

By: Representative Fleming

To: Universities and  
Colleges; Appropriations

## HOUSE BILL NO. 17

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE BOARD OF  
2 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO ESTABLISH A  
3 SEPARATE BOARD OF TRUSTEES FOR EACH STATE INSTITUTION OF HIGHER  
4 LEARNING; TO PROVIDE FOR THE ELECTION OF MEMBERS OF SUCH BOARDS OF  
5 TRUSTEES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE BOARD OF  
6 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO THE BOARDS OF  
7 TRUSTEES OF THE VARIOUS INSTITUTIONS OF HIGHER LEARNING AND TO THE  
8 COMMISSIONER OF HIGHER EDUCATION; TO AMEND SECTION 37-101-1,  
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION  
10 37-101-5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE  
11 QUALIFICATIONS FOR MEMBERSHIP TO THE BOARD OF TRUSTEES OF A STATE  
12 INSTITUTION OF HIGHER LEARNING; TO AMEND SECTION 37-101-7,  
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ORGANIZATION OF THE  
14 BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS OF HIGHER  
15 LEARNING AND FOR THE APPOINTMENT OF A COMMISSIONER OF HIGHER  
16 EDUCATION; TO AMEND SECTIONS 37-101-9 THROUGH 37-101-13,  
17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION  
18 37-101-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND  
19 DUTIES OF THE BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS  
20 OF HIGHER LEARNING; TO AMEND SECTIONS 1-1-11, 11-46-17, 17-13-5,  
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51 57-23-5, 57-23-7, 57-23-11, 57-39-105, 57-49-11, 57-55-5, 57-55-7,  
52 57-55-9, 57-55-11, 57-55-13, 57-55-15, 57-55-17, 57-67-5,



53 57-67-13, 57-75-13, 61-5-71, 61-5-73, 61-5-75, 63-11-32, 69-2-5,  
54 73-15-19, 73-15-33, 75-59-1 AND 75-60-5, MISSISSIPPI CODE OF 1972,  
55 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
56 PURPOSES.

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

58 **SECTION 1.** (1) From and after the first Monday of January  
59 2005, the Board of Trustees of State Institutions of Higher  
60 Learning is abolished, and all powers, duties and responsibilities  
61 of the Board of Trustees of State Institutions of Higher Learning  
62 are transferred, as directed under this act, to the respective  
63 boards of trustees of the various state institutions of higher  
64 learning created under this act or to the Commissioner of Higher  
65 Education. All records, property, contractual rights and  
66 obligations, unexpended balances of appropriations, allocations or  
67 other funds of the Board of Trustees of State Institutions of  
68 Higher Learning are transferred to the respective board of  
69 trustees of the involved state institution of higher learning or  
70 to the Commissioner of Higher Education, as the case may be, as  
71 directed under this act.

72 (2) In order to provide for an orderly transition to the  
73 separate boards of trustees of the various state institutions of  
74 higher learning, the members of the Board of Trustees of State  
75 Institutions of Higher Learning holding office on the date that  
76 House Concurrent Resolution No. \_\_\_\_, 2003 Regular Session, which  
77 provides for the abolishment of the Board of Trustees of State  
78 Institutions of Higher Learning, is ratified by the electorate  
79 shall continue to hold office until the members of the separate  
80 boards of trustees of the various state institutions of higher  
81 learning have been elected and taken office.

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



87           **SECTION 2.** (1) The Board of Trustees of Mississippi State  
88 University of Agriculture and Applied Science shall consist of  
89 five (5) members. On the first Tuesday after the first Monday in  
90 November 2004, an election shall be held, at the same time and in  
91 the same manner that the state general election is held, for the  
92 purpose of electing the members of the board of trustees  
93 established under this section. All members of the board of  
94 trustees as constituted under this section shall take office on  
95 the first Monday of January following the date of their election  
96 and shall hold office for a term of four (4) years. Four (4)  
97 members of the board of trustees shall be elected, one (1) from  
98 each of the four (4) congressional districts, as such districts  
99 existed on January 1, 2004, and one (1) member shall be elected  
100 from the state at large. Each member shall hold the  
101 qualifications for the office of trustee established under Section  
102 37-101-5.

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

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

110           **SECTION 3.** (1) The Board of Trustees of the University of  
111 Mississippi shall consist of five (5) members. On the first  
112 Tuesday after the first Monday in November 2004, an election shall  
113 be held, at the same time and in the same manner that the state  
114 general election is held, for the purpose of electing the members  
115 of the board of trustees established under this section. All  
116 members of the board of trustees as constituted under this section  
117 shall take office on the first Monday of January following the  
118 date of their election and shall hold office for a term of four  
119 (4) years. Four (4) members of the board of trustees shall be



120 elected, one (1) from each of the four (4) congressional  
121 districts, as such districts existed on January 1, 2004, and one  
122 (1) member shall be elected from the state at large. Each member  
123 shall hold the qualifications for the office of trustee  
124 established under Section 37-101-5.

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

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

130 **SECTION 4.** (1) The Board of Trustees of Mississippi  
131 University for Women shall consist of five (5) members. On the  
132 first Tuesday after the first Monday in November 2004, an election  
133 shall be held, at the same time and in the same manner that the  
134 state general state election is held, for the purpose of electing  
135 the members of the board of trustees established under this  
136 section. All members of the board of trustees as constituted  
137 under this section shall take office on the first Monday of  
138 January following the date of their election and shall hold office  
139 for a term of four (4) years. Four (4) members of the board of  
140 trustees shall be elected, one (1) from each of the four (4)  
141 congressional districts, as such districts existed on January 1,  
142 2004, and one (1) member shall be elected from the state at large.  
143 Each member shall hold the qualifications for the office of  
144 trustee established under Section 37-101-5.

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

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

150 **SECTION 5.** (1) The Board of Trustees of the University of  
151 Southern Mississippi shall consist of five (5) members. On the  
152 first Tuesday after the first Monday in November 2004, an election



153 shall be held, at the same time and in the same manner that the  
154 state general election is held, for the purpose of electing the  
155 members of the board of trustees established under this section.  
156 All members of the board of trustees as constituted under this  
157 section shall take office on the first Monday of January following  
158 the date of their election and shall hold office for a term of  
159 four (4) years. Four (4) members of the board of trustees shall  
160 be elected, one (1) from each of the four (4) congressional  
161 districts, as such districts existed on January 1, 2004, and one  
162 (1) member shall be elected from the state at large. Each member  
163 shall hold the qualifications for the office of trustee  
164 established under Section 37-101-5.

165 (2) The Board of Trustees of the University of Southern  
166 Mississippi shall organize in the manner provided in Section  
167 37-101-7.

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

172 **SECTION 6.** (1) The Board of Trustees of Alcorn State  
173 University shall consist of five (5) members. On the first  
174 Tuesday after the first Monday in November 2004, an election shall  
175 be held, at the same time and in the same manner that the state  
176 general election is held, for the purpose of electing the members  
177 of the board of trustees established under this section. All  
178 members of the board of trustees as constituted under this section  
179 shall take office on the first Monday of January following the  
180 date of their election and shall hold office for a term of four  
181 (4) years. Four (4) members of the board of trustees shall be  
182 elected, one (1) from each of the four (4) congressional  
183 districts, as such districts existed on January 1, 2004, and one  
184 (1) member shall be elected from the state at large. Each member



185 shall hold the qualifications for the office of trustee  
186 established under Section 37-101-5.

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

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

192 **SECTION 7.** (1) The Board of Trustees of Delta State  
193 University shall consist of five (5) members. On the first  
194 Tuesday after the first Monday in November 2004, an election shall  
195 be held, at the same time and in the same manner that the state  
196 general election is held, for the purpose of electing the members  
197 of the board of trustees established under this section. All  
198 members of the board of trustees as constituted under this section  
199 shall take office on the first Monday of January following the  
200 date of their election and shall hold office for a term of four  
201 (4) years. Four (4) members of the board of trustees shall be  
202 elected, one (1) from each of the four (4) congressional  
203 districts, as such districts existed on January 1, 2004, and one  
204 (1) member shall be elected from the state at large. Each member  
205 shall hold the qualifications for the office of trustee  
206 established under Section 37-101-5.

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

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

212 **SECTION 8.** (1) The Board of Trustees of Jackson State  
213 University shall consist of five (5) members. On the first  
214 Tuesday after the first Monday in November 2004, an election shall  
215 be held, at the same time and in the same manner that the state  
216 general election is held, for the purpose of electing the members  
217 of the board of trustees established under this section. All



218 members of the board of trustees as constituted under this section  
219 shall take office on the first Monday of January following the  
220 date of their election and shall hold office for a term of four  
221 (4) years. Four (4) members of the board of trustees shall be  
222 elected, one (1) from each of the four (4) congressional  
223 districts, as such districts existed on January 1, 2004, and one  
224 (1) member shall be elected from the state at large. Each member  
225 shall hold the qualifications for the office of trustee  
226 established under Section 37-101-5.

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

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

232 **SECTION 9.** (1) The Board of Trustees of Mississippi Valley  
233 State University shall consist of five (5) members. On the first  
234 Tuesday after the first Monday in November 2004, an election shall  
235 be held, at the same time and in the same manner that the state  
236 general election is held, for the purpose of electing the members  
237 of the board of trustees established under this section. All  
238 members of the board of trustees as constituted under this section  
239 shall take office on the first Monday of January following the  
240 date of their election and shall hold office for a term of four  
241 (4) years. Four (4) members of the board of trustees shall be  
242 elected, one (1) from each of the four (4) congressional  
243 districts, as such districts existed on January 1, 2004, and one  
244 (1) member shall be elected from the state at large. Each member  
245 shall hold the qualifications for the office of trustee  
246 established under Section 37-101-5.

247 (2) The Board of Trustees of Mississippi Valley State  
248 University shall organize in the manner provided in Section  
249 37-101-7.



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

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

255 37-101-1. The following state institutions of higher  
256 learning, namely:

257 (a) The University of Mississippi;

258 (b) The Mississippi State University of Agriculture and  
259 Applied Science;

260 (c) The Mississippi University for Women;

261 (d) The University of Southern Mississippi;

262 (e) The Delta State University;

263 (f) The Alcorn State University;

264 (g) The Jackson State University;

265 (h) The Mississippi Valley State University;

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

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

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

273 37-101-5. \* \* \* Only men and women who are graduates of the  
274 university for which they are seeking to hold the office of  
275 trustee who also are qualified electors residing in the  
276 congressional district from which they are seeking election and  
277 who are at least twenty-five (25) years of age and of the highest  
278 order of intelligence, character, learning and fitness for the  
279 performance of such duties shall be eligible to hold the office of  
280 trustee.

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





283           37-101-7. (1) Within ten (10) days after the beginning of  
284 the terms of office of its members, upon call of the president of  
285 the university, the board of trustees of each university shall  
286 meet at the main campus of the university and organize by electing  
287 one (1) of its number as president, whose term of office shall be  
288 for one (1) year or until a successor shall be elected, and shall  
289 transact such other business as may come before the meeting. When  
290 the presiding officer has voted and the result is a tie, he cannot  
291 vote again to break the tie.

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

314           (3) The trustees of each university shall authorize the  
315 employment of such \* \* \* personnel as may be required from time to



316 time to carry out the functions of the board and may assign to the  
317 personnel so employed such functions and duties and may delegate  
318 to the \* \* \* personnel such powers of the board as may be  
319 necessary to accomplish the purposes for which the board was  
320 established. All such personnel shall be employed by the \* \* \*  
321 board and shall hold office at the pleasure of the board. The  
322 board shall also have the authority to employ on a fee basis such  
323 technical and professional assistance as may be necessary to carry  
324 out the powers, duties and purposes of the board.

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

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

336 37-101-9. The board of trustees of each university shall  
337 serve without salary compensation but shall receive a per diem and  
338 mileage as authorized by law including time of going to and  
339 returning from meetings of the board, together with actual travel  
340 and hotel expenses incident to the meetings of the board, and in  
341 the discharge of duties prescribed by the board.

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



349 Three (3) members of the board shall constitute a quorum for the  
350 transaction of business.

351 **SECTION 14.** Section 37-101-11, Mississippi Code of 1972, is  
352 amended as follows:

353 37-101-11. The board of trustees of each state institution  
354 of higher learning is hereby authorized and empowered, in its  
355 discretion, to adopt and have an official seal in such form as it  
356 deems appropriate for its official use.

357 **SECTION 15.** Section 37-101-13, Mississippi Code of 1972, is  
358 amended as follows:

359 37-101-13. It shall be the duty of the Commissioner of  
360 Higher Education to begin immediately a comprehensive study of the  
361 role and scope of all of the various state institutions of higher  
362 learning, including a detailed study of the programs of study,  
363 degrees and courses offered. Following the completion of such  
364 study, the commissioner shall recommend such adjustments as may be  
365 found to be necessary in the programs of the various institutions,  
366 to the end that the broadest possible educational opportunities  
367 shall be offered to the citizens of this state without inefficient  
368 and needless duplication. The commissioner shall give advice to  
369 the boards of trustees on the establishment of new courses of  
370 study, new departments and new functions and activities in each  
371 institution so that the growth and development of the program of  
372 higher education in the state shall proceed in an orderly and  
373 rational manner, inefficient and needless duplication may be  
374 avoided, and new expanded programs will be undertaken only as the  
375 same may become justified, based upon objective criteria to be  
376 established by the commissioner. In carrying out the purposes of  
377 this section, particular attention shall be given to the extension  
378 programs of the various institutions. The commissioner, in  
379 conjunction with the boards of trustees, chancellor and presidents  
380 of the institutions of higher learning, shall take such steps as  
381 may be necessary to improve and coordinate such programs and shall



382 exercise such direct control over the establishment, organization,  
383 operation and granting of credit for such programs as may be  
384 necessary to accomplish such purposes.

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

387         37-101-15. (a) The board of trustees of each state  
388 institution of higher learning shall succeed to and continue to  
389 exercise control of all records, books, papers, equipment, and  
390 supplies, and all lands, buildings, and other real and personal  
391 property belonging to or assigned to the use and benefit of the  
392 state institution of higher learning under the supervision and  
393 control of the respective board. Each board shall have and  
394 exercise control of the use, distribution and disbursement of all  
395 funds, appropriations and taxes, now and hereafter in possession,  
396 levied and collected, received, or appropriated for the use,  
397 benefit, support, and maintenance or capital outlay expenditures  
398 of the respective institution of higher learning, including the  
399 authorization of employees to sign vouchers for the disbursement  
400 of funds for the institution, except where otherwise specifically  
401 provided by law.

402         (b) Each board shall have general supervision of the affairs  
403 of \* \* \* the institution of higher learning under its  
404 jurisdiction, including the departments and the schools thereof.  
405 The board shall have the power in its discretion to determine who  
406 shall be privileged to enter, to remain in, or to graduate  
407 therefrom. The board shall have general supervision of the  
408 conduct of libraries and laboratories, the care of dormitories,  
409 buildings, and grounds; the business methods and arrangement of  
410 accounts and records; the organization of the administrative plan  
411 of each institution; and all other matters incident to the proper  
412 functioning of the institutions. The board shall have the  
413 authority to establish minimum standards of achievement as a  
414 prerequisite for entrance into \* \* \* the institution under its



415 jurisdiction, which standards need not be uniform between the  
416 various institutions and which may be based upon such criteria as  
417 the board may establish.

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

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

443 (e) For each institution specified herein, the respective  
444 board shall prepare an annual report to the Legislature setting  
445 forth the disbursements of all monies appropriated to the  
446 institution. Each report to the Legislature shall show how the  
447 money appropriated to the institution has been expended, beginning



448 and ending with the fiscal year of the institution, showing the  
449 name of each teacher, officer, and employee, and the salary paid  
450 each, and an itemized statement of each and every item of receipts  
451 and expenditures. Each report must be balanced, and must begin  
452 with the former balance. If any property belonging to \* \* \* the  
453 institution is used for profit, the reports shall show the expense  
454 incurred in managing the property and the amount received  
455 therefrom. The reports shall also show a summary of the gross  
456 receipts and gross disbursements for each year and shall show the  
457 money on hand at the beginning of the fiscal period of the  
458 institution next preceding each session of the Legislature and the  
459 necessary amount of expense to be incurred from said date to  
460 January 1 following. The board shall keep the annual expenditures  
461 of the institution \* \* \* within the income derived from  
462 legislative appropriations and other sources, but in case of  
463 emergency arising from acts of providence, epidemics, fire or  
464 storm with the written approval of the Governor and by written  
465 consent of a majority of the Senators and of the Representatives  
466 it may exceed the income. The board shall require a surety bond  
467 in a surety company authorized to do business in this state, of  
468 every employee who is the custodian of funds belonging to \* \* \*  
469 the institution \* \* \* , which bond shall be in a sum to be fixed  
470 by the board in an amount that will properly safeguard the said  
471 funds, the premium for which shall be paid out of the funds  
472 appropriated for said institution.

473 (f) The board of each institution shall have the power and  
474 authority to elect the heads of the institution of higher learning  
475 and to contract with all deans, professors, and other members of  
476 the teaching staff, and all administrative employees of said  
477 institution for a term of not exceeding four (4) years. The board  
478 shall have the power and authority to terminate any such contract  
479 at any time for malfeasance, inefficiency, or contumacious  
480 conduct, but never for political reasons. It shall be the policy



481 of the board to permit the executive head of the institution to  
482 nominate for election by the board all subordinate employees of  
483 the institution over which he presides. It shall be the policy of  
484 the board to elect all officials for a definite tenure of service  
485 and to reelect during the period of satisfactory service. The  
486 board shall have the power to make any adjustments it thinks  
487 necessary between the various departments and schools of the  
488 institution \* \* \*.

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

492 (h) The board shall have the power to contract, on a  
493 shared-savings, lease or lease-purchase basis, for energy  
494 efficiency services and/or equipment as prescribed in Section  
495 31-7-14, not to exceed ten (10) years.

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

501 **SECTION 17.** Section 1-1-11, Mississippi Code of 1972, is  
502 amended as follows:

503 1-1-11. (1) Except as provided in subsection (2) of this  
504 section, the Joint Committee on Compilation, Revision and  
505 Publication of Legislation shall distribute or provide for the  
506 distribution of the sets of the compilation of the Mississippi  
507 Code of 1972 purchased by the state as follows:

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

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



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

534 Two (2) sets to the Department of Archives and History; two  
535 (2) sets to the State Soil and Water Conservation Commission;  
536 sixty-eight (68) sets to the Attorney General's Office; six (6)  
537 sets to the Public Service Commission; four (4) sets to the Public  
538 Utilities Staff; thirty-six (36) sets to the State Tax Commission;  
539 two (2) sets to the State Personnel Board; six (6) sets to the  
540 State Law Library; one (1) set to the Library of Congress; ten  
541 (10) sets to the University of Mississippi Law School; one (1) set  
542 each to the Mississippi School for the Deaf and the Mississippi  
543 School for the Blind; two (2) sets each to the University of  
544 Mississippi, Mississippi State University, Mississippi University  
545 for Women, University of Southern Mississippi, Delta State  
546 University, Alcorn State University, Jackson State University and





547 Mississippi Valley State University, \* \* \* and one (1) set to the  
548 Supreme Court judges' conference room. In furtherance of the  
549 State Library's reciprocal program of code exchange with libraries  
550 of the several states, the joint committee shall, at the direction  
551 and only upon the written request of the State Librarian,  
552 distribute or provide for the distribution of sets of the code to  
553 such libraries.

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

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

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



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

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

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



613 officeholder for the loss of or damage or destruction to any  
614 volumes of the set of the code provided under this section, other  
615 than normal wear and tear.

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

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

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

628 **SECTION 18.** Section 11-46-17, Mississippi Code of 1972, is  
629 amended as follows:

630 11-46-17. (1) There is hereby created in the State Treasury  
631 a special fund to be known as the "Tort Claims Fund."

632 All such monies as the Department of Finance and  
633 Administration shall receive and collect under the provisions of  
634 subsection (2) of this section and all such funds as the  
635 Legislature may appropriate for use by the board in administering  
636 the provisions of this chapter shall be deposited in such fund.  
637 All monies in the fund may be expended by the board for any and  
638 all purposes for which the board is authorized to expend funds  
639 under the provisions of this chapter. All interest earned from  
640 the investment of monies in the fund shall be credited to the  
641 fund. Monies remaining in such fund at the end of a fiscal year  
642 shall not lapse into the State General Fund.

643 (2) From and after July 1, 1993, each governmental entity  
644 other than political subdivisions shall participate in a  
645 comprehensive plan of self-insurance and/or one or more policies



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

675 Prior to July 1, 1993, the Board of Trustees of State  
676 Institutions of Higher Learning may provide such liability  
677 coverage for each university, department, trustee, employee,  
678 volunteer, facility and activity as the board of trustees, in its



679 discretion, shall determine advisable. If liability coverage,  
680 either through insurance policies or self-insurance retention is  
681 in effect, immunity from suit shall be waived only to the limit of  
682 liability established by such insurance or self-insurance program.  
683 From and after July 1, 1993, such liability coverage established  
684 by the Board of Trustees of State Institutions of Higher Learning  
685 and, after the effective date of House Bill No. , 2002 Regular  
686 Session, the board of trustees of each state institution of higher  
687 learning, must conform to the provisions of this section and must  
688 receive approval from the board. Should the board reject such  
689 plan, the boards of trustees shall participate in the liability  
690 program for state agencies established by the board.

691 (3) All political subdivisions shall, from and after October  
692 1, 1993, obtain such policy or policies of insurance, establish  
693 such self-insurance reserves, or provide a combination of such  
694 insurance and reserves as necessary to cover all risks of claims  
695 and suits for which political subdivisions may be liable under  
696 this chapter; except any political subdivision shall not be  
697 required to obtain pollution liability insurance. However, this  
698 shall not limit any cause of action against such political  
699 subdivision relative to limits of liability under the Tort Claims  
700 Act. Such policy or policies of insurance or such self-insurance  
701 may contain any reasonable limitations or exclusions not contrary  
702 to Mississippi state statutes or case law as are normally included  
703 in commercial liability insurance policies generally available to  
704 political subdivisions. All such plans of insurance and/or  
705 reserves shall be submitted for approval to the board. The board  
706 shall issue a certificate of coverage to each political  
707 subdivision whose plan of insurance and/or reserves it approves in  
708 the same manner as provided in subsection (2) of this section.  
709 Whenever any political subdivision fails to obtain the board's  
710 approval of any plan of insurance and/or reserves, the political  
711 subdivision shall act in accordance with the rules and regulations



712 of the board and obtain a satisfactory plan of insurance and/or  
713 reserves to be approved by the board.

714 (4) Any governmental entity of the state may purchase  
715 liability insurance to cover claims in excess of the amounts  
716 provided for in Section 11-46-15 and may be sued by anyone in  
717 excess of the amounts provided for in Section 11-46-15 to the  
718 extent of such excess insurance carried; provided, however, that  
719 the immunity from suit above the amounts provided for in Section  
720 11-46-15 shall be waived only to the extent of such excess  
721 liability insurance carried.

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

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

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

741 17-13-5. For the purpose of this chapter, the following  
742 words shall be defined as herein provided unless the context  
743 requires otherwise:



744           (a) "Local governmental unit" shall mean any county,  
745 any incorporated city, town or village, any school district, any  
746 utility district, any community college, any institution of higher  
747 learning, any municipal airport authority or regional airport  
748 authority in the state or any public improvement district created  
749 under the Public Improvement District Act.

750           (b) "Governing authority" shall mean the board of  
751 supervisors of any county, board of trustees of any school  
752 district or community college whether elective or appointive, the  
753 governing board of any city, town or village, the board of  
754 commissioners of a utility district, the board of trustees of each  
755 state institution of higher learning, the commissioners of a  
756 municipal airport authority or regional airport authority or the  
757 board of directors of any public improvement district created  
758 under the Public Improvement District Act.

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

761           19-3-47. (1) (a) The board of supervisors shall have the  
762 power, in its discretion, to employ counsel by the year at an  
763 annual salary at an amount that it deems proper, not to exceed the  
764 maximum annual amount authorized by law for payment to a member of  
765 the board.

766           (b) The board of supervisors shall have the power, in  
767 its discretion, to employ counsel in all civil cases in which the  
768 county is interested, including eminent domain proceedings, the  
769 examination and certification of title to property the county is  
770 acquiring and in criminal cases against a county officer for  
771 malfeasance or dereliction of duty in office, when by the criminal  
772 conduct of the officer the county may be liable to be affected  
773 pecuniarily, with the counsel to conduct the proceeding instead of  
774 the district attorney, or in conjunction with him, and to pay the  
775 counsel out of the county treasury or the road fund that may be  
776 involved reasonable compensation, or if counsel so employed is



777 retained on an annual basis as provided in this subsection,  
778 reasonable additional compensation for his services.

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

785 One percent (1%) of the first Five Hundred Thousand Dollars  
786 (\$500,000.00) of any one (1) bond issue; one-half percent (1/2%)  
787 of the amount of the issue in excess of Five Hundred Thousand  
788 Dollars (\$500,000.00) but not more than One Million Dollars  
789 (\$1,000,000.00); and one-fourth percent (1/4%) of the amount of  
790 the issue in excess of One Million Dollars (\$1,000,000.00). The  
791 limitations imposed in this paragraph shall not apply to any bond  
792 issue for which a declaration to issue the bonds has heretofore  
793 been adopted by proper resolution.

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

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

805 (3) In any county having a 1980 federal census population  
806 in excess of one hundred eighteen thousand (118,000), and in which  
807 is located a major refinery for the production of petroleum  
808 products and a facility for the construction of ships for the  
809 United States Navy; in any county which is traversed by an





810 interstate highway and having a 1980 federal census population in  
811 excess of sixty-six thousand (66,000), and in which is located a  
812 comprehensive public university \* \* \* and a National Guard  
813 training base; in any county in which is located the State Capitol  
814 and the state's largest municipality; in any county which is  
815 traversed by Interstate Highway 55, United States Highway 51 and  
816 United States Highway 98; in any county bordering the Gulf of  
817 Mexico, having a 1980 federal census population in excess of one  
818 hundred fifty-seven thousand (157,000), and in which is located a  
819 state-owned port; and in any county which is traversed by  
820 Interstate Highway 20, United States Highway 49 and United States  
821 Highway 80, and in which is located the State Hospital and an  
822 international airport; all of which foregoing criteria the  
823 Legislature finds to be conducive to industrial development  
824 requiring the issuance of industrial revenue bonds and which  
825 counties would gain benefits by employment of counsel in the  
826 manner authorized by this subsection, the board of supervisors, as  
827 an alternative to the authority conferred upon it in subsections  
828 (1) and (2) of this section, may employ annually, in its  
829 discretion, an attorney as a full-time employee of the county,  
830 subject to the following conditions:

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

835 (b) The attorney shall be employed by the board of  
836 supervisors in the matter of the issuance of all bonds of the  
837 county and the drafting of resolutions in connection therewith,  
838 and shall represent the board in all state and federal courts.  
839 Attorney's fees for the services which otherwise would have been  
840 paid to an attorney under paragraph (1)(c) of this section shall  
841 be paid into the county general fund and used to defray the salary  
842 of the attorney and his necessary office expenses;



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

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

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

858 **SECTION 21.** Section 19-9-1, Mississippi Code of 1972, is  
859 amended as follows:

860 19-9-1. The board of supervisors of any county is authorized  
861 to issue negotiable bonds of the county to raise money for the  
862 following purposes:

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

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

871 (c) Purchasing or constructing, repairing, improving  
872 and equipping buildings for public libraries and for purchasing  
873 land, equipment and books therefor, whether the title to same be  
874 vested in the county issuing such bonds or in some subdivision of



875 the state government other than the county, or jointly in such  
876 county and other such subdivision;

877 (d) Establishing county farms for convicts, purchasing  
878 land therefor, and erecting, remodeling, and equipping necessary  
879 buildings therefor;

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

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

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

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

905 (i) Assisting the board of trustees of any state  
906 institution of higher learning that has a campus in that county,  
907 the Office of General Services or any other state agency in



908 acquiring a site for constructing suitable buildings and runways  
909 and equipping an airport for any state university or other  
910 state-supported four-year college now or hereafter in existence in  
911 such county;

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

919 (k) Establishing rubbish and garbage disposal systems  
920 in accordance with the provisions of Sections 19-5-17 through  
921 19-5-27;

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

926 (m) Purchasing machinery and equipment which have an  
927 expected useful life in excess of ten (10) years. The life of  
928 such bonds shall not exceed the expected useful life of such  
929 machinery and equipment. Machinery and equipment shall not  
930 include any motor vehicle weighing less than twelve thousand  
931 (12,000) pounds;

932 (n) Purchasing fire fighting equipment and apparatus,  
933 and providing housing for the same and purchasing land necessary  
934 therefor;

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

938 (p) Constructing dams or low-water control structures  
939 on lakes or bodies of water under the provisions of Section  
940 19-5-92.



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

943           21-25-23. The governing authorities of any municipality are  
944 hereby authorized, when petitioned so to do by the board of  
945 trustees of any state institution of higher learning located in  
946 such municipality, to create, by ordinance, a fire district  
947 encompassing the area adjoining such municipality on which a part  
948 or all of the state institution of higher learning is located,  
949 after the creation of which such governing authorities and the  
950 board of trustees \* \* \* shall have full power to contract for  
951 laying of water mains and any other pipes or connections to the  
952 water mains to be used in said fire district, and for the  
953 establishment and maintenance of fire service therein. However,  
954 no such governing authority shall have the power either to  
955 promulgate or enforce any charge, rule or regulation upon said  
956 district without first having received the ratification and  
957 consent of the Board of Trustees of State Institutions of Higher  
958 Learning as reflected by the minutes of said trustees.

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

961           21-33-301. The governing authorities of any municipality are  
962 authorized to issue negotiable bonds of the municipality to raise  
963 money for the following purposes:

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

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



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

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

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

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

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

990           (h) Constructing bridges and culverts;

991           (i) Constructing, repairing and improving wharves,  
992 docks, harbors and appurtenant facilities, and purchasing land  
993 therefor;

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

999           (k) Altering or changing the channels of streams and  
1000 water courses to control, deflect or guide the current thereof;

1001           (l) Purchasing fire-fighting equipment and apparatus,  
1002 and providing housing for same, and purchasing land therefor;

1003           (m) Purchasing or renting voting machines and any other  
1004 election equipment needed in elections held in the municipality;



1005           (n) Assisting the board of trustees of any state  
1006 institution of higher learning situated in the municipality, the  
1007 Bureau of Building, Grounds and Real Property Management of the  
1008 Governor's Office of General Services, or any other state agency  
1009 in acquiring a site for, constructing suitable buildings and  
1010 runways and equipping an airport for the university or other  
1011 state-supported four-year college, now or hereafter in existence,  
1012 in or near which the municipality is located, within not more than  
1013 ten (10) miles of the municipality;

1014           (o) Acquiring and improving existing mass transit  
1015 system; however, no municipal governing authorities shall  
1016 authorize any bonds to be issued for the acquiring and improving  
1017 of an existing mass transit system unless an election be conducted  
1018 in said municipality in the same manner provided for general and  
1019 special elections, and a majority of the qualified electors of the  
1020 municipality participating in said election approve the bond  
1021 issuance for the acquiring and improving of an existing mass  
1022 transit system;

1023           (p) Purchasing machinery and equipment which have an  
1024 expected useful life in excess of ten (10) years. The life of  
1025 such bonds shall not exceed the expected useful life of such  
1026 machinery and equipment. Machinery and equipment shall not  
1027 include any motor vehicle weighing less than twelve thousand  
1028 (12,000) pounds;

1029           (q) A project for which a certificate of public  
1030 convenience and necessity has been obtained by the municipality  
1031 pursuant to the Regional Economic Development Act.

1032           **SECTION 24.** Section 25-3-41, Mississippi Code of 1972, is  
1033 amended as follows:

1034           25-3-41. (1) When any officer or employee of the State of  
1035 Mississippi, or any department, agency or institution thereof,  
1036 after first being duly authorized, is required to travel in the  
1037 performance of his official duties, the officer or employee shall



1038 receive as expenses for each mile actually and necessarily  
1039 traveled, when the travel is done by a privately owned automobile  
1040 or other privately owned motor vehicle, the mileage reimbursement  
1041 rate allowable to federal employees for the use of a privately  
1042 owned vehicle while on official travel.

1043 (2) When any officer or employee of any county or  
1044 municipality, or of any agency, board or commission thereof, after  
1045 first being duly authorized, is required to travel in the  
1046 performance of his official duties, the officer or employee shall  
1047 receive as expenses Twenty Cents (20¢) for each mile actually and  
1048 necessarily traveled, when the travel is done by a privately owned  
1049 motor vehicle; provided, however, that the governing authorities  
1050 of a county or municipality may, in their discretion, authorize an  
1051 increase in the mileage reimbursement of officers and employees of  
1052 the county or municipality, or of any agency, board or commission  
1053 thereof, in an amount not to exceed the mileage reimbursement rate  
1054 authorized for officers and employees of the State of Mississippi  
1055 in subsection (1) of this section.

1056 (3) Where two (2) or more officers or employees travel in  
1057 one (1) privately owned motor vehicle, only one (1) travel expense  
1058 allowance at the authorized rate per mile shall be allowed for any  
1059 one (1) trip. When the travel is done by means of a public  
1060 carrier or other means not involving a privately owned motor  
1061 vehicle, then the officer or employee shall receive as travel  
1062 expense the actual fare or other expenses incurred in such travel.

1063 (4) In addition to the foregoing, a public officer or  
1064 employee shall be reimbursed for other actual expenses such as  
1065 meals, lodging and other necessary expenses incurred in the course  
1066 of the travel, subject to limitations placed on meals for  
1067 intrastate and interstate official travel by the Department of  
1068 Finance and Administration, provided, that the Legislative Budget  
1069 Office shall place any limitations for expenditures made on  
1070 matters under the jurisdiction of the Legislature. The Department





1071 of Finance and Administration shall set a maximum daily  
1072 expenditure annually for such meals and shall notify officers and  
1073 employees of changes to these allowances immediately upon approval  
1074 of the changes. Travel by airline shall be at the tourist rate  
1075 unless that space was unavailable. The officer or employee shall  
1076 certify that tourist accommodations were not available if travel  
1077 is performed in first class airline accommodations. Itemized  
1078 expense accounts shall be submitted by those officers or employees  
1079 in such number as the department, agency or institution may  
1080 require; but in any case one (1) copy shall be furnished by state  
1081 departments, agencies or institutions to the Department of Finance  
1082 and Administration for preaudit or postaudit. The Department of  
1083 Finance and Administration shall promulgate and adopt reasonable  
1084 rules and regulations which it deems necessary and requisite to  
1085 effectuate economies for all expenses authorized and paid pursuant  
1086 to this section. Requisitions shall be made on the State Fiscal  
1087 Officer who shall issue his warrant on the State Treasurer.  
1088 Provided, however, that the provisions of this section shall not  
1089 include agencies financed entirely by federal funds and audited by  
1090 federal auditors.

1091 (5) Any officer or employee of a county or municipality, or  
1092 any department, board or commission thereof, who is required to  
1093 travel in the performance of his official duties, may receive  
1094 funds before the travel, in the discretion of the administrative  
1095 head of the county or municipal department, board or commission  
1096 involved, for the purpose of paying necessary expenses incurred  
1097 during the travel. Upon return from the travel, the officer or  
1098 employee shall provide receipts of transportation, lodging, meals,  
1099 fees and any other expenses incurred during the travel. Any  
1100 portion of the funds advanced which is not expended during the  
1101 travel shall be returned by the officer or employee. The  
1102 Department of Audit shall adopt rules and regulations regarding  
1103 advance payment of travel expenses and submission of receipts to



1104 ensure proper control and strict accountability for those payments  
1105 and expenses.

1106 (6) No state or federal funds received from any source by  
1107 any arm or agency of the state shall be expended in traveling  
1108 outside of the continental limits of the United States until the  
1109 governing body or head of the agency makes a finding and  
1110 determination that the travel would be extremely beneficial to the  
1111 state agency and obtains a written concurrence thereof from the  
1112 Governor or his designee and the Department of Finance and  
1113 Administration.

1114 (7) Where any officer or employee of the State of  
1115 Mississippi, or any department, agency or institution thereof, or  
1116 of any county or municipality, or of any agency, board or  
1117 commission thereof, is authorized to receive travel reimbursement  
1118 under any other provision of law, the reimbursement may be paid  
1119 under the provisions of this section or the other section, but not  
1120 under both.

1121 (8) When the Governor or Lieutenant Governor appoints a  
1122 person to a board, commission or other position that requires  
1123 confirmation by the Senate, the person may receive reimbursement  
1124 for mileage and other actual expenses incurred in the performance  
1125 of official duties before the appointment is confirmed by the  
1126 Senate, as reimbursement for those expenses is authorized under  
1127 this section.

1128 (9) (a) The Department of Finance and Administration may  
1129 contract with one or more commercial travel agencies, after  
1130 receiving competitive bids or proposals therefor, for that travel  
1131 agency or agencies to provide necessary travel services for state  
1132 officers and employees. Municipal and county officers and  
1133 municipal and county employees may also participate in the state  
1134 travel agency contract and utilize these travel services for  
1135 official municipal or county travel. However, the administrative  
1136 head of each state institution of higher learning may, in his



1137 discretion, contract with a commercial travel agency to provide  
1138 necessary travel services for all academic officials and staff of  
1139 the university in lieu of participation in the state travel agency  
1140 contract. Any such decision by a university to contract with a  
1141 separate travel agency shall be approved by the Commissioner of  
1142 Higher Education and the Executive Director of the Department of  
1143 Finance and Administration.

1144 (b) Before executing a contract with one or more travel  
1145 agencies, the Department of Finance and Administration shall  
1146 advertise for competitive bids or proposals once a week for two  
1147 (2) consecutive weeks in a regular newspaper having a general  
1148 circulation throughout the State of Mississippi. If the  
1149 department determines that it should not contract with any of the  
1150 bidders initially submitting proposals, the department may reject  
1151 all those bids, advertise as provided in this paragraph and  
1152 receive new proposals before executing the contract or contracts.  
1153 The contract or contracts may be for a period not greater than  
1154 three (3) years, with an option for the travel agency or agencies  
1155 to renew the contract or contracts on a one-year basis on the same  
1156 terms as the original contract or contracts, for a maximum of two  
1157 (2) renewals. After the travel agency or agencies have renewed  
1158 the contract twice or have declined to renew the contract for the  
1159 maximum number of times, the Department of Finance and  
1160 Administration shall advertise for bids in the manner required by  
1161 this paragraph and execute a new contract or contracts.

1162 (c) Whenever any state officer or employee travels in  
1163 the performance of his official duties by airline or other public  
1164 carrier, he may have his travel arrangements handled by that  
1165 travel agency or agencies. The amount paid for airline  
1166 transportation for any state officer or employee, whether the  
1167 travel was arranged by that travel agency or agencies or was  
1168 arranged otherwise, shall not exceed the amount specified in the  
1169 state contract established by the Department of Finance and



1170 Administration, Office of Purchasing and Travel, unless prior  
1171 approval is obtained from the office.

1172 **SECTION 25.** Section 27-7-701, Mississippi Code of 1972, is  
1173 amended as follows:

1174 27-7-701. For the purposes of this article, the following  
1175 terms shall have the respective meanings ascribed by this section:

1176 (a) "Claimant agency" means the board of trustees of  
1177 any state institution of higher learning \* \* \*, the Mississippi  
1178 Guarantee Student Loan Agency, the Mississippi Post-Secondary  
1179 Education Assistance Board, or any state agency which has loaned  
1180 money to an individual for educational purposes.

1181 (b) "Debtor" means any individual owing money or having  
1182 a delinquent account with any claimant agency, which obligation  
1183 has not been adjudicated satisfied by court order, set aside by  
1184 court order, or discharged in bankruptcy.

1185 (c) "Debt" means any liquidated sum due and owing any  
1186 claimant agency which has accrued through contract, subrogation,  
1187 tort or operation of law, regardless of whether there is an  
1188 outstanding judgment for that sum.

1189 (d) "Commission" means the State Tax Commission of the  
1190 State of Mississippi.

1191 (e) "Refund" means the Mississippi income tax refund  
1192 which the commission determines to be due any individual taxpayer.

1193 **SECTION 26.** Section 27-103-127, Mississippi Code of 1972, is  
1194 amended as follows:

1195 27-103-127. To the end that the overall budget shall present  
1196 in comparable terms a complete summary of all financial operations  
1197 of all state agencies, Part 2 of the overall budget shall include  
1198 therein the requested budget and the recommended budget for each  
1199 special fund agency. The overall budget shall show for each  
1200 special fund agency, in addition to such other information as may  
1201 be prescribed by the Legislative Budget Office, the following:



1202 (a) The amount by source of all special fund receipts  
1203 collected or otherwise available in the current fiscal year, and  
1204 an estimate by source of all special funds which will be collected  
1205 or become available by the end of the then current fiscal year;

1206 (b) The estimated amount of all expenditures to be made  
1207 or obligations to be incurred payable from such special funds  
1208 during the then current fiscal year;

1209 (c) The estimated aggregate amount of special funds  
1210 which will be needed by the agency for the succeeding fiscal year;  
1211 beginning with the 1995 fiscal year and in the event that any  
1212 services proposed to be provided by the agency in the succeeding  
1213 fiscal year are Medicaid reimbursable, any state general matching  
1214 funds necessary for such reimbursement shall be included in the  
1215 agency's proposed budget, and the appropriation to the Division of  
1216 Medicaid in the 1995 fiscal year shall be adjusted accordingly;

1217 (d) The estimated amount by source of special funds  
1218 which will be available under existing laws during the succeeding  
1219 fiscal year, including any balances which will be on hand at the  
1220 close of the then current fiscal year;

1221 (e) The estimated amount which will be needed and which  
1222 will require change in existing law or laws;

1223 (f) If any new item of expense is included in the  
1224 proposed budget of any special fund agency, the reason therefor  
1225 shall be given; and in any case where the Legislative Budget  
1226 Office shall eliminate or reduce any item or items in the proposed  
1227 budget of any special fund agency, it shall note briefly the  
1228 reasons therefor, together with the reasons advanced by the agency  
1229 in support of the item or items eliminated or reduced;

1230 (g) The proposed budget of each special fund agency  
1231 shall show the amounts required for operating expenses separately  
1232 from the amounts required for permanent improvements.

1233 Proposed expenditures for any agency in Part 2 of the overall  
1234 budget shall not exceed the amount of estimated revenues which



1235 will be available to it. Provided, that the Legislative Budget  
1236 Office may recommend changes in existing law so as to decrease or  
1237 increase the revenues available to any agency if in its judgment  
1238 such changes are necessary or desirable.

1239        Provided further, that expenditures approved or authorized by  
1240 the Legislature for any special fund agency or special funds  
1241 approved for general fund agency shall constitute a maximum to be  
1242 expended or encumbered by such agency, and shall not constitute  
1243 authority to expend or encumber more than the amount of revenue  
1244 actually collected or otherwise received.

1245        No special fund agency or general fund agency shall make  
1246 expenditures from special funds available to such agency unless  
1247 such expenditures are set forth in a budget approved by the  
1248 Legislature. Such legislative approval shall be set forth in an  
1249 appropriation act. Provided, however, that special funds derived  
1250 from the collection of taxes for any political subdivision of the  
1251 state shall be excepted from the foregoing provisions. The  
1252 executive head of the state agency shall be liable on his official  
1253 bond for expenditures or encumbrances which exceed the total  
1254 amount of the budget or the amount received if receipts are less  
1255 than the approved budget.

1256        \* \* \* Each university and college shall submit through the  
1257 board of trustees of the state institution of higher learning an  
1258 annual budget to the Legislative Budget Office prior to the  
1259 beginning of each fiscal year with such information and in such  
1260 form, and in such detail, as may be required by the Legislative  
1261 Budget Office. If the Legislative Budget Office determines that  
1262 sufficient funds will be available during the fiscal year to fund  
1263 the proposed budget as submitted, then and in that event the  
1264 proposed budget shall be approved. However, if the Legislative  
1265 Budget Office determines that, in its judgment, sufficient funds  
1266 will not be available to fund the proposed budget, the affected  
1267 institution \* \* \* and its board \* \* \* shall be promptly notified



1268 and given an opportunity to either justify the proposed budget or  
1269 proposed amendments which can be mutually agreed upon. The  
1270 Legislative Budget Office shall then approve the proposed budget  
1271 or budgets of the several universities and colleges. The total  
1272 amount approved for each institution shall constitute the maximum  
1273 funds which may be expended during the fiscal year.

1274 The municipal, county or combined municipal and county port  
1275 and harbor commissions, authorities or other port or harbor  
1276 agencies not owned or operated by the state, shall submit annual  
1277 or amended budgets of their estimated receipts and expenditures to  
1278 the governing bodies of such municipality, county or municipality  
1279 and county, for their approval, and a copy of such budget as  
1280 approved by such governing body or bodies shall be filed with the  
1281 Legislative Budget Office. Such budget shall itemize all  
1282 estimated receipts and expenditures, and the Legislative Budget  
1283 Office may require particularization, explanation or audit  
1284 thereof, and shall report such information to the Legislature.

1285 To the end that the overall budget shall present in  
1286 comparable terms a complete summary of all financial operations of  
1287 all state agencies, Part 3 of such overall budget shall consist of  
1288 an estimated preliminary annual budget of the Department of  
1289 Transportation and the Division of State Aid Road Construction of  
1290 the Department of Transportation and such information for the  
1291 current fiscal year as is necessary to make presentation  
1292 comparable to that specified for Part 2 special fund agencies.

1293 The annual budget request of the Department of Transportation  
1294 shall be divided into the following program budgets: (a)  
1295 administration and other expenses, (b) construction, (c)  
1296 maintenance, and (d) debt service. In making its annual  
1297 appropriation to the Department of Transportation from the State  
1298 Highway Fund, the Legislature shall separate the appropriation  
1299 bill into the four (4) program budget areas herein specified. For  
1300 the purposes of this paragraph, "administration and other



1301 expenses" shall be construed to mean those expenses incurred due  
1302 to departmental support activities which cannot be assigned to a  
1303 specific construction or maintenance project, and shall be  
1304 construed to include expenses incurred for office machines,  
1305 furniture, fixtures, automobiles, station wagons, truck and other  
1306 vehicles, road machinery, farm equipment and other working  
1307 equipment, data processing and computer equipment, all other  
1308 equipment, and replacements for equipment. "Construction" shall  
1309 be construed to mean those expenses associated with the creation  
1310 and development of the state highway system and its related  
1311 facilities; "maintenance" shall be construed to mean those  
1312 expenses incurred due to activities associated with preservation  
1313 of safe and aesthetically acceptable highways in an attempt to  
1314 maintain them in as close to the original condition as possible;  
1315 and "debt service" shall be construed to mean amounts needed to  
1316 pay bonds and interest coming due, bank service charges, and bond  
1317 debt service.

1318       **SECTION 27.** Section 29-1-205, Mississippi Code of 1972, is  
1319 amended as follows:

1320       29-1-205. (1) The Department of Finance and Administration,  
1321 Bureau of Building, Grounds and Real Property Management, is  
1322 hereby authorized, empowered and directed to sell and convey on  
1323 behalf of the State of Mississippi to a nationally recognized  
1324 organization which has as its purpose the recognition and  
1325 promotion of scholarship, leadership and service among two-year  
1326 college students throughout the country for the purpose of  
1327 constructing a national headquarters thereon, the following  
1328 described state-owned lands. The property authorized to be sold  
1329 and conveyed is a certain parcel of land situated in the Northwest  
1330 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds  
1331 County, Mississippi, and being more particularly described as  
1332 follows, to-wit:





1333 Commence at the Southwest corner of Lot 2 of Northeast  
1334 Heights, a subdivision on file and of record in the  
1335 office of the Chancery Clerk at Jackson, Hinds County,  
1336 Mississippi, in Plat Book 10 at Page 45; run thence  
1337 Southerly along the extension of the West line of said  
1338 Lot 2 for a distance of 80.00 feet to a point on the  
1339 South Line of Eastover Drive; turn thence right through  
1340 a deflection angle of 89 degrees 13 minutes and run  
1341 westerly along the South line of Eastover Drive for a  
1342 distance of 43.84 feet to the POINT OF BEGINNING; thence  
1343 leaving said South line of Eastover Drive, turn left  
1344 through a deflection angle of 95 degrees 41 minutes 50  
1345 seconds and run Southerly along a line twenty five feet  
1346 from and parallel to the centerline of a 31 foot asphalt  
1347 drive for a distance of 118.08 feet; turn thence right  
1348 through a deflection angle of 3 degrees 07 minutes 37  
1349 seconds and continue Southerly along a line twenty five  
1350 feet from and parallel to the centerline of a 31 foot  
1351 asphalt drive for a distance of 132.71 feet to a point  
1352 on the North line of a United Gas Pipe Line Company  
1353 easement; turn thence right through a deflection angle  
1354 of 59 degrees 18 minutes 47 seconds and run  
1355 Southwesterly along the North line of said United Gas  
1356 Pipe Line Company easement for a distance of 520.00  
1357 feet; turn thence right through a deflection angle of 90  
1358 degrees 00 minutes 00 seconds and run Northwesterly for  
1359 a distance of 410.00 feet; turn thence right through a  
1360 deflection angle of 69 degrees 42 minutes 33 seconds and  
1361 run Northeasterly for a distance of 238.99 feet to a  
1362 point on the South line of said Eastover Drive; said  
1363 point further being on a 2 degrees 27 minutes curve  
1364 bearing to the right, said curve having a central angle  
1365 of 8 degrees 58 minutes 45 seconds and a radius of



1366 2258.60 feet; turn thence right through a deflection  
1367 angle of 53 degrees 12 minutes 08 seconds and run  
1368 Easterly along the chord of said 2 degrees 27 minutes  
1369 curve bearing to the right and the South line of said  
1370 Eastover Drive for a distance of 27.26 feet to the Point  
1371 of Tangency; turn thence right through a deflection  
1372 angle of 00 degrees 20 minutes 45 seconds and run  
1373 Easterly along the South line said Eastover Drive for a  
1374 distance of 472.74 feet to the POINT OF BEGINNING,  
1375 containing 5.44 acres more or less.

1376 (2) The Legislature recognizes that Mississippi's public  
1377 two-year college system is the oldest system of its kind in the  
1378 nation, and further recognizes that this system enjoys national  
1379 notoriety and respect for its achievement and promotion of  
1380 educational, civic, social and cultural excellence. The  
1381 Legislature declares and finds that the purpose of this  
1382 legislation is to promote, enhance and foster continued excellence  
1383 in Mississippi's two-year college system and the overall  
1384 educational development and improvement of the State of  
1385 Mississippi and the educational, civic, social, cultural, moral  
1386 and economic welfare thereof, and that such purposes will be  
1387 accomplished by the conveyance of the above-described property to  
1388 an organization within the aforesaid classification for  
1389 construction of a national headquarters thereon.

1390 (3) The conveyance to be executed by the Department of  
1391 Finance and Administration, acting through the Bureau of Building,  
1392 Grounds and Real Property Management, shall be within the limits  
1393 contained in Sections 29-1-205 and 29-1-209 and contain a  
1394 provision reserving unto the state all oil, gas and mineral rights  
1395 of every kind and character. The conveyance shall make provision  
1396 for reasonable access to the conveyed premises over existing  
1397 roadways and to existing utility lines for the benefit of the  
1398 conveyed premises. The conveyance shall include terms granting to



1399 the board of trustees of each state institution of higher  
1400 learning, to the State Board for Community and Junior Colleges and  
1401 to the Mississippi Authority for Educational Television reasonable  
1402 rights to utilize the improvements to be constructed thereon, or  
1403 portions thereof, for conference or meeting purposes, specifying  
1404 the architectural style of the improvements and providing a  
1405 reasonable setback of wooded undeveloped property contiguous to  
1406 the improvements in order to maintain the natural environment of  
1407 the site.

1408 (4) The conveyance herein shall be for such consideration as  
1409 determined appropriate by the Public Procurement Review Board.  
1410 Such consideration may be paid or provided in installments over a  
1411 period of time (not to exceed twenty-five (25) years) and may also  
1412 be provided in kind. In-kind consideration may include the  
1413 reasonable use of the improvements constructed on the property by  
1414 the board of trustees of any state institution of higher learning  
1415 and its institutions, the State Board for Community and Junior  
1416 Colleges and the community and junior colleges, and the  
1417 Mississippi Authority for Educational Television and other state  
1418 agencies, and the provision of leadership training certification  
1419 programs for community and junior college faculty and others.  
1420 Such in-kind consideration may also constitute full and fair  
1421 consideration for the property. In establishing consideration,  
1422 the board may take into account the appraised value of the  
1423 property, but shall allow reasonable credit to the purchaser for  
1424 benefits accruing to the State of Mississippi, including the  
1425 enhancement of the state's community and junior college program  
1426 and the promotion of excellence in public education afforded by  
1427 the location of such organization and its headquarters in this  
1428 state, the increase in employment made possible, and that the only  
1429 use which can be made of the conveyed premises is for the  
1430 organization's national headquarters with reversion to the state  
1431 otherwise.



1432           **SECTION 28.** Section 29-17-1, Mississippi Code of 1972, is  
1433 amended as follows:

1434           29-17-1. As used in this chapter, the following words shall  
1435 have the meanings ascribed herein unless the context clearly  
1436 requires otherwise:

1437           (a) "Public facility" shall mean any building or other  
1438 facility owned by the State of Mississippi, or by any agency,  
1439 department or political subdivision of the State of Mississippi,  
1440 which is occupied, used or under the control of the State of  
1441 Mississippi, or any agency or department of the State of  
1442 Mississippi, or any junior college district of the State of  
1443 Mississippi, or the board of trustees of any state institution of  
1444 higher learning of the State of Mississippi \* \* \*.

1445           (b) "Capitol complex" shall include the following state  
1446 property located in Jackson, Mississippi: the New State Capitol  
1447 Building, the Woolfolk State Office Building, the Carroll Gartin  
1448 Justice Building, the Walter Sillers Office Building, the War  
1449 Veterans' Memorial Building, the Charlotte Capers Building, the  
1450 William F. Winter Archives and History Building, the Ike Sanford  
1451 Veterans Affairs Building, the Old State Capitol Building, the  
1452 Governor's Mansion, the Heber Ladner Building, the Burroughs  
1453 Building, the Robert E. Lee Hotel Property, the Central High  
1454 Legislative Services Building, the 301 Building or any other  
1455 properties which may come under the supervision of the Department  
1456 of Finance and Administration and are deemed to be in the Capitol  
1457 Complex.

1458           **SECTION 29.** Section 31-1-1, Mississippi Code of 1972, is  
1459 amended as follows:

1460           31-1-1. The responsibility for the making of contracts for  
1461 printing, binding, engraving and lithographing is hereby vested in  
1462 each state agency or office which requires such printing, binding,  
1463 engraving and lithographing, including but not restricted to the  
1464 Secretary of State, State Department of Education, State Tax



1465 Commission, Supreme Court, Department of Insurance, State Auditor,  
1466 Public Service Commission, State Treasurer, State Fiscal  
1467 Management Board, State Veterans Affairs Board, Attorney General,  
1468 Department of Agriculture and Commerce, State Board of Pharmacy,  
1469 State Board of Dental Examiners, State Law Library, State Board of  
1470 Health, Mississippi Department of Corrections, State Educational  
1471 Finance Commission, Department of Archives and History,  
1472 Mississippi State Hospital and board of trustees of each state  
1473 institution of higher learning.

1474 All contracts referred to herein shall be submitted to and  
1475 approved by the State Fiscal Management Board prior to their  
1476 execution, except that those contracts under the jurisdiction of  
1477 the Legislature shall be submitted to and approved by the  
1478 Legislative Budget Office.

1479 All state agencies shall purchase all commodities required  
1480 for their operation or for the proper fulfillment of their duties  
1481 and functions in accordance with Chapter 7 of this title in order  
1482 to coordinate and promote efficiency and economy in the purchase  
1483 of such commodities for the state.

