination, deemed advisable to  
1675 determine whether he has any infectious or communicable disease.

1676 (2) The State Board of Education may develop a program to  
1677 accomplish the identification of public school students with  
1678 abnormal spinal curvature. No state funds shall be expended for  
1679 the purposes of implementing this subsection. Such program shall:

1680 (a) Provide that an adequate number of school personnel  
1681 in each district be instructed by qualified medical experts in the  
1682 proper examination of students for abnormal spinal curvatures;

1683 (b) Provide that all public school students who are at  
1684 least ten (10) years old be screened at least every two (2) years  
1685 but at least in the fourth, sixth, eighth and tenth grades or at  
1686 such other times as may be recommended by medical experts on a per  
1687 case basis;

1688 (c) Provide that students identified as having abnormal  
1689 spinal curvatures or potential for abnormal spinal curvatures be  
1690 referred to the county health officer or to the student's personal  
1691 physician or chiropractor with notice of the evaluation; and

1692 (d) Provide for notification of the parent or guardian  
1693 of any student identified under this program and for the supplying  
1694 to such parent or guardian information on the condition and  
1695 resources available for the correction or treatment of such  
1696 condition. However, the requirement for screening shall not apply  
1697 to a child whose parent or guardian objects thereto on grounds  
1698 that the requirement conflicts with his conscientiously held  
1699 religious beliefs.

1700 **SECTION 18.** Section 37-13-92, Mississippi Code of 1972, is  
1701 amended as follows:

1702 37-13-92. (1) Beginning with the school year 1993-1994, the  
1703 school boards of all school districts shall establish, maintain  
1704 and operate, in connection with the regular programs of the school  
1705 district, an alternative school program for, but not limited to,  
1706 the following categories of compulsory-school-age students:



1707           (a) Any compulsory-school-age child who has been  
1708 suspended for more than ten (10) days or expelled from school,  
1709 except for any student expelled for possession of a weapon or  
1710 other felonious conduct;

1711           (b) Any compulsory-school-age child referred to such  
1712 alternative school based upon a documented need for placement in  
1713 the alternative school program by the parent, legal guardian or  
1714 custodian of such child due to disciplinary problems;

1715           (c) Any compulsory-school-age child referred to such  
1716 alternative school program by the dispositive order of a  
1717 chancellor or youth court judge, with the consent of the  
1718 superintendent of the child's school district; and

1719           (d) Any compulsory-school-age child whose presence in  
1720 the classroom, in the determination of the school superintendent  
1721 or principal, is a disruption to the educational environment of  
1722 the school or a detriment to the best interest and welfare of the  
1723 students and teacher of such class as whole.

1724           (2) The principal or program administrator of any such  
1725 alternative school program shall require verification from the  
1726 appropriate guidance counselor of any such child referred to the  
1727 alternative school program regarding the suitability of such child  
1728 for attendance at the alternative school program. Before a  
1729 student may be removed to an alternative school education program,  
1730 the superintendent of the student's school district must determine  
1731 that the written and distributed disciplinary policy of the local  
1732 district is being followed. The policy shall include standards  
1733 for:

1734           (a) The removal of a student to an alternative  
1735 education program that will include a process of educational  
1736 review to develop the student's individual instruction plan and  
1737 the evaluation at regular intervals of the student's educational  
1738 progress; the process shall include classroom teachers and/or  
1739 other appropriate professional personnel, as defined in the



1740 district policy, to ensure a continuing educational program for  
1741 the removed student;

1742 (b) The duration of alternative placement; and

1743 (c) The notification of parents or guardians, and their  
1744 appropriate inclusion in the removal and evaluation process, as  
1745 defined in the district policy. Nothing in this paragraph should  
1746 be defined in a manner to circumvent the principal's or the  
1747 superintendent's authority to remove a student to alternative  
1748 education.

1749 (3) The local school board or the superintendent shall  
1750 provide for the continuing education of a student who has been  
1751 removed to an alternative school program.

1752 (4) A school district, in its discretion, may provide a  
1753 program of general educational development (GED) preparatory  
1754 instruction in the alternative school program. However, any GED  
1755 preparation program offered in an alternative school program must  
1756 be administered in compliance with the rules and regulations  
1757 established for such programs under Sections 37-35-1 through  
1758 37-35-11 and by the Board of Trustees of State Institutions of  
1759 Higher Learning. The school district may administer the General  
1760 Educational Development (GED) Testing Program under the policies  
1761 and guidelines of the GED Testing Service of the American Council  
1762 on Education in the alternative school program or may authorize  
1763 the test to be administered through the community \* \* \* college  
1764 district in which the alternative school is situated.

1765 (5) Any such alternative school program operated under the  
1766 authority of this section shall meet all appropriate accreditation  
1767 requirements of the State Department of Education.

1768 (6) The alternative school program may be held within such  
1769 school district or may be operated by two (2) or more adjacent  
1770 school districts, pursuant to a contract approved by the State  
1771 Board of Education. When two (2) or more school districts  
1772 contract to operate an alternative school program, the school



1773 board of a district designated to be the lead district shall serve  
1774 as the governing board of the alternative school program.  
1775 Transportation for students attending the alternative school  
1776 program shall be the responsibility of the local school district.  
1777 The expense of establishing, maintaining and operating such  
1778 alternative school program may be paid from funds contributed or  
1779 otherwise made available to the school district for such purpose  
1780 or from local district maintenance funds.

1781 (7) The State Board of Education shall promulgate minimum  
1782 guidelines for alternative school programs. The guidelines shall  
1783 require, at a minimum, the formulation of an individual  
1784 instruction plan for each student referred to the alternative  
1785 school program and, upon a determination that it is in a student's  
1786 best interest for that student to receive general educational  
1787 development (GED) preparatory instruction, that the local school  
1788 board assign the student to a GED preparatory program established  
1789 under subsection (4) of this section. The minimum guidelines for  
1790 alternative school programs shall also require the following  
1791 components:

1792 (a) Clear guidelines and procedures for placement of  
1793 students into alternative education programs which at a minimum  
1794 shall prescribe due process procedures for disciplinary and  
1795 general educational development (GED) placement;

1796 (b) Clear and consistent goals for students and  
1797 parents;

1798 (c) Curricula addressing cultural and learning style  
1799 differences;

1800 (d) Direct supervision of all activities on a closed  
1801 campus;

1802 (e) Full-day attendance with a rigorous workload and  
1803 minimal time off;



1804 (f) Selection of program from options provided by the  
1805 local school district, Division of Youth Services or the youth  
1806 court, including transfer to a community-based alternative school;

1807 (g) Continual monitoring and evaluation and formalized  
1808 passage from one step or program to another;

1809 (h) A motivated and culturally diverse staff;

1810 (i) Counseling for parents and students;

1811 (j) Administrative and community support for the  
1812 program; and

1813 (k) Clear procedures for annual alternative school  
1814 program review and evaluation.

1815 (8) On request of a school district, the State Department of  
1816 Education shall provide the district informational material on  
1817 developing an alternative school program that takes into  
1818 consideration size, wealth and existing facilities in determining  
1819 a program best suited to a district.

1820 (9) Any compulsory-school-age child who becomes involved in  
1821 any criminal or violent behavior shall be removed from such  
1822 alternative school program and, if probable cause exists, a case  
1823 shall be referred to the youth court.

1824 (10) The State Board of Education, in its discretion, may  
1825 exempt not more than four (4) school district alternative school  
1826 programs in the state from any compulsory standard of  
1827 accreditation for a period of three (3) years. During this  
1828 period, the State Department of Education shall conduct a study of  
1829 all alternative school programs in the state, and on or before  
1830 January 1, 2000, shall develop and promulgate accreditation  
1831 standards for all alternative school programs, including any  
1832 recommendations for necessary legislation relating to such  
1833 alternative school programs.

1834 **SECTION 19.** Section 37-27-6, Mississippi Code of 1972, is  
1835 amended as follows:



1836           37-27-6. The board of supervisors of any county wherein the  
1837 control, operation and maintenance of the agricultural high school  
1838 has been transferred to the county board of education under  
1839 provisions of Section 37-29-272, is hereby authorized, in its  
1840 discretion, upon request in writing of the president of the  
1841 community college district in which such county is located, to  
1842 levy on the taxable property in the county at the time the annual  
1843 tax levy is made, a tax under Section 37-27-5 as is necessary for  
1844 the retirement of debt service on bonds heretofore issued for the  
1845 building, repair and equipment of such agricultural high school.

1846           **SECTION 20.** Section 37-27-51, Mississippi Code of 1972, is  
1847 amended as follows:

1848           37-27-51. The board of trustees of any agricultural high  
1849 school or the president of any community college, in connection  
1850 with which an agricultural high school is operated, and the board  
1851 of trustees of any school district, or a county board of  
1852 education, under the conditions hereinafter provided for, are  
1853 hereby authorized and empowered to enter into agreements, one with  
1854 the other, providing for the attendance of any high school pupils  
1855 of such school district or any grades thereof, at such  
1856 agricultural high school or community college, and for the  
1857 instruction of such high school pupils or grades at such  
1858 agricultural high school or community college. Subject to the  
1859 provisions of Sections 37-27-53 through 37-27-59, all such  
1860 contracts so executed shall be upon such terms and conditions as  
1861 may be agreed upon by and between the boards of trustees or the  
1862 county board of education involved. All such contracts shall be  
1863 subject to the approval of the State Board of Education.

1864           Any parent or guardian of such high school pupil or pupils,  
1865 as to an individual pupil or as to any grade or grades, may  
1866 request in writing that such agreement be entered into with the  
1867 board of trustees of said agricultural high school or president of  
1868 any community college in connection with which an agricultural





1869 high school is operated. Such request shall be filed or lodged  
1870 with the president or secretary of the board of trustees of such  
1871 school district. Said board of trustees of said school district  
1872 shall no later than the date of its next regular meeting approve  
1873 or disapprove the request therein made to provide for the  
1874 attendance of the pupil or pupils, or grade or grades, at such  
1875 agricultural high school; failure of said board of trustees of  
1876 such school district to act upon said request not later than said  
1877 date shall be and will constitute a disapproval or rejection  
1878 thereof.

1879 In the event such board of trustees of said school district  
1880 shall either disapprove or reject said request, or fail to act  
1881 thereon on or before said date, then and in that event the county  
1882 board of education is hereby authorized to act upon such request  
1883 not later than the next regular meeting date of the said county  
1884 board of education after the filing or lodging by such parent or  
1885 guardian of a true copy of the request theretofore filed or lodged  
1886 with the said board of trustees of the said school district, with  
1887 the president or secretary of the said county board of education,  
1888 and with said copy shall be filed or lodged a written statement of  
1889 the action, if any, or nonaction, taken by the board of trustees  
1890 of the said school district upon the request made to it. If such  
1891 request be approved by the county board of education, then it may  
1892 proceed to enter into such agreement with the board of trustees of  
1893 said agricultural high school or the president of said community  
1894 college, but subject to the approval of the State Board of  
1895 Education.

1896 **SECTION 21.** Section 37-29-1, Mississippi Code of 1972, is  
1897 amended as follows:

1898 37-29-1. (1) The creation, establishment, maintenance and  
1899 operation of community \* \* \* colleges is authorized. From and  
1900 after May 1, 1998, community \* \* \* colleges may admit students if  
1901 they have earned one (1) unit less than the number of units



1902 required for high school graduation established by State Board of  
1903 Education policy or have earned a General Education Diploma (GED)  
1904 in courses correlated to those of senior colleges or professional  
1905 schools. They shall offer education and training preparatory for  
1906 occupations such as agriculture, industry, business, homemaking  
1907 and for other occupations on the semi-professional and  
1908 vocational-technical level. They may offer courses and services  
1909 to students regardless of their previous educational attainment or  
1910 further academic plans.

1911 (2) The \* \* \* community \* \* \* college districts are  
1912 authorized to establish a dual enrollment program under which high  
1913 school students meeting the requirements prescribed herein may  
1914 enroll at a community \* \* \* college while they are still attending  
1915 high school and enrolled in high school courses. Students may be  
1916 admitted to enroll in community \* \* \* college courses under the  
1917 dual enrollment program if they meet the following recommended  
1918 admission requirements:

1919 (a) Students must have completed a minimum of fourteen  
1920 (14) core high school units;

1921 (b) Students must have a minimum ACT composite score of  
1922 twenty-one (21) or the equivalent SAT score;

1923 (c) Students must have a 3.0 grade point average on a  
1924 4.0 scale, or better, on all high school courses, as documented by  
1925 an official high school transcript; a home-schooled student must  
1926 submit a transcript prepared by a parent, guardian or custodian  
1927 with a signed, sworn affidavit to meet the requirement of this  
1928 paragraph (c); and

1929 (d) Students must have an unconditional written  
1930 recommendation from their high school principal and/or guidance  
1931 counselor. A home-schooled student must submit a parent, legal  
1932 guardian or custodian's written recommendation to meet the  
1933 requirement of this paragraph (d).



1934           Students may be considered for the dual enrollment program  
1935 who have not completed the minimum of fourteen (14) core high  
1936 school units if they have a minimum ACT composite score of thirty  
1937 (30) or the equivalent SAT score, and have the required grade  
1938 point average and recommendations prescribed above.

1939           Students admitted in the dual enrollment program shall be  
1940 counted for minimum program funding purposes in the average daily  
1941 attendance of the public school district in which they attend high  
1942 school. Any additional transportation required by a student to  
1943 participate in the dual enrollment program shall be the  
1944 responsibility of the parents or legal guardians of the student.  
1945 Grades and college credits earned by students admitted to the dual  
1946 enrollment program shall be recorded on the college transcript at  
1947 the community \* \* \* college where the student attends classes.  
1948 The transcript of such college course work may be released to  
1949 another institution or used for college graduation requirements  
1950 only after the student has received his high school diploma.

1951           (3) The \* \* \* community \* \* \* college districts are  
1952 authorized to establish an early admission program under which  
1953 applicants meeting all requirements prescribed in subsection  
1954 (2) (a), (c) and (d) and have a minimum ACT composite score of  
1955 twenty-six (26) or the equivalent SAT score may be admitted as  
1956 full-time college students if the principal or guidance counsellor  
1957 of the student recommends in writing that it is in the best  
1958 educational interest of the student. Such recommendation shall  
1959 also state that the student's age will not keep him from being a  
1960 successful full-time college student. Students admitted in the  
1961 early admission program shall not be counted for minimum program  
1962 funding purposes in the average daily attendance of the school  
1963 district in which they reside, and transportation required by a  
1964 student to participate in the early admission program shall be the  
1965 responsibility of the parents or legal guardians of the student.  
1966 Grades and college credits earned by students admitted to the



1967 early admission program shall be recorded on the college  
1968 transcript at the community \* \* \* college where the student  
1969 attends classes, and may be released to another institution or  
1970 used for college graduation requirements only after the student  
1971 has successfully completed one (1) full semester of course work.

1972 (4) In addition to the foregoing, the community \* \* \*  
1973 colleges shall provide, through courses or other acceptable  
1974 educational measures, the general education necessary to  
1975 individuals and groups which will tend to make them capable of  
1976 living satisfactory lives consistent with the ideals of a  
1977 democratic society.

1978 **SECTION 22.** Section 37-29-3, Mississippi Code of 1972, is  
1979 amended as follows:

1980 37-29-3. Each community college shall have an official seal  
1981 to be impressed upon all instruments of the community college  
1982 requiring seal. Said seal may be in the form of a circle. Said  
1983 seal shall imprint the name and location of the college and the  
1984 words "Official Seal."

1985 **SECTION 23.** Section 37-29-5, Mississippi Code of 1972, is  
1986 amended as follows:

1987 37-29-5. Title to lands may be acquired and buildings and  
1988 other improvements may be erected thereon for the use and benefit  
1989 of community colleges. Title to all such property hereafter  
1990 acquired shall be vested in the Board of Trustees of State  
1991 Institutions of Higher Learning.

1992 Any board of supervisors or board of trustees of any  
1993 municipal separate school district which presently holds title to  
1994 the lands, buildings, and improvements of a community college may  
1995 convey title to same to the community college pursuant to a  
1996 resolution of such board of supervisors or board of trustees of a  
1997 municipal separate school district, duly adopted and spread on the  
1998 minutes of said board of supervisors.



1999           **SECTION 24.** Section 37-29-61, Mississippi Code of 1972, is  
2000 amended as follows:

2001           37-29-61. The executive head of a community college shall be  
2002 the president of the college who shall be selected by the Board of  
2003 Trustees of State Institutions of Higher Learning for a term not  
2004 to exceed four (4) years.

2005           **SECTION 25.** Section 37-29-63, Mississippi Code of 1972, is  
2006 amended as follows:

2007           37-29-63. The president of any community college shall have  
2008 the power to recommend the employment of all teachers to be  
2009 employed in the district. He may remove or suspend any member of  
2010 the faculty \* \* \*. He shall be the general manager of all fiscal  
2011 and administrative affairs of the community college with full  
2012 authority to select, direct, employ and discharge any and all  
2013 employees \* \* \*.

2014           The president shall have the authority, subject to the  
2015 provisions of Sections 37-29-1 through 37-29-273 \* \* \*, to arrange  
2016 and survey courses of study, fix schedules, and establish and  
2017 enforce rules and discipline for the governing of teachers and  
2018 students. He shall be the general custodian of the property of  
2019 the community college.

2020           **SECTION 26.** Section 37-29-69, Mississippi Code of 1972, is  
2021 amended as follows:

2022           37-29-69. Each community college district is hereby  
2023 authorized and empowered to operate community college attendance  
2024 centers at existing sites of community college plants and  
2025 facilities and at such other places within the district, subject  
2026 to the approval of the \* \* \* Board of Trustees of State  
2027 Institutions of Higher Learning, as the board of trustees \* \* \*  
2028 determines to be in the best interest of the district.

2029           Two (2) or more community colleges may cooperate in  
2030 establishing, operating and maintaining attendance centers.



2031           **SECTION 27.** Section 37-29-71, Mississippi Code of 1972, is  
2032 amended as follows:

2033           37-29-71. Each community college shall annually prepare and  
2034 submit to the Board of Trustees of State Institutions of Higher  
2035 Learning a budget which shall contain a detailed estimate of the  
2036 revenues and expenses anticipated for the ensuing year for general  
2037 operation and maintenance and which shall set forth the reasonable  
2038 requirements for anticipated needs for capital outlays for land,  
2039 buildings, initial equipment for new buildings and major  
2040 repairs \* \* \*.

2041           **SECTION 28.** Section 37-29-73, Mississippi Code of 1972, is  
2042 amended as follows:

2043           37-29-73. Each community college, acting by and through the  
2044 Board of Trustees of State Institutions of Higher Learning, is  
2045 authorized to execute oil, gas and mineral leases on any of the  
2046 property owned by the community college, but such leases shall not  
2047 extend for a term beyond five (5) years unless oil, gas or other  
2048 minerals shall be in production under said leases at the  
2049 expiration of said period. The terms and conditions of said  
2050 lease, within the limitations above set out, shall be for the  
2051 determination and within the discretion of the community college.

2052           **SECTION 29.** Section 37-29-75, Mississippi Code of 1972, is  
2053 amended as follows:

2054           37-29-75. When any land or other property owned by a \* \* \*  
2055 community college \* \* \* ceases to be used or needed by the  
2056 community college, the land or property may be sold by the  
2057 community college upon sealed bids or at public auction after  
2058 three (3) weeks' advertisement in a newspaper in the county where  
2059 the said property is located. Personal property having a value  
2060 determined by the community college of less than Five Hundred  
2061 Dollars (\$500.00) may be sold without such advertisement; however,  
2062 in such event, notice shall be posted in at least three (3) public  
2063 places in the county where such property is situated or where it



2064 is to be sold, giving notice of the time and place of such sale,  
2065 and such property shall be sold to the highest and best bidder for  
2066 cash. Such notice shall be posted for ten (10) days before the  
2067 sale.

2068 **SECTION 30.** Section 37-29-76, Mississippi Code of 1972, is  
2069 amended as follows:

2070 37-29-76. When any community college campus \* \* \* located in  
2071 a county having a population in excess of two hundred thousand  
2072 (200,000) according to the 1970 federal decennial census owns  
2073 lands adjacent to lands owned by any county forming a part of that  
2074 community college district, the community college, acting through  
2075 the Board of Trustees of State Institutions of Higher Learning,  
2076 and the board of supervisors of any such county may make such  
2077 exchanges of land and may execute such instruments perfecting the  
2078 title of the county and that of the community college as they, by  
2079 appropriate resolutions, may find proper, all without the  
2080 necessity of advertisement for or receiving bids.

