

By: Representative Fleming

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 236

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE BOARD OF
2 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO ESTABLISH A
3 SEPARATE BOARD OF TRUSTEES FOR EACH STATE INSTITUTION OF HIGHER
4 LEARNING; TO PROVIDE FOR THE ELECTION OF MEMBERS OF SUCH BOARDS OF
5 TRUSTEES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE BOARD OF
6 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO THE BOARDS OF
7 TRUSTEES OF THE VARIOUS INSTITUTIONS OF HIGHER LEARNING AND TO THE
8 COMMISSIONER OF HIGHER EDUCATION; TO AMEND SECTION 37-101-1,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
10 37-101-5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE
11 QUALIFICATIONS FOR MEMBERSHIP TO THE BOARD OF TRUSTEES OF A STATE
12 INSTITUTION OF HIGHER LEARNING; TO AMEND SECTION 37-101-7,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ORGANIZATION OF THE
14 BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS OF HIGHER
15 LEARNING AND FOR THE APPOINTMENT OF A COMMISSIONER OF HIGHER
16 EDUCATION; TO AMEND SECTIONS 37-101-9 THROUGH 37-101-13,
17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
18 37-101-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND
19 DUTIES OF THE BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS
20 OF HIGHER LEARNING; TO AMEND SECTIONS 1-1-11, 11-46-17, 17-13-5,
21 19-3-47, 19-9-1, 21-25-23, 21-33-301, 25-3-41, 27-7-701,
22 27-103-127, 29-1-205, 29-17-1, 31-1-1, 31-7-10, 37-3-2, 37-4-4,
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26 37-101-71, 37-101-91, 37-101-93, 37-101-95, 37-101-101,
27 37-101-103, 37-101-121, 37-101-123, 37-101-125, 37-101-141,
28 37-101-143, 37-101-145, 37-101-147, 37-101-149, 37-101-153,
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32 37-102-15, 37-103-1, 37-103-9, 37-103-25, 37-103-29, 37-104-5,
33 37-105-1, 37-105-7, 37-105-9, 37-106-5, 37-106-9, 37-106-35,
34 37-107-7, 37-107-9, 37-108-3, 37-108-5, 37-110-1, 37-110-3,
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43 37-138-7, 37-139-7, 37-140-5, 37-141-3, 37-141-5, 37-141-13,
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45 37-143-6, 37-143-7, 37-143-9, 37-143-11, 37-143-15, 37-143-19,
46 37-143-21, 37-145-3, 37-147-5, 37-147-15, 37-149-1, 37-155-9,
47 37-157-1, 37-157-3, 37-159-3, 37-159-15, 41-13-15, 41-87-5,
48 43-55-5, 43-55-23, 47-5-401, 47-5-451, 49-3-5, 49-3-7, 49-3-11,
49 55-23-5, 55-23-9, 55-23-53, 57-1-357, 57-13-22, 57-15-3, 57-15-9,
50 57-18-5, 57-18-7, 57-18-9, 57-19-5, 57-19-7, 57-19-11, 57-21-7,
51 57-23-5, 57-23-7, 57-23-11, 57-39-105, 57-49-11, 57-55-5, 57-55-7,
52 57-55-9, 57-55-11, 57-55-13, 57-55-15, 57-55-17, 57-67-5,

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

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

58 **SECTION 1.** (1) From and after the first Monday of January
59 2006, 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. ____, 2004 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 2005, an election shall be held, in the same manner that
91 state general elections are held, for the purpose of electing the
92 members of the board of trustees established under this section.
93 All members of the board of trustees as constituted under this
94 section shall take office on the first Monday of January following
95 the date of their election and shall hold office for a term of
96 four (4) years. Four (4) members of the board of trustees shall
97 be elected, one (1) from each of the four (4) congressional
98 districts, as such districts existed on January 1, 2005, and one
99 (1) member shall be elected from the state at large. Each member
100 shall hold the qualifications for the office of trustee
101 established under Section 37-101-5.

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

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

109 **SECTION 3.** (1) The Board of Trustees of the University of
110 Mississippi shall consist of five (5) members. On the first
111 Tuesday after the first Monday in November 2005, an election shall
112 be held, in the same manner that state general elections are held,
113 for the purpose of electing the members of the board of trustees
114 established under this section. All members of the board of
115 trustees as constituted under this section shall take office on
116 the first Monday of January following the date of their election
117 and shall hold office for a term of four (4) years. Four (4)
118 members of the board of trustees shall be elected, one (1) from
119 each of the four (4) congressional districts, as such districts

120 existed on January 1, 2005, and one (1) member shall be elected
121 from the state at large. Each member shall hold the
122 qualifications for the office of trustee established under Section
123 37-101-5.