1484 **SECTION 30.** Section 31-7-10, Mississippi Code of 1972, is  
1485 amended as follows:

1486 31-7-10. (1) For the purposes of this section, the term  
1487 "equipment" shall mean equipment, furniture, and if applicable,  
1488 associated software and other applicable direct costs associated  
1489 with the acquisition. In addition to its other powers and duties,  
1490 the Department of Finance and Administration shall have the  
1491 authority to develop a master lease-purchase program and, pursuant  
1492 to that program, shall have the authority to execute on behalf of  
1493 the state master lease-purchase agreements for equipment to be  
1494 used by an agency, as provided in this section. Each agency  
1495 electing to acquire equipment by a lease-purchase agreement shall  
1496 participate in the Department of Finance and Administration's  
1497 master lease-purchase program, unless the Department of Finance



1498 and Administration makes a determination that such equipment  
1499 cannot be obtained under the program or unless the equipment can  
1500 be obtained elsewhere at an overall cost lower than that for which  
1501 the equipment can be obtained under the program. Such  
1502 lease-purchase agreements may include the refinancing or  
1503 consolidation, or both, of any state agency lease-purchase  
1504 agreements entered into after June 30, 1990.

1505 (2) All funds designated by agencies for procurement of  
1506 equipment and financing thereof under the master lease-purchase  
1507 program shall be paid into a special fund created in the State  
1508 Treasury known as the "Master Lease-Purchase Program Fund," which  
1509 shall be used by the Department of Finance and Administration for  
1510 payment to the lessors for equipment acquired under master  
1511 lease-purchase agreements.

1512 (3) Upon final approval of an appropriation bill, each  
1513 agency shall submit to the Public Procurement Review Board a  
1514 schedule of proposed equipment acquisitions for the master  
1515 lease-purchase program. Upon approval of an equipment schedule by  
1516 the Public Procurement Review Board with the advice of the  
1517 Department of Information Technology Services, the Office of  
1518 Purchasing and Travel, and the Division of Energy and  
1519 Transportation of the Mississippi Development Authority as it  
1520 pertains to energy efficient climate control systems, the Public  
1521 Procurement Review Board shall forward a copy of the equipment  
1522 schedule to the Department of Finance and Administration.

1523 (4) The level of lease-purchase debt recommended by the  
1524 Department of Finance and Administration shall be subject to  
1525 approval by the State Bond Commission. After such approval, the  
1526 Department of Finance and Administration shall be authorized to  
1527 advertise and solicit written competitive proposals for a lessor,  
1528 who will purchase the equipment pursuant to bid awards made by the  
1529 using agency under a given category and then transfer the



1530 equipment to the Department of Finance and Administration as  
1531 lessee, pursuant to a master lease-purchase agreement.

1532 The Department of Finance and Administration shall select the  
1533 successful proposer for the financing of equipment under the  
1534 master lease-purchase program with the approval of the State Bond  
1535 Commission.

1536 (5) Each master lease-purchase agreement, and any subsequent  
1537 amendments, shall include such terms and conditions as the State  
1538 Bond Commission shall determine to be appropriate and in the  
1539 public interest, and may include any covenants deemed necessary or  
1540 desirable to protect the interests of the lessor, including, but  
1541 not limited to, provisions setting forth the interest rate (or  
1542 method for computing interest rates) for financing pursuant to  
1543 such agreement, covenants concerning application of payments and  
1544 funds held in the Master Lease-Purchase Program Fund, covenants to  
1545 maintain casualty insurance with respect to equipment subject to  
1546 the master lease-purchase agreement (and all state agencies are  
1547 specifically authorized to purchase any insurance required by a  
1548 master lease-purchase agreement) and covenants precluding or  
1549 limiting the right of the lessee or user to acquire equipment  
1550 within a specified time (not to exceed five (5) years) after  
1551 cancellation on the basis of a failure to appropriate funds for  
1552 payment of amounts due under a lease-purchase agreement covering  
1553 comparable equipment. The State Bond Commission shall transmit  
1554 copies of each such master lease-purchase agreement and each such  
1555 amendment to the Joint Legislative Budget Committee. To the  
1556 extent provided in any master lease-purchase agreement, title to  
1557 equipment leased pursuant thereto shall be deemed to be vested in  
1558 the state or the user of the equipment (as specified in such  
1559 master lease-purchase agreement), subject to default under or  
1560 termination of such master lease-purchase agreement.

1561 A master lease-purchase agreement may provide for payment by  
1562 the lessor to the lessee of the purchase price of the equipment to



1563 be acquired pursuant thereto prior to the date on which payment is  
1564 due to the vendor for such equipment and that the lease payments  
1565 by the lessee shall commence as though the equipment had been  
1566 provided on the date of payment. If the lessee, or lessee's  
1567 escrow agent, has sufficient funds for payment of equipment  
1568 purchases prior to payment due date to vendor of equipment, such  
1569 funds shall be held or utilized on an as-needed basis for payment  
1570 of equipment purchases either by the State Treasurer (in which  
1571 event the master lease-purchase agreement may include provisions  
1572 concerning the holding of such funds, the creation of a security  
1573 interest for the benefit of the lessor in such funds until  
1574 disbursed and other appropriate provisions approved by the Bond  
1575 Commission) or by a corporate trustee selected by the Department  
1576 of Finance and Administration (in which event the Department of  
1577 Finance and Administration shall have the authority to enter into  
1578 an agreement with such a corporate trustee containing terms and  
1579 conditions approved by the Bond Commission). Earnings on any  
1580 amount paid by the lessor prior to the acquisition of the  
1581 equipment may be used to make lease payments under the master  
1582 lease-purchase agreement or applied to pay costs and expenses  
1583 incurred in connection with such lease-purchase agreement. In  
1584 such event, the equipment use agreements with the user agency may  
1585 provide for lease payments to commence upon the date of payment by  
1586 the lessor and may also provide for a credit against such payments  
1587 to the extent that investment receipts from investment of the  
1588 purchase price are to be used to make lease-purchase payments.

1589 (6) The annual rate of interest paid under any  
1590 lease-purchase agreement authorized under this section shall not  
1591 exceed the maximum interest rate to maturity on general obligation  
1592 indebtedness permitted under Section 75-17-101.

1593 (7) The Department of Finance and Administration shall  
1594 furnish the equipment to the various agencies, also known as the  
1595 user, pursuant to an equipment-use agreement developed by the





1596 Department of Finance and Administration. Such agreements shall  
1597 require that all monthly payments due from such agency be paid,  
1598 transferred or allocated into the Master Lease-Purchase Program  
1599 Fund pursuant to a schedule established by the Department of  
1600 Finance and Administration. In the event such sums are not paid  
1601 by the defined payment period, the Executive Director of the  
1602 Department of Finance and Administration shall issue a requisition  
1603 for a warrant to draw such amount as may be due from any funds  
1604 appropriated for the use of the agency which has failed to make  
1605 the payment as agreed.

1606 (8) All master lease-purchase agreements executed under the  
1607 authority of this section shall contain the following annual  
1608 allocation dependency clause or an annual allocation dependency  
1609 clause which is substantially equivalent thereto: "The  
1610 continuation of each equipment schedule to this agreement is  
1611 contingent in whole or in part upon the appropriation of funds by  
1612 the Legislature to make the lease-purchase payments required under  
1613 such equipment schedule. If the Legislature fails to appropriate  
1614 sufficient funds to provide for the continuation of the  
1615 lease-purchase payments under any such equipment schedule, then  
1616 the obligations of the lessee and of the agency to make such  
1617 lease-purchase payments and the corresponding provisions of any  
1618 such equipment schedule to this agreement shall terminate on the  
1619 last day of the fiscal year for which appropriations were made."

1620 (9) The maximum lease term for any equipment acquired under  
1621 the master lease-purchase program shall not exceed the useful life  
1622 of such equipment as determined according to the upper limit of  
1623 the asset depreciation range (ADR) guidelines for the Class Life  
1624 Asset Depreciation Range System established by the Internal  
1625 Revenue Service pursuant to the United States Internal Revenue  
1626 Code and Regulations thereunder as in effect on December 31, 1980,  
1627 or comparable depreciation guidelines with respect to any  
1628 equipment not covered by ADR guidelines. The Department of



1629 Finance and Administration shall be deemed to have met the  
1630 requirements of this subsection if the term of a master  
1631 lease-purchase agreement does not exceed the weighted average  
1632 useful life of all equipment covered by such agreement and the  
1633 schedules thereto as determined by the Department of Finance and  
1634 Administration. For purposes of this subsection, the "term of a  
1635 master lease-purchase agreement" shall be the weighted average  
1636 maturity of all principal payments to be made under such master  
1637 lease-purchase agreement and all schedules thereto.

1638 (10) Interest paid on any master lease-purchase agreement  
1639 under this section shall be exempt from State of Mississippi  
1640 income taxation. All equipment, and the purchase thereof by any  
1641 lessor, acquired under the master lease-purchase program and all  
1642 lease-purchase payments with respect thereto shall be exempt from  
1643 all Mississippi sales, use and ad valorem taxes.

1644 (11) The Governor, in his annual executive budget to the  
1645 Legislature, shall recommend appropriations sufficient to provide  
1646 funds to pay all amounts due and payable during the applicable  
1647 fiscal year under master lease-purchase agreements entered into  
1648 pursuant to this section.

1649 (12) Any master lease-purchase agreement reciting in  
1650 substance that such agreement has been entered into pursuant to  
1651 this section shall be conclusively deemed to have been entered  
1652 into in accordance with all of the provisions and conditions set  
1653 forth in this section. Any defect or irregularity arising with  
1654 respect to procedures applicable to the acquisition of any  
1655 equipment shall not invalidate or otherwise limit the obligation  
1656 of the Department of Finance and Administration, or the state or  
1657 any agency of the state, under any master lease-purchase agreement  
1658 or any equipment-use agreement.

1659 (13) There shall be maintained by the Department of Finance  
1660 and Administration, with respect to each master lease-purchase  
1661 agreement, an itemized statement of the cash price, interest



1662 rates, interest costs, commissions, debt service schedules and all  
1663 other costs and expenses paid by the state incident to the  
1664 lease-purchase of equipment under such agreement.

1665 (14) Lease-purchase agreements entered into by the board of  
1666 trustees of any state institutions of higher learning pursuant to  
1667 the authority of Section 37-101-413 or by any other agency which  
1668 has specific statutory authority other than pursuant to Section  
1669 31-7-13(e) to acquire equipment by lease-purchase shall not be  
1670 made pursuant to the master lease-purchase program under this  
1671 section, unless the board of trustees \* \* \* or such other agency  
1672 elects to participate as to part or all of its lease-purchase  
1673 acquisitions in the master lease-purchase program pursuant to this  
1674 section.

1675 (15) The Department of Finance and Administration may  
1676 develop a master lease-purchase program for school districts and,  
1677 pursuant to that program, may execute on behalf of the school  
1678 districts master lease-purchase agreements for equipment to be  
1679 used by the school districts. The form and structure of this  
1680 program shall be substantially the same as set forth in this  
1681 section for the master lease-purchase program for state agencies.  
1682 If sums due from a school district under the master lease-purchase  
1683 program are not paid by the expiration of the defined payment  
1684 period, the Executive Director of the Department of Finance and  
1685 Administration may withhold such amount that is due from the  
1686 school district's minimum education or adequate education program  
1687 fund allotments.

1688 (16) The Department of Finance and Administration may  
1689 develop a master lease-purchase program for community and junior  
1690 college districts and, pursuant to that program, may execute on  
1691 behalf of the community and junior college districts master  
1692 lease-purchase agreements for equipment to be used by the  
1693 community and junior college districts. The form and structure of  
1694 this program must be substantially the same as set forth in this



1695 section for the master lease-purchase program for state agencies.  
1696 If sums due from a community or junior college district under the  
1697 master lease-purchase program are not paid by the expiration of  
1698 the defined payment period, the Executive Director of the  
1699 Department of Finance and Administration may withhold an amount  
1700 equal to the amount due under the program from any funds allocated  
1701 for that community or junior college district in the state  
1702 appropriations for the use and support of the community and junior  
1703 colleges.

1704       **SECTION 31.** Section 37-3-2, Mississippi Code of 1972, is  
1705 amended as follows:

1706       37-3-2. (1) There is established within the State  
1707 Department of Education the Commission on Teacher and  
1708 Administrator Education, Certification and Licensure and  
1709 Development. It shall be the purpose and duty of the commission  
1710 to make recommendations to the State Board of Education regarding  
1711 standards for the certification and licensure and continuing  
1712 professional development of those who teach or perform tasks of an  
1713 educational nature in the public schools of Mississippi.

1714       (2) The commission shall be composed of fifteen (15)  
1715 qualified members. The membership of the commission shall be  
1716 composed of the following members to be appointed, three (3) from  
1717 each congressional district: four (4) classroom teachers; three  
1718 (3) school administrators; one (1) representative of schools of  
1719 education of institutions of higher learning located within the  
1720 state to be recommended by the Commissioner of Higher Education;  
1721 one (1) representative from the schools of education of  
1722 independent institutions of higher learning to be recommended by  
1723 the Board of the Mississippi Association of Independent Colleges;  
1724 one (1) representative from public community and junior colleges  
1725 located within the state to be recommended by the State Board for  
1726 Community and Junior Colleges; one (1) local school board member;  
1727 and four (4) lay persons. All appointments shall be made by the



1728 State Board of Education after consultation with the State  
1729 Superintendent of Public Education. The first appointments by the  
1730 State Board of Education shall be made as follows: five (5)  
1731 members shall be appointed for a term of one (1) year; five (5)  
1732 members shall be appointed for a term of two (2) years; and five  
1733 (5) members shall be appointed for a term of three (3) years.  
1734 Thereafter, all members shall be appointed for a term of four (4)  
1735 years.

1736 (3) The State Board of Education when making appointments  
1737 shall designate a chairman. The commission shall meet at least  
1738 once every two (2) months or more often if needed. Members of the  
1739 commission shall be compensated at a rate of per diem as  
1740 authorized by Section 25-3-69 and be reimbursed for actual and  
1741 necessary expenses as authorized by Section 25-3-41.

1742 (4) An appropriate staff member of the State Department of  
1743 Education shall be designated and assigned by the State  
1744 Superintendent of Public Education to serve as executive secretary  
1745 and coordinator for the commission. No less than two (2) other  
1746 appropriate staff members of the State Department of Education  
1747 shall be designated and assigned by the State Superintendent of  
1748 Public Education to serve on the staff of the commission.

1749 (5) It shall be the duty of the commission to:

1750 (a) Set standards and criteria, subject to the approval  
1751 of the State Board of Education, for all educator preparation  
1752 programs in the state;

1753 (b) Recommend to the State Board of Education each year  
1754 approval or disapproval of each educator preparation program in  
1755 the state;

1756 (c) Establish, subject to the approval of the State  
1757 Board of Education, standards for initial teacher certification  
1758 and licensure in all fields;



1759 (d) Establish, subject to the approval of the State  
1760 Board of Education, standards for the renewal of teacher licenses  
1761 in all fields;

1762 (e) Review and evaluate objective measures of teacher  
1763 performance, such as test scores, which may form part of the  
1764 licensure process, and to make recommendations for their use;

1765 (f) Review all existing requirements for certification  
1766 and licensure;

1767 (g) Consult with groups whose work may be affected by  
1768 the commission's decisions;

1769 (h) Prepare reports from time to time on current  
1770 practices and issues in the general area of teacher education and  
1771 certification and licensure;

1772 (i) Hold hearings concerning standards for teachers'  
1773 and administrators' education and certification and licensure with  
1774 approval of the State Board of Education;

1775 (j) Hire expert consultants with approval of the State  
1776 Board of Education;

1777 (k) Set up ad hoc committees to advise on specific  
1778 areas; and

1779 (l) Perform such other functions as may fall within  
1780 their general charge and which may be delegated to them by the  
1781 State Board of Education.

1782 (6) (a) **Standard License - Approved Program Route.** An  
1783 educator entering the school system of Mississippi for the first  
1784 time and meeting all requirements as established by the State  
1785 Board of Education shall be granted a standard five-year license.  
1786 Persons who possess two (2) years of classroom experience as an  
1787 assistant teacher or who have taught for one (1) year in an  
1788 accredited public or private school shall be allowed to fulfill  
1789 student teaching requirements under the supervision of a qualified  
1790 participating teacher approved by an accredited college of  
1791 education. The local school district in which the assistant



1792 teacher is employed shall compensate such assistant teachers at  
1793 the required salary level during the period of time such  
1794 individual is completing student teaching requirements.  
1795 Applicants for a standard license shall submit to the department:  
1796 (i) An application on a department form;  
1797 (ii) An official transcript of completion of a  
1798 teacher education program approved by the department or a  
1799 nationally accredited program, subject to the following:  
1800 Licensure to teach in Mississippi prekindergarten through  
1801 kindergarten classrooms shall require completion of a teacher  
1802 education program or a bachelor of science degree with child  
1803 development emphasis from a program accredited by the American  
1804 Association of Family and Consumer Sciences (AAFCS) or by the  
1805 National Association for Education of Young Children (NAEYC) or by  
1806 the National Council for Accreditation of Teacher Education  
1807 (NCATE). Licensure to teach in Mississippi kindergarten, for  
1808 those applicants who have completed a teacher education program,  
1809 and in Grade 1 through Grade 4 shall require the completion of an  
1810 interdisciplinary program of studies. Licenses for Grades 4  
1811 through 8 shall require the completion of an interdisciplinary  
1812 program of studies with two (2) or more areas of concentration.  
1813 Licensure to teach in Mississippi Grades 7 through 12 shall  
1814 require a major in an academic field other than education, or a  
1815 combination of disciplines other than education. Students  
1816 preparing to teach a subject shall complete a major in the  
1817 respective subject discipline. All applicants for standard  
1818 licensure shall demonstrate that such person's college preparation  
1819 in those fields was in accordance with the standards set forth by  
1820 the National Council for Accreditation of Teacher Education  
1821 (NCATE) or the National Association of State Directors of Teacher  
1822 Education and Certification (NASDTEC) or, for those applicants who  
1823 have a bachelor of science degree with child development emphasis,  
1824 the American Association of Family and Consumer Sciences (AAFCS);



1825 (iii) A copy of test scores evidencing  
1826 satisfactory completion of nationally administered examinations of  
1827 achievement, such as the Educational Testing Service's teacher  
1828 testing examinations; and

1829 (iv) Any other document required by the State  
1830 Board of Education.

1831 (b) **Standard License - Nontraditional Teaching Route.**

1832 Beginning January 1, 2003, an individual who possesses at least a  
1833 bachelor's degree from a nationally or regionally accredited  
1834 institution of higher learning, who has a passing score on the  
1835 Praxis I Basic Skills and Praxis II Specialty Area Test in the  
1836 requested area of endorsement may apply for the Teach Mississippi  
1837 Institute (TMI) program to teach students in Grades 7 through 12  
1838 if the individual meets the requirements of this paragraph (b).  
1839 The State Board of Education shall adopt rules requiring that  
1840 teacher preparation institutions which provide the Teach  
1841 Mississippi Institute (TMI) program for the preparation of  
1842 nontraditional teachers shall meet the standards and comply with  
1843 the provisions of this paragraph.

1844 (i) The Teach Mississippi Institute (TMI) shall  
1845 include an intensive eight-week, nine-semester-hour summer  
1846 program, which shall include, but not be limited to, instruction  
1847 in education, effective teaching strategies, classroom management,  
1848 state curriculum requirements, planning and instruction,  
1849 instructional methods and pedagogy, using test results to improve  
1850 instruction, and a one (1) semester three-hour supervised  
1851 internship to be completed while the teacher is employed as a  
1852 full-time teacher intern in a local school district. The TMI  
1853 shall be implemented on a pilot program basis, with courses to be  
1854 offered at up to four (4) locations in the state, with one (1) TMI  
1855 site to be located in each of the three (3) Mississippi Supreme  
1856 Court districts.





1857                   (ii) The school sponsoring the teacher intern  
1858 shall enter into a written agreement with the institution  
1859 providing the Teach Mississippi Institute (TMI) program, under  
1860 terms and conditions as agreed upon by the contracting parties,  
1861 providing that the school district shall provide teacher interns  
1862 seeking a nontraditional provisional teaching license with a  
1863 one-year classroom teaching experience. The teacher intern shall  
1864 successfully complete the one (1) semester three-hour intensive  
1865 internship in the school district during the semester immediately  
1866 following successful completion of the TMI and prior to the end of  
1867 the one-year classroom teaching experience.

1868                   (iii) Upon completion of the nine-semester-hour  
1869 TMI, the individual shall submit his transcript to the commission  
1870 for provisional licensure of the intern teacher, and the intern  
1871 teacher shall be issued a provisional teaching license by the  
1872 commission, which will allow the individual to legally serve as a  
1873 teacher while the person completes a nontraditional teacher  
1874 preparation internship program.

1875                   (iv) During the semester of internship in the  
1876 school district, the teacher preparation institution shall monitor  
1877 the performance of the intern teacher. The school district that  
1878 employs the provisional teacher shall supervise the provisional  
1879 teacher during the teacher's intern year of employment under a  
1880 nontraditional provisional license, and shall, in consultation  
1881 with the teacher intern's mentor at the school district of  
1882 employment, submit to the commission a comprehensive evaluation of  
1883 the teacher's performance sixty (60) days prior to the expiration  
1884 of the nontraditional provisional license. If the comprehensive  
1885 evaluation establishes that the provisional teacher intern's  
1886 performance fails to meet the standards of the approved  
1887 nontraditional teacher preparation internship program, the  
1888 individual shall not be approved for a standard license.



1889                   (v) An individual issued a provisional teaching  
1890 license under this nontraditional route shall successfully  
1891 complete, at a minimum, a one-year beginning teacher mentoring and  
1892 induction program administered by the employing school district  
1893 with the assistance of the State Department of Education.

1894                   (vi) Upon successful completion of the TMI and the  
1895 internship provisional license period, applicants for a Standard  
1896 License-Nontraditional Route shall submit to the commission a  
1897 transcript of successful completion of the twelve (12) semester  
1898 hours required in the internship program, and the employing school  
1899 district shall submit to the commission a recommendation for  
1900 standard licensure of the intern. If the school district  
1901 recommends licensure, the applicant shall be issued a Standard  
1902 License-Nontraditional Route which shall be valid for a five-year  
1903 period and be renewable.

1904                   (vii) At the discretion of the teacher-preparation  
1905 institution, the individual shall be allowed to credit the twelve  
1906 (12) semester hours earned in the nontraditional teacher  
1907 internship program toward the graduate hours required for a Master  
1908 of Arts in Teacher (MAT) Degree.

1909                   (viii) The local school district in which the  
1910 nontraditional teacher intern or provisional licensee is employed  
1911 shall compensate such teacher interns at Step 1 of the required  
1912 salary level during the period of time such individual is  
1913 completing teacher internship requirements and shall compensate  
1914 such Standard License-Nontraditional Route teachers at Step 3 of  
1915 the required salary level when they complete license requirements.

1916           Implementation of the TMI program provided for under this  
1917 paragraph (b) shall be contingent upon the availability of funds  
1918 appropriated specifically for such purpose by the Legislature.  
1919 Such implementation of the TMI program may not be deemed to  
1920 prohibit the State Board of Education from developing and  
1921 implementing additional alternative route teacher licensure



1922 programs, as deemed appropriate by the board. The emergency  
1923 certification program in effect prior to July 1, 2002, shall  
1924 remain in effect.

1925 The State Department of Education shall compile and report,  
1926 in consultation with the commission, information relating to  
1927 nontraditional teacher preparation internship programs, including  
1928 the number of programs available and geographic areas in which  
1929 they are available, the number of individuals who apply for and  
1930 possess a nontraditional conditional license, the subject areas in  
1931 which individuals who possess nontraditional conditional licenses  
1932 are teaching and where they are teaching, and shall submit its  
1933 findings and recommendations to the legislative committees on  
1934 education by December 1, 2004.

1935 A Standard License - Approved Program Route shall be issued  
1936 for a five-year period, and may be renewed. Recognizing teaching  
1937 as a profession, a hiring preference shall be granted to persons  
1938 holding a Standard License - Approved Program Route or Standard  
1939 License - Nontraditional Teaching Route over persons holding any  
1940 other license.

1941 (c) **Special License - Expert Citizen.** In order to  
1942 allow a school district to offer specialized or technical courses,  
1943 the State Department of Education, in accordance with rules and  
1944 regulations established by the State Board of Education, may grant  
1945 a one-year expert citizen-teacher license to local business or  
1946 other professional personnel to teach in a public school or  
1947 nonpublic school accredited or approved by the state. Such person  
1948 may begin teaching upon his employment by the local school board  
1949 and licensure by the Mississippi Department of Education. The  
1950 board shall adopt rules and regulations to administer the expert  
1951 citizen-teacher license. A special license - expert citizen may  
1952 be renewed in accordance with the established rules and  
1953 regulations of the State Department of Education.



1954                   (d) **Special License - Nonrenewable.** The State Board of  
1955 Education is authorized to establish rules and regulations to  
1956 allow those educators not meeting requirements in subsection  
1957 (6) (a), (b) or (c) to be licensed for a period of not more than  
1958 three (3) years, except by special approval of the State Board of  
1959 Education.

1960                   (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
1961 person may teach for a maximum of three (3) periods per teaching  
1962 day in a public school or a nonpublic school accredited/approved  
1963 by the state. Such person shall submit to the department a  
1964 transcript or record of his education and experience which  
1965 substantiates his preparation for the subject to be taught and  
1966 shall meet other qualifications specified by the commission and  
1967 approved by the State Board of Education. In no case shall any  
1968 local school board hire nonlicensed personnel as authorized under  
1969 this paragraph in excess of five percent (5%) of the total number  
1970 of licensed personnel in any single school.

1971                   (f) **Special License - Transitional Bilingual Education.**  
1972 Beginning July 1, 2003, the commission shall grant special  
1973 licenses to teachers of transitional bilingual education who  
1974 possess such qualifications as are prescribed in this section.  
1975 Teachers of transitional bilingual education shall be compensated  
1976 by local school boards at not less than one (1) step on the  
1977 regular salary schedule applicable to permanent teachers licensed  
1978 under this section. The commission shall grant special licenses  
1979 to teachers of transitional bilingual education who present the  
1980 commission with satisfactory evidence that they (i) possess a  
1981 speaking and reading ability in a language, other than English, in  
1982 which bilingual education is offered and communicative skills in  
1983 English; (ii) are in good health and sound moral character; (iii)  
1984 possess a bachelor's degree or an associate's degree in teacher  
1985 education from an accredited institution of higher education; (iv)  
1986 meet such requirements as to courses of study, semester hours



1987 therein, experience and training as may be required by the  
1988 commission; and (v) are legally present in the United States and  
1989 possess legal authorization for employment. A teacher of  
1990 transitional bilingual education serving under a special license  
1991 shall be under an exemption from standard licensure if he achieves  
1992 the requisite qualifications therefor. Two (2) years of service  
1993 by a teacher of transitional bilingual education under such an  
1994 exemption shall be credited to the teacher in acquiring a Standard  
1995 Educator License. Nothing in this paragraph shall be deemed to  
1996 prohibit a local school board from employing a teacher licensed in  
1997 an appropriate field as approved by the State Department of  
1998 Education to teach in a program in transitional bilingual  
1999 education.

2000 (g) In the event any school district meets Level 4 or 5  
2001 accreditation standards, the State Board of Education, in its  
2002 discretion, may exempt such school district from any restrictions  
2003 in paragraph (e) relating to the employment of nonlicensed  
2004 teaching personnel.

2005 (7) **Administrator License.** The State Board of Education is  
2006 authorized to establish rules and regulations and to administer  
2007 the licensure process of the school administrators in the State of  
2008 Mississippi. There will be four (4) categories of administrator  
2009 licensure with exceptions only through special approval of the  
2010 State Board of Education.

2011 (a) **Administrator License - Nonpracticing.** Those  
2012 educators holding administrative endorsement but have no  
2013 administrative experience or not serving in an administrative  
2014 position on January 15, 1997.

2015 (b) **Administrator License - Entry Level.** Those  
2016 educators holding administrative endorsement and having met the  
2017 department's qualifications to be eligible for employment in a  
2018 Mississippi school district. Administrator license - entry level  
2019 shall be issued for a five-year period and shall be nonrenewable.



2020                   (c)   **Standard Administrator License - Career Level.**  An  
2021 administrator who has met all the requirements of the department  
2022 for standard administrator licensure.

2023                   (d)   **Administrator License - Nontraditional Route.**  The  
2024 board may establish a nontraditional route for licensing  
2025 administrative personnel.  Such nontraditional route for  
2026 administrative licensure shall be available for persons holding,  
2027 but not limited to, a master of business administration degree, a  
2028 master of public administration degree, a master of public  
2029 planning and policy degree or a doctor of jurisprudence degree  
2030 from an accredited college or university, with five (5) years of  
2031 administrative or supervisory experience.  Successful completion  
2032 of the requirements of alternate route licensure for  
2033 administrators shall qualify the person for a standard  
2034 administrator license.

2035                   The State Department of Education shall compile and report,  
2036 in consultation with the commission, information relating to  
2037 nontraditional administrator preparation internship programs,  
2038 including the number of programs available and geographic areas in  
2039 which they are available, the number of individuals who apply for  
2040 and possess a nontraditional conditional license and where they  
2041 are employed, and shall submit its findings and recommendations to  
2042 the legislative committees on education by December 1, 2004.

2043                   Beginning with the 1997-1998 school year, individuals seeking  
2044 school administrator licensure under paragraph (b), (c) or (d)  
2045 shall successfully complete a training program and an assessment  
2046 process prescribed by the State Board of Education.  Applicants  
2047 seeking school administrator licensure prior to June 30, 1997, and  
2048 completing all requirements for provisional or standard  
2049 administrator certification and who have never practiced, shall be  
2050 exempt from taking the Mississippi Assessment Battery Phase I.  
2051 Applicants seeking school administrator licensure during the  
2052 period beginning July 1, 1997, through June 30, 1998, shall



2053 participate in the Mississippi Assessment Battery, and upon  
2054 request of the applicant, the department shall reimburse the  
2055 applicant for the cost of the assessment process required. After  
2056 June 30, 1998, all applicants for school administrator licensure  
2057 shall meet all requirements prescribed by the department under  
2058 paragraph (b), (c) or (d), and the cost of the assessment process  
2059 required shall be paid by the applicant.

2060       (8) **Reciprocity.** (a) The department shall grant a standard  
2061 license to any individual who possesses a valid standard license  
2062 from another state and has a minimum of two (2) years of full-time  
2063 teaching or administrator experience.

2064       (b) The department shall grant a nonrenewable special  
2065 license to any individual who possesses a credential which is less  
2066 than a standard license or certification from another state, or  
2067 who possesses a standard license from another state but has less  
2068 than two (2) years of full-time teaching or administration  
2069 experience. Such special license shall be valid for the current  
2070 school year plus one (1) additional school year to expire on June  
2071 30 of the second year, not to exceed a total period of twenty-four  
2072 (24) months, during which time the applicant shall be required to  
2073 complete the requirements for a standard license in Mississippi.

2074       (9) **Renewal and Reinstatement of Licenses.** The State Board  
2075 of Education is authorized to establish rules and regulations for  
2076 the renewal and reinstatement of educator and administrator  
2077 licenses. Effective May 15, 1997, the valid standard license held  
2078 by an educator shall be extended five (5) years beyond the  
2079 expiration date of the license in order to afford the educator  
2080 adequate time to fulfill new renewal requirements established  
2081 pursuant to this subsection. An educator completing a master of  
2082 education, educational specialist or doctor of education degree in  
2083 May 1997 for the purpose of upgrading the educator's license to a  
2084 higher class shall be given this extension of five (5) years plus  
2085 five (5) additional years for completion of a higher degree.



2086 (10) All controversies involving the issuance, revocation,  
2087 suspension or any change whatsoever in the licensure of an  
2088 educator required to hold a license shall be initially heard in a  
2089 hearing de novo, by the commission or by a subcommittee  
2090 established by the commission and composed of commission members  
2091 for the purpose of holding hearings. Any complaint seeking the  
2092 denial of issuance, revocation or suspension of a license shall be  
2093 by sworn affidavit filed with the Commission of Teacher and  
2094 Administrator Education, Certification and Licensure and  
2095 Development. The decision thereon by the commission or its  
2096 subcommittee shall be final, unless the aggrieved party shall  
2097 appeal to the State Board of Education, within ten (10) days, of  
2098 the decision of the committee or its subcommittee. An appeal to  
2099 the State Board of Education shall be on the record previously  
2100 made before the commission or its subcommittee unless otherwise  
2101 provided by rules and regulations adopted by the board. The State  
2102 Board of Education in its authority may reverse, or remand with  
2103 instructions, the decision of the committee or its subcommittee.  
2104 The decision of the State Board of Education shall be final.

2105 (11) The State Board of Education, acting through the  
2106 commission, may deny an application for any teacher or  
2107 administrator license for one or more of the following:

2108 (a) Lack of qualifications which are prescribed by law  
2109 or regulations adopted by the State Board of Education;

2110 (b) The applicant has a physical, emotional or mental  
2111 disability that renders the applicant unfit to perform the duties  
2112 authorized by the license, as certified by a licensed psychologist  
2113 or psychiatrist;

2114 (c) The applicant is actively addicted to or actively  
2115 dependent on alcohol or other habit-forming drugs or is a habitual  
2116 user of narcotics, barbiturates, amphetamines, hallucinogens, or  
2117 other drugs having similar effect, at the time of application for  
2118 a license;





2119 (d) Revocation of an applicant's certificate or license  
2120 by another state;

2121 (e) Fraud or deceit committed by the applicant in  
2122 securing or attempting to secure such certification and license;

2123 (f) Failing or refusing to furnish reasonable evidence  
2124 of identification;

2125 (g) The applicant has been convicted, has pled guilty  
2126 or entered a plea of nolo contendere to a felony, as defined by  
2127 federal or state law; or

2128 (h) The applicant has been convicted, has pled guilty  
2129 or entered a plea of nolo contendere to a sex offense as defined  
2130 by federal or state law.

2131 (12) The State Board of Education, acting on the  
2132 recommendation of the commission, may revoke or suspend any  
2133 teacher or administrator license for specified periods of time for  
2134 one or more of the following:

2135 (a) Breach of contract or abandonment of employment may  
2136 result in the suspension of the license for one (1) school year as  
2137 provided in Section 37-9-57;

2138 (b) Obtaining a license by fraudulent means shall  
2139 result in immediate suspension and continued suspension for one  
2140 (1) year after correction is made;

2141 (c) Suspension or revocation of a certificate or  
2142 license by another state shall result in immediate suspension or  
2143 revocation and shall continue until records in the prior state  
2144 have been cleared;

2145 (d) The license holder has been convicted, has pled  
2146 guilty or entered a plea of nolo contendere to a felony, as  
2147 defined by federal or state law;

2148 (e) The license holder has been convicted, has pled  
2149 guilty or entered a plea of nolo contendere to a sex offense, as  
2150 defined by federal or state law; or



2151           (f) The license holder knowingly and willfully  
2152 committing any of the acts affecting validity of mandatory uniform  
2153 test results as provided in Section 37-16-4(1).

2154           (13) (a) Dismissal or suspension of a licensed employee by  
2155 a local school board pursuant to Section 37-9-59 may result in the  
2156 suspension or revocation of a license for a length of time which  
2157 shall be determined by the commission and based upon the severity  
2158 of the offense.

2159           (b) Any offense committed or attempted in any other  
2160 state shall result in the same penalty as if committed or  
2161 attempted in this state.

2162           (c) A person may voluntarily surrender a license. The  
2163 surrender of such license may result in the commission  
2164 recommending any of the above penalties without the necessity of a  
2165 hearing. However, any such license which has voluntarily been  
2166 surrendered by a licensed employee may be reinstated by a  
2167 unanimous vote of all members of the commission.

2168           (14) A person whose license has been suspended on any  
2169 grounds except criminal grounds may petition for reinstatement of  
2170 the license after one (1) year from the date of suspension, or  
2171 after one-half (1/2) of the suspended time has lapsed, whichever  
2172 is greater. A license suspended on the criminal grounds may be  
2173 reinstated upon petition to the commission filed after expiration  
2174 of the sentence and parole or probationary period imposed upon  
2175 conviction. A revoked license may be reinstated upon satisfactory  
2176 showing of evidence of rehabilitation. The commission shall  
2177 require all who petition for reinstatement to furnish evidence  
2178 satisfactory to the commission of good character, good mental,  
2179 emotional and physical health and such other evidence as the  
2180 commission may deem necessary to establish the petitioner's  
2181 rehabilitation and fitness to perform the duties authorized by the  
2182 license.



2183           (15) Reporting procedures and hearing procedures for dealing  
2184 with infractions under this section shall be promulgated by the  
2185 commission, subject to the approval of the State Board of  
2186 Education. The revocation or suspension of a license shall be  
2187 effected at the time indicated on the notice of suspension or  
2188 revocation. The commission shall immediately notify the  
2189 superintendent of the school district or school board where the  
2190 teacher or administrator is employed of any disciplinary action  
2191 and also notify the teacher or administrator of such revocation or  
2192 suspension and shall maintain records of action taken. The State  
2193 Board of Education may reverse or remand with instructions any  
2194 decision of the commission regarding a petition for reinstatement  
2195 of a license, and any such decision of the State Board of  
2196 Education shall be final.

2197           (16) An appeal from the action of the State Board of  
2198 Education in denying an application, revoking or suspending a  
2199 license or otherwise disciplining any person under the provisions  
2200 of this section, shall be filed in the Chancery Court of the First  
2201 Judicial District of Hinds County on the record made, including a  
2202 verbatim transcript of the testimony at the hearing. The appeal  
2203 shall be filed within thirty (30) days after notification of the  
2204 action of the board is mailed or served and the proceedings in  
2205 chancery court shall be conducted as other matters coming before  
2206 the court. The appeal shall be perfected upon filing notice of  
2207 the appeal and by the prepayment of all costs, including the cost  
2208 of preparation of the record of the proceedings by the State Board  
2209 of Education, and the filing of a bond in the sum of Two Hundred  
2210 Dollars (\$200.00) conditioned that if the action of the board be  
2211 affirmed by the chancery court, the applicant or license holder  
2212 shall pay the costs of the appeal and the action of the chancery  
2213 court.

2214           (17) All such programs, rules, regulations, standards and  
2215 criteria recommended or authorized by the commission shall become



2216 effective upon approval by the State Board of Education as  
2217 designated by appropriate orders entered upon the minutes thereof.

2218 (18) The granting of a license shall not be deemed a  
2219 property right nor a guarantee of employment in any public school  
2220 district. A license is a privilege indicating minimal eligibility  
2221 for teaching in the public schools of Mississippi. This section  
2222 shall in no way alter or abridge the authority of local school  
2223 districts to require greater qualifications or standards of  
2224 performance as a prerequisite of initial or continued employment  
2225 in such districts.

2226 (19) In addition to the reasons specified in subsections  
2227 (12) and (13) of this section, the board shall be authorized to  
2228 suspend the license of any licensee for being out of compliance  
2229 with an order for support, as defined in Section 93-11-153. The  
2230 procedure for suspension of a license for being out of compliance  
2231 with an order for support, and the procedure for the reissuance or  
2232 reinstatement of a license suspended for that purpose, and the  
2233 payment of any fees for the reissuance or reinstatement of a  
2234 license suspended for that purpose, shall be governed by Section  
2235 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
2236 board in suspending a license when required by Section 93-11-157  
2237 or 93-11-163 are not actions from which an appeal may be taken  
2238 under this section. Any appeal of a license suspension that is  
2239 required by Section 93-11-157 or 93-11-163 shall be taken in  
2240 accordance with the appeal procedure specified in Section  
2241 93-11-157 or 93-11-163, as the case may be, rather than the  
2242 procedure specified in this section. If there is any conflict  
2243 between any provision of Section 93-11-157 or 93-11-163 and any  
2244 provision of this chapter, the provisions of Section 93-11-157 or  
2245 93-11-163, as the case may be, shall control.

2246 **SECTION 32.** Section 37-4-4, Mississippi Code of 1972, is  
2247 amended as follows:



2248           37-4-4. The Commissioner of Higher Education, or his  
2249   designee, \* \* \* shall attend all regular meetings of the State  
2250   Board for Community and Junior Colleges. The commissioner shall  
2251   have no jurisdiction or vote on any matter within the jurisdiction  
2252   of the board. The Commissioner of Higher Education and any  
2253   designee who is a state employee shall receive no per diem for  
2254   attending meetings of the board, but shall be entitled to actual  
2255   and necessary expense reimbursement and mileage for attending  
2256   meetings at locations other than Jackson, Mississippi. \* \* \*

2257           **SECTION 33.** Section 37-9-77, Mississippi Code of 1972, is  
2258   amended as follows:

2259           37-9-77. (1) There is established the Mississippi School  
2260   Administrator Sabbatical Program which shall be available to  
2261   licensed teachers employed in Mississippi school districts for not  
2262   less than three (3) years, for the purpose of allowing such  
2263   teachers to become local school district administrators under the  
2264   conditions set forth in this section. The State Board of  
2265   Education, in coordination with the board of trustees of each  
2266   state institution of higher learning offering administrator course  
2267   work and training, shall develop guidelines for the program.  
2268   Application shall be made to the State Department of Education for  
2269   the Mississippi School Administrator Sabbatical Program by  
2270   qualified teachers meeting the criteria for a department-approved  
2271   administration program and who have been recommended by the local  
2272   school board. Administration programs that are eligible for the  
2273   administrator sabbatical program shall be limited to those that  
2274   have been approved by the department by the January 1 preceding  
2275   the date of admission to the program. Admission into the program  
2276   shall authorize the applicant to take university course work and  
2277   training leading to an administrator's license.

2278           (2) The salaries of the teachers approved for participation  
2279   in the administrator sabbatical program shall be paid by the  
2280   employing school district from nonminimum education program funds.



2281 However, the State Department of Education shall reimburse the  
2282 employing school districts for the cost of the salaries and paid  
2283 fringe benefits of teachers participating in the administrator  
2284 sabbatical program for one (1) contract year. Reimbursement shall  
2285 be made in accordance with the then current minimum education  
2286 program salary schedule under Section 37-19-7, except that the  
2287 maximum amount of the reimbursement from state funds shall not  
2288 exceed the minimum education program salary for a teacher holding  
2289 a Class A license and having five (5) years' experience. The  
2290 local school district shall be responsible for that portion of a  
2291 participating teacher's salary attributable to the local  
2292 supplement and for any portion of the teacher's salary that  
2293 exceeds the maximum amount allowed for reimbursement from state  
2294 funds as provided in this subsection, and the school board may not  
2295 reduce the local supplement payable to that teacher. Any  
2296 reimbursements made by the State Department of Education to local  
2297 school districts under this section shall be subject to available  
2298 appropriations and may be made only to school districts determined  
2299 by the State Board of Education as being in need of  
2300 administrators.

2301 (3) Such teachers participating in the program on a  
2302 full-time basis shall continue to receive teaching experience and  
2303 shall receive the salary prescribed in Section 37-19-7, including  
2304 the annual experience increments. Such participants shall be  
2305 fully eligible to continue participation in the Public Employees  
2306 Retirement System and the Public School Employees Health Insurance  
2307 Plan during the time they are in the program on a full-time basis.

2308 (4) As a condition for participation in the School  
2309 Administrator Sabbatical Program, such teachers shall agree to  
2310 employment as administrators in the sponsoring school district for  
2311 not less than five (5) years following completion of administrator  
2312 licensure requirements. Any person failing to comply with this  
2313 employment commitment in any required school year, unless the



2314 commitment is deferred as provided in subsection (5) of this  
2315 section, shall immediately be in breach of contract and become  
2316 liable to the State Department of Education for that amount of his  
2317 salary and paid fringe benefits paid by the state while the  
2318 teacher was on sabbatical, less twenty percent (20%) of the amount  
2319 of his salary and paid fringe benefits paid by the state for each  
2320 year that the person was employed as an administrator following  
2321 completion of the administrator licensure requirements. In  
2322 addition, the person shall become liable to the local school  
2323 district for any portion of his salary and paid fringe benefits  
2324 paid by the local school district while the teacher was on  
2325 sabbatical that is attributable to the local salary supplement or  
2326 is attributable to the amount that exceeds the maximum amount  
2327 allowed for reimbursement from state funds as provided in  
2328 subsection (2) of this section, less twenty percent (20%) of the  
2329 amount of his salary and paid fringe benefits paid by the school  
2330 district for each year that the person was employed as an  
2331 administrator following completion of the administrator licensure  
2332 requirements. Interest on the amount due shall accrue at the  
2333 current Stafford Loan rate at the time the breach occurs. If the  
2334 claim for repayment of such salary and fringe benefits is placed  
2335 in the hands of an attorney for collection after default, then the  
2336 obligor shall be liable for an additional amount equal to a  
2337 reasonable attorney's fee.

2338 (5) If there is not an administrator position immediately  
2339 available in the sponsoring school district after a person has  
2340 completed the administrator licensure requirements, or if the  
2341 administrator position in the sponsoring school district in which  
2342 the person is employed is no longer needed before the completion  
2343 of the five-year employment commitment, the local school board  
2344 shall defer any part of the employment commitment that has not  
2345 been met until such time as an administrator position becomes  
2346 available in the sponsoring school district. If such a deferral



2347 is made, the sponsoring school district shall employ the person as  
2348 a teacher in the school district during the period of deferral,  
2349 unless the person desires to be released from employment by the  
2350 sponsoring school district and the district agrees to release the  
2351 person from employment. If the sponsoring school district  
2352 releases a person from employment, that person may be employed as  
2353 an administrator in another school district in the state that is  
2354 in need of administrators as determined by the State Board of  
2355 Education, and that employment for the other school district shall  
2356 be applied to any remaining portion of the five-year employment  
2357 commitment required under this section. Nothing in this  
2358 subsection shall prevent a school district from not renewing the  
2359 person's contract before the end of the five-year employment  
2360 commitment in accordance with the School Employment Procedures Law  
2361 (Section 37-9-101 et seq.). However, if the person is not  
2362 employed as an administrator by another school district after  
2363 being released by the sponsoring school district, or after his  
2364 contract was not renewed by the sponsoring school district, he  
2365 shall be liable for repayment of the amount of his salary and  
2366 fringe benefits as provided in subsection (4) of this section.

2367 (6) All funds received by the State Department of Education  
2368 from the repayment of salary and fringe benefits paid by the state  
2369 from program participants shall be deposited in the Mississippi  
2370 Critical Teacher Shortage Fund.

2371 (7) This section shall stand repealed from and after July 1,  
2372 2003.

2373 **SECTION 34.** Section 37-9-213, Mississippi Code of 1972, is  
2374 amended as follows:

2375 37-9-213. The Mississippi Teacher Center shall be  
2376 responsible for the regular and ongoing evaluation of the  
2377 beginning teacher support program and may contract for such  
2378 evaluation. The evaluation shall include, but not be limited to,  
2379 assessments of the following:





2380 (a) A survey and follow-up of all eligible mentor  
2381 teachers and beginning teachers and appropriate district  
2382 officials, to assess satisfaction with and the effectiveness of  
2383 the beginning teacher support program;

2384 (b) The amount and quality of the contact time between  
2385 mentor teachers and beginning teachers;

2386 (c) The effectiveness of workshops and other training  
2387 required under Sections 37-9-201 through 37-9-211;

2388 (d) The effectiveness of the mentor program in  
2389 enhancing the professional development and retention of new  
2390 teachers in the district;

2391 (e) The desirability of extending this assistance  
2392 program to students participating in graduate level teacher  
2393 preparation programs similar to those which have been proposed by  
2394 the boards of trustees of state institutions of higher learning  
2395 offering such programs; and

2396 (f) The desirability of extending this assistance  
2397 program to all probationary teachers.

2398 **SECTION 35.** Section 37-11-17, Mississippi Code of 1972, is  
2399 amended as follows:

2400 37-11-17. (1) The State Board of Education, the board of  
2401 trustees of each state institution of higher learning, the State  
2402 Board for Community and Junior Colleges, the boards of trustees of  
2403 the several junior colleges, the county boards of education, the  
2404 governing authorities of any county, municipal or other public  
2405 school districts, such other boards set up by law for any  
2406 educational institution, school, college or university, or their  
2407 authorized representative, or the State Health Officer or his  
2408 authorized representative, may require any teacher, supervisor,  
2409 janitor or other employee of the school to submit to a thorough  
2410 physical examination, deemed advisable to determine whether he has  
2411 any infectious or communicable disease.



2412 (2) The State Board of Education may develop a program to  
2413 accomplish the identification of public school students with  
2414 abnormal spinal curvature. No state funds shall be expended for  
2415 the purposes of implementing this subsection. Such program shall:

2416 (a) Provide that an adequate number of school personnel  
2417 in each district be instructed by qualified medical experts in the  
2418 proper examination of students for abnormal spinal curvatures;

2419 (b) Provide that all public school students who are at  
2420 least ten (10) years old be screened at least every two (2) years  
2421 but at least in the fourth, sixth, eighth and tenth grades or at  
2422 such other times as may be recommended by medical experts on a per  
2423 case basis;

2424 (c) Provide that students identified as having abnormal  
2425 spinal curvatures or potential for abnormal spinal curvatures be  
2426 referred to the county health officer or to the student's personal  
2427 physician or chiropractor with notice of the evaluation; and

2428 (d) Provide for notification of the parent or guardian  
2429 of any student identified under this program and for the supplying  
2430 to such parent or guardian information on the condition and  
2431 resources available for the correction or treatment of such  
2432 condition. However, the requirement for screening shall not apply  
2433 to a child whose parent or guardian objects thereto on grounds  
2434 that the requirement conflicts with his conscientiously held  
2435 religious beliefs.

2436 **SECTION 36.** Section 37-11-29, Mississippi Code of 1972, is  
2437 amended as follows:

2438 37-11-29. (1) Any principal, teacher or other school  
2439 employee who has knowledge of any unlawful activity which occurred  
2440 on educational property or during a school related activity or  
2441 which may have occurred shall report such activity to the  
2442 superintendent of the school district or his designee who shall  
2443 notify the appropriate law enforcement officials as required by  
2444 this section. In the event of an emergency or if the



2445 superintendent or his designee is unavailable, any principal may  
2446 make a report required under this subsection.

2447 (2) Whenever any person who shall be an enrolled student in  
2448 any school or educational institution in this state supported in  
2449 whole or in part by public funds, or who shall be an enrolled  
2450 student in any private school or educational institution, is  
2451 arrested for, and lawfully charged with, the commission of any  
2452 crime and convicted upon the charge for which he was arrested, or  
2453 convicted of any crime charged against him after his arrest and  
2454 before trial, the office or law enforcement department of which  
2455 the arresting officer is a member, and the justice court judge and  
2456 any circuit judge or court before whom such student is tried upon  
2457 said charge or charges, shall make or cause to be made a report  
2458 thereof to the superintendent or the president or chancellor, as  
2459 the case may be, of the school district or other educational  
2460 institution in which such student is enrolled.

2461 If the charge upon which such student was arrested, or any  
2462 other charges preferred against him are dismissed or nol prossed,  
2463 or if upon trial he is either convicted or acquitted of such  
2464 charge or charges, same shall be reported to said respective  
2465 superintendent or president, or chancellor, as the case may  
2466 be. \* \* \*

2467 Said report shall be made within one (1) week after the  
2468 arrest of such student and within one (1) week after any charge  
2469 placed against him is dismissed or nol prossed, and within one (1)  
2470 week after he shall have pled guilty, been convicted, or have been  
2471 acquitted by trial upon any charge placed against him. This  
2472 section shall not apply to ordinary traffic violations involving a  
2473 penalty of less than Fifty Dollars (\$50.00) and costs.

2474 (3) When the superintendent or his designee has a reasonable  
2475 belief that an act has occurred on educational property or during  
2476 a school related activity involving any of the offenses set forth  
2477 in subsection (6) of this section, the superintendent or his



2478 designee shall immediately report the act to the appropriate local  
2479 law enforcement agency. For purposes of this subsection, "school  
2480 property" shall include any public school building, bus, public  
2481 school campus, grounds, recreational area or athletic field in the  
2482 charge of the superintendent. The State Board of Education shall  
2483 prescribe a form for making reports required under this  
2484 subsection. Any superintendent or his designee who fails to make  
2485 a report required by this section shall be subject to the  
2486 penalties provided in Section 37-11-15.

2487 (4) The law enforcement authority shall immediately dispatch  
2488 an officer to the educational institution and with probable cause  
2489 the officer is authorized to make an arrest if necessary as  
2490 provided in Section 99-3-7.

2491 (5) Any superintendent, principal, teacher or other school  
2492 personnel participating in the making of a required report  
2493 pursuant to this section or participating in any judicial  
2494 proceeding resulting therefrom shall be presumed to be acting in  
2495 good faith. Any person reporting in good faith shall be immune  
2496 from any civil liability that might otherwise be incurred or  
2497 imposed.

2498 (6) For purposes of this section, "unlawful activity" means  
2499 any of the following:

2500 (a) Possession or use of a deadly weapon, as defined in  
2501 Section 97-37-1;

2502 (b) Possession, sale or use of any controlled  
2503 substance;

2504 (c) Aggravated assault, as defined in Section 97-3-7;

2505 (d) Simple assault, as defined in Section 97-3-7, upon  
2506 any school employee;

2507 (e) Rape, as defined under Mississippi law;

2508 (f) Sexual battery, as defined under Mississippi law;

2509 (g) Murder, as defined under Mississippi law;

2510 (h) Kidnapping, as defined under Mississippi law; or



2511 (i) Fondling, touching, handling, etc., a child for  
2512 lustful purposes, as defined in Section 97-5-23.

2513 **SECTION 37.** Section 37-26-9, Mississippi Code of 1972, is  
2514 amended as follows:

2515 37-26-9. (1) It shall be the duty of the clerk of any court  
2516 to promptly collect the costs imposed pursuant to the provisions  
2517 of Section 37-26-3. In all cases the clerk shall monthly deposit  
2518 all such costs so collected with the State Treasurer either  
2519 directly or by other appropriate procedures. All such deposits  
2520 shall be clearly marked for the State Court Education Fund and the  
2521 State Prosecutor Education Fund. Upon receipt of such deposits,  
2522 the State Treasurer shall credit seventy-five percent (75%) of any  
2523 amounts so deposited to the State Court Education Fund created  
2524 pursuant to subsection (2) of this section, and shall credit the  
2525 remaining twenty-five percent (25%) of any amounts so deposited to  
2526 the State Prosecutor Education Fund created pursuant to subsection  
2527 (3) of this section.

2528 (2) Such assessments as are collected under Section 99-19-73  
2529 shall be deposited in a special fund hereby created in the State  
2530 Treasury and designated the "State Court Education Fund." Monies  
2531 deposited in such fund shall be expended by the board of trustees  
2532 of each state institution of higher learning as authorized and  
2533 appropriated by the Legislature to defray the cost of providing:  
2534 (i) education and training for the courts of Mississippi and  
2535 related personnel; (ii) technical assistance for the courts of  
2536 Mississippi and related personnel; and (iii) current and accurate  
2537 information for the Mississippi Legislature pertaining to the  
2538 needs of the courts of Mississippi and related personnel.

2539 (3) Such assessments as are collected under Section 99-19-73  
2540 shall be deposited in a special fund hereby created in the State  
2541 Treasury and designated the "State Prosecutor Education Fund."  
2542 Monies deposited in such fund shall be expended by the Attorney  
2543 General of the State of Mississippi as authorized and appropriated



2544 by the Legislature to defray the cost of providing: (i) education  
2545 and training for district attorneys, county prosecuting attorneys  
2546 and municipal prosecuting attorneys; (ii) technical assistance for  
2547 district attorneys, county prosecuting attorneys and municipal  
2548 prosecuting attorneys; and (iii) current and accurate information  
2549 for the Mississippi Legislature pertaining to the needs of  
2550 district attorneys, county prosecuting attorneys and municipal  
2551 prosecuting attorneys.

2552 (4) A supplemental fund is hereby created in the State  
2553 Treasury and designated the State Court Constituents Fund. Monies  
2554 deposited in such fund shall be for the education and training of  
2555 judges and related court personnel other than those specified in  
2556 Section 37-26-1(b). In addition to any other fees or costs now or  
2557 as may hereafter be provided by law, there is hereby charged in  
2558 all civil cases in the chancery, circuit, county, justice and  
2559 municipal courts of this state a supplemental court education and  
2560 training cost in the amount of Fifty Cents (50¢), except in  
2561 justice court cases where the amount sued for is less than Fifteen  
2562 Dollars (\$15.00); and in all criminal cases in the circuit,  
2563 county, justice and municipal courts of this state, except in  
2564 cases where the fine is less than Ten Dollars (\$10.00). Such  
2565 costs shall be charged and collected as provided by Sections  
2566 37-26-3 and 37-26-5.