2081 **SECTION 31.** Section 37-29-77, Mississippi Code of 1972, is  
2082 amended as follows:

2083 37-29-77. A community college is hereby authorized to lease  
2084 the buildings and equipment thereof to any responsible individual  
2085 for the purpose of carrying on a private school when there are no  
2086 funds available for running said institution, and to lease the  
2087 lands of said institution to some responsible person for  
2088 agricultural purposes. Said leases shall not extend for any  
2089 greater length of time than a period of three (3) years from date  
2090 of granting said lease.

2091 **SECTION 32.** Section 37-29-79, Mississippi Code of 1972, is  
2092 amended as follows:

2093 37-29-79. Each community college \* \* \* is charged with the  
2094 responsibility for providing preprofessional courses, liberal  
2095 arts, technical, vocational, and adult education courses and shall  
2096 undertake to provide the same as conveniently as is possible to



2097 the residents of the community college district, and to this end,  
2098 the community college is authorized and empowered to transport  
2099 such enrollees as, in its discretion, should be transported in the  
2100 best interest of the community college. However, no additional  
2101 allocation of any appropriation shall be made for such  
2102 transportation. The community college shall promulgate uniform  
2103 rules to prevent discrimination in all matters of transportation.

2104 **SECTION 33.** Section 37-29-85, Mississippi Code of 1972, is  
2105 amended as follows:

2106 37-29-85. The community colleges are authorized to purchase  
2107 liability insurance to cover the official actions of \* \* \*  
2108 employees of the colleges. Such coverage shall be in an amount  
2109 judged by the community college to be adequate. The costs of such  
2110 insurance shall be paid out of the community college's general  
2111 maintenance fund.

2112 **SECTION 34.** Section 37-29-87, Mississippi Code of 1972, is  
2113 amended as follows:

2114 37-29-87. A community college, acting through the Board of  
2115 Trustees of State Institutions of Higher Learning, is hereby  
2116 authorized, in its \* \* \* discretion, to convey real property and  
2117 improvements thereon to any county within the community college  
2118 district without the necessity of advertising for and receiving  
2119 bids and without receiving compensation therefor, provided the  
2120 following requirements are met:

2121 (a) Where the county received title to the property and  
2122 conveyed said property to the community college \* \* \*, or where  
2123 the community college received title to the property from any  
2124 source and the purchase price therefor was paid by the county, for  
2125 the purpose of operating an attendance center; and

2126 (b) Where the community college \* \* \* has not received  
2127 approvals from necessary state agencies or authorities to use said  
2128 land for the operation of an attendance center; and





2129 (c) Where the community college has expressed that such  
2130 land and improvements are not needed for community college  
2131 purposes and \* \* \* the desire to convey such land and improvements  
2132 back to the county.

2133 **SECTION 35.** Section 37-29-131, Mississippi Code of 1972, is  
2134 amended as follows:

2135 37-29-131. \* \* \* Any community \* \* \* college is hereby  
2136 authorized and empowered to enter into lease agreements or service  
2137 contracts with any governmental agency or political subdivision,  
2138 corporation, partnership, joint venture, or individual under which  
2139 the college may acquire by lease, lease purchase or service  
2140 contract for a primary term not to exceed twenty (20) years lands,  
2141 buildings and related facilities which the community college  
2142 determines necessary to provide additional facilities, services or  
2143 educational opportunities to the college, its students, faculty  
2144 and the community.

2145 Any machinery, furnishings, fixtures and equipment for these  
2146 facilities and use by the college may be acquired by lease or  
2147 lease purchase provided that the primary term of such lease shall  
2148 not exceed the estimated useful economic life of such machinery or  
2149 equipment.

2150 **SECTION 36.** Section 37-29-133, Mississippi Code of 1972, is  
2151 amended as follows:

2152 37-29-133. All such leases shall contain an option granting  
2153 the community college the right to purchase the leased property  
2154 upon the expiration of the primary term or upon such earlier date  
2155 as may be agreed upon. With respect to leased machinery,  
2156 furniture, fixtures and equipment, the purchase price shall be  
2157 specified in the lease contract separately and distinctly from  
2158 that portion of lease payments attributable to interest. With  
2159 respect to other property, the purchase price, excluding payments  
2160 attributable to interest, shall not exceed the appraised fair



2161 market value of the leased property at the time the college takes  
2162 possession of the property for occupancy.

2163         **SECTION 37.** Section 37-29-135, Mississippi Code of 1972, is  
2164 amended as follows:

2165         37-29-135. The community college is authorized to lease land  
2166 and/or buildings owned by the college to any governmental agency,  
2167 political subdivision, corporation, partnership, joint venture, or  
2168 individual for the purpose of enabling such persons to construct  
2169 thereon or repair, renovate and rehabilitate any buildings or  
2170 facilities the community college determines as necessary and  
2171 beneficial for additional facilities, services or educational  
2172 opportunities to the college, students, faculty or the community,  
2173 and to lease such building and facilities to the college.

2174         **SECTION 38.** Section 37-29-137, Mississippi Code of 1972, is  
2175 amended as follows:

2176         37-29-137. Subject to the provisions of Sections 37-29-131  
2177 through 37-29-139, any lease agreement shall be binding on the  
2178 community college and any party thereto in accordance with its  
2179 terms; \* \* \* however, \* \* \* any such lease shall include a  
2180 provision that the lessee's obligation to pay any amounts due or  
2181 perform any covenants requiring or resulting in the expenditure of  
2182 money shall be contingent and expressly limited to the  
2183 extent \* \* \* of any appropriation made to fund such lease  
2184 agreement and that nothing contained in the lease agreement shall  
2185 be construed as creating any monetary obligations on the part of  
2186 the lessee beyond such current and specific support  
2187 appropriations. Rentals payable by the community \* \* \* college  
2188 under leases pursuant to Sections 37-29-131 through 37-29-139  
2189 shall be payable from any revenue available for the support and  
2190 enlargement, improvement, and repair of the college.

2191         **SECTION 39.** Section 37-29-141, Mississippi Code of 1972, is  
2192 amended as follows:



2193           37-29-141. \* \* \* Each community college may fix the amount  
2194 of enrollee tuition in an amount commensurate with the per capita  
2195 cost of operating the community college district.

2196           \* \* \*

2197           **SECTION 40.** Section 37-29-145, Mississippi Code of 1972, is  
2198 amended as follows:

2199           37-29-145. In the event any county shall have outstanding  
2200 bonds or other indebtedness which were sold or levied for the  
2201 support and maintenance of a public junior or community college  
2202 which was in operation as of July 1, 2002, and such county becomes  
2203 a part of a community college district as provided in Section  
2204 37-29-31 on the effective date of House Bill No. \_\_\_\_\_, 2002  
2205 Regular Session, the board of supervisors of such county shall  
2206 continue to levy taxes upon such county until such bonds or other  
2207 indebtedness shall be fully paid according to the terms thereof.

2208           **SECTION 41.** Section 37-29-161, Mississippi Code of 1972, is  
2209 amended as follows:

2210           37-29-161. Sections 37-29-161 through 37-29-173 may be cited  
2211 as the "Mississippi Community College Vocational and Technical  
2212 Training Law \* \* \*."

2213           **SECTION 42.** Section 37-29-163, Mississippi Code of 1972, is  
2214 amended as follows:

2215           37-29-163. It is hereby declared to be the intent of the  
2216 Legislature that those funds appropriated to the Department of  
2217 Finance and Administration for the Community College Vocational  
2218 and Technical Training Fund shall be expended to expand  
2219 immediately and improve existing programs, to institute new  
2220 programs and to provide adequate equipment and facilities for  
2221 existing and new programs for vocational and technical training  
2222 individually or collectively within the public community colleges  
2223 of the state. The Legislature further declares its intent to be  
2224 that the presently existing physical facilities of the community



2225 colleges shall be utilized in the development and implementation  
2226 of such vocational and technical training programs where possible.

2227 **SECTION 43.** Section 37-29-165, Mississippi Code of 1972, is  
2228 amended as follows:

2229 37-29-165. There is hereby created within the Department of  
2230 Finance and Administration a fund for the stimulation of the  
2231 vocational and technical training programs of the community  
2232 colleges of the State of Mississippi. All sums of money received  
2233 by the Department of Finance and Administration to carry out the  
2234 provisions of the Mississippi Community College Vocational and  
2235 Technical Training Law \* \* \* shall be maintained in the State  
2236 Treasury and shall constitute a fund to be known as the "Community  
2237 College Vocational and Technical Training Fund." All expenditures  
2238 therefrom shall be authorized by the Department of Finance and  
2239 Administration in the manner set forth in Section 37-29-171. Such  
2240 expenditures shall be paid therefrom by the State Treasurer on  
2241 warrants issued by the State Auditor \* \* \*. Said State Auditor  
2242 shall issue his warrant upon requisition signed by the Executive  
2243 Director of the Department of Finance and Administration.

2244 **SECTION 44.** Section 37-29-167, Mississippi Code of 1972, is  
2245 amended as follows:

2246 37-29-167. Any state public community college desiring any  
2247 benefit available under the provisions of the Mississippi  
2248 Community College Vocational and Technical Training Law \* \* \*  
2249 shall make application in triplicate therefor to the Board of  
2250 Trustees of State Institutions of Higher Learning, and submit the  
2251 same in the form and manner as the board of trustees may direct.

2252 The community college \* \* \* is required \* \* \* to allocate  
2253 nonstate funds on at least a fifty-fifty basis to supplement state  
2254 funds, and the Board of Trustees of State Institutions of Higher  
2255 Learning shall determine the rules and conditions appertaining to  
2256 same.



2257           The community college is authorized to receive all grants,  
2258 scholarships or donations in carrying out the provisions of said  
2259 law.

2260           **SECTION 45.** Section 37-29-169, Mississippi Code of 1972, is  
2261 amended as follows:

2262           37-29-169. The formula for allocating funds to the state's  
2263 public community colleges in support of the purposes set forth in  
2264 Section 37-29-163 shall be determined by the Board of Trustees of  
2265 State Institutions of Higher Learning based upon need for the  
2266 program set forth in the application.

2267           Said board of trustees shall furnish a copy of the  
2268 application to the Department of Finance and Administration and a  
2269 copy to the Department of Economic and Community Development. The  
2270 Department of Economic and Community Development shall review each  
2271 application, and if said department finds and determines there  
2272 exists a need for said training programs, facilities and  
2273 equipment, it shall issue a certificate of necessity to the \* \* \*  
2274 Board of Trustees of State Institutions of Higher Learning, which  
2275 certificate of necessity shall be a prerequisite for approval.

2276           The \* \* \* Board of Trustees of State Institutions of Higher  
2277 Learning shall consider each application with reference to  
2278 adequacy of the past, present and prospective use of the  
2279 instruction, personnel, curriculum, equipment, budget, operation,  
2280 facilities, grants, scholarships, tuition, maintenance and other  
2281 similar administrative and technical data as relates to each  
2282 community college. The \* \* \* board of trustees shall, by  
2283 resolution or order, approve or disapprove the application.

2284           **SECTION 46.** Section 37-29-171, Mississippi Code of 1972, is  
2285 amended as follows:

2286           37-29-171. No expenditures shall be made under the  
2287 provisions of the Mississippi Community College Vocational and  
2288 Technical Training Law \* \* \* for the construction of new  
2289 buildings, renovation or expansion of existing buildings, the



2290 purchase of any new or used instructional equipment, machinery and  
2291 instructional facilities, or for any other purpose under the  
2292 provisions of said law until approval of the Department of Finance  
2293 and Administration is obtained by resolution duly entered upon its  
2294 minutes.

2295       **SECTION 47.** Section 37-29-173, Mississippi Code of 1972, is  
2296 amended as follows:

2297       37-29-173. \* \* \* Funds made available to the community  
2298 colleges or supporting funds allocated in support of the  
2299 Mississippi Community College Vocational and Technical Training  
2300 Law \* \* \*, or both, may be used to supplement any other funds that  
2301 may now be, or that may hereafter become, available for the  
2302 purposes of carrying out the intent of said law. In no event,  
2303 however, shall any expenditures be made under the provisions of  
2304 said law unless the amount of nonstate funds involved shall be  
2305 equal to or exceed the amount of state funds made available for  
2306 the projects or programs involved.

2307       **SECTION 48.** Section 37-29-175, Mississippi Code of 1972, is  
2308 amended as follows:

2309       37-29-175. If a community college now or hereafter  
2310 establishes facilities for the industrial training of students and  
2311 it appears \* \* \* that the training of students will be facilitated  
2312 by the continuous operation of such facilities, the community  
2313 college is authorized to lease to individual firms or corporations  
2314 such facilities or a part thereof upon such terms and conditions  
2315 as the community college may approve, provided that all students  
2316 desirous of securing training of the kind offered by the lessee  
2317 shall be given a reasonable opportunity therefor.

2318       **SECTION 49.** Section 37-29-231, Mississippi Code of 1972, is  
2319 amended as follows:

2320       37-29-231. The provisions of Sections 37-103-1 through  
2321 37-103-29 relating to the legal residence of and tuition to be  
2322 charged any student applying for admission to state educational



2323 institutions shall be applicable to the \* \* \* administrative  
2324 authorities of each community college governed by the Board of  
2325 Trustees of State Institutions of Higher Learning.

2326         **SECTION 50.** Section 37-29-241, Mississippi Code of 1972, is  
2327 amended as follows:

2328         37-29-241. All community colleges shall prohibit  
2329 fraternities, sororities, or secret societies \* \* \*. It shall be  
2330 the duty of the community colleges to suspend or expel from the  
2331 community colleges \* \* \*, any pupil or pupils who shall be or  
2332 remain a member of, or shall join or promise to join, or who shall  
2333 become pledged to become a member, or who shall solicit or  
2334 encourage any other person to join, promise to join, or be pledged  
2335 to become a member of, any such public community college  
2336 fraternity, sorority or secret society, as defined in Section  
2337 37-29-235.

2338         **SECTION 51.** Section 37-29-261, Mississippi Code of 1972, is  
2339 amended as follows:

2340         37-29-261. The board of supervisors of any county \* \* \* may,  
2341 in its discretion, permit county road department employees or road  
2342 district employees, if any, to operate county-owned equipment and  
2343 machinery to assist in the maintenance of the public property on  
2344 such community college campus.

2345         The community college \* \* \* and the board of supervisors may  
2346 agree as to the terms and conditions under which such public  
2347 property may be worked and supplies or materials may be furnished.

2348         **SECTION 52.** Section 37-29-267, Mississippi Code of 1972, is  
2349 amended as follows:

2350         37-29-267. Any municipality, county or counties, acting  
2351 alone or jointly with other counties or municipalities, which have  
2352 organized or shall hereafter organize a community college under  
2353 the provisions of Sections 37-29-1 through 37-29-273, shall be  
2354 authorized to purchase lands or buildings for such college for  
2355 cash or upon the installment plan. The deferred balance shall not



2356 bear interest in excess of that allowed for tax anticipation notes  
2357 in Section 75-17-105, and any deferred balance may be secured by a  
2358 vendor's lien or by promissory notes and a deed of trust to be  
2359 executed by the community college, acting through the Board of  
2360 Trustees of State Institutions of Higher Learning. Title to such  
2361 property shall be taken in the name of the community college,  
2362 acting through the Board of Trustees of State Institutions of  
2363 Higher Learning.

2364 The board of supervisors of such county or counties \* \* \* and  
2365 the mayor and board of aldermen or other governing authority of  
2366 such municipalities, are hereby authorized to levy annually a  
2367 sufficient ad valorem tax to pay the down payment or yearly  
2368 installments provided in the deed or deed of trust, or may use the  
2369 three (3) mills provided in subsection (2) of Section 37-29-141,  
2370 allowed for enlargement and improvements.

2371 At the time of the purchase of said lands or buildings there  
2372 shall be entered on the minutes of the board of supervisors of  
2373 each county or board of aldermen or other governing authority of  
2374 each municipality participating, an order specifying the amount to  
2375 be paid for such property and providing for the annual  
2376 installments, and obligating the governing authorities of such  
2377 county, counties, or municipalities to levy annually a sufficient  
2378 ad valorem tax to pay such installment. The funds collected by  
2379 such tax levy shall be paid into the hands of the county  
2380 superintendent of the county in which such community college is  
2381 located, and disbursed by him as said installments become due.

2382 In the event there is, at the time of the purchase of said  
2383 property, an indebtedness due secured by a lien on such property,  
2384 then the community college \* \* \* shall have the authority to  
2385 assume such indebtedness and pay same as a part of the purchase  
2386 price of said property.

2387 The community college \* \* \* shall have the privilege of  
2388 prepaying all or a portion of the deferred balance at any time





2389 without penalty, and for this purpose may use any appropriate  
2390 available funds.

2391 Unneeded land or buildings or facilities located on property  
2392 so acquired may be leased, or the buildings may be sold and  
2393 removed.

2394 By the authority given in this section for the home county of  
2395 a community college district to purchase land for community  
2396 college purposes, such indebtedness incurred or funds expended  
2397 cannot become a binding obligation on other counties in the  
2398 community college district unless the boards of supervisors of  
2399 such counties expressly consent thereto.

2400 **SECTION 53.** Section 37-29-268, Mississippi Code of 1972, is  
2401 amended as follows:

2402 37-29-268. (1) There is hereby created in the State  
2403 Treasury a special fund to be designated as the "Community College  
2404 Repair and Renovation Fund" which shall consist of monies  
2405 appropriated or otherwise made available therefor by the  
2406 Legislature. Within the special fund, the State Treasury shall  
2407 establish a subaccount for each community \* \* \* college. Interest  
2408 earned on monies in the special fund shall be deposited to the  
2409 credit of such fund and money shall not lapse at the end of the  
2410 fiscal year into the State General Fund. Money in the special  
2411 fund shall be appropriated by the Legislature and allocated by the  
2412 Bureau of Building, Grounds and Real Property Management,  
2413 Department of Finance and Administration, for the repair,  
2414 renovation and improvement of existing facilities owned by the  
2415 community \* \* \* colleges, including utility infrastructure  
2416 projects; heating, ventilation and air conditioning systems; and  
2417 the replacement of furniture and equipment. However, the cost of  
2418 such repair, renovation and improvement for any one (1) project  
2419 shall not exceed One Million Dollars (\$1,000,000.00).

2420 (2) Monies in the special fund shall be allocated to each  
2421 community college's subaccount as follows:



2422 (a) One-half (1/2) divided equally among the six (6)  
2423 public community \* \* \* colleges; and

2424 (b) One-half (1/2) divided upon the basis of the number  
2425 of full-time academic, technical and vocational public  
2426 community \* \* \* college students actually enrolled and in  
2427 attendance on the last day of the sixth week of the Fall semester  
2428 of the preceding year counting only those students who reside  
2429 within the State of Mississippi. On or before December 1 of each  
2430 year, the \* \* \* Board of Trustees of State Institutions of Higher  
2431 Learning shall furnish the Bureau of Building, Grounds and Real  
2432 Property Management, Department of Finance and Administration, the  
2433 enrollment information required in this paragraph (b), including  
2434 the percentage of statewide enrollment attributed to each  
2435 community \* \* \* college.

2436 (3) For the purposes of this section, the term "furniture  
2437 and equipment" shall be limited to the types of furniture and  
2438 equipment items previously recorded in the community college's  
2439 inventory.

2440 **SECTION 54.** Section 37-29-269, Mississippi Code of 1972, is  
2441 amended as follows:

2442 37-29-269. Nothing in Sections 37-29-1 through 37-29-273  
2443 shall be construed to repeal any statute relating to county  
2444 agricultural high schools, and it is expressly provided that such  
2445 schools may be operated in conjunction with community colleges.  
2446 However, when so operated they shall be under control of the  
2447 president \* \* \* of the community college \* \* \*.

2448 Any agricultural high school which is not located on or  
2449 adjacent to an existing community college shall continue to be  
2450 operated as heretofore and shall in no way be affected by the  
2451 provisions of Sections 37-29-1 through 37-29-273.

2452 When a community college through the agricultural high school  
2453 provides high school facilities of any school district, then the  
2454 pupils from that district may be enumerated as other pupils in the



2455 common schools and the school district or county superintendent  
2456 may pay to the community college tuition such as determined by the  
2457 State Department of Education for any other schools, and no  
2458 agricultural high school funds shall be disbursed for pupils for  
2459 whom such tuition is paid.