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

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

129 **SECTION 4.** (1) The Board of Trustees of Mississippi
130 University for Women shall consist of five (5) members. On the
131 first Tuesday after the first Monday in November 2005, an election
132 shall be held, in the same manner that state general elections are
133 held, for the purpose of electing the members of the board of
134 trustees established under this section. All members of the board
135 of trustees as constituted under this section shall take office on
136 the first Monday of January following the date of their election
137 and shall hold office for a term of four (4) years. Four (4)
138 members of the board of trustees shall be elected, one (1) from
139 each of the four (4) congressional districts, as such districts
140 existed on January 1, 2005, and one (1) member shall be elected
141 from the state at large. Each member shall hold the
142 qualifications for the office of trustee established under Section
143 37-101-5.

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

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

149 **SECTION 5.** (1) The Board of Trustees of the University of
150 Southern Mississippi shall consist of five (5) members. On the
151 first Tuesday after the first Monday in November 2005, an election
152 shall be held, in the same manner that state general elections are

153 held, for the purpose of electing the members of the board of
154 trustees established under this section. All members of the board
155 of trustees as constituted under this section shall take office on
156 the first Monday of January following the date of their election
157 and shall hold office for a term of four (4) years. Four (4)
158 members of the board of trustees shall be elected, one (1) from
159 each of the four (4) congressional districts, as such districts
160 existed on January 1, 2005, and one (1) member shall be elected
161 from the state at large. Each member shall hold the
162 qualifications for the office of trustee established under Section
163 37-101-5.

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

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

171 **SECTION 6.** (1) The Board of Trustees of Alcorn State
172 University shall consist of five (5) members. On the first
173 Tuesday after the first Monday in November 2005, an election shall
174 be held, in the same manner that state general elections are held,
175 for the purpose of electing the members of the board of trustees
176 established under this section. All members of the board of
177 trustees as constituted under this section shall take office on
178 the first Monday of January following the date of their election
179 and shall hold office for a term of four (4) years. Four (4)
180 members of the board of trustees shall be elected, one (1) from
181 each of the four (4) congressional districts, as such districts
182 existed on January 1, 2005, and one (1) member shall be elected
183 from the state at large. Each member shall hold the
184 qualifications for the office of trustee established under Section
185 37-101-5.

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

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

191 **SECTION 7.** (1) The Board of Trustees of Delta State
192 University shall consist of five (5) members. On the first
193 Tuesday after the first Monday in November 2005, an election shall
194 be held, in the same manner that state general elections are held,
195 for the purpose of electing the members of the board of trustees
196 established under this section. All members of the board of
197 trustees as constituted under this section shall take office on
198 the first Monday of January following the date of their election
199 and shall hold office for a term of four (4) years. Four (4)
200 members of the board of trustees shall be elected, one (1) from
201 each of the four (4) congressional districts, as such districts
202 existed on January 1, 2005, and one (1) member shall be elected
203 from the state at large. Each member shall hold the
204 qualifications for the office of trustee established under Section
205 37-101-5.

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

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

211 **SECTION 8.** (1) The Board of Trustees of Jackson State
212 University shall consist of five (5) members. On the first
213 Tuesday after the first Monday in November 2005, an election shall
214 be held, in the same manner that state general elections are held,
215 for the purpose of electing the members of the board of trustees
216 established under this section. All members of the board of
217 trustees as constituted under this section shall take office on
218 the first Monday of January following the date of their election

219 and shall hold office for a term of four (4) years. Four (4)
220 members of the board of trustees shall be elected, one (1) from
221 each of the four (4) congressional districts, as such districts
222 existed on January 1, 2005, and one (1) member shall be elected
223 from the state at large. Each member shall hold the
224 qualifications for the office of trustee established under Section
225 37-101-5.

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

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

231 **SECTION 9.** (1) The Board of Trustees of Mississippi Valley
232 State University shall consist of five (5) members. On the first
233 Tuesday after the first Monday in November 2005, an election shall
234 be held, in the same manner that state general elections are held,
235 for the purpose of electing the members of the board of trustees
236 established under this section. All members of the board of
237 trustees as constituted under this section shall take office on
238 the first Monday of January following the date of their election
239 and shall hold office for a term of four (4) years. Four (4)
240 members of the board of trustees shall be elected, one (1) from
241 each of the four (4) congressional districts, as such districts
242 existed on January 1, 2005, and one (1) member shall be elected
243 from the state at large. Each member shall hold the
244 qualifications for the office of trustee established under Section
245 37-101-5.