2567 After the transfer to the State Prosecutor Education Fund of  
2568 twenty-five percent (25%) of the money provided for in subsection  
2569 (1) of this section, there shall then be transferred into the  
2570 State Court Education Fund the money on deposit in the State Court  
2571 Constituents Fund.

2572 (5) A special fund is created in the State Treasury and  
2573 designated the "State Court Security Systems Fund." Monies  
2574 deposited in such fund shall be expended for general courtroom  
2575 security as well as the maintenance and operation of security  
2576 surveillance and detection devices for the courtrooms of each



2577 court of the State of Mississippi specified in Section 37-26-1(2).  
2578 The Administrative Office of Courts shall conduct a study to  
2579 assess and determine the security needs of the courts and is  
2580 authorized to expend monies in the fund for the purposes of the  
2581 fund as authorized and appropriated by the Legislature.

2582 **SECTION 38.** Section 37-61-33, Mississippi Code of 1972, is  
2583 amended as follows:

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

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

2596 (a) Purchasing, erecting, repairing, equipping,  
2597 remodeling and enlarging school buildings and related facilities,  
2598 including gymnasiums, auditoriums, lunchrooms, vocational training  
2599 buildings, libraries, teachers' homes, school barns,  
2600 transportation vehicles (which shall include new and used  
2601 transportation vehicles) and garages for transportation vehicles,  
2602 and purchasing land therefor.

2603 (b) Establishing and equipping school athletic fields  
2604 and necessary facilities connected therewith, and purchasing land  
2605 therefor.

2606 (c) Providing necessary water, light, heating, air  
2607 conditioning and sewerage facilities for school buildings, and  
2608 purchasing land therefor.



2609 (d) As a pledge to pay all or a portion of the debt  
2610 service on debt issued by the school district under Sections  
2611 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351  
2612 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302  
2613 and 37-41-81, or debt issued by boards of supervisors for  
2614 agricultural high schools pursuant to Section 37-27-65, if such  
2615 pledge is accomplished pursuant to a written contract or  
2616 resolution approved and spread upon the minutes of an official  
2617 meeting of the district's school board or board of supervisors.  
2618 The annual grant to such district in any subsequent year during  
2619 the term of the resolution or contract shall not be reduced below  
2620 an amount equal to the district's grant amount for the year in  
2621 which the contract or resolution was adopted. The intent of this  
2622 provision is to allow school districts to irrevocably pledge a  
2623 certain, constant stream of revenue as security for long-term  
2624 obligations issued under the code sections enumerated in this  
2625 paragraph or as otherwise allowed by law. It is the intent of the  
2626 Legislature that the provisions of this paragraph shall be  
2627 cumulative and supplemental to any existing funding programs or  
2628 other authority conferred upon school districts or school boards.  
2629 Debt of a district secured by a pledge of sales tax revenue  
2630 pursuant to this paragraph shall not be subject to any debt  
2631 limitation contained in the foregoing enumerated code sections.

2632 (3) The remainder of the money deposited into the Education  
2633 Enhancement Fund shall be appropriated as follows:

2634 (a) To the State Department of Education as follows:

2635 (i) Sixteen and sixty-one one-hundredths percent  
2636 (16.61%) to the cost of the adequate education program determined  
2637 under Section 37-151-7; of the funds generated by the percentage  
2638 set forth in this section for the support of the adequate  
2639 education program, one and one hundred seventy-eight  
2640 one-thousandths percent (1.178%) of the funds shall be  
2641 appropriated to be used by the State Department of Education for





2642 the purchase of textbooks to be loaned under Sections 37-43-1  
2643 through 37-43-59 to approved nonpublic schools, as described in  
2644 Section 37-43-1. The funds to be distributed to each nonpublic  
2645 school shall be in the proportion that the average daily  
2646 attendance of each nonpublic school bears to the total average  
2647 daily attendance of all nonpublic schools;

2648 (ii) Seven and ninety-seven one-hundredths percent  
2649 (7.97%) to assist the funding of transportation operations and  
2650 maintenance pursuant to Section 37-19-23; and

2651 (iii) Nine and sixty-one one-hundredths percent  
2652 (9.61%) for classroom supplies, instructional materials and  
2653 equipment, including computers and computer software, to be  
2654 distributed to all school districts in the proportion that the  
2655 average daily attendance of each school district bears to the  
2656 average daily attendance of all school districts within the state.  
2657 It is the intent of the Legislature that all classroom teachers  
2658 shall be involved in the development of a spending plan that  
2659 addresses individual classroom needs and supports the overall  
2660 goals of the school regarding supplies, instructional materials,  
2661 equipment, computers or computer software under the provisions of  
2662 this subparagraph, including the type, quantity and quality of  
2663 such supplies, materials and equipment. This plan shall be  
2664 submitted to the school principal for approval. School districts  
2665 need not fully expend the funds received under this subparagraph  
2666 in the year in which they are received, but such funds may be  
2667 carried forward for expenditure in any succeeding school year;

2668 (b) Twenty-two and nine one-hundredths percent (22.09%)  
2669 to the various boards of trustees of the state institutions of  
2670 higher learning for the purpose of supporting the institutions of  
2671 higher learning; and

2672 (c) Fourteen and forty-one one-hundredths percent  
2673 (14.41%) to the State Board for Community and Junior Colleges for  
2674 the purpose of providing support to community and junior colleges.



2675 (4) The amount remaining in the Education Enhancement Fund  
2676 after funds are distributed as provided in subsections (2) and (3)  
2677 of this section shall be disbursed as follows:

2678 (a) Twenty-five Million Dollars (\$25,000,000.00) shall  
2679 be deposited into the Working Cash-Stabilization Reserve Fund  
2680 created pursuant to Section 27-103-203(1), until the balance in  
2681 such fund reaches the maximum balance of seven and one-half  
2682 percent (7-1/2%) of the General Fund appropriations in the  
2683 appropriate fiscal year. After the maximum balance in the Working  
2684 Cash-Stabilization Reserve Fund is reached, such money shall  
2685 remain in the Education Enhancement Fund to be appropriated in the  
2686 manner provided for in paragraph (b) of this subsection.

2687 (b) The remainder shall be appropriated for other  
2688 educational needs.

2689 (5) None of the funds appropriated pursuant to subsection  
2690 (3)(a) of this section shall be used to reduce the state's General  
2691 Fund appropriation for the categories listed in an amount below  
2692 the following amounts:

2693 (a) For subsection (3)(a)(ii) of this section,  
2694 Thirty-six Million Seven Hundred Thousand Dollars  
2695 (\$36,700,000.00);

2696 (b) For the aggregate of minimum program allotments in  
2697 the 1997 fiscal year, formerly provided for in Chapter 19, Title  
2698 37, Mississippi Code of 1972, as amended, excluding those funds  
2699 for transportation as provided for in subsection (5)(a) in this  
2700 section.

2701 **SECTION 39.** Section 37-65-7, Mississippi Code of 1972, is  
2702 amended as follows:

2703 37-65-7. The board of trustees of any such school district,  
2704 agricultural high school district or agricultural high school and  
2705 junior college district, and the board of trustees of any state  
2706 institution of higher learning, respectively, as the case may be,  
2707 may, in their discretion, pay all or any part of the salary of all



2708 superintendents, principals, teachers and other employees during  
2709 or for the period when any of the said schools, agricultural high  
2710 schools, agricultural high schools and junior colleges, or  
2711 institutions of higher learning are closed in accordance with the  
2712 terms of this article, and funds shall be drawn from the same  
2713 source or sources as such funds would be drawn to pay such items  
2714 if the schools, agricultural high schools, agricultural high  
2715 schools and junior colleges, or institutions of higher learning  
2716 had not been closed.

2717         **SECTION 40.** Section 37-101-2, Mississippi Code of 1972, is  
2718 amended as follows:

2719         37-101-2. There is hereby established \* \* \* a Welfare Policy  
2720 Institute at a campus location to be designated by the  
2721 Commissioner of Higher Education. The purpose of the institute  
2722 shall be to research and gather empirical information regarding  
2723 the social and welfare programs authorized under Sections 43-49-1  
2724 through 43-49-15, 43-13-115, 43-17-1, 43-17-5, 43-1-8, 43-1-10,  
2725 43-1-30 and 37-101-2 and to write grant proposals regarding the  
2726 policy implications of such program.

2727         **SECTION 41.** Section 37-101-16, Mississippi Code of 1972, is  
2728 amended as follows:

2729         37-101-16. The board of trustees of each state institution  
2730 of higher learning shall develop a system of manpower management  
2731 which shall be implemented in the institution under the control of  
2732 the particular board. The manpower management system shall be so  
2733 designed to insure accurate and rapid reporting of all manpower  
2734 positions within each institution by job classification to include  
2735 position number and title, grade, salary and fringe benefits, name  
2736 of incumbent, social security number and date of hire.

2737         **SECTION 42.** Section 37-101-19, Mississippi Code of 1972, is  
2738 amended as follows:

2739         37-101-19. The Board of Trustees of the University of  
2740 Southern Mississippi is hereby authorized and empowered to



2741 establish and maintain a marine research laboratory on lands  
2742 belonging to the State of Mississippi, said lands being a part of  
2743 the Magnolia State Park in Jackson County, Mississippi, and to be  
2744 assigned for the use of such laboratory by the Mississippi  
2745 Department of Marine Resources.

2746 The marine research laboratory may, in the discretion of the  
2747 board of trustees \* \* \*, be operated by the Mississippi Academy of  
2748 Science, Inc., under the supervision and control of the board of  
2749 trustees \* \* \*.

2750 The board of trustees \* \* \* is hereby authorized and  
2751 empowered to expend annually out of its regular appropriation for  
2752 the support and maintenance of the University of Southern  
2753 Mississippi a sum not exceeding Five Thousand Dollars (\$5,000.00)  
2754 for the support and maintenance of the marine research laboratory.

2755 **SECTION 43.** Section 37-101-21, Mississippi Code of 1972, is  
2756 amended as follows:

2757 37-101-21. A body politic and corporate is hereby created  
2758 under the name of Gulf Coast Research Laboratory, to have  
2759 perpetual succession, with powers to contract and be contracted  
2760 with; to receive and acquire, by any legal method, property of any  
2761 description, necessary or convenient for its operation, and to  
2762 hold, employ, use and convey the same; to adopt and use a  
2763 corporate seal; and to adopt by-laws, rules and regulations for  
2764 the government of the same, its employees, officials, agents, and  
2765 members.

2766 The object and purposes of the Gulf Coast Research Laboratory  
2767 shall be to promote the study and knowledge of science including  
2768 the natural resources of the State of Mississippi and to provide  
2769 for the dissemination of research findings and specimens from the  
2770 Gulf Coast area.

2771 The Gulf Coast Research Laboratory shall be under the control  
2772 and supervision of the Board of Trustees of the University of



2773 Southern Mississippi, and the powers of said laboratory shall be  
2774 vested in and its duties performed by said board.

2775 The laboratory shall be located at some appropriate place  
2776 within the state and on the Gulf of Mexico to be determined by the  
2777 board of trustees \* \* \*.

2778 It shall be the duty of the board of trustees \* \* \* to  
2779 appoint or elect a director for said laboratory, determine the  
2780 number of instructors, assistants and other employees and fix  
2781 their compensation, and in cooperation with the Mississippi  
2782 Academy of Science, prescribe rules, regulations, and policies  
2783 governing the operation of the institution, qualifications of  
2784 instructors and employees and for the admission of students, and  
2785 for the direction of research programs.

2786 **SECTION 44.** Section 37-101-23, Mississippi Code of 1972, is  
2787 amended as follows:

2788 37-101-23. (1) The Mississippi Small Farm Development  
2789 Center, which shall be referred to in this section as the SFDC, is  
2790 established under the management and control of the Board of  
2791 Trustees of \* \* \* Alcorn State University and shall be under the  
2792 direction of the president of the university subject to the  
2793 governance of the board of trustees. The president shall appoint  
2794 a director of the SFDC who shall recommend to the president  
2795 necessary professional and administrative staff of the center, all  
2796 subject to the approval of the board of trustees.

2797 (2) It shall be the function and duty of the SFDC to:

2798 (a) Develop a system to deliver management and  
2799 technical assistance to small farms utilizing the resources of  
2800 local, state and federal government programs, various segments of  
2801 the private sector, and universities and colleges throughout the  
2802 state;

2803 (b) Make management and technical assistance available  
2804 to small farms by linking together with the above resources;



2805           (c) Research and develop small farm opportunities for  
2806 new or alternative crops;

2807           (d) Develop a clearinghouse for the collection and  
2808 dissemination of agricultural and economic data; and

2809           (e) Assist small farms in developing more efficient  
2810 marketing and distribution channels, including foreign trade  
2811 marketing.

2812           **SECTION 45.** Section 37-101-27, Mississippi Code of 1972, is  
2813 amended as follows:

2814           37-101-27. (1) There is created within the Working  
2815 Cash-Stabilization Reserve Fund in the State Treasury a trust to  
2816 be known as the Ayers Endowment Trust, which shall be used as  
2817 provided in this section. On July 1, 1997, Fifteen Million  
2818 Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve  
2819 Fund shall be set aside and placed in the Ayers Endowment Trust.

2820           (2) The principal of the Ayers Endowment Trust shall remain  
2821 inviolate within the Working Cash-Stabilization Reserve Fund, and  
2822 shall be invested in the same manner as the remainder of the  
2823 Working Cash-Stabilization Reserve Fund.

2824           (3) The interest and income earned from the investment of  
2825 the principal of the Ayers Endowment Trust shall be appropriated  
2826 by the Legislature to the Boards of Trustees of \* \* \* Jackson  
2827 State University, Alcorn State University and Mississippi Valley  
2828 State University, the historically black institutions of higher  
2829 learning in Mississippi, with one-third (1/3) of the amount of the  
2830 interest and income earned being allocated for the benefit of each  
2831 of those universities. The money allotted for each university  
2832 shall be used for continuing educational enhancement and racial  
2833 diversity, including recruitment of white students and  
2834 scholarships for white applicants.

2835           (4) The creation of the Ayers Endowment Trust and the  
2836 appropriation of the interest and income for the purposes  
2837 specified in this section shall be to comply with the order of the



2838 United States District Court in the case of Ayers v. Fordice, 879  
2839 F.Supp. 1419 (N.D. Miss. 1995), with regard to Jackson State  
2840 University and Alcorn State University, and to provide Mississippi  
2841 Valley State University with an equal amount of funding for the  
2842 same purposes as for the other historically black institutions of  
2843 higher learning.

2844 (5) If the United States District Court for the Northern  
2845 District of Mississippi approves and directs the implementation of  
2846 a settlement agreement in the case of Ayers v. Musgrove (Civil  
2847 Action No. 4:75CV9-B-D, in the United States District Court for  
2848 the Northern District of Mississippi), and if the agreement  
2849 becomes final and effective according to its terms (including, but  
2850 not limited to, the exhaustion of all rights of appeal) before the  
2851 first day of the 2003 Regular Session of the Legislature, there  
2852 shall be created in the State Treasury a fund to be known as the  
2853 Ayers Settlement Fund. Monies deposited into the Ayers Settlement  
2854 Fund under Section 27-103-203(2) shall be appropriated by the  
2855 Legislature to the Boards of Trustees of \* \* \* Jackson State  
2856 University, Alcorn State University and Mississippi Valley State  
2857 University for the purpose of establishing a public endowment for  
2858 each in compliance with the settlement agreement.

2859 (6) If the Ayers Settlement Fund is created under subsection  
2860 (5) of this section, subsection (1) through (4) of this section  
2861 shall be repealed when the Ayers Endowment Trust reaches Zero  
2862 Dollars (\$0.00) in accordance with Section 27-103-203(3).

2863 **SECTION 46.** Section 37-101-29, Mississippi Code of 1972, is  
2864 amended as follows:

2865 37-101-29. Each institution of higher learning with a  
2866 teacher education program approved by the State Board of Education  
2867 shall prepare and submit to the State Board of Education \* \* \* an  
2868 annual performance report on the institution's teacher education  
2869 program. The report shall include the following information:

2870 (a) Teacher enrollment data;



2871 (b) Professional education faculty data;  
2872 (c) Characteristics of students receiving initial  
2873 licensure;  
2874 (d) Number and percentage of program completers scoring  
2875 at or above the proficiency level on the prescribed teacher  
2876 education exit tests;  
2877 (e) Satisfaction rate of employers and graduates;  
2878 (f) Follow-up profiles of graduates of the teacher  
2879 education program; and  
2880 (g) Any other information required by the State Board  
2881 of Education. Before requiring any other information, the State  
2882 Board of Education shall conduct collaborative planning activities  
2883 with the Mississippi Association of Colleges of Teacher  
2884 Education \* \* \*.

2885 The State Department of Education, in collaboration with the  
2886 Mississippi Association of Colleges of Teacher Education \* \* \*,  
2887 shall prepare a common form for the preparation and submission of  
2888 the annual performance reports. The State Department of Education  
2889 shall establish the date by which such reports must be submitted  
2890 to the board. No later than sixty (60) days after the deadline  
2891 date established for the submission of reports, the department  
2892 shall submit a compilation of all annual performance reports  
2893 received from the state institutions of higher learning to the  
2894 Chairmen of the Education Committees of the House of  
2895 Representatives and the Senate.

2896 **SECTION 47.** Section 37-101-31, Mississippi Code of 1972, is  
2897 amended as follows:

2898 37-101-31. In addition to the powers vested in the board of  
2899 trustees of each state institution of higher learning by Section  
2900 213-A, Mississippi Constitution of 1890 and by this chapter, each  
2901 board is hereby authorized to establish a reserve fund to receive  
2902 funds from state, federal or private sources for the purpose of  
2903 guaranteeing payment of loans obtained by college or university





2904 students from public or private lenders or banking institutions.  
2905 The boards are authorized and empowered to do and perform all the  
2906 necessary and requisite acts and deeds necessary to carry out the  
2907 provisions of this section.

2908       **SECTION 48.** Section 37-101-41, Mississippi Code of 1972, is  
2909 amended as follows:

2910       37-101-41. The board of trustees of each state institution  
2911 of higher learning is hereby authorized and empowered to lease to  
2912 private individuals or corporations, for a term not exceeding  
2913 thirty-one (31) years, any land at \* \* \* Mississippi State  
2914 University of Agriculture and Applied Science, Jackson State  
2915 University, Mississippi Valley State University, Alcorn State  
2916 University, University of Southern Mississippi, Mississippi  
2917 University for Women and Delta State University, for the purpose  
2918 of erecting housing and dormitory facilities thereon for active  
2919 faculty and students. Said housing facilities shall be  
2920 constructed thereon by private financing, and shall be leased back  
2921 to said board for use by the concerned state-supported institution  
2922 of higher learning. The lease shall contain a provision  
2923 permitting said board to purchase the building located thereon for  
2924 the sum of One Dollar (\$1.00) after payment by said board of all  
2925 sums of money due under said lease.

2926       **SECTION 49.** Section 37-101-43, Mississippi Code of 1972, is  
2927 amended as follows:

2928       37-101-43. Prior to entering into or awarding any such lease  
2929 contract under the provisions of Section 37-101-41, the board of  
2930 trustees of a state institution of higher learning shall cause the  
2931 interested state-supported institution upon which a facility is  
2932 proposed to be constructed to select and submit three architects  
2933 to the board. Thereupon, the board shall approve and employ an  
2934 architect, who shall be paid by said interested institution from  
2935 any funds available to said interested institution. Said  
2936 architect, under the direction of said interested institution,



2937 shall prepare complete plans and specifications for the facility  
2938 desired to be constructed on the leased property.

2939       Upon completion of said plans and specifications and the  
2940 approval thereof by said board, and before entering into any lease  
2941 contract, said (3) consecutive weeks and not less than twenty-one  
2942 (21) days in at least one (1) newspaper having a general  
2943 circulation in the county in which the interested institution is  
2944 located and in one newspaper with a general statewide circulation,  
2945 a notice inviting bids or proposals for the leasing, construction  
2946 and leasing back of said land and constructed facility, said  
2947 facility to be constructed in accordance with said plans and  
2948 specifications. Said notice shall distinctly state the thing to  
2949 be done, and invite sealed proposals, to be filed with said board,  
2950 to do the thing to be done. Said notice shall contain the  
2951 following specific provisions, together with such others as said  
2952 board in its discretion deems appropriate, to wit: bids shall be  
2953 accompanied by a bid security evidenced by a certified or  
2954 cashier's check or bid-bond payable to said board in a sum of not  
2955 less than five percent (5%) of the gross construction cost of the  
2956 facility to be constructed as estimated by said board and the bids  
2957 shall contain proof satisfactory to the board of interim and  
2958 permanent financing. The board shall state in the notice when  
2959 construction shall commence. The bid shall contain the proposed  
2960 contractor's certificate of responsibility number and bidder's  
2961 license. In all cases, before the notice shall be published, the  
2962 plans and specifications shall be filed with said board and also  
2963 in the office of the president of the interested institution,  
2964 there to remain.

2965       The board shall award the lease contract to the lowest and  
2966 best bidder, who will comply with the terms imposed by said  
2967 contract documents. At the time of the awarding of the lease  
2968 contract the successful bidder shall enter into bond with  
2969 sufficient sureties, to be approved by the board, in such penalty



2970 as may be fixed by the board, but in no case to be less than the  
2971 estimated gross construction cost of the facility to be  
2972 constructed as estimated by said board, conditioned for the  
2973 prompt, proper and efficient performance of the contract. The  
2974 bond shall be made by an authorized corporate surety bonding  
2975 company. The said bid security herein provided for shall be  
2976 forfeited if the successful bidder fails to enter into lease  
2977 contract and commence construction within the time limitation set  
2978 forth in the notice. At such time, and simultaneously with the  
2979 signing of said contract, the successful bidder shall deposit a  
2980 sum of money, in cash or certified or cashier's check, not less  
2981 than the bid security previously deposited as bid security to  
2982 reimburse the interested institution for all sums expended by it  
2983 for architectural services and other expenditures of the board and  
2984 interested institution connected with the bidded lease contract,  
2985 of which such other anticipated expenditures notice is to be given  
2986 to bidder in said notice. The bid security posted by an  
2987 unsuccessful bidder shall be refunded to him.

2988       **SECTION 50.** Section 37-101-61, Mississippi Code of 1972, is  
2989 amended as follows:

2990       37-101-61. Whenever the board of trustees of a state  
2991 institution of higher learning of the State of Mississippi shall  
2992 by a proper resolution declare the necessity of the formation of  
2993 nonprofit corporations for the purpose of acquiring or  
2994 constructing facilities for the institution of higher learning  
2995 under the jurisdiction and control of said board, any number of  
2996 natural persons, not less than three (3), who are residents of the  
2997 State of Mississippi, may file with the Secretary of State of this  
2998 state an application in writing for authority to incorporate a  
2999 public nonprofit corporation, known as an "educational building  
3000 corporation." If it shall be made to appear that each of said  
3001 persons is a duly qualified resident of this state, then the  
3002 persons filing such application shall be authorized, subject to



3003 the prior approval by said board of the form of the articles of  
3004 incorporation and bylaws thereof, to proceed to form such  
3005 corporation as provided by the general law of this state with  
3006 respect to corporations organized not for profit except as  
3007 hereinafter provided. The Secretary of State, upon receipt of  
3008 such application, shall forthwith issue a certificate of  
3009 incorporation.

3010 **SECTION 51.** Section 37-101-63, Mississippi Code of 1972, is  
3011 amended as follows:

3012 37-101-63. Each corporation formed under the provisions of  
3013 Section 37-101-61 shall have the following powers, together with  
3014 all powers incidental thereto or necessary to the discharge  
3015 thereof in corporate form: to have succession by its corporate  
3016 name for the duration of time (which may be in perpetuity)  
3017 specified in its certificate of incorporation; to sue and be sued  
3018 and to defend suits against it; to make use of a corporate seal  
3019 and to alter it at pleasure; to acquire, whether by purchase,  
3020 construction or gift, facilities for the institution of higher  
3021 learning and land therefor; to equip, maintain, enlarge or improve  
3022 such facilities; to lease under such terms and conditions as its  
3023 board of directors may deem advisable and as shall not conflict  
3024 with the provisions of Sections 37-101-61 through 37-101-71 to the  
3025 board of trustees of the state institution of higher learning or  
3026 to such other entity as may be approved by such board subject to  
3027 prior approval by said board of each issue of bonds; to issue its  
3028 bonds for the purpose of defraying the cost of acquiring,  
3029 constructing, maintaining, enlarging, improving or equipping any  
3030 of such facilities or land in the manner provided in Section  
3031 37-101-65; to secure the payment of such bonds through the pledge  
3032 of and lien on such revenues or other sources of income, including  
3033 lease payments, entering into trust agreements, and the making of  
3034 such covenants as are provided in Section 37-101-101; to refund  
3035 bonds previously issued; to enter into contracts and agreements or



3036 do any act necessary for or incidental to the performance of its  
3037 duties and the execution of its powers under Sections 37-101-61  
3038 through 37-101-71; to accept gifts from any source whatsoever; to  
3039 appoint and employ such officers and agents, including attorneys,  
3040 as its business may require; and to provide for such insurance as  
3041 its board of directors may deem advisable.

3042       **SECTION 52.** Section 37-101-71, Mississippi Code of 1972, is  
3043 amended as follows:

3044       37-101-71. The board of trustees of each state institution  
3045 of higher learning \* \* \* is hereby authorized and empowered, in  
3046 its discretion, to pass proper resolutions declaring the necessity  
3047 of the formation of nonprofit educational building corporations,  
3048 as set forth in Section 37-101-61, and to lease facilities from  
3049 said corporations in the manner provided by law.

3050       When the principal of and the interest on any bonds of an  
3051 educational building corporation payable from the revenues derived  
3052 from the operation of facilities owned by such corporation shall  
3053 have been paid in full, then such facilities shall thereupon  
3054 become the property of the board of trustees of the state  
3055 institution of higher learning and title to the facilities shall  
3056 thereupon immediately vest in the State of Mississippi.

3057       **SECTION 53.** Section 37-101-91, Mississippi Code of 1972, is  
3058 amended as follows:

3059       37-101-91. The board of trustees of each state institution  
3060 of higher learning is hereby authorized and empowered to contract  
3061 with and borrow money from the United States of America, or any  
3062 department, instrumentality, or agency thereof, as may be  
3063 designated or created to make loans and grants, or from private  
3064 lenders, at an overall rate of interest to maturity not to exceed  
3065 that allowed in Section 75-17-103, for the purpose of acquiring  
3066 land for, and erecting, repairing, remodeling, maintaining, adding  
3067 to, extending, improving, equipping, or acquiring dormitories,  
3068 dwellings, apartments, athletic stadium, gymnasiums, student union



3069 buildings, student service centers, athletic fields, swimming  
3070 pools, parking facilities, cafeterias, dining halls, and/or other  
3071 revenue producing facilities, to be located at or near the  
3072 campuses of the University of Mississippi, Mississippi State  
3073 University of Agriculture and Applied Science, Mississippi  
3074 University for Women, Alcorn State University, University of  
3075 Southern Mississippi, Delta State University, Jackson State  
3076 University, Mississippi Valley State University, and Gulf Coast  
3077 Research Laboratory.

3078 In agreements or commitments by or between the aforesaid  
3079 boards of trustees and private lenders and/or the U.S. Department  
3080 of Housing and Urban Development to make loans or grants for the  
3081 construction of dormitories in which bonds are to be issued under  
3082 the provisions of Sections 37-101-91 through 37-101-103, and in  
3083 which part or all of the principal and/or interest on said bonds  
3084 is to be paid or guaranteed by the U.S. Department of Housing and  
3085 Urban Development, said bonds shall bear a net interest rate not  
3086 in excess of that allowed in Section 75-17-103.

3087 Notwithstanding the foregoing provisions of this section,  
3088 bonds referred to hereinabove may be issued pursuant to the  
3089 supplemental powers and authorizations conferred by the provisions  
3090 of the Registered Bond Act, being Sections 31-21-1 through  
3091 31-21-7.

3092 **SECTION 54.** Section 37-101-93, Mississippi Code of 1972, is  
3093 amended as follows:

3094 37-101-93. Bonds issued for the purposes enumerated in  
3095 Section 37-101-91 shall be authorized by resolution of the board  
3096 of trustees of the state institution of higher learning involved.  
3097 Said resolution shall positively show the said land, to be  
3098 acquired, if any, and the said dormitories, dwellings, apartments,  
3099 athletic stadiums, gymnasiums, student union buildings, student  
3100 service centers, athletic fields, swimming pools and the like, to  
3101 be erected, repaired, remodeled, maintained, added to, extended,



3102 improved, equipped or acquired, together with equipment therefor.  
3103 A majority vote of all the members of the board of trustees shall  
3104 be necessary to the passage of said resolution, and all votes on  
3105 such resolutions shall be by yea and nay vote, duly recorded on  
3106 the minutes of the proceedings of the board.

3107         The bonds may be issued in one or more series, may bear such  
3108 date or dates, may be in such denomination or denominations, may  
3109 mature at such time or times, not exceeding forty (40) years from  
3110 the respective dates thereof, may mature in such amount or  
3111 amounts, may bear interest at such rate or rates, not exceeding  
3112 that allowed in Section 75-17-103, payable semiannually, may be in  
3113 such forms, either coupon or registered, may carry such  
3114 registration privileges, may be executed in such manner, may be  
3115 payable in such medium of payment, at such place or places, and  
3116 may be subject to such term of redemption, with or without  
3117 premium, as such resolution or other resolutions may provide. The  
3118 bonds may be sold at a private sale, at not less than par and  
3119 accrued interest, without advertising the same at competitive  
3120 bidding. The bonds shall be fully negotiable within the meaning  
3121 and for all purposes of the Uniform Commercial Code.

3122         Notwithstanding any other provision of law, in any resolution  
3123 authorizing bonds hereunder, including refunding bonds, the board  
3124 of trustees may provide for the initial issuance of one or more  
3125 bonds (hereinafter sometimes collectively called "bond"), may make  
3126 such provision for installment payments of the principal amount of  
3127 any such bond as it may consider desirable, and may provide for  
3128 the making of any such bond registerable as to principal or as to  
3129 both principal and interest and, where interest accruing thereon  
3130 is not represented by interest coupons, for the endorsing of  
3131 payments of interest on such bond. The board may further make  
3132 provision in any such resolution for the manner and circumstances  
3133 in and under which any such bond may in the future, at the request  
3134 of the holder thereof, be converted into bonds of smaller



3135 denominations, which bonds of small denominations may in turn be  
3136 either coupon bonds or bonds registerable as to principal or  
3137 principal and interest.

3138         **SECTION 55.** Section 37-101-95, Mississippi Code of 1972, is  
3139 amended as follows:

3140         37-101-95. Bonds issued for the purposes enumerated in  
3141 Section 37-101-91 may be refunded, in whole or in part:

3142             (a) When any such bonds have by their terms become due  
3143 and payable and there are not sufficient sums in the fund  
3144 established for their payment to pay such bonds and the interest  
3145 thereon;

3146             (b) When any such bonds are by their terms callable for  
3147 payment and redemption in advance of their date of maturity and  
3148 shall have been duly called for payment and redemption;

3149             (c) When any such bonds are voluntarily surrendered by  
3150 the holder or holders thereof in exchange for refunding bonds; or

3151             (d) When, in connection with the issuance of any  
3152 additional bonds under Sections 37-101-91 through 37-101-103 for  
3153 the purpose of financing any additional authorized construction,  
3154 the board of trustees of the state institution of higher learning  
3155 shall determine to combine such new issue of bonds with any issue  
3156 or issues of bonds of the same institution of higher learning of  
3157 the State of Mississippi then outstanding for the purpose of  
3158 unifying such indebtedness and utilizing the income and revenues  
3159 derived from all projects or facilities operated at such  
3160 institution to the payment of such indebtedness, and the board of  
3161 trustees shall determine that such outstanding bonds are by their  
3162 terms then callable for redemption or are obtainable by and  
3163 through the voluntary surrender thereof by the holder or holders  
3164 thereof.

3165         For the purpose of refunding any bonds, including refunding  
3166 bonds, the board of trustees may make and issue refunding bonds in  
3167 such amount as may be necessary to pay off and redeem bonds to be





3168 refunded together with unpaid and past due interest thereon and  
3169 any premium which may be due under the terms of such bonds,  
3170 together also with the cost of issuing and refunding bonds, and  
3171 may sell the same in like manner as provided in Section 37-101-97  
3172 for the initial issuance of bonds. With the proceeds of any such  
3173 refunding bonds, the board shall pay off, redeem, and cancel such  
3174 old bonds and coupons as may have matured or such bonds as may  
3175 have been called for payment and redemption together with the past  
3176 due interest and the premium, if any, due thereon; such bonds may  
3177 be issued and delivered in exchange for a like par value amount of  
3178 bonds to refund which the refunding bonds were issued. No  
3179 refunding bonds issued hereunder shall be payable in more than  
3180 forty (40) years from the date thereof or shall bear interest at a  
3181 rate in excess of the rate of interest authorized in Section  
3182 75-17-103 for the bonds being refunded.

3183       Such refunding bonds shall be payable from the same sources  
3184 as were pledged to the payment of the bonds refunded thereby and,  
3185 in the discretion of the board of trustees, may be payable from  
3186 any other sources which may be pledged to the payment of revenue  
3187 bonds issued under Sections 37-101-91 through 37-101-103. Bonds  
3188 of two (2) or more issues of any institution of higher learning of  
3189 the State of Mississippi may be refunded by a single issue of  
3190 refunding bonds.

3191       Notwithstanding the foregoing provisions of this section,  
3192 bonds referred to hereinabove may be issued pursuant to the  
3193 supplemental powers and authorizations conferred by the provisions  
3194 of the Registered Bond Act, being Sections 31-21-1 through  
3195 31-21-7.

3196       **SECTION 56.** Section 37-101-101, Mississippi Code of 1972, is  
3197 amended as follows:

3198       37-101-101. The board of trustees of each state institution  
3199 of higher learning in connection with the issuance of the bonds  
3200 for the purposes enumerated in Section 37-101-91, or in order to



3201 secure the payment of such bonds and interest thereon, shall have  
3202 power by resolutions:

3203           (a) To fix and maintain (1) fees, rentals, and other  
3204 charges to be paid by students, faculty members and others using  
3205 or being served by any dormitories, dwellings, apartments,  
3206 athletic stadiums, gymnasiums, student union buildings, student  
3207 service centers, athletic fields, swimming pools, or other  
3208 projects or facilities, erected, repaired, remodeled, maintained,  
3209 added to, extended, improved, or acquired under the authority of  
3210 Section 37-101-91; (2) fees, rentals and other charges to be paid  
3211 by students, faculty members, and others using or being served by  
3212 any other dormitories, dwellings, apartments, athletic stadiums,  
3213 gymnasiums, student union buildings, student service centers,  
3214 athletic fields, swimming pools, or other projects or facilities  
3215 at any institution which so issues bonds, which fees, rentals and  
3216 other charges to be paid by students, faculty members, and others  
3217 using or being served by such other dormitories, dwellings,  
3218 apartments, athletic stadiums, gymnasiums, student union  
3219 buildings, student service centers, athletic fields, swimming  
3220 pools, or other projects or facilities, shall be the same as those  
3221 applicable to the dormitories, dwellings, apartments, athletic  
3222 stadiums, gymnasiums, student union buildings, student service  
3223 centers, athletic fields, swimming pools, or other projects or  
3224 facilities referred to in the preceding subdivision (1); however,  
3225 in fixing such fees, rentals and other charges, there may be  
3226 allowed reasonable differentials based on the condition, type,  
3227 location and relative convenience of the dormitories, dwellings,  
3228 apartments, athletic stadiums, gymnasiums, student union  
3229 buildings, student service centers, athletic fields, swimming  
3230 pools, or other projects or facilities in question, but such  
3231 differentials shall be uniform as to all such students or faculty  
3232 members and others similarly accommodated;



3233           (b) To provide that bonds so issued shall be secured by  
3234 a first, exclusive and closed lien on, and shall be payable from,  
3235 all or any part of the income and revenues derived from fees,  
3236 rentals and other charges to be paid by students, faculty members  
3237 or others using or being served by any dormitories, dwellings,  
3238 apartments, athletic stadiums, gymnasiums, student union  
3239 buildings, student service centers, athletic fields, swimming  
3240 pools, or other projects or facilities operated at any such  
3241 institution, and erected, repaired, remodeled, maintained, added  
3242 to, extended, improved or acquired under Section 37-101-91, or any  
3243 other law, or otherwise, and not theretofore so pledged;

3244           (c) To pledge and assign to, or in trust for the  
3245 benefit of the holder or holders of any bond or bonds, coupon or  
3246 coupons so issued, an amount of the income and revenues derived  
3247 from such fees, rentals and other charges to be paid by students,  
3248 faculty members, or others using or being served by any  
3249 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,  
3250 student union buildings, student service centers, athletic fields,  
3251 swimming pools, or other projects or facilities operated at any  
3252 such institution, and erected, repaired, remodeled, maintained,  
3253 added to, extended, improved or acquired under Section 37-101-91,  
3254 or any other law, or otherwise, and not theretofore so pledged,  
3255 which rentals, fees and charges imposed and pledged pursuant to  
3256 the terms of this section shall be sufficient to pay when due the  
3257 bonds so issued and interest thereon, to create and maintain a  
3258 reasonable reserve therefor and to operate and maintain the  
3259 project so constructed, and to create and at all times maintain an  
3260 adequate reserve for contingencies and for major repairs and  
3261 replacements;

3262           (d) To covenant with or for the benefit of the holder  
3263 or holders of any bond or bonds, coupon or coupons so issued to  
3264 erect, repair, remodel, maintain, add to, extend, improve or  
3265 acquire any dormitories, dwellings, apartments, athletic stadiums,



3266 gymnasiums, student union buildings, student service centers,  
3267 athletic fields, swimming pools, or other projects or facilities,  
3268 that so long as any of said bonds or coupons shall remain  
3269 outstanding and unpaid, such institution shall fix, maintain and  
3270 collect, in such installments as may be agreed upon, an amount of  
3271 fees, rentals or other charges from students, faculty members, and  
3272 others using or being served by any dormitories, dwellings,  
3273 apartments, athletic stadiums, gymnasiums, student union  
3274 buildings, student service centers, athletic fields, swimming  
3275 pools, or other projects or facilities operated at any such  
3276 institution and erected, repaired, remodeled, maintained, added  
3277 to, extended, improved or acquired under Section 37-101-91, or any  
3278 other law, or otherwise, which shall be sufficient to pay when due  
3279 any bond or bonds, coupons or coupons so issued, and to create and  
3280 maintain a reasonable reserve therefor, and to pay the cost of  
3281 operation and maintenance of such dormitories, dwellings,  
3282 apartments, athletic stadiums, gymnasiums, student union  
3283 buildings, student service centers, athletic fields, swimming  
3284 pools, or other projects or facilities, including a sum sufficient  
3285 to pay the cost of insuring such dormitories, dwellings,  
3286 apartments, athletic stadiums, gymnasiums, student union  
3287 buildings, student service centers, athletic fields, swimming  
3288 pools, or other projects or facilities against loss or damage by  
3289 fire and windstorm or other calamities, in such sum as may be  
3290 acceptable to the purchaser or purchasers of such bonds. The  
3291 rentals, fees and other charges shall at all times be sufficient  
3292 to maintain an adequate bond sinking fund to provide for the  
3293 payment of interest on and principal of the bonds as and when they  
3294 accrue and mature, to create a reasonable reserve therein and to  
3295 pay the cost of operation and maintenance and insurance as herein  
3296 provided and to create and at all times maintain an adequate  
3297 reserve for contingencies and for major repairs and replacements;



3298           (e) To make and enforce and agree to make and enforce  
3299 parietal rules that shall insure the use of any such dormitory,  
3300 dwelling, apartment, athletic stadium, gymnasium, student union  
3301 building, student service center, athletic field, swimming pool,  
3302 or other project or facility by all students in attendance at such  
3303 institution, and faculty members thereof, to the maximum extent to  
3304 which such dormitories, dwellings, apartments, athletic stadiums,  
3305 gymnasiums, student union buildings, student service centers,  
3306 athletic fields, swimming pools, or other projects or facilities  
3307 are capable of serving same, so long as it does not interfere with  
3308 any existing contract;

3309           (f) To covenant that as long as any of the bonds so  
3310 issued shall remain outstanding and unpaid, it will not, except  
3311 upon such terms and conditions as may be determined by the  
3312 resolution issuing such bonds, (1) voluntarily create, or cause to  
3313 be created, any debt, lien, pledge, assignment, encumbrance, or  
3314 other charge having priority to or being on a parity with the lien  
3315 of the bonds so issued upon any of the income and revenues derived  
3316 from fees, rentals and other charges to be paid by students,  
3317 faculty members and others using or being served by any  
3318 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,  
3319 student union buildings, student service centers, athletic fields,  
3320 swimming pools, or other projects or facilities operated at any  
3321 such institution and erected, repaired, remodeled, maintained,  
3322 added to, extended, improved or acquired under Section 37-101-91,  
3323 or any other law, or otherwise, or (2) convey or otherwise  
3324 alienate any such dormitories, dwellings, apartments, athletic  
3325 stadiums, gymnasiums, student union buildings, student service  
3326 centers, athletic fields, swimming pools, or other projects or  
3327 facilities, or the real estate upon which the same shall be  
3328 located, except at a price sufficient to pay all the bonds then  
3329 outstanding payable from the revenues derived therefrom and  
3330 interest accrued on such bonds, and then only in accordance with



3331 any agreements with the holder or holders of such bonds, or (3)  
3332 mortgage or otherwise voluntarily create, or cause to be created,  
3333 any encumbrance on any such dormitory, dwelling, apartment,  
3334 athletic stadium, gymnasium, student union building, student  
3335 service center, athletic field, swimming pool, or other project or  
3336 facility, or the real estate upon which it shall be located;

3337 (g) To covenant as to the proceedings by which the  
3338 terms of any contract with a holder or holders of such bonds may  
3339 be amended or rescinded, the amount or percentage of bonds the  
3340 holder or holders of which must consent thereto and the manner in  
3341 which such consent may be given;

3342 (h) To vest in a trustee or trustees the right to  
3343 receive all or any part of the income and revenue and proceeds of  
3344 insurance pledged and assigned to, or for the benefit of, the  
3345 holder or holders of such bonds, and to hold, apply and dispose of  
3346 the same and the right to enforce any covenant made to secure or  
3347 pay or in relation to such bonds;

3348 (i) To authorize the chairman and the secretary of said  
3349 board to execute and deliver, in the name of the institution for  
3350 which such bonds are being issued, a trust agreement or agreements  
3351 which may set forth the powers and duties of such trustee or  
3352 trustees, and limiting the liabilities thereof, and describing  
3353 what occurrences shall constitute events of default and  
3354 prescribing the terms and conditions upon which such trustee or  
3355 trustees or the holder or holders of bonds of any specified amount  
3356 or percentage of such bonds may exercise such right and enforce  
3357 any and all such covenants and resort to any such remedies as may  
3358 be appropriate; and

3359 (j) To vest in a trustee or trustees or the holder or  
3360 holders of any specified amount or percentage of bonds the right  
3361 to apply to any court of competent jurisdiction for and have  
3362 granted the appointment of a receiver or receivers of the income  
3363 and revenue pledged and assigned to or for the benefit of the



3364 holder or holders of such bonds, which receiver or receivers may  
3365 have and be granted such powers and duties as are usually granted  
3366 under the laws of the State of Mississippi to a receiver or  
3367 receivers appointed in connection with the foreclosure of a  
3368 mortgage made by a private corporation.

3369         **SECTION 57.** Section 37-101-103, Mississippi Code of 1972, is  
3370 amended as follows:

3371         37-101-103. No monies derived from the sale of bonds of any  
3372 institution or otherwise borrowed or received by such institution  
3373 under Sections 37-101-91 through 37-101-103, or from the fees,  
3374 rentals, and charges received and collected for the use of any  
3375 project constructed, repaired, remodeled, maintained, added to,  
3376 extended, improved, or acquired under authority of said sections,  
3377 shall be required to be paid into the State Treasury, but shall,  
3378 except as herein otherwise provided, be deposited by the Treasurer  
3379 or other fiscal officer of the institution in a separate bank  
3380 account or accounts in such bank or banks or trust company or  
3381 trust companies as may be designated by the board of trustees of  
3382 the state institution of higher learning. All deposits of such  
3383 monies shall, if required by the board, be secured by obligations  
3384 of the United States of America or of the State of Mississippi, of  
3385 a market value equal at all times to the amount of the deposit,  
3386 and all banks and all trust companies are hereby authorized to  
3387 give such security. Such money may be disbursed as may be  
3388 directed by the board and in accordance with the terms of any  
3389 agreements with the holder or holders of any bonds. This section  
3390 shall be construed as limiting the power of said board to agree in  
3391 connection with issuance of any such bonds as to the custody and  
3392 disposition of the monies received from the sale of such bonds or  
3393 the income and revenues pledged and assigned to or in trust for  
3394 the benefit of the holder or holders thereof.

3395         It is specifically provided, however, notwithstanding any  
3396 other provision of this section, that when any project financed by



3397 the proceeds of revenue bonds issued hereunder shall be supervised  
3398 by the State Building Commission and the said State Building  
3399 Commission shall execute and enter into construction contracts  
3400 with respect thereto, the board of trustees of each state  
3401 institution of higher learning shall have the power and authority  
3402 to pay into the State Treasury in a special account for said  
3403 project an amount from the proceeds of the sale of the bonds which  
3404 shall be sufficient to pay all such construction contracts and all  
3405 fees and expenses incidental thereto, including any amount, plus  
3406 interest thereon, which may have been borrowed for interim  
3407 financing of said project. The amount so paid into such special  
3408 account shall be expended by the State Building Commission in the  
3409 manner provided by law in payment of the amounts due under such  
3410 construction contracts, and fees and expenses incidental thereto,  
3411 and in repayment of money, if any, borrowed for interim financing,  
3412 plus interest thereon. If, at the conclusion of the project, any  
3413 sum should remain in said special account it shall be repaid to  
3414 the institution entitled thereto to be handled in accordance with  
3415 the terms of the agreement with the holder or holders of the  
3416 bonds.

3417 Notwithstanding any other provisions of this section, such  
3418 reports as may be required by the State Auditor of Public Accounts  
3419 shall be made to him by the institutions of higher learning in the  
3420 manner and at the times he may prescribe, so that his records may  
3421 reflect full and complete information relative thereto.

3422 **SECTION 58.** Section 37-101-121, Mississippi Code of 1972, is  
3423 amended as follows:

3424 37-101-121. The board of trustees of each state institution  
3425 of higher learning is hereby authorized and empowered, in its  
3426 discretion, and with the consent and approval of the State  
3427 Building Commission, to invest any funds derived or made available  
3428 for the purpose of constructing, erecting, repairing, remodeling  
3429 or equipping dormitories and other housing facilities under





3430 projects approved and sanctioned by the Home and Housing Finance  
3431 Agency of the United States of America, whether said funds be  
3432 derived from the proceeds of bonds issued under the provisions of  
3433 Sections 37-101-91 through 37-101-103, or from money borrowed for  
3434 the interim financing of any such project, or from any other  
3435 sources, in short-term bonds or other direct obligations of the  
3436 United States of America. However, no such funds shall be so  
3437 invested except the amount of such funds which is in excess of the  
3438 sums which will be required for expenditure in financing the  
3439 construction of said projects during the succeeding ninety (90)  
3440 days. In all cases, the bonds or other obligations in which such  
3441 funds are invested shall mature or be redeemable prior to the time  
3442 the funds so invested will be needed for expenditure in financing  
3443 the construction of said projects.

3444       The board \* \* \*, with the consent and approval of the State  
3445 Building Commission, may, by order or resolution spread upon its  
3446 minutes, authorize and empower any member or members of said board  
3447 of trustees, or any officers or employees thereof, or any other  
3448 person or persons, to make investments of such funds from time to  
3449 time as they shall be available for investment under the  
3450 provisions of this section. Any such member or members or  
3451 officers or employees, or other person or persons, when so  
3452 authorized by such order or resolution, shall have the power and  
3453 authority to make such investments of such funds, to make  
3454 purchases of such bonds or other obligations, to execute all  
3455 necessary instruments in connection therewith, and to take such  
3456 other action as may be necessary to effectuate the investment of  
3457 such funds.

3458       **SECTION 59.** Section 37-101-123, Mississippi Code of 1972, is  
3459 amended as follows:

3460       37-101-123. When any such bonds or other direct obligations  
3461 of the United States of America shall have been purchased with  
3462 such excess funds as is provided for in Section 37-101-121, such



3463 bonds or other obligations may be sold or surrendered for  
3464 redemption at any time by order or resolution adopted by the board  
3465 of trustees of the state institution of higher learning, and  
3466 approved by the State Building Commission. Any member or members  
3467 thereof or any officers or employees thereof, or any other person  
3468 or persons, when authorized by such order or resolution, shall  
3469 have the power and authority to sell said bonds or other  
3470 obligations or to surrender same for redemption and to execute all  
3471 instruments and take such other action as may be necessary to  
3472 effectuate the sale or redemption thereof. When such bonds or  
3473 other obligations shall be sold or redeemed, the proceeds thereof,  
3474 including the accrued interest thereon, shall be paid into the  
3475 proper fund and shall in all respects be dealt with and expended  
3476 for the purpose for which said funds were originally derived or  
3477 made available.

3478       **SECTION 60.** Section 37-101-125, Mississippi Code of 1972, is  
3479 amended as follows:

3480       37-101-125. Orders or resolutions of the board of trustees  
3481 of any state institution of higher learning authorizing the  
3482 investment of funds or the sale and redemption of bonds and other  
3483 obligations purchased therewith under the provisions of Sections  
3484 37-101-121 and 37-101-123, may be in general terms and may confer  
3485 continuing authority upon the person or persons authorized to act.  
3486 It shall not be necessary that separate resolutions or orders be  
3487 passed and adopted with reference to each transaction.

3488       **SECTION 61.** Section 37-101-141, Mississippi Code of 1972, is  
3489 amended as follows:

3490       37-101-141. The board of trustees of each state institution  
3491 of higher learning is hereby authorized and empowered, in its  
3492 discretion, to sell and dispose of the timber, trees, dead wood  
3493 and stumps standing, growing and being upon the lands granted to  
3494 the State of Mississippi for the use and benefit of the University  
3495 of Mississippi by an act of Congress of the United States approved



3496 June 20, 1894, and upon the lands granted to the State of  
3497 Mississippi for the use and benefit of Mississippi University for  
3498 Women by an act of Congress of the United States approved March 2,  
3499 1895, and upon the lands granted to the State of Mississippi for  
3500 the use and benefit of Mississippi State University of Agriculture  
3501 and Applied Science, and Alcorn State University by an act of  
3502 Congress of the United States approved February 20, 1895, whenever  
3503 the sale or disposition of such timber shall be to the best  
3504 advantage of the institutions named herein. Such timber shall be  
3505 sold and disposed of under the direction and specifications of the  
3506 State Forestry Commission in accordance with sound and efficient  
3507 principles of forestry management and conservation.

3508       **SECTION 62.** Section 37-101-143, Mississippi Code of 1972, is  
3509 amended as follows:

3510       37-101-143. The board of trustees of each state institution  
3511 of higher learning named in Section 37-101-141 is also authorized  
3512 and empowered to lease those lands referred to in Section  
3513 37-101-141, or any part thereof, for oil, gas and mineral  
3514 development, or for any other purpose, for such consideration,  
3515 upon such terms and conditions as the board of trustees shall deem  
3516 proper, and for the best advantage of the respective institutions.  
3517 Any such oil, gas or mineral lease shall not be for a primary term  
3518 of more than six (6) years and so long thereafter as oil, gas or  
3519 other minerals are produced from said lands. The royalties  
3520 reserved in such lease or leases shall be not less than the  
3521 following:

3522           (a) On oil, one-eighth (1/8) part produced and saved  
3523 from said land;

3524           (b) On gas, including casinghead gas, or other gaseous  
3525 substances, produced from said land and sold or used off the  
3526 premises, or for the extraction of gasoline or other products  
3527 therefrom, the market value at the well of one-eighth (1/8) of the  
3528 gas so sold or used; and



3529 (c) On all other minerals mined and marketed,  
3530 one-eighth (1/8) part in kind or value at the well or mine except  
3531 sulphur on which the royalty shall be Two Dollars (\$2.00) per long  
3532 ton.

3533 **SECTION 63.** Section 37-101-145, Mississippi Code of 1972, is  
3534 amended as follows:

3535 37-101-145. Before any timber, trees, dead wood, or stumps,  
3536 standing, growing or being upon lands shall be sold from said  
3537 lands as is authorized in Section 37-101-141, and before any lands  
3538 shall be leased for oil, gas and mineral purposes, or other  
3539 purposes as is authorized in Section 37-101-143, the board of  
3540 trustees of the involved state institution of higher learning  
3541 shall advertise its intention to do so by publication in a  
3542 newspaper in the City of Jackson, and also in a newspaper  
3543 published in each county where such lands are situated, such  
3544 notice to be published once a week for three (3) consecutive weeks  
3545 preceding such sale or lease, and by posting one (1) notice at the  
3546 courthouse in the county or counties where the lands are situated.  
3547 In any county having no paper published therein, the publication  
3548 shall be placed in some paper having a general circulation in said  
3549 county. Said board shall sell or lease at public auction, or by  
3550 sealed bids, at the place designated in said notices, to the  
3551 highest and best bidder for cash. The board shall have the right  
3552 to reject any or all of such bids.

3553 **SECTION 64.** Section 37-101-147, Mississippi Code of 1972, is  
3554 amended as follows:

3555 37-101-147. All leases and conveyances of timber, trees,  
3556 dead wood and stumps, and all oil, gas and mineral leases, or  
3557 leases for other purposes, provided for in Sections 37-101-141 and  
3558 37-101-143, shall be executed by the president of the board of  
3559 trustees of \* \* \* the University of Mississippi, Mississippi  
3560 University for Women, Mississippi State University of Agriculture  
3561 and Applied Science and Alcorn State University, as the case may



3562 be. The corporate seal of the proper institution shall be affixed  
3563 to all conveyances and leases of the lands held for the use and  
3564 benefit of such institutions. In all such cases such conveyances  
3565 and leases shall be executed only upon the order or resolution of  
3566 the board of trustees of the state institution of higher learning  
3567 in the manner and method hereinbefore set forth.

3568 **SECTION 65.** Section 37-101-149, Mississippi Code of 1972, is  
3569 amended as follows:

3570 37-101-149. The proceeds derived or received from all sales  
3571 of timber, trees, dead wood, and stumps, and from all oil, gas and  
3572 mineral leases, or leases for other purposes, provided for in  
3573 Sections 37-101-141 and 37-101-143, including but not limited to  
3574 rentals, bonuses, royalties, and delay rentals, shall be deposited  
3575 in such special funds as the \* \* \* board of trustees of the  
3576 involved state institution of higher learning may designate for  
3577 the use and benefit of the institution owning or having the use  
3578 and benefit of the land from which such money was derived. Such  
3579 money, after all expenditures for maintenance, operation, and  
3580 improvements necessary for effective and scientific management of  
3581 said resources shall have been deducted, shall be used and  
3582 expended under the supervision of said board of trustees for the  
3583 erection and construction of permanent improvements on the  
3584 campuses of such institution, or for the repair of permanent  
3585 improvements existing on said campuses. It is the purpose of this  
3586 section that the funds received from lands held for the use of  
3587 each of the respective institutions shall be kept in a special  
3588 fund for the use and benefit of the institution having the use and  
3589 benefit of the land from which such funds were derived, and that  
3590 such funds shall be expended only for the purposes hereinabove set  
3591 forth.

3592 Notwithstanding any other provisions of this section, such  
3593 reports as may be required by the State Auditor of Public Accounts  
3594 shall be made to him by the institutions of higher learning in the



3595 manner and at the times he may prescribe, so that his records may  
3596 reflect full and complete information relative thereto.