2460 **SECTION 55.** Section 37-29-272, Mississippi Code of 1972, is  
2461 amended as follows:

2462 37-29-272. \* \* \* Any community college \* \* \* in the state  
2463 maintaining and operating an agricultural high school on July 1,  
2464 1994, is hereby authorized, through the Board of Trustees of State  
2465 Institutions of Higher Learning, to transfer the control,  
2466 maintenance and operation of said agricultural high school,  
2467 including the transfer of title to all real and personal property  
2468 used for agricultural high school purposes, to the county board of  
2469 education of the county in which the school is located. Upon the  
2470 acceptance by the county board of education and before an order  
2471 authorizing such transfer shall be entered, \* \* \* the community  
2472 college \* \* \* and the county board of education in which such  
2473 school is located shall \* \* \* agree in writing on the terms of  
2474 such transfer, the extent of the rights of use and occupancy of  
2475 the school and grounds, and the control, management, preservation  
2476 and responsibility of transportation of students to such  
2477 premises \* \* \*. Upon such transfer, the county board of education  
2478 may abolish the agricultural high school as a distinct school, and  
2479 merge its activities, programs and students into the regular high  
2480 school curricula of the school district. When a community college  
2481 has transferred operation of an agricultural high school as  
2482 provided herein, the pupils attending such school shall be  
2483 reported, accounted for allocation of minimum education program  
2484 funds and entitled to school transportation as though such pupils  
2485 were attending the schools of the school district in which they  
2486 reside, as provided in Sections 37-27-53 and 37-27-55. When any  
2487 agricultural high school is transferred by \* \* \* a community



2488 college to the county board of education as provided in this  
2489 section, all laws relating to agricultural high school tax levies  
2490 for the support or retirement of bonded indebtedness for  
2491 agricultural high schools shall continue in full force and effect  
2492 for the transferring community college district until current  
2493 obligations on all bonded indebtednesses related to agriculture  
2494 high schools have been satisfied and retired.

2495         **SECTION 56.** Section 37-29-275, Mississippi Code of 1972, is  
2496 amended as follows:

2497         37-29-275. Any act, which, if committed within the limits of  
2498 a city, town or village, or in any public place, would be a  
2499 violation of the general laws of this state, shall be criminal and  
2500 punishable if done on the campus, grounds or roads of any of the  
2501 state-supported community colleges. The peace officers duly  
2502 appointed by the \* \* \* community \* \* \* colleges or officers of  
2503 private security firms licensed by the State of Mississippi  
2504 contracted by the \* \* \* community \* \* \* colleges are vested with  
2505 the powers and subjected to the duties of a constable for the  
2506 purpose of preventing and punishing all violations of law on  
2507 community college grounds and for preserving order and decorum  
2508 thereon. Peace officers appointed by the community colleges or  
2509 officers of private security firms licensed by the State of  
2510 Mississippi contracted by the community colleges shall have  
2511 authority to bear arms in order to carry out their law enforcement  
2512 responsibilities if such officers have been certified according to  
2513 the minimum standards established by the Board on Law Enforcement  
2514 Officer Standards and Training.

2515         **SECTION 57.** Section 37-29-405, Mississippi Code of 1972, is  
2516 amended as follows:

2517         37-29-405. The Mississippi Gulf Coast Community College  
2518 District shall be under the executive direction of a  
2519 president \* \* \*.



2520           **SECTION 58.** Section 37-29-407, Mississippi Code of 1972, is  
2521 amended as follows:

2522           37-29-407. The president of the community college shall have  
2523 the power to employ all teachers \* \* \*, and he may remove or  
2524 suspend any member of the faculty \* \* \*. He shall be the general  
2525 manager of all fiscal and administrative affairs of the district  
2526 with full authority to select, direct, employ and discharge any  
2527 and all employees \* \* \*.

2528           The president shall have the authority \* \* \* to arrange and  
2529 survey courses of study, fix schedules, and establish and enforce  
2530 rules and discipline for the governing of teachers and students.  
2531 He shall be the general custodian of the property of the district.

2532           **SECTION 59.** Section 37-29-451, Mississippi Code of 1972, is  
2533 amended as follows:

2534           37-29-451. There is hereby created the Copiah-Lincoln  
2535 Community College District comprised of the territory lying within  
2536 Adams, Copiah, Franklin, Jefferson, Lawrence, Lincoln and Simpson  
2537 Counties and having boundaries coinciding with the external  
2538 boundaries thereof. The \* \* \* district shall be and is hereby  
2539 constituted a legal political governmental subdivision and a body  
2540 corporate. \* \* \*

2541           **SECTION 60.** Section 37-29-453, Mississippi Code of 1972, is  
2542 amended as follows:

2543           37-29-453. The Copiah-Lincoln Community College District  
2544 shall be under the executive direction of a president \* \* \*.

2545           **SECTION 61.** Section 37-29-455, Mississippi Code of 1972, is  
2546 amended as follows:

2547           37-29-455. The president of the community college shall have  
2548 the power to employ all teachers \* \* \*; and he may remove or  
2549 suspend any member of the faculty \* \* \*. He shall be the general  
2550 manager of all fiscal and administrative affairs of the district  
2551 with full authority to select, direct, employ and discharge any  
2552 and all employees \* \* \*.



2553           The president shall have the authority \* \* \* to arrange and  
2554 survey courses of study, fix schedules, and establish and enforce  
2555 rules and discipline for the governing of teachers and students.  
2556 He shall be the general custodian of the property of the district.

2557           **SECTION 62.** Section 37-29-503, Mississippi Code of 1972, is  
2558 amended as follows:

2559           37-29-503. All of the property owned by the Meridian  
2560 Municipal Separate School District utilized by Meridian Junior  
2561 College as of September 1, 1979, shall be and the same is hereby  
2562 transferred to and vested in \* \* \* the Meridian Community College  
2563 District \* \* \*.

2564           **SECTION 63.** Section 37-29-509, Mississippi Code of 1972, is  
2565 amended as follows:

2566           37-29-509. (1) The Meridian Community College District  
2567 shall be under the executive direction of a president \* \* \*.

2568           (2) The president of the community college shall be general  
2569 manager of all fiscal and administrative affairs of the district  
2570 with full authority to select, employ, direct and discharge any  
2571 and all employees \* \* \*. He \* \* \* may remove or suspend any  
2572 member of the faculty \* \* \*. The president shall have the  
2573 authority \* \* \* to arrange and survey courses of study, fix  
2574 schedules and establish and enforce rules and discipline for the  
2575 governing of faculty and students. He shall be the general  
2576 custodian of the property of the district.

2577           **SECTION 64.** Section 37-29-553, Mississippi Code of 1972, is  
2578 amended as follows:

2579           37-29-553. The Coahoma Community College District shall be  
2580 under the executive direction of a president \* \* \*.

2581           **SECTION 65.** Section 37-29-555, Mississippi Code of 1972, is  
2582 amended as follows:

2583           37-29-555. The president of the community college shall have  
2584 the power to employ all teachers \* \* \*; and he may remove or  
2585 suspend any member of the faculty \* \* \*. He shall be the general



2586 manager of all fiscal and administrative affairs of the district  
2587 with full authority to select, direct, employ and discharge any  
2588 and all employees \* \* \*.

2589 The president shall have the authority \* \* \* to arrange and  
2590 survey courses of study, fix schedules, and establish and enforce  
2591 rules and discipline for the governing of teachers and students.  
2592 He shall be the general custodian of the property of the district.

2593 **SECTION 66.** Section 37-29-559, Mississippi Code of 1972, is  
2594 amended as follows:

2595 37-29-559. The President \* \* \* of the Coahoma Community  
2596 College District shall have the powers to do all things necessary  
2597 for the successful operation of the district and the campuses  
2598 located therein.

2599 The college of the district shall be under the direction of  
2600 the \* \* \* president. \* \* \*

2601 The President \* \* \* of the Coahoma Community College District  
2602 shall have the same powers as the presidents \* \* \* of other  
2603 community colleges in the State of Mississippi.

2604 \* \* \*

2605 **SECTION 67.** Section 37-31-61, Mississippi Code of 1972, is  
2606 amended as follows:

2607 37-31-61. The State Board of Education is hereby authorized  
2608 and empowered to establish and conduct schools, classes or  
2609 courses, for preparing, equipping and training citizens of the  
2610 State of Mississippi for employment in gainful vocational and  
2611 technical occupations which do not terminate in a bachelors  
2612 degree, in conjunction with any public school, agricultural high  
2613 school or community \* \* \* college.

2614 The trustees of such school districts, as classified and  
2615 defined by law, including those already having this  
2616 authority, \* \* \* the trustees of agricultural high schools, and  
2617 community \* \* \* colleges may, with the consent in writing of the  
2618 State Board of Education, establish and conduct such schools,



2619 classes or courses, under the provisions herein stated and under  
2620 the general supervision of the board.

2621         **SECTION 68.** Section 37-31-63, Mississippi Code of 1972, is  
2622 amended as follows:

2623         37-31-63. The State Board of Education, the trustees of the  
2624 school districts as classified and defined by law, \* \* \* the  
2625 trustees of agricultural high schools and community \* \* \*  
2626 colleges, are hereby authorized and empowered to accept and use  
2627 any land, building or buildings, being either the property of the  
2628 State of Mississippi or of any of the school districts or  
2629 agricultural high schools or community \* \* \* colleges, or being  
2630 the property of private sources, which may be designated, donated  
2631 or leased for the purpose expressed in Section 37-31-61, and to  
2632 use such funds as may be made available, and to accept donations  
2633 and contributions for supplies, equipment, and materials incident  
2634 to the purpose for which any such schools, classes or courses are  
2635 established.

2636         The board, the trustees of the school districts, as  
2637 classified and defined by law, \* \* \* the trustees of agricultural  
2638 high schools and community \* \* \* colleges, are hereby authorized  
2639 and empowered to accept and receive donations, contributions and  
2640 endowments, to charge tuition and registration fees, to receive  
2641 payment for services rendered or commodities produced incident to  
2642 training in said schools, courses or classes, and to accept any  
2643 funds which may be made available for the purpose sought to be  
2644 accomplished in Section 37-31-61 from any sources.

2645         **SECTION 69.** Section 37-31-65, Mississippi Code of 1972, is  
2646 amended as follows:

2647         37-31-65. The funds derived from any sources for any trade  
2648 school, such as the Mississippi School for the Deaf, Mississippi  
2649 School for the Blind, Oakley Training School or Parchman  
2650 Vocational School or other agencies or institutions receiving  
2651 funds for the purposes of this chapter, which are not operated in





2652 connection with any public school, agricultural high school or  
2653 community \* \* \* college, or by virtue of any tuition, registration  
2654 fees, or payment for services rendered or commodities produced,  
2655 shall be the property of the State Board of Education. In the  
2656 event any public school, agricultural high school or  
2657 community \* \* \* college establishes any trade school, classes or  
2658 courses under Section 37-31-61, such funds shall be the property  
2659 of such public school, agricultural high school or community \* \* \*  
2660 college, \* \* \* and shall be expended solely for the expense of  
2661 operating and conducting the trade school, classes or courses in  
2662 connection with such public school, agricultural high school or  
2663 community \* \* \* college. None of such funds shall be commingled  
2664 with the funds of any other of such schools, and none of such  
2665 funds shall be commingled with any of the other funds of any of  
2666 the public schools, agricultural high schools or community \* \* \*  
2667 colleges. All of such funds so created shall be and are hereby  
2668 declared to be public funds, as defined by law.

2669 **SECTION 70.** Section 37-31-73, Mississippi Code of 1972, is  
2670 amended as follows:

2671 37-31-73. The various school districts, counties,  
2672 municipalities and community \* \* \* colleges \* \* \* of this state  
2673 are hereby authorized to enter into agreements between such school  
2674 districts and between such school districts and any of the boards  
2675 of supervisors of any county, the governing authorities of any  
2676 municipality, or \* \* \* any community \* \* \* college \* \* \* providing  
2677 for the construction or operation of regional vocational education  
2678 centers. Any such agreement shall be subject to the approval of  
2679 the State Board of Education. Any such agreement will designate  
2680 the fiscal agent, among other provisions, provide for the method  
2681 of financing the construction and operation of such facilities,  
2682 the manner in which such facilities are to be controlled, operated  
2683 and staffed, and the basis upon which students are to be admitted  
2684 thereto and transportation provided for students in attendance



2685 therein. Any such agreement or any subsequent modification  
2686 thereof shall be spread at large upon the minutes of each party  
2687 thereto after having been duly adopted by the governing  
2688 authorities of each party.

2689 Such agreements may provide for the establishment of regional  
2690 vocational education advisory councils to serve in an advisory  
2691 capacity to such regional vocational education centers, to be made  
2692 up of representatives of the board of trustees of school districts  
2693 and community \* \* \* colleges \* \* \* which may be parties thereto.  
2694 Said regional vocational education advisory councils of the  
2695 parties to such agreement will operate at the will of the fiscal  
2696 agent for the regional vocational education center. The fiscal  
2697 agent shall have all powers designated to it in the agreement by  
2698 the parties to the agreement, except for the power to request or  
2699 require the levy of taxes or the power to issue or require the  
2700 issuance of any bonds, notes or other evidences of indebtedness,  
2701 or to call for an election on the question of the issuance  
2702 thereof.

2703 **SECTION 71.** Section 37-31-205, Mississippi Code of 1972, is  
2704 amended as follows:

2705 37-31-205. (1) The State Board of Education shall have the  
2706 authority to:

2707 (a) Expend funds received either by appropriation or  
2708 directly from federal or private sources;

2709 (b) Channel funds to secondary schools,  
2710 community \* \* \* colleges and regional vocational-technical  
2711 facilities according to priorities set by the board;

2712 (c) Allocate funds on an annual budgetary basis;

2713 (d) Set standards for and approve all vocational and  
2714 technical education programs in the public school system and  
2715 community \* \* \* colleges or other agencies or institutions which  
2716 receive state funds and federal funds for such purposes,  
2717 including, but not limited to, the following vocational and



2718 technical education programs: agriculture, trade and industry,  
2719 occupational home economics, consumer and homemaking education,  
2720 distributive education, business and office, health, industrial  
2721 arts, guidance services, technical education, cooperative  
2722 education, and all other specialized training not requiring a  
2723 bachelors degree, with the exception of programs of nursing  
2724 education regulated under the provisions of Section 37-129-1. The  
2725 State Board of Education shall authorize local schools boards,  
2726 within such school board's discretion, to offer distributive  
2727 education as a one-hour or two-hour block course. There shall be  
2728 no reduction of reimbursements from state funding for distributive  
2729 education due to the selection of either the one-hour or two-hour  
2730 course offering;

2731 (e) Set and publish licensure standards for vocational  
2732 and technical education personnel. The State Board of Education  
2733 shall recognize a vocational and technical education teacher's  
2734 work when school is not in session which is in the teacher's  
2735 particular field of instruction as a means for the teacher to  
2736 fulfill the requirements for renewal of the teacher's license.  
2737 The board shall establish, by rules and regulations, the  
2738 documentation of such work which must be submitted to the board  
2739 and the number of actual working hours required to fulfill renewal  
2740 requirements. If a vocational and technical education teacher who  
2741 does not have a bachelor's degree takes classes in fulfillment of  
2742 licensure renewal requirements, such classes must be in  
2743 furtherance of a bachelor's degree;

2744 (f) Require data and information on program performance  
2745 from those programs receiving state funds;

2746 (g) Expend funds to expand career information;

2747 (h) Supervise and maintain the division of vocational  
2748 and technical education and to utilize to the greatest extent  
2749 possible said division as the administrative unit of the board



2750 responsible for coordinating programs and services with local  
2751 institutions;

2752           (i) Promulgate such rules and regulations necessary to  
2753 carry out the provisions of this chapter in accordance with  
2754 Section 25-43-1 et seq.;

2755           (j) Set standards and approve all vocational and  
2756 technical education equipment and facilities purchased and/or  
2757 leased with state and federal vocational funds;

2758           (k) Encourage provisions for lifelong learning and  
2759 changing personal career preferences and advancement of vocational  
2760 and technical education students through articulated programs  
2761 between high schools and community \* \* \* colleges;

2762           (l) Encourage the establishment of new linkages with  
2763 business and industry which will provide for a better  
2764 understanding of essential labor market concepts;

2765           (m) Periodically review the funding and reporting  
2766 processes required of local school districts by the board or  
2767 division with the aim of simplifying or eliminating inefficient  
2768 practices and procedures;

2769           (n) Assist in the development of high technology  
2770 programs and resource centers to support current and projected  
2771 industrial needs;

2772           (o) Assist in the development of a technical assistance  
2773 program for business and industry which will provide for  
2774 industrial training and services, including the transfer of  
2775 information relative to new applications and advancements in  
2776 technology; and

2777           (p) Enter into contracts and agreements with the Board  
2778 of Trustees of State Institutions of Higher Learning for  
2779 conditions under which vocational and technical education programs  
2780 in community \* \* \* colleges shall receive state and federal funds  
2781 which flow through the State Board of Education for such purposes.



2782           (2) It is the intent of the Legislature that no vocational  
2783 and technical education course or program existing on June 30,  
2784 1982, shall be eliminated by the State Board of Education under  
2785 the authority vested in paragraph (d) of subsection (1) of this  
2786 section prior to June 30, 1985. It is further the intent of the  
2787 Legislature that no vocational and technical education teacher or  
2788 other personnel employed on June 30, 1983, shall be discharged due  
2789 to licensure standards promulgated by the board under paragraph  
2790 (e) of subsection (1) of this section, if any such teacher or  
2791 personnel shall have complied with any newly published licensure  
2792 standards by June 30, 1985. Nothing contained in this section  
2793 shall be construed to abrogate or affect in any manner the  
2794 authority of local public school districts or community \* \* \*  
2795 colleges to eliminate vocational and technical education courses  
2796 or programs or to discharge any vocational and technical education  
2797 teacher or other personnel.

2798           (3) The State Board of Education and the Board of Trustees  
2799 of State Institutions of Higher Learning may provide that  
2800 beginning with the 1995-1996 school year, every vocational and  
2801 technical education course or program in Mississippi may integrate  
2802 academic and vocational-technical education through coherent  
2803 sequences of courses, so that students in such programs achieve  
2804 both academic and occupational competencies. The boards may  
2805 expend federal funds available from the 1990 Perkins Act, or other  
2806 available federal funds, for the alignment of vocational-technical  
2807 programs with academic programs through the accreditation process  
2808 and the teacher licensure process.

2809           **SECTION 72.** Section 37-35-1, Mississippi Code of 1972, is  
2810 amended as follows:

2811           37-35-1. The \* \* \* Board of Trustees of State Institutions  
2812 of Higher Learning is authorized and directed to prescribe rules  
2813 and regulations, which said rules and regulations when properly  
2814 promulgated and not inconsistent with the provisions of this



2815 chapter shall have the force and effect of law, under which a  
2816 program may be established, maintained and supervised for the  
2817 purpose of supplying educational advantages to adults, which shall  
2818 include all persons sixteen (16) years of age and over, not  
2819 enrolled in school or required to be enrolled in school by the  
2820 compulsory school attendance law, Section 37-13-91. The aim and  
2821 purpose of such a program shall be to reduce illiteracy and to  
2822 provide a general plan of continuing education in the fundamental  
2823 principles of democratic society, citizenship, public affairs,  
2824 forums, home family life, arts and crafts, general cultural  
2825 subjects with priority to be given to academic training through  
2826 high school and training in technical skills and trades needed by  
2827 industries, and such other subjects as the \* \* \* Board of Trustees  
2828 of State Institutions of Higher Learning may prescribe for the  
2829 social and economic advancement of adults. The \* \* \* Board of  
2830 Trustees of State Institutions of Higher Learning is authorized to  
2831 employ such additional supervisory, secretarial and clerical  
2832 personnel as may be necessary to carry out the provisions of this  
2833 chapter.

2834         **SECTION 73.** Section 37-35-3, Mississippi Code of 1972, is  
2835 amended as follows:

2836         37-35-3. (1) The board of trustees of any school district  
2837 and any community \* \* \* college may establish and maintain classes  
2838 for adults, including general educational development classes,  
2839 under the regulations authorized in this chapter and pursuant to  
2840 the standards prescribed in subsection (3). The property and  
2841 facilities of the public school districts may be used for this  
2842 purpose where such use does not conflict with uses already  
2843 established.

2844         (2) The trustees of any school district desiring to  
2845 establish such program may request the taxing authority of the  
2846 district to levy additional ad valorem taxes for the support of  
2847 this program. The board of supervisors, in the case of a county



2848 school district or a special municipal separate school  
2849 district \* \* \*, and the governing authority of any municipality,  
2850 in the case of a municipal separate school district, is  
2851 authorized, in its discretion, to levy a tax not exceeding one (1)  
2852 mill upon all the taxable property of the district for the support  
2853 of this program. The tax shall be in addition to all other taxes  
2854 authorized by law to be levied. In addition to the funds realized  
2855 from any such levy, the board of trustees of any school district  
2856 is authorized to use any surplus funds that it may have or that  
2857 may be made available to it from local sources to supplement this  
2858 program.