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

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

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

254 37-101-1. The following state institutions of higher
255 learning, namely:

256 (a) The University of Mississippi;

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

259 (c) The Mississippi University for Women;

260 (d) The University of Southern Mississippi;

261 (e) The Delta State University;

262 (f) The Alcorn State University;

263 (g) The Jackson State University;

264 (h) The Mississippi Valley State University;

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

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

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

272 37-101-5. * * * Only men and women who are graduates of the
273 university for which they are seeking to hold the office of
274 trustee who also are qualified electors residing in the
275 congressional district from which they are seeking election and
276 who are at least twenty-five (25) years of age and of the highest
277 order of intelligence, character, learning and fitness for the
278 performance of such duties shall be eligible to hold the office of
279 trustee.

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

282 37-101-7. (1) Within ten (10) days after the beginning of
283 the terms of office of its members, upon call of the president of
284 the university, the board of trustees of each university shall

285 meet at the main campus of the university and organize by electing
286 one (1) of its number as president, whose term of office shall be
287 for one (1) year or until a successor shall be elected, and shall
288 transact such other business as may come before the meeting. When
289 the presiding officer has voted and the result is a tie, he cannot
290 vote again to break the tie.

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

313 (3) The trustees of each university shall authorize the
314 employment of such * * * personnel as may be required from time to
315 time to carry out the functions of the board and may assign to the
316 personnel so employed such functions and duties and may delegate
317 to the * * * personnel such powers of the board as may be

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

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

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

335 37-101-9. The board of trustees of each university shall
336 serve without salary compensation but shall receive a per diem and
337 mileage as authorized by law including time of going to and
338 returning from meetings of the board, together with actual travel
339 and hotel expenses incident to the meetings of the board, and in
340 the discharge of duties prescribed by the board.

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

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

352 37-101-11. The board of trustees of each state institution
353 of higher learning is hereby authorized and empowered, in its
354 discretion, to adopt and have an official seal in such form as it
355 deems appropriate for its official use.

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

358 37-101-13. It shall be the duty of the Commissioner of
359 Higher Education to begin immediately a comprehensive study of the
360 role and scope of all of the various state institutions of higher
361 learning, including a detailed study of the programs of study,
362 degrees and courses offered. Following the completion of such
363 study, the commissioner shall recommend such adjustments as may be
364 found to be necessary in the programs of the various institutions,
365 to the end that the broadest possible educational opportunities
366 shall be offered to the citizens of this state without inefficient
367 and needless duplication. The commissioner shall give advice to
368 the boards of trustees on the establishment of new courses of
369 study, new departments and new functions and activities in each
370 institution so that the growth and development of the program of
371 higher education in the state shall proceed in an orderly and
372 rational manner, inefficient and needless duplication may be
373 avoided, and new expanded programs will be undertaken only as the
374 same may become justified, based upon objective criteria to be
375 established by the commissioner. In carrying out the purposes of
376 this section, particular attention shall be given to the extension
377 programs of the various institutions. The commissioner, in
378 conjunction with the boards of trustees, chancellor and presidents
379 of the institutions of higher learning, shall take such steps as
380 may be necessary to improve and coordinate such programs and shall
381 exercise such direct control over the establishment, organization,

382 operation and granting of credit for such programs as may be
383 necessary to accomplish such purposes.

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

386 37-101-15. (a) The board of trustees of each state
387 institution of higher learning shall succeed to and continue to
388 exercise control of all records, books, papers, equipment, and
389 supplies, and all lands, buildings, and other real and personal
390 property belonging to or assigned to the use and benefit of the
391 state institution of higher learning under the supervision and
392 control of the respective board. Each board shall have and
393 exercise control of the use, distribution and disbursement of all
394 funds, appropriations and taxes, now and hereafter in possession,
395 levied and collected, received, or appropriated for the use,
396 benefit, support, and maintenance or capital outlay expenditures
397 of the respective institution of higher learning, including the
398 authorization of employees to sign vouchers for the disbursement
399 of funds for the institution, except where otherwise specifically
400 provided by law.

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

415 various institutions and which may be based upon such criteria as
416 the board may establish.

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

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

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

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

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

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

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

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

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

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

502 1-1-11. (1) Except as provided in subsection (2) of this
503 section, the Joint Committee on Compilation, Revision and
504 Publication of Legislation shall distribute or provide for the
505 distribution of the sets of the compilation of the Mississippi
506 Code of 1972 purchased by the state as follows:

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

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

513 One (1) set to each of the following: the Lieutenant
514 Governor; each member of the Legislature; the Treasurer; each
515 district attorney; each county attorney; each judge of the Court
516 of Appeals and each judge of the Supreme, circuit, chancery,
517 county, family, justice and municipal courts; each Mississippi
518 Senator and Mississippi Representative in Congress; State
519 Superintendent of Education; Director of the Department of Finance
520 and Administration; six (6) sets to the Performance Evaluation and
521 Expenditure Review (PEER) Committee, three (3) sets to the
522 Director of the Legislative Budget Office; the Commissioner of
523 Agriculture and Commerce; each Mississippi Transportation
524 Commissioner; six (6) sets to the Department of Corrections; the
525 Insurance Commissioner; the Clerk of the Supreme Court; the State
526 Board of Health; each circuit clerk; each chancery clerk in the
527 state for the use of the chancery clerk and the board of
528 supervisors; each sheriff in the state for the use of his office
529 and the county officers; and each county for the county library
530 (and an additional set shall be given to each circuit clerk,
531 chancery clerk, sheriff and county library in counties having two
532 (2) judicial districts).