3597         **SECTION 66.** Section 37-101-153, Mississippi Code of 1972, is  
3598 amended as follows:

3599         37-101-153. The board of trustees of each state institution  
3600 of higher learning is hereby authorized and empowered, in its  
3601 discretion, to lease any lands, or any part thereof, belonging  
3602 to \* \* \* said institution, for oil, gas and mineral development,  
3603 upon such terms, conditions and considerations as said board of  
3604 trustees shall deem proper and for the best interest of the  
3605 institution \* \* \*. Any such oil, gas or mineral lease shall be  
3606 for a primary term of not more than six (6) years and so long  
3607 thereafter as oil, gas or other mineral is produced from said  
3608 land. The royalty reserved in such lease or leases shall not be  
3609 less than the following:

3610             (a) On oil, one-eighth (1/8) part produced and saved  
3611 from said land;

3612             (b) On gas, including casinghead gas, or other gaseous  
3613 substances, produced from said land and sold or used off the  
3614 premises, or for the extraction of gasoline or other products  
3615 therefrom the market value at the well of one-eighth (1/8) of the  
3616 gas so sold or used; and

3617             (c) On all other minerals mined and marketed,  
3618 one-eighth (1/8) part in kind or value at the well or mine except  
3619 sulphur on which the royalty shall be Two Dollars (\$2.00) per long  
3620 ton.

3621         **SECTION 67.** Section 37-101-155, Mississippi Code of 1972, is  
3622 amended as follows:

3623         37-101-155. Before any of the land named in Section  
3624 37-101-153, shall be leased for oil, gas and mineral purposes, the  
3625 board of trustees of the involved state institution of higher  
3626 learning shall give notice of its intention by publishing a notice  
3627 in some newspaper in the City of Jackson and also a newspaper



3628 published in the county or counties where such lands are situated,  
3629 giving the time and place that said board will receive bids. Said  
3630 notice shall be published once each week for three (3) consecutive  
3631 weeks. Said board at said time and place will receive sealed bids  
3632 for such lease or leases, and will consider the highest and best  
3633 bid that is the most advantageous to the institution \* \* \*. The  
3634 board shall have the right to reject any or all such bids.

3635 **SECTION 68.** Section 37-101-157, Mississippi Code of 1972, is  
3636 amended as follows:

3637 37-101-157. All oil, gas and mineral leases provided for in  
3638 Section 37-101-153, shall be executed by the president of the  
3639 board of trustees of the involved state institution of higher  
3640 learning \* \* \* on behalf of the institution owning or having the  
3641 use of such lands, as the case may be. The corporate seal of the  
3642 institution owning or having benefit of such land shall be affixed  
3643 to all leases. In all such cases such leases shall be executed  
3644 only upon order or resolution of the board of trustees of the  
3645 state institutions of higher learning in the manner hereinbefore  
3646 set forth.

3647 **SECTION 69.** Section 37-101-159, Mississippi Code of 1972, is  
3648 amended as follows:

3649 37-101-159. The consideration and proceeds derived or  
3650 received from all oil, gas and mineral leases provided for in  
3651 Section 37-101-153, including, but not limited to bonuses,  
3652 rentals, royalties and delay rentals, shall be paid to the board  
3653 of trustees of the state institution of higher learning for the  
3654 use and benefit of the institution owning or having the use and  
3655 benefit of the land from which said money was derived. All such  
3656 money or funds shall be allocated to or used for the benefit of  
3657 such institution \* \* \*.

3658 **SECTION 70.** Section 37-101-181, Mississippi Code of 1972, is  
3659 amended as follows:



3660           37-101-181. Any member of the faculties of Alcorn State  
3661 University, Jackson State University, and Mississippi Valley State  
3662 University shall be eligible for leave of absence to pursue  
3663 advanced academic training so as to elevate the scholastic  
3664 qualifications of the faculties of these above-mentioned colleges,  
3665 in line with the requirements of the several accrediting agencies.

3666           In order to provide for the above leaves the board of  
3667 trustees of those state institutions of higher learning shall have  
3668 power to adopt rules and regulations regarding such leave. In no  
3669 instance shall leave be granted unless there is a contract  
3670 providing for continued service, after expiration of the leave, in  
3671 the college where the faculty member is employed.

3672           The board of trustees \* \* \* is hereby authorized to make  
3673 payment of salary, or such part of salary as may be decided, of  
3674 such faculty members who are under contract for academic leaves.

3675           **SECTION 71.** Section 37-101-183, Mississippi Code of 1972, is  
3676 amended as follows:

3677           37-101-183. Any members of the faculty of the state  
3678 institutions of higher learning of the State of Mississippi shall  
3679 be eligible for sabbatical leaves, for the purpose of professional  
3680 improvement, for not more than two (2) semesters immediately  
3681 following any twelve (12) or more consecutive semesters of active  
3682 service in the institutions of higher learning of this state where  
3683 such faculty member is employed or for not more than one (1)  
3684 semester immediately following any six (6) or more consecutive  
3685 semesters of such service. Absence on sick leave shall not be  
3686 deemed to interrupt the active service herein provided for.

3687           Applications for sabbatical leave shall be made to the board  
3688 of trustees of the state institution of higher learning, with the  
3689 approval of the chancellor or the president of the institution of  
3690 higher learning. Approval or disapproval of the applications for  
3691 sabbatical leave shall be made on the basis of regulations  
3692 prescribed by the board \* \* \*.





3693 Any person who is granted a sabbatical leave and who fails to  
3694 comply with the provisions of such leave as approved by the state  
3695 institution of higher learning may have his or her leave  
3696 terminated by the board \* \* \*.

3697 No person on sabbatical leave can be denied any regular  
3698 increment of increase in salary because of absence on sabbatical  
3699 leave.

3700 Service on sabbatical leave shall count as active service for  
3701 the purpose of retirement and contributions to the retirement fund  
3702 shall be continued.

3703 In order to provide for the above leaves the board of  
3704 trustees of each state institution of higher learning shall have  
3705 power to adopt rules and regulations regarding such leave. In no  
3706 instance shall leave be granted unless there is a contract  
3707 providing for continued service, after expiration of the leave, in  
3708 the college where the faculty member is employed.

3709 Every person on sabbatical leave shall enjoy all the rights  
3710 and privileges pertaining to his or her employment in the  
3711 institution of higher learning in which such person is employed,  
3712 which such person would have enjoyed if in active service during  
3713 such leave in the position from which such leave was taken.

3714 Each person granted sabbatical leave may receive and be paid  
3715 compensation up to the rate of fifty percent (50%) of such  
3716 person's annual salary.

3717 Compensation payable to persons on sabbatical leave shall be  
3718 paid at the same time and in the same manner salaries of the other  
3719 members of the faculty are paid.

3720 **SECTION 72.** Section 37-101-185, Mississippi Code of 1972, is  
3721 amended as follows:

3722 37-101-185. The board of trustees of each state institution  
3723 of higher learning is hereby authorized to cooperate with the  
3724 state building commission, in the discretion of both agencies, in  
3725 the employment of technical and professional personnel for



3726 supervising the planning and constructing or repairs of physical  
3727 plant facilities located on the campuses of the several  
3728 institutions of higher learning. Upon determination by the state  
3729 building commission as to the proportionate amount due from the  
3730 board of trustees for salaries and other expenses of such  
3731 employees, said board is authorized and empowered to pay over to  
3732 the state building commission such sums from funds available to  
3733 the board \* \* \* for such purposes.

3734       **SECTION 73.** Section 37-101-221, Mississippi Code of 1972, is  
3735 amended as follows:

3736       37-101-221. The Commissioner of Higher Education may provide  
3737 instruction in graduate and professional schools for qualified  
3738 students, who are residents of Mississippi, in institutions  
3739 outside the state boundaries, when such instruction is not  
3740 available for them in the regularly supported Mississippi  
3741 institutions of higher learning. The commissioner shall, by \* \* \*  
3742 rules and regulations, determine the qualifications of such  
3743 students as may be aided by this section, and the decision by the  
3744 commissioner as to the qualifications of such students shall be  
3745 final. The commissioner shall provide such graduate and  
3746 professional instruction, within the limits of the funds available  
3747 for this purpose, at a cost to students, not exceeding the cost,  
3748 as estimated by the commissioner, of such instruction, if it were  
3749 available at a state supported institution of higher learning in  
3750 the State of Mississippi.

3751       **SECTION 74.** Section 37-101-283, Mississippi Code of 1972, is  
3752 amended as follows:

3753       37-101-283. Each male applicant for any scholarship or loan  
3754 funded in whole or in part by this state, whether granted by the  
3755 Commissioner of Higher Education, the board of trustees of a state  
3756 institution of higher learning, the Post-Secondary Education  
3757 Financial Assistance Board, or otherwise granted by any  
3758 state-supported college or university, and whether to be used at a



3759 state-supported institution of higher learning or at a private  
3760 institution, shall within six (6) months after he attains the age  
3761 of eighteen (18) years submit to the person, commission, board or  
3762 agency in which his application for scholarship or loan is or has  
3763 been made satisfactory evidence of his compliance with the draft  
3764 registration requirements of the Military Selective Service Act.  
3765 Such evidence shall consist of a copy of the draft registration  
3766 acknowledgment letter received from the Selective Service System  
3767 by the scholarship or loan applicant or holder. If an applicant  
3768 for or holder of any such scholarship or loan fails to submit a  
3769 copy of his draft registration acknowledgment letter in the manner  
3770 and within the time allowed therefor, any pending application of  
3771 such person for the award, grant or renewal of any such  
3772 scholarship or loan shall be denied, and any such scholarship or  
3773 loan currently held by such person shall be revoked to the extent  
3774 that no further payments under that scholarship or loan may be  
3775 made to him or on his behalf. The person, commission, board or  
3776 agency to which an application for the award, grant or renewal of  
3777 such scholarship or loan is made, or by or through which any such  
3778 scholarship or loan is administered or issued shall notify the  
3779 applicant or holder and the chief executive officer of any  
3780 institution at which a holder of a scholarship or loan so revoked  
3781 is enrolled of its action, and upon request of the scholarship or  
3782 loan applicant or holder shall afford him the opportunity, either  
3783 in person, in writing or by counsel of his choice to present  
3784 evidence against such action.

3785       **SECTION 75.** Section 37-101-303, Mississippi Code of 1972, is  
3786 amended as follows:

3787       37-101-303. Before the issuance of any of the bonds herein  
3788 authorized, the board of trustees of each state institution of  
3789 higher learning shall forward to the State Bond Commission its  
3790 recommendation declaring the necessity for the issuance of general  
3791 obligation bonds as authorized by Sections 37-101-301 through



3792 37-101-331 for the purpose of erecting, repairing, constructing,  
3793 remodeling, adding to or improving capital facilities for  
3794 institutions of higher learning. The State Bond Commission shall  
3795 have the power and is hereby authorized, upon receipt of the  
3796 aforesaid recommendations, at one time or from time to time, to  
3797 declare the necessity for issuance of negotiable general  
3798 obligation bonds of the State of Mississippi in an aggregate  
3799 amount not to exceed Forty Million Dollars (\$40,000,000.00) to  
3800 provide funds for the purposes hereinabove set forth and to issue  
3801 and sell bonds in the amount specified.

3802 Out of the total amount of bonds authorized to be issued,  
3803 funds shall be allocated among the institutions of higher learning  
3804 as follows:

3805	Alcorn State University.....	\$ 4,416,000.00
3806	Delta State University.....	1,882,000.00
3807	Jackson State University.....	2,396,000.00
3808	Mississippi State University.....	9,810,000.00
3809	Mississippi University for Women.....	1,909,000.00
3810	Mississippi Valley State University.....	1,775,000.00
3811	University of Mississippi.....	6,086,000.00
3812	University of Southern Mississippi.....	5,971,000.00
3813	University of Southern Mississippi -	
3814	Gulf Park Campus.....	309,000.00
3815	University Medical Center.....	3,465,000.00
3816	Gulf Coast Research Laboratory.....	260,000.00
3817	Education and Research Center.....	475,000.00
3818	Division of Agriculture, Forestry and	
3819	Veterinary Medicine.....	1,246,000.00

3820 \* \* \*

3821 **SECTION 76.** Section 37-101-305, Mississippi Code of 1972, is  
3822 amended as follows:

3823 37-101-305. Upon receipt of a certified copy of a resolution  
3824 of the board of trustees of a state institution of higher learning



3825 declaring the necessity for the issuance of any part or all of the  
3826 bonds authorized by Sections 37-101-301 et seq., the State Bond  
3827 Commission is hereby authorized and empowered to sell and issue  
3828 general obligation bonds of the State of Mississippi in the  
3829 principal amount requested, not to exceed an aggregate principal  
3830 amount of Forty Million Dollars (\$40,000,000.00) for the purposes  
3831 hereinabove set forth. The State Bond Commission is authorized  
3832 and empowered to pay the costs that are incident to the sale,  
3833 issuance and delivery of the bonds authorized under Sections  
3834 37-101-301 et seq. from the proceeds derived from the sale of such  
3835 bonds.

3836         **SECTION 77.** Section 37-101-351, Mississippi Code of 1972, is  
3837 amended as follows:

3838         37-101-351. The board of trustees of each state institution  
3839 of higher learning is hereby authorized to establish an executive  
3840 institute which shall be responsible for providing advanced  
3841 training and assessment for public sector executives, elected  
3842 officials, state board and commission members, and officers and  
3843 employees of local government entities of the State of  
3844 Mississippi.

3845         **SECTION 78.** Section 37-102-1, Mississippi Code of 1972, is  
3846 amended as follows:

3847         37-102-1. The board of trustees of each state institution of  
3848 higher learning may establish off-campus instructional programs  
3849 for existing universities. However, the board \* \* \* shall not  
3850 establish off-campus instructional programs if in its opinion such  
3851 action is not in the best interest of quality education for the  
3852 State of Mississippi and the university system.

3853         Students at any off-campus program site may, in the  
3854 discretion of the board \* \* \*, be permitted to register for  
3855 full-time course loads.

3856         Attendance at an off-campus site shall fulfill the residency  
3857 requirements as if the student had attended class on the parent



3858 campus of the university, and there shall be no difference in the  
3859 standards for work nor quality weight of a degree earned in the  
3860 off-campus program from that earned at the parent institution.

3861 **SECTION 79.** Section 37-102-3, Mississippi Code of 1972, is  
3862 amended as follows:

3863 37-102-3. The boards of trustees of the state institutions  
3864 of higher learning shall not permit the public universities to  
3865 offer courses for college credit at the lower undergraduate level  
3866 at an off-campus site unless approved by the State Board for  
3867 Community and Junior Colleges. The Commissioner of Higher  
3868 Education, in cooperation with the State Board for Community and  
3869 Junior Colleges, shall study the need and advisability of offering  
3870 (a) courses for college credit at the lower undergraduate level,  
3871 and (b) advanced centers for technology partnerships for  
3872 industrial training and professional development for credit and  
3873 noncredit courses, at the following off-campus sites by four-year  
3874 public state institutions of higher learning: the Mississippi  
3875 Gulf Coast counties; Greenville, Mississippi; Columbus,  
3876 Mississippi; McComb, Mississippi; Hattiesburg, Mississippi;  
3877 Meridian, Mississippi; Laurel, Mississippi; and any other proposed  
3878 area of the state. Any such study shall take into account the  
3879 ongoing programs of the community and junior colleges in the State  
3880 of Mississippi when a board authorizes off-campus programs created  
3881 under this chapter. It is the intent of the Legislature to meet  
3882 the educational needs of students who do not have ready access to  
3883 the educational opportunities that they desire. It is the further  
3884 intent of this chapter that university off-campus programs  
3885 established hereunder will in no way usurp the responsibilities of  
3886 the public junior colleges of the State of Mississippi. The  
3887 Commissioner of Higher Education shall establish such rules and  
3888 regulations as it deems necessary and proper to carry out the  
3889 purposes and intent of this chapter.



3890           **SECTION 80.** Section 37-102-5, Mississippi Code of 1972, is  
3891 amended as follows:

3892           37-102-5. The board of trustees of each state institution of  
3893 higher learning may designate \* \* \* off-campus sites. However,  
3894 off-campus sites shall be located in such a manner as to make the  
3895 services of the institutions of higher learning available to the  
3896 people of Mississippi without unnecessary program duplication in  
3897 the same geographic area.

3898           **SECTION 81.** Section 37-102-7, Mississippi Code of 1972, is  
3899 amended as follows:

3900           37-102-7. The board of trustees of each state institution of  
3901 higher learning shall submit to the Legislature budget requests  
3902 with off-campus programs being an identified part of the  
3903 total \* \* \* budget request for the university by being a separate  
3904 item within the budget request \* \* \*. Said budget request shall  
3905 include a statement of all actual or estimated receipts and  
3906 disbursements for such off-campus programs and such other  
3907 information as may be required by the Legislative Budget Office.

3908           **SECTION 82.** Section 37-102-13, Mississippi Code of 1972, is  
3909 amended as follows:

3910           37-102-13. The board of trustees of each state institution  
3911 of higher learning shall take into account the ongoing programs of  
3912 the private colleges in the State of Mississippi when authorizing  
3913 off-campus programs created under this chapter. It is the intent  
3914 of this chapter to meet the educational needs of students who do  
3915 not have ready access to the educational opportunities that they  
3916 desire.

3917           **SECTION 83.** Section 37-102-15, Mississippi Code of 1972, is  
3918 amended as follows:

3919           37-102-15. (1) The board of trustees of each state  
3920 institution of higher learning and the Bureau of Buildings,  
3921 Grounds and Real Property Management shall not make any  
3922 expenditure for capital improvements for off-campus sites unless



3923 specifically authorized by the Mississippi Legislature. However,  
3924 this shall not preclude such capital improvements from being made  
3925 by county or municipal governments locally or regionally involved.

3926 (2) The Board of Trustees of Mississippi State University  
3927 and the Bureau of Buildings, Grounds and Real Property Management  
3928 is specifically authorized to expend any funds available to it  
3929 from private sources, from the proceeds of the sale of any  
3930 property and improvements currently on the site of Mississippi  
3931 State University off-campus instructional program at Meridian and  
3932 from the proceeds of funds designated to the Mississippi State  
3933 University system for "repair, renovation and new construction" in  
3934 Chapter 2, Section 2, General Laws, First Extraordinary Session of  
3935 1989, for the construction, equipping and furnishing and new  
3936 building, and/or for the repair, renovation, equipping and  
3937 furnishing of any existing building at the Mississippi State  
3938 University off-campus instructional program site at Meridian,  
3939 Mississippi. The board \* \* \* is hereby authorized to receive and  
3940 expend matching funds from the local, county and municipal  
3941 governments for such construction, equipping, furnishing, repair  
3942 or renovation.

3943 **SECTION 84.** Section 37-103-1, Mississippi Code of 1972, is  
3944 amended as follows:

3945 37-103-1. The board of trustees of each junior college in  
3946 this state, the board of trustees of each state institution of  
3947 higher learning, and the administrative authorities of each  
3948 institution governed by said boards, in ascertaining and  
3949 determining the legal residence of and tuition to be charged any  
3950 student applying for admission to such institutions shall be  
3951 governed by the definitions and conditions set forth in Sections  
3952 37-103-1 through 37-103-23.

3953 **SECTION 85.** Section 37-103-9, Mississippi Code of 1972, is  
3954 amended as follows:





3955           37-103-9. Children of parents who are members of the faculty  
3956 or staff of any institution under the jurisdiction of the board of  
3957 trustees of any junior college \* \* \* or of any state institution  
3958 of higher learning in this state may be classified as residents  
3959 for the purpose of attendance at the institution where their  
3960 parents are faculty or staff members.

3961           **SECTION 86.** Section 37-103-25, Mississippi Code of 1972, is  
3962 amended as follows:

3963           37-103-25. The board of trustees of each state institution  
3964 of higher learning and the boards of trustees of the junior  
3965 colleges are hereby authorized to prescribe the amount of fees to  
3966 be paid by students attending the several state-supported  
3967 institutions of higher learning and junior colleges of the State  
3968 of Mississippi. In prescribing the rates to be paid by residents  
3969 of other states, the total fees shall not be less than the average  
3970 cost per student from appropriated funds.

3971           **SECTION 87.** Section 37-103-29, Mississippi Code of 1972, is  
3972 amended as follows:

3973           37-103-29. Nothing in this chapter shall be construed to  
3974 provide that the board of trustees of any state institution of  
3975 higher learning or the board of trustees of any junior college is  
3976 required to consider for admission the application of a  
3977 nonresident.

3978           **SECTION 88.** Section 37-104-5, Mississippi Code of 1972, is  
3979 amended as follows:

3980           37-104-5. As used in this chapter, the following words and  
3981 terms shall have the following meanings:

3982           (a) "Authority" means the members of the State Bond  
3983 Commission, which is composed of the Governor, the Attorney  
3984 General, and the State Treasurer, under Section 31-17-1, acting as  
3985 the Educational Facilities Authority for Private, Nonprofit  
3986 Institutions of Higher Learning.



3987           (b) "Private institution of higher learning" means a  
3988 nonprofit university, college or junior college within the State  
3989 of Mississippi, authorized by law to provide a program of  
3990 education beyond the high school level, which is not under the  
3991 jurisdiction of a board of trustees of a state institution of  
3992 higher learning or the State Board for Community and Junior  
3993 Colleges, and which is accredited by the Southern Association of  
3994 Colleges and Schools.

3995           (c) "Educational facility" means any facility or  
3996 structure, including, but not limited to, a housing or dormitory  
3997 facility, academic building, library, laboratory, research  
3998 facility, classroom, athletic facility, health care facility,  
3999 maintenance, storage or utility facility, student union building,  
4000 administration building, and parking facility, and any other  
4001 facility or structure related thereto, which is essential, useful  
4002 or convenient for the instruction of students, the conducting of  
4003 research or the operation and conduct of a private institution of  
4004 higher learning, and the land underlying said facility or  
4005 structure, but shall not include any facility or structure used or  
4006 to be used for sectarian instruction or as a place of religious  
4007 worship nor any facility which is used or to be used primarily in  
4008 connection with any part of the program of a school or department  
4009 of divinity for any religious denomination or sect.

4010           (d) "Educational facility project" means the  
4011 construction, enlargement, repair, improvement, alteration,  
4012 remodeling, reconstruction, equipping or acquisition of an  
4013 educational facility.

4014           (e) "Cost of the educational facility project" means  
4015 the cost of construction, enlargement, repair, improvement,  
4016 alteration, remodeling, reconstruction, equipping or acquisition  
4017 of an educational facility; the cost of all lands, properties,  
4018 rights-of-way, easements, franchises and interests acquired, used  
4019 for or in connection with the educational facility; the cost of



4020 demolishing or removing buildings or structures on land so  
4021 acquired, including the cost of acquiring any lands to which such  
4022 buildings or structures may be moved; the cost of all machinery  
4023 and equipment; financing charges, interest prior to and during  
4024 construction, enlargement, repair, improvement, alteration,  
4025 remodeling, reconstruction, or equipping of the said educational  
4026 facility and for one (1) year after completion of said  
4027 construction, enlargement, repair, improvement, alteration,  
4028 remodeling, reconstruction, equipping or acquisition; the cost of  
4029 engineering, architectural, financial and legal services; the cost  
4030 of all plans, surveys and specifications; studies, estimates of  
4031 cost and of revenues, and other expenses necessary or incident to  
4032 determining the feasibility or practicability of the project;  
4033 administrative expenses; the cost of such other expenses as may be  
4034 necessary or incident to the financing herein authorized of the  
4035 construction, enlargement, repair, improvement, alteration,  
4036 remodeling, reconstruction, equipping or acquisition of any  
4037 educational facility and the placing of said project in operation.  
4038 Any obligations or expenses incurred for any of the foregoing  
4039 purposes shall be regarded as a cost of the educational facility  
4040 project and may be paid or reimbursed as such out of the proceeds  
4041 of revenue bonds issued under the provisions of this chapter for  
4042 such educational facility project.

4043           (f) "Participating private institution of higher  
4044 learning" means a private institution of higher learning which,  
4045 pursuant to the provisions of this chapter, undertakes an  
4046 educational facility project, and the financing thereof, or  
4047 undertakes the refinancing of an educational facility project.

4048           (g) "Revenue bonds" means revenue bonds issued by the  
4049 Authority, under the provisions of this chapter, to finance or  
4050 refinance an educational facility project at a participating  
4051 private institution of higher learning and payable from monies  
4052 received by the Authority from the participating private



4053 institution of higher learning pursuant to the bond loan agreement  
4054 as defined herein.

4055 (h) "Bond loan agreement" means an agreement between  
4056 the participating private institution of higher learning and the  
4057 Authority for the purposes of: (i) establishing the terms for the  
4058 payment of the revenue bonds by the participating private  
4059 institution of higher learning; (ii) establishing the collateral  
4060 of the participating private institution of higher learning which  
4061 the parties determine to be necessary to secure the payment of the  
4062 revenue bonds; (iii) establishing the terms for the payment by the  
4063 Authority to the participating private institution of higher  
4064 learning of the proceeds from the sale of the revenue bonds for  
4065 the payment of the costs of the educational facilities project by  
4066 the participating private institution of higher learning; and (iv)  
4067 setting forth all other matters relating to the revenue bonds.

4068 **SECTION 89.** Section 37-105-1, Mississippi Code of 1972, is  
4069 amended as follows:

4070 37-105-1. The board of trustees of each state institution of  
4071 higher learning is hereby authorized and empowered to enact  
4072 traffic rules and regulations for the control, direction, parking  
4073 and general regulation of traffic and automobiles on the campus  
4074 and streets of the state institution of higher learning under the  
4075 supervision of such board.

4076 Any rules and regulations promulgated hereunder shall become  
4077 effective only after notice of the enactment of same has been  
4078 published in three (3) consecutive weekly issues of the college  
4079 newspaper and in a newspaper published and having general  
4080 circulation in the county or municipality where the institution to  
4081 which same pertain is located; such notice shall state where the  
4082 full text of such rules and regulations may be found on file. In  
4083 addition, such rules and regulations shall be posted on five (5)  
4084 bulletin boards at each such institution for a period of four (4)  
4085 weeks after their promulgation.



4086           **SECTION 90.** Section 37-105-7, Mississippi Code of 1972, is  
4087 amended as follows:

4088           37-105-7. The board of trustees of each state institution of  
4089 higher learning is hereby authorized and empowered to prevent or  
4090 regulate the running at large of animals of all kinds on the  
4091 campus and the streets of the state institution of higher learning  
4092 under the supervision of such board, and to cause such animals as  
4093 may be running at large to be impounded and a charge made against  
4094 the owner to discharge the cost and expenses of keeping the same.  
4095 If the owner of any such animal does not pay such cost within the  
4096 time prescribed by the board \* \* \*, such impounded animal may be  
4097 sold to discharge the cost and expense of impounding and selling  
4098 the same.

4099           If the owner of any such animal does not pay such cost within  
4100 the time prescribed by the board \* \* \* and if such impounded  
4101 animal cannot be sold to discharge the cost and expense of  
4102 impounding and selling the same, such impounded animal may be sold  
4103 or donated to research organizations.

4104           **SECTION 91.** Section 37-105-9, Mississippi Code of 1972, is  
4105 amended as follows:

4106           37-105-9. Any act which, if committed within the limits of a  
4107 city, town or village, or in any public place, would be a  
4108 violation of the general laws of this state, shall be criminal and  
4109 punishable if done on the campus, grounds or roads of any of the  
4110 state institutions of higher learning. The peace officers duly  
4111 appointed by the board of trustees of each state institution of  
4112 higher learning are vested with the powers and subjected to the  
4113 duties of a constable for the purpose of preventing and punishing  
4114 all violations of law on university or college grounds, and for  
4115 preserving order and decorum thereon.

4116           **SECTION 92.** Section 37-106-5, Mississippi Code of 1972, is  
4117 amended as follows:



4118           37-106-5. For purposes of this chapter, the following words  
4119 shall be defined as follows unless the context requires otherwise:

4120           (a) "Eligible applicant or eligible student" means an  
4121 individual who is a bona fide resident of Mississippi or an  
4122 out-of-state student who is enrolled or accepted for attendance at  
4123 an approved institution located in Mississippi in a course of  
4124 study including at least six (6) semester hours or the full-time  
4125 equivalent thereof.

4126           (b) "Approved institution" means an institution of  
4127 higher learning, public or private, which is accredited by the  
4128 Southern Association of Colleges and Secondary Schools, or its  
4129 equivalent or a business, vocational, technical or other  
4130 specialized school recognized and approved by the Post-secondary  
4131 Education Financial Assistance Board.

4132           (c) "Board" means the Post-secondary Education  
4133 Financial Assistance Board created by Section 37-106-9 authorized  
4134 and empowered to administer the provisions of this chapter.

4135           (d) "Fund" means the Post-secondary Education  
4136 Assistance Fund created by Section 37-106-13.

4137           (e) "Financial need" means anticipated expenses of an  
4138 eligible student while attending an approved institution which  
4139 cannot reasonably be met by said student or by the parents thereof  
4140 as shall be determined according to the criteria established by  
4141 the rules and regulations of the board. Financial need shall be  
4142 reevaluated and redetermined at least annually.

4143           (f) "Agency" means the board of trustees of each state  
4144 institution of higher learning.

4145           (g) "Commissioner" means the Commissioner of Higher  
4146 Education.

4147           **SECTION 93.** Section 37-106-9, Mississippi Code of 1972, is  
4148 amended as follows:

4149           37-106-9. (1) There is hereby created the Post-secondary  
4150 Education Financial Assistance Board which shall consist of the



4151 following three (3) members: the Commissioner of Higher  
4152 Education; one (1) person to be appointed by the State Board for  
4153 Community and Junior Colleges for an initial period of three (3)  
4154 years; and one (1) person to be appointed by the Governor for an  
4155 initial period of two (2) years. All subsequent appointments  
4156 shall be for a period of four (4) years. Vacancies shall be  
4157 filled for the length of the unexpired term only. The board shall  
4158 elect from its membership a chairman.

4159 (2) The agency shall designate one (1) member of its staff  
4160 to serve as director, to administer the provisions of this  
4161 financial assistance program. The director shall be assigned by  
4162 the agency sufficient staff, professional and clerical, funds and  
4163 quarters to administer this program.

4164 (3) The director:

4165 (a) Subject to the review of the board, shall have the  
4166 power of final approval of any application submitted;

4167 (b) Subject to the approval of the board and the  
4168 agency, shall have authority to promulgate the necessary rules and  
4169 regulations for effective administration of this chapter,  
4170 including the method of making application for assistance  
4171 authorized by this chapter.

4172 **SECTION 94.** Section 37-106-35, Mississippi Code of 1972, is  
4173 amended as follows:

4174 37-106-35. (1) There is established the assistant teacher  
4175 scholarship program for the purpose of assisting eligible  
4176 assistant teachers to become certificated teachers through the  
4177 awarding of financial scholarships and to attract and retain  
4178 qualified teachers for those geographical areas of the state and  
4179 academic subject areas in which there exist a critical shortage of  
4180 teachers. The scholarship program shall be implemented and  
4181 administered by the Commissioner of Higher Education and is  
4182 subject to the availability of funds appropriated specifically  
4183 therefor by the Legislature.



4184 (2) Under the assistant teacher scholarship program,  
4185 qualified assistant teachers may be awarded financial assistance  
4186 in an amount that is equal to the actual cost of three (3)  
4187 three-hour academic courses per year. However, no assistant  
4188 teacher may receive assistance through the program for more than  
4189 fifteen (15) three-hour academic courses. An assistant teacher  
4190 scholarship shall not be based upon an applicant's eligibility for  
4191 financial aid, and the receipt of any other scholarship or  
4192 financial assistance shall not affect an assistant teacher's  
4193 eligibility under the program.

4194 (3) In order to qualify for an assistant teacher  
4195 scholarship, an applicant must satisfy the following requirements:

4196 (a) The applicant must be employed full-time as an  
4197 assistant teacher with a local school district;

4198 (b) The applicant must be accepted for enrollment at a  
4199 baccalaureate degree-granting institution of higher learning in  
4200 the State of Mississippi which is accredited by the Southern  
4201 Association of Colleges and Schools and approved by the  
4202 Mississippi Commission on College Accreditation or at any  
4203 accredited nonprofit community or junior college in the state;

4204 (c) The assistant teacher must maintain a minimum  
4205 cumulative grade point average of 2.5 calculated on a 4.0 scale  
4206 for all courses funded through the assistant teacher scholarship  
4207 program; and

4208 (d) The assistant teacher must have expressed in  
4209 writing a present intention to teach in a critical teacher  
4210 shortage geographic or academic subject area.

4211 (4) The Commissioner of Higher Education shall develop a  
4212 system that provides for the payment of scholarship funds directly  
4213 to the educational institution at which a recipient of an  
4214 assistant teacher scholarship is enrolled.

4215 (5) At the beginning of the school year next succeeding the  
4216 date on which a person who has received an assistant teacher





4217 scholarship obtains a baccalaureate degree, that person shall  
4218 begin to render service as a certificated teacher in a school  
4219 district or academic subject area, or both, designated by the  
4220 State Board of Education. The State Board of Education shall  
4221 establish the duration of teaching service due for recipients of  
4222 scholarships based upon the number of academic hours funded  
4223 through the assistant teacher scholarship program. Any person  
4224 failing to meet teaching requirements shall be liable for the  
4225 amount of the corresponding scholarship received, plus interest  
4226 accruing at the current Stafford Loan rate.

4227 **SECTION 95.** Section 37-107-7, Mississippi Code of 1972, is  
4228 amended as follows:

4229 37-107-7. Any applicant qualified and desiring a scholarship  
4230 under the provisions of this chapter shall apply in writing to the  
4231 Commissioner of Higher Education. Said Commissioner of Higher  
4232 Education shall make inquiries into each such application and  
4233 shall make such investigation as \* \* \* proper to establish and  
4234 validate all claims before a scholarship is granted.

4235 **SECTION 96.** Section 37-107-9, Mississippi Code of 1972, is  
4236 amended as follows:

4237 37-107-9. The cost of the scholarship program established  
4238 under the provisions of this chapter will be administered by the  
4239 Commissioner of Higher Education, and necessary allowances for  
4240 scholarships granted shall be included in the annual budget of the  
4241 Office of the Commissioner for Higher Education.

4242 **SECTION 97.** Section 37-108-3, Mississippi Code of 1972, is  
4243 amended as follows:

4244 37-108-3. Any applicant qualified and desiring a scholarship  
4245 under this chapter shall apply in writing to the Commissioner of  
4246 Higher Education. Said Commissioner of Higher Education shall  
4247 make inquiries into each such application and shall make such  
4248 investigation as \* \* \* proper to establish and validate all claims  
4249 made under this chapter before a scholarship is granted.



4250           **SECTION 98.** Section 37-108-5, Mississippi Code of 1972, is  
4251 amended as follows:

4252           37-108-5. The cost of this scholarship program will be  
4253 administered by the Commissioner of Higher Education, and  
4254 necessary allowances for scholarships granted shall be included in  
4255 the annual budget of the office of the commissioner.

4256           **SECTION 99.** Section 37-110-1, Mississippi Code of 1972, is  
4257 amended as follows:

4258           37-110-1. There is hereby established an intern educational  
4259 program to be designated as the Mississippi Public Management  
4260 Graduate Intern Program to be administered by the Commissioner of  
4261 Higher Education through a program coordinator. The program shall  
4262 consist of not more than thirty-six (36) positions in the general  
4263 fields of public management, program analysis and public  
4264 administration. Said positions shall not be included in the  
4265 number of employees allowed by law within a particular state  
4266 agency. Graduate intern students shall be temporarily assigned by  
4267 the program coordinator to specific state or local agencies and  
4268 offices, including offices of the Legislature. Each participating  
4269 agency or office shall not employ more than four (4) graduate  
4270 intern students per year. To qualify for the program, a student  
4271 must (a) be enrolled as a graduate student in a state university  
4272 masters program in one (1) of the following: public  
4273 administration, public policy and administration, and criminal  
4274 justice administration, and (b) have committed himself to a field  
4275 of graduate study directly related to a state or local government  
4276 public managerial position.

4277           **SECTION 100.** Section 37-110-3, Mississippi Code of 1972, is  
4278 amended as follows:

4279           37-110-3. (1) There is hereby created the Mississippi  
4280 Intern Public Management Education Council to consist of the  
4281 following members: The chairmen of the various departments of  
4282 Mississippi institutions of higher learning which offer graduate



4283 programs in one of the following: public administration, public  
4284 policy and administration, and criminal justice administration.  
4285 The council shall elect from its membership a chairman which shall  
4286 be a rotating, one-year appointment. The council shall meet at  
4287 the place and time designated by the chairman at least twice but  
4288 no more than six (6) times per year.

4289 (2) The council shall adopt, amend and repeal such rules and  
4290 regulations as it deems necessary to establish standards and  
4291 ensure the orderly execution of the objectives of the intern  
4292 educational program, not inconsistent with the provisions of this  
4293 chapter. Such regulations shall be submitted to the Commissioner  
4294 of Higher Education for implementation by the program coordinator.  
4295 The council shall review and evaluate the program on a yearly  
4296 basis and submit its findings to the program coordinator.

4297 **SECTION 101.** Section 37-110-5, Mississippi Code of 1972, is  
4298 amended as follows:

4299 37-110-5. (1) There is hereby created the position of  
4300 program coordinator who shall be the chief administrative officer  
4301 of the Mississippi Public Management Graduate Intern Program. The  
4302 program coordinator shall be appointed by and be an employee of  
4303 the Commissioner of Higher Education.

4304 (2) The program coordinator shall administer the policies of  
4305 the council and supervise and direct all technical activities of  
4306 the program. The coordinator shall select students to participate  
4307 in the program based upon the nominees of the participating state  
4308 institutions of higher learning. No participating university  
4309 shall be allotted less than three (3) intern students per year  
4310 unless said university nominates less than three (3) students.  
4311 The coordinator shall place the intern students in state or local  
4312 agencies which agree in writing to participate in the program.

4313 (3) The program coordinator shall prepare and deliver to the  
4314 Legislature and to the Governor an annual report describing the  
4315 operation and progress of the Mississippi Public Management



4316 Graduate Intern Program, including a detailed statement of  
4317 expenditures and any recommendations the board may have.

4318         **SECTION 102.** Section 37-111-3, Mississippi Code of 1972, is  
4319 amended as follows:

4320         37-111-3. No society of the character designated in Section  
4321 37-111-1 shall be organized without first having made written  
4322 application to the faculty of the institution concerned, which  
4323 application shall be signed by each of the proposed membership. A  
4324 majority vote of the faculty present at a regular meeting shall  
4325 suffice to approve or reject such application. The board of  
4326 trustees of each state institution of higher learning may  
4327 determine who constitutes the members of the faculty having  
4328 jurisdiction of student activities.

4329         **SECTION 103.** Section 37-111-7, Mississippi Code of 1972, is  
4330 amended as follows:

4331         37-111-7. Organizations of the character designated in  
4332 Section 37-111-1 shall be permitted to hold their regular meetings  
4333 for academic, social or business purposes in such places as the  
4334 authorities may agree upon. Such organizations shall not be  
4335 permitted to purchase, lease, or as an organization live within a  
4336 domicile especially set apart for their purpose at any time,  
4337 except under such regulations as shall be prescribed by the board  
4338 of trustees of each state institution of higher learning.

4339         **SECTION 104.** Section 37-111-9, Mississippi Code of 1972, is  
4340 amended as follows:

4341         37-111-9. The board of trustees of each state institution of  
4342 higher learning is hereby authorized and empowered, in its  
4343 discretion, to lease to social fraternities, sororities, or other  
4344 social organizations, upon such conditions as it may prescribe,  
4345 for a term not exceeding ninety-nine (99) years, any land at the  
4346 state-supported institution of higher learning for the purpose of  
4347 erecting fraternity houses, sorority houses, or other facilities  
4348 for recreation thereon.



4349           **SECTION 105.** Section 37-111-11, Mississippi Code of 1972, is  
4350 amended as follows:

4351           37-111-11. The members of organizations of the character  
4352 designated in Section 37-111-1, shall be amenable to the same  
4353 rules and regulations as any and all other students in the  
4354 institution. In the event that the members of such an  
4355 organization become guilty of continued violation of the rules and  
4356 of infractions of discipline, the board of trustees of the state  
4357 institution of higher learning shall have the authority to  
4358 dissolve such society and prohibit further meetings or its  
4359 continuation as an organization. A failure to comply with the  
4360 requirements of the trustees shall be a cause for suspension or  
4361 expulsion from the institution as the faculty of the same may  
4362 elect.

4363           **SECTION 106.** Section 37-113-7, Mississippi Code of 1972, is  
4364 amended as follows:

4365           37-113-7. (1) The Board of Trustees of Mississippi State  
4366 University is hereby authorized, in its discretion, to acquire by  
4367 purchase, gift, or otherwise, any real property required by and  
4368 for the use of the university \* \* \*, and said university is  
4369 authorized to hold, use and operate such real property in  
4370 conducting its authorized and necessary program of work. This  
4371 section is designed to make it possible for said university and  
4372 its subdivisions to acquire, hold and operate real property needed  
4373 in its program of operations without the benefit of state funds  
4374 specifically appropriated for the purchase of such properties.  
4375 Such properties shall be acquired or purchased on the  
4376 recommendation of the Director of the Mississippi Agricultural and  
4377 Forestry Experimental Station made to the president of said  
4378 university and approved by the board of trustees of the  
4379 institution.

4380           (2) The Board of Trustees of Mississippi State University is  
4381 hereby authorized, in its discretion, to sell any such real



4382 property purchased or otherwise acquired under the authority of  
4383 subsection (1) for the use of the university \* \* \* or its  
4384 subdivisions when such property is not needed in the university's  
4385 programs of operations. Such properties shall be sold on the  
4386 recommendation of the Director of the Mississippi Agricultural and  
4387 Forestry Experimental Station made to the president of the  
4388 university and approved by the board \* \* \*. The proceeds from the  
4389 sale of such properties may be used to purchase other real  
4390 properties for the use of the university under the provisions of  
4391 subsection (1), or may be retained by the university for its  
4392 operations. Consideration for the sale of real property hereunder  
4393 shall not be less than the fair market price thereof as determined  
4394 by a professional property appraiser selected and approved by the  
4395 State Building Commission. Said appraisal shall be filed with the  
4396 State Building Commission at least thirty (30) days prior to the  
4397 proposed sale of said property. Appraisal fees shall be shared  
4398 equally by the university and the purchaser.

4399 (3) The Board of Trustees of Mississippi State University is  
4400 hereby authorized and empowered to sell the following described  
4401 property owned by the university \* \* \* in Oktibbeha County,  
4402 Mississippi, to-wit:

4403 Commence at the Northeast corner of the Southeast  
4404 Quarter of Section 15, Township 19 North, Range 15 East,  
4405 Oktibbeha County, Mississippi and use as the point of  
4406 beginning. Thence run West along the North boundary of  
4407 the South Half of Section 15 a distance of 3,997 feet to  
4408 the East right-of-way of Macon-Aberdeen Road; thence run  
4409 South along said right-of-way a distance of 20 feet;  
4410 thence run East a distance of 800 feet; thence run South  
4411 78 degrees 41' East a distance of 102 feet; thence run  
4412 East a distance of 410 feet; thence run South a distance  
4413 of 1,107 feet; thence run East a distance of 2,687 feet  
4414 to the East boundary of Section 15; thence run North



4415 along said East boundary of Section 15 a distance of  
4416 1,147 feet to the point of beginning. Being 71.56 acres  
4417 located in the East Three Quarter of the South Half of  
4418 Section 15, Township 19 North, Range 15 East, Oktibbeha  
4419 County, Mississippi.

4420 The proceeds from the sale of said property shall be used by  
4421 the board \* \* \* to purchase other real property adjacent or in  
4422 close proximity to the Mississippi State University of Agriculture  
4423 and Applied Science, or its subdivisions, suitable for use in the  
4424 university's programs of operation. Consideration for the sale  
4425 and purchase of said property shall be for the fair market price  
4426 thereof as determined by a professional property appraiser  
4427 selected and approved by the State Building Commission. Said  
4428 appraisals shall be filed with the State Building Commission at  
4429 least thirty (30) days prior to the proposed sale or purchase of  
4430 said property. Appraisal fees shall be shared equally by the  
4431 university and the purchaser in the case of the sale herein  
4432 authorized, and by the university and the seller(s) in the case of  
4433 the purchase herein authorized.

4434 (4) The Board of Trustees of Mississippi State University is  
4435 hereby authorized and empowered to sell the following described  
4436 property owned by the university \* \* \* in George County,  
4437 Mississippi, to-wit:

4438 The South West Quarter of the North West Quarter of  
4439 Section Twenty, in Township One South of Range Six West,  
4440 of the St. Stephens Meridian, Mississippi, containing  
4441 Forty and Thirty One Hundredths of an acre.

4442 The proceeds from the sale of said property shall be used by  
4443 the board \* \* \* to purchase other real property adjacent or in  
4444 close proximity to the Mississippi State University of Agriculture  
4445 and Applied Science, or its subdivisions, suitable for use in the  
4446 university's programs of operation. Consideration for the sale  
4447 and purchase of said property shall be for the fair market price



4448 thereof as determined by a professional property appraiser  
4449 selected and approved by the State Building Commission. Said  
4450 appraisals shall be filed with the State Building Commission at  
4451 least thirty (30) days prior to the proposed sale or purchase of  
4452 said property. Appraisal fees shall be shared equally by the  
4453 university and the purchaser in the case of the sale herein  
4454 authorized, and by the university and the seller(s) in the case of  
4455 the purchase herein authorized.

4456 (5) The Board of Trustees of Mississippi State University is  
4457 hereby authorized and empowered to sell the following described  
4458 property owned by the university \* \* \* in Lauderdale County,  
4459 Mississippi, to-wit:

4460 The Northeast Quarter of the Northeast Quarter of  
4461 Section 2, in Township 6, Range 16 East, plus applicable  
4462 easements and mineral rights thereto.

4463 The proceeds from the sale of said property shall be used by  
4464 the board \* \* \* to purchase other real property adjacent or in  
4465 close proximity to the Mississippi State University of Agriculture  
4466 and Applied Science, or its subdivisions, suitable for use in the  
4467 university's programs of operation. Consideration for the sale  
4468 and purchase of said property shall be for the fair market price  
4469 thereof as determined by a professional property appraiser  
4470 selected and approved by the State Building Commission. Said  
4471 appraisals shall be filed with the State Building Commission at  
4472 least thirty (30) days prior to the proposed sale or purchase of  
4473 said property. Appraisal fees shall be shared equally by the  
4474 university and the purchaser in the case of the sale herein  
4475 authorized, and by the university and the seller(s) in the case of  
4476 the purchase herein authorized.

4477 (6) When any property is sold by the Board of Trustees of  
4478 Mississippi State University pursuant to this section, the board  
4479 shall retain for the university any mineral rights which the board  
4480 or the university has in such land.





4481           **SECTION 107.** Section 37-113-17, Mississippi Code of 1972, is  
4482 amended as follows:

4483           37-113-17. The money received by this state, under act of  
4484 Congress, entitled "An act to establish agricultural experimental  
4485 stations, etc.," approved March 2, 1887, and the provisions of  
4486 which were accepted by this state, by act approved January 31,  
4487 1888, and assigned to the Mississippi State University of  
4488 Agriculture and Applied Science, shall be expended under its  
4489 direction. The Agricultural and Forestry Experimental Station for  
4490 this state is established at and with said university, and the  
4491 Board of Trustees of Mississippi State University shall have full  
4492 control thereof.

4493           **SECTION 108.** Section 37-113-19, Mississippi Code of 1972, is  
4494 amended as follows:

4495           37-113-19. The State of Mississippi by its Legislature  
4496 assents to and accepts the provisions and requirements of an act  
4497 entitled "An act to provide for the further development of  
4498 agricultural extension work between the agricultural colleges in  
4499 the several states receiving the benefits of the act entitled 'An  
4500 act donating public lands of the several counties and territories  
4501 which may provide colleges for the benefit of agriculture and the  
4502 mechanical arts,' approved July 2, 1862, and all acts  
4503 supplementary thereto, and the United States Department of  
4504 Agriculture," approved by the President on the 22nd day of May,  
4505 1928. The Board of Trustees of Mississippi State University, on  
4506 behalf of the Mississippi State University of Agriculture and  
4507 Applied Science, is authorized and empowered to receive the grants  
4508 of money appropriated under said act and to organize and conduct  
4509 agricultural extension work, which shall be carried on in  
4510 connection with the said university in accordance with the terms  
4511 and conditions expressed in the said act of Congress.

4512           **SECTION 109.** Section 37-113-21, Mississippi Code of 1972, is  
4513 amended as follows:



4514           37-113-21. (1) Agriculture is the primary industry of  
4515 Mississippi and it is to the interest of said state agriculture  
4516 that research in the fields of livestock products, pastures and  
4517 forage crops, poultry, herd and flock management, horticulture,  
4518 farm mechanization, soil conservation, forestry, disease and  
4519 insect and parasite control, the testing of plants and livestock  
4520 under different conditions, farm enterprises for different sized  
4521 farms under different soil and climatic conditions and market  
4522 locations, and other important phases of Mississippi's  
4523 agricultural economy, be expanded in the manner provided for in  
4524 this section.

4525           (2) There is hereby authorized a branch experiment station  
4526 to be known as the Brown Loam Branch Experiment Station, which is  
4527 to be located on a part of that tract of land owned by the State  
4528 of Mississippi and formerly operated as the Oakley Penitentiary  
4529 and known as the Oakley Training School, same to be selected in  
4530 accordance with Laws, 1954, Chapter 159, Section 3, and used as an  
4531 agricultural experiment station. This property is to be supplied  
4532 with necessary buildings, equipment, and other facilities; and  
4533 title to such Oakley Penitentiary Farm, now known as the Oakley  
4534 Training School, is to be transferred to the board of trustees of  
4535 state institutions of higher learning for the use of the  
4536 Mississippi Agricultural and Forestry Experimental Station as the  
4537 site of, and to be used for said Brown Loam Branch Experiment  
4538 Station in accordance with Laws, 1954, Chapter 159, Section 3.

4539           There is hereby authorized a branch experiment station to be  
4540 known as the Coastal Plain Branch Experiment Station to be located  
4541 on a suitable tract of approximately nine hundred (900) acres to  
4542 be purchased in the upper coastal plain or short leaf pine area of  
4543 East Central Mississippi and to be supplied with necessary  
4544 buildings, equipment, and other facilities.

4545           The enlargement of the Holly Springs Branch Experiment  
4546 Station, hereafter to be known as the North Mississippi Branch



4547 Experiment Station, is hereby authorized, by the purchase of  
4548 approximately five hundred (500) acres of additional land adjacent  
4549 to or in the vicinity of either of the two (2) farms now operated  
4550 by said branch stations, and by the provision of the necessary  
4551 buildings, equipment, and other facilities, and the sale as,  
4552 hereinafter provided, of that farm of said branch station which is  
4553 not adjacent to the additional land to be purchased.

4554 There is hereby authorized the reactivation of the former  
4555 McNeil Branch Experiment Station to be operated as a part of the  
4556 South Mississippi Branch Experiment Station at Poplarville, and to  
4557 be supplied with necessary buildings, equipment, and other  
4558 facilities.

4559 There is hereby authorized a branch experiment station to be  
4560 known as the Black Belt Branch Experiment Station to be located on  
4561 a suitable tract of approximately six hundred forty (640) acres of  
4562 land to be purchased in Noxubee County, Mississippi, and to be  
4563 supplied with the necessary buildings, equipment, and other  
4564 facilities.

4565 There is hereby authorized a branch experiment station to be  
4566 known as the Northeast Mississippi Branch Experiment Station to be  
4567 located on a suitable tract of approximately two hundred (200)  
4568 acres of land to be purchased in Lee County, Mississippi. Said  
4569 station shall be primarily devoted to the development of the dairy  
4570 industry and shall be supplied with necessary buildings,  
4571 equipment, and other facilities.

4572 There is hereby authorized the expansion of the office and  
4573 laboratory building at the Delta Branch Experiment Station at  
4574 Stoneville and of the office and laboratory and dwellings for  
4575 station workers at the Truck Crops Branch Experiment Station at  
4576 Crystal Springs.

4577 (3) The governing authorities of any municipality, town, or  
4578 county in the state may, in their discretion, donate land, money



4579 or other property to the Board of Trustees of Mississippi State  
4580 University in furtherance of the purposes of this section.

4581 For the purpose of securing funds to carry out this  
4582 subsection, the governing authorities of such municipality, town,  
4583 or county are hereby authorized and empowered, in their  
4584 discretion, to issue bonds or negotiate notes for the purpose of  
4585 acquiring by purchase, gift, or lease real estate for the purpose  
4586 herein authorized. Such issuance of bonds or notes shall be  
4587 issued in an amount not to exceed the limitation now or hereafter  
4588 imposed by law on counties, municipalities and towns, and shall be  
4589 issued in all respects including interest rate, maturities and  
4590 other details as is now or may hereafter be provided by general  
4591 law regulating the issuance of bond or notes by the governing  
4592 authorities of such municipality, town, or county.

4593 (4) Any person, firm or corporation may contribute or donate  
4594 real or other property to the board of trustees of state  
4595 institutions of higher learning in furtherance of the purpose of  
4596 this section.

4597 (5) The Board of Trustees of Mississippi State University is  
4598 hereby authorized, upon recommendation of the Director of the  
4599 Agricultural and Forestry Experimental Station at the \* \* \*  
4600 university \* \* \*, which recommendation is approved by and  
4601 transmitted to said board by the president of said university, to  
4602 carry out the provisions of this section with particular reference  
4603 to the establishment, reactivation, expansion, and the  
4604 discontinuance of branch stations as herein provided, to receive  
4605 and accept title to any land or property or money herein  
4606 authorized, to buy or sell and dispose of any real or personal  
4607 property herein authorized, to make available for carrying into  
4608 effect the provisions of this section all money received from such  
4609 sale or sales, and to do any and all things necessary to  
4610 effectuate the purposes of this section. One-half (1/2) interest



4611 in and to all oil, gas and other minerals shall be retained under  
4612 any lands sold hereunder.

4613 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),  
4614 authorized by the General Education Board of the Rockefeller  
4615 Foundation for the development of agricultural research, with  
4616 particular reference to expanding the branch experiment stations  
4617 and conditioned upon a general program of expansion substantially,  
4618 as herein provided, is hereby accepted. The Director of the  
4619 Agricultural and Forestry Experimental Station at the Mississippi  
4620 State University of Agriculture and Applied Science is authorized  
4621 and instructed to control and expend such fund in the same manner  
4622 as other funds appropriated to carry out the provisions of this  
4623 section.

4624 (7) The experiment station in Clay County, Mississippi,  
4625 shall not be affected by this section.

4626 **SECTION 110.** Section 37-113-23, Mississippi Code of 1972, is  
4627 amended as follows:

4628 37-113-23. (1) There is hereby authorized a branch  
4629 experiment station, to be known as the "Pontotoc Ridge-Flatwoods  
4630 Soil Experiment Station," to be located on a suitable tract of  
4631 approximately six hundred (600) acres of land in Pontotoc County,  
4632 Mississippi, the site of which is to be selected by the Director  
4633 of the Agricultural and Forestry Experimental Station at the  
4634 Mississippi State University of Agriculture and Applied Science.  
4635 Said acreage shall be divided equally, as nearly as practicable,  
4636 between the Pontotoc Ridge and Flatwoods soil types, for the  
4637 purpose of experimentation with said two types of soil in  
4638 forestry, pasture-improvement, horticulture, soil conservation,  
4639 truck crops, forage crops, poultry, disease and insect control and  
4640 general farm products. The said experiment station shall be  
4641 supplied with the necessary buildings, equipment, and other  
4642 facilities.



4643           (2) The purpose of this section is to provide for increased  
4644 efficiency in agriculture research for the farmers in the Pontotoc  
4645 Ridge and Flatwoods soil types, who have been denied this service  
4646 for all these years. Said branch experiment station shall serve  
4647 the following named counties, to-wit: The Pontotoc Ridge soil  
4648 begins at the Tennessee line and traverses the counties of Alcorn,  
4649 Prentiss, Union, Pontotoc, Chickasaw and Clay. The Flatwoods soil  
4650 which joins the Pontotoc Ridge soil on the west, begins at the  
4651 Tennessee line and traverses the counties of Tippah, Benton,  
4652 Union, Pontotoc, Calhoun, Chickasaw, Webster, Clay, Choctaw,  
4653 Oktibbeha, Winston, Neshoba, Kemper and Lauderdale County or other  
4654 counties applicable to these conditions.