2859 (3) (a) Any student participating in an approved General  
2860 Educational Development (GED) program administered by a local  
2861 school district or the appropriate community college shall not be  
2862 considered a dropout. Students in such a program administered by  
2863 a local school district shall be considered as enrolled within the  
2864 school district of origin for the purpose of enrollment for  
2865 minimum program funding only. Such students shall not be  
2866 considered as enrolled in the regular school program for academic  
2867 or programmatic purposes. Students in such a program administered  
2868 by a community college shall be considered as enrolled in the  
2869 school district of origin for funding purposes.

2870 (b) Students participating in an approved General  
2871 Educational Development (GED) program shall have an individual  
2872 career plan developed at the time of placement to insure that the  
2873 student's academic and job skill needs will be met. The  
2874 Individual Career Plan will address, but is not limited to, the  
2875 following:

2876 (i) Academic/instructional needs of the student;  
2877 (ii) Job readiness needs of the student; and  
2878 (iii) Work experience program options available  
2879 for the student.



2880           (c) Students participating in an approved General  
2881 Educational Development (GED) program may participate in existing  
2882 job and skills development programs or in similar programs  
2883 developed in conjunction with the GED program and the vocational  
2884 director.

2885           (d) General Educational Development (GED) programs may  
2886 be operated by local school districts or may be operated by two  
2887 (2) or more adjacent school districts, pursuant to a contract  
2888 approved by the State Board of Education. When two (2) or more  
2889 school districts contract to operate a General Educational  
2890 Development (GED) program, the school board of a district  
2891 designated to be the lead district shall serve as the governing  
2892 board of the General Educational Development (GED) program.  
2893 Transportation for students placed in the General Educational  
2894 Development (GED) program shall be the responsibility of the  
2895 school district of origin. The expense of establishing,  
2896 maintaining and operating such GED programs may be paid from funds  
2897 made available to the school district through contributions,  
2898 minimum program funds or from local district maintenance funds.

2899           (e) Students participating in an approved General  
2900 Educational Development (GED) program within a community college  
2901 shall be included in the average daily attendance of the school  
2902 district of origin. The school district of origin is authorized  
2903 to contract with the community college to provide GED services for  
2904 the student.

2905           (f) The State Department of Education will develop  
2906 procedures and criteria for placement of a student in the General  
2907 Educational Development (GED) programs. Students placed in  
2908 General Educational Development (GED) programs shall have parental  
2909 approval for such placement and must meet the following criteria:

2910                   (i) The student must be at least sixteen (16)  
2911 years of age;





2912 (ii) The student must be at least two (2) grade  
2913 levels behind or acquired less than four (4) Carnegie units;

2914 (iii) The student must have taken every  
2915 opportunity to continue to participate in coursework leading to a  
2916 diploma; and

2917 (iv) The student must be certified to be eligible  
2918 to participate in the GED course by the school district  
2919 superintendent, based on the developed criteria.

2920 (g) Students participating in an approved General  
2921 Educational Development (GED) program may be excluded from the  
2922 Mississippi Student Assessment Program, based on the existence of  
2923 appropriate alternate accountability measures that have been  
2924 approved by the State Department of Education.

2925 **SECTION 74.** Section 37-35-5, Mississippi Code of 1972, is  
2926 amended as follows:

2927 37-35-5. For the purpose of supporting the adult education  
2928 program authorized in this chapter, the \* \* \* Board of Trustees of  
2929 State Institutions of Higher Learning is authorized to accept for  
2930 and on behalf of the State of Mississippi, federal funds made  
2931 available to the state for the purpose of adult education. Such  
2932 funds shall be used by the \* \* \* Board of Trustees of State  
2933 Institutions of Higher Learning for the administration of the  
2934 program and to supplement the local funds made available by any  
2935 school district, provided such program is conducted under the  
2936 rules and regulations established by the \* \* \* Board of Trustees  
2937 of State Institutions of Higher Learning. All programs of adult  
2938 basic education administered by the State Department of Education  
2939 on July 1, 1992, shall be continued with at least the same level  
2940 of funding, until July 1, 1995, provided that such programs are  
2941 financially and programmatically sound and meet the requirements  
2942 of federal rules and regulations. Nothing in Sections 37-35-1  
2943 through 37-35-11 shall be interpreted in a manner to prevent or  
2944 interfere with the independent operation or administration of



2945 adult education under the Department of Human Services, including  
2946 but not limited to those programs administered by the Governor's  
2947 Office of Literacy and Workplace Enhancement, or of any general  
2948 educational development preparatory instruction and testing  
2949 administered by a school district in an alternative school  
2950 program.

2951         **SECTION 75.** Section 37-35-7, Mississippi Code of 1972, is  
2952 amended as follows:

2953         37-35-7. Any funds that may be appropriated by the State  
2954 Legislature for the purpose of carrying out a program of adult  
2955 education may be used to supplement local funds or to meet the  
2956 minimum requirements of the federal government for a program of  
2957 adult education in the state, provided such program is conducted  
2958 under the rules and regulations established by the \* \* \* Board of  
2959 Trustees of State Institutions of Higher Learning.

2960         **SECTION 76.** Section 37-35-9, Mississippi Code of 1972, is  
2961 amended as follows:

2962         37-35-9. The \* \* \* Board of Trustees of State Institutions  
2963 of Higher Learning is authorized to develop and establish general  
2964 educational development preparatory classes in secondary schools  
2965 and community \* \* \* colleges and to provide financial assistance  
2966 from the state for the specific purpose of preparing persons  
2967 sixteen (16) years of age and older, not enrolled in school or  
2968 required to be enrolled in school by the Compulsory School  
2969 Attendance Law (Section 37-13-91) to successfully write the  
2970 general educational development test and earn a certificate of  
2971 equivalency which is equivalent to the high school diploma.

2972         The \* \* \* Board of Trustees of State Institutions of Higher  
2973 Learning is authorized to administer the General Educational  
2974 Development (GED) Testing Program under the policies and  
2975 guidelines of the GED Testing Service of the American Council on  
2976 Education.



2977 This program shall be administered by the \* \* \* Board of  
2978 Trustees of State Institutions of Higher Learning through the  
2979 secondary schools and community \* \* \* colleges as the local needs  
2980 indicate and are practical.

2981 Full and general supervision over the program by the \* \* \*  
2982 Board of Trustees of State Institutions of Higher Learning shall  
2983 insure that duplication of effort by secondary schools and  
2984 community \* \* \* colleges will be eliminated; however, nothing in  
2985 this section shall be construed to prohibit a school district from  
2986 implementing a program of general educational development (GED)  
2987 preparatory instruction and testing in an alternative school  
2988 program.

2989 Adult students for general educational development  
2990 preparatory classes may be accepted by schools and community  
2991 colleges from any area of the state provided students are bona  
2992 fide residents of Mississippi.

2993 Instructors, counselors and supervisors utilized in the  
2994 teaching of general educational development preparatory classes  
2995 shall be licensed in the appropriate area as required by the \* \* \*  
2996 Board of Trustees of State Institutions of Higher Learning.

2997 **SECTION 77.** Section 37-35-11, Mississippi Code of 1972, is  
2998 amended as follows:

2999 37-35-11. The \* \* \* Board of Trustees of State Institutions  
3000 of Higher Learning shall determine policies and procedures for  
3001 administration of this program.

3002 Funds provided under this section and Section 37-35-9 can be  
3003 used for matching federal funds if such become available.

3004 Funds provided under this section and Section 37-35-9 shall  
3005 be allocated to schools and community \* \* \* colleges on an average  
3006 of twelve (12) to fifteen (15) adult students per class in average  
3007 attendance, for one hundred fifty (150) hours maximum instruction  
3008 per class. Funds will be allocated on a basis of target  
3009 population by county for general educational development



3010 preparatory classes based on adults who have from nine (9) to  
3011 eleven (11) years of schooling as indicated by the 1990 census.  
3012 Schools and community \* \* \* colleges will receive one hundred  
3013 percent (100%) of the cost of general educational development  
3014 preparatory classes. All classes funded under this section and  
3015 Section 37-35-9 shall be considered temporary and shall be renewed  
3016 only as long as participation is adequate for continued funding.

3017 An annual report on program activities, adult participation  
3018 and results shall be prepared by the \* \* \* Board of Trustees of  
3019 State Institutions of Higher Learning and submitted to the  
3020 Mississippi Legislature within the first month of regular  
3021 legislative session each year.

3022 **SECTION 78.** Section 37-47-17, Mississippi Code of 1972, is  
3023 amended as follows:

3024 37-47-17. Applications for the expenditure of funds to the  
3025 credit of any school district in the State Public School Building  
3026 Fund shall originate with the school board of the school district  
3027 entitled to such funds. Before any funds to the credit of a  
3028 school district shall be expended for capital improvements or the  
3029 retirement of outstanding bonded indebtedness, the school board of  
3030 such school district shall prepare and submit an application in  
3031 such form as may be prescribed by the board. There shall be  
3032 included with such application a statement in which there is set  
3033 forth the enrollment and average daily attendance in the schools  
3034 of the district divided as to schools and grades, the number of  
3035 teachers employed, the facilities in use, the facilities to be  
3036 provided with the funds to be expended, the outstanding school  
3037 indebtedness, and such other information as the board may require.  
3038 Such application and statement shall be submitted directly to the  
3039 board and approved or disapproved by it. The decision of the  
3040 board shall be final, unless an appeal to the chancery court shall  
3041 be taken in the manner provided by law. In the event any  
3042 application shall be disapproved by the board, the school board



3043 submitting same shall be notified of such disapproval, which  
3044 notice of disapproval shall be accompanied by a statement of the  
3045 reason or reasons for such disapproval.

3046       The board shall approve only those applications which are  
3047 found to be proper under the provisions of this chapter and the  
3048 applicable rules and regulations of the board. When an  
3049 application is approved for the expenditure of funds for capital  
3050 improvements, the contract for the construction of such capital  
3051 improvements shall be entered into and awarded by the school board  
3052 of the school district in the manner provided in this chapter;  
3053 however, the contract for construction of a secondary vocational  
3054 and technical training center for exclusive use and operation by a  
3055 school district may be entered into and awarded by the president  
3056 of a community college district where a grant of federal funds by  
3057 the Appalachian Commission has been made to \* \* \* such community  
3058 college district to assist in financing construction of such  
3059 secondary vocational and technical training facility for such  
3060 school district.

3061       **SECTION 79.** Section 37-47-19, Mississippi Code of 1972, is  
3062 amended as follows:

3063       37-47-19. Where the expenditure of any funds to which any  
3064 school district may be entitled has been authorized, as provided  
3065 in Section 37-47-17, such funds shall be withdrawn from the public  
3066 school building fund by the board and deposited in the school  
3067 depository to the credit of the school district entitled thereto  
3068 as a special fund to be known as the "Public School Building Fund"  
3069 of the school district entitled thereto. Such money so deposited  
3070 shall be paid out and expended in the same manner as may be now or  
3071 hereafter provided by law for the expenditure of other school  
3072 funds belonging to such district; however, where the contract for  
3073 construction of a secondary vocational and technical training  
3074 center shall have been entered into and awarded by \* \* \* a  
3075 community college district as authorized by Section 37-47-29, the



3076 money so deposited in the public school building fund of the  
3077 school district for which said facility is being constructed may  
3078 be paid out and expended to pay a part of the cost of construction  
3079 of such facility.

3080         **SECTION 80.** Section 37-47-29, Mississippi Code of 1972, is  
3081 amended as follows:

3082         37-47-29. All contracts for capital improvements by any  
3083 school district which are financed in whole or in part with funds  
3084 received from the State Public School Building Fund pursuant to an  
3085 application approved by the board shall be awarded and entered  
3086 into upon receipt of sealed bids or proposals after the time and  
3087 place of letting such contracts and the manner of bidding has been  
3088 duly advertised. The contract shall be let and awarded to the  
3089 lowest and best bidder but the board of trustees or other  
3090 governing body of the school district shall have the power to  
3091 reject any and all bids. No such contract shall be finally  
3092 awarded or entered into without the prior written approval of the  
3093 board. It is hereby expressly provided that in order to bid upon  
3094 and be awarded contracts for the construction of school facilities  
3095 under the provisions of this chapter, if such contract,  
3096 subcontract or undertaking is less than Fifty Thousand Dollars  
3097 (\$50,000.00), it shall not be necessary that the bidder obtain a  
3098 certificate of responsibility from the Board of Public Contractors  
3099 under the provisions of Chapter 3, Title 31, of the Mississippi  
3100 Code of 1972, or otherwise be qualified under said chapter, and  
3101 none of the provisions of said chapter shall be applicable to such  
3102 contracts for the construction of school facilities under the  
3103 provisions hereof. Notwithstanding the foregoing provisions of  
3104 this section or any other provisions of law, the contract for  
3105 construction of a secondary vocational and technical training  
3106 center for exclusive use and operation by a county school district  
3107 may be entered into and awarded by \* \* \* a community college  
3108 district where a grant of federal funds by the Appalachian



3109 Commission has been made to \* \* \* such community college district  
3110 to assist in financing construction of such secondary vocational  
3111 and technical training facility for such county school district.

3112 **SECTION 81.** Section 37-57-107, Mississippi Code of 1972, is  
3113 amended as follows:

3114 37-57-107. Beginning with the tax levy for the 1997 fiscal  
3115 year and for each fiscal year thereafter, the aggregate receipts  
3116 from taxes levied for school district purposes pursuant to  
3117 Sections 37-57-105 and 37-57-1 shall not exceed the aggregate  
3118 receipts from those sources during any one (1) of the immediately  
3119 preceding three (3) fiscal years, as determined by the school  
3120 board, plus an increase not to exceed seven percent (7%). For the  
3121 purpose of this limitation, the term "aggregate receipts" when  
3122 used in connection with the amount of funds generated in a  
3123 preceding fiscal year shall not include excess receipts required  
3124 by law to be deposited into a special account, and shall not  
3125 include any amounts received by school districts from the School  
3126 Ad Valorem Tax Reduction Fund pursuant to Section 37-61-35. The  
3127 additional revenue from the ad valorem tax on any newly  
3128 constructed properties or any existing properties added to the tax  
3129 rolls or any properties previously exempt which were not assessed  
3130 in the next preceding year may be excluded from the seven percent  
3131 (7%) increase limitation set forth herein. Taxes levied for  
3132 payment of principal of and interest on general obligation school  
3133 bonds issued heretofore or hereafter shall be excluded from the  
3134 seven percent (7%) increase limitation set forth herein. Any  
3135 additional millage levied to fund any new program mandated by the  
3136 Legislature shall be excluded from the limitation for the first  
3137 year of the levy and included within such limitation in any year  
3138 thereafter. For the purposes of this section, the term "new  
3139 program" shall include, but shall not be limited to, (a) the Early  
3140 Childhood Education Program required to commence with the  
3141 1986-1987 school year as provided by Section 37-21-7 and any



3142 additional millage levied and the revenue generated therefrom,  
3143 which is excluded from the limitation for the first year of the  
3144 levy, to support the mandated Early Childhood Education Program  
3145 shall be specified on the minutes of the school board and of the  
3146 governing body making such tax levy, (b) any additional millage  
3147 levied and the revenue generated therefrom which shall be excluded  
3148 from the limitation for the first year of the levy, for the  
3149 purpose of generating additional local contribution funds required  
3150 for the adequate education program for the 2003 fiscal year and  
3151 for each fiscal year thereafter under Section 37-151-7(2); and (c)  
3152 any additional millage levied and the revenue generated therefrom  
3153 which shall be excluded from the limitation for the first year of  
3154 the levy, for the purpose of support and maintenance of any  
3155 agricultural high school which has been transferred to the  
3156 control, operation and maintenance of the school board by a  
3157 community college district under provisions of Section 37-29-272.

3158         The seven percent (7%) increase limitation prescribed in this  
3159 section may be increased an additional amount only when the school  
3160 board has determined the need for additional revenues and has held  
3161 an election on the question of raising the limitation prescribed  
3162 in this section. The limitation may be increased only if  
3163 three-fifths (3/5) of those voting in the election shall vote for  
3164 the proposed increase. The resolution, notice and manner of  
3165 holding the election shall be as prescribed by law for the holding  
3166 of elections for the issuance of bonds by the respective school  
3167 boards. Revenues collected for the fiscal year in excess of the  
3168 seven percent (7%) increase limitation pursuant to an election  
3169 shall be included in the tax base for the purpose of determining  
3170 aggregate receipts for which the seven percent (7%) increase  
3171 limitation applies for subsequent fiscal years.

3172         Except as otherwise provided for excess revenues generated  
3173 pursuant to an election, if revenues collected as the result of  
3174 the taxes levied for the fiscal year pursuant to this section and





3175 Section 37-57-1 exceed the increase limitation, then it shall be  
3176 the mandatory duty of the school board of the school district to  
3177 deposit such excess receipts over and above the increase  
3178 limitation into a special account and credit it to the fund for  
3179 which the levy was made. It will be the further duty of such  
3180 board to hold said funds and invest the same as authorized by law.  
3181 Such excess funds shall be calculated in the budgets for the  
3182 school districts for the purpose for which such levies were made,  
3183 for the succeeding fiscal year. Taxes imposed for the succeeding  
3184 year shall be reduced by the amount of excess funds available.  
3185 Under no circumstances shall such excess funds be expended during  
3186 the fiscal year in which such excess funds are collected.

3187 For the purposes of determining ad valorem tax receipts for a  
3188 preceding fiscal year under this section, the term "fiscal year"  
3189 means the fiscal year beginning October 1 and ending September 30.

3190 **SECTION 82.** Section 37-61-33, Mississippi Code of 1972, is  
3191 amended as follows:

3192 37-61-33. (1) There is created within the State Treasury a  
3193 special fund to be designated the "Education Enhancement Fund"  
3194 into which shall be deposited all the revenues collected pursuant  
3195 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

3196 (2) Of the amount deposited into the Education Enhancement  
3197 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be  
3198 appropriated each fiscal year to the State Department of Education  
3199 to be distributed to all school districts. Such money shall be  
3200 distributed to all school districts in the proportion that the  
3201 average daily attendance of each school district bears to the  
3202 average daily attendance of all school districts within the state  
3203 for the following purposes:

3204 (a) Purchasing, erecting, repairing, equipping,  
3205 remodeling and enlarging school buildings and related facilities,  
3206 including gymnasiums, auditoriums, lunchrooms, vocational training  
3207 buildings, libraries, teachers' homes, school barns,



3208 transportation vehicles (which shall include new and used  
3209 transportation vehicles) and garages for transportation vehicles,  
3210 and purchasing land therefor.

3211 (b) Establishing and equipping school athletic fields  
3212 and necessary facilities connected therewith, and purchasing land  
3213 therefor.

3214 (c) Providing necessary water, light, heating, air  
3215 conditioning and sewerage facilities for school buildings, and  
3216 purchasing land therefor.

3217 (d) As a pledge to pay all or a portion of the debt  
3218 service on debt issued by the school district under Sections  
3219 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
3220 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
3221 and 37-41-81, or debt issued by boards of supervisors for  
3222 agricultural high schools pursuant to Section 37-27-65, if such  
3223 pledge is accomplished pursuant to a written contract or  
3224 resolution approved and spread upon the minutes of an official  
3225 meeting of the district's school board or board of supervisors.  
3226 The annual grant to such district in any subsequent year during  
3227 the term of the resolution or contract shall not be reduced below  
3228 an amount equal to the district's grant amount for the year in  
3229 which the contract or resolution was adopted. The intent of this  
3230 provision is to allow school districts to irrevocably pledge a  
3231 certain, constant stream of revenue as security for long-term  
3232 obligations issued under the code sections enumerated in this  
3233 paragraph or as otherwise allowed by law. It is the intent of the  
3234 Legislature that the provisions of this paragraph shall be  
3235 cumulative and supplemental to any existing funding programs or  
3236 other authority conferred upon school districts or school boards.  
3237 Debt of a district secured by a pledge of sales tax revenue  
3238 pursuant to this paragraph shall not be subject to any debt  
3239 limitation contained in the foregoing enumerated code sections.