4655           (3) The governing authorities of any municipality, town, or  
4656 county in the state, or any person, firm or corporation may  
4657 contribute or donate land, money or other property to the Board of  
4658 Trustees of Mississippi State University in furtherance of the  
4659 purpose of this section.

4660           (4) The Board of Trustees of Mississippi State University is  
4661 hereby authorized, upon the recommendation of the Director of the  
4662 Agricultural and Forestry Experimental Station at the  
4663 university \* \* \*, which recommendation is approved by and  
4664 transmitted to said board by the president of said university, to  
4665 establish said Pontotoc Ridge-Flatwoods soil experiment station,  
4666 to receive and accept title to any land or money or property  
4667 herein authorized or to be authorized, made available or to be  
4668 made available by the State Legislature, to purchase land, let  
4669 contracts for the construction of necessary buildings, to equip  
4670 same, and to further equip said experiment station with farm  
4671 equipment and any and all other equipment, and to do all things  
4672 necessary to effectuate the purposes of this section.

4673           **SECTION 111.** Section 37-113-25, Mississippi Code of 1972, is  
4674 amended as follows:



4675           37-113-25. The Board of Trustees of Mississippi State  
4676 University is hereby authorized to establish and maintain a system  
4677 of retirement for the employees of the Agricultural and Forestry  
4678 Experimental Station and Extension Service, out of any federal  
4679 funds available under the provisions of the act of Congress,  
4680 approved March 4, 1940, and out of contributions made by the  
4681 employees of such experimental station and extension service.

4682           In the establishment of such special retirement system, the  
4683 board of trustees \* \* \* shall have full authority to make all  
4684 needful rules and regulations, to carry into effect the provisions  
4685 of this section.

4686           **SECTION 112.** Section 37-113-28, Mississippi Code of 1972, is  
4687 amended as follows:

4688           37-113-28. Neither the Board of Trustees of Mississippi  
4689 State University, nor any person acting on behalf thereof, shall  
4690 lease or rent hunting rights on any land located in Washington  
4691 County, Mississippi, under the jurisdiction, ownership or  
4692 trusteeship of the Mississippi Agriculture and Forestry Experiment  
4693 Station, Delta Branch at Stoneville, but shall allow the public to  
4694 hunt on such lands in accordance with the rules, regulations and  
4695 permits as shall be adopted by the Delta Branch Experiment  
4696 Station. The Department of Wildlife, Fisheries and Parks shall  
4697 assist in the enforcement of such rules, regulations and permits  
4698 as adopted by the Delta Branch Experiment Station, as well as  
4699 enforcing the general hunting statutes of the State of  
4700 Mississippi.

4701           **SECTION 113.** Section 37-113-29, Mississippi Code of 1972, is  
4702 amended as follows:

4703           37-113-29. The Agricultural Extension Service of the  
4704 Mississippi State University of Agriculture and Applied Science,  
4705 by and with the approval and consent of the president of said  
4706 university and the board of trustees of the university, is hereby  
4707 authorized and empowered to create, establish, equip and maintain



4708 a 4-H Club demonstration camp on a designated area on Sardis Lake  
4709 in Panola County, Mississippi, on lands belonging to the federal  
4710 government and leased to the agricultural extension service for  
4711 such purpose.

4712 It shall be the duty and responsibility of the agricultural  
4713 extension service of said university to direct and supervise the  
4714 utilization of this facility in carrying out the purposes of this  
4715 section. When not in use by the agricultural extension service  
4716 for the purpose herein provided, this facility may be rented to  
4717 other organizations for educational and recreational use only.  
4718 Any money derived from such rental shall be used by the  
4719 agricultural extension service by and with the approval of the  
4720 president of said university and the board \* \* \*, for maintaining  
4721 and further improving such facilities for use of the 4-H Clubs in  
4722 Mississippi.

4723 The purpose of this section is to authorize the agricultural  
4724 extension service of said university, by and with the approval and  
4725 consent of the president of said university and the board \* \* \*,  
4726 to establish, equip and maintain this 4-H Club demonstration camp  
4727 for the purpose of teaching these Mississippi boys and girls  
4728 standards of better farm and home making, the importance of and  
4729 the methods of conservation of our natural resources, and the  
4730 development of character and leadership and training for  
4731 citizenship. To accomplish such purposes, the agricultural  
4732 extension service, by and with the approval and consent of the  
4733 president of said university and the board \* \* \*, is authorized  
4734 and empowered to do such things as may be necessary, and to  
4735 prescribe such rules and regulations as it may deem proper to  
4736 carry out and put into effect the intent and purpose of this  
4737 section.

4738 **SECTION 114.** Section 37-113-31, Mississippi Code of 1972, is  
4739 amended as follows:





4740           37-113-31. The Agricultural Extension Service of the  
4741 Mississippi State University of Agriculture and Applied Science,  
4742 by and with the approval and consent of the president of said  
4743 university and the Board of Trustees of Mississippi State  
4744 University, is hereby authorized and empowered to create,  
4745 establish, equip and maintain a 4-H Club demonstration camp  
4746 for \* \* \* 4-H Club members, located on a designated area in  
4747 Madison County, Mississippi, on lands belonging to the State of  
4748 Mississippi.

4749           It shall be the duty and responsibility of the agricultural  
4750 extension service of said university to direct and supervise the  
4751 utilization of this facility in carrying out the purposes of this  
4752 section. When not in use by the agricultural extension service  
4753 for the purpose herein provided, this facility may be rented to  
4754 other \* \* \* organizations for educational and recreational use  
4755 only. Any money derived from such rental shall be used by the  
4756 agricultural extension service by and with the approval of the  
4757 president of said university and the board \* \* \*, for maintaining  
4758 and further improving such facilities for use of the 4-H Clubs of  
4759 Mississippi.

4760           The purpose of this section is to authorize the Agricultural  
4761 Extension Service of Mississippi by and with the approval and  
4762 consent of the president of said university and the board \* \* \*,  
4763 to establish, equip and maintain this 4-H Club demonstration camp  
4764 for the purpose of teaching \* \* \* boys and girls of Mississippi  
4765 standards of better farm and home making, the importance of and  
4766 the methods of conservation of our natural resources, and the  
4767 development of character and leadership and training for  
4768 citizenship. To accomplish such purposes, the agricultural  
4769 extension service, by, and with the approval and consent of the  
4770 president of said university and the board \* \* \*, is authorized  
4771 and empowered to do such things as may be necessary, and to  
4772 prescribe such rules and regulations as it may deem proper, to



4773 carry out and put into effect the intent and purpose of this  
4774 section.

4775 **SECTION 115.** Section 37-113-33, Mississippi Code of 1972, is  
4776 amended as follows:

4777 37-113-33. The Board of Trustees of Mississippi State  
4778 University is hereby authorized and empowered to purchase, breed,  
4779 maintain, manage, show and sell foundation herds of beef cattle,  
4780 sheep and hogs at the Mississippi State University of Agriculture  
4781 and Applied Science. The said board is further authorized to  
4782 establish necessary facilities, to employ and maintain necessary  
4783 personnel, and to take any other action necessary to carry out  
4784 this program.

4785 The purpose of this program is to provide a means for the  
4786 broadening, balancing, and rounding-out of courses in animal  
4787 husbandry for the training of animal husbandry students in  
4788 livestock breeding, feeding, fitting, showing, judging, buying and  
4789 selling, and to establish and maintain a source of foundation seed  
4790 stock.

4791 Selected animals purchased, or produced, under this program  
4792 may be sold only at public auctions sponsored by breed  
4793 associations, after approval of the board \* \* \*. The proceeds  
4794 accruing from the sales of such animals, from show premium money,  
4795 or from any other source, shall revert to, and be used for the  
4796 maintenance of the revolving fund, when established by law, to  
4797 carry out this program.

4798 This is a remedial statute and shall be liberally construed  
4799 to accomplish its purpose.

4800 **SECTION 116.** Section 37-113-41, Mississippi Code of 1972, is  
4801 amended as follows:

4802 37-113-41. The Board of Trustees of Mississippi State  
4803 University is hereby authorized to establish a fund to be known as  
4804 the J. C. Hardy Memorial Fund.



4805           The fund herein authorized shall be raised and supplemented  
4806 by donations, gifts, legacies, and otherwise. Under the  
4807 supervision of said board of trustees, said fund or the proceeds  
4808 therefrom shall be used to assist sons of low-income Mississippi  
4809 citizens to meet their educational expenses at the Mississippi  
4810 State University of Agriculture and Applied Science.

4811           **SECTION 117.** Section 37-113-43, Mississippi Code of 1972, is  
4812 amended as follows:

4813           37-113-43. Any county of this state now or hereafter having  
4814 a population of more than one hundred thousand (100,000) according  
4815 to the latest available census, and in which there is located a  
4816 municipality of one hundred thousand (100,000) or more, acting by  
4817 and through its board of supervisors, is hereby authorized and  
4818 empowered to contribute the sum of One Million Dollars  
4819 (\$1,000,000.00) toward the construction, erection and equipping of  
4820 educational facilities to be utilized by Mississippi State  
4821 University of Agriculture and Applied Science within such county,  
4822 by the Board of Trustees of Mississippi State University.

4823           **SECTION 118.** Section 37-113-45, Mississippi Code of 1972, is  
4824 amended as follows:

4825           37-113-45. Any such county as is provided for in Section  
4826 37-113-43 is hereby authorized and empowered to issue and sell its  
4827 bonds, notes or other evidences of indebtedness for the purpose of  
4828 providing funds with which to make the contribution or donation  
4829 authorized under the provisions of said section. Such bonds,  
4830 notes or other evidences of indebtedness shall not be issued in an  
4831 amount which will exceed the limit of indebtedness of said county  
4832 as such limit is prescribed by Sections 19-9-1 through 19-9-31.  
4833 Before issuing any such bonds, notes or other evidences of  
4834 indebtedness, the board of supervisors acting for such county  
4835 shall adopt a resolution declaring its intention to issue the  
4836 same, stating the amount and purpose thereof and fixing the date  
4837 upon which an election will be held on the proposition. Notice of



4838 such election shall be given by publication of such resolution  
4839 once a week for at least three (3) consecutive weeks in at least  
4840 one newspaper published in said county. The first publication of  
4841 such notice shall be made not less than twenty-one (21) days prior  
4842 to the date fixed in such resolution for the holding of said  
4843 election as aforesaid and the last publication shall be made not  
4844 more than seven (7) days prior to such date. At such election all  
4845 qualified electors of said county may vote and the ballots used  
4846 shall have printed thereon a brief statement of the amount and  
4847 purpose of the bonds, notes or other evidences of indebtedness  
4848 proposed to be issued and the voter shall vote by placing a cross  
4849 (x) or check (✓) opposite his choice on the proposition. The  
4850 bonds, notes or other evidences of indebtedness authorized herein  
4851 shall not be issued unless authorized by the affirmative vote of a  
4852 majority of the qualified voters of said county who vote on the  
4853 proposition at such election. Such election shall be conducted  
4854 and the returns thereof made, canvassed, and declared as nearly as  
4855 may be in like manner as is now or may hereafter be provided by  
4856 law in the case of general elections in counties. In the event  
4857 that the question of the issuance of such bonds, notes or other  
4858 evidences of indebtedness be not authorized at such election, such  
4859 question shall not again be submitted to a vote until the  
4860 expiration of a period of six (6) months, from and after the date  
4861 of such election.

4862       Such bonds, notes or other evidences of indebtedness shall  
4863 bear such date or dates, shall be of such denomination or  
4864 denominations, shall be payable at such place or places, shall  
4865 bear such rate or rates of interest and shall mature in such  
4866 amounts and at such times as may be provided and directed by the  
4867 board of supervisors of said county. Such bonds shall bear  
4868 interest at a rate or rates not exceeding six percent (6%) per  
4869 annum and shall mature in not more than twenty-five (25) years



4870 from the date thereof and shall be sold for not less than par and  
4871 accrued interest.

4872 Any bonds authorized to be issued at an election as provided  
4873 for in this section shall be issued by such county, acting by and  
4874 through its board of supervisors, at such times and in such  
4875 amounts as shall be provided for by resolution of the Board of  
4876 Trustees of Mississippi State University.

4877 All bonds, notes or other evidences of indebtedness issued  
4878 hereunder shall be secured by a pledge of the full faith, credit  
4879 and resources of such county. There shall annually be levied upon  
4880 all taxable property within said county an ad valorem tax in  
4881 addition to all other taxes, sufficient to provide for the payment  
4882 of the principal of and the interest on said bonds, notes or other  
4883 evidences of indebtedness as the same respectively mature and  
4884 accrue.

4885 **SECTION 119.** Section 37-113-47, Mississippi Code of 1972, is  
4886 amended as follows:

4887 37-113-47. The proceeds of any contribution made by any  
4888 county under the provisions of Section 37-113-43, including the  
4889 proceeds from the sale of any bonds issued for such purposes,  
4890 shall be paid by the board of supervisors of such county into the  
4891 State Treasury into a special fund to the credit of the Board of  
4892 Trustees of Mississippi State University, and shall thereafter be  
4893 utilized and expended by said board \* \* \* in the construction,  
4894 erection and equipping of educational facilities in such county to  
4895 be utilized by the Mississippi State University of Agriculture and  
4896 Applied Science.

4897 **SECTION 120.** Section 37-113-51, Mississippi Code of 1972, is  
4898 amended as follows:

4899 37-113-51. The Board of Trustees of Mississippi State  
4900 University is hereby authorized and directed to establish a  
4901 college of veterinary medicine at Mississippi State University at  
4902 Starkville, Mississippi.



4903           **SECTION 121.** Section 37-115-33, Mississippi Code of 1972, is  
4904 amended as follows:

4905           37-115-33. The State Building Commission in the development  
4906 of the architectural facilities of the medical center and hospital  
4907 facilities is hereby authorized, empowered and directed to erect  
4908 and equip adequate facilities for the training of nurses under  
4909 such rules and regulations as may be promulgated by the Board of  
4910 Trustees of the University of Mississippi.

4911           **SECTION 122.** Section 37-115-35, Mississippi Code of 1972, is  
4912 amended as follows:

4913           37-115-35. The Board of Trustees of the University of  
4914 Mississippi is hereby authorized and empowered to establish a fund  
4915 to be known as "The Fielding L. Wright Memorial Health Fund,"  
4916 which fund shall be administered by said board.

4917           The corpus of "The Fielding L. Wright Memorial Health Fund"  
4918 shall consist of any monies appropriated to it by the State  
4919 Legislature and any funds received by donation, gift, legacy, or  
4920 otherwise, the said board of trustees being hereby specifically  
4921 authorized and empowered to accept such funds. All funds received  
4922 by said board of trustees shall be invested in the following  
4923 classes of securities, preference being in the order listed:

4924           (a) Bonds, notes, certificates, and other valid  
4925 obligations of the State of Mississippi, or any county or city of  
4926 the State of Mississippi, or of any school district bonds of the  
4927 State of Mississippi;

4928           (b) Bonds, notes, certificates, and other valid  
4929 obligations of the United States;

4930           (c) Bonds, notes, debentures and other securities  
4931 issued by any federal instrumentality and fully guaranteed by the  
4932 United States; or

4933           (d) Interest-bearing bonds or notes which are general  
4934 obligations of any other state in the United States or of any city  
4935 or county therein, provided that any such city or county had a



4936 population as shown by the federal census next preceding such  
4937 investment of not less than twenty-five thousand (25,000)  
4938 inhabitants, and provided that any such state, city or county has  
4939 not defaulted for a period longer than thirty (30) days in the  
4940 payment of principal or interest on any of its general obligation  
4941 indebtedness during a period of ten (10) calendar years  
4942 immediately preceding such investment.

4943 All interest derived from investments and any gains from the  
4944 sale or exchange of investments shall be expended by the staff of  
4945 the University Medical Center, under the supervision of the  
4946 Director of the University Medical Center, for medical research in  
4947 behalf of The Fielding L. Wright Memorial Health Fund.

4948 **SECTION 123.** Section 37-115-51, Mississippi Code of 1972, is  
4949 amended as follows:

4950 37-115-51. The Legislature hereby finds that there is great  
4951 need of additional and better trained nurses in Mississippi and  
4952 the purpose of this section is to meet that need to the extent  
4953 herein provided.

4954 The Board of Trustees of the University of Mississippi is  
4955 hereby authorized and directed to establish a school of nursing at  
4956 the University of Mississippi under the jurisdiction of the dean  
4957 of the school of medicine or such other authority as said board of  
4958 trustees may determine, and other regularly constituted  
4959 administrative authorities of the university.

4960 Said board of trustees shall provide for such school, such  
4961 buildings and equipment, and such teaching staff and other  
4962 personnel as may be deemed appropriate for the establishment and  
4963 operation of such school of nursing and for the performance of the  
4964 other functions herein provided for, all of which shall, however,  
4965 be done within the appropriations made for such purposes.

4966 Such school of nursing shall, under the direction and  
4967 supervision of the dean of the school of medicine and the other  
4968 regularly constituted administrative authorities of the university



4969 and of said board of trustees and under curricula to be prescribed  
4970 by said board, and beginning each of its functions at such time as  
4971 may be determined by said board, carry on a teaching course,  
4972 looking to the conferring of bachelor's or master's degrees in  
4973 nursing.

4974       Such school of nursing shall under the same direction,  
4975 supervision, control and conditions as set forth in the fourth  
4976 paragraph hereof, have authority, in its discretion, to arrange  
4977 and contract with hospitals, hospital schools of nursing or other  
4978 similar institutions, for students in the school of nursing to  
4979 take clinical training and practice in such institutions. It  
4980 shall have the further authority to contract with hospitals,  
4981 hospital schools of nursing or other similar institutions with  
4982 respect to providing to any such institution instructors or  
4983 instruction services from the university school of nursing upon  
4984 full or part time basis and upon such basis of compensation or  
4985 reimbursement of costs as may be deemed reasonable and proper in  
4986 view of the public interests involved.

4987       Under the same supervision, direction, control and conditions  
4988 as are set forth in the fourth paragraph hereof, said school of  
4989 nursing shall also administer such scholarship programs in nursing  
4990 education and such activities with respect to recruitment of  
4991 nursing students and counseling work with such students and  
4992 prospective students as may be provided for by the Legislature  
4993 from time to time.

4994       **SECTION 124.** Section 37-115-69, Mississippi Code of 1972, is  
4995 amended as follows:

4996       37-115-69. Any county of this state now or hereafter having  
4997 a population of more than one hundred thousand (100,000) according  
4998 to the latest available census, and in which there is located a  
4999 municipality of one hundred thousand (100,000) or more, acting by  
5000 and through its board of supervisors, is hereby authorized and  
5001 empowered to contribute the sum of One Million Dollars





5002 (\$1,000,000.00) toward the construction, erection and equipping of  
5003 educational facilities to be utilized by the University of  
5004 Mississippi within such county, by the Board of Trustees of the  
5005 University of Mississippi.

5006 **SECTION 125.** Section 37-115-71, Mississippi Code of 1972, is  
5007 amended as follows:

5008 37-115-71. Any such county as is provided for in Section  
5009 37-115-69 is hereby authorized and empowered to issue and sell its  
5010 bonds, notes or other evidences of indebtedness for the purpose of  
5011 providing funds with which to make the contribution or donation  
5012 authorized under the provisions of said section. Such bonds,  
5013 notes or other evidences of indebtedness shall not be issued in an  
5014 amount which will exceed the limit of indebtedness of said county  
5015 as such limit is prescribed by Sections 19-9-1 through 19-9-31.  
5016 Before issuing any such bonds, notes or other evidences of  
5017 indebtedness, the board of supervisors acting for such county  
5018 shall adopt a resolution declaring its intention to issue the  
5019 same, stating the amount and purpose thereof and fixing the date  
5020 upon which an election will be held on the proposition. Notice of  
5021 such election shall be given by publication of such resolution  
5022 once a week for at least three (3) consecutive weeks in at least  
5023 one (1) newspaper published in said county. The first publication  
5024 of such notice shall be made not less than twenty-one (21) days  
5025 prior to the date fixed in such resolution for the holding of said  
5026 election as aforesaid and the last publication shall be made not  
5027 more than seven (7) days prior to such date. At such election all  
5028 qualified electors of said county may vote and the ballots used  
5029 shall have printed thereon a brief statement of the amount and  
5030 purpose of the bonds, notes or other evidences of indebtedness  
5031 proposed to be issued and the voter shall vote by placing a cross  
5032 (x) or check (√) opposite his choice on the proposition. The  
5033 bonds, notes or other evidences of indebtedness authorized herein  
5034 shall not be issued unless authorized by the affirmative vote of a



5035 majority of the qualified voters of said county who vote on the  
5036 proposition at such election.

5037         Such election shall be conducted and the returns thereof  
5038 made, canvassed, and declared as nearly as may be in like manner  
5039 as is now or may hereafter be provided by law in the case of  
5040 general elections in counties. In the event that the question of  
5041 the issuance of such bonds, notes or other evidences of  
5042 indebtedness be not authorized at such election, such question  
5043 shall not again be submitted to a vote until the expiration of a  
5044 period of six months, from and after the date of such election.

5045         Such bonds, notes or other evidences of indebtedness shall  
5046 bear such date or dates, shall be of such denomination or  
5047 denominations, shall be payable at such place or places, shall  
5048 bear such rate or rates of interest and shall mature in such  
5049 amounts and at such times as may be provided and directed by the  
5050 board of supervisors of said county. Such bonds shall bear  
5051 interest at a rate or rates not exceeding six percent (6%) per  
5052 annum and shall mature in not more than twenty-five (25) years  
5053 from the date thereof and shall be sold for not less than par and  
5054 accrued interest.

5055         Any bonds authorized to be issued at an election as provided  
5056 for in this section shall be issued by such county, acting by and  
5057 through its board of supervisors, at such times and in such  
5058 amounts as shall be provided for by resolution of the Board of  
5059 Trustees of the University of Mississippi.

5060         All bonds, notes or other evidences of indebtedness issued  
5061 hereunder shall be secured by a pledge of the full faith, credit  
5062 and resources of such county. There shall annually be levied upon  
5063 all taxable property within said county an ad valorem tax in  
5064 addition to all other taxes, sufficient to provide for the payment  
5065 of the principal of and the interest on said bonds, notes or other  
5066 evidences of indebtedness as the same respectively mature and  
5067 accrue.



5068           **SECTION 126.** Section 37-115-73, Mississippi Code of 1972, is  
5069 amended as follows:

5070           37-115-73. The proceeds of any contribution made by any  
5071 county under the provisions of Section 37-115-69, including the  
5072 proceeds from the sale of any bonds issued for such purposes,  
5073 shall be paid by the board of supervisors of such county into the  
5074 State Treasury into a special fund to the credit of the Board of  
5075 Trustees of the University of Mississippi, and shall thereafter be  
5076 utilized and expended by said board of trustees \* \* \* in the  
5077 construction, erection and equipping of educational facilities in  
5078 such county to be utilized by the University of Mississippi.

5079           **SECTION 127.** Section 37-115-101, Mississippi Code of 1972,  
5080 is amended as follows:

5081           37-115-101. The Board of Trustees of the University of  
5082 Mississippi is hereby directed and authorized to establish a  
5083 school of dentistry at the University of Mississippi Medical  
5084 Center in Jackson.

5085           **SECTION 128.** Section 37-115-105, Mississippi Code of 1972,  
5086 is amended as follows:

5087           37-115-105. The school of dentistry created and authorized  
5088 by Sections 37-115-101 through 37-115-111 shall be in operation  
5089 within three (3) years from the date the Legislature makes funds  
5090 available for the construction of a building to house said school;  
5091 provided, however, that no staff may be employed and no  
5092 construction may begin until One Million Two Hundred Fifty  
5093 Thousand Dollars (\$1,250,000.00) from the City of Jackson and One  
5094 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from  
5095 Hinds County has been deposited in the State Treasury for use by  
5096 the building commission in construction and furnishing of the  
5097 dental school. The Board of Trustees of the University of  
5098 Mississippi is authorized and directed to take any and all  
5099 necessary and proper actions for the implementation of this  
5100 section.



5101           **SECTION 129.** Section 37-115-107, Mississippi Code of 1972,  
5102 is amended as follows:

5103           37-115-107. It shall be the duty of the Board of Trustees of  
5104 the University of Mississippi to elect or appoint a dean of this  
5105 school; to determine and provide for an adequate faculty, staff  
5106 and other employees; to fix and provide for the compensation of  
5107 said faculty, staff and employees; to provide an adequate physical  
5108 plant for this school; to prescribe the courses of study and  
5109 research compatible with the objects and purposes hereinabove set  
5110 forth; and to do and accomplish all other related functions  
5111 consistent with the implementation of Sections 37-115-101 through  
5112 37-115-111.

5113           **SECTION 130.** Section 37-115-109, Mississippi Code of 1972,  
5114 is amended as follows:

5115           37-115-109. The Board of Trustees of the University of  
5116 Mississippi is directed, empowered and authorized to take  
5117 necessary and proper actions to assure that the School of  
5118 Dentistry of the University of Mississippi Medical Center, as  
5119 hereby established, acquires and maintains recognition and  
5120 accreditation in local, regional and national accreditation  
5121 associations at least at the level of its counterparts in the  
5122 southeastern region of the United States and on a level with the  
5123 other professional schools of this state.

5124           **SECTION 131.** Section 37-119-3, Mississippi Code of 1972, is  
5125 amended as follows:

5126           37-119-3. The principal object of the University of Southern  
5127 Mississippi shall be to qualify teachers for the public schools of  
5128 this state, by imparting instruction in the art and practice of  
5129 teaching in all branches of study which pertain to a common school  
5130 education, and such other studies as the Board of Trustees of the  
5131 University of Southern Mississippi may from time to time  
5132 prescribe.



5133           **SECTION 132.** Section 37-119-7, Mississippi Code of 1972, is  
5134 amended as follows:

5135           37-119-7. The University of Southern Mississippi (herein  
5136 sometimes referred to as the "university") is authorized and  
5137 empowered to require the State Building Commission to issue bonds  
5138 in an amount not exceeding the sum of Seven Hundred Fifty Thousand  
5139 Dollars (\$750,000.00), bearing interest at a rate not exceeding  
5140 six percent (6%) per annum, for the purpose of and to be expended  
5141 in extending, adding to and improving the athletic stadium on its  
5142 campus; to impose student athletic fees; to impose charges, in  
5143 addition to and distinguished from the established price of  
5144 admission, upon persons, other than students, for the privilege of  
5145 attending events held in such stadium, which such charges shall be  
5146 exempt from any amusement tax now levied and collected in the  
5147 State of Mississippi, and to immediately commence, prior to the  
5148 issuance and sale of the bonds herein authorized and to continue,  
5149 the collection of such charges; and to apply to the satisfaction  
5150 and retirement, as and when due, of the principal of and interest  
5151 on such bonds, said athletic fees and said charges, and also,  
5152 rental income from the dormitory facilities now in the stadium,  
5153 and income, not otherwise appropriated or allocated, from any  
5154 other sources. Such bonds shall be authorized by the Board of  
5155 Trustees of the University of Southern Mississippi in the manner  
5156 now provided by Sections 37-101-91 through 37-101-103, and all of  
5157 the provisions of said sections (except as herein otherwise  
5158 provided and as are not in conflict with the provisions hereof)  
5159 shall be applicable to the authorization and issuance of such  
5160 bonds. Reference in Sections 37-101-95, 37-101-101, to  
5161 "dormitories, dwellings or apartments" shall be understood to  
5162 apply also to all other projects authorized to be financed under  
5163 the provisions of Section 37-101-99.

5164           Upon request of the university, acting through its president  
5165 and financial secretary, authorization having been first obtained



5166 from the Board of Trustees \* \* \*, the State Building Commission  
5167 shall issue and sell bonds of the university at not less than par  
5168 and accrued interest in the manner provided by Section 21-27-45,  
5169 for the sale of bonds of municipalities issued thereunder and upon  
5170 terms and at interest rates, not to exceed the maximum therein  
5171 authorized, to be fixed by the State Building Commission. The  
5172 State Building Commission is hereby authorized to supervise the  
5173 contracting for, and the erection of, all buildings erected,  
5174 extended, added to, or improved under the provisions of this  
5175 section. The board of trustees \* \* \* is hereby authorized and  
5176 empowered to specify the nature of such extensions, additions,  
5177 improvements or new construction, and shall approve the plans and  
5178 specifications therefor prior to the letting of any new contract  
5179 for any such work. All contracts let under the supervision of the  
5180 State Building Commission shall be let as provided by law for  
5181 other contracts let by said commission.

5182       The board of trustees \* \* \*, in the resolution authorizing  
5183 such bonds, may provide for the imposition of such student  
5184 athletic fees, such charges for the privilege of attending events  
5185 held in such stadium (as hereinabove distinguished from the price  
5186 of admission), such rental charges for use of the dormitories  
5187 facilities now in the stadium and for application to the  
5188 retirement of such bonds of such other sources of income, not  
5189 otherwise appropriated or allocated, as it may consider desirable.  
5190 Said board may provide for the collection and the allocation of  
5191 such fees and charges. Such fees and charges or other income  
5192 shall always be in such amounts as will assure the prompt payment  
5193 of principal of and interest on such bonds and the carrying out of  
5194 all of the covenants and agreements contained in such resolution  
5195 authorizing such bonds.

5196       All bonds so issued shall constitute negotiable instruments  
5197 within the meaning of the Uniform Commercial Code of Mississippi.



5198 Any bonds authorized under authority of this section may be  
5199 validated in the Chancery Court of First Judicial District, Hinds  
5200 County, in the manner and with the force and effect now or  
5201 hereafter provided by general law for the validation of municipal  
5202 bonds.

5203 This section, without reference to any other statute or law  
5204 of Mississippi other than the portions of Sections 37-101-91  
5205 through 37-101-103, not in conflict herewith, and Section  
5206 31-19-25, shall constitute full authority for the extension,  
5207 adding to and improvement of the aforesaid stadium and the  
5208 authorization and issuance of bonds hereunder and no other  
5209 provisions of the statutes pertinent thereto, except as herein  
5210 expressly provided, shall be construed as applying to any  
5211 proceedings had hereunder or any acts done pursuant hereto.

5212 **SECTION 133.** Section 37-123-3, Mississippi Code of 1972, is  
5213 amended as follows:

5214 37-123-3. The principal object of the Delta State University  
5215 shall be to qualify teachers for the public schools of this state,  
5216 by imparting instruction in the art and practice of teaching in  
5217 all branches of study which pertain to a common school education,  
5218 and such other studies as the Board of Trustees of Delta State  
5219 University may from time to time prescribe.

5220 **SECTION 134.** Section 37-125-3, Mississippi Code of 1972, is  
5221 amended as follows:

5222 37-125-3. The object of the Jackson State University shall  
5223 be to qualify teachers for the public schools of this state by  
5224 giving instruction in the art and practice of teaching in all  
5225 branches of study which pertain to industrial training, health,  
5226 and rural and elementary education, and such other studies as the  
5227 Board of Trustees of Jackson State University, in cooperation with  
5228 the State Department of Education, may, from time to time,  
5229 prescribe.



5230           **SECTION 135.** Section 37-125-7, Mississippi Code of 1972, is  
5231 amended as follows:

5232           37-125-7. The executive head of the Jackson State University  
5233 shall be held as the professional adviser of the Board of Trustees  
5234 of Jackson State University on all matters pertaining to the  
5235 inside arrangements of buildings, selection of faculty, and course  
5236 of study. He shall have the immediate supervision and management  
5237 of the university in all its departments, subject however, to the  
5238 general supervision, management, and direction of the board of  
5239 trustees \* \* \*.

5240           **SECTION 136.** Section 37-127-3, Mississippi Code of 1972, is  
5241 amended as follows:

5242           37-127-3. The object of the Mississippi Valley State  
5243 University shall be to train teachers for teaching in the public  
5244 schools of this state by giving instruction in the art and  
5245 practice of teaching in the elementary and high school grades and  
5246 in all branches of study which pertain to industrial training,  
5247 health, and rural and elementary education, and to provide  
5248 instruction and training in such other subjects as the Board of  
5249 Trustees of Mississippi Valley State University, in cooperation  
5250 with the State Department of Education, may, from time to time,  
5251 prescribe. It shall also be the object of the university to  
5252 establish and conduct schools, classes or courses, for preparing,  
5253 equipping and training citizens of the State of Mississippi for  
5254 employment in gainful occupations, in trade, industrial and  
5255 distributive pursuits whether such students are qualified by  
5256 educational requirements or not.

5257           **SECTION 137.** Section 37-127-5, Mississippi Code of 1972, is  
5258 amended as follows:

5259           37-127-5. The Mississippi Valley State University shall be  
5260 located at some appropriate place in the Delta section of the  
5261 state, to be determined by the Board of Trustees of Mississippi  
5262 Valley State University.





5263           **SECTION 138.** Section 37-127-7, Mississippi Code of 1972, is  
5264 amended as follows:

5265           37-127-7. The President of the Mississippi Valley State  
5266 University shall be held as the professional adviser of the Board  
5267 of Trustees of Mississippi Valley State University of all matters  
5268 pertaining to the inside arrangements of buildings, selection of  
5269 faculty, and course of study. He shall have the immediate  
5270 supervision and management of the university in all its  
5271 departments, subject however, to the general supervision,  
5272 management, and direction of the board of trustees \* \* \*.

5273           **SECTION 139.** Section 37-129-1, Mississippi Code of 1972, is  
5274 amended as follows:

5275           37-129-1. In addition to all other powers and duties now  
5276 vested by law in the Commissioner of Higher Education, said  
5277 commissioner is hereby empowered and required to:

5278           (a) Establish by rules and regulations and promulgate  
5279 uniform standards for accreditation of schools of nursing in the  
5280 State of Mississippi (1) insofar as concerns the eligibility of  
5281 graduates of such schools to take the examination prescribed by  
5282 law to become registered nurses authorized to practice the  
5283 profession of nursing as registered nurses in Mississippi, and (2)  
5284 insofar as concerns student nurses attending such schools being  
5285 eligible to participate in any student nurse scholarship program  
5286 or other program of assistance now existing or hereafter  
5287 established by legislative enactment;

5288           (b) Issue to such schools of nursing upon an annual  
5289 basis certificates of accreditation as may be proper under such  
5290 standards;

5291           (c) Administer any scholarship program or other program  
5292 of assistance heretofore or hereafter established by legislative  
5293 enactment for the benefit of students attending accredited schools  
5294 of nursing in this state;



5295           (d) Administer any other funds available or which may  
5296 be made available for the promotion of nursing education in the  
5297 state, with the exception of nursing faculty supplement funds to  
5298 the public junior colleges, which funds shall be appropriated to  
5299 and administered by the Division of Junior Colleges of the State  
5300 Department of Education;

5301           (e) Adopt rules and regulations to provide that a nurse  
5302 in training may, during the two-year period in an approved  
5303 hospital, be allowed to transfer at any time with full credit  
5304 after six (6) months in training, to any other hospital of her  
5305 choice at which there is a vacancy; suitable provision shall be  
5306 made to protect her against coercion or intimidation concerning  
5307 such a contemplated transfer.

5308           In addition to other powers now vested by law in the  
5309 Commissioner of Higher Education, said commissioner is hereby  
5310 empowered to establish and maintain a nurse-midwifery education  
5311 program that meets the accreditation standards of the American  
5312 College of Nurse-Midwives at a public state institution of higher  
5313 learning \* \* \*.

5314           In order to implement subsection (d) above, the commissioner  
5315 is hereby authorized and directed to arrange and contract with  
5316 hospitals, senior colleges and hospital schools of nursing for the  
5317 financial support of programs of nursing education. The  
5318 commissioner is further authorized to adopt such terms for  
5319 contracts, and such rules and regulations for reimbursing  
5320 contracting agencies for costs of instruction in schools of  
5321 nursing as may be feasible in accordance with appropriations made  
5322 by the Legislature for this purpose. However, no reimbursement  
5323 may be made to contracting agencies in excess of the actual cost  
5324 of instruction in the schools of nursing.

5325           No provision of this section shall be construed to authorize  
5326 any department, agency, officer or employee of the State of  
5327 Mississippi to exercise any controls over the admissions policy of



5328 any private educational institution offering a baccalaureate  
5329 degree in nursing.

5330 **SECTION 140.** Section 37-131-1, Mississippi Code of 1972, is  
5331 amended as follows:

5332 37-131-1. The president or executive head of any  
5333 state-supported institution of higher learning of the State of  
5334 Mississippi, subject to the approval of the board of trustees of  
5335 that state institution of higher learning, is hereby authorized  
5336 and empowered to establish, operate, maintain, and conduct  
5337 teachers demonstration and practice schools in connection with the  
5338 operation of such institution of higher learning. The president  
5339 or executive head of any such institution, subject to the approval  
5340 of the board of trustees of that state institution of higher  
5341 learning, shall have full power and authority to regulate and  
5342 conduct the affairs of such schools and to establish rules and  
5343 regulations for their government.

5344 **SECTION 141.** Section 37-131-3, Mississippi Code of 1972, is  
5345 amended as follows:

5346 37-131-3. The president or executive head of any institution  
5347 of higher learning which has established a demonstration or  
5348 practice school, subject to the approval of the board of trustees  
5349 of that state institution of higher learning, shall have the power  
5350 and authority to enter into contracts and agreements with the  
5351 board of trustees of any school district providing for the  
5352 attendance of pupils, or one or more, or parts of, grades, from  
5353 the educable children of such school district at such  
5354 demonstration or practice school. The board of trustees of any  
5355 school district is hereby authorized and empowered to enter into  
5356 contracts and agreements with the president or executive head of  
5357 an institution of higher learning for such purpose. All such  
5358 contracts shall be upon such terms and conditions as may be agreed  
5359 upon by and between the president or executive head of the



5360 institution of higher learning and the board of trustees of the  
5361 school district involved.

5362         **SECTION 142.** Section 37-131-9, Mississippi Code of 1972, is  
5363 amended as follows:

5364         37-131-9. In addition to the amounts paid to the  
5365 demonstration or practice school from minimum education program  
5366 funds, as provided in Section 37-131-7, the board of trustees of  
5367 the school district involved may contract with the said  
5368 demonstration or practice school for the payment of additional  
5369 amounts thereto to defray expenses over and above those defrayed  
5370 by minimum education program funds, which additional amounts shall  
5371 be paid from any funds available to the school district other than  
5372 minimum education program funds, whether produced by a  
5373 supplemental district tax levy or otherwise.

5374         If the total funds paid to the demonstration or practice  
5375 school by the school district are inadequate to defray the cost  
5376 and expense of maintaining and operating such demonstration or  
5377 practice school then the president or executive head of the  
5378 institution may, subject to the approval of the board of trustees  
5379 of that state institution of higher learning, require the payment  
5380 of additional fees or tuition in an amount to be fixed by the  
5381 president or executive head of the institution, subject to the  
5382 approval of the board of trustees \* \* \*, which amount shall be  
5383 paid by and collected from the student or his parents.

5384         Boards of trustees of school districts involved may designate  
5385 an area within the jurisdiction of the board as an attendance  
5386 center as provided by law, and may require students in such area  
5387 to attend demonstration or practice schools, subject to a  
5388 satisfactory contract between the school board and the president  
5389 or executive head of the institution operating the demonstration  
5390 or practice school. In such event, all fees and tuition must be  
5391 borne by the school district and in no case shall the child or the



5392 parents of the child assigned to such demonstration or practice  
5393 school be required to pay any fees or tuition.

5394 The president or executive head of the institution, subject  
5395 to the approval of the board of trustees of that state institution  
5396 of higher learning, may also fix the amount of fees and tuition to  
5397 be paid by students desiring to attend such demonstration or  
5398 practice school in cases where there is no contract with the board  
5399 of trustees of the school district in which the students reside  
5400 therefor.

5401 All funds received by an institution, under the provisions of  
5402 this section, shall be deposited in a special fund and shall be  
5403 used and expended solely for the purpose of defraying and paying  
5404 the cost and expense of operating, maintaining and conducting such  
5405 teachers demonstration and practice school. Such funds may be  
5406 supplemented by and used in connection with any other funds  
5407 available to the institutions for such purpose whether made  
5408 available by legislative appropriation or otherwise.

5409 **SECTION 143.** Section 37-131-13, Mississippi Code of 1972, is  
5410 amended as follows:

5411 37-131-13. In order to carry into effect the right and  
5412 authority granted in Sections 37-131-1 through 37-131-11,  
5413 authorizing demonstration and practice schools in connection with  
5414 major state institutions of higher learning, the board of trustees  
5415 of each state institution of higher learning is hereby authorized  
5416 to accept by donations, grants, cooperative agreements or  
5417 otherwise, such sums of money as may be deemed necessary for the  
5418 construction and maintenance of such demonstration and practice  
5419 schools from whatever sources available, including agencies of the  
5420 federal, state and county governments, the city of Starkville,  
5421 Mississippi, private individuals, benevolent institutions or  
5422 organizations, or any other available and legal source or sources.

5423 **SECTION 144.** Section 37-131-15, Mississippi Code of 1972, is  
5424 amended as follows:



5425           37-131-15. Oktibbeha County, Mississippi, the Starkville  
5426 Municipal Separate School District, and any one or more of the  
5427 consolidated or separate school districts in Oktibbeha County,  
5428 Mississippi, are hereby authorized to cooperate with the Board of  
5429 Trustees of Mississippi State University by establishing,  
5430 constructing, maintaining and operating a teachers demonstration  
5431 or practice school.

5432           The Board of Trustees of Mississippi State University is  
5433 hereby authorized to act as sponsor with respect to any funds that  
5434 may be secured for the construction, maintenance, and operation of  
5435 such teachers demonstration or practice school from any agency or  
5436 subdivision of the federal, state, Oktibbeha County, City of  
5437 Starkville, or school district, or from private individuals,  
5438 benevolent institutions or organizations, or any other available  
5439 and legal source or sources.

5440           **SECTION 145.** Section 37-133-5, Mississippi Code of 1972, is  
5441 amended as follows:

5442           37-133-5. In addition to all other powers and duties now  
5443 vested by law in the board of trustees of each state institution  
5444 of higher learning of the State of Mississippi, each board is  
5445 hereby empowered and required to permit the establishment of  
5446 technical institutes, as branches within the framework of the  
5447 existing state institutions of higher learning, that have an  
5448 ongoing program in the areas concerned, adequately staffed and  
5449 equipped to offer a curriculum designed and intended to  
5450 immediately initiate training (extending beyond the junior college  
5451 level) in the field of vocational, scientific, engineering,  
5452 technical, and aerospace education and the necessary supporting  
5453 studies, so that the demands of heavy and aerospace industry and  
5454 installations for skilled engineering technicians may be satisfied  
5455 and maintained. The \* \* \* curriculum of any technical institute  
5456 established under the provisions of the Mississippi Technical  
5457 Institute Law of 1964 shall be complementary and supplementary to



5458 public junior college curriculums so that the full advantage of  
5459 the educational resources of the State of Mississippi may be  
5460 realized. The \* \* \* establishment of such technical institutes  
5461 shall be permitted anywhere within the State of Mississippi, in  
5462 the areas of most urgent need, on any land or facility presently,  
5463 or hereafter, under the jurisdiction and control of a board of  
5464 trustees of a state institution of higher learning and on such  
5465 terms and conditions as shall seem appropriate. The State  
5466 Building Commission shall, at its discretion, provide new  
5467 buildings, facilities, and necessary repairs, renovations and  
5468 remodeling of any facility designated by a board of trustees of a  
5469 state institution of higher learning as a technical institute from  
5470 funds made available for such purposes.

5471 **SECTION 146.** Section 37-133-7, Mississippi Code of 1972, is  
5472 amended as follows:

5473 37-133-7. There is hereby created in the State Treasury a  
5474 special fund to be known as the "Technical Institute Fund." All  
5475 sums of money received by the board of trustees of each state  
5476 institution of higher learning to carry out the provisions of the  
5477 Mississippi Technical Institute Law of 1964 shall be maintained in  
5478 a separate account for the respective university in said special  
5479 fund. All expenditures therefrom shall be for the purposes of  
5480 carrying out the intents and purposes of said law, including the  
5481 payment of salaries for qualified instructors as well as the  
5482 equipping and staffing of the institute. Such expenditures shall  
5483 be paid therefrom by the State Treasurer on warrant of the Auditor  
5484 of Public Accounts. Said Auditor shall issue his warrant upon  
5485 requisition signed by the proper person, officer or officers, as  
5486 authorized by law. Each board is authorized to accept gifts,  
5487 bequests of money, or other property, real or personal, to be used  
5488 for the purpose of establishing or maintaining any technical  
5489 institute which may be authorized under the provisions of said law  
5490 and in accordance with the law of the State of Mississippi.



5491           **SECTION 147.** Section 37-133-9, Mississippi Code of 1972, is  
5492 amended as follows:

5493           37-133-9. It shall be the duty of the board of trustees of  
5494 each state institution of higher learning to make periodic fiscal  
5495 reports to the State Fiscal Management Board and the Legislative  
5496 Budget Office, and to otherwise comply with the budget and  
5497 accounting laws of the State of Mississippi.

5498           **SECTION 148.** Section 37-138-7, Mississippi Code of 1972, is  
5499 amended as follows:

5500           37-138-7. The commission is authorized and directed to adopt  
5501 regulations for certification of contractors, inspectors,  
5502 management planners, project designers, air monitors, supervisors  
5503 and workers. The regulations shall include an accreditation plan  
5504 which shall be equivalent to paragraphs 1 through 3 of the Model  
5505 Plan. The accreditation plan shall be no more stringent than the  
5506 Model Plan, except as provided herein. The regulations and  
5507 accreditation plan shall include the requirements for all training  
5508 courses for accreditation of contractors, inspectors, management  
5509 planners, project designers, air monitors, supervisors and  
5510 workers. All regulations promulgated by the commission pursuant  
5511 to this chapter shall not be effective until November 1, 1990. By  
5512 October 1, 1989, the Commissioner of Higher Education shall  
5513 designate a university which may offer all training courses set  
5514 forth in the regulations and accreditation plan and such  
5515 university may charge reasonable fees to offset costs of the  
5516 courses offered. The commission shall not approve any training  
5517 courses offered in Mississippi other than those courses offered at  
5518 the designated university and those certified abatement worker  
5519 courses that have received Environmental Protection Agency  
5520 approval pursuant to Section III of Appendix C to Title 40, Part  
5521 763, Subpart E, of the Code of Federal Regulations.

5522           **SECTION 149.** Section 37-139-7, Mississippi Code of 1972, is  
5523 amended as follows:





5524           37-139-7. The board shall be authorized to solicit and  
5525 utilize the staff of the State Department of Education, staff of  
5526 the board of trustees of any state institution of higher learning  
5527 and other state agencies as required for the implementation of  
5528 this chapter. In addition, the board shall be authorized to  
5529 contract or enter into agreements with other agencies and/or  
5530 private research centers that it may deem necessary to carry out  
5531 its duties and functions.

5532           **SECTION 150.** Section 37-140-5, Mississippi Code of 1972, is  
5533 amended as follows:

5534           37-140-5. (1) The school shall be governed by the State  
5535 Board of Education. The board shall develop a plan relating to  
5536 the opening, operation and funding of the school to be presented  
5537 to the Legislature during the 2000 Regular Session. The plan  
5538 shall include an equitable and reasonable plan for student  
5539 recruitment without regard to race, creed or color.

5540           (2) The State Superintendent of Public Education shall  
5541 appoint an advisory panel to assist the board in developing the  
5542 plan relating to the school. The advisory panel shall consist of  
5543 the following twelve (12) appointed or designated members:

5544           (a) Three (3) licensed school teachers or  
5545 administrators, one (1) to be appointed from each of the three (3)  
5546 Mississippi Supreme Court Districts;

5547           (b) Three (3) citizens or professionals representing  
5548 the areas of dance, creative writing, literature, music, theater  
5549 arts or visual arts, one (1) to be appointed from each of the  
5550 three (3) Mississippi Supreme Court Districts;

5551           (c) Three (3) citizens knowledgeable in business,  
5552 personnel management or public administration, with at least three  
5553 (3) years' actual experience therein, one (1) to be appointed from  
5554 each of the three (3) Mississippi Supreme Court Districts;

5555           (d) One (1) member shall be a representative of the  
5556 Mississippi Arts Commission to be designated by the commission,



5557 one (1) member shall be a representative of the Mississippi  
5558 Humanities Council to be designated by the council, and one (1)  
5559 member shall be a representative of a state institution of higher  
5560 learning in Mississippi which offers degrees in visual, fine and  
5561 performing arts, to be designated by the Commissioner of Higher  
5562 Education.

5563 Appointments to the advisory panel shall be made within  
5564 ninety (90) days of April 23, 1999. The advisory panel shall meet  
5565 upon the call of the State Superintendent of Public Education and  
5566 shall organize for business by selecting a chairman and vice  
5567 chairman/secretary for keeping records of the panel. Members of  
5568 the advisory panel shall receive no compensation but may be  
5569 reimbursed for necessary expenses and mileage for attending  
5570 meetings and necessary business of the panel, in the amount  
5571 authorized for state employees under Section 25-3-41.

5572 (3) The board may utilize the staff of the State Department  
5573 of Education and other state agencies as may be required for the  
5574 implementation of this chapter. The department may employ any  
5575 personnel deemed necessary by the board for assisting in the  
5576 development and implementation of the plan relating to the  
5577 opening, operation and funding of the school. The board also may  
5578 contract or enter into agreements with other agencies or private  
5579 entities which it deems necessary to carry out its duties and  
5580 functions relating to the opening and operation of the school.

5581 (4) To the extent possible, the board shall enter into  
5582 agreements with the Board of Trustees of the Brookhaven Municipal  
5583 Separate School District for the dual enrollment of students for  
5584 the purpose of teaching academic courses to students attending the  
5585 school, and the local school board shall be fully authorized to  
5586 offer any such courses to students attending the school. The  
5587 State Board of Education may develop and issue necessary  
5588 regulations for the coordination of such courses for these  
5589 students, the preparation and transfer of transcripts, and the



5590 reimbursement of any costs incurred by the school district for  
5591 providing such services.

5592 (5) The board may enter into agreements with public school  
5593 districts to authorize students enrolled in such school districts  
5594 to participate in the fine arts programs at the school to the  
5595 extent that adequate space is available. The parent or guardian  
5596 of any student participating in fine arts programs at the school  
5597 under this subsection shall be responsible for transporting the  
5598 student to and from the school.

5599 **SECTION 151.** Section 37-141-3, Mississippi Code of 1972, is  
5600 amended as follows:

5601 37-141-3. (1) There is hereby created the University  
5602 Research Center, as an agency of the State of Mississippi,  
5603 hereinafter referred to as the "center," which shall have full  
5604 authority to contract and to be contracted with. The Commissioner  
5605 of Higher Education shall serve as the director for the center.

5606 (2) The center shall be under the direction and management  
5607 of the Commissioner of Higher Education. The commissioner shall,  
5608 in his discretion, obtain fidelity bonds and determine who and  
5609 what should be covered thereby and the amount of such bonds.

5610 (3) The Commissioner of Higher Education \* \* \* shall appoint  
5611 and employ such staff and employees as he deems necessary to carry  
5612 out the objectives and purposes of this chapter and Section  
5613 57-63-17 and may establish the organizational structure of the  
5614 center, which shall include the creation of any divisions  
5615 necessary to implement the duties assigned to the center. It is  
5616 specifically provided that the commissioner establish such units  
5617 within the center as he deems necessary to include but not limited  
5618 to areas of economic analysis, economic forecasting, long range  
5619 economic development planning, research, grants, services and  
5620 university and agency coordination and reporting.

5621 \* \* \*



5622           (4) The Commissioner of Higher Education shall use savings  
5623 realized through personnel attrition and other economies created  
5624 by the reorganization effected in Senate Bill No. 2925, 1988  
5625 Regular Session [Laws, 1988, Chapter 518], to establish a special  
5626 account in the University Research Center out of which funds may  
5627 be expended to conduct priority research projects by contracting  
5628 with universities, agencies and individuals.

5629           **SECTION 152.** Section 37-141-5, Mississippi Code of 1972, is  
5630 amended as follows:

5631           37-141-5. The main office building of the University  
5632 Research Center and the Mississippi Development Authority in the  
5633 City of Jackson shall be known and designated as the Paul B.  
5634 Johnson, Jr. Building. The Commissioner of Higher Education and  
5635 the Governor's Office of General Services shall coordinate and  
5636 cooperate to effect the relocation of the Mississippi Development  
5637 Authority to the Paul B. Johnson, Jr. Building and any other  
5638 related agency relocations necessary to accomplish the requirement  
5639 of this section if such relocation is feasible. If such  
5640 relocation of the Mississippi Development Authority to the Paul B.  
5641 Johnson, Jr. Building is not feasible because of space  
5642 limitations, the Governor's Office of General Services shall  
5643 coordinate the relocation of such authority to some other location  
5644 and shall, if possible, secure the amount of space necessary to  
5645 also place the University Research Center in the same location  
5646 with the authority.

5647           The Office of General Services shall provide proper signs to  
5648 be placed on the building in accordance with this section.

5649           **SECTION 153.** Section 37-141-13, Mississippi Code of 1972, is  
5650 amended as follows:

5651           37-141-13. (1) The Commissioner of Higher Education shall  
5652 have responsibility for the administration of the center. By so  
5653 designating the commissioner as administrator for the center, the  
5654 Legislature hereby expresses its intent that the center shall have



5655 a relationship of close cooperation and coordination with the  
5656 several universities but that the center shall not be under the  
5657 control or influence of any single institution. \* \* \*

5658 Academically eligible center staff may hold appointment to  
5659 faculties of state universities and university faculty members may  
5660 be assigned to the center.

5661 (2) The Mississippi Development Authority, being the  
5662 economic development agency for the state, shall advise on the  
5663 programs and projects of the center focused upon economic  
5664 development.

5665 (3) The center may advise the various agencies and  
5666 departments of state government regarding internal research needs  
5667 and programs and shall assist in the establishment of such  
5668 programs where needed. These programs shall be coordinated by the  
5669 center in order to minimize duplication of effort, to maximize  
5670 utilization of data and equipment and to standardize procedures  
5671 for the more efficient pursuit of research.

5672 (4) Communities, counties, special-purpose districts,  
5673 multicounty area development groupings and other such  
5674 organizations may call upon the center for informational services.  
5675 Specific research projects may be undertaken by the center for  
5676 such organizations on a contract basis.

5677 (5) The center may provide advice and counsel, consistent  
5678 with its duties and responsibilities, to the private business  
5679 community. Consultation and information may also be made  
5680 available to other segments of the private business community.  
5681 Advice and assistance for the establishment of research programs  
5682 within business organizations may be provided by the center.  
5683 Specific research projects may be undertaken by the center for  
5684 private business on a contract basis. The center may solicit and  
5685 accept grants and other financial aid or support from private  
5686 sources.



5687           **SECTION 154.** Section 37-141-15, Mississippi Code of 1972, is  
5688 amended as follows:

5689           37-141-15. With the approval of the Commissioner of Higher  
5690 Education, the center may establish and staff branch operations at  
5691 various universities within the state.

5692           **SECTION 155.** Section 37-141-17, Mississippi Code of 1972, is  
5693 amended as follows:

5694           37-141-17. The center, on behalf of the Commissioner of  
5695 Higher Education, shall prepare an annual report of economic  
5696 development activities of those agencies and institutions subject  
5697 to the commissioner. The report shall describe:

5698           (a) Economic development efforts and accomplishments of  
5699 the University Research Center, each university, and each  
5700 institute.

5701           (b) Efforts and accomplishments of the center in  
5702 coordinating economic development activities among the  
5703 universities.

5704           (c) Recommendations of the center for coordination and  
5705 utilization of university resources in economic development, for  
5706 university-based initiatives in economic development, and for  
5707 funding related to economic development and plans of the  
5708 universities.

5709           (d) Assistance rendered to the Mississippi Development  
5710 Authority by the center and each university.

5711           (e) Activities and accomplishments of staff assigned to  
5712 planning and development districts pursuant to Section 37-141-19.

5713           (f) Any other information which the center wishes to  
5714 present.

5715           The annual report shall be submitted to the Governor and the  
5716 Joint Legislative Budget Committee not later than July 1 of each  
5717 year.

5718           **SECTION 156.** Section 37-141-19, Mississippi Code of 1972, is  
5719 amended as follows:



5720           37-141-19. The board of trustees of each state institution  
5721 of higher learning shall require that the president of the  
5722 university under its jurisdiction designate, at the level of vice  
5723 president, a person responsible for economic development  
5724 activities at the university. The person so designated shall be  
5725 the primary contact at each university for the center in carrying  
5726 out its responsibilities related to coordinating, assisting,  
5727 monitoring and reporting on economic development activities at the  
5728 universities.

5729           **SECTION 157.** Section 37-141-21, Mississippi Code of 1972, is  
5730 amended as follows:

5731           37-141-21. (1) The director of the center, subject to the  
5732 approval of the Commissioner of Higher Education, shall fix the  
5733 salaries and wages of employees of the center, shall reimburse  
5734 employees for actual expenses incurred in the performance of their  
5735 duties, and may approve receipt by employees of additional income  
5736 payments from grants, fellowships and other sources.

5737           (2) The director of the center, upon approval of the  
5738 commissioner, may contract with universities and colleges, with  
5739 individuals and with public or private research organizations for  
5740 their services and, under the same approval, may contract for  
5741 performance by the center of services to governmental subdivisions  
5742 of the state, to United States government departments and  
5743 agencies, to area development organizations, to trade associations  
5744 and other similar groups of public or private nature, and to  
5745 private business enterprises, and may set fees for such services.  
5746 Upon approval of the commissioner, the center may establish intern  
5747 programs to provide experience that supplements the education of  
5748 students enrolled in state institutions of higher learning.

5749           (3) Expenditures by and for the center and its branches  
5750 shall be paid by the State Treasurer out of the funds appropriated  
5751 to carry out the provisions of this chapter, upon warrant issued  
5752 by the State Fiscal Management Board; and such board shall issue



5753 its warrant upon requisition signed by the director of the center,  
5754 in the manner provided by law. Full and complete accounting shall  
5755 be kept and made by the center for all funds received and expended  
5756 by it. Representatives of the office of the State Auditor  
5757 annually shall audit the expenditures of funds received by the  
5758 center from all sources, and the auditor shall make a complete and  
5759 detailed report of such audit to the Legislature.

5760 **SECTION 158.** Section 37-143-3, Mississippi Code of 1972, is  
5761 amended as follows:

5762 37-143-3. The Legislature makes the following findings of  
5763 fact and declarations of purpose: By legislative enactment, five  
5764 (5) loan or scholarship programs have been created wherein  
5765 Mississippi residents are granted scholarships in certain  
5766 professional fields in return for their contractual obligation to  
5767 perform services in such professions under a variety of  
5768 requirements of location, duration, manner and mode of service,  
5769 and institution in which performed. Such loan or scholarship  
5770 programs provide variously for different degrees of recourse in  
5771 the event that the recipient's contract is not fulfilled, but  
5772 shall provide in every case that the scholarship convert to a loan  
5773 which must be repaid at interest and, in some of the programs,  
5774 require the payment of penalties also. In addition to the  
5775 foregoing described loan or scholarship programs, a State of  
5776 Mississippi fund-financed loan program was created in the  
5777 Postsecondary Education Financial Assistance Law of 1975. The  
5778 purposes and needs, for which the Postsecondary Education  
5779 Financial Assistance Law was enacted, have now been almost  
5780 entirely supplanted by the provisions of the federal laws  
5781 providing for guaranteed student loans. The Legislature further  
5782 finds, that as a result of the restrictive and punitive provisions  
5783 contained in the loan or scholarship programs in existence prior  
5784 to this chapter, there are low levels of utilization of such  
5785 programs. The Legislature further finds that such programs being





5786 enacted at various times and for various specialized purposes have  
5787 inconsistencies in the provisions for their administration, which  
5788 should be made consistent, uniform and regular. The Legislature  
5789 further finds that because of the low use of the Postsecondary  
5790 Education Financial Assistance Law, there are sums of monies  
5791 dedicated for use in student loans or scholarships which could be  
5792 utilized in the improved scholarship or loan programs created by  
5793 this chapter. The Legislature finds and declares that such older  
5794 existing revolving funds should be collapsed and consolidated into  
5795 a single revolving fund in support of the loan or scholarship  
5796 programs authorized herein. The Legislature further finds and  
5797 declares that there is a need for the creation of additional  
5798 scholarship programs for the purpose of encouraging eligible  
5799 Mississippi residents to enter into professional schools, and  
5800 that, in particular, there should be programs to encourage the  
5801 participation of minorities in graduate professional programs in  
5802 the institutions of this state, and that the Commissioner of  
5803 Higher Education should be granted the power and authority to  
5804 create and implement such new loan or scholarship programs as the  
5805 need may arise. And the Legislature further finds and declares  
5806 that there is a need to create an ability within the office of the  
5807 commissioner to fashion new and innovative systems for the  
5808 financing of loan or scholarship programs by combining the use of  
5809 private sector loans for education and guaranteed student loans  
5810 with scholarship repayment programs promulgated by the board, and  
5811 that the board should be granted authority to devise and develop  
5812 such innovative systems to obtain the most efficient use of state  
5813 funds to encourage entry and service in certain professional  
5814 fields.

5815       **SECTION 159.** Section 37-143-5, Mississippi Code of 1972, is  
5816 amended as follows:

5817       37-143-5. (1) There is hereby created the medical loan or  
5818 scholarship program. The purpose of such program shall be to



5819 enable eligible applicants who desire to become physicians to  
5820 obtain a medical education in the University of Mississippi School  
5821 of Medicine, which will qualify them to become licensed,  
5822 practicing physicians and surgeons.

5823 (2) The Board of Trustees of the University of Mississippi  
5824 shall establish, by rule and regulation, the maximum annual award  
5825 which may be made under this program at an amount not to exceed  
5826 the cost of tuition and other expenses, and shall establish the  
5827 maximum number of awards which may be made not to exceed the  
5828 length of time required to complete the degree requirements and  
5829 internship or residency.

5830 (3) Loans made to applicants under this program may be made  
5831 under similar terms and conditions as then current provisions of  
5832 the Federal Guaranteed Student Loan Program, or its successor, as  
5833 to the repayment of principal and interest. Such loans shall be  
5834 eligible for deferment during attendance as a full-time student in  
5835 an approved course of training. No interest shall accrue on such  
5836 loan during the time the recipient is in such attendance. Such  
5837 loans may be eligible for other deferments for such other causes  
5838 as may be established by the board by rule and regulations not  
5839 inconsistent with the foregoing.

5840 (4) Loans made to applicants shall be made and based upon  
5841 the following options for repayment or conversion to interest-free  
5842 scholarships:

5843 (a) Payment in full of principal and interest must be  
5844 made in sixty (60) or less equal monthly installments, commencing  
5845 one (1) month after graduation and internship or residency, or  
5846 termination of attendance as a full-time student;

5847 (b) In lieu of payment in full of both principal and  
5848 interest, a loan recipient may elect to repay by entry into public  
5849 health work at a state health institution as defined in Section  
5850 37-143-13(2), or community health centers that are grantees under  
5851 Section 330 of the United States Public Health Service Act.



5852 Repayment under this option shall convert loan to scholarship, and  
5853 discharge the same, on the basis of one (1) year's service for one  
5854 (1) year's loan amount, or the appropriate proportion of the total  
5855 outstanding balance of principal and interest, all as shall be  
5856 established by rule and regulation of the board of trustees. If  
5857 at any time prior to the repayment in full of the total obligation  
5858 the recipient abandons or abrogates repayment by this option, the  
5859 provisions of Section 37-143-5(d) shall apply;

5860           (c) In lieu of payment in full of both principal and  
5861 interest, a loan recipient may elect to repay by entry into the  
5862 practice of medicine in a primary health care field in an area  
5863 outside of a metropolitan statistical area, as defined and  
5864 established by the United States Census Bureau, and within a  
5865 region ranking between 1 and 54, inclusively, on the Relative  
5866 Needs Index of Five Factors for Primary Care Physicians, as  
5867 annually determined by the State Board of Health, for a period of  
5868 five (5) years. Repayment under this option shall convert loan to  
5869 scholarship, and discharge the same on the basis of one (1) year's  
5870 service for one (1) year's loan amount, or the appropriate  
5871 proportion of the total outstanding balance of principal and  
5872 interest, all as shall be established by rule and regulation of  
5873 the board of trustees. If at any time prior to the repayment in  
5874 full of the total obligation the recipient abandons or abrogates  
5875 repayment by this option, the provisions of Section 37-143-5(4) (d)  
5876 shall apply;

5877           (d) In the event of abandonment or abrogation of the  
5878 options for repayment as provided for in Section 37-143-5(4) (b)  
5879 and (c), the remaining balance of unpaid or undischarged principal  
5880 and interest shall become due and payable over the remaining  
5881 period of time as if the option provided for in Section  
5882 37-143-5(4) (a) had been elected upon graduation and internship or  
5883 residency.



5884 (5) The board \* \* \* shall establish such rules and  
5885 regulations as it deems necessary and proper to carry out the  
5886 purposes and intent of this section.

5887 **SECTION 160.** Section 37-143-6, Mississippi Code of 1972, is  
5888 amended as follows:

5889 37-143-6. (1) There is established a medical education  
5890 scholarship and loan repayment program, which shall be  
5891 administered by the Board of Trustees of the University of  
5892 Mississippi. Each year, the program shall provide a certain  
5893 number of eligible applicants, if the applicant meets the  
5894 conditions upon which the scholarship or loan repayment is  
5895 granted, with: (a) a full scholarship to obtain a medical  
5896 education at the University of Mississippi School of Medicine at  
5897 no cost to the recipient; or (b) funds for repaying state and  
5898 federal medical education loans.

5899 (2) The program shall provide scholarships or loan  
5900 repayments to up to twenty (20) new recipients each year, of which  
5901 no more than ten (10) may be recipients of loan repayments. The  
5902 program shall be funded from monies appropriated from the Health  
5903 Care Expendable Fund established under Section 43-13-407. The  
5904 amounts that may be expended annually for scholarships and loan  
5905 repayments under the program shall not exceed the following: Five  
5906 Hundred Thousand Dollars (\$500,000.00) in fiscal year 2001; One  
5907 Million Dollars (\$1,000,000.00) in fiscal year 2002; One Million  
5908 Five Hundred Thousand Dollars (\$1,500,000.00) in fiscal year 2003;  
5909 and Two Million Dollars (\$2,000,000.00) in fiscal year 2004 and in  
5910 any later fiscal year.

5911 (3) A scholarship awarded under this program shall be in an  
5912 amount that will pay the full cost of attendance, as defined by  
5913 federal law and regulation, at the University of Mississippi  
5914 School of Medicine for the entire time necessary for the recipient  
5915 to complete the requirements for a medical degree. The actual  
5916 amount of the scholarship shall be determined by the Office of



5917 Financial Aid of the University of Mississippi Medical Center but  
5918 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) per  
5919 year for any recipient.

5920 (4) Before being granted a scholarship, each applicant shall  
5921 enter into a contract with the board of trustees, which shall be  
5922 deemed a contract with the State of Mississippi, agreeing to the  
5923 terms and conditions upon which the scholarship will be granted.  
5924 In order to receive a scholarship under the program, the recipient  
5925 must agree in the contract to practice family medicine for a  
5926 period of not less than ten (10) years after completion of his or  
5927 her residency in an area of the state that is a critical needs  
5928 area for primary medical care at the time of the recipient's entry  
5929 into medical practice. The determination and designation of the  
5930 areas of the state that are critical needs areas for primary  
5931 medical care in which scholarship recipients may practice shall be  
5932 made by a committee to be known as the Medical Care Critical Needs  
5933 Committee, which shall be composed of the following persons: the  
5934 Vice Chancellor for Health Affairs of the University of  
5935 Mississippi Medical Center, who shall be chairman of the  
5936 committee; the Executive Director of the State Department of  
5937 Health; the Executive Director of the Division of Medicaid; the  
5938 President of the Mississippi State Medical Association or his  
5939 designee; the President of the Mississippi State Hospital  
5940 Association or his designee; the President of the Mississippi  
5941 Academy of Family Physicians; and the Executive Director of the  
5942 Mississippi Primary Health Care Association. The committee shall  
5943 meet at least once annually to determine and designate the areas  
5944 of the state that are critical needs areas for primary medical  
5945 care in which scholarship recipients may practice family medicine  
5946 in order to fulfill their contractual obligation.

5947 (5) (a) Beginning on July 1, 2001, the Board of Trustees of  
5948 the University of Mississippi may use any funds available under  
5949 the medical education scholarship and loan repayment program for



5950 repaying state and federal medical education loans made to  
5951 licensed family medicine physicians who agree to practice family  
5952 medicine for a period of not less than eight (8) years in an area  
5953 of the state that is a critical needs area for primary medical  
5954 care, as designated by the Medical Care Critical Needs Committee.  
5955 The board of trustees shall use such funds to apply for and  
5956 receive federal matching funds from the National Health Service  
5957 Corps to assist in the repayment of qualified educational loans  
5958 for primary health care clinicians who agree to practice in a  
5959 critical needs area for primary medical care. In order to receive  
5960 a state loan repayment under this section, an applicant must enter  
5961 into a contract with the board of trustees, which shall be deemed  
5962 a contract with the State of Mississippi, agreeing to the terms  
5963 and conditions upon which the loan repayment will be granted. The  
5964 contract must include all conditions specified under subsection  
5965 (4) for scholarship recipients; however, for a loan repayment, the  
5966 minimum period of service required in an area of the state that is  
5967 a critical needs area for primary medical care at the time the  
5968 contract is executed is eight (8) years. The contract also must  
5969 specify the total amount of the loan repayment and a schedule for  
5970 making payments to the recipient, based upon the recommendation of  
5971 the Medical Care Critical Needs Committee.

5972 (b) The board of trustees shall give priority in  
5973 awarding loan repayments to family medicine physicians according  
5974 to the following:

5975 (i) University of Mississippi School of Medicine  
5976 graduates or persons who have completed successfully a full  
5977 three-year family medicine residency training program in the State  
5978 of Mississippi;

5979 (ii) Persons who were born in Mississippi who have  
5980 completed training in a certified family medicine residency  
5981 program outside the State of Mississippi; and



5982 (iii) Physicians who are practicing outside the  
5983 State of Mississippi who received training at a medical school  
5984 outside the state and who are board certified in family practice.

5985 (c) The Medical Care Critical Needs Committee shall  
5986 meet at least once annually to determine and designate the areas  
5987 of the state that are critical needs areas for primary medical  
5988 care in which loan repayment recipients may practice family  
5989 medicine and other primary care health professional disciplines in  
5990 order to fulfill their contractual obligation. The committee also  
5991 shall determine the priority of additional primary health care  
5992 clinicians who are eligible to participate in the state loan  
5993 repayment program using any National Health Service Corps matching  
5994 funds or other funds excluding funds appropriated by the  
5995 Legislature.

5996 (6) If a scholarship recipient leaves the University of  
5997 Mississippi School of Medicine before graduation, or leaves his or  
5998 her residency before completion, or fails to practice family  
5999 medicine for a period of ten (10) years in a critical needs area  
6000 for primary medical care as designated by the Medical Care  
6001 Critical Needs Committee under subsection (4) of this section, the  
6002 full amount that the recipient received under the scholarship  
6003 shall be due and payable within ninety (90) days, together with  
6004 interest. If a loan repayment recipient fails to practice family  
6005 medicine for a period of eight (8) years in a critical needs area  
6006 for primary medical care as designated by the Medical Care  
6007 Critical Needs Committee under subsection (5)(c) of this section,  
6008 the full amount that the recipient received for loan repayments  
6009 shall be due and payable within ninety (90) days, together with  
6010 interest. The amount of interest due shall be equal to the annual  
6011 rate of return on the Health Care Trust Fund established under  
6012 Section 43-13-405 for each year from the time the recipient  
6013 received the scholarship or loan repayment money until the time  
6014 the scholarship or loan repayment money is repaid. The board of



6015 trustees may bring suit against any scholarship or loan repayment  
6016 recipient to recover the amount due to the state under this  
6017 section for the recipient's failure to comply with the conditions  
6018 upon which the scholarship or loan repayment was granted, as  
6019 provided in this section and in the contract between the recipient  
6020 and the board of trustees. The board of trustees is authorized to  
6021 postpone or forgive the repayment of all or part of the amount  
6022 that a recipient received under the scholarship or for loan  
6023 repayments and the interest that would otherwise be due under this  
6024 subsection if the recipient's failure to comply with the  
6025 conditions upon which the scholarship or loan repayment was  
6026 granted was due to circumstances beyond the recipient's control  
6027 that caused the recipient to be physically unable to comply with  
6028 those conditions, such as suffering a severe illness, injury or  
6029 other disabling condition.

6030 (7) The board of trustees shall establish such rules and  
6031 regulations, based upon recommendations submitted by the Medical  
6032 Care Critical Needs Committee, which it deems necessary and proper  
6033 to carry out the purposes and intent of this section.

6034 **SECTION 161.** Section 37-143-7, Mississippi Code of 1972, is  
6035 amended as follows:

6036 37-143-7. (1) There is hereby created the dental loan or  
6037 scholarship program. The purpose of such program shall be to  
6038 enable eligible applicants who desire to become dentists to obtain  
6039 a standard four-year education in the study of dentistry in the  
6040 University of Mississippi School of Dentistry, which will qualify  
6041 them to become licensed, practicing dentists.

6042 (2) The Board of Trustees of the University of Mississippi  
6043 shall establish, by rule and regulation, the maximum annual award  
6044 which may be made under this program at an amount not to exceed  
6045 the cost of tuition and other expenses, and shall establish the  
6046 maximum number of awards, which may be made not to exceed the  
6047 length of time required to complete the degree requirements.





6048           (3) Loans made to applicants under this program may be made  
6049 under similar terms and conditions as then current provisions of  
6050 the Federal Guaranteed Student Loan Program, or its successor, as  
6051 to the repayment of principal and interest. Such loans shall be  
6052 eligible for deferment during attendance as a full-time student in  
6053 an approved course of training. No interest shall accrue on such  
6054 loan during the time the recipient is in such attendance. Such  
6055 loans may be eligible for other deferments for such other causes  
6056 as may be established by the board by rule and regulations not  
6057 inconsistent with the foregoing.

6058           (4) Loans made to applicants shall be made and based upon  
6059 the following options for repayment or conversion to interest-free  
6060 scholarships:

6061           (a) Payment in full of principal and interest must be  
6062 made in sixty (60) or less equal monthly installments, commencing  
6063 one (1) month after graduation or termination of attendance as a  
6064 full-time student;

6065           (b) In lieu of payment in full of both principal and  
6066 interest, a loan recipient may elect to repay by entry into public  
6067 health work at a state health institution as defined in Section  
6068 37-143-13(2), or community health centers that are grantees under  
6069 Section 330 of the United States Public Health Service Act.  
6070 Repayment under this option shall convert loan to scholarship, and  
6071 discharge the same, on the basis of one (1) year's service for one  
6072 (1) year's loan amount, or the appropriate proportion of the total  
6073 outstanding balance of principal and interest, all as shall be  
6074 established by rule and regulation of the board of trustees. If  
6075 at any time prior to the discharge in full of the total obligation  
6076 the recipient abandons or abrogates repayment by this option, the  
6077 provisions of Section 37-143-7(4) (d) shall apply;

6078           (c) In lieu of payment in full of both principal and  
6079 interest, a loan recipient may elect to repay by entry into the  
6080 practice of dentistry in an area outside of a metropolitan



6081 statistical area, as defined and established by the United States  
6082 Census Bureau, and within a region ranking between 1 and 54,  
6083 inclusively, on the Relative Needs Index of Four Factors for  
6084 Dentists, as annually determined by the State Board of Health, for  
6085 a period of five (5) years. Repayment under this option shall  
6086 convert loan to scholarship and discharge the same on the basis of  
6087 one (1) year's service for one (1) year's loan amount, or the  
6088 appropriate proportion of the total outstanding balance of  
6089 principal and interest, all as shall be established by rule and  
6090 regulation of the board of trustees. If at any time prior to the  
6091 repayment in full of the total obligation the recipient abandons  
6092 or abrogates repayment by this option, the provisions of Section  
6093 37-143-7(4) (d) shall apply;

6094 (d) In the event of abandonment or abrogation of the  
6095 options for repayment as provided for in Section 37-143-7(4) (b)  
6096 and (c), the remaining balance of unpaid or undischarged principal  
6097 and interest shall become due and payable over the remaining  
6098 period of time as if the option provided for in Section  
6099 37-143-7(4) (a) had been elected upon graduation.

6100 (5) The board \* \* \* shall establish such rules and  
6101 regulations as it deems necessary and proper to carry out the  
6102 purposes and intent of this section.

6103 **SECTION 162.** Section 37-143-9, Mississippi Code of 1972, is  
6104 amended as follows:

6105 37-143-9. There is created a program for advanced study in  
6106 nursing. Scholarships are established and shall be allocated to  
6107 students who: (a) have graduated from an accredited high school  
6108 and from a school of nursing and are licensed registered nurses in  
6109 Mississippi; and (b) are approved by the Commissioner of Higher  
6110 Education; and (c) enter into contract with the commissioner,  
6111 obligating themselves to pursue to completion the course of study  
6112 agreed upon, and immediately following the completion of such  
6113 work, to spend a period of time, equal to the period of study



6114 provided under the scholarship, in teaching nursing at any  
6115 accredited school of nursing in Mississippi, approved by the  
6116 commissioner, or in performing other work in the interest of  
6117 public health in the state, to be approved by the commissioner.  
6118 Such period of service, after completion of study under a  
6119 scholarship, shall in no event be less than one (1) year.

6120 In addition to a scholarship, any such student may be  
6121 allocated a loan not to exceed One Thousand Dollars (\$1,000.00)  
6122 per month for each month of full-time study in a graduate nursing  
6123 program. The repayment of the principal and interest of such  
6124 loans shall be eligible for deferment during attendance as a  
6125 full-time student in an approved program for advanced study in an  
6126 accredited school of nursing. For any student who receives this  
6127 loan, the student's contract with the commissioner shall obligate  
6128 the student, immediately following completion of the course of  
6129 study, to repay the loan by teaching nursing for not less than two  
6130 (2) years at any accredited school of nursing in Mississippi  
6131 approved by the commissioner. Such teaching service shall convert  
6132 the loan to an interest-free scholarship, and discharge the same,  
6133 on the basis of two (2) years of service for one-year's loan  
6134 amount, or the appropriate proportion of the total outstanding  
6135 balance of principal and interest, all as established by rule and  
6136 regulation of the commissioner. Any such student who fails to  
6137 complete all of the teaching service obligation shall be liable to  
6138 the commissioner for the remaining balance of the principal and  
6139 interest that remains undischarged.

6140 The commissioner shall establish such rules and regulations  
6141 as it deems necessary and proper to carry out the purposes and  
6142 intent of this section.

6143 **SECTION 163.** Section 37-143-11, Mississippi Code of 1972, is  
6144 amended as follows:

6145 37-143-11. (1) It is the intention of the Legislature to  
6146 attract and retain qualified teachers by awarding incentive loans



6147 to persons declaring an intention to serve in the teaching field  
6148 and who actually render service to the state while possessing an  
6149 appropriate teaching license.

6150 (2) There is established the "William F. Winter Teacher  
6151 Scholar Loan Program."

6152 (3) To the extent of appropriations available, students who  
6153 are enrolled in any baccalaureate degree-granting institution of  
6154 higher learning in the State of Mississippi accredited by the  
6155 Southern Association of Colleges and Schools and approved by the  
6156 Mississippi Commission on College Accreditation, or any accredited  
6157 nonprofit community or junior college, and who have expressed in  
6158 writing a present intention to teach in Mississippi, shall be  
6159 eligible for student loans to be applied to the costs of their  
6160 college education. Persons who have been admitted to a teacher  
6161 education program or a nontraditional teacher internship licensure  
6162 program authorized under Section 37-3-2(6)(b), as approved by the  
6163 State Board of Education, shall also qualify for loans at approved  
6164 institutions.

6165 (4) A freshman establishing initial eligibility shall be  
6166 eligible for a maximum of four (4) annual loans and a senior shall  
6167 be eligible for one (1) annual loan.

6168 (5) The maximum annual loan shall be set by the Commissioner  
6169 of Higher Education at an amount not to exceed the cost of  
6170 attendance at any baccalaureate degree-granting institution of  
6171 higher learning in the State of Mississippi. However, it is the  
6172 intent of the Legislature that the maximum annual loan amounts  
6173 under the William F. Winter Teacher Scholar Loan Program shall not  
6174 be of such amounts that would compete with the Critical Needs  
6175 Teacher Scholarship Program.

6176 (6) The loans of persons who actually render service as  
6177 licensed teachers or nontraditional teacher interns authorized  
6178 under Section 37-3-2 (6)(b) in a public school in Mississippi for  
6179 a major portion of the school day for at least seventy-eight (78)



6180 school days during each of eight (8) school semesters of the ten  
6181 (10) immediately after obtaining a baccalaureate degree, shall be  
6182 converted to interest-free scholarships. Conversion shall be  
6183 based on two (2) semesters of service for each year a loan was  
6184 received, and the Commissioner of Higher Education shall not  
6185 authorize the conversion of loans into interest-free scholarships  
6186 at any other ratio, except as follows: Participants in the  
6187 William F. Winter Teacher Scholar Loan Program may have their  
6188 loans converted into interest-free scholarships at the same ratio  
6189 as under the Critical Needs Teacher Scholarship Program if they  
6190 render service as a licensed teacher or nontraditional teacher  
6191 intern authorized under Section 37-3-2 (6)(b) in a public school  
6192 district in a geographical area of the state where there is a  
6193 critical shortage of teachers, as designated by the State Board of  
6194 Education.

6195 (7) Persons failing to complete an appropriate program of  
6196 study shall immediately become liable to the Commissioner of  
6197 Higher Education for the sum of all outstanding loans, except in  
6198 the case of a deferral of debt for cause by the commissioner,  
6199 after which period of deferral, study may be resumed. Persons  
6200 failing to meet teaching requirements in any required semester  
6201 shall immediately be in breach of contract and become liable to  
6202 the board for the amount of the corresponding loan received, with  
6203 interest accruing at the current Stafford Loan rate at the time  
6204 the breach occurs, except in the case of a deferral of debt for  
6205 cause by the board, after which period of deferral, teaching  
6206 duties required hereunder will be resumed. If the claim for  
6207 payment of such loan is placed in the hands of an attorney for  
6208 collection after default, then the obligor shall be liable for an  
6209 additional amount equal to a reasonable attorney's fee.

6210 (8) A loan made pursuant to this section shall not be  
6211 voidable by reason of the age of the borrower at the time of  
6212 receiving the loan.



6213 (9) Failure to repay any loan and interest that becomes due  
6214 shall be cause for the revocation of a person's teaching license  
6215 by the State Department of Education.

6216 (10) All monies repaid to the Commissioner of Higher  
6217 Education hereunder shall be added to the appropriations made for  
6218 purposes of this section, and those appropriations shall not  
6219 lapse.

6220 (11) The Commissioner of Higher Education with the  
6221 concurrence of the State Board of Education shall jointly  
6222 promulgate regulations necessary for the proper administration of  
6223 this section.

6224 (12) If insufficient funds are available for requested loans  
6225 to a qualified student during any fiscal year, the commissioner  
6226 shall make pro rata reductions in the loans made to qualifying  
6227 applicants. Priority consideration shall be given to persons  
6228 receiving previous loans and participating in the program.

6229 (13) The commissioner shall make an annual report to the  
6230 Legislature. Each report shall contain a complete enumeration of  
6231 the \* \* \* loans or scholarships granted, names of persons to whom  
6232 granted and the institutions attended by those receiving the same,  
6233 the teaching location of applicants who have received their  
6234 education and become licensed teachers within this state as a  
6235 result of the loans and/or scholarships. The commissioner shall  
6236 make a full report and account of receipts and expenditures for  
6237 salaries and expenses incurred under the provisions of this  
6238 section. The commissioner shall, upon his records and any  
6239 published reports, distinguish between those recipients who have  
6240 breached their contracts but with the commissioner's permission  
6241 who have paid their financial obligations in full, and those  
6242 recipients who have breached their contracts and remain  
6243 financially indebted to the state.

6244 **SECTION 164.** Section 37-143-15, Mississippi Code of 1972, is  
6245 amended as follows:



6246           37-143-15. The Commissioner of Higher Education is  
6247 authorized and empowered to establish loan or scholarship programs  
6248 of like character, operation and purpose to the foregoing  
6249 enumerated programs to encourage the participation of eligible  
6250 worthy persons in courses of instruction in the public  
6251 institutions of higher learning, and in furtherance of such power  
6252 and authority is authorized: to adopt and implement rules and  
6253 regulations declaring and describing the goals and objectives of  
6254 such loan or scholarship programs; to establish the eligibility  
6255 requirements for entry into such program and required for  
6256 continuing participation for succeeding years; to determine the  
6257 maximum amount to be made available to recipients; to delineate  
6258 the terms and conditions of contracts with recipients and  
6259 establish the service requirements for such contracts, if any; to  
6260 enter into contracts pertaining to such programs with recipients;  
6261 to enter into loan agreements and other contracts with financial  
6262 institutions or other providers of loan monies for scholarship or  
6263 loan participants; and to allocate and utilize such funds as may  
6264 be necessary for the operation of such loan or scholarship  
6265 programs from the annual appropriation for student financial aid.  
6266 In issuing rules and regulations governing the administration of  
6267 the Graduate Teacher Summer Scholarship (GTS) Program, the  
6268 commissioner shall provide that certified teachers at the Columbia  
6269 or Oakley Training Schools under the jurisdiction of the  
6270 Department of Human Services shall be fully eligible to  
6271 participate in said program.

6272           **SECTION 165.** Section 37-143-19, Mississippi Code of 1972, is  
6273 amended as follows:

6274           37-143-19. The Commissioner of Higher Education is  
6275 authorized to establish a consolidated revolving loan fund for the  
6276 purpose of providing monies for the operation of all loan or  
6277 scholarship programs authorized \* \* \* by this chapter, and to the  
6278 Postsecondary Education Financial Assistance Board by the



6279 provisions of Chapter 106 of Title 37, Mississippi Code of 1972,  
6280 and for the purpose of providing monies for the operation of such  
6281 other loan programs as may be deemed appropriate and authorized by  
6282 the commissioner from time to time for the furtherance of  
6283 education of eligible applicants. The commissioner shall be  
6284 charged with the duty of directing the dispensing of such funds in  
6285 a manner so as to best effectuate the purpose of this chapter.  
6286 Any monies collected in the form of repayment of loans, both  
6287 principal and interest, shall be deposited in this fund. The  
6288 commissioner is authorized to maintain such revolving fund in an  
6289 official state depository and, in accordance with Section  
6290 27-105-21, Mississippi Code of 1972, shall invest such funds, less  
6291 the amount required for current operation, at interest as required  
6292 by said section. All interest earned on such investments shall  
6293 likewise be deposited in said fund. From such revolving fund, the  
6294 commissioner shall provide the Postsecondary Education Financial  
6295 Assistance Board such sums as shall be required to fulfill its  
6296 role as lender of last resort to the Guarantee Student Loan  
6297 program. The assets of the Postsecondary Education Financial  
6298 Assistance Board, including cash and loans on hand, shall not  
6299 exceed Five Hundred Thousand Dollars (\$500,000.00), and repayments  
6300 of principal and interest and all other revenue \* \* \* shall be  
6301 deposited in the fund created hereby.

6302 From and after \* \* \* July 1, 1991, the sums maintained in the  
6303 respective revolving funds being repealed by Chapter 547, Laws,  
6304 1991, or other revolving funds being maintained by the  
6305 commissioner shall become and constitute the monies of the  
6306 consolidated revolving fund created by this section, wherever such  
6307 funds may be physically located. The commissioner is hereby  
6308 authorized to transfer said funds to an official state depository,  
6309 as aforesaid.

6310 **SECTION 166.** Section 37-143-21, Mississippi Code of 1972, is  
6311 amended as follows:





6312           37-143-21. The board of trustees of each state institution  
6313 of higher learning shall make an annual report to the Legislature.  
6314 Each said report shall contain a complete summary of the board's  
6315 activities, loans or scholarships granted, names of persons to  
6316 whom granted, institutions attended by those receiving same, and  
6317 the location of loan recipients who have contracted to repay loan  
6318 or scholarship through approved service in their profession. The  
6319 board shall make a full report and account of the receipts and  
6320 expenditures for salaries and expenses incurred under the  
6321 provisions of this chapter. The board shall, upon its records and  
6322 any published reports, distinguish between those recipients who  
6323 have breached their contracts, but with the board's permission who  
6324 have paid their financial obligations in full, and those  
6325 recipients who have breached their contracts and remain  
6326 financially indebted to the state.

6327           **SECTION 167.** Section 37-145-3, Mississippi Code of 1972, is  
6328 amended as follows:

6329           37-145-3. As used in this chapter:

6330           (a) "Company" means the Mississippi Business Finance  
6331 Corporation established pursuant to Section 57-10-167.

6332           (b) "Board of trustees" means the board of trustees of  
6333 each state institution of higher learning.

6334           (c) "Guaranty Agency" means the Mississippi Guarantee  
6335 Student Loan Agency \* \* \*.

6336           **SECTION 168.** Section 37-147-5, Mississippi Code of 1972, is  
6337 amended as follows:

6338           37-147-5. The following words shall have the meaning  
6339 ascribed herein unless the context clearly requires otherwise:

6340           (a) "Act" means the Mississippi University Research  
6341 Authority Act;

6342           (b) "Authority" means the entity created pursuant to  
6343 this act;



6344 (c) "Board" means the board of trustees of each state  
6345 institution of higher learning;

6346 (d) "Technological innovations" means research,  
6347 development, prototype assembly, manufacture, patenting,  
6348 licensing, marketing and sale of inventions, ideas, practices,  
6349 applications, processes, machines, technology and related property  
6350 rights of all kinds; and

6351 (e) "University" means a Mississippi educational  
6352 institution established pursuant to the provisions of Section 213A  
6353 of the 1890 Constitution of the State of Mississippi.

6354 (f) "Intellectual property" means any formula, pattern,  
6355 compilation, program, device, method, technique or process created  
6356 primarily as a result of the research effort of an employee or  
6357 employees of an institution of higher learning of the State of  
6358 Mississippi.

6359 **SECTION 169.** Section 37-147-15, Mississippi Code of 1972, is  
6360 amended as follows:

6361 37-147-15. (1) With the approval of the Commissioner of  
6362 Higher Education, any university may form, pursuant to the  
6363 provisions of the Mississippi Nonprofit Corporation Act or the  
6364 Mississippi Business Corporation Act, one or more research  
6365 corporations, separate and apart from the state and the  
6366 university, to promote, develop and administer enterprises arising  
6367 from research or technological innovations in order to take  
6368 advantage of opportunities of scientific, educational and economic  
6369 development.

6370 (2) Each such corporation shall be governed by, and all of  
6371 the functions, powers and duties of it shall be exercised by, a  
6372 board of directors appointed by the president of the university.  
6373 Members of the board of directors may include the president of the  
6374 university, officers and employees of the university, and other  
6375 persons selected by the president of the university. Officers and



6376 employees of the university may have ownership or financial  
6377 interests in such corporations.

6378 (3) The board of directors of each such corporation shall  
6379 adopt bylaws, in accordance with the provisions of the Mississippi  
6380 Nonprofit Corporation Act or the Mississippi Business Corporation  
6381 Act, as appropriate, governing the conduct of the corporation in  
6382 the performance of its duties under its charter and this act.

6383 **SECTION 170.** Section 37-149-1, Mississippi Code of 1972, is  
6384 amended as follows:

6385 37-149-1. (1) There is established within the State  
6386 Department of Education, the Mississippi Teacher Center for the  
6387 purpose of insuring that the children of our state are taught by  
6388 quality professionals. The center shall serve as an interagency  
6389 center focused on teacher recruitment, enhanced training and  
6390 initial instructional support.

6391 (2) The center shall have a staff which shall consist of one  
6392 (1) director, one (1) administrative assistant and professional  
6393 teacher recruiters. A steering committee shall be established  
6394 which shall consist of one (1) member from each of the following:  
6395 the Office of the Commissioner of Higher Education, the State  
6396 Board for Community and Junior Colleges, the State Board of  
6397 Education, the Board of the Mississippi Association of Independent  
6398 Colleges, the Board of the Mississippi Association of Colleges of  
6399 Teacher Education, trustees of the local school boards, teachers  
6400 and the private sector. The members of the steering committee  
6401 shall be appointed by the State Superintendent with the approval  
6402 of the board. The steering committee shall direct the work and  
6403 establish policies for the purpose of operating the center.

6404 (3) The center shall provide leadership for the following  
6405 initiatives:

6406 (a) The initiation and monitoring of high school  
6407 programs for teacher recruitment;



- 6408 (b) The initiation and monitoring of college level  
6409 programs for teacher recruitment;
- 6410 (c) The establishment of a Beginning Teacher/Mentoring  
6411 program, as authorized in Sections 37-9-201 through 37-9-213;
- 6412 (d) The sponsorship of a teacher renewal institute;
- 6413 (e) The continuation of the Teacher Corps program;
- 6414 (f) The enhancement of the William Winter Scholarship  
6415 program;
- 6416 (g) Research for the development of professional  
6417 teaching standards;
- 6418 (h) Provide additional scholarships for any targeted  
6419 populations needing potential teachers; and
- 6420 (i) Provide assistance to local school districts in  
6421 identifying and locating specific teacher needs.

6422 **SECTION 171.** Section 37-155-9, Mississippi Code of 1972, is  
6423 amended as follows:

6424 37-155-9. In addition to the powers granted by any other  
6425 provision of this chapter, the board of directors shall have the  
6426 powers necessary or convenient to carry out the purposes and  
6427 provisions of this chapter, the purposes and objectives of the  
6428 trust fund and the powers delegated by any other law of the state  
6429 or any executive order thereof, including, but not limited to, the  
6430 following express powers:

- 6431 (a) To adopt and amend bylaws;
- 6432 (b) To adopt such rules and regulations as are  
6433 necessary to implement the provisions of this chapter;
- 6434 (c) To invest any funds of the trust fund in any  
6435 instrument, obligation, security or property that constitutes  
6436 legal investments for public funds in the state and to name and  
6437 use depositories for its investments and holdings;
- 6438 (d) To execute contracts and other necessary  
6439 instruments;



6440 (e) To impose reasonable requirements for residency for  
6441 beneficiaries at the time of purchase of the contract;

6442 (f) To impose reasonable limits on the number of  
6443 contract participants in the trust fund at any given period of  
6444 time;

6445 (g) To contract for necessary goods and services, to  
6446 employ necessary personnel, and to engage the services of  
6447 consultants for administrative and technical assistance in  
6448 carrying out the responsibilities of the trust fund;

6449 (h) To solicit and accept gifts, including  
6450 bequeathments or other testamentary gifts made by will, trust or  
6451 other disposition, grants, loans and other aids from any personal  
6452 source or to participate in any other way in any federal, state or  
6453 local governmental programs in carrying out the purposes of this  
6454 chapter. Any gifts made to the board under this subsection shall  
6455 be deductible from taxable income of the state in the tax year;

6456 (i) To define the terms and conditions under which  
6457 payments may be withdrawn or refunded from the trust fund,  
6458 including, but not limited to, the amount paid in and an  
6459 additional amount in the nature of interest at a rate that  
6460 corresponds, at a minimum, to the prevailing interest rates for  
6461 savings accounts provided by banks and savings and loan  
6462 associations and impose reasonable charges for such withdrawal or  
6463 refund;

6464 (j) To ensure applicability to private and out-of-state  
6465 tuitions:

6466 (i) Under the program, a state purchaser may enter  
6467 into a prepaid tuition contract with the board under which the  
6468 purchaser agrees to attend a public institution of higher  
6469 education in Mississippi;

6470 (ii) If the beneficiary of a plan described by  
6471 Section 37-155-11 enrolls in any in-state or out-of-state  
6472 regionally accredited private four- or two-year college or an



6473 out-of-state regionally accredited, state-supported, nonprofit  
6474 four- or two-year college or university, the board shall pay to  
6475 the institution an amount up to, but not greater than, the tuition  
6476 and required fees that the board would have paid had the  
6477 beneficiary enrolled in an institution of higher education covered  
6478 by the plan selected in the prepaid tuition contract. The  
6479 beneficiary is responsible for paying a private institution or an  
6480 out-of-state public institution the amount by which the tuition  
6481 and required fees of the institution exceed the tuition and  
6482 required fees paid by the board;

6483           (k) To impose reasonable time limits on the use of the  
6484 tuition benefits provided by the program;

6485           (l) To provide for the receipt of contributions to the  
6486 trust fund in lump sums or installment payments;

6487           (m) To adopt an official seal and rules;

6488           (n) To sue and be sued;

6489           (o) To establish agreements or other transactions with  
6490 federal, state and local agencies, including state universities  
6491 and community colleges;

6492           (p) To appear in its own behalf before boards,  
6493 commissions or other governmental agencies;

6494           (q) To segregate contributions and payments to the fund  
6495 into various accounts and funds;

6496           (r) To require and collect administrative fees and  
6497 charges in connection with any transaction and impose reasonable  
6498 penalties, including default, for delinquent payments or for  
6499 entering into an advance payment contract on a fraudulent basis;

6500           (s) To procure insurance against any loss in connection  
6501 with the property, assets and activities of the fund or the board;

6502           (t) To require that purchasers of advance payment  
6503 contracts verify, under oath, any requests for contract  
6504 conversions, substitutions, transfers, cancellations, refund  
6505 requests or contract changes of any nature;



6506 (u) To administer the fund in a manner that is  
6507 sufficiently actuarially sound to meet the obligations of the  
6508 program. The board shall annually evaluate or cause to be  
6509 evaluated the actuarial soundness of the fund. If the board  
6510 perceives a need for additional assets in order to preserve  
6511 actuarial soundness, the board may adjust the terms of subsequent  
6512 advance payment contracts to ensure such soundness;

6513 (v) To establish a comprehensive investment plan for  
6514 the purposes of this section. The comprehensive investment plan  
6515 shall specify the investment policies to be utilized by the board  
6516 in its administration of the fund. The board may authorize  
6517 investments in:

6518 (i) Bonds, notes, certificates and other valid  
6519 general obligations of the State of Mississippi, or of any county,  
6520 or of any city, or of any supervisors district of any county of  
6521 the State of Mississippi, or of any school district bonds of the  
6522 State of Mississippi; notes or certificates of indebtedness issued  
6523 by the Veterans' Home Purchase Board of Mississippi, provided such  
6524 notes or certificates of indebtedness are secured by the pledge of  
6525 collateral equal to two hundred percent (200%) of the amount of  
6526 the loan, which collateral is also guaranteed at least for fifty  
6527 percent (50%) of the face value by the United States government,  
6528 and provided that not more than five percent (5%) of the total  
6529 investment holdings of the system shall be in Veterans' Home  
6530 Purchase Board notes or certificates at any time; real estate  
6531 mortgage loans one hundred percent (100%) insured by the Federal  
6532 Housing Administration on single family homes located in the State  
6533 of Mississippi, where monthly collections and all servicing  
6534 matters are handled by Federal Housing Administration approved  
6535 mortgagees authorized to make such loans in the State of  
6536 Mississippi;

6537 (ii) State of Mississippi highway bonds;



6538 (iii) Funds may be deposited in federally insured  
6539 institutions domiciled in the State of Mississippi or a custodial  
6540 bank which appears on the State of Mississippi Treasury  
6541 Department's approved depository list and/or safekeeper list;

6542 (iv) Corporate bonds of investment grade as rated  
6543 by Standard & Poor's or by Moody's Investment Service, with bonds  
6544 rated BAA/BBB not to exceed five percent (5%) of the book value of  
6545 the total fixed income investments; or corporate short-term  
6546 obligations of corporations or of wholly owned subsidiaries of  
6547 corporations, whose short-term obligations are rated A-3 or better  
6548 by Standard and Poor's or rated P-3 or better by Moody's  
6549 Investment Service;

6550 (v) Bonds of the Tennessee Valley Authority;

6551 (vi) Bonds, notes, certificates and other valid  
6552 obligations of the United States, and other valid obligations of  
6553 any federal instrumentality that issues securities under authority  
6554 of an act of Congress and are exempt from registration with the  
6555 Securities and Exchange Commission;

6556 (vii) Bonds, notes, debentures and other  
6557 securities issued by any federal instrumentality and fully  
6558 guaranteed by the United States. Direct obligations issued by the  
6559 United States of America shall be deemed to include securities of,  
6560 or other interests in, any open-end or closed-end management type  
6561 investment company or investment trust registered under the  
6562 provisions of 15 USCS Section 80(a)-1 et seq., provided that the  
6563 portfolio of such investment company or investment trust is  
6564 limited to direct obligations issued by the United States of  
6565 America, United States government agencies, United States  
6566 government instrumentalities or United States government sponsored  
6567 enterprises, and to repurchase agreements fully collateralized by  
6568 direct obligations of the United States of America, United States  
6569 government agencies, United States government instrumentalities or  
6570 United States government sponsored enterprises, and the investment





6571 company or investment trust takes delivery of such collateral for  
6572 the repurchase agreement, either directly or through an authorized  
6573 custodian. The State Treasurer and the Executive Director of the  
6574 Department of Finance and Administration shall review and approve  
6575 the investment companies and investment trusts in which funds may  
6576 be invested;

6577 (viii) Interest-bearing bonds or notes which are  
6578 general obligations of any other state in the United States or of  
6579 any city or county therein, provided such city or county had a  
6580 population as shown by the federal census next preceding such  
6581 investment of not less than twenty-five thousand (25,000)  
6582 inhabitants and provided that such state, city or county has not  
6583 defaulted for a period longer than thirty (30) days in the payment  
6584 of principal or interest on any of its general obligation  
6585 indebtedness during a period of ten (10) calendar years  
6586 immediately preceding such investment;

6587 (ix) Shares of stocks, common and/or preferred, of  
6588 corporations created by or existing under the laws of the United  
6589 States or any state, district or territory thereof; provided:

6590 (A) The maximum investments in stocks shall  
6591 not exceed fifty percent (50%) of the book value of the total  
6592 investment fund of the system;

6593 (B) The stock of such corporation shall:

6594 1. Be listed on a national stock  
6595 exchange, or

6596 2. Be traded in the over-the-counter  
6597 market, provided price quotations for such over-the-counter stocks  
6598 are quoted by the National Association of Securities Dealers  
6599 Automated Quotation System (NASDAQ);

6600 (C) The outstanding shares of such  
6601 corporation shall have a total market value of not less than Fifty  
6602 Million Dollars (\$50,000,000.00);



6603 (D) The amount of investment in any one (1)  
6604 corporation shall not exceed three percent (3%) of the book value  
6605 of the assets of the system; and

6606 (E) The shares of any one (1) corporation  
6607 owned by the system shall not exceed five percent (5%) of that  
6608 corporation's outstanding stock;

6609 (x) Bonds rated Single A or better, stocks and  
6610 convertible securities of established non-United States companies,  
6611 which companies are listed on only primary national stock  
6612 exchanges of foreign nations; and in foreign government securities  
6613 rated Single A or better by a recognized rating agency; provided  
6614 that the total book value of investments under this paragraph  
6615 shall at no time exceed twenty percent (20%) of the total book  
6616 value of all investments of the system. The board may take  
6617 requisite action to effectuate or hedge such transactions through  
6618 foreign banks, including the purchase and sale, transfer, exchange  
6619 or otherwise disposal of, and generally deal in foreign exchange  
6620 through the use of foreign currency, interbank forward contracts,  
6621 futures contracts, options contracts, swaps and other related  
6622 derivative instruments, notwithstanding any other provisions of  
6623 this chapter to the contrary;

6624 (xi) Covered call and put options on securities  
6625 traded on one or more of the regulated exchanges;

6626 (xii) Institutional investment trusts managed by a  
6627 corporate trustee or by a Securities and Exchange Commission  
6628 registered investment advisory firm retained as an investment  
6629 manager by the board of directors, and institutional class shares  
6630 of investment companies and unit investment trusts registered  
6631 under the Investment Company Act of 1940 where such funds or  
6632 shares are comprised of common or preferred stocks, bonds, money  
6633 market instruments or other investments authorized under this  
6634 section. Any investment manager or managers approved by the board  
6635 of directors shall invest such funds or shares as a fiduciary;



6636 (xiii) Pooled or commingled real estate funds or  
6637 real estate securities managed by a corporate trustee or by a  
6638 Securities and Exchange Commission registered investment advisory  
6639 firm retained as an investment manager by the board of directors.  
6640 Such investment in commingled funds or shares shall be held in  
6641 trust; provided that the total book value of investments under  
6642 this paragraph shall at no time exceed five percent (5%) of the  
6643 total book value of all investments of the system. Any investment  
6644 manager approved by the board of directors shall invest such  
6645 commingled funds or shares as a fiduciary;

6646 (w) All investments shall be acquired by the board at  
6647 prices not exceeding the prevailing market values for such  
6648 securities;

6649 (x) Any limitations herein set forth shall be  
6650 applicable only at the time of purchase and shall not require the  
6651 liquidation of any investment at any time. All investments shall  
6652 be clearly marked to indicate ownership by the system and to the  
6653 extent possible shall be registered in the name of the system;

6654 (y) Subject to the above terms, conditions, limitations  
6655 and restrictions, the board shall have power to sell, assign,  
6656 transfer and dispose of any of the securities and investments of  
6657 the system, provided that the sale, assignment or transfer has the  
6658 majority approval of the entire board. The board may employ or  
6659 contract with investment managers, evaluation services or other  
6660 such services as determined by the board to be necessary for the  
6661 effective and efficient operation of the system;

6662 (z) Except as otherwise provided herein, no trustee and  
6663 no employee of the board shall have any direct or indirect  
6664 interest in the income, gains or profits of any investment made by  
6665 the board, nor shall any such person receive any pay or emolument  
6666 for his services in connection with any investment made by the  
6667 board. No trustee or employee of the board shall become an



6668 endorser or surety, or in any manner an obligor for money loaned  
6669 by or borrowed from the system;

6670 (aa) All interest derived from investments and any  
6671 gains from the sale or exchange of investments shall be credited  
6672 by the board to the account of the system;

6673 (bb) To delegate responsibility for administration of  
6674 the comprehensive investment plan to a consultant the board  
6675 determines to be qualified. Such consultant shall be compensated  
6676 by the board. Directly or through such consultant, the board may  
6677 contract to provide such services as may be a part of the  
6678 comprehensive investment plan or as may be deemed necessary or  
6679 proper by the board or such consultant, including, but not limited  
6680 to, providing consolidated billing, individual and collective  
6681 record keeping and accounting, and asset purchase, control and  
6682 safekeeping;

6683 (cc) To annually prepare or cause to be prepared a  
6684 report setting forth in appropriate detail an accounting of the  
6685 fund and a description of the financial condition of the program  
6686 at the close of each fiscal year. Such report shall be submitted  
6687 to the Governor, the Lieutenant Governor, the President of the  
6688 Senate, the Speaker of the House of Representatives, the  
6689 Commissioner of Higher Education, the State Board for Community  
6690 and Junior Colleges and the State Board of Education on or before  
6691 March 31 each year. In addition, the board shall make the report  
6692 available to purchasers of advance payment contracts. The board  
6693 shall provide to the Commissioner of Higher Education and the  
6694 State Board for Community and Junior Colleges by March 31 each  
6695 year complete advance payment contract sales information including  
6696 projected postsecondary enrollments of beneficiaries. The  
6697 accounts of the fund shall be subject to annual audits by the  
6698 State Auditor or his designee;

6699 (dd) To solicit proposals for the marketing of the  
6700 Mississippi Prepaid Affordable College Tuition Program. The



6701 entity designated pursuant to this paragraph shall serve as a  
6702 centralized marketing agent for the program and shall solely be  
6703 responsible for the marketing of the program. Any materials  
6704 produced for the purpose of marketing the programs shall be  
6705 submitted to the board for review. No such materials shall be  
6706 made available to the public before the materials are approved by  
6707 the board. Any educational institution may distribute marketing  
6708 materials produced for the program; however, all such materials  
6709 shall have been approved by the board prior to distribution.  
6710 Neither the state nor the board shall be liable for  
6711 misrepresentation of the program by a marketing agent; and  
6712 (ee) To establish other policies, procedures and  
6713 criteria necessary to implement and administer the provisions of  
6714 this chapter.

6715 For efficient and effective administration of the program and  
6716 trust fund, the board may authorize the State of Mississippi  
6717 Treasury Department and/or the State Treasurer to carry out any or  
6718 all of the powers and duties enumerated above.

6719 **SECTION 172.** Section 37-157-1, Mississippi Code of 1972, is  
6720 amended as follows:

6721 37-157-1. (1) The tuition at any institution of higher  
6722 education in the state shall be paid by the state on behalf of any  
6723 student who enrolls in such a school to pursue an academic  
6724 undergraduate degree, who applies for the payment thereof, and who  
6725 meets all of the following qualifications:

6726 (a) Actual residence in Mississippi during the  
6727 twenty-four (24) months immediately preceding university  
6728 enrollment. For the purposes of this paragraph, residency shall  
6729 be demonstrated by proof of the following as required by the  
6730 administering agency:

6731 (i) If registered to vote, being registered in  
6732 Mississippi.



6733 (ii) If licensed to drive a motor vehicle, being  
6734 in possession of a Mississippi driver's license.

6735 (iii) If owning a motor vehicle located within  
6736 Mississippi, being in possession of Mississippi registration for  
6737 that vehicle.

6738 (iv) If earning an income, having filed a  
6739 Mississippi state income tax return and having complied with state  
6740 income tax laws and regulations.

6741 (b) Having a parent or guardian who is a domiciliary of  
6742 Mississippi.

6743 (c) Graduation from high school within the two (2)  
6744 years preceding the application with a minimum cumulative grade  
6745 point average of 2.5 calculated on a 4.0 scale.

6746 (d) Successful completion of seventeen and one-half  
6747 (17-1/2) units of high school course work (Grade 9 level or  
6748 higher) which constitutes a core curriculum and meets standards  
6749 for admission to the desired college or university. The core  
6750 curriculum is defined as follows:

6751 (i) English I, II, III and IV (four (4) units).

6752 (ii) Algebra I and II (two (2) units).

6753 (iii) Geometry, Trigonometry, Calculus or  
6754 comparable Advanced Mathematics (one (1) unit).

6755 (iv) Biology (one (1) unit).

6756 (v) Chemistry (one (1) unit).

6757 (vi) Earth Science, Environmental Science,  
6758 Physical Science, Biology II, Chemistry II or Physics (one (1)  
6759 unit).

6760 (vii) American History (one (1) unit).

6761 (viii) World History, World Cultures, Western  
6762 Civilization or World Geography (one (1) unit).

6763 (ix) Civics and/or Economics (one (1) unit).



6764 (x) Fine Arts Survey (one (1) unit; or substitute  
6765 two (2) units of performance courses in music, dance or theater;  
6766 or substitute two (2) units of studio art courses).

6767 (xi) Foreign Language (two (2) units in a single  
6768 language).

6769 (xii) Computer Science, Computer Literacy or Data  
6770 Processing (one-half (1/2) unit).

6771 (xiii) Electives from the above (one (1) unit).

6772 (e) Having a composite score on the American College  
6773 Test of at least twenty (20) on the 1989 version or an equivalent  
6774 concordant value on an enhanced version of such test.

6775 (f) Having no criminal record, except for misdemeanor  
6776 traffic violations.

6777 (g) Being in financial need.