3240 (3) The remainder of the money deposited into the Education  
3241 Enhancement Fund shall be appropriated as follows:

3242 (a) To the State Department of Education as follows:

3243 (i) Sixteen and sixty-one one-hundredths percent  
3244 (16.61%) to the cost of the adequate education program determined  
3245 under Section 37-151-7;

3246 (ii) Seven and ninety-seven one-hundredths percent  
3247 (7.97%) to assist the funding of transportation operations and  
3248 maintenance pursuant to Section 37-19-23; and

3249 (iii) Nine and sixty-one one-hundredths percent  
3250 (9.61%) for classroom supplies, instructional materials and  
3251 equipment, including computers and computer software, to be  
3252 distributed to all school districts in the proportion that the  
3253 average daily attendance of each school district bears to the  
3254 average daily attendance of all school districts within the state.  
3255 It is the intent of the Legislature that all classroom teachers  
3256 shall be involved in the development of a spending plan that  
3257 addresses individual classroom needs and supports the overall  
3258 goals of the school regarding supplies, instructional materials,  
3259 equipment, computers or computer software under the provisions of  
3260 this subparagraph, including the type, quantity and quality of  
3261 such supplies, materials and equipment. This plan shall be  
3262 submitted to the school principal for approval. School districts  
3263 need not fully expend the funds received under this subparagraph  
3264 in the year in which they are received, but such funds may be  
3265 carried forward for expenditure in any succeeding school year;

3266 (b) Twenty-two and nine one-hundredths percent (22.09%)  
3267 to the Board of Trustees of State Institutions of Higher Learning  
3268 for the purpose of supporting institutions of higher learning; and

3269 (c) Fourteen and forty-one one-hundredths percent  
3270 (14.41%) to the Board of Trustees of State Institutions of Higher  
3271 Learning for the purpose of providing support to community and  
3272 junior colleges.



3273 (4) The amount remaining in the Education Enhancement Fund  
3274 after funds are distributed as provided in subsections (2) and (3)  
3275 of this section shall be disbursed as follows:

3276 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
3277 be deposited into the Working Cash-Stabilization Reserve Fund  
3278 created pursuant to Section 27-103-203(1), until the balance in  
3279 such fund reaches the maximum balance of seven and one-half  
3280 percent (7-1/2%) of the General Fund appropriations in the  
3281 appropriate fiscal year. After the maximum balance in the Working  
3282 Cash-Stabilization Reserve Fund is reached, such money shall  
3283 remain in the Education Enhancement Fund to be appropriated in the  
3284 manner provided for in paragraph (b) of this subsection.

3285 (b) The remainder shall be appropriated for other  
3286 educational needs.

3287 (5) None of the funds appropriated pursuant to subsection  
3288 (3)(a) of this section shall be used to reduce the state's general  
3289 fund appropriation for the categories listed in an amount below  
3290 the following amounts:

3291 (a) For subsection (3)(a)(ii) of this section,  
3292 Thirty-six Million Seven Hundred Thousand Dollars  
3293 (\$36,700,000.00);

3294 (b) For the aggregate of minimum program allotments in  
3295 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
3296 37, Mississippi Code of 1972, as amended, excluding those funds  
3297 for transportation as provided for in subsection (5)(a) in this  
3298 section.

3299 **SECTION 83.** Section 37-63-3, Mississippi Code of 1972, is  
3300 amended as follows:

3301 37-63-3. The Authority for Educational Television shall  
3302 consist of the State Superintendent of Public Education and six  
3303 (6) members appointed, with the advice and consent of the Senate.  
3304 The Governor shall appoint four (4) members, one (1) of whom shall  
3305 be actively engaged as a teacher or principal in a secondary



3306 school system in the State of Mississippi and one (1) of whom  
3307 shall be actively engaged as a teacher or principal in an  
3308 elementary school system in the State of Mississippi. Beginning  
3309 July 1, 1994, the appointee actively engaged as a teacher or  
3310 principal in a secondary school shall be appointed for an initial  
3311 term of three (3) years. The member actively engaged as a teacher  
3312 or principal in an elementary school shall be appointed for an  
3313 initial term of four (4) years. The remaining two (2)  
3314 gubernatorial appointees shall serve until July 1, 1996.  
3315 Beginning July 1, 1996, the Governor shall appoint two (2) members  
3316 for initial terms of three (3) and four (4) years, with the  
3317 Governor specifically designating which member shall be appointed  
3318 for three (3) years and which shall be appointed for four (4)  
3319 years. The \* \* \* Board of Trustees of \* \* \* State Institutions of  
3320 Higher Learning shall appoint two (2) members. After the  
3321 expiration of the initial terms, all members shall serve for terms  
3322 of four (4) years. An appointment to fill a vacancy among the  
3323 gubernatorial appointees, other than by expiration of a term of  
3324 office, shall be made by the Governor for the balance of the  
3325 unexpired term.

3326       **SECTION 84.** Section 37-101-3, Mississippi Code of 1972, is  
3327 amended as follows:

3328       37-101-3. (1) The Governor, by and with the advice and  
3329 consent of the Senate, shall appoint the members of the Board of  
3330 Trustees of State Institutions of Higher Learning, one (1) member  
3331 from each congressional district of the state as existing as of  
3332 March 31, 1944, one (1) member from each Supreme Court district  
3333 and two (2) members from the state at large, with the terms of  
3334 each to begin on May 8, 1944. One-third (1/3) of the membership  
3335 of said board so appointed shall be appointed for a period of four  
3336 (4) years, one-third (1/3) for a period of eight (8) years and  
3337 one-third (1/3) for a period of twelve (12) years. On the  
3338 expiration of any of said terms of office the Governor shall



3339 appoint successors, by and with the advice and consent of the  
3340 Senate, for terms of twelve (12) years in each case.

3341 (2) In case of a vacancy on said board by death or  
3342 resignation of a member or from any other cause than the  
3343 expiration of such member's term of office, the board shall elect  
3344 his successor who shall hold office until the end of the next  
3345 session of the Legislature. During such term of the session of  
3346 the Legislature the Governor shall appoint the successor member of  
3347 the board from the district from which his predecessor was  
3348 appointed to hold office until the end of the period or term for  
3349 which said original trustee was appointed, to the end that  
3350 one-third (1/3) of such trustees' terms shall expire each four (4)  
3351 years.

3352 \* \* \*

3353 **SECTION 85.** Section 37-102-3, Mississippi Code of 1972, is  
3354 amended as follows:

3355 37-102-3. \* \* \* The Board of Trustees of State Institutions  
3356 of Higher Learning \* \* \* shall study the need and advisability of  
3357 offering: (a) courses for college credit at the lower  
3358 undergraduate level; and (b) advanced centers for technology  
3359 partnerships for industrial training and professional development  
3360 for credit and noncredit courses, at the following off-campus  
3361 sites by four-year public state institutions of higher learning:  
3362 the Mississippi Gulf Coast counties; Greenville, Mississippi;  
3363 Columbus, Mississippi; McComb, Mississippi; Hattiesburg,  
3364 Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any  
3365 other proposed area of the state. Any such study shall take into  
3366 account the ongoing programs of the community \* \* \* colleges in  
3367 the State of Mississippi \* \* \*. It is the intent of the  
3368 Legislature to meet the educational needs of students who do not  
3369 have ready access to the educational opportunities that they  
3370 desire. \* \* \* The board shall establish such rules and



3371 regulations as it deems necessary and proper to carry out the  
3372 purposes and intent of this chapter.

3373         **SECTION 86.** Section 37-103-1, Mississippi Code of 1972, is  
3374 amended as follows:

3375         37-103-1. The \* \* \* Board of Trustees of State Institutions  
3376 of Higher Learning and the administrative authorities of each  
3377 institution governed by said board, in ascertaining and  
3378 determining the legal residence of and tuition to be charged any  
3379 student applying for admission to such institutions, shall be  
3380 governed by the definitions and conditions set forth in Sections  
3381 37-103-1 through 37-103-23.

3382         **SECTION 87.** Section 37-103-9, Mississippi Code of 1972, is  
3383 amended as follows:

3384         37-103-9. Children of parents who are members of the faculty  
3385 or staff of any institution under the jurisdiction of \* \* \* the  
3386 Board of Trustees of State Institutions of Higher Learning may be  
3387 classified as residents for the purpose of attendance at the  
3388 institution where their parents are faculty or staff members.

3389         **SECTION 88.** Section 37-103-25, Mississippi Code of 1972, is  
3390 amended as follows:

3391         37-103-25. The Board of Trustees of State Institutions of  
3392 Higher Learning is authorized to prescribe the amount of fees to  
3393 be paid by students attending the several state-supported  
3394 institutions of higher learning and community colleges of the  
3395 State of Mississippi. In prescribing the rates to be paid by  
3396 residents of other states, the total fees shall not be less than  
3397 the average cost per student from appropriated funds.

3398         **SECTION 89.** Section 37-103-29, Mississippi Code of 1972, is  
3399 amended as follows:

3400         37-103-29. Nothing in this chapter shall be construed to  
3401 provide that the Board of Trustees of State Institutions of Higher  
3402 Learning \* \* \* is required to consider for admission the  
3403 application of a nonresident.



3404           **SECTION 90.** Section 37-106-9, Mississippi Code of 1972, is  
3405 amended as follows:

3406           37-106-9. (1) There is hereby created the Postsecondary  
3407 Education Financial Assistance Board which shall consist of the  
3408 following three (3) members: one (1) person to be appointed by  
3409 the Board of Trustees of State Institutions of Higher Learning  
3410 from its membership for an initial period of four (4) years; one  
3411 (1) person representing the state community colleges to be  
3412 appointed by the \* \* \* Board of Trustees of State Institutions of  
3413 Higher Learning for an initial period of three (3) years; and one  
3414 (1) person to be appointed by the Governor for an initial period  
3415 of two (2) years. All subsequent appointments shall be for a  
3416 period of four (4) years. Vacancies shall be filled for the  
3417 length of the unexpired term only. The board shall elect from its  
3418 membership a chairman.

3419           (2) The agency shall designate one (1) member of its staff  
3420 to serve as director, to administer the provisions of this  
3421 financial assistance program. The director shall be assigned by  
3422 the agency sufficient staff, professional and clerical, funds and  
3423 quarters to administer this program.

3424           (3) The director:

3425                 (a) Subject to the review of the board, shall have the  
3426 power of final approval of any application submitted;

3427                 (b) Subject to the approval of the board and the  
3428 agency, shall have authority to promulgate the necessary rules and  
3429 regulations for effective administration of this chapter,  
3430 including the method of making application for assistance  
3431 authorized by this chapter.

3432           **SECTION 91.** Section 37-149-1, Mississippi Code of 1972, is  
3433 amended as follows:

3434           37-149-1. (1) There is established within the State  
3435 Department of Education, the Mississippi Teacher Center for the  
3436 purpose of insuring that the children of our state are taught by





3437 quality professionals. The center shall serve as an interagency  
3438 center focused on teacher recruitment, enhanced training and  
3439 initial instructional support.

3440 (2) The center shall have a staff which shall consist of one  
3441 (1) director, one (1) administrative assistant and professional  
3442 teacher recruiters. A steering committee shall be established  
3443 which shall consist of one (1) member from each of the following:  
3444 the Board of Trustees of State Institutions of Higher  
3445 Learning, \* \* \* the State Board of Education, the Board of the  
3446 Mississippi Association of Independent Colleges, the Board of the  
3447 Mississippi Association of Colleges of Teacher Education, trustees  
3448 of the local school boards, teachers and the private sector. The  
3449 members of the steering committee shall be appointed by the State  
3450 Superintendent with the approval of the board. The steering  
3451 committee shall direct the work and establish policies for the  
3452 purpose of operating the center.

3453 (3) The center shall provide leadership for the following  
3454 initiatives:

3455 (a) The initiation and monitoring of high school  
3456 programs for teacher recruitment;

3457 (b) The initiation and monitoring of college level  
3458 programs for teacher recruitment;

3459 (c) The establishment of a Beginning Teacher/Mentoring  
3460 program, as authorized in Sections 37-9-201 through 37-9-213;

3461 (d) The sponsorship of a teacher renewal institute;

3462 (e) The continuation of the Teacher Corps program;

3463 (f) The enhancement of the William Winter Scholarship  
3464 program;

3465 (g) Research for the development of professional  
3466 teaching standards;

3467 (h) Provide additional scholarships for any targeted  
3468 populations needing potential teachers; and



3469 (i) Provide assistance to local school districts in  
3470 identifying and locating specific teacher needs.

3471 **SECTION 92.** Section 37-151-17, Mississippi Code of 1972, is  
3472 amended as follows:

3473 37-151-17. (1) There is established the Council for  
3474 Education Technology which shall be an advisory group attached to  
3475 the State Board of Education. The council shall develop a master  
3476 plan for education technology.

3477 (2) The council shall consist of the State Superintendent of  
3478 Education, the Executive Director of the Mississippi Department of  
3479 Information Technology Services, the Executive Director of  
3480 Mississippi Educational Television (ETV), the Executive Director  
3481 of the Mississippi Library Commission \* \* \* and the Commissioner  
3482 of Higher Education, who shall serve as ex officio voting members  
3483 and four (4) members appointed within thirty (30) days after July  
3484 1, 1994, as follows:

3485 (a) One (1) member appointed by the State Board of  
3486 Education;

3487 (b) Two (2) members appointed by the Governor; and

3488 (c) One (1) member appointed by the Executive Director  
3489 of the Mississippi Department of Economic and Community  
3490 Development. All appointed members of the council shall have a  
3491 demonstrated knowledge in an area of technology as defined in  
3492 Section 37-151-15(2). All appointments to the council shall be  
3493 made with the advice and consent of the Senate. A majority of the  
3494 membership present at any meeting shall constitute a quorum for  
3495 the official conduct of business.

3496 (3) Members shall be appointed for four-year terms and may  
3497 be reappointed. Members may be reimbursed for mileage and actual  
3498 and necessary expenses in accordance with state law, and members  
3499 who are not state officers or employees shall receive per diem as  
3500 authorized in Section 25-3-69.



3501           (4) Immediately upon receiving notice of the appointment of  
3502 all members, the State Superintendent of Education shall call an  
3503 organizational meeting. At this meeting the State Superintendent  
3504 of Education shall preside as temporary chairman, and the council  
3505 shall elect from among the members a chairman and any other  
3506 officers it deems necessary, and define the duties of the  
3507 officers.

3508           (5) Meetings shall be held at least four (4) times per year,  
3509 or upon call of the chairman, at a time and place designated by  
3510 the chairman. The State Department of Education shall provide  
3511 staff support for the council.

3512           (6) The duties and responsibilities of the council shall  
3513 include, but not be limited to, the following:

3514           (a) Developing a long-range master plan for the  
3515 efficient and equitable use of technology at all levels from  
3516 primary school through higher education, including vocational and  
3517 adult education. The plan shall focus on the technology  
3518 requirements of classroom instruction, literacy laboratories,  
3519 student record management, financial and administrative  
3520 management, distance learning and communications as they relate to  
3521 the state's performance goals for students. The plan shall be  
3522 presented to the Mississippi Department of Information Technology  
3523 Services for approval;

3524           (b) Creating, overseeing and monitoring a well-planned  
3525 and efficient statewide network of technology services designed to  
3526 meet the educational and informational needs of the schools;

3527           (c) Working with private enterprise to encourage the  
3528 development of technology products specifically designed to answer  
3529 Mississippi's educational needs;

3530           (d) Encouraging an environment receptive to  
3531 technological progress in education throughout the state; and

3532           (e) Working with other state entities to maximize the  
3533 use and benefit of the state's technology infrastructure, to avoid



3534 duplication of public and private resources and to maximize the  
3535 purchasing ability of the state. When appropriate, shared  
3536 resources and competitive bidding shall be used.

3537 All contracts, requests for proposals and bid awards shall be  
3538 subject to the approval of the Mississippi Department of  
3539 Information Technology Services.

3540 **SECTION 93.** Section 37-151-69, Mississippi Code of 1972, is  
3541 amended as follows:

3542 37-151-69. (1) There is created the Mississippi Work Force  
3543 Development Advisory Council, which shall have the following  
3544 duties:

3545 (a) To provide a forum for developing the necessary  
3546 collaboration among state agencies at the highest level for  
3547 accomplishing the purposes of this article;

3548 (b) To monitor the effectiveness of the career centers  
3549 and district councils created pursuant to this article;

3550 (c) To advise the Governor and public schools,  
3551 community \* \* \* colleges and institutions of higher learning on  
3552 effective school-to-work transition policies and programs that  
3553 link students moving from high school to higher education and  
3554 students moving between community colleges and four-year  
3555 institutions in pursuit of academic and technical skills training;

3556 (d) To work with industry to identify barriers that  
3557 inhibit the delivery of quality work force education and the  
3558 responsiveness of educational institutions to the needs of  
3559 industry; and

3560 (e) To provide periodic assessments on effectiveness  
3561 and results of the system of career centers and district councils.

3562 (2) The state council shall be composed of the following  
3563 seventeen (17) persons:

3564 (a) A private sector representative from each of the  
3565 following six (6) district councils \* \* \*: a representative of  
3566 Northwest Mississippi Community College district; Northeast



3567 Mississippi Community College district; Central Mississippi  
3568 Community College district; East Central Mississippi Community  
3569 College district; Southwest Mississippi Community College  
3570 district; and South Mississippi Community College district \* \* \*.

3571 All \* \* \* appointments shall be for a term of three (3) years and  
3572 continue until their successors are appointed and qualify. An  
3573 appointment to fill a vacancy which arises for reasons other than  
3574 by expiration of a term of office shall be for the unexpired term  
3575 only;

3576 (b) The State Superintendent of Public Education;

3577 (c) The Commissioner of Higher Education;

3578 \* \* \*

3579 (d) The Executive Director of the Mississippi  
3580 Employment Security Commission;

3581 (e) The Executive Director of the Mississippi  
3582 Department of Human Services;

3583 (f) The Executive Director of the Mississippi  
3584 Department of Economic and Community Development;

3585 (g) The Governor of the State of Mississippi;

3586 (h) A representative of the private business sector  
3587 appointed by the Governor;

3588 (i) A representative of the State Literacy Resource  
3589 Center;

3590 (j) The Executive Director of the Mississippi  
3591 Department of Rehabilitation Services;

3592 (k) An employee representing an employee group or  
3593 association appointed by the Lieutenant Governor; and

3594 (l) An executive of a major service provider appointed  
3595 by the Lieutenant Governor.

3596 (3) The Executive Director of the Mississippi Department of  
3597 Economic and Community Development and the Governor's private  
3598 business sector appointee to the state council shall serve as the  
3599 cochairs of the state council.



3600 (4) The \* \* \* Board of Trustees of State Institutions of  
3601 Higher Learning shall provide the necessary staff and  
3602 administrative support to the state council.

3603 **SECTION 94.** Section 37-151-75, Mississippi Code of 1972, is  
3604 amended as follows:

3605 37-151-75. The \* \* \* Board of Trustees of State Institutions  
3606 of Higher Learning is designated as the primary support agency to  
3607 the career centers and district councils. The \* \* \* board of  
3608 trustees may exercise the following powers:

3609 (a) To provide the career centers the assistance  
3610 necessary to accomplish the purposes of this article;

3611 (b) To provide the career centers consistent standards  
3612 and benchmarks to guide development of the local work force  
3613 development system and to provide a means by which the outcomes of  
3614 local services can be measured;

3615 (c) To develop the staff capacity to provide, broker or  
3616 contract for the provision of technical assistance to the career  
3617 centers, including, but not limited to:

3618 (i) Training local staff in methods of recruiting,  
3619 assessment and career counseling;

3620 (ii) Establishing rigorous and comprehensive local  
3621 pre-employment training programs;

3622 (iii) Developing local institutional capacity to  
3623 deliver Total Quality Management training;

3624 (iv) Developing local institutional capacity to  
3625 transfer new technologists into the marketplace;

3626 (v) Expanding the Skills Enhancement Program and  
3627 improving the quality of adult literacy programs; and

3628 (vi) Developing data for strategic planning;

3629 (d) To collaborate with the Department of Economic and  
3630 Community Development and other economic development organizations  
3631 to increase the community college systems' economic development  
3632 potential;



3633 (e) To administer presented and approved certification  
3634 programs by the community colleges for tax credits and partnership  
3635 funding for corporate training;

3636 (f) To create and maintain an evaluation team that  
3637 examines which kinds of curricula and programs and what forms of  
3638 quality control of training are most productive so that the  
3639 knowledge developed at one (1) institution of education can be  
3640 transferred to others;

3641 (g) To develop internal capacity to provide services  
3642 and to contract for services from universities and other providers  
3643 directly to local institutions;

3644 (h) To develop and administer an incentive  
3645 certification program; and

3646 (i) To develop and hire staff and purchase equipment  
3647 necessary to accomplish the goals set forth in this section.