6778 (2) For purposes of this section:

6779 (a) "Institution of higher education" shall mean any of  
6780 the following institutions of higher learning or community or  
6781 junior colleges located in Mississippi: Alcorn State University,  
6782 Delta State University, Jackson State University, Mississippi  
6783 State University, Mississippi University for Women, Mississippi  
6784 Valley State University, University of Mississippi, University of  
6785 Southern Mississippi, Coahoma Community College, Copiah-Lincoln  
6786 Community College, East Central Community College, East  
6787 Mississippi Community College, Hinds Community College, Holmes  
6788 Community College, Itawamba Community College, Jones County Junior  
6789 College, Meridian Community College, Mississippi Delta Community  
6790 College, Mississippi Gulf Coast Community College, Northeast  
6791 Mississippi Community College, Northwest Mississippi Community  
6792 College, Pearl River Community College, Southwest Mississippi  
6793 Community College, Belhaven College, Blue Mountain College,  
6794 Millsaps College, Mississippi College, Rust College, Tougaloo  
6795 College, William Carey College, Mary Holmes College, Magnolia  
6796 Bible College and Wood College.



6797           (b) "Tuition" shall mean the semester or trimester or  
6798 term charges and all required fees imposed by an institution of  
6799 higher education as a condition of enrollment by all students.  
6800 However, for a two-year nonpublic institution of higher education  
6801 defined in paragraph (a), the tuition payments shall not exceed  
6802 the average charges and fees required by all of the two-year  
6803 public institutions of higher education defined in paragraph (a),  
6804 and for a four-year nonpublic institution of higher education  
6805 defined in paragraph (a), the tuition payments shall not exceed  
6806 the average charges and fees required by all of the four-year  
6807 public institutions of higher education defined in paragraph (a).

6808           (3) The tuition at any institution of higher education in  
6809 the state shall be paid by the state on behalf of any student who  
6810 enrolls in such a school to pursue an academic undergraduate or  
6811 associate degree, who applies for the payment thereof, and who  
6812 meets the qualifications enumerated in paragraphs (a), (b), (f)  
6813 and (g) of subsection (1) but who fails to meet one (1) of the  
6814 particular requirements established by paragraph (c), (d) or (e)  
6815 of subsection (1) by an amount of ten percent (10%) or less.

6816           (4) To maintain continued state payment of tuition, once  
6817 enrolled in an institution of higher education, a student shall  
6818 meet all of the following requirements:

6819           (a) Make steady academic progress toward a degree,  
6820 earning not less than the minimum number of hours of credit  
6821 required for full-time standing in each academic period requiring  
6822 such enrollment;

6823           (b) Maintain continuous enrollment for not less than  
6824 two (2) semesters or three (3) quarters in each successive  
6825 academic year, unless granted an exception for cause by the  
6826 administering agency;

6827           (c) Have a cumulative grade point average of at least  
6828 2.5 calculated on a 4.0 scale at the end of the first academic





6829 year and thereafter maintain such a cumulative grade point average  
6830 as evaluated at the end of each academic year;

6831 (d) Have no criminal record, except for misdemeanor  
6832 traffic violations; and

6833 (e) Be found to be in financial need.

6834 (5) The provisions of this chapter shall be administered by  
6835 the Commissioner of Higher Education in conjunction with the State  
6836 Board for Community and Junior Colleges. The board may provide by  
6837 rule for all matters necessary for the implementation of this  
6838 chapter.

6839 (6) By rule, the board shall provide for:

6840 (a) A mechanism for informing all students of the  
6841 availability of the assistance provided pursuant to this chapter  
6842 early enough in their schooling that a salutary motivational  
6843 effect is possible.

6844 (b) Applications, forms, financial audit procedures,  
6845 eligibility and other program audit procedures and other matters  
6846 related to efficient operation.

6847 (c) A procedure for waiver through the 1996-1997  
6848 academic year of the program eligibility requirement for  
6849 successful completion of a specified core curriculum upon proper  
6850 documentation by the applicant that failure to comply with such  
6851 requirement is due solely to the fact that the required course or  
6852 courses were not available to the applicant at the school  
6853 attended.

6854 (7) An applicant shall be found to be in financial need if:

6855 (a) The family has one (1) child under the age of  
6856 twenty-one (21), and the two-year average annual adjusted gross  
6857 income of the family is less than Thirty-six Thousand Five Hundred  
6858 Dollars (\$36,500.00); or

6859 (b) The family has a two-year average annual adjusted  
6860 gross income of less than Thirty-six Thousand Five Hundred Dollars



6861 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each  
6862 additional child under the age of twenty-one (21).

6863 The two-year average annual adjusted gross income of the  
6864 family shall be verified by Internal Revenue Service returns or by  
6865 certified affidavits in cases of income that cannot be verified by  
6866 such returns.

6867 As used in this subsection, the term "family" for an  
6868 unemancipated applicant means the applicant, the applicant's  
6869 parents, and other children under age twenty-one (21) of the  
6870 applicant's parents. The term "family" for an emancipated  
6871 applicant means the applicant, an applicant's spouse, and any  
6872 children under age twenty-one (21) of the applicant and spouse.

6873 (8) An appropriation of funds may annually be made to the  
6874 board sufficient to cover, in addition to any other available  
6875 funds, the costs of tuition required to be paid, both initial and  
6876 continuing, for the coming academic year. All such payments shall  
6877 be made directly to the institution to which such tuition is due  
6878 after notice to the school that the state shall pay the tuition of  
6879 a student and after notice from the school that the student has  
6880 actually enrolled.

6881 (9) The board may seek, accept and expend funds from any  
6882 source, including private business, industry, foundations and  
6883 other groups as well as any federal or other governmental funding  
6884 available for this purpose.

6885 (10) No student shall receive a grant pursuant to this  
6886 chapter in an amount greater than the tuition charged by the  
6887 school. The student must apply for a federal grant prior to  
6888 receiving state funds.

6889 **SECTION 173.** Section 37-157-3, Mississippi Code of 1972, is  
6890 amended as follows:

6891 37-157-3. There is hereby created in the State Treasury a  
6892 special trust fund to be known as the Student Tuition Assistance  
6893 Trust Fund. The trust fund shall consist of all monies designated



6894 by the Legislature for deposit therein and any gift, donation,  
6895 bequest, trust, grant, endowment, transfer of money or securities,  
6896 or any other monies from any source whatsoever, designated for  
6897 deposit in the trust fund.

6898 The principal of the trust fund shall remain inviolate and  
6899 shall be invested by the State Treasurer in the same manner as  
6900 provided by Section 27-105-33, Mississippi Code of 1972, for the  
6901 investment of excess state funds. Interest and income derived  
6902 from investment of the principal of the trust fund shall be  
6903 appropriated by the Legislature to the Commissioner of Higher  
6904 Education for expenditure as provided in this chapter.

6905 **SECTION 174.** Section 37-159-3, Mississippi Code of 1972, is  
6906 amended as follows:

6907 37-159-3. (1) There is established the "Critical Needs  
6908 Teacher Scholarship Program," the purpose of which is to attract  
6909 qualified teachers to those geographical areas of the state where  
6910 there exists a critical shortage of teachers by awarding full  
6911 scholarships to persons declaring an intention to serve in the  
6912 teaching field who actually render service to the state while  
6913 possessing an appropriate teaching license.

6914 (2) Any individual who is enrolled in or accepted for  
6915 enrollment at a baccalaureate degree-granting institution of  
6916 higher learning whose teacher education program is approved by the  
6917 State Board of Education or at an accredited, nonprofit community  
6918 or junior college in the State of Mississippi and has a passing  
6919 score on the Praxis I Basic Skills Test who expresses in writing  
6920 an intention to teach in a geographical area of the state in which  
6921 there exists a critical shortage of teachers, as designated by the  
6922 State Board of Education, shall be eligible for a financial  
6923 scholarship to be applied toward the costs of the individual's  
6924 college education. The annual amount of the award shall be equal  
6925 to the total cost for tuition, room and meals, books, materials  
6926 and fees at the college or university in which the student is



6927 enrolled, not to exceed an amount equal to the highest total cost  
6928 of tuition, room and meals, books, materials and fees assessed by  
6929 a state institution of higher learning during that school year.  
6930 Awards made to nonresidents of the state shall not include any  
6931 amount assessed by the college or university for out-of-state  
6932 tuition.

6933 (3) Awards granted under the Critical Needs Teacher  
6934 Scholarship Program shall be available to both full-time and  
6935 part-time students. Students enrolling on a full-time basis may  
6936 receive a maximum of four (4) annual awards. The maximum number  
6937 of awards that may be made to students attending school on a  
6938 part-time basis, and the maximum time period for part-time  
6939 students to complete the number of academic hours necessary to  
6940 obtain a baccalaureate degree in education, shall be established  
6941 by rules and regulations jointly promulgated by the Commissioner  
6942 of Higher Education and the State Board of Education. Critical  
6943 Needs Teacher Scholarships shall not be based upon an applicant's  
6944 eligibility for financial aid.

6945 (4) Except in those cases where employment positions may not  
6946 be available upon completion of licensure requirements, at the  
6947 beginning of the first school year in which a recipient of a  
6948 Critical Needs Teacher Scholarship is eligible for employment as a  
6949 licensed teacher or a nontraditional teacher intern pursuant to  
6950 Section 37-3-2 (6)(b), that person shall begin to render service  
6951 as a licensed teacher or nontraditional teacher intern in a public  
6952 school district in a geographical area of the state where there is  
6953 a critical shortage of teachers, as approved by the State Board of  
6954 Education. Any person who received four (4) annual awards, or the  
6955 equivalent of four (4) annual awards, shall render three (3)  
6956 years' service as a licensed teacher or nontraditional teacher  
6957 intern, as the case may be. Any person who received fewer than  
6958 four (4) annual awards, or the equivalent of four (4) annual  
6959 awards, shall render one (1) year's service as a licensed teacher



6960 or nontraditional teacher intern, as the case may be, for each  
6961 year that the person received a full-time student scholarship, or  
6962 for the number of academic hours equivalent to one (1) school  
6963 year, as determined by the Commissioner of Higher Education, which  
6964 a part-time student received a scholarship.

6965 (5) Any person failing to complete a program of study which  
6966 will enable that person to become a licensed teacher or  
6967 nontraditional teacher intern under Section 37-3-2 (6)(b), as the  
6968 case may be, shall become liable immediately to the Commissioner  
6969 of Higher Education for the sum of all Critical Needs Teacher  
6970 Scholarship awards made to that person, plus interest accruing at  
6971 the current Stafford Loan rate at the time the person abrogates  
6972 his participation in the program. Any person failing to complete  
6973 his teaching obligation, as required under subsection (4) of this  
6974 section, shall become liable immediately to the commissioner for  
6975 the sum of all scholarship awards made to that person less the  
6976 corresponding amount of any awards for which service has been  
6977 rendered, plus interest accruing at the current Stafford Loan rate  
6978 at the time the person discontinues his service, except in the  
6979 case of a deferral of debt for cause by the State Board of  
6980 Education when there is no employment position immediately  
6981 available upon a teacher's completion of licensure requirements.  
6982 After the period of such deferral, such person shall begin or  
6983 resume teaching duties as required under subsection (4) or shall  
6984 become liable to the commissioner under this subsection. If a  
6985 claim for payment under this subsection is placed in the hands of  
6986 an attorney for collection, the obligor shall be liable for an  
6987 additional amount equal to a reasonable attorney's fee.

6988 (6) The obligations made by the recipient of a Critical  
6989 Needs Teacher Scholarship award shall not be voidable by reason of  
6990 the age of the student at the time of receiving the scholarship.

6991 (7) The Commissioner of Higher Education and the State Board  
6992 of Education shall jointly promulgate rules and regulations



6993 necessary for the proper administration of the Critical Needs  
6994 Teacher Scholarship Program. The Commissioner of Higher Education  
6995 shall be the administrator of the program.

6996 (8) If insufficient funds are available to fully fund  
6997 scholarship awards to all eligible students, the Commissioner of  
6998 Higher Education shall make the awards to first-time students on a  
6999 first-come, first-served basis; however, priority consideration  
7000 shall be given to persons previously receiving awards under the  
7001 Critical Needs Teacher Scholarship Program.

7002 (9) All funds received by the Commissioner of Higher  
7003 Education from the repayment of scholarship awards by program  
7004 participants shall be deposited in the Mississippi Critical  
7005 Teacher Shortage Fund.

7006 (10) The State Department of Education shall compile and  
7007 report, in consultation with the Commissioner of Higher Education,  
7008 an annual report with findings and recommendations to the  
7009 legislative committees on education by December 1, 2003, and  
7010 annually thereafter, on the following:

7011 (a) The number of participants in the Critical Needs  
7012 Teacher Scholarship Program, by institution and by freshman,  
7013 sophomore, junior and senior level;

7014 (b) The number of nontraditional teacher license  
7015 program participants;

7016 (c) The number of individuals who completed the  
7017 Critical Needs Teacher Scholarship Program and the school district  
7018 in which they are employed;

7019 (d) The number of individuals who are in default of  
7020 their obligation under the Critical Needs Teacher Scholarship  
7021 Program and the status of their obligation; and

7022 (e) The number of participants in the program who have  
7023 successfully completed the Praxis examination in their junior  
7024 year.



7025           **SECTION 175.** Section 37-159-15, Mississippi Code of 1972, is  
7026 amended as follows:

7027           37-159-15. The State Department of Education and the  
7028 Commissioner of Higher Education shall jointly prepare an annual  
7029 report for the Legislature, to be submitted by December 1 of each  
7030 year beginning in 1998, which shall assess the impact of the  
7031 teacher recruitment incentive programs authorized under House Bill  
7032 No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the  
7033 employment of licensed teachers in critical teacher shortage  
7034 areas. The report shall include, at a minimum, the numbers of  
7035 persons who have participated in each of the programs each year,  
7036 and the numbers of persons who have participated in the programs  
7037 who have rendered service as teachers in critical teacher shortage  
7038 areas each year by school district.

7039           **SECTION 176.** Section 41-13-15, Mississippi Code of 1972, is  
7040 amended as follows:

7041           41-13-15. (1) Any county and/or any political or judicial  
7042 subdivision of a county and/or any municipality of the State of  
7043 Mississippi, acting individually or jointly, may acquire and hold  
7044 real estate for a community hospital either recognized and/or  
7045 licensed as such by either the State of Mississippi or the United  
7046 States government, and may, after complying with applicable health  
7047 planning and licensure statutes, construct a community hospital  
7048 thereon and/or appropriate funds according to the provisions of  
7049 this chapter for the construction, remodeling, maintaining,  
7050 equipping, furnishing and expansion of such facilities by the  
7051 board of trustees upon such real estate.

7052           (2) Where joint ownership of a community hospital is  
7053 involved, the owners are hereby authorized to contract with each  
7054 other for determining the pro rata ownership of such community  
7055 hospital, the proportionate cost of maintenance and operation, and  
7056 the proportionate financing that each will contribute to the  
7057 community hospital.



7058           (3) The owners may likewise contract with each other, or on  
7059 behalf of any subordinate political or judicial subdivision, or  
7060 with the board of trustees of a community hospital, and/or any  
7061 agency of the State of Mississippi or the United States  
7062 government, for necessary purposes related to the establishment,  
7063 operation or maintenance of community hospitals and related  
7064 programs wherever located, and may either accept from, sell or  
7065 contribute to the other entities, monies, personal property or  
7066 existing health facilities. The owners or the board of trustees  
7067 may also receive monies, property or any other valuables of any  
7068 kind through gifts, donations, devises or other recognized means  
7069 from any source for the purpose of hospital use.

7070           (4) Owners and boards of trustees, acting jointly or  
7071 severally, may acquire and hold real estate for offices for  
7072 physicians and other health care practitioners and related health  
7073 care or support facilities, provided that any contract for the  
7074 purchase of real property must be ratified by the owner, and may  
7075 thereon construct and equip, maintain and remodel or expand such  
7076 offices and related facilities, and the board of trustees may  
7077 lease same to members of the hospital staff or others at a rate  
7078 deemed to be in the best interest of the community hospital.

7079           (5) If any political or judicial subdivision of a county is  
7080 obligated hereunder, the boundaries of such district shall not be  
7081 altered in such a manner as to relieve any portion thereof of its  
7082 obligation hereunder.

7083           (6) Owners may convey to any other owner any or all  
7084 property, real or personal, comprising any existing community  
7085 hospital, including related facilities, wherever located, owned by  
7086 such conveying owner. Such conveyance shall be upon such terms  
7087 and conditions as may be agreed upon and may make such provisions  
7088 for transfers of operating funds and/or for the assumption of  
7089 liabilities of the community hospital as may be deemed appropriate  
7090 by the respective owners.





7091           (7) (a) Except as provided for in subsection (11) of this  
7092 section, owners may lease all or part of the property, real or  
7093 personal, comprising a community hospital, including any related  
7094 facilities, wherever located, and/or assets of such community  
7095 hospital, to any individual, partnership or corporation, whether  
7096 operating on a nonprofit basis or on a profit basis, or to the  
7097 board of trustees of such community hospital or any other owner or  
7098 board of trustees, subject to the applicable provisions of  
7099 subsections (8), (9) and (10) of this section. The term of such  
7100 lease shall not exceed fifty (50) years. Such lease shall be  
7101 conditioned upon (i) the leased facility continuing to operate in  
7102 a manner safeguarding community health interests; (ii) the  
7103 proceeds from the lease being first applied against such bonds,  
7104 notes or other evidence of indebtedness as are issued pursuant to  
7105 Section 41-13-19 as and when they are due, provided that the terms  
7106 of the lease shall cover any indebtedness pursuant to Section  
7107 41-13-19; and (iii) any surplus proceeds from the lease being  
7108 deposited in the general fund of the owner, which proceeds may be  
7109 used for any lawful purpose. Such lease shall be subject to the  
7110 express approval of the board of trustees of the community  
7111 hospital, except in the case where the board of trustees of the  
7112 community hospital will be the lessee. However, owners may not  
7113 lease any community hospital to the University of Mississippi  
7114 Medical Center unless first the University of Mississippi Medical  
7115 Center has obtained authority to lease such hospital under  
7116 specific terms and conditions from the Board of Trustees of the  
7117 University of Mississippi.

7118           If the owner wishes to lease a community hospital without an  
7119 option to sell it and the approval of the board of trustees of the  
7120 community hospital is required but is not given within thirty (30)  
7121 days of the request for its approval by the owner, then the owner  
7122 may enter such lease as described herein on the following  
7123 conditions: A resolution by the owner describing its intention to



7124 enter such lease shall be published once a week for at least three  
7125 (3) consecutive weeks in at least one (1) newspaper published in  
7126 the county or city, as the case may be, or if none be so  
7127 published, in a newspaper having a general circulation therein.  
7128 The first publication of such notice shall be made not less than  
7129 twenty-one (21) days prior to the date fixed in such resolution  
7130 for the lease of the community hospital and the last publication  
7131 shall be made not more than seven (7) days prior to such date.  
7132 If, on or prior to the date fixed in such resolution for the lease  
7133 of the community hospital, there shall be filed with the clerk of  
7134 the owner a petition signed by twenty percent (20%) or fifteen  
7135 hundred (1500), whichever is less, of the qualified voters of such  
7136 owner, requesting that an election be called and held on the  
7137 question of the lease of the community hospital, then it shall be  
7138 the duty of the owner to call and provide for the holding of an  
7139 election as petitioned for. In such case, no such lease shall be  
7140 entered into unless authorized by the affirmative vote of the  
7141 majority of the qualified voters of such owner who vote on the  
7142 proposition at such election. Notice of such election shall be  
7143 given by publication in like manner as hereinabove provided for  
7144 the publication of the initial resolution. Such election shall be  
7145 conducted and the return thereof made, canvassed and declared as  
7146 nearly as may be in like manner as is now or may hereafter be  
7147 provided by law in the case of general elections in such owner.  
7148 If, on or prior to the date fixed in the owner's resolution for  
7149 the lease of the community hospital, no such petition as described  
7150 above is filed with the clerk of the owner, then the owner may  
7151 proceed with the lease subject to the other requirements of this  
7152 section. Subject to the above conditions, the lease agreement  
7153 shall be upon such terms and conditions as may be agreed upon and  
7154 may make such provision for transfers of tangible and intangible  
7155 personal property and operating funds and/or for the assumption of



7156 liabilities of the community hospital and for such lease payments,  
7157 all as may be deemed appropriate by the owners.

7158 (b) Owners may sell and convey all or part of the  
7159 property, real or personal, comprising a community hospital,  
7160 including any related facilities, wherever located, and/or assets  
7161 of such community hospital, to any individual, partnership or  
7162 corporation, whether operating on a nonprofit basis or on a profit  
7163 basis, or to the board of trustees of such community hospital or  
7164 any other owner or board of trustees, subject to the applicable  
7165 provisions of subsections (8) and (10) of this section. Such sale  
7166 and conveyance shall be upon such terms and conditions as may be  
7167 agreed upon by the owner and the purchaser that are consistent  
7168 with the requirements of this section, and the parties may make  
7169 such provisions for the transfer of operating funds or for the  
7170 assumption of liabilities of the facility, or both, as they deem  
7171 appropriate. However, such sale and conveyance shall be  
7172 conditioned upon (i) the facility continuing to operate in a  
7173 manner safeguarding community health interests; (ii) the proceeds  
7174 from such sale being first applied against such bonds, notes or  
7175 other evidence of indebtedness as are issued pursuant to Section  
7176 41-13-19 as and when they are due, provided that the terms of the  
7177 sale shall cover any indebtedness pursuant to Section 41-13-19;  
7178 and (iii) any surplus proceeds from the sale being deposited in  
7179 the general fund of the owner, which proceeds may be used for any  
7180 lawful purpose. However, owners may not sell or convey any  
7181 community hospital to the University of Mississippi Medical Center  
7182 unless first the University of Mississippi Medical Center has  
7183 obtained authority to purchase such hospital under specific terms  
7184 and conditions from the Board of Trustees of the University of  
7185 Mississippi.

7186 (8) Whenever any owner decides that it may be in its best  
7187 interests to sell or lease a community hospital as provided for  
7188 under subsection (7) of this section, the owner shall first



7189 contract with a certified public accounting firm, a law firm or  
7190 competent professional health care or management consultants to  
7191 review the current operating condition of the community hospital.  
7192 The review shall consist of, at minimum, the following:

7193 (a) A review of the community's inpatient facility  
7194 needs based on current workload, historical trends and  
7195 projections, based on demographic data, of future needs.

7196 (b) A review of the competitive market for services,  
7197 including other hospitals which serve the same area, the services  
7198 provided and the market perception of the competitive hospitals.

7199 (c) A review of the hospital's strengths relative to  
7200 the competition and its capacity to compete in light of projected  
7201 trends and competition.

7202 (d) An analysis of the hospital's options, including  
7203 service mix and pricing strategies. If the study concludes that a  
7204 sale or lease should occur, the study shall include an analysis of  
7205 which option would be best for the community and how much revenues  
7206 should be derived from the lease or sale.

7207 (9) After the review and analysis under subsection (8) of  
7208 this section, an owner may choose to sell or lease the community  
7209 hospital. If an owner chooses to sell such hospital or lease the  
7210 hospital with an option to sell it, the owner shall follow the  
7211 procedure specified in subsection (10) of this section. If an  
7212 owner chooses to lease the hospital without an option to sell it,  
7213 it shall first spread upon its minutes why such a lease is in the  
7214 best interests of the persons living in the area served by the  
7215 facility to be leased, and it shall make public any and all  
7216 findings and recommendations made in the review required under  
7217 proposals for the lease, which shall state clearly the minimum  
7218 required terms of all respondents and the evaluation process that  
7219 will be used when the owner reviews the proposals. The owner  
7220 shall lease to the respondent submitting the highest and best



7221 proposal. In no case may the owner deviate from the process  
7222 provided for in the request for proposals.

7223 (10) If an owner wishes to sell such community hospital or  
7224 lease the hospital with an option to sell it, the owner first  
7225 shall conduct a public hearing on the issue of the proposed sale  
7226 or lease with an option to sell the hospital. Notice of the date,  
7227 time, location and purpose of the public hearing shall be  
7228 published once a week for at least three (3) consecutive weeks in  
7229 at least one (1) newspaper published in the county or city, as the  
7230 case may be, or if none be so published, in a newspaper having a  
7231 general circulation therein. The first publication of the notice  
7232 shall be made not less than twenty-one (21) days before the date  
7233 of the public hearing and the last publication shall be made not  
7234 more than seven (7) days before that date. If, after the public  
7235 hearing, the owner chooses to sell or lease with an option to sell  
7236 the hospital, the owner shall adopt a resolution describing its  
7237 intention to sell or lease with an option to sell the hospital,  
7238 which shall include the owner's reasons why such a sale or lease  
7239 is in the best interests of the persons living in the area served  
7240 by the facility to be sold or leased. The owner then shall  
7241 publish a copy of the resolution; the requirements for proposals  
7242 for the sale or lease with an option to sell the hospital, which  
7243 shall state clearly the minimum required terms of all respondents  
7244 and the evaluation process that will be used when the owner  
7245 reviews the proposals; and the date proposed by the owner for the  
7246 sale or lease with an option to sell the hospital. Such  
7247 publication shall be made once a week for at least three (3)  
7248 consecutive weeks in at least one (1) newspaper published in the  
7249 county or city, as the case may be, or if none be so published, in  
7250 a newspaper having a general circulation therein. The first  
7251 publication of the notice shall be made not less than twenty-one  
7252 (21) days before the date proposed for the sale or lease with an  
7253 option to sell the hospital and the last publication shall be made



7254 not more than seven (7) days before that date. If, on or before  
7255 the date proposed for the sale or lease of the hospital, there is  
7256 filed with the clerk of the owner a petition signed by twenty  
7257 percent (20%) or fifteen hundred (1500), whichever is less, of the  
7258 qualified voters of the owner, requesting that an election be  
7259 called and held on the question of the sale or lease with an  
7260 option to sell the hospital, then it shall be the duty of the  
7261 owner to call and provide for the holding of an election as  
7262 petitioned for. In that case, no such sale or lease shall be  
7263 entered into unless authorized by the affirmative vote of the  
7264 majority of the qualified voters of the owner who vote on the  
7265 proposition at such election. Notice of the election shall be  
7266 given by publication in the same manner as provided for the  
7267 publication of the initial resolution. The election shall be  
7268 conducted and the return thereof made, canvassed and declared in  
7269 the same manner as provided by law in the case of general  
7270 elections in the owner. If, on or before the date proposed for  
7271 the sale or lease of the hospital, no such petition is filed with  
7272 the clerk of the owner, then the owner may sell or lease with an  
7273 option to sell the hospital. Such sale or lease shall be made to  
7274 the respondent submitting the highest and best proposal. In no  
7275 case may the owner deviate from the process provided for in the  
7276 request for proposals.

7277 (11) A lessee of a community hospital, under a lease entered  
7278 into under the authority of Section 41-13-15, in effect prior to  
7279 July 15, 1993, or an affiliate thereof, may extend or renew such  
7280 lease whether or not an option to renew or extend the lease is  
7281 contained in the lease, for a term not to exceed fifteen (15)  
7282 years, conditioned upon (a) the leased facility continuing to  
7283 operate in a manner safeguarding community health interest; (b)  
7284 proceeds from the lease being first applied against such bonds,  
7285 notes or other evidence of indebtedness as are issued pursuant to  
7286 Section 41-13-19; (c) surplus proceeds from the lease being used



7287 for health related purposes; (d) subject to the express approval  
7288 of the board of trustees of the community hospital; and (e)  
7289 subject to the express approval of the owner. If no board of  
7290 trustees is then existing, the owner shall have the right to enter  
7291 into a lease upon such terms and conditions as agreed upon by the  
7292 parties. Any lease entered into under this subsection (11) may  
7293 contain an option to purchase the hospital, on such terms as the  
7294 parties shall agree.

7295 **SECTION 177.** Section 41-87-5, Mississippi Code of 1972, is  
7296 amended as follows:

7297 41-87-5. Unless the context requires otherwise, the  
7298 following definitions in this section apply throughout this  
7299 chapter:

7300 (a) "Eligible infants and toddlers" or "eligible  
7301 children" means children from birth through thirty-six (36) months  
7302 of age who need early intervention services because they:

7303 (i) Are experiencing developmental delays as  
7304 measured by appropriate diagnostic instruments and procedures in  
7305 one or more of the following areas:

7306 (A) Cognitive development;

7307 (B) Physical development, including vision or  
7308 hearing;

7309 (C) Communication development;

7310 (D) Social or emotional development;

7311 (E) Adaptive development.

7312 (ii) Have a diagnosed physical or mental  
7313 condition, as defined in state policy, that has a high probability  
7314 of resulting in developmental delay.

7315 (iii) Are at risk of having substantial  
7316 developmental delays if early intervention services are not  
7317 provided due to conditions as defined in state policy. (This  
7318 category may be served at the discretion of the lead agency  
7319 contingent upon available resources.)



7320 (b) "Early intervention services" are developmental  
7321 services that:

- 7322 (i) Are provided under public supervision;
- 7323 (ii) Are provided at no cost except where federal  
7324 or state law provides for a system of payments by families,  
7325 including a schedule of sliding fees;
- 7326 (iii) Are designed to meet the developmental needs  
7327 of an infant or toddler with a disability in any one or more of  
7328 the following areas:
  - 7329 (A) Physical development;
  - 7330 (B) Cognitive development;
  - 7331 (C) Communication development;
  - 7332 (D) Social or emotional development; or
  - 7333 (E) Adaptive development;
- 7334 (iv) Meet the requirements of Part C of the  
7335 Individuals with Disabilities Education Act (IDEA) and the early  
7336 intervention standards of the State of Mississippi;
- 7337 (v) Include, but are not limited to, the following  
7338 services:
  - 7339 (A) Assistive technology devices and  
7340 assistive technology services;
  - 7341 (B) Audiology;
  - 7342 (C) Family training, counseling and home  
7343 visits;
  - 7344 (D) Health services necessary to enable a  
7345 child to benefit from other early intervention services;
  - 7346 (E) Medical services only for diagnostic or  
7347 evaluation purposes;
  - 7348 (F) Nutrition services;
  - 7349 (G) Occupational therapy;
  - 7350 (H) Physical therapy;
  - 7351 (I) Psychological services;
  - 7352 (J) Service coordination (case management);





7353 (K) Social work services;  
7354 (L) Special instruction;  
7355 (M) Speech-language pathology;  
7356 (N) Transportation and related costs that are  
7357 necessary to enable an infant or toddler and her/his family to  
7358 receive early intervention services; and

7359 (O) Vision services;  
7360 (vi) Are provided by qualified personnel as  
7361 determined by the state's personnel standards, including:

7362 (A) Audiologists;  
7363 (B) Family therapists;  
7364 (C) Nurses;  
7365 (D) Nutritionists;  
7366 (E) Occupational therapists;  
7367 (F) Orientation and mobility specialists;  
7368 (G) Pediatricians and other physicians;  
7369 (H) Physical therapists;  
7370 (I) Psychologists;  
7371 (J) Social workers;  
7372 (K) Special educators;  
7373 (L) Speech and language pathologists;

7374 (vii) Are provided, to the maximum extent  
7375 appropriate, in natural environments, including the home, and  
7376 community settings in which children without disabilities would  
7377 participate;

7378 (viii) Are provided in conformity with an  
7379 individualized family service plan.

7380 (c) "Council" means the State Interagency Coordinating  
7381 Council established under Section 41-87-7.

7382 (d) "Lead agency" means the State Department of Health.

7383 (e) "Participating agencies" includes, but is not  
7384 limited to, the State Department of Education, the Department of  
7385 Human Services, the State Department of Health, the Division of



7386 Medicaid, the State Department of Mental Health, the University  
7387 Medical Center, the board of trustees of each state institution of  
7388 higher learning and the State Board for Community and Junior  
7389 Colleges.

7390 (f) "Local community" means a county either jointly,  
7391 severally, or a portion thereof, participating in the provision of  
7392 early intervention services.

7393 (g) "Primary service agency" means the agency, whether  
7394 a state agency, local agency, local interagency council or service  
7395 provider which is designated by the lead agency to serve as the  
7396 fiscal and contracting agent for a local community.

7397 (h) "Multidisciplinary team" means a group comprised of  
7398 the parent(s) or legal guardian and the service providers, as  
7399 appropriate, described in paragraph (b) of this section, who are  
7400 assembled for the purposes of:

7401 (i) Assessing the developmental needs of an infant  
7402 or toddler;

7403 (ii) Developing the individualized family service  
7404 plan; and

7405 (iii) Providing the infant or toddler and his or  
7406 her family with the appropriate early intervention services as  
7407 detailed in the individualized family service plan.

7408 (i) "Individualized family service plan" means a  
7409 written plan designed to address the needs of the infant or  
7410 toddler and his or her family as specified under Section 41-87-13.

7411 (j) "Early intervention standards" means those  
7412 standards established by any agency or agencies statutorily  
7413 designated the responsibility to establish standards for infants  
7414 and toddlers with disabilities, in coordination with the council  
7415 and in accordance with Part C of IDEA.

7416 (k) "Early intervention system" means the total  
7417 collaborative effort in the state that is directed at meeting the  
7418 needs of eligible children and their families.



7419           (1) "Parent," for the purpose of early intervention  
7420 services, means a parent, a guardian, a person acting as a parent  
7421 of a child, foster parent, or an appointed surrogate parent. The  
7422 term does not include the state if the child is a ward of the  
7423 state where the child has not been placed with individuals to  
7424 serve in a parenting capacity, such as foster parents, or when a  
7425 surrogate parent has not been appointed. When a child is the ward  
7426 of the state, a Department of Human Services representative will  
7427 act as parent for purposes of service authorization.

7428           (m) "Policies" means the state statutes, regulations,  
7429 Governor's orders, directives by the lead agency, or other written  
7430 documents that represent the state's position concerning any  
7431 matter covered under this chapter.

7432           (n) "Regulations" means the United States Department of  
7433 Education's regulations concerning the governance and  
7434 implementation of Part C of IDEA, the Early Intervention Program  
7435 for Infants and Toddlers with Disabilities.

7436           **SECTION 178.** Section 43-55-5, Mississippi Code of 1972, is  
7437 amended as follows:

7438           43-55-5. (1) Members of the Commission for Volunteer  
7439 Service shall be appointed by the Governor. The commission shall  
7440 consist of no fewer than fifteen (15) and no more than twenty-five  
7441 (25) members.

7442           (2) The commission members shall include as voting members,  
7443 except as otherwise indicated, at least one (1) of each of the  
7444 following:

7445           (a) An individual with expertise in the educational,  
7446 training, and developmental needs of youth, particularly  
7447 disadvantaged youth.

7448           (b) An individual with experience in promoting service  
7449 and volunteerism among older adults.

7450           (c) A representative of a community-based agency.



7451 (d) The superintendent of the State Department of  
7452 Education, or his or her designee.

7453 (e) A representative of local government.

7454 (f) A representative of local labor organizations.

7455 (g) A representative of business.

7456 (h) An individual between the ages of sixteen (16) and  
7457 twenty-five (25) who is a participant or supervisor in a program  
7458 as defined in Section 101 of Title I, 42 USCS 12511.

7459 (i) A representative of a national service program  
7460 described in Section 122(a) of Title I, 42 USCS 12572.

7461 (j) The employee of the corporation designated under  
7462 Section 195 of Title I, 42 USCS 12651f, as the representative of  
7463 the corporation in this state, as a nonvoting member.

7464 (3) In addition to the members described in subsection (2),  
7465 the commission may include as voting members any of the following:

7466 (a) Local educators.

7467 (b) Experts in the delivery of human, educational,  
7468 environmental, or public safety services to communities and  
7469 persons.

7470 (c) Representative of Native American tribes.

7471 (d) Out-of-school youth or other at-risk youth.

7472 (e) Representatives of entities that receive assistance  
7473 under the Domestic Volunteer Service Act of 1973, Public Law  
7474 93-113, 87 Stat. 394.

7475 (f) A member of the board of trustees of a state  
7476 institution of higher learning, recommended by the Commissioner of  
7477 Higher Education.

7478 (4) Not more than twenty-five percent (25%) of the voting  
7479 commission members shall be officers or employees of this state.  
7480 The Governor may appoint additional officers or employees of state  
7481 agencies operating community service, youth service, education,  
7482 social service, senior service, and job training programs, as  
7483 nonvoting, ex officio members of the commission.



7484 (5) The Governor shall ensure, to the maximum extent  
7485 possible, that the commission membership is diverse with respect  
7486 to race, ethnicity, age, gender, and disability characteristics.

7487 (6) Except as provided in this subsection, members of the  
7488 commission shall serve for staggered three-year terms expiring on  
7489 October 1. The members constituting the Mississippi Commission  
7490 for Volunteer Service under Executive Order No. 1994-742 on the  
7491 day before the effective date of this chapter shall serve on the  
7492 commission for the remainder of the terms for which they were  
7493 appointed. Of the additional members, the Governor shall appoint  
7494 one-third (1/3) of the initial members for a term of one (1) year;  
7495 one-third for a term of two (2) years; and one-third (1/3) for a  
7496 term of three (3) years. Following expiration of these initial  
7497 terms, all appointments shall be for three-year renewable terms.  
7498 Members of the commission may not serve more than two (2)  
7499 consecutive terms.

7500 (7) A vacancy on the commission shall be filled in the same  
7501 manner as the original appointments, and any member so appointed  
7502 shall serve during the remainder of the term for which the vacancy  
7503 occurred. The vacancy shall not affect the power of the remaining  
7504 commission members to execute the duties of the commission.

7505 **SECTION 179.** Section 43-55-23, Mississippi Code of 1972, is  
7506 amended as follows:

7507 43-55-23. (1) The institutions of higher learning and the  
7508 Office of the Governor shall provide necessary administrative and  
7509 staff support services to the State Commission for Volunteer  
7510 Service. Additional support services may be provided, including,  
7511 but not limited to, the use of office space, furniture and  
7512 equipment, motor vehicles, travel and other related services. The  
7513 commission shall employ an executive director, who shall be  
7514 initially designated by the Governor. The executive director  
7515 shall employ such staff as is necessary to carry out the



7516 provisions of this chapter. Future executive directors shall be  
7517 selected by the commission.

7518 (2) The commission may procure information and assistance  
7519 from the state or any subdivision, municipal corporation, public  
7520 officer, or governmental department or agency thereof. All  
7521 agencies, officers, and political subdivisions of the state or  
7522 municipal corporations shall provide the office with all relevant  
7523 information and reasonable assistance on any matters of research  
7524 within their knowledge or control.

7525 (3) The commission may apply for, receive, and expend funds,  
7526 grants, and services from local, state, or federal government, or  
7527 any of their agencies, or any other public or private sources and  
7528 is authorized to use funds derived from these sources for purposes  
7529 reasonable and necessary to carry out the purposes of this  
7530 chapter. The commission also may expend monies, upon  
7531 appropriation by the Legislature, from the Mississippi Commission  
7532 for Volunteer Service Fund created in Section 43-55-29.

7533 (4) The commission shall submit its budget request through  
7534 the Commissioner of Higher Education. Such request shall be  
7535 submitted \* \* \* as a separate and distinct request made on behalf  
7536 of the commission.

7537 **SECTION 180.** Section 47-5-401, Mississippi Code of 1972, is  
7538 amended as follows:

7539 47-5-401. (1) There is hereby authorized, in each county of  
7540 the state, a public service work program for state inmates in  
7541 custody of the county. Such a program may be established at the  
7542 option of the county in accordance with the provisions of Sections  
7543 47-5-401 through 47-5-421. The department shall also recommend  
7544 rules and regulations concerning the participation of state  
7545 inmates in the program.

7546 (2) An inmate shall not be eligible to participate in a work  
7547 program established in accordance with the provisions of Sections  
7548 47-5-401 through 47-5-421 if he has been convicted of any crime of



7549 violence, including but not limited to murder, aggravated assault,  
7550 rape, robbery or armed robbery.

7551 (3) The inmates participating in the work program  
7552 established in accordance with the provisions of Sections 47-5-401  
7553 through 47-5-421 are restricted to the performance of public  
7554 service work for counties, municipalities, the state or nonprofit  
7555 charitable organizations, as defined by Section 501(c)(3) of the  
7556 Internal Revenue Code of 1986, except that the Department of  
7557 Corrections must approve all requests by nonprofit charitable  
7558 organizations to use offenders to perform any public service work.  
7559 Upon request of the board of trustees of any state institution of  
7560 higher learning, or the board of trustees of a county school  
7561 district, municipal school district or junior college district,  
7562 the inmates may be permitted to perform work for such boards.

7563 **SECTION 181.** Section 47-5-451, Mississippi Code of 1972, is  
7564 amended as follows:

7565 47-5-451. (1) There is hereby authorized, in each county of  
7566 the state, a public service work program for state inmates in  
7567 custody of the county. Such a program may be established at the  
7568 option of the county in accordance with the provisions of Sections  
7569 47-5-401 through 47-5-421. The department shall also recommend  
7570 rules and regulations concerning the participation of state  
7571 inmates in the program.

7572 (2) An inmate shall not be eligible to participate in a work  
7573 program established in accordance with the provisions of Sections  
7574 47-5-401 through 47-5-421, if he has been convicted of any crime  
7575 of violence, including but not limited to murder, aggravated  
7576 assault, rape, robbery or armed robbery.

7577 (3) The inmates participating in the work program  
7578 established in accordance with the provisions of Sections 47-5-401  
7579 through 47-5-421, are restricted to the performance of public  
7580 service work for counties, municipalities, the state or nonprofit  
7581 charitable organizations, as defined by Section 501(c)(3) of the



7582 Internal Revenue Code of 1986, except that the Department of  
7583 Corrections must approve all requests by nonprofit charitable  
7584 organizations to use offenders to perform any public service work.  
7585 Upon request of the board of trustees of any state institution of  
7586 higher learning, or the board of trustees of a county school  
7587 district, municipal school district or junior college district,  
7588 the inmates may be permitted to perform work for such boards.

7589 **SECTION 182.** Section 49-3-5, Mississippi Code of 1972, is  
7590 amended as follows:

7591 49-3-5. The Board of Trustees of Mississippi State  
7592 University is hereby authorized and directed to establish a  
7593 fisheries and wildlife laboratory at Mississippi State University  
7594 under the direction of the president and such other administrative  
7595 authorities within the university as such board of trustees may  
7596 determine.

7597 **SECTION 183.** Section 49-3-7, Mississippi Code of 1972, is  
7598 amended as follows:

7599 49-3-7. The Board of Trustees of Mississippi State  
7600 University shall provide for such laboratory such buildings,  
7601 equipment, personnel, supplies and service as it shall determine  
7602 to be necessary for the proper operation and maintenance of such  
7603 laboratory, having due regard for the contributory facilities and  
7604 programs already existing at Mississippi State University.

7605 **SECTION 184.** Section 49-3-11, Mississippi Code of 1972, is  
7606 amended as follows:

7607 49-3-11. In addition to the appropriations made by the  
7608 Mississippi Legislature for the operation and support of the  
7609 laboratory, the Board of Trustees of Mississippi State University  
7610 is authorized and empowered to receive contributions, donations,  
7611 gifts and grants of money and/or property, equipment, materials or  
7612 manpower from persons, foundations, trust funds, corporations,  
7613 organizations, the federal government or any subdivision thereof,  
7614 the state government or any subdivision thereof, to be expended by





7615 the board in carrying out the purposes and objectives of this  
7616 chapter.

7617         **SECTION 185.** Section 55-23-5, Mississippi Code of 1972, is  
7618 amended as follows:

7619         55-23-5. There is hereby created a commission to be known as  
7620 "The Mississippi Veterans Memorial Stadium Commission,"  
7621 hereinafter sometimes referred to as the commission, which shall  
7622 consist of five (5) members as follows:

7623             (a) One (1) member shall be appointed by the Mayor of  
7624 the City of Jackson, Mississippi;

7625             (b) One (1) member shall be selected by the  
7626 Commissioner of Higher Education from among the membership of the  
7627 boards of trustees of the state institutions of higher learning or  
7628 shall be some other person designated by the commissioner; and

7629             (c) Two (2) members shall be appointed by the Governor  
7630 from the state at large outside of Hinds County, Mississippi, and  
7631 one (1) member shall be appointed by the Governor from Hinds  
7632 County, Mississippi. The appointee from Hinds County may be  
7633 selected from a list of three (3) persons submitted by the Hinds  
7634 County Board of Supervisors to the Governor.

7635         Terms of members shall begin on May 1, 1987, as follows: Of  
7636 the members appointed by the Governor, one (1) shall serve for a  
7637 term of one (1) year, one (1) for a term of two (2) years and one  
7638 (1) for a term of three (3) years; the member appointed by the  
7639 Mayor of the City of Jackson shall serve for a term of four (4)  
7640 years; and the member representing the board of trustees of a  
7641 state institution of higher learning shall serve for a term of  
7642 five (5) years. Upon the expiration of the foregoing terms,  
7643 members shall serve for terms of five (5) years each. The  
7644 appointing authority shall fill any vacancy in the above terms by  
7645 appointment of a member for the unexpired term. Members shall be  
7646 eligible for reappointment. An appointed member serving on the  
7647 commission on April 30, 1987, shall be eligible for appointment to



7648 the commission for a term beginning May 1, 1987, of either one  
7649 (1), two (2), three (3), four (4) or five (5) years, if such  
7650 member is otherwise qualified. One (1) member of the commission  
7651 appointed by the Governor shall be a person knowledgeable in  
7652 marketing with at least three (3) years actual experience therein  
7653 and one (1) member appointed by the Governor shall be a person of  
7654 recognized ability in a trade or business with at least five (5)  
7655 years actual experience therein. From and after May 1, 1987, the  
7656 name of the commission shall be the "Mississippi Veterans Memorial  
7657 Stadium Commission" and any references in Sections 55-23-3 through  
7658 55-23-11 to the Mississippi Memorial Stadium Commission or  
7659 commission shall mean the Mississippi Veterans Memorial Stadium  
7660 Commission unless the context clearly indicates a different  
7661 meaning. From and after May 1, 1987, the stadium shall be known  
7662 as the "Mississippi Veterans Memorial Stadium." The commission is  
7663 authorized to accept donations of money, property or services from  
7664 any public or private source to accomplish any physical  
7665 replacement or alterations of stadium property necessary to  
7666 accomplish the renaming of the stadium.

7667 The members of the commission shall serve without  
7668 compensation except that members shall be paid their actual and  
7669 necessary expenses in connection with the performance of their  
7670 duties as members of the commission, including mileage, as  
7671 authorized in Section 25-3-41, Mississippi Code of 1972, plus a  
7672 per diem as is authorized by Section 25-3-69, Mississippi Code of  
7673 1972, while engaged in the performance of their duties. The  
7674 expenses, mileage and per diem allowance shall be paid out of the  
7675 Mississippi Veterans Memorial Stadium Fund.

7676 The commission shall elect from its membership a chairman who  
7677 shall preside over meetings and a vice chairman who shall preside  
7678 in the absence of the chairman. Three (3) members of the  
7679 commission shall constitute a quorum for the transaction of any  
7680 and all business of the commission.



7681           The powers of the commission shall be exercised by a majority  
7682 of the members thereof, but it may delegate to one or more of its  
7683 members, or to its agents and employees, such powers and duties as  
7684 it may deem proper, and may adopt rules and regulations for the  
7685 conduct of its business and affairs. The commission shall  
7686 contract with a certified public accounting firm to conduct audits  
7687 of concession and novelty sales by vendors at the stadium. The  
7688 commission shall, as far as is practicable, provide that the cost  
7689 of such audits shall be paid by the vendor of such concessions or  
7690 novelties, or both.

7691           The commission shall appoint a director who shall have at  
7692 least a bachelor's degree from an accredited university or  
7693 college. The director shall have the responsibility for insuring  
7694 the marketing of tickets to events conducted in the stadium, in  
7695 addition to such other duties as the commission may designate.  
7696 Before entering upon the duties of his office, the director shall  
7697 give bond to the State of Mississippi in the sum of Fifty Thousand  
7698 Dollars (\$50,000.00), and said bond shall be conditioned upon the  
7699 faithful discharge and performance of his official duty. The  
7700 principal and surety on said bond shall be liable thereunder to  
7701 the state for double the amount of value of any money or property  
7702 which the state may lose, if any, by reason of any wrongful or  
7703 criminal act of said director. Said bond, when approved by the  
7704 commission, shall be filed with the Secretary of State, and the  
7705 premium thereon shall be paid from the Mississippi Veterans  
7706 Memorial Stadium Fund.

7707           **SECTION 186.** Section 55-23-9, Mississippi Code of 1972, is  
7708 amended as follows:

7709           55-23-9. The commission shall operate the Mississippi  
7710 Veterans Memorial Stadium and to that end may employ such agents  
7711 and employees as may be required in connection therewith. It may  
7712 enter into contracts for the use of the stadium, and fix the  
7713 amount of the compensation therefor, and collect the same when



7714 due. The commission may take any action authorized in Section  
7715 55-23-8 relating to the Mississippi Veterans Memorial Stadium and  
7716 the property described in Section 55-23-8.

7717 All monies and revenues, including the amusement tax imposed  
7718 upon the sale of tickets for admission to the stadium, and all  
7719 other events on stadium property and all monies arising from other  
7720 use of stadium property, including that realized from the sale of  
7721 concessions, shall be paid by the commission to the State  
7722 Treasurer, to be placed to the credit of a special fund to be  
7723 known as the "Mississippi Veterans Memorial Stadium Operating  
7724 Fund" and any references in the laws to the "Mississippi Memorial  
7725 Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund"  
7726 shall mean the "Mississippi Veterans Memorial Stadium Operating  
7727 Fund" unless the context clearly indicates otherwise. Any  
7728 interest earned on amounts deposited in the Mississippi Veterans  
7729 Memorial Stadium Operating Fund shall be credited to such special  
7730 fund. Provided, however, that twenty-five percent (25%) of all  
7731 profits realized by the commission from the sale of concessions at  
7732 athletic events when Jackson State University is the home team  
7733 shall be deposited to the credit of a special auxiliary fund and  
7734 authorized for expenditure by the Board of Trustees of Jackson  
7735 State University exclusively for the support of intercollegiate  
7736 athletics at such university. All expenses incident to the  
7737 operation and upkeep of the facilities and property managed by the  
7738 commission shall be paid out of the Mississippi Veterans Memorial  
7739 Stadium Operating Fund by warrants drawn by the Department of  
7740 Finance and Administration, which shall be issued on the  
7741 requisition of the commission.

7742 All tickets sold to an event conducted in the Mississippi  
7743 Veterans Memorial Stadium shall have printed in an appropriate and  
7744 prominent place thereon the words A.C. "Butch" Lambert Field.

7745 **SECTION 187.** Section 55-23-53, Mississippi Code of 1972, is  
7746 amended as follows:



7747           55-23-53. \* \* \* The Commissioner of Higher Education shall  
7748 develop a proposal to encourage scheduling of football games by  
7749 Mississippi universities in the Mississippi Veterans Memorial  
7750 Stadium, which scheduling will acknowledge the obligation of such  
7751 universities to support the enlarged stadium, the expansion of  
7752 which was encouraged by such universities.

7753           **SECTION 188.** Section 57-1-357, Mississippi Code of 1972, is  
7754 amended as follows:

7755           57-1-357. The Commissioner of Higher Education is hereby  
7756 authorized to support the project by creating institutes and  
7757 developing curricula of direct benefit to the enterprise. Upon  
7758 notification to DECD by the enterprise that the state has been  
7759 selected as the site of the project, the commissioner may  
7760 establish and create programs to enhance the project's success.

7761           **SECTION 189.** Section 57-13-22, Mississippi Code of 1972, is  
7762 amended as follows:

7763           57-13-22. (1) The Mississippi Research and Development  
7764 Center is hereby abolished from and after July 1, 1988. All of  
7765 the functions of the center shall be transferred on that date to  
7766 the Mississippi Development Authority or to the University  
7767 Research Center which is created in Section 37-141-3.

7768           (2) (a) From and after July 1, 1988, the duties and  
7769 responsibilities of the Research and Development Center which are  
7770 depicted organizationally in the 1989 fiscal year budget request  
7771 of the Research and Development Center and which are performed by  
7772 the Forecast and Analysis Division, the Administration Division,  
7773 the Government Services Division and the Data Services Division  
7774 except as provided in subsection 3(b) shall be transferred to the  
7775 University Research Center.

7776           (b) From and after July 1, 1988, the duties and  
7777 responsibilities of the Research and Development Center not  
7778 included in the transfer described in paragraph (a) except as



7779 provided in (3)(c) of this subsection shall be transferred to the  
7780 Mississippi Development Authority.

7781 (3) (a) All personnel of the Mississippi Research and  
7782 Development Center shall be transferred to the Mississippi  
7783 Development Authority or to the University Research Center  
7784 according to the transfer of their duties pursuant to this  
7785 section.

7786 (b) It is specifically provided that the positions  
7787 identified in items (i), (ii) and (iii) below be transferred to  
7788 the Mississippi Development Authority unless the Director of the  
7789 Research and Development Center and the Executive Director of the  
7790 Mississippi Development Authority make mutually agreeable  
7791 substitutions:

7792 (i) Position identification numbers 60, 174, 244,  
7793 98 and 177 of the Administration Unit shall be transferred June 1,  
7794 1988.

7795 (ii) Position identification numbers 156, 27, 194,  
7796 23, 307 and 308 of the Data Services Unit shall be transferred  
7797 July 1, 1988.

7798 (iii) Position identification numbers 71, 104 and  
7799 148 of the Government Services Division shall be transferred July  
7800 1, 1988.

7801 (c) It is specifically provided that position  
7802 identification numbers 30 and 76 of the Office of the Director of  
7803 the Research and Development Center be transferred to the  
7804 University Research Center on July 1, 1988.

7805 (d) It is the intention of the Legislature that there  
7806 be a reduction in personnel where there is a duplication of effort  
7807 as a result of the transfers required by this subsection. The  
7808 Mississippi Development Authority in its reorganization pursuant  
7809 to this act [Laws, 1988, Chapter 518] may utilize savings realized  
7810 from personnel attrition and other economies to reallocate and



7811 reclassify positions within the department, subject to the  
7812 approval of the State Personnel Board.

7813 (e) All personnel transferred to the University  
7814 Research Center shall become subject to all personnel and  
7815 compensation policies of the Commissioner of Higher Education;  
7816 however, anyone so transferred shall retain all of the protection  
7817 and benefits to which they have been entitled under the state  
7818 personnel system.

7819 (4) All records, property, unexpended balances of  
7820 appropriations or other funds, and all other resources of the  
7821 Mississippi Research and Development Center shall be transferred  
7822 to the Mississippi Development Authority or to the University  
7823 Research Center, as appropriate, pursuant to the transfer of  
7824 duties and responsibilities in subsection (2) of this section.

7825 (5) (a) Each officer or agency subject to the provisions of  
7826 this act [Laws, 1988, Chapter 518] shall assist with the fullest  
7827 degree of reasonable cooperation any other officer or agency in  
7828 carrying out the intent and purpose of this act [Laws, 1988,  
7829 Chapter 518].

7830 (b) Each officer or agency subject to the provisions of  
7831 this act [Laws, 1988, Chapter 518] is hereby authorized and  
7832 empowered to promulgate all necessary rules and regulations not in  
7833 conflict with this act [Laws, 1988, Chapter 518] necessary to  
7834 accomplish an orderly transition pursuant to this act [Laws, 1988,  
7835 Chapter 518].

7836 **SECTION 190.** Section 57-15-3, Mississippi Code of 1972, is  
7837 amended as follows:

7838 57-15-3. (1) The Mississippi Commission on Marine  
7839 Resources, hereinafter referred to as the "council," shall be the  
7840 Mississippi Marine Resources Council, and shall function insofar  
7841 as practicable under the provisions of Chapter 15 of Title 49,  
7842 Mississippi Code of 1972, in cooperation with the Mississippi  
7843 Development Authority and the Board of Trustees of the University



7844 of Southern Mississippi, with particular reference to the Gulf  
7845 Coast Research Laboratory, the Universities Marine Center, and the  
7846 universities and colleges which are conducting oceanographic  
7847 research. The offices of the commission shall be located in  
7848 Hancock, Harrison or Jackson Counties.

7849 (2) The words "Mississippi Marine Resources Council,"  
7850 wherever they may appear in the laws of the State of Mississippi,  
7851 shall be construed to mean the Mississippi Commission on Marine  
7852 Resources.