3648 **SECTION 95.** Section 37-155-9, Mississippi Code of 1972, is  
3649 amended as follows:

3650 37-155-9. In addition to the powers granted by any other  
3651 provision of this chapter, the board of directors shall have the  
3652 powers necessary or convenient to carry out the purposes and  
3653 provisions of this chapter, the purposes and objectives of the  
3654 trust fund and the powers delegated by any other law of the state  
3655 or any executive order thereof, including, but not limited to, the  
3656 following express powers:

3657 (a) To adopt and amend bylaws;

3658 (b) To adopt such rules and regulations as are  
3659 necessary to implement the provisions of this chapter;

3660 (c) To invest any funds of the trust fund in any  
3661 instrument, obligation, security or property that constitutes  
3662 legal investments for public funds in the state and to name and  
3663 use depositories for its investments and holdings;

3664 (d) To execute contracts and other necessary  
3665 instruments;



3666 (e) To impose reasonable requirements for residency for  
3667 beneficiaries at the time of purchase of the contract;

3668 (f) To impose reasonable limits on the number of  
3669 contract participants in the trust fund at any given period of  
3670 time;

3671 (g) To contract for necessary goods and services, to  
3672 employ necessary personnel, and to engage the services of  
3673 consultants for administrative and technical assistance in  
3674 carrying out the responsibilities of the trust fund;

3675 (h) To solicit and accept gifts, including  
3676 bequeathments or other testamentary gifts made by will, trust or  
3677 other disposition, grants, loans and other aids from any personal  
3678 source or to participate in any other way in any federal, state or  
3679 local governmental programs in carrying out the purposes of this  
3680 chapter. Any gifts made to the board under this subsection shall  
3681 be deductible from taxable income of the state in the tax year;

3682 (i) To define the terms and conditions under which  
3683 payments may be withdrawn or refunded from the trust fund,  
3684 including, but not limited to, the amount paid in and an  
3685 additional amount in the nature of interest at a rate that  
3686 corresponds, at a minimum, to the prevailing interest rates for  
3687 savings accounts provided by banks and savings and loan  
3688 associations and impose reasonable charges for such withdrawal or  
3689 refund;

3690 (j) To ensure applicability to private and out-of-state  
3691 tuitions:

3692 (i) Under the program, a state purchaser may enter  
3693 into a prepaid tuition contract with the board under which the  
3694 purchaser agrees to attend a public institution of higher  
3695 education in Mississippi;

3696 (ii) If the beneficiary of a plan described by  
3697 Section 37-155-11 enrolls in any in-state or out-of-state  
3698 regionally accredited private four- or two-year college or an





3699 out-of-state regionally accredited, state-supported, nonprofit  
3700 four- or two-year college or university, the board shall pay to  
3701 the institution an amount up to, but not greater than, the tuition  
3702 and required fees that the board would have paid had the  
3703 beneficiary enrolled in an institution of higher education covered  
3704 by the plan selected in the prepaid tuition contract. The  
3705 beneficiary is responsible for paying a private institution or an  
3706 out-of-state public institution the amount by which the tuition  
3707 and required fees of the institution exceed the tuition and  
3708 required fees paid by the board;

3709 (k) To impose reasonable time limits on the use of the  
3710 tuition benefits provided by the program;

3711 (l) To provide for the receipt of contributions to the  
3712 trust fund in lump sums or installment payments;

3713 (m) To adopt an official seal and rules;

3714 (n) To sue and be sued;

3715 (o) To establish agreements or other transactions with  
3716 federal, state and local agencies, including state universities  
3717 and community colleges;

3718 (p) To appear in its own behalf before boards,  
3719 commissions or other governmental agencies;

3720 (q) To segregate contributions and payments to the fund  
3721 into various accounts and funds;

3722 (r) To require and collect administrative fees and  
3723 charges in connection with any transaction and impose reasonable  
3724 penalties, including default, for delinquent payments or for  
3725 entering into an advance payment contract on a fraudulent basis;

3726 (s) To procure insurance against any loss in connection  
3727 with the property, assets and activities of the fund or the board;

3728 (t) To require that purchasers of advance payment  
3729 contracts verify, under oath, any requests for contract  
3730 conversions, substitutions, transfers, cancellations, refund  
3731 requests or contract changes of any nature;



3732           (u) To administer the fund in a manner that is  
3733 sufficiently actuarially sound to meet the obligations of the  
3734 program. The board shall annually evaluate or cause to be  
3735 evaluated the actuarial soundness of the fund. If the board  
3736 perceives a need for additional assets in order to preserve  
3737 actuarial soundness, the board may adjust the terms of subsequent  
3738 advance payment contracts to ensure such soundness;

3739           (v) To establish a comprehensive investment plan for  
3740 the purposes of this section. The comprehensive investment plan  
3741 shall specify the investment policies to be utilized by the board  
3742 in its administration of the fund. The board may authorize  
3743 investments in:

3744           (i) Bonds, notes, certificates and other valid  
3745 general obligations of the State of Mississippi, or of any county,  
3746 or of any city, or of any supervisors district of any county of  
3747 the State of Mississippi, or of any school district bonds of the  
3748 State of Mississippi; notes or certificates of indebtedness issued  
3749 by the Veterans' Home Purchase Board of Mississippi, provided such  
3750 notes or certificates of indebtedness are secured by the pledge of  
3751 collateral equal to two hundred percent (200%) of the amount of  
3752 the loan, which collateral is also guaranteed at least for fifty  
3753 percent (50%) of the face value by the United States government,  
3754 and provided that not more than five percent (5%) of the total  
3755 investment holdings of the system shall be in Veterans' Home  
3756 Purchase Board notes or certificates at any time; real estate  
3757 mortgage loans one hundred percent (100%) insured by the Federal  
3758 Housing Administration on single family homes located in the State  
3759 of Mississippi, where monthly collections and all servicing  
3760 matters are handled by Federal Housing Administration approved  
3761 mortgagees authorized to make such loans in the State of  
3762 Mississippi;

3763           (ii) State of Mississippi highway bonds;



3764 (iii) Funds may be deposited in federally insured  
3765 institutions domiciled in the State of Mississippi or a custodial  
3766 bank which appears on the State of Mississippi Treasury  
3767 Department's approved depository list and/or safekeeper list;

3768 (iv) Corporate bonds of investment grade as rated  
3769 by Standard & Poor's or by Moody's Investment Service, with bonds  
3770 rated BAA/BBB not to exceed five percent (5%) of the book value of  
3771 the total fixed income investments; or corporate short-term  
3772 obligations of corporations or of wholly owned subsidiaries of  
3773 corporations, whose short-term obligations are rated A-3 or better  
3774 by Standard and Poor's or rated P-3 or better by Moody's  
3775 Investment Service;

3776 (v) Bonds of the Tennessee Valley Authority;

3777 (vi) Bonds, notes, certificates and other valid  
3778 obligations of the United States, and other valid obligations of  
3779 any federal instrumentality that issues securities under authority  
3780 of an act of Congress and are exempt from registration with the  
3781 Securities and Exchange Commission;

3782 (vii) Bonds, notes, debentures and other  
3783 securities issued by any federal instrumentality and fully  
3784 guaranteed by the United States. Direct obligations issued by the  
3785 United States of America shall be deemed to include securities of,  
3786 or other interests in, any open-end or closed-end management type  
3787 investment company or investment trust registered under the  
3788 provisions of 15 USCS Section 80(a)-1 et seq., provided that the  
3789 portfolio of such investment company or investment trust is  
3790 limited to direct obligations issued by the United States of  
3791 America, United States government agencies, United States  
3792 government instrumentalities or United States government sponsored  
3793 enterprises, and to repurchase agreements fully collateralized by  
3794 direct obligations of the United States of America, United States  
3795 government agencies, United States government instrumentalities or  
3796 United States government sponsored enterprises, and the investment



3797 company or investment trust takes delivery of such collateral for  
3798 the repurchase agreement, either directly or through an authorized  
3799 custodian. The State Treasurer and the Executive Director of the  
3800 Department of Finance and Administration shall review and approve  
3801 the investment companies and investment trusts in which funds may  
3802 be invested;

3803 (viii) Interest-bearing bonds or notes which are  
3804 general obligations of any other state in the United States or of  
3805 any city or county therein, provided such city or county had a  
3806 population as shown by the federal census next preceding such  
3807 investment of not less than twenty-five thousand (25,000)  
3808 inhabitants and provided that such state, city or county has not  
3809 defaulted for a period longer than thirty (30) days in the payment  
3810 of principal or interest on any of its general obligation  
3811 indebtedness during a period of ten (10) calendar years  
3812 immediately preceding such investment;

3813 (ix) Shares of stocks, common and/or preferred, of  
3814 corporations created by or existing under the laws of the United  
3815 States or any state, district or territory thereof; provided:

3816 (A) The maximum investments in stocks shall  
3817 not exceed fifty percent (50%) of the book value of the total  
3818 investment fund of the system;

3819 (B) The stock of such corporation shall:

3820 1. Be listed on a national stock  
3821 exchange, or

3822 2. Be traded in the over-the-counter  
3823 market, provided price quotations for such over-the-counter stocks  
3824 are quoted by the National Association of Securities Dealers  
3825 Automated Quotation System (NASDAQ);

3826 (C) The outstanding shares of such  
3827 corporation shall have a total market value of not less than Fifty  
3828 Million Dollars (\$50,000,000.00);



3829 (D) The amount of investment in any one (1)  
3830 corporation shall not exceed three percent (3%) of the book value  
3831 of the assets of the system; and

3832 (E) The shares of any one (1) corporation  
3833 owned by the system shall not exceed five percent (5%) of that  
3834 corporation's outstanding stock;

3835 (x) Bonds rated Single A or better, stocks and  
3836 convertible securities of established non-United States companies,  
3837 which companies are listed on only primary national stock  
3838 exchanges of foreign nations; and in foreign government securities  
3839 rated Single A or better by a recognized rating agency; provided  
3840 that the total book value of investments under this paragraph  
3841 shall at no time exceed twenty percent (20%) of the total book  
3842 value of all investments of the system. The board may take  
3843 requisite action to effectuate or hedge such transactions through  
3844 foreign banks, including the purchase and sale, transfer, exchange  
3845 or otherwise disposal of, and generally deal in foreign exchange  
3846 through the use of foreign currency, interbank forward contracts,  
3847 futures contracts, options contracts, swaps and other related  
3848 derivative instruments, notwithstanding any other provisions of  
3849 this chapter to the contrary;

3850 (xi) Covered call and put options on securities  
3851 traded on one or more of the regulated exchanges;

3852 (xii) Institutional investment trusts managed by a  
3853 corporate trustee or by a Securities and Exchange Commission  
3854 registered investment advisory firm retained as an investment  
3855 manager by the board of directors, and institutional class shares  
3856 of investment companies and unit investment trusts registered  
3857 under the Investment Company Act of 1940 where such funds or  
3858 shares are comprised of common or preferred stocks, bonds, money  
3859 market instruments or other investments authorized under this  
3860 section. Any investment manager or managers approved by the board  
3861 of directors shall invest such funds or shares as a fiduciary;



3862 (xiii) Pooled or commingled real estate funds or  
3863 real estate securities managed by a corporate trustee or by a  
3864 Securities and Exchange Commission registered investment advisory  
3865 firm retained as an investment manager by the board of directors.  
3866 Such investment in commingled funds or shares shall be held in  
3867 trust; provided that the total book value of investments under  
3868 this paragraph shall at no time exceed five percent (5%) of the  
3869 total book value of all investments of the system. Any investment  
3870 manager approved by the board of directors shall invest such  
3871 commingled funds or shares as a fiduciary;

3872 (w) All investments shall be acquired by the board at  
3873 prices not exceeding the prevailing market values for such  
3874 securities;

3875 (x) Any limitations herein set forth shall be  
3876 applicable only at the time of purchase and shall not require the  
3877 liquidation of any investment at any time. All investments shall  
3878 be clearly marked to indicate ownership by the system and to the  
3879 extent possible shall be registered in the name of the system;

3880 (y) Subject to the above terms, conditions, limitations  
3881 and restrictions, the board shall have power to sell, assign,  
3882 transfer and dispose of any of the securities and investments of  
3883 the system, provided that the sale, assignment or transfer has the  
3884 majority approval of the entire board. The board may employ or  
3885 contract with investment managers, evaluation services or other  
3886 such services as determined by the board to be necessary for the  
3887 effective and efficient operation of the system;

3888 (z) Except as otherwise provided herein, no trustee and  
3889 no employee of the board shall have any direct or indirect  
3890 interest in the income, gains or profits of any investment made by  
3891 the board, nor shall any such person receive any pay or emolument  
3892 for his services in connection with any investment made by the  
3893 board. No trustee or employee of the board shall become an



3894 endorser or surety, or in any manner an obligor for money loaned  
3895 by or borrowed from the system;

3896 (aa) All interest derived from investments and any  
3897 gains from the sale or exchange of investments shall be credited  
3898 by the board to the account of the system;

3899 (bb) To delegate responsibility for administration of  
3900 the comprehensive investment plan to a consultant the board  
3901 determines to be qualified. Such consultant shall be compensated  
3902 by the board. Directly or through such consultant, the board may  
3903 contract to provide such services as may be a part of the  
3904 comprehensive investment plan or as may be deemed necessary or  
3905 proper by the board or such consultant, including, but not limited  
3906 to, providing consolidated billing, individual and collective  
3907 record keeping and accounting, and asset purchase, control and  
3908 safekeeping;

3909 (cc) To annually prepare or cause to be prepared a  
3910 report setting forth in appropriate detail an accounting of the  
3911 fund and a description of the financial condition of the program  
3912 at the close of each fiscal year. Such report shall be submitted  
3913 to the Governor, the Lieutenant Governor, the President of the  
3914 Senate, the Speaker of the House of Representatives, and members  
3915 of the Board of Trustees of State Institutions of Higher  
3916 Learning \* \* \* and the State Board of Education on or before March  
3917 31 each year. In addition, the board shall make the report  
3918 available to purchasers of advance payment contracts. The board  
3919 shall provide to the Board of Trustees of State Institutions of  
3920 Higher Learning \* \* \* by March 31 each year complete advance  
3921 payment contract sales information including projected  
3922 postsecondary enrollments of beneficiaries. The accounts of the  
3923 fund shall be subject to annual audits by the State Auditor or his  
3924 designee;

3925 (dd) To solicit proposals for the marketing of the  
3926 Mississippi Prepaid Affordable College Tuition Program. The



3927 entity designated pursuant to this paragraph shall serve as a  
3928 centralized marketing agent for the program and shall solely be  
3929 responsible for the marketing of the program. Any materials  
3930 produced for the purpose of marketing the programs shall be  
3931 submitted to the board for review. No such materials shall be  
3932 made available to the public before the materials are approved by  
3933 the board. Any educational institution may distribute marketing  
3934 materials produced for the program; however, all such materials  
3935 shall have been approved by the board prior to distribution.  
3936 Neither the state nor the board shall be liable for  
3937 misrepresentation of the program by a marketing agent; and  
3938 (ee) To establish other policies, procedures and  
3939 criteria necessary to implement and administer the provisions of  
3940 this chapter.

3941 For efficient and effective administration of the program and  
3942 trust fund, the board may authorize the State of Mississippi  
3943 Treasury Department and/or the State Treasurer to carry out any or  
3944 all of the powers and duties enumerated above.

3945 **SECTION 96.** Section 41-87-5, Mississippi Code of 1972, is  
3946 amended as follows:

3947 41-87-5. Unless the context requires otherwise, the  
3948 following definitions in this section apply throughout this  
3949 chapter:

3950 (a) "Eligible infants and toddlers" or "eligible  
3951 children" means children from birth through thirty-six (36) months  
3952 of age who need early intervention services because they:

3953 (i) Are experiencing developmental delays as  
3954 measured by appropriate diagnostic instruments and procedures in  
3955 one or more of the following areas:

3956 (A) Cognitive development;

3957 (B) Physical development, including vision or  
3958 hearing;

3959 (C) Communication development;





3960 (D) Social or emotional development;

3961 (E) Adaptive development;

3962 (ii) Have a diagnosed physical or mental

3963 condition, as defined in state policy, that has a high probability

3964 of resulting in developmental delay;

3965 (iii) Are at risk of having substantial

3966 developmental delays if early intervention services are not

3967 provided due to conditions as defined in state policy. (This

3968 category may be served at the discretion of the lead agency

3969 contingent upon available resources.)

3970 (b) "Early intervention services" are developmental

3971 services that:

3972 (i) Are provided under public supervision;

3973 (ii) Are provided at no cost except where federal

3974 or state law provides for a system of payments by families,

3975 including a schedule of sliding fees;

3976 (iii) Are designed to meet the developmental needs

3977 of an infant or toddler with a disability in any one or more of

3978 the following areas:

3979 (A) Physical development;

3980 (B) Cognitive development;

3981 (C) Communication development;

3982 (D) Social or emotional development; or

3983 (E) Adaptive development;

3984 (iv) Meet the requirements of Part C of the

3985 Individuals with Disabilities Education Act (IDEA) and the early

3986 intervention standards of the State of Mississippi;

3987 (v) Include, but are not limited to, the following

3988 services:

3989 (A) Assistive technology devices and

3990 assistive technology services;

3991 (B) Audiology;



- 3992 (C) Family training, counseling and home  
3993 visits;
- 3994 (D) Health services necessary to enable a  
3995 child to benefit from other early intervention services;
- 3996 (E) Medical services only for diagnostic or  
3997 evaluation purposes;
- 3998 (F) Nutrition services;
- 3999 (G) Occupational therapy;
- 4000 (H) Physical therapy;
- 4001 (I) Psychological services;
- 4002 (J) Service coordination (case management);
- 4003 (K) Social work services;
- 4004 (L) Special instruction;
- 4005 (M) Speech-language pathology;
- 4006 (N) Transportation and related costs that are  
4007 necessary to enable an infant or toddler and her/his family to  
4008 receive early intervention services; and
- 4009 (O) Vision services;
- 4010 (vi) Are provided by qualified personnel as  
4011 determined by the state's personnel standards, including:
- 4012 (A) Audiologists;
- 4013 (B) Family therapists;
- 4014 (C) Nurses;
- 4015 (D) Nutritionists;
- 4016 (E) Occupational therapists;
- 4017 (F) Orientation and mobility specialists;
- 4018 (G) Pediatricians and other physicians;
- 4019 (H) Physical therapists;
- 4020 (I) Psychologists;
- 4021 (J) Social workers;
- 4022 (K) Special educators;
- 4023 (L) Speech and language pathologists;



4024 (vii) Are provided, to the maximum extent  
4025 appropriate, in natural environments, including the home, and  
4026 community settings in which children without disabilities would  
4027 participate;

4028 (viii) Are provided in conformity with an  
4029 individualized family service plan.

4030 (c) "Council" means the State Interagency Coordinating  
4031 Council established under Section 41-87-7.

4032 (d) "Lead agency" means the State Department of Health.

4033 (e) "Participating agencies" includes, but is not  
4034 limited to, the State Department of Education, the Department of  
4035 Human Services, the State Department of Health, the Division of  
4036 Medicaid, the State Department of Mental Health, the University  
4037 Medical Center and the Board of Trustees of State Institutions of  
4038 Higher Learning \* \* \*.

4039 (f) "Local community" means a county either jointly,  
4040 severally, or a portion thereof, participating in the provision of  
4041 early intervention services.

4042 (g) "Primary service agency" means the agency, whether  
4043 a state agency, local agency, local interagency council or service  
4044 provider which is designated by the lead agency to serve as the  
4045 fiscal and contracting agent for a local community.

4046 (h) "Multidisciplinary team" means a group comprised of  
4047 the parent(s) or legal guardian and the service providers, as  
4048 appropriate, described in paragraph (b) of this section, who are  
4049 assembled for the purposes of:

4050 (i) Assessing the developmental needs of an infant  
4051 or toddler;

4052 (ii) Developing the individualized family service  
4053 plan; and

4054 (iii) Providing the infant or toddler and his or  
4055 her family with the appropriate early intervention services as  
4056 detailed in the individualized family service plan.



4057 (i) "Individualized family service plan" means a  
4058 written plan designed to address the needs of the infant or  
4059 toddler and his or her family as specified under Section 41-87-13.

4060 (j) "Early intervention standards" means those  
4061 standards established by any agency or agencies statutorily  
4062 designated the responsibility to establish standards for infants  
4063 and toddlers with disabilities, in coordination with the council  
4064 and in accordance with Part C of IDEA.

4065 (k) "Early intervention system" means the total  
4066 collaborative effort in the state that is directed at meeting the  
4067 needs of eligible children and their families.

4068 (l) "Parent," for the purpose of early intervention  
4069 services, means a parent, a guardian, a person acting as a parent  
4070 of a child, foster parent, or an appointed surrogate parent. The  
4071 term does not include the state if the child is a ward of the  
4072 state where the child has not been placed with individuals to  
4073 serve in a parenting capacity, such as foster parents, or when a  
4074 surrogate parent has not been appointed. When a child is the ward  
4075 of the state, a Department of Human Services representative will  
4076 act as parent for purposes of service authorization.

4077 (m) "Policies" means the state statutes, regulations,  
4078 Governor's orders, directives by the lead agency, or other written  
4079 documents that represent the state's position concerning any  
4080 matter covered under this chapter.

4081 (n) "Regulations" means the United States Department of  
4082 Education's regulations concerning the governance and  
4083 implementation of Part C of IDEA, the Early Intervention Program  
4084 for Infants and Toddlers with Disabilities.

4085 **SECTION 97.** Section 43-1-30, Mississippi Code of 1972, is  
4086 amended as follows:

4087 43-1-30. (1) There is hereby created the Mississippi TANF  
4088 Implementation Council. It shall serve as the independent, single  
4089 state advisory and review council for assuring Mississippi's



4090 compliance with the federal Personal Responsibility and Work  
4091 Opportunity Reconciliation Act of 1996 (Public Law 104-193), as  
4092 amended. The council shall further cooperation between  
4093 government, education and the private sector in meeting the needs  
4094 of the TANF program. It shall also further cooperation between  
4095 the business and labor communities, education and training  
4096 delivery systems, and between businesses in developing highly  
4097 skilled workers for high skill, high paying jobs in Mississippi.

4098 (2) The council shall be comprised of thirteen (13) public  
4099 members and certain ex officio nonvoting members. All public  
4100 members of the council shall be appointed as follows by the  
4101 Governor:

4102 Ten (10) members shall be representatives from business and  
4103 industry, provided that no fewer than five (5) members are from  
4104 the manufacturing and industry sector who are also serving as  
4105 members of private industry councils established within the state,  
4106 and one (1) member may be a representative of a nonprofit  
4107 organization. Three (3) members shall be recipients or former  
4108 recipients of TANF assistance appointed from the state at large.

4109 The ex officio nonvoting members of the council shall consist  
4110 of the following, or their designees:

4111 (a) The Executive Director of the Mississippi  
4112 Department of Human Services;

4113 (b) The Executive Director of the Mississippi  
4114 Employment Security Commission;

4115 (c) The Executive Director of the Mississippi  
4116 Department of Economic and Community Development;

4117 (d) The State Superintendent of Public Education;

4118 (e) The Commissioner of Higher Education;

4119 (f) The Executive Director of the Division of Medicaid;

4120 (g) The Commissioner of the Mississippi Department of  
4121 Corrections; and



4122           (h) The Director of the Mississippi Cooperative  
4123 Extension Service.

4124           (3) The Governor shall designate one (1) public member to  
4125 serve as chairman of the council for a term of two (2) years and  
4126 until a successor as chairman is appointed and qualified.

4127           (4) The term of office for public members appointed by the  
4128 Governor shall be four (4) years and until their successors are  
4129 appointed and qualified.

4130           (5) Any vacancy shall be filled for the unexpired term by  
4131 the Governor in the manner of the original appointment, unless  
4132 otherwise specified in this section.

4133           (6) Public members shall receive a per diem as authorized in  
4134 Section 25-3-69, for each day actually engaged in meetings of the  
4135 council, and shall be reimbursed for mileage and necessary  
4136 expenses incurred in the performance of their duties, as provided  
4137 in Section 25-3-41.

4138           (7) The council shall:

4139           (a) Annually review and recommend policies and programs  
4140 to the Governor and the Legislature that will implement and meet  
4141 federal requirements under the TANF program.

4142           (b) Annually review and recommend policies and programs  
4143 to the Governor and to the Legislature that will enable citizens  
4144 of Mississippi to acquire the skills necessary to maximize their  
4145 economic self-sufficiency.

4146           (c) Review the provision of services and the use of  
4147 funds and resources under the TANF program, and under all  
4148 state-financed job training and job retraining programs, and  
4149 advise the Governor and the Legislature on methods of coordinating  
4150 such provision of services and use of funds and resources  
4151 consistent with the laws and regulations governing such programs.

4152           (d) Assist in developing outcome and output measures to  
4153 measure the success of the Department of Human Services' efforts  
4154 in implementing the TANF program. These recommendations shall be



4155 made to the Department of Human Services at such times as required  
4156 in the event that the department implements new programs to comply  
4157 with the TANF program requirements.

4158 (e) Collaborate with the Department of Economic and  
4159 Community development, local planning and development districts  
4160 and local industrial development boards, and shall develop an  
4161 economic development plan for the creation of manufacturing jobs  
4162 in each of the counties in the state that has an unemployment rate  
4163 of ten percent (10%) or more, which shall include, but not be  
4164 limited to, procedures for business development, entrepreneurship  
4165 and financial and technical assistance.

4166 (8) A majority of the members of the council shall  
4167 constitute a quorum for the conduct of meetings and all actions of  
4168 the council shall be by a majority of the members present at a  
4169 meeting.

4170 (9) The council shall adopt rules and regulations as it  
4171 deems necessary to carry out its responsibilities under this  
4172 section and under applicable federal human resources programs.

4173 (10) The council may make and enter into contracts and  
4174 interagency agreements as may be necessary and proper.

4175 (11) The council is authorized to commit and expend monies  
4176 appropriated to it by the Legislature for its authorized purposes.  
4177 The council is authorized to solicit, accept and expend public and  
4178 private gifts, grants, awards and contributions related to  
4179 furtherance of its statutory duties.

4180 (12) Funds for the operations of the council shall be  
4181 derived from federal funds for the operation of state councils  
4182 pursuant to applicable federal human resources programs and from  
4183 such other monies appropriated to it by the Legislature.

4184 **SECTION 98.** Section 45-4-3, Mississippi Code of 1972, is  
4185 amended as follows:



4186 45-4-3. (1) There is hereby created the Board on Jail  
4187 Officer Standards and Training, which shall consist of nine (9)  
4188 members.

4189 (2) The members shall be appointed as follows:

4190 (a) Two (2) members to be appointed by the Mississippi  
4191 Association of Supervisors.

4192 (b) Three (3) members to be appointed by the  
4193 Mississippi Association of Sheriffs.

4194 (c) One (1) member to be appointed by the Board of  
4195 Trustees of State Institutions of Higher Learning.

4196 (d) One (1) member to be appointed by the Governor.

4197 (e) One (1) member to be appointed by the Mississippi  
4198 Association of Chiefs of Police.

4199 (f) One (1) member to be appointed by the Mississippi  
4200 Municipal League.

4201 The initial appointments to the board shall be made no later  
4202 than twenty (20) days after July 1, 1999, as follows:

4203 The Mississippi Association of Supervisors shall appoint one  
4204 (1) member for a term of one (1) year and one (1) member for a  
4205 term of three (3) years.

4206 The Mississippi Association of Sheriffs shall appoint one (1)  
4207 member for a term of one (1) year, one (1) member for a term of  
4208 two (2) years and one (1) member for a term of three (3) years.

4209 The Board of Trustees of State Institutions of Higher  
4210 Learning shall appoint one (1) member for a term of two (2) years.

4211 The Governor shall appoint one (1) member for a term of two  
4212 (2) years.

4213 The Mississippi Association of Chiefs of Police shall appoint  
4214 one (1) member for a term of two (2) years not later than twenty  
4215 (20) days after July 1, 2000.

4216 The Mississippi Municipal League shall appoint one (1) member  
4217 for a term of two (2) years not later than twenty (20) days after  
4218 July 1, 2000.





4219           Upon the expiration of the terms of the initial appointees to  
4220 the board, each subsequent appointment shall be made for a term of  
4221 three (3) years, beginning on the date of the expiration of the  
4222 previous term. A vacancy in any appointed position on the board  
4223 prior to the expiration of a term shall be filled by appointment  
4224 for the balance of the unexpired term.

4225           (3) Members of the board shall serve without compensation,  
4226 but shall be entitled to receive reimbursement for any actual and  
4227 reasonable expenses incurred as a necessary incident to such  
4228 service, including mileage, as provided in Section 25-3-41,  
4229 Mississippi Code of 1972.

4230           (4) There shall be a chairman and a vice chairman of the  
4231 board, elected by and from the membership of the board. The board  
4232 shall adopt rules and regulations governing times and places for  
4233 meetings and governing the manner of conducting its business, but  
4234 the board shall meet at least every three (3) months. Any member  
4235 who is absent for three (3) consecutive regular meetings of the  
4236 board may be removed by a majority vote of the board.

4237           (5) The Governor shall call an organizational meeting of the  
4238 board not later than thirty (30) days after July 1, 1999.

4239           (6) The board shall report annually to the Governor and the  
4240 Legislature on its activities, and may make such other reports as  
4241 it deems desirable.

4242           **SECTION 99.** Section 53-3-51, Mississippi Code of 1972, is  
4243 amended as follows:

4244           53-3-51. (1) The Mississippi Commission on Environmental  
4245 Quality, the county boards of supervisors, the mayors and boards  
4246 of aldermen, the mayor and councilmen, the trustees of  
4247 agricultural high schools \* \* \*, the trustees of any common school  
4248 districts, consolidated school districts, special consolidated  
4249 school districts and separate school districts, and all other  
4250 state boards, state officers, state agents, and the boards and  
4251 officers of all political subdivisions of the State of



4252 Mississippi, who manage and control mineral and royalty interests,  
4253 and are authorized by law to execute oil, gas or mineral leases  
4254 thereon, are hereby authorized and empowered to execute, on behalf  
4255 of the state or of such political, municipal, or other subdivision  
4256 or agency thereof, agreements covering any lease or leases now in  
4257 effect or which may hereafter be granted, and the mineral and  
4258 royalty interests thereunder, for establishing and carrying out  
4259 the cooperative development and operation of common accumulations  
4260 of oil and gas, or both, in all or any portion of a field or area  
4261 which appears from geological or other data to contain such common  
4262 accumulations of oil or gas, or both, including the right and  
4263 power to pool, consolidate and unitize the land covered by any  
4264 lease or leases, now in effect or which may hereafter be granted,  
4265 in its entirety or as to any stratum or strata or any portion or  
4266 portions thereof, with other lands and leases in the immediate  
4267 vicinity thereof, for the purpose of joint development and  
4268 operation of the entire consolidated premises as a unit. Such  
4269 agreements include, but are not limited to, all types of secondary  
4270 recovery methods and operations, and operations known as cycling,  
4271 recycling, pressure maintenance, repressuring, and water flooding,  
4272 and the storage, processing and marketing of gas and all  
4273 by-products of such operations.

4274       (2) When any mineral or royalty interest belonging to the  
4275 state, or to any political subdivision or agency thereof, is  
4276 included within the provisions of such unitization or other  
4277 agreement, as authorized in subsection (1) hereof, the oil, gas  
4278 and mineral lease on such interest shall be considered to be  
4279 amended thereby to conform to such agreement, and such lease shall  
4280 not terminate as long as the agreement continues in force. No  
4281 such agreement shall provide for the payment of royalty on any  
4282 basis which is less favorable to the state, or any such  
4283 subdivision thereof, than the basis on which royalty is computed  
4284 to other royalty owners.



4285 (3) The agreements herein authorized as to field-wide  
4286 unitization shall not become effective until approved by the State  
4287 Oil and Gas Board by an order duly entered on the minutes of said  
4288 board, and when so approved shall become fully valid and binding.

4289 (4) The provisions of this section shall be cumulative of  
4290 other existing laws not in conflict herewith.

4291 **SECTION 100.** Section 57-73-25, Mississippi Code of 1972, is  
4292 amended as follows:

4293 57-73-25. (1) A fifty percent (50%) income tax credit shall  
4294 be granted to any employer (as defined in subsection (4) of this  
4295 section) sponsoring basic skills training. The fifty percent  
4296 (50%) credit shall be granted to employers that participate in  
4297 employer-sponsored retraining programs through any community \* \* \*  
4298 college in the district within which the employer is located or  
4299 training approved by such community \* \* \* college. The retraining  
4300 must be designed to increase opportunities for employee  
4301 advancement or retention with the employer. The credit is applied  
4302 to qualified training or retraining expenses, which are expenses  
4303 related to instructors, instructional materials and equipment, and  
4304 the construction and maintenance of facilities by such employer  
4305 designated for training purposes which is attributable to training  
4306 or retraining provided through such community \* \* \* college or  
4307 training approved by such community \* \* \* college. The credits  
4308 allowed under this section shall only be used by the actual  
4309 employer qualifying for the credits. The credit shall not exceed  
4310 fifty percent (50%) of the income tax liability in a tax year and  
4311 may be carried forward for the five (5) successive years if the  
4312 amount allowable as credit exceeds the income tax liability in a  
4313 tax year; however, thereafter, if the amount allowable as a credit  
4314 exceeds the tax liability, the amount of excess shall not be  
4315 refundable or carried forward to any other taxable year. The  
4316 credit authorized under this section shall not exceed Two Thousand  
4317 Five Hundred Dollars (\$2,500.00), in the aggregate, per employee,



4318 over a three-year period. Nothing in this section shall be  
4319 interpreted in any manner as to prevent the continuing operation  
4320 of state-supported university programs.

4321 (2) Employer-sponsored training shall include an evaluation  
4322 by the local community \* \* \* college that serves the employer to  
4323 ensure that the training provided is job related and conforms to  
4324 the definitions of "basic skills training" and "retraining  
4325 programs" as hereinafter defined.

4326 (3) Employers shall be certified as eligible for the tax  
4327 credit by the local community \* \* \* college that serves the  
4328 employer and the State Tax Commission.

4329 (4) For the purposes of this section:

4330 (a) "Basic skills training" means any  
4331 employer-sponsored training by an appropriate community \* \* \*  
4332 college or training approved by such community \* \* \* college that  
4333 enhances reading, writing or math skills, up to the twelfth grade  
4334 level, of employees who are unable to function effectively on the  
4335 job due to deficiencies in these areas or who would be displaced  
4336 because such skill deficiencies will inhibit their training for  
4337 new technology.

4338 (b) "Retraining programs" means employer-sponsored  
4339 training by an appropriate community \* \* \* college or training  
4340 approved by such community \* \* \* college for hourly paid employees  
4341 that have been employed a minimum of one (1) year with the  
4342 employer applying the tax credit that, upon successful completion,  
4343 increases the employee's opportunity for consideration for  
4344 promotion or retention with the employer.

4345 (c) "Employer-sponsored training" means training  
4346 purchased by the employer from an appropriate community \* \* \*  
4347 college in the district within which the employer is located or  
4348 training approved by such community \* \* \* college.



4349 (d) "Employer" means those permanent business  
4350 enterprises as defined and set out in Section 57-73-21(2), (3),  
4351 (4) and (5).

4352 (5) The tax credits provided for in this section shall be in  
4353 addition to all other tax credits heretofore granted by the laws  
4354 of the state.

4355 (6) A community \* \* \* college may commit to provide  
4356 employer-sponsored basic skills training or retraining programs  
4357 for an employer for a multiple number of years, not to exceed five  
4358 (5) years.

4359 (7) The Board of Trustees of State Institutions of Higher  
4360 Learning shall make a report to the Legislature by January 30 of  
4361 each year summarizing the number of participants, the \* \* \*  
4362 community college through which the training was offered and the  
4363 type training offered.

4364 (8) This section shall stand repealed from and after July 1,  
4365 2003.

4366 **SECTION 101.** Section 69-2-5, Mississippi Code of 1972, is  
4367 amended as follows:

4368 69-2-5. (1) The Mississippi Cooperative Extension Service  
4369 shall act as a clearinghouse for the dissemination of information  
4370 regarding programs and services which may be available to help  
4371 those persons and businesses which have been adversely affected by  
4372 the present emergency in the agricultural community. The  
4373 Cooperative Extension Service shall develop a plan of assistance  
4374 which shall identify all programs and services available within  
4375 the state which can be of assistance to those affected by the  
4376 present emergency. The Department of Agriculture and Commerce,  
4377 the Department of finance and Administration, Department of Human  
4378 Services, Department of Mental Health, State Board of Health,  
4379 Board of Trustees of State Institutions of Higher Learning,  
4380 University Research \* \* \* Center, Department of Economic and  
4381 Community Development, Employment Security Commission, State Board



4382 of \* \* \* Education, Mississippi Authority for Educational  
4383 Television, and other agencies of the state which have programs  
4384 and services that can be of assistance to those affected by the  
4385 present emergency, shall provide information regarding their  
4386 programs and services to the Cooperative Extension Service for use  
4387 in the clearinghouse. The types of programs and services shall  
4388 include but not be limited to financial counseling, farm and small  
4389 business management, employment services, labor market  
4390 information, job re-training, vocational and technical training,  
4391 food stamp programs, personal counseling, health services, and  
4392 free or low cost legal services. The clearinghouse shall provide  
4393 a single contact point to provide program information and referral  
4394 services to individuals interested or needing services from state  
4395 funded assistance programs affecting agriculture, horticulture,  
4396 aquaculture and other agribusinesses or related industries. Such  
4397 assistance information shall identify all monies available under  
4398 the Small Business Financing Act, the Business Investment Act, the  
4399 Emerging Crop Fund legislation and any other sources which may be  
4400 used singularly or combined, to provide a comprehensive financing  
4401 package. The provisions of this section in establishing a single  
4402 contact point for information and referral services shall not be  
4403 construed to authorize the hiring of additional personnel.

4404 (2) The Cooperative Extension Service may accept monetary or  
4405 in-kind contributions, gifts and grants for the establishment or  
4406 operation of the clearinghouse.

4407 (3) The Cooperative Extension Service shall establish a  
4408 method for the dissemination of information to those who can be  
4409 benefited by the existing programs and services of the state.

4410 (4) The Cooperative Extension Service shall file an annual  
4411 report with the Governor, Lieutenant Governor and Speaker of the  
4412 House of Representatives regarding the efforts which have been  
4413 made in the clearinghouse operation. The report shall also  
4414 recommend any additional measures, including legislation, which



4415 may be needed or desired in providing programs and benefits to  
4416 those affected by the agricultural emergency.

4417         **SECTION 102.** Section 75-59-1, Mississippi Code of 1972, is  
4418 amended as follows:

4419         75-59-1. No person, firm or corporation shall contract to  
4420 furnish correspondence courses to persons within the state unless  
4421 such person, firm or corporation shall have obtained a permit from  
4422 the Office of the Secretary of State, either (a) the State  
4423 Department of Education \* \* \* or (b) the Board of Trustees of  
4424 State Institutions of Higher Learning, whichever is appropriate,  
4425 and the Office of the Attorney General. An application for a  
4426 permit shall be made on forms furnished by the Secretary of State,  
4427 the State Department of Education \* \* \* or the Board of Trustees  
4428 of Institutions of Higher Learning, as the case may be, and the  
4429 Attorney General and such application shall designate an agent for  
4430 the service of summons within the state; shall contain the name  
4431 and address of the applicant; the type of courses offered with a  
4432 brief summary of the course of studies offered; and one (1) copy  
4433 of all textbooks or other teaching aids and training materials  
4434 which are incorporated in the course of study shall be filed with  
4435 said application. The applicant shall pay the secretary of state  
4436 a fee of Two Hundred Fifty Dollars (\$250.00). The applicant shall  
4437 file a bond with his application in the sum of Fifty Thousand  
4438 Dollars (\$50,000.00) conditioned to satisfy any judgment rendered  
4439 by a court of competent jurisdiction, in favor of any person who  
4440 has sustained damages as a result of the breach of a contract of  
4441 instruction by the permittee. Such bond shall be executed by the  
4442 permittee and a resident surety company qualified to transact  
4443 business within the state. Such permit shall be valid for one (1)  
4444 year from the date thereof. Suits against the permittee and his  
4445 surety may be brought in the county where the plaintiff resides,  
4446 or the county where the defendant has his principal place of  
4447 business, or where his resident agent resides. This chapter shall



4448 not apply to any business school or business college holding a  
4449 current certificate or license issued under the applicable law of  
4450 this state. In addition, this chapter shall not apply to  
4451 religious instructions offered by a recognized church  
4452 denomination; provided, however, that no fee or charge of any kind  
4453 whatever may be levied or collected directly or indirectly for  
4454 such instructions or certificates issued in connection therewith  
4455 or incidental thereto. No person shall be granted a permit unless  
4456 he is an individual of good moral character.

4457         **SECTION 103.** Section 75-60-3, Mississippi Code of 1972, is  
4458 amended as follows:

4459             75-60-3. As used in this chapter:

4460             (a) "Course of instruction" means the offering of  
4461 instruction to individuals for a charge, fee or contribution of  
4462 any kind, to a person or persons for the purpose of training or  
4463 preparing such person(s) for a field of endeavor in a business,  
4464 trade, technical or industrial occupation.

4465             (b) "Program of study" means a curriculum or set of  
4466 individual courses in a particular area of specialization for  
4467 which a diploma, degree, certificate or other written evidence of  
4468 proficiency of achievement is offered or awarded.

4469             (c) "Agent" means any individual who solicits  
4470 prospective students in Mississippi to enroll for a fee in a  
4471 course of instruction.