7853 **SECTION 191.** Section 57-15-9, Mississippi Code of 1972, is  
7854 amended as follows:

7855 57-15-9. The council, exercising its duties and  
7856 responsibilities, shall also act in an advisory capacity to the  
7857 Governor and all related state agencies, including the Board of  
7858 Trustees of the University of Southern Mississippi, the Gulf Coast  
7859 Research Laboratory and the Universities Marine Center which are  
7860 conducting oceanographic research. All state boards and agencies  
7861 engaged in activities in the field of marine resources and  
7862 technology shall utilize this commission as a clearinghouse on all  
7863 present and future joint federal-state programs whether presently  
7864 administered by an existing agency or not; to advise on the best  
7865 programs available to the State of Mississippi for the development  
7866 of its marine resources, and how to apply for, receive or hold any  
7867 and all such authorizations, licenses and grants necessary and  
7868 proper therefor; to advise on the utilization of all facilities in  
7869 the State of Mississippi for marine research and development, such  
7870 as the future maximum utilization of the NASA-Mississippi Test  
7871 Facility, but not limiting the provisions of this chapter  
7872 exclusively thereto; and to advise on all in-depth studies  
7873 necessary to carry out the provisions of this chapter. This  
7874 chapter shall not, however, abrogate the authority of the  
7875 Mississippi Commission on Marine Resources, the Board of Trustees  
7876 of the University of Southern Mississippi or the Gulf Coast





7877 Research Laboratory, the Universities Marine Center, or of the  
7878 individual institutions \* \* \* to apply for grants, and to carry  
7879 out oceanographic research. Said council is hereby authorized to  
7880 receive services, gifts, contributions, property and equipment  
7881 from public and private sources to be utilized in the discharge of  
7882 the council's functions, all to be done within the purview of this  
7883 chapter.

7884         **SECTION 192.** Section 57-18-5, Mississippi Code of 1972, is  
7885 amended as follows:

7886             57-18-5. (1) The Board of Trustees of Mississippi State  
7887 University is authorized and directed to establish a Forest and  
7888 Wildlife Research Center at Mississippi State University. The  
7889 center will be an administrative unit within the Division of  
7890 Agriculture, Forestry and Veterinary Medicine. The Dean of the  
7891 School of Forest Resources shall serve as the director of the  
7892 center.

7893             (2) The center shall conduct a program of research relevant  
7894 to the efficient management and utilization of the forest,  
7895 wildlife and fisheries resources of this state and to the  
7896 protection and enhancement of the natural environment associated  
7897 with those resources. The center shall disseminate results of  
7898 such research programs to the public and to individuals and  
7899 organizations for whom such information will be useful. The  
7900 center shall conduct research that will encourage the growth and  
7901 development of the furniture manufacturing industry and allied  
7902 industries in this state and shall work closely with the  
7903 Mississippi Cooperative Extension Service, the University Research  
7904 Center, the Mississippi Development Authority and other agencies,  
7905 both public and private, in the dissemination of its research  
7906 findings.

7907             (3) From and after the creation of the Forest and Wildlife  
7908 Research Center, the center shall assume all research functions  
7909 which are being exercised within the Division of Agriculture,



7910 Forestry and Veterinary Medicine by the Forest Products  
7911 Utilization Laboratory, by the Department of Forestry, by the  
7912 Department of Wildlife and Fisheries, by the Furniture Research  
7913 Unit and, upon the recommendation of the President of Mississippi  
7914 State University to the Board of Trustees of Mississippi State  
7915 University, by other departments and units of the university.

7916 (4) All records, personnel, property and unexpended balances  
7917 of appropriations, allocations or other funds relating to those  
7918 research functions which are being assumed by the center shall be  
7919 transferred to the center. The transfer of segregated or special  
7920 funds shall be made in such a manner that the relation between  
7921 program and revenue source is retained.

7922 **SECTION 193.** Section 57-18-7, Mississippi Code of 1972, is  
7923 amended as follows:

7924 57-18-7. The Board of Trustees of Mississippi State  
7925 University shall provide for the Forest and Wildlife Research  
7926 Center such buildings, equipment, personnel, supplies and services  
7927 as it shall determine to be necessary for the proper operation and  
7928 maintenance of the center, having due regard for the contributory  
7929 facilities and programs already existing at Mississippi State  
7930 University.

7931 **SECTION 194.** Section 57-18-9, Mississippi Code of 1972, is  
7932 amended as follows:

7933 57-18-9. In addition to appropriations made by the  
7934 Legislature from the State General Fund, the Forest and Wildlife  
7935 Research Center is authorized and empowered, subject to the  
7936 approval of the Board of Trustees of Mississippi State University  
7937 upon recommendation by the President of Mississippi State  
7938 University, to receive contributions, donations, gifts and grants  
7939 of money and/or property, equipment, materials and manpower from  
7940 persons, foundations, trust funds, corporations, organizations,  
7941 and state and federal agencies for use in carrying out the  
7942 purposes and objectives of this chapter.



7943           **SECTION 195.** Section 57-19-5, Mississippi Code of 1972, is  
7944 amended as follows:

7945           57-19-5. The Board of Trustees of Mississippi State  
7946 University is hereby authorized and directed to establish a food  
7947 technology program at Mississippi State University of Agriculture  
7948 and Applied Science under the direction of the president and such  
7949 other administrative authorities within the university as said  
7950 board of trustees may determine.

7951           **SECTION 196.** Section 57-19-7, Mississippi Code of 1972, is  
7952 amended as follows:

7953           57-19-7. The Board of Trustees of Mississippi State  
7954 University shall provide for such food technology laboratory, such  
7955 building, pilot processing facilities, personnel, supplies, and  
7956 services as it shall determine to be necessary for the proper  
7957 operation and maintenance of the food technology program, having  
7958 due regard for the contributory facilities and programs already  
7959 existing at Mississippi State University of Agriculture and  
7960 Applied Science.

7961           **SECTION 197.** Section 57-19-11, Mississippi Code of 1972, is  
7962 amended as follows:

7963           57-19-11. In addition to appropriations made by the  
7964 Mississippi Legislature for the operation and support of the  
7965 laboratory, the Board of Trustees of Mississippi State University  
7966 is authorized and empowered to receive contributions, donations,  
7967 gifts and grants of money and/or property, equipment, materials or  
7968 manpower from persons, foundations, trust funds, corporations,  
7969 organizations, the federal government or any subdivision thereof,  
7970 the state government or any subdivision thereof, to be expended by  
7971 said board in carrying out the purposes and objectives of this  
7972 chapter.

7973           **SECTION 198.** Section 57-21-7, Mississippi Code of 1972, is  
7974 amended as follows:



7975           57-21-7. The chief executive officer of the laboratory shall  
7976 be the State Chemist.

7977           (a) Qualifications: The State Chemist shall be an  
7978 individual who has earned the doctor of philosophy degree or its  
7979 equivalent in chemistry or biochemistry at a recognized university  
7980 or college qualified to grant such degrees. The major field of  
7981 his training should be preferably in analytical or organic  
7982 chemistry, but other fields of chemistry may be acceptable if the  
7983 individual has experience qualifying him otherwise. He should  
7984 also have knowledge by training or experience of agricultural,  
7985 industrial or health-related fields. The candidate for State  
7986 Chemist must be acceptable as a research or teaching faculty  
7987 member in the department of chemistry at the university.

7988           (b) Appointment: The State Chemist shall be appointed  
7989 by the president of the university, with the advice and consent of  
7990 the Senate, for a term of six (6) years; and the said State  
7991 Chemist shall serve for said six-year term and until his successor  
7992 shall have been appointed and qualified. However, it is provided  
7993 that the said State Chemist may be removed from office by the  
7994 Board of Trustees of Mississippi State University upon the  
7995 demonstration of his inability to serve due to illness,  
7996 incompetence, malfeasance in office, dereliction of duty or moral  
7997 turpitude. The board of trustees \* \* \* shall fix the annual  
7998 salary of the State Chemist, who shall be paid from the budget of  
7999 the Mississippi State Chemical Laboratory or from the budget of  
8000 the university, or from both, whichever is deemed desirable by the  
8001 Board of Trustees of Mississippi State University.

8002           (c) Status: The State Chemist shall simultaneously  
8003 hold an appointment as Professor of Chemistry in the Chemistry  
8004 Department of the university. He may acquire tenure as a faculty  
8005 member in accordance with rules current at the university during  
8006 his appointment. The State Chemist may teach or direct research  
8007 in the Department of Chemistry as part of his professional duties,



8008 and may serve in other administrative positions as deemed  
8009 desirable, with the consent and approval of the president of the  
8010 university and the board of trustees. He shall receive  
8011 appropriate reimbursement for such services.

8012 (d) Responsibility: The State Chemist shall be  
8013 responsible to and shall report to the president of the  
8014 university.

8015 (e) Duties: The State Chemist shall:

8016 1. Serve as the chief executive officer and  
8017 director of the laboratory.

8018 2. Recommend the appointment, discharge, annual  
8019 salaries, duties, and titles of administrative, technical and  
8020 support personnel and staff of the laboratory to assist him in  
8021 carrying out its authorized functions.

8022 3. Prepare and submit budget requests for the  
8023 laboratory to the appropriate agency, subject to approval by the  
8024 president of the university and the board of trustees. The State  
8025 Chemist shall present such requests before the Legislative Budget  
8026 Office and legislative committees. He shall prepare an annual  
8027 budget for operation of the laboratory from appropriated or  
8028 special funds or other income available, and shall make monthly,  
8029 quarterly and other reports of such income and expenditures to the  
8030 appropriate agencies as required by law.

8031 4. Maintain an inventory of laboratory equipment  
8032 and report it appropriately to the proper agencies as required by  
8033 law.

8034 5. Prepare annual or biennial reports and special  
8035 reports as needed of laboratory activities, programs and  
8036 recommendations. Such reports shall be submitted to governmental  
8037 heads and agencies as required by statutes, to the president of  
8038 the university, the Board of Trustees of Mississippi State  
8039 University, and to the chief executive officer of each agency with  
8040 which it cooperates.



8041                   6. Serve on such state or national agencies,  
8042 commissions, boards, organizations or committees as required by  
8043 law.

8044                   7. Conduct other business necessary and desirable  
8045 for proper discharge of his responsibilities to the university or  
8046 as may be stipulated here or elsewhere in the laws of Mississippi.

8047           **SECTION 199.** Section 57-23-5, Mississippi Code of 1972, is  
8048 amended as follows:

8049           57-23-5. The Board of Trustees of the University of  
8050 Mississippi is hereby authorized and directed to establish a  
8051 research institute of pharmaceutical sciences at the University of  
8052 Mississippi under the direction of the chancellor and such other  
8053 administrative authorities within the university as said board of  
8054 trustees may determine.

8055           **SECTION 200.** Section 57-23-7, Mississippi Code of 1972, is  
8056 amended as follows:

8057           57-23-7. The Board of Trustees of the University of  
8058 Mississippi shall provide for such equipment, personnel, supplies  
8059 and services as it shall determine to be necessary for the proper  
8060 operation and maintenance of said institute, having due regard for  
8061 the contributory facilities and programs already existing at the  
8062 University of Mississippi.

8063           **SECTION 201.** Section 57-23-11, Mississippi Code of 1972, is  
8064 amended as follows:

8065           57-23-11. In addition to appropriations made by the  
8066 Mississippi Legislature for the operation and support of the  
8067 institute, the Board of Trustees of the University of Mississippi  
8068 is authorized and empowered to receive contributions, donations,  
8069 gifts, and grants of money and/or property, equipment, materials  
8070 or manpower from persons, foundations, trust funds, corporations,  
8071 organizations, and other sources, to be expended by said board in  
8072 carrying out the objectives of this chapter.



8073           **SECTION 202.** Section 57-39-105, Mississippi Code of 1972, is  
8074 amended as follows:

8075           57-39-105. The Energy Division of the Department of Economic  
8076 and Community Development, referred to in Sections 57-39-103  
8077 through 57-39-117 as the "division," shall coordinate the  
8078 development and implementation of a general energy management  
8079 plan. The general energy management plan shall include, but not  
8080 be limited to, the following elements:

- 8081           (a) Data gathering requirements;
- 8082           (b) Buildings and facilities energy audit procedures;
- 8083           (c) Uniform data analysis procedures;
- 8084           (d) Employee energy education program procedures;
- 8085           (e) Energy consumption reduction techniques;
- 8086           (f) Training program for agency and institution  
8087 personnel and energy coordinators;
- 8088           (g) Guidelines for buildings and facilities managers;
- 8089           (h) Building retrofit revolving loan fund policies and  
8090 procedures;
- 8091           (i) Program monitoring and evaluation procedures.

8092           The general energy management plan shall also include a  
8093 description of actions to reduce consumption of electricity and  
8094 nonrenewable energy sources used for heating, cooling,  
8095 ventilation, lighting and water heating. The Commissioner of  
8096 Higher Education, the Department of Education and the Department  
8097 of Finance and Administration shall assist in the preparation of  
8098 the general energy management plan. The Department of Finance and  
8099 Administration, Bureau of Buildings Division, shall notify the  
8100 Energy Division of all renovations and repairs of buildings and  
8101 facilities and the planning and design of new buildings and  
8102 facilities to ensure that energy efficient equipment is utilized.

8103           **SECTION 203.** Section 57-49-11, Mississippi Code of 1972, is  
8104 amended as follows:



8105           57-49-11. The Nuclear Waste Technical Review Committee  
8106 hereby created and hereinafter referred to as the "committee"  
8107 shall exercise the powers and duties and discharge the  
8108 responsibilities enumerated herein.

8109           The committee shall originally consist of eight (8) members,  
8110 one (1) of whom shall be the Executive Director of the Department  
8111 of Wildlife, Fisheries and Parks, one (1) of whom shall be  
8112 Director of the Emergency Management Agency, one (1) of whom shall  
8113 be the State Health Officer, one (1) of whom shall be the  
8114 Commissioner of Higher Education, one (1) of whom shall be a  
8115 chairman of a board of trustees of a state institution of higher  
8116 learning, as appointed by the Commissioner of Higher Education,  
8117 one (1) of whom shall be the Executive Director of the Department  
8118 of Environmental Quality, one (1) of whom shall be the staff  
8119 member responsible for the Nuclear Waste Program within the  
8120 Department of Environmental Quality who shall serve as secretary  
8121 in a nonvoting capacity, and one (1) of whom shall be the  
8122 Executive Director of the Mississippi Development Authority. The  
8123 chairman shall be elected from among the membership of the  
8124 committee.

8125           Committee members shall be permitted to designate substitute  
8126 or alternate members to act in their stead, should they be unable  
8127 to assume the responsibility of serving on the committee. The  
8128 committee, by a majority vote of its membership, may recommend to  
8129 the chairman that additional appointments should be made to the  
8130 committee from other state agencies and the chairman shall make  
8131 such appointments.

8132           The members of the committee shall receive reimbursement for  
8133 mileage and actual expenses incurred in the performance of their  
8134 duties at the rate authorized by Section 25-3-41. Members of the  
8135 committee who are state employees shall be reimbursed for those  
8136 expenses incurred which are authorized by Section 25-3-41.





8137            Provided that funding is available under Section 57-49-39,  
8138 the members of the committee shall receive per diem compensation  
8139 at the rate authorized by Section 25-3-69 for each day spent in  
8140 the actual discharge of their duties when attending a meeting of  
8141 the committee.

8142            **SECTION 204.** Section 57-55-5, Mississippi Code of 1972, is  
8143 amended as follows:

8144            57-55-5. (1) In order to promote the orderly modernization  
8145 and simplification of the law of the state and more complete  
8146 utilization of the law resources of this state, the Mississippi  
8147 Law Research Institute, hereafter referred to as MLRI, is hereby  
8148 established as an official advisory law revision, research and  
8149 reform agency of the State of Mississippi under the management and  
8150 control of the Board of Trustees of the University of Mississippi  
8151 as an academic department of the University of Mississippi Law  
8152 Center.

8153            (2) The general purpose of the MLRI shall be to promote and  
8154 encourage the clarification and simplification of the law of  
8155 Mississippi, to improve the administration of justice, and to  
8156 carry on scholarly legal research in anticipation of legal  
8157 requirements for the efficient utilization and conservation of the  
8158 natural resources of the state and the promotion of social,  
8159 agricultural, industrial and commercial development. To that end  
8160 it shall be the duty of said institute (a) to consider needed  
8161 improvements in both substantive and adjective law and to make  
8162 recommendations concerning same to the Legislature; (b) to examine  
8163 and study the law of Mississippi and Mississippi jurisprudence  
8164 with the object of discovering defects and inequities and of  
8165 recommending needed reforms; (c) to receive and consider  
8166 suggestions from judges, justices, public officials, lawyers and  
8167 the public generally as to defects and anachronisms in the law;  
8168 (d) to recommend from time to time such changes in the law as it  
8169 deems necessary to reform or eliminate antiquated and inequitable



8170 rules of law and to bring the law of the state, both civil and  
8171 criminal, into harmony with modern conditions; (e) to perform  
8172 research and prepare reports on matters of law in support of the  
8173 Legislature; (f) to advise and assist local governments, state  
8174 agencies and associations by performing law research and  
8175 preparation of related material, such as statutes and ordinances,  
8176 reports, manuals, handbooks, codes, and conducting courses of  
8177 instruction for the more efficient application of law and  
8178 utilization of governmental resources; and (g) to prepare and  
8179 publish texts and other scholarly works on law and procedure to  
8180 aid in the administration of government within the state. In  
8181 addition, the MLRI in cooperation with the Legislature and its  
8182 staff shall devise and carry out a plan for continuous and  
8183 comprehensive improvement in the utility and quality of the  
8184 Mississippi Code. The MLRI shall coordinate its efforts with the  
8185 work of the American Law Institute, National Conference of  
8186 Commissioners on Uniform State Laws, the law and government  
8187 institutes of the several states, and other such organizations in  
8188 aid of the mission of said institute.

8189       **SECTION 205.** Section 57-55-7, Mississippi Code of 1972, is  
8190 amended as follows:

8191       57-55-7. (1) The Board of Trustees of Mississippi State  
8192 University is hereby authorized and directed to establish a  
8193 Mississippi Water Resources Research Institute, hereinafter  
8194 referred to as the WRRRI, at Mississippi State University under the  
8195 direct supervision of the president of the university or a vice  
8196 president to be designated by the president.

8197       (2) It shall be the function and duty of the WRRRI to:

8198               (a) Assist state agencies in the development and  
8199 maintenance of a state water management plan;

8200               (b) Consult with state and local governmental agencies,  
8201 water management districts, water user associations, the  
8202 Legislature of the State of Mississippi, and other potential users



8203 in identifying and establishing research, planning, policy, and  
8204 management priorities regarding water problems.

8205 (c) Negotiate and administer contracts with local,  
8206 regional, state and federal agencies and other universities of the  
8207 state for mitigation of priority water and related problems;

8208 (d) Report to the appropriate state agencies each year  
8209 on the progress and findings of research projects;

8210 (e) Disseminate new information and facilitate transfer  
8211 and application of new technologies as they are developed;

8212 (f) Provide for liaison between Mississippi and funding  
8213 agencies as an advocate for Mississippi water research, planning,  
8214 policy, and management needs; and

8215 (g) Facilitate and stimulate planning and management  
8216 that:

8217 (i) Deals with water policy issues facing the  
8218 State of Mississippi;

8219 (ii) Supports state water agencies' missions with  
8220 research on problems encountered and expected;

8221 (iii) Provides water planning and management  
8222 organizations with tools to increase efficiency and effectiveness  
8223 of water planning and management.

8224 (3) The principal administrative officer of the WRRRI shall  
8225 be a director, who shall be appointed by the President of  
8226 Mississippi State University, with the approval of the board of  
8227 trustees \* \* \*. To meet the purposes of the WRRRI, the director  
8228 shall develop appropriate policies and procedures (a) for  
8229 identification of priority research problems; (b) for  
8230 collaborating with local and state governmental agencies, water  
8231 user associations, other universities, federal government  
8232 agencies, and the Legislature in the formulation of its research  
8233 program; (c) for selection of projects to be funded; and (d) for  
8234 the dissemination and transfer of information and technology  
8235 produced by research.



8236           **SECTION 206.** Section 57-55-9, Mississippi Code of 1972, is  
8237 amended as follows:

8238           57-55-9. (1) The Mississippi Mineral Resources Institute,  
8239 hereinafter referred to as MMRI, is hereby established. The MMRI  
8240 shall be under the management and control of the Board of Trustees  
8241 of the University of Mississippi. The principal offices of the  
8242 MMRI shall be located at the University of Mississippi. The MMRI  
8243 shall be organized to coordinate mining and mineral research,  
8244 planning and development with the appropriate disciplines in other  
8245 institutions of higher learning and other state, federal and  
8246 private agencies concerned with the development and conservation  
8247 of the mineral resources of the state.

8248           (2) It shall be the function and duties of the MMRI to:

8249                 (a) Conduct basic and applied research for the  
8250 development and conservation of mineral resources, including but  
8251 not limited to mining, land reclamation and disposal of waste  
8252 material;

8253                 (b) Assist and support mining and mineral related  
8254 research programs at the various institutions of higher learning;

8255                 (c) Assist and consult with state and local agencies in  
8256 planning the development and conservation of mineral resources;

8257                 (d) Maintain liaison with private industry and  
8258 appropriate state and local agencies to promote industrial  
8259 development and conservation of mineral resources and plan,  
8260 initiate and maintain a program of cooperative training between  
8261 private industry and the academic and technical institutions of  
8262 the state;

8263                 (e) Disseminate new information and facilitate transfer  
8264 and application of new technologies as they are developed; and

8265                 (f) Negotiate and administer contracts with private,  
8266 local, regional, state and federal agencies.

8267           **SECTION 207.** Section 57-55-11, Mississippi Code of 1972, is  
8268 amended as follows:



8269           57-55-11. (1) The Mississippi Small Business Development  
8270 Center, hereinafter referred to as SBDC, is hereby established.  
8271 The Board of Trustees of the University of Mississippi is hereby  
8272 authorized to establish the Mississippi Small Business Development  
8273 Center at the University of Mississippi under the direct  
8274 supervision of the chancellor of the university and the dean of  
8275 the business school.

8276           (2) It shall be the function and duty of the SBDC to:

8277           (a) Develop a system to deliver management assistance  
8278 to the small business community utilizing the resources of local,  
8279 state and federal government programs, various segments of the  
8280 private sector, and universities and colleges throughout the  
8281 state;

8282           (b) Make management and technical assistance available  
8283 to small businesses in Mississippi by linking together the above  
8284 resources;

8285           (c) Develop small business opportunities for new  
8286 start-ups and the expansion of existing businesses;

8287           (d) Develop the economic area served by the SBDC by  
8288 providing opportunities for increased productivity through  
8289 utilization of modern technology as developed by government, the  
8290 university and the private sector;

8291           (e) Develop a clearinghouse for the collection and  
8292 dissemination of economic and business data;

8293           (f) Assist businesses in developing more efficient  
8294 marketing and distribution channels, including foreign trade  
8295 marketing;

8296           (g) Increase opportunities for socially and/or  
8297 economically disadvantaged entrepreneurs to enter the mainstream  
8298 of our economy through an organized outreach program; and

8299           (h) Increase small business viability so that the small  
8300 business client "graduates" from the SBDC.



8301           (3) The principal officer of the SBDC shall be an executive  
8302 director who shall be appointed by the Chancellor of the  
8303 University of Mississippi, with the approval of the board of  
8304 trustees \* \* \*.

8305           **SECTION 208.** Section 57-55-13, Mississippi Code of 1972, is  
8306 amended as follows:

8307           57-55-13. (1) The Mississippi Polymer Institute,  
8308 hereinafter referred to as the MPI, is hereby established under  
8309 the management and control of the Board of Trustees of the  
8310 University of Southern Mississippi. The principal offices of the  
8311 MPI shall be located at the University of Southern Mississippi and  
8312 shall be under the direction of the president and such other  
8313 administrative authorities within the university as the board of  
8314 trustees may determine.

8315           (2) It shall be the function of the MPI to conduct and  
8316 sponsor research of interest to the polymer industries of the  
8317 state, and to disseminate research results and other information  
8318 of interest to appropriate individuals and research agencies for  
8319 whom such knowledge will be helpful, and to the Mississippi  
8320 polymer industries by conducting and sponsoring short courses,  
8321 seminars and symposia. Said research shall be designed to  
8322 increase the utilization of Mississippi raw materials in polymers  
8323 and to support the rapidly growing polymer industry. Data from  
8324 applications research will be released to appropriate Mississippi  
8325 research agencies and industries for appropriate utilization. The  
8326 MPI shall be organized to coordinate polymer research, planning  
8327 and development with the appropriate disciplines in other  
8328 institutions of higher learning and other state, federal and  
8329 private agencies concerned with the development of Mississippi's  
8330 polymer industry.

8331           **SECTION 209.** Section 57-55-15, Mississippi Code of 1972, is  
8332 amended as follows:



8333           57-55-15. (1) The Mississippi Energy Research Center,  
8334 hereinafter referred to as the MERC, is hereby established under  
8335 the management and control of the Board of Trustees of Mississippi  
8336 State University. The MERC shall be a unit of Mississippi State  
8337 University under the direct supervision of the president thereof  
8338 or a vice president to be designated by the president.

8339           (2) It shall be the purpose of the MERC to develop,  
8340 implement and coordinate energy and energy-related research  
8341 programs in Mississippi. It shall be the duty of the MERC to:

8342                   (a) Conduct basic and applied research related to  
8343 energy needs within Mississippi;

8344                   (b) Consult with state and local government agencies,  
8345 utilities, industry and Legislature and other potential users of  
8346 research in identifying and prioritizing energy problems for  
8347 research;

8348                   (c) Negotiate and administer contracts with other  
8349 universities of the state for the conduct of research projects;

8350                   (d) Report to the Governor and to the Legislature each  
8351 year on the progress and findings of research projects;

8352                   (e) Facilitate the transfer and application of new  
8353 technologies as they are developed; and

8354                   (f) Facilitate and stimulate research that:

8355                           (i) Deals with policy issues facing the  
8356 Legislature;

8357                           (ii) Supports state agencies' missions with  
8358 research on problems encountered and expected; and

8359                           (iii) Provides energy planning and management  
8360 organizations with tools to increase efficiency and effectiveness  
8361 of energy planning and management.

8362           (3) The principal administrative officer of the MERC shall  
8363 be a director, who shall be appointed by the president with the  
8364 approval of the board of trustees \* \* \*. To meet the purposes of  
8365 the center, the director shall develop appropriate policies and



8366 procedures (a) for identification of priority research problems;  
8367 (b) for collaborating with local and state government agencies,  
8368 utilities, industry, other universities, federal government  
8369 agencies and the Legislature in the formulation of its research  
8370 program; (c) for selection of projects to be funded; and (d) for  
8371 the transfer of technology which is produced by the research.

8372 **SECTION 210.** Section 57-55-17, Mississippi Code of 1972, is  
8373 amended as follows:

8374 57-55-17. (1) The Mississippi Urban Research Center,  
8375 hereinafter referred to as the MURC, is hereby established under  
8376 the management and control of the Board of Trustees of Jackson  
8377 State University. The principal officers of the MURC shall be  
8378 located at Jackson State University and shall be under the  
8379 direction of the president of the university subject to the  
8380 governance of the board of trustees. The president shall appoint  
8381 a director of the MURC who shall recommend to the president  
8382 necessary professional and administrative staff of the center, all  
8383 subject to the approval of the board of trustees.

8384 (2) It shall be the function of the urban research center to  
8385 conduct basic and applied research into urban problems and public  
8386 policy and to make available the results of this research to  
8387 private groups, public bodies and public officials. They may  
8388 offer consultations and general advisory services concerning urban  
8389 problems and their solutions. According to the policies of the  
8390 board of trustees \* \* \* and with its approval, they may conduct  
8391 instructional and training programs for those who are working in  
8392 or expect to make careers in urban public service. Such training  
8393 programs may be conducted by Jackson State University either in  
8394 its own name or by agreement and cooperation with other public and  
8395 private organizations. The MURC personnel shall cooperate fully  
8396 with the various departments of the state government, with the  
8397 colleges and universities of the state, with the University  
8398 Research Center, with the Mississippi Development Authority, and





8399 with other research and development agencies in an effort to fully  
8400 effectuate the purpose of this section. All state agencies and  
8401 departments are hereby authorized and directed to give the MURC  
8402 and its personnel their full cooperation in every possible manner.

8403         **SECTION 211.** Section 57-67-5, Mississippi Code of 1972, is  
8404 amended as follows:

8405             57-67-5. Words and phrases used in this chapter shall have  
8406 meanings as follows, unless the context clearly indicates a  
8407 different meaning:

8408             (a) "Act" means the Mississippi Superconducting Super  
8409 Collider Act as originally enacted or as hereafter amended.

8410             (b) "Authority" means the Mississippi Superconducting  
8411 Super Collider Authority created pursuant to the chapter.

8412             (c) "Bonds" means bonds, interim notes and other  
8413 certificates of indebtedness of the authority issued pursuant to  
8414 the provisions of Sections 57-67-19 through 57-67-31.

8415             (d) "Facility related to the project" means and  
8416 includes any of the following, as the same may pertain to the  
8417 project:

8418             (i) Facilities to provide potable and industrial  
8419 water supply systems (including cooling lakes) and sewage and  
8420 waste disposal systems to the site of the project;

8421             (ii) Airports, airfields and air terminals;

8422             (iii) Rail lines;

8423             (iv) Port facilities on the Tennessee-Tombigbee  
8424 Waterway;

8425             (v) Highways, streets and other roadways;

8426             (vi) Public school buildings, classrooms and  
8427 instructional facilities, including any functionally related  
8428 facilities;

8429             (vii) Parks, outdoor recreation facilities and  
8430 athletic facilities; and



8431 (viii) Auditoriums, pavilions, campgrounds, art  
8432 centers, cultural centers, folklore centers and other public  
8433 facilities.

8434 (e) "Person" means any natural person, corporation,  
8435 association, partnership, receiver, trustee, guardian, executor,  
8436 administrator, fiduciary, governmental unit, public agency,  
8437 political subdivision, or any other group acting as a unit, and  
8438 the plural as well as the singular.

8439 (f) "Project" means the superconducting super colliding  
8440 particle beam accelerator, known as the Superconducting Super  
8441 Collider, proposed to be constructed by the United States  
8442 Department of Energy, as described in the Invitation for Proposals  
8443 issued by said department, as now or hereafter supplemented or  
8444 amended, together with all real property required for  
8445 construction, maintenance and operation of the Superconducting  
8446 Super Collider, and all buildings, tunneling and other supporting  
8447 land and facilities required or useful for construction,  
8448 maintenance and operation of the Superconducting Super Collider.

8449 (g) "Project area" means the project site, together  
8450 with any area or territory within the state lying within fifty  
8451 (50) air miles from any portion of the project site to be conveyed  
8452 to the Department of Energy, whether or not such area or territory  
8453 be contiguous. "Project site" means the real property to be  
8454 conveyed to the United States Department of Energy as set forth in  
8455 the application to be filed with the Department of Energy by the  
8456 authority.

8457 (h) "Public agency" means and includes:

8458 (i) The state and any department, board,  
8459 commission, institution or other agency or instrumentality of the  
8460 state, including but not limited to, the board of trustees of each  
8461 state institution of higher learning and the State Board of  
8462 Education;



8463 (ii) Any city, town, county, political  
8464 subdivision, school district or other district created or existing  
8465 under the laws of the state or any public agency of any such city,  
8466 town, county, political subdivision or district;

8467 (iii) Any department, commission, agency or  
8468 instrumentality of the United States of America; and

8469 (iv) Any other state of the United States of  
8470 America which may be cooperating with respect to location of the  
8471 project within the state, or any agency thereof.

8472 (i) "State" means State of Mississippi.

8473 (j) "State bonds" means general obligation bonds, notes  
8474 or other evidences of the State of Mississippi issued under  
8475 Section 57-67-15.

8476 **SECTION 212.** Section 57-67-13, Mississippi Code of 1972, is  
8477 amended as follows:

8478 57-67-13. (1) The Commissioner of Higher Education is  
8479 hereby directed to develop plans for the creation of an Institute  
8480 of High Energy Physics. Upon notification to the authority by the  
8481 Department of Energy that the state has been selected as the site  
8482 of the project, the board of trustees of the state institution of  
8483 higher learning selected for the site, not later than one (1) year  
8484 thereafter, shall establish and create the institute. Such  
8485 institute shall include at least twenty (20) funded faculty  
8486 positions and shall include facilities to accommodate faculty and  
8487 graduate students.

8488 (2) The Commissioner of Higher Education is hereby directed  
8489 to develop plans for the creation of an Institute for Mathematics  
8490 and Computing Sciences. Upon notification to the authority by the  
8491 Department of Energy that the state has been selected as the site  
8492 of the project, the board of trustees of the state institution of  
8493 higher learning selected for the site, not later than one (1) year  
8494 thereafter, shall establish and create the institute.



8495 (3) The authority is hereby directed to develop plans for  
8496 technology transfer activities to ensure private sector conduits  
8497 for exchange of information, technology and expertise related to  
8498 the project to generate opportunities for commercial development  
8499 within the state.

8500 **SECTION 213.** Section 57-75-13, Mississippi Code of 1972, is  
8501 amended as follows:

8502 57-75-13. The Commissioner of Higher Education is hereby  
8503 authorized to support the project by creating institutes and  
8504 developing curricula of direct benefit to the enterprise. Upon  
8505 notification to the authority by the enterprise that the state has  
8506 been selected as the site of the project, the board of trustees of  
8507 the state institution of higher learning that has been selected  
8508 for the site may establish and create programs to enhance the  
8509 project's success.

8510 **SECTION 214.** Section 61-5-71, Mississippi Code of 1972, is  
8511 amended as follows:

8512 61-5-71. It shall be the public policy of this state to  
8513 encourage the construction, equipping, maintenance and operation  
8514 of adequate transportation facilities, including airports, if  
8515 needed, for use of the state university and the state supported  
8516 four-year colleges now or hereafter located in the state, as  
8517 necessary in the operation and training program of such university  
8518 and colleges and desirable for the use of the municipalities and  
8519 areas in or near which such airports may be located as well as  
8520 being helpful in the economic, industrial and business development  
8521 of said counties. It is the intent of Sections 61-5-71 through  
8522 61-5-77 to provide means whereby the board of trustees of each  
8523 state institution of higher learning, the State Building  
8524 Commission and any and all other state agencies which have either  
8525 constructed such airport facilities, or contemplate so doing, may  
8526 obtain assistance and contributions of funds from any municipality  
8527 in or near which any such college may be located and from the



8528 county in which any such airport facilities may be located. It is  
8529 also the intent of said sections to authorize such municipalities  
8530 and counties to borrow money and issue bonds, under their  
8531 respective bond laws, to provide funds for the purpose of aiding  
8532 and assisting in the acquisition of sites for such airports,  
8533 construction of buildings, construction of runways and extension  
8534 of runways and in constructing and equipping all facilities needed  
8535 or desirable for such airports.

8536         **SECTION 215.** Section 61-5-73, Mississippi Code of 1972, is  
8537 amended as follows:

8538         61-5-73. The boards of supervisors of the several counties  
8539 of the state are authorized, in their discretion, to acquire by  
8540 condemnation, donation, lease or purchase land to be used as an  
8541 airport or landing place for airplanes. They may erect such  
8542 buildings thereon as they may deem necessary for such purpose, and  
8543 equip and maintain such airport.

8544         The boards of supervisors of the several counties of the  
8545 state, wherein the university or other state supported four-year  
8546 colleges now or hereafter in existence, are or shall be located,  
8547 are authorized, in their discretion, to assist the board of  
8548 trustees of the state institution of higher learning located in  
8549 that county, the State Building Commission or any other state  
8550 agency by contributing county funds to be used in the acquisition  
8551 of a site for an airport, erecting suitable buildings, building or  
8552 extending runways and equipping, maintaining and operating an  
8553 airport, which shall be available for the use of said university  
8554 or colleges, as the case may be, and for the general public.

8555         **SECTION 216.** Section 61-5-75, Mississippi Code of 1972, is  
8556 amended as follows:

8557         61-5-75. The governing authorities of any municipality are  
8558 authorized, in their discretion, to exercise all the powers  
8559 conferred on boards of supervisors with reference to acquiring  
8560 land to be used as an airport or landing place for airplanes, and



8561 erect suitable buildings thereon, and equip and maintain such  
8562 airport. They may acquire airports or landing places already  
8563 established. Such airport or landing place may be situated beyond  
8564 the limits of such municipality. The governing authorities of a  
8565 municipality may lease, or sublease, or contract the maintenance  
8566 and operation of, any airport or landing place for airplanes to  
8567 the United States of America, or any department or agency thereof,  
8568 or to any person, firm, association, or corporation, for the  
8569 purpose of training aviators and for other legal purposes. The  
8570 county wherein such airport may be situated is hereby authorized  
8571 to make such contribution to the cost of acquiring the necessary  
8572 land for such airport, the placing of same in suitable condition,  
8573 and the equipping and maintenance thereof, as the board of  
8574 supervisors of such county and the governing body of such  
8575 municipality may mutually agree upon.

8576         The governing authorities of the several municipalities of  
8577 the state in or near which the state university or a state  
8578 supported four-year college, now or hereafter in existence, are or  
8579 shall be located, are authorized, in their discretion, to assist  
8580 the board of trustees of the state institution of higher learning  
8581 in or near the particular municipality, the State Building  
8582 Commission or any other state agency by contributing municipal  
8583 funds to be used in the acquisition of a site for an airport,  
8584 erecting suitable buildings and building or extending runways,  
8585 equipping, maintaining and operating an airport, which shall be  
8586 available for the use of said university or colleges, as the case  
8587 may be, and for the general public.

8588         Any such municipality which offers assistance in the  
8589 acquisition of a site for constructing suitable buildings,  
8590 building or extending runways or maintaining and operating such  
8591 airports for the university or other state supported colleges, as  
8592 the case may be, may or may not be in the county in which the  
8593 university or the state supported four-year college is located,



8594 provided the airport is not more than ten (10) miles from said  
8595 municipality.

8596 **SECTION 217.** Section 63-11-32, Mississippi Code of 1972, is  
8597 amended as follows:

8598 63-11-32. (1) The State Department of Public Safety in  
8599 conjunction with the Governor's Highway Safety Program, the State  
8600 Board of Health, or any other state agency or institution shall  
8601 develop and implement a driver improvement program for persons  
8602 identified as first offenders convicted of driving while under the  
8603 influence of intoxicating liquor or another substance which had  
8604 impaired such person's ability to operate a motor vehicle,  
8605 including provision for referral to rehabilitation facilities.

8606 (2) The program shall consist of a minimum of ten (10) hours  
8607 of instruction. Each person who participates shall pay a nominal  
8608 fee to defray a portion of the cost of the program.

8609 (3) Such assessments as are collected under subsection (2)  
8610 of Section 99-19-73 shall be deposited in a special fund hereby  
8611 created in the State Treasury and designated the "Mississippi  
8612 Alcohol Safety Education Program Fund." Monies deposited in such  
8613 fund shall be expended by the boards of trustees of the state  
8614 institutions of higher learning as authorized and appropriated by  
8615 the Legislature to defray the costs of the Mississippi Alcohol  
8616 Safety Education Program operated pursuant to the provisions of  
8617 this section. Any revenue in the fund which is not encumbered at  
8618 the end of the fiscal year shall lapse to the General Fund.

8619 (4) Such assessments as are collected under subsection (2)  
8620 of Section 99-19-73 shall be deposited in a special fund hereby  
8621 created in the State Treasury and designated the "Federal-State  
8622 Alcohol Program Fund." Monies deposited in such fund shall be  
8623 expended by the Department of Public Safety as authorized and  
8624 appropriated by the Legislature to defray the costs of alcohol and  
8625 traffic safety programs. Any revenue in the fund which is not



8626 encumbered at the end of the fiscal year shall lapse to the  
8627 General Fund.

8628         (5) Such assessments as are collected under subsection (2)  
8629 of Section 99-19-73 shall be deposited in a special fund hereby  
8630 created in the State Treasury and designated the "Mississippi  
8631 Crime Laboratory Implied Consent Law Fund." Monies deposited in  
8632 such fund shall be expended by the Department of Public Safety as  
8633 authorized and appropriated by the Legislature to defray the costs  
8634 of equipment replacement and operational support of the  
8635 Mississippi Crime Laboratory relating to enforcement of the  
8636 Implied Consent Law. Any revenue in the fund which is not  
8637 encumbered at the end of the fiscal year shall not lapse to the  
8638 General Fund but shall remain in the fund.

8639         **SECTION 218.** Section 69-2-5, Mississippi Code of 1972, is  
8640 amended as follows:

8641         69-2-5. (1) The Mississippi Cooperative Extension Service  
8642 shall act as a clearinghouse for the dissemination of information  
8643 regarding programs and services which may be available to help  
8644 those persons and businesses which have been adversely affected by  
8645 the present emergency in the agricultural community. The  
8646 Cooperative Extension Service shall develop a plan of assistance  
8647 which shall identify all programs and services available within  
8648 the state which can be of assistance to those affected by the  
8649 present emergency. The Department of Agriculture and Commerce,  
8650 the Division of Federal-State Programs of the Office of the  
8651 Governor, Department of Public Welfare, Department of Mental  
8652 Health, State Board of Health, board of trustees of each state  
8653 institution of higher learning, State Board for Community and  
8654 Junior Colleges, Research and Development Center, Board of  
8655 Economic Development, Employment Security Commission, Board of  
8656 Vocational and Technical Education, Mississippi Authority for  
8657 Educational Television, and other agencies of the state which have  
8658 programs and services that can be of assistance to those affected





8659 by the present emergency, shall provide information regarding  
8660 their programs and services to the Cooperative Extension Service  
8661 for use in the clearinghouse. The types of programs and services  
8662 shall include but not be limited to financial counseling, farm and  
8663 small business management, employment services, labor market  
8664 information, job retraining, vocational and technical training,  
8665 food stamp programs, personal counseling, health services, and  
8666 free or low cost legal services. The clearinghouse shall provide  
8667 a single contact point to provide program information and referral  
8668 services to individuals interested or needing services from state  
8669 funded assistance programs affecting agriculture, horticulture,  
8670 aquaculture and other agribusinesses or related industries. Such  
8671 assistance information shall identify all monies available under  
8672 the Small Business Financing Act, the Business Investment Act, the  
8673 Emerging Crop Fund legislation and any other sources which may be  
8674 used singularly or combined, to provide a comprehensive financing  
8675 package. The provisions of this section in establishing a single  
8676 contact point for information and referral services shall not be  
8677 construed to authorize the hiring of additional personnel.

8678 (2) The Cooperative Extension Service may accept monetary or  
8679 in-kind contributions, gifts and grants for the establishment or  
8680 operation of the clearinghouse.

8681 (3) The Cooperative Extension Service shall establish a  
8682 method for the dissemination of information to those who can be  
8683 benefited by the existing programs and services of the state.

8684 (4) The Cooperative Extension Service shall file an annual  
8685 report with the Governor, Lieutenant Governor and Speaker of the  
8686 House of Representatives regarding the efforts which have been  
8687 made in the clearinghouse operation. The report shall also  
8688 recommend any additional measures, including legislation, which  
8689 may be needed or desired in providing programs and benefits to  
8690 those affected by the agricultural emergency.



8691           **SECTION 219.** Section 73-15-19, Mississippi Code of 1972, is  
8692 amended as follows:

8693           73-15-19. (1) **Registered nurse applicant qualifications.**

8694 Any applicant for a license to practice as a registered nurse  
8695 shall submit to the board:

8696           (a) An attested written application on a board of  
8697 nursing form;

8698           (b) Written official evidence of completion of a  
8699 nursing program approved by the Commissioner of Higher Education,  
8700 or one approved by a legal accrediting agency of another state,  
8701 territory or possession of the United States, the District of  
8702 Columbia, or a foreign country which is satisfactory to this  
8703 board;

8704           (c) Evidence of competence in English related to  
8705 nursing, provided the first language is not English;

8706           (d) Any other official records required by the board.

8707           The board may, in its discretion, refuse to accept the  
8708 application of any person who has been convicted of a criminal  
8709 offense under any provision of Title 97 of the Mississippi Code of  
8710 1972, as now or hereafter amended, or any provision of this  
8711 chapter.

8712           (2) **Licensure by examination.**

8713           (a) Upon the board being satisfied that an applicant  
8714 for a license as a registered nurse has met the qualifications set  
8715 forth in subsection (1) of this section, the board shall proceed  
8716 to examine such applicant in such subjects as the board shall, in  
8717 its discretion, determine. The subjects in which applicants shall  
8718 be examined shall be in conformity with curricula in schools of  
8719 nursing approved by the Commissioner of Higher Education, or one  
8720 approved by a legal accrediting agency of another state, territory  
8721 or possession of the United States, the District of Columbia, or a  
8722 foreign country which is satisfactory to the board.



8723 (b) The applicant shall be required to pass the written  
8724 examination as selected by the board.

8725 (c) Upon successful completion of such examination, the  
8726 board shall issue to the applicant a license to practice as a  
8727 registered nurse.

8728 (d) The board may use any part or all of the state  
8729 board test pool examination for registered nurse licensure, its  
8730 successor examination, or any other nationally standardized  
8731 examination identified by the board in its rules. The passing  
8732 score shall be established by the board in its rules.

8733 (3) **Licensure by endorsement.** The board may issue a license  
8734 to practice nursing as a registered nurse without examination to  
8735 an applicant who has been duly licensed as a registered nurse  
8736 under the laws of another state, territory or possession of the  
8737 United States, the District of Columbia, or a foreign country if,  
8738 in the opinion of the board, the applicant meets the  
8739 qualifications required of licensed registered nurses in this  
8740 state and has previously achieved the passing score or scores on  
8741 the licensing examination required by this state, at the time of  
8742 his or her graduation.

8743 (4) **Requirements for rewriting the examination.** The board  
8744 shall establish in its rules the requirements for rewriting the  
8745 examination for those persons failing the examination on the first  
8746 writing or subsequent rewriting.

8747 (5) **Fee.** The applicant applying for a license by  
8748 examination or by endorsement to practice as a registered nurse  
8749 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the  
8750 board.

8751 (6) **Temporary permit.**

8752 (a) The board may issue a temporary permit to practice  
8753 nursing to a graduate of an approved school of nursing pending the  
8754 results of the examination in Mississippi, and to a qualified  
8755 applicant from another state, territory or possession of the



8756 United States, or District of Columbia, or pending licensure  
8757 procedures as provided for elsewhere in this chapter. The fee  
8758 shall not exceed Twenty-five Dollars (\$25.00).

8759 (b) The board may issue a temporary permit for a period  
8760 of ninety (90) days to a registered nurse who is currently  
8761 licensed in another state, territory or possession of the United  
8762 States or the District of Columbia and who is an applicant for  
8763 licensure by endorsement. Such permit is not renewable except by  
8764 board action.

8765 (c) The board may issue a temporary permit to a  
8766 graduate of an approved school of nursing pending the results of  
8767 the first licensing examination scheduled after application. Such  
8768 permit is not renewable except by board action.

8769 (d) The board may issue a temporary permit for a period  
8770 of thirty (30) days to any registered nurse during the time  
8771 enrolled in a nursing reorientation program. This time period may  
8772 be extended by board action. The fee shall not exceed Twenty-five  
8773 Dollars (\$25.00).

8774 (e) The board may adopt such regulations as are  
8775 necessary to limit the practice of persons to whom temporary  
8776 permits are issued.

8777 (7) **Temporary license.** The board may issue a temporary  
8778 license to practice nursing at a youth camp licensed by the State  
8779 Board of Health to nonresident registered nurses and retired  
8780 resident registered nurses under the provisions of Section  
8781 75-48-8.

8782 (8) **Title and abbreviation.** Any person who holds a license  
8783 or holds the privilege to practice as a registered nurse in this  
8784 state shall have the right to use the title "registered nurse" and  
8785 the abbreviation "R.N." No other person shall assume such title  
8786 or use such abbreviation, or any words, letters, signs or devices  
8787 to indicate that the person using the same is a registered nurse.



8788           (9) **Registered nurses licensed under a previous law.** Any  
8789 person holding a license to practice nursing as a registered nurse  
8790 issued by this board which is valid on July 1, 1981, shall  
8791 thereafter be deemed to be licensed as a registered nurse under  
8792 the provisions of this chapter upon payment of the fee provided in  
8793 Section 73-15-27.

8794           (10) Each application or filing made under this section  
8795 shall include the social security number(s) of the applicant in  
8796 accordance with Section 93-11-64.

8797           **SECTION 220.** Section 73-15-33, Mississippi Code of 1972, is  
8798 amended as follows:

8799           73-15-33. It is unlawful for any person, including a  
8800 corporation or association, to:

8801           (a) Sell, fraudulently obtain or furnish any nursing  
8802 diploma, license, renewal of license, or record, or to aid or abet  
8803 therein;

8804           (b) Practice nursing as defined by this chapter under  
8805 cover of any diploma, license, renewal of license, or record  
8806 illegally or fraudulently obtained or signed or issued unlawfully  
8807 or under fraudulent representation;

8808           (c) Practice or offer to practice nursing as defined by  
8809 this chapter unless duly licensed or privileged to practice under  
8810 the provisions of this chapter;

8811           (d) Use any designation by which a person presents to  
8812 the public that he or she is a registered nurse or a licensed  
8813 practical nurse unless duly licensed or privileged to practice  
8814 under the provisions of this chapter;

8815           (e) Practice as a registered nurse or a licensed  
8816 practical nurse during the time his or her license or privilege to  
8817 practice issued under the provisions of this chapter is under  
8818 suspension or revocation;

8819           (f) Conduct a nursing education program for the  
8820 preparation of registered nurses, unless the program has been



8821 accredited by the Commission of Higher Education, or conduct a  
8822 nursing education program for the preparation of licensed  
8823 practical nurses unless the program has been accredited by the  
8824 Department of Education through the Division of Vocational  
8825 Education;

8826 (g) Willfully employ unlicensed persons or persons not  
8827 holding the privilege to practice, to practice as registered  
8828 nurses or licensed practical nurses; or

8829 (h) Willfully aid or abet any person who violates any  
8830 provisions of this chapter.

8831 Any person, firm or corporation who violates any provisions  
8832 of this chapter shall be guilty of a misdemeanor and, upon  
8833 conviction thereof, shall be punished by a fine not less than One  
8834 Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
8835 (\$1,000.00) or by imprisonment in the county jail for not less  
8836 than twelve (12) months, or by both such fine and imprisonment.  
8837 It shall be necessary to prove, in any prosecution under this  
8838 chapter, only a single act prohibited by law, or a single holding  
8839 out or an attempt without proving a general course of conduct in  
8840 order to constitute a violation. Each violation may constitute a  
8841 separate offense. It shall be the duty of the Attorney General to  
8842 advise with the board in preparing charges, to assist in  
8843 conducting board disciplinary hearings, to provide assistance with  
8844 appropriate affidavits and other charges for filing in the  
8845 appropriate court, and to assist the county or district attorney  
8846 in prosecution, if any.

8847 **SECTION 221.** Section 75-59-1, Mississippi Code of 1972, is  
8848 amended as follows:

8849 75-59-1. No person, firm or corporation shall contract to  
8850 furnish correspondence courses to persons within the state unless  
8851 such person, firm or corporation shall have obtained a permit from  
8852 the Office of the Secretary of State, either (a) the State  
8853 Department of Education, (b) the State Board for Community and



8854 Junior Colleges, or (c) the Commissioner of Higher Education,  
8855 whichever is appropriate, and the Office of the Attorney General.  
8856 An application for a permit shall be made on forms furnished by  
8857 the Secretary of State, the State Department of Education, the  
8858 State Board for Community and Junior Colleges or the Commissioner  
8859 of Higher Education, as the case may be, and the Attorney General  
8860 and such application shall designate an agent for the service of  
8861 summons within the state; shall contain the name and address of  
8862 the applicant; the type of courses offered with a brief summary of  
8863 the course of studies offered; and one (1) copy of all textbooks  
8864 or other teaching aids and training materials which are  
8865 incorporated in the course of study shall be filed with said  
8866 application. The applicant shall pay the Secretary of State a fee  
8867 of Two Hundred Fifty Dollars (\$250.00). The applicant shall file  
8868 a bond with his application in the sum of Fifty Thousand Dollars  
8869 (\$50,000.00) conditioned to satisfy any judgment rendered by a  
8870 court of competent jurisdiction, in favor of any person who has  
8871 sustained damages as a result of the breach of a contract of  
8872 instruction by the permittee. Such bond shall be executed by the  
8873 permittee and a resident surety company qualified to transact  
8874 business within the state. Such permit shall be valid for one (1)  
8875 year from the date thereof. Suits against the permittee and his  
8876 surety may be brought in the county where the plaintiff resides,  
8877 or the county where the defendant has his principal place of  
8878 business, or where his resident agent resides. This chapter shall  
8879 not apply to any business school or business college holding a  
8880 current certificate or license issued under the applicable law of  
8881 this state. In addition, this chapter shall not apply to  
8882 religious instructions offered by a recognized church  
8883 denomination; provided, however, that no fee or charge of any kind  
8884 whatever may be levied or collected directly or indirectly for  
8885 such instructions or certificates issued in connection therewith



8886 or incidental thereto. No person shall be granted a permit unless  
8887 he is an individual of good moral character.

8888 **SECTION 222.** Section 75-60-5, Mississippi Code of 1972, is  
8889 amended as follows:

8890 75-60-5. The provisions of this chapter do not apply to the  
8891 following categories of courses, schools or colleges:

8892 (a) Tuition-free courses or schools conducted by  
8893 employers exclusively for their own employees;

8894 (b) Schools, colleges, technical institutes, community  
8895 colleges, junior colleges or universities under the jurisdiction  
8896 of a board of trustees of a state institution of higher learning  
8897 or the State Board for Community and Junior Colleges;

8898 (c) Schools or courses of instruction under the  
8899 jurisdiction of the State Board of Cosmetology or State Board of  
8900 Barber Examiners;

8901 (d) Courses of instruction required by law to be  
8902 approved or licensed, or given by institutions approved or  
8903 licensed, by a state board or agency other than the Commission on  
8904 Proprietary School and College Registration; however, a school so  
8905 approved or licensed may apply to the Commission on Proprietary  
8906 School and College Registration for a certificate of registration  
8907 to be issued in accordance with the provisions of this chapter;

8908 (e) Correspondence courses;

8909 (f) Nonprofit private schools offering academic credits  
8910 at primary or secondary levels, or conducting classes for  
8911 exceptional education as defined by regulations of the State  
8912 Department of Education;

8913 (g) Private nonprofit colleges and universities or any  
8914 private school offering academic credits at primary, secondary or  
8915 postsecondary levels;

8916 (h) Courses of instruction conducted by a public school  
8917 district or a combination of public school districts;





8918 (i) Courses of instruction conducted outside the United  
8919 States;

8920 (j) A school which offers only instruction in subjects  
8921 which the Commission on Proprietary School and College  
8922 Registration determines are primarily for avocational, personal  
8923 improvement or cultural purposes and which does not represent to  
8924 the public that its course of study or instruction will or may  
8925 produce income for those who take such study or instruction;

8926 (k) Courses conducted primarily on an individual  
8927 tutorial basis, where not more than one (1) student is involved at  
8928 any one (1) time, except in those instances where the Commission  
8929 on Proprietary School and College Registration determines that the  
8930 course is for the purpose of preparing for a vocational objective;

8931 (l) Kindergartens or similar programs for preschool-age  
8932 children.

8933 **SECTION 223.** The Attorney General of the State of  
8934 Mississippi shall submit this act, immediately upon approval by  
8935 the Governor, or upon approval by the Legislature subsequent to a  
8936 veto, to the Attorney General of the United States or to the  
8937 United States District Court for the District of Columbia in  
8938 accordance with the provisions of the Voting Rights Act of 1965,  
8939 as amended and extended.

8940 **SECTION 224.** This act shall take effect and be in force from  
8941 and after either the date it is effectuated under the Voting  
8942 Rights Act of 1965, as amended and extended, or the date that  
8943 House Concurrent Resolution No. \_\_\_\_, 2003 Regular Session, takes  
8944 effect, whichever is the later date; however, this act shall take  
8945 effect and be in force only if it is effectuated under the Voting  
8946 Rights Act of 1965, as amended and extended, and only if House  
8947 Concurrent Resolution No. \_\_\_\_, 2003 Regular Session, takes effect  
8948 by effectuation under the Voting Rights Act of 1965, as amended  
8949 and extended, and by ratification of the electorate at the  
8950 November 2003 general election.