4472             (d) "Person" means an individual, corporation,  
4473 partnership, association or any other type of organization.

4474             (e) "Board" means the \* \* \* Board of Trustees of State  
4475 Institutions of Higher Learning.

4476             (f) "Commission" means the Commission on Proprietary  
4477 School and College Registration established under this chapter.

4478         **SECTION 104.** Section 75-60-4, Mississippi Code of 1972, is  
4479 amended as follows:





4480           75-60-4. (1) The \* \* \* Board of Trustees of State  
4481 Institutions of Higher Learning shall appoint a "Commission on  
4482 Proprietary School and College Registration" to be composed of  
4483 five (5) qualified members, one (1) appointed from each of the  
4484 five (5) Mississippi congressional districts existing on January  
4485 1, 1992. The membership of said commission shall be composed of  
4486 persons who have held a teaching, managerial or other similar  
4487 position with any public, private, trade, technical or other  
4488 school; provided, however, that one (1) member of the commission  
4489 shall be actively engaged in teaching, managerial or other similar  
4490 position with a privately owned trade, technical or other school.  
4491 The membership of said commission shall be appointed by the board  
4492 of trustees within ninety (90) days of the passage of this  
4493 chapter. In making the first appointments, two (2) members shall  
4494 be appointed for three (3) years, two (2) members for four (4)  
4495 years, and one (1) member for five (5) years. Thereafter, all  
4496 members shall be appointed for a term of five (5) years. If one  
4497 (1) of the members appointed by the board of trustees resigns or  
4498 is otherwise unable to serve, a new member shall be appointed by  
4499 the commission to fill the unexpired term. All five (5) members  
4500 of the commission have full voting rights. The members shall not  
4501 be paid for their services, but may be compensated for the  
4502 expenses necessarily incurred in the attendance at meetings or in  
4503 performing other services for the commission at a rate prescribed  
4504 under Section 25-3-69, plus actual expenses and mileage as  
4505 provided by Section 25-3-41. Members of the commission shall  
4506 annually elect a chairman from among its members.

4507           (2) The \* \* \* Board of Trustees of State Institutions of  
4508 Higher Learning shall appoint such staff as may be required for  
4509 the performance of the commission's duties and provide necessary  
4510 facilities.

4511           (3) It shall be the purpose of the Commission on Proprietary  
4512 School and College Registration to establish and implement the



4513 registration program as provided in this chapter. All  
4514 controversies involving the registration of such schools shall be  
4515 initially heard by a duly authorized hearing officer of the  
4516 commission before whom a complete record shall be made. After the  
4517 conclusion of the hearing, the duly authorized hearing officer of  
4518 the commission shall make a recommendation to the commission as to  
4519 the resolution of the controversies, and the commission, after  
4520 considering the transcribed record and the recommendation of its  
4521 hearing officer, shall make its decision which becomes final  
4522 unless the school or college or other person involved shall appeal  
4523 to the \* \* \* Board of Trustees of State Institutions of Higher  
4524 Learning, which appeal shall be on the record previously made  
4525 before the commission's hearing officer except as may be provided  
4526 by rules and regulations adopted by the \* \* \* Board of Trustees of  
4527 State Institutions of Higher Learning. All appeals from the \* \* \*  
4528 Board of Trustees of State Institutions of Higher Learning shall  
4529 be on the record and shall be filed in the Chancery Court of the  
4530 First Judicial District of Hinds County, Mississippi.

4531 **SECTION 105.** Section 75-60-5, Mississippi Code of 1972, is  
4532 amended as follows:

4533 75-60-5. The provisions of this chapter do not apply to the  
4534 following categories of courses, schools or colleges:

4535 (a) Tuition-free courses or schools conducted by  
4536 employers exclusively for their own employees;

4537 (b) Schools, colleges, technical institutes, community  
4538 colleges, junior colleges or universities under the jurisdiction  
4539 of the Board of Trustees of State Institutions of Higher  
4540 Learning \* \* \*;

4541 (c) Schools or courses of instruction under the  
4542 jurisdiction of the State Board of Cosmetology or State Board of  
4543 Barber Examiners;

4544 (d) Courses of instruction required by law to be  
4545 approved or licensed, or given by institutions approved or



4546 licensed, by a state board or agency other than the Commission on  
4547 Proprietary School and College Registration; however, a school so  
4548 approved or licensed may apply to the Commission on Proprietary  
4549 School and College Registration for a certificate of registration  
4550 to be issued in accordance with the provisions of this chapter;

4551 (e) Correspondence courses;

4552 (f) Nonprofit private schools offering academic credits  
4553 at primary or secondary levels, or conducting classes for  
4554 exceptional education as defined by regulations of the State  
4555 Department of Education;

4556 (g) Private nonprofit colleges and universities or any  
4557 private school offering academic credits at primary, secondary or  
4558 postsecondary levels;

4559 (h) Courses of instruction conducted by a public school  
4560 district or a combination of public school districts;

4561 (i) Courses of instruction conducted outside the United  
4562 States;

4563 (j) A school which offers only instruction in subjects  
4564 which the Commission on Proprietary School and College  
4565 Registration determines are primarily for avocational, personal  
4566 improvement or cultural purposes and which does not represent to  
4567 the public that its course of study or instruction will or may  
4568 produce income for those who take such study or instruction;

4569 (k) Courses conducted primarily on an individual  
4570 tutorial basis, where not more than one (1) student is involved at  
4571 any one (1) time, except in those instances where the Commission  
4572 on Proprietary School and College Registration determines that the  
4573 course is for the purpose of preparing for a vocational objective;

4574 (l) Kindergartens or similar programs for preschool-age  
4575 children.

4576 **SECTION 106.** Section 75-60-19, Mississippi Code of 1972, is  
4577 amended as follows:



4578           75-60-19. (1) The Commission on Proprietary School and  
4579 College Registration may suspend, revoke or cancel a certificate  
4580 of registration for any one (1) or any combination of the  
4581 following causes:

4582           (a) Violation of any provision of the sections of this  
4583 chapter or any regulation made by the commission;

4584           (b) The furnishing of false, misleading or incomplete  
4585 information requested by the commission;

4586           (c) The signing of an application or the holding of a  
4587 certificate of registration by a person who has pleaded guilty or  
4588 has been found guilty of a felony or has pleaded guilty or been  
4589 found guilty of any other indictable offense;

4590           (d) The signing of an application or the holding of a  
4591 certificate of registration by a person who is addicted to the use  
4592 of any narcotic drug, or who is found to be mentally incompetent;

4593           (e) Violation of any commitment made in an application  
4594 for a certificate of registration;

4595           (f) Presentation to prospective students of misleading,  
4596 false or fraudulent information relating to the course of  
4597 instruction, employment opportunity, or opportunities for  
4598 enrollment in accredited institutions of higher education after  
4599 entering or completing courses offered by the holder of a  
4600 certificate of registration;

4601           (g) Failure to provide or maintain premises or  
4602 equipment for offering courses of instruction in a safe and  
4603 sanitary condition;

4604           (h) Refusal by an agent to display his agent's  
4605 certificate of registration upon demand of a prospective student  
4606 or other interested person;

4607           (i) Failure to maintain financial resources adequate  
4608 for the satisfactory conduct of courses of study as presented in  
4609 the plan of operation or to retain a sufficient number and  
4610 qualified staff of instruction; however nothing in this chapter



4611 shall require an instructor to be certificated by the Commission  
4612 on Proprietary School and College Registration or to hold any type  
4613 of post-high school degree;

4614 (j) Offering training or courses of instruction other  
4615 than those presented in the application; however, schools may  
4616 offer special courses adapted to the needs of individual students  
4617 where the special courses are in the subject field specified in  
4618 the application;

4619 (k) Accepting the services of an agent not licensed in  
4620 accordance with Sections 75-60-23 through 75-60-37, inclusive;

4621 (l) Conviction or a plea of nolo contendere on the part  
4622 of any owner, operator or director of a registered school of any  
4623 felony under Mississippi law or the law of another jurisdiction;

4624 (m) Continued employment of a teacher or instructor who  
4625 has been convicted of or entered a plea of nolo contendere to any  
4626 felony under Mississippi law or the law of another jurisdiction;

4627 (n) Incompetence of any owner or operator to operate a  
4628 school.

4629 (2) (a) Any person who believes he has been aggrieved by a  
4630 violation of this section shall have the right to file a written  
4631 complaint within two (2) years of the alleged violation. The  
4632 commission shall maintain a written record of each complaint that  
4633 is made. The commission shall also send to the complainant a form  
4634 acknowledging the complaint and requesting further information if  
4635 necessary and shall advise the director of the school that a  
4636 complaint has been made and, where appropriate, the nature of the  
4637 complaint.

4638 (b) The commission shall within twenty (20) days of  
4639 receipt of such written complaint commence an investigation of the  
4640 alleged violation and shall, within ninety (90) days of the  
4641 receipt of such written complaint, issue a written finding. The  
4642 commission shall furnish such findings to the person who filed the  
4643 complaint and to the chief operating officer of the school cited



4644 in the complaint. If the commission finds that there has been a  
4645 violation of this section, the commission shall take appropriate  
4646 action.

4647 (c) The commission may initiate an investigation  
4648 without a complaint.

4649 (3) **Hearing procedures.** (a) Upon a finding that there is  
4650 good cause to believe that a school, or an officer, agent,  
4651 employee, partner or teacher, has committed a violation of  
4652 subsection (1) of this section, the commission shall initiate  
4653 proceedings by serving a notice of hearing upon each and every  
4654 such party subject to the administrative action. The school or  
4655 such party shall be given reasonable notice of hearing, including  
4656 the time, place and nature of the hearing and a statement  
4657 sufficiently particular to give notice of the transactions or  
4658 occurrences intended to be proved, the material elements of each  
4659 cause of action and the civil penalties and/or administrative  
4660 sanctions sought.

4661 (b) Opportunity shall be afforded to the party to  
4662 respond and present evidence and argument on the issues involved  
4663 in the hearing including the right of cross-examination. In a  
4664 hearing, the school or such party shall be accorded the right to  
4665 have its representative appear in person or by or with counsel or  
4666 other representative. Disposition may be made in any hearing by  
4667 stipulation, agreed settlement, consent order, default or other  
4668 informal method.

4669 (c) The commission shall designate an impartial hearing  
4670 officer to conduct the hearing, who shall be empowered to:

4671 (i) Administer oaths and affirmations; and

4672 (ii) Regulate the course of the hearings, set the  
4673 time and place for continued hearings, and fix the time for filing  
4674 of briefs and other documents; and



4675 (iii) Direct the school or such party to appear  
4676 and confer to consider the simplification of the issues by  
4677 consent; and

4678 (iv) Grant a request for an adjournment of the  
4679 hearing only upon good cause shown.

4680 The strict legal rules of evidence shall not apply, but the  
4681 decision shall be supported by substantial evidence in the record.

4682 (4) The commission, acting by and through its hearing  
4683 officer, is hereby authorized and empowered to issue subpoenas for  
4684 the attendance of witnesses and the production of books and papers  
4685 at such hearing. Process issued by the commission shall extend to  
4686 all parts of the state and shall be served by any person  
4687 designated by the commission for such service. Where, in any  
4688 proceeding before the hearing officer, any witness fails or  
4689 refuses to attend upon a subpoena issued by the commission,  
4690 refuses to testify, or refuses to produce any books and papers the  
4691 production of which is called for by a subpoena, the attendance of  
4692 such witness, the giving of his testimony or the production of the  
4693 books and papers shall be enforced by any court of competent  
4694 jurisdiction of this state in the manner provided for the  
4695 enforcement of attendance and testimony of witnesses in civil  
4696 cases in the courts of this state.

4697 (5) **Decision after hearing.** The hearing officer shall make  
4698 written findings of fact and conclusions of law, and shall also  
4699 recommend in writing to the commission a final decision, including  
4700 penalties. The hearing officer shall mail a copy of his findings  
4701 of fact, conclusions of law and recommended penalty to the party  
4702 and his attorney, or representative. The commission shall make  
4703 the final decision, which shall be based exclusively on evidence  
4704 and other materials introduced at the hearing. If it is  
4705 determined that a party has committed a violation, the commission  
4706 shall issue a final order and shall impose penalties in accordance  
4707 with this section. The commission shall send by certified mail,



4708 return receipt requested, a copy of the final order to the party  
4709 and his attorney, or representative. The commission shall, at the  
4710 request of the school or such party, furnish a copy of the  
4711 transcript or any part thereof upon payment of the cost thereof.

4712       (6) **Civil penalties and administrative sanctions.** (a) A  
4713 hearing officer may recommend, and the commission may impose, a  
4714 civil penalty not to exceed Two Thousand Five Hundred Dollars  
4715 (\$2,500.00) for any violation of this section. In the case of a  
4716 second or further violation committed within the previous five (5)  
4717 years, the liability shall be a civil penalty not to exceed Five  
4718 Thousand Dollars (\$5,000.00) for each such violation.

4719       (b) Notwithstanding the provisions of paragraph (a) of  
4720 this subsection, a hearing officer may recommend and the  
4721 commission may impose a civil penalty not to exceed Twenty-five  
4722 Thousand Dollars (\$25,000.00) for any of the following violations:  
4723 (i) operation of a school without a registration in violation of  
4724 this chapter; (ii) operation of a school knowing that the school's  
4725 registration has been suspended or revoked; (iii) use of false,  
4726 misleading, deceptive or fraudulent advertising; (iv) employment  
4727 of recruiters on the basis of a commission, bonus or quota, except  
4728 as authorized by the commission; (v) directing or authorizing  
4729 recruiters to offer guarantees of jobs upon completion of a  
4730 course; (vi) failure to make a tuition refund when such failure is  
4731 part of a pattern of misconduct; or (vii) violation of any other  
4732 provision of this chapter, or any rule or regulation promulgated  
4733 pursuant thereto, when such violation constitutes part of a  
4734 pattern of misconduct which significantly impairs the educational  
4735 quality of the program or programs being offered by the school.  
4736 For each enumerated offense, a second or further violation  
4737 committed within the previous five (5) years shall be subject to a  
4738 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)  
4739 for each such violation.





4740 (c) In addition to the penalties authorized in  
4741 paragraphs (a) and (b) of this subsection, a hearing officer may  
4742 recommend and the commission may impose any of the following  
4743 administrative sanctions: (i) a cease and desist order; (ii) a  
4744 mandatory direction; (iii) a suspension or revocation of a  
4745 certificate of registration; (iv) a probation order; or (v) an  
4746 order of restitution.

4747 (d) The commission may suspend a registration upon the  
4748 failure of a school to pay any fee, fine or penalty as required by  
4749 this chapter unless such failure is determined by the commission  
4750 to be for good cause.

4751 (e) All civil penalties, fines and settlements received  
4752 shall accrue to the credit of the State General Fund.

4753 (7) Any penalty or administrative sanction imposed by the  
4754 commission under this section may be appealed by the school,  
4755 college or other person affected to the \* \* \* Board of Trustees of  
4756 State Institutions of Higher Learning as provided in Section  
4757 75-60-4(3), which appeal shall be on the record previously made  
4758 before the commission's hearing officer. All appeals from  
4759 the \* \* \* Board of Trustees of State Institutions of Higher  
4760 Learning shall be on the record and shall be filed in the Chancery  
4761 Court of the First Judicial District of Hinds County, Mississippi.

4762 **SECTION 107.** Section 75-60-43, Mississippi Code of 1972, is  
4763 amended as follows:

4764 75-60-43. The State Department of Education shall supply to  
4765 the \* \* \* Board of Trustees of State Institutions of Higher  
4766 Learning all records, regulations and forms relating to  
4767 proprietary school and college registration. All certificates and  
4768 permits for proprietary schools and colleges issued by the State  
4769 Department of Education shall be valid until their normal  
4770 expiration dates unless suspended or revoked for cause.

4771 **SECTION 108.** Section 37-4-4, Mississippi Code of 1972, which  
4772 requires the Commissioner of Higher Education to attend meetings



4773 of the State Board for Community and Junior Colleges, is repealed.  
4774 Section 37-4-5, Mississippi Code of 1972, which provides for the  
4775 meaning of the term "Junior College Commission," and Section  
4776 37-4-7, Mississippi Code of 1972, which requires the State Board  
4777 for Community and Junior Colleges to study the feasibility of  
4778 implementing a uniform state employment contract, are repealed.

4779       **SECTION 109.** Sections 37-29-37 and 37-29-39, Mississippi  
4780 Code of 1972, which expressly provide for the continuation of  
4781 certain junior college districts, are repealed.

4782       **SECTION 110.** Sections 37-29-65 and 37-29-67, Mississippi  
4783 Code of 1972, which provide for the selection of the trustees of  
4784 the community and junior college districts and establish the  
4785 general powers and duties of such boards of trustees, are  
4786 repealed.

4787       **SECTION 111.** Section 37-29-81, Mississippi Code of 1972,  
4788 which authorizes community and junior college districts, in the  
4789 discretion of the board of trustees, to charge tuition and fees,  
4790 is repealed.

4791       **SECTION 112.** Sections 37-29-101, 37-29-103, 37-29-105,  
4792 37-29-107, 37-29-109, 37-29-111, 37-29-113, 37-29-115, 37-29-117,  
4793 37-29-119, 37-29-121, 37-29-123, 37-29-125 and 37-29-127,  
4794 Mississippi Code of 1972, which authorize the boards of trustees  
4795 of community and junior college districts to borrow money and  
4796 establish procedures for such borrowing, are repealed.

4797       **SECTION 113.** Section 37-29-143, Mississippi Code of 1972,  
4798 which provides for the receipt and expenditure of tax revenues by  
4799 the community and junior college districts, is repealed.

4800       **SECTION 114.** Section 37-29-177, Mississippi Code of 1972,  
4801 which prohibits a community or junior college district from  
4802 charging out-of-district students a greater fee for specialized  
4803 programs in vocational education which are unavailable to the  
4804 students in their home district, is repealed.



4805           **SECTION 115.** Sections 37-29-211, 37-29-213, 37-29-215 and  
4806 37-29-217, Mississippi Code of 1972, which require community  
4807 college faculty members to file an affidavit as to membership in  
4808 organizations as a condition for employment, are repealed.

4809           **SECTION 116.** Section 37-29-263, Mississippi Code of 1972,  
4810 which authorizes the community and junior colleges to use any  
4811 available funds to defray the cost of electronic data processing  
4812 equipment, is repealed.

4813           **SECTION 117.** Section 37-29-273, Mississippi Code of 1972,  
4814 which authorizes the attendance of pupils in a county school  
4815 district at a municipal junior college in such county, is  
4816 repealed.

4817           **SECTION 118.** Sections 37-29-409, 37-29-411, 37-29-413,  
4818 37-29-415, 37-29-417, 37-29-419, 37-29-421, 37-29-423, 37-29-425,  
4819 37-29-427, 37-29-429, 37-29-431, 37-29-433, 37-29-435 and  
4820 37-29-437, Mississippi Code of 1972, which create a board of  
4821 trustees for the Mississippi Gulf Coast Junior College District  
4822 and prescribe the board's powers and duties, are repealed.

4823           **SECTION 119.** Sections 37-29-457, 37-29-459, 37-29-463,  
4824 37-29-465, 37-29-467, 37-29-469 and 37-29-471, Mississippi Code of  
4825 1972, which create a board of trustees for the Copiah-Lincoln  
4826 Junior College District and prescribe the board's powers and  
4827 duties, are repealed.

4828           **SECTION 120.** Sections 37-29-505, 37-29-507, 37-29-511,  
4829 37-29-513 and 37-29-515, Mississippi Code of 1972, which create a  
4830 board of trustees for the Meridian Junior College District and  
4831 prescribe the board's powers and duties, are repealed.

4832           **SECTION 121.** Sections 37-29-557, 37-29-561, 37-29-563,  
4833 37-29-565, 37-29-567 and 37-29-571, Mississippi Code of 1972,  
4834 which create a board of trustees for the Coahoma Community College  
4835 District and prescribe the board's powers and duties, are  
4836 repealed.



4837           **SECTION 122.** Section 37-101-331, Mississippi Code of 1972,  
4838 which requires the State Board for Community and Junior Colleges  
4839 to submit a report to the Legislature on the renovation and repair  
4840 needs of the community and junior colleges before January 3, 1989,  
4841 is repealed.

4842           **SECTION 123.** Sections 37-153-1, 37-153-3, 37-153-5,  
4843 37-153-7, 37-153-9, 37-153-11 and 37-153-13, Mississippi Code of  
4844 1972, which is the duplicative codification of the Work Force  
4845 Education Act of 1994, also codified as Sections 37-151-63 through  
4846 37-151-75, are repealed.

4847           **SECTION 124.** This act shall take effect and be in force from  
4848 and after July 1, 2002.