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

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

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

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

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

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

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

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

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

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

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

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

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

629 11-46-17. (1) There is hereby created in the State Treasury
630 a special fund to be known as the "Tort Claims Fund."

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

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

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

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

678 discretion, shall determine advisable. If liability coverage,
679 either through insurance policies or self-insurance retention is
680 in effect, immunity from suit shall be waived only to the limit of
681 liability established by such insurance or self-insurance program.
682 From and after July 1, 1993, such liability coverage established
683 by the Board of Trustees of State Institutions of Higher Learning
684 and, after the effective date of House Bill No. , 2004 Regular
685 Session, the board of trustees of each state institution of higher
686 learning, must conform to the provisions of this section and must
687 receive approval from the board. Should the board reject such
688 plan, the boards of trustees shall participate in the liability
689 program for state agencies established by the board.

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

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

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

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

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

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

740 17-13-5. For the purpose of this chapter, the following
741 words shall be defined as herein provided unless the context
742 requires otherwise:

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

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

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

760 19-3-47. (1) (a) The board of supervisors shall have the
761 power, in its discretion, to employ counsel by the year at an
762 annual salary at an amount that it deems proper, not to exceed the
763 maximum annual amount authorized by law for payment to a member of
764 the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

859 19-9-1. The board of supervisors of any county is authorized
860 to issue negotiable bonds of the county to raise money for the
861 following purposes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

942 21-25-23. The governing authorities of any municipality are
943 hereby authorized, when petitioned so to do by the board of
944 trustees of any state institution of higher learning located in
945 such municipality, to create, by ordinance, a fire district
946 encompassing the area adjoining such municipality on which a part
947 or all of the state institution of higher learning is located,
948 after the creation of which such governing authorities and the
949 board of trustees * * * shall have full power to contract for
950 laying of water mains and any other pipes or connections to the
951 water mains to be used in said fire district, and for the
952 establishment and maintenance of fire service therein. However,
953 no such governing authority shall have the power either to
954 promulgate or enforce any charge, rule or regulation upon said
955 district without first having received the ratification and
956 consent of the Board of Trustees of State Institutions of Higher
957 Learning as reflected by the minutes of said trustees.

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

960 21-33-301. The governing authorities of any municipality are
961 authorized to issue negotiable bonds of the municipality to raise
962 money for the following purposes:

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

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

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

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

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

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

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

989 (h) Constructing bridges and culverts;

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

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

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

1000 (l) Purchasing fire-fighting equipment and apparatus,
1001 and providing housing for same, and purchasing land therefor;

1002 (m) Purchasing or renting voting machines and any other
1003 election equipment needed in elections held in the municipality;

1004 (n) Assisting the board of trustees of any state
1005 institution of higher learning situated in the municipality, the
1006 Bureau of Building, Grounds and Real Property Management of the
1007 Governor's Office of General Services, or any other state agency
1008 in acquiring a site for, constructing suitable buildings and
1009 runways and equipping an airport for the university or other
1010 state-supported four-year college, now or hereafter in existence,
1011 in or near which the municipality is located, within not more than
1012 ten (10) miles of the municipality;

1013 (o) Acquiring and improving existing mass transit
1014 system; however, no municipal governing authorities shall
1015 authorize any bonds to be issued for the acquiring and improving
1016 of an existing mass transit system unless an election be conducted
1017 in said municipality in the same manner provided for general and
1018 special elections, and a majority of the qualified electors of the
1019 municipality participating in said election approve the bond
1020 issuance for the acquiring and improving of an existing mass
1021 transit system;

1022 (p) Purchasing machinery and equipment which have an
1023 expected useful life in excess of ten (10) years. The life of
1024 such bonds shall not exceed the expected useful life of such
1025 machinery and equipment. Machinery and equipment shall not
1026 include any motor vehicle weighing less than twelve thousand
1027 (12,000) pounds;

1028 (q) A project for which a certificate of public
1029 convenience and necessity has been obtained by the municipality
1030 pursuant to the Regional Economic Development Act.

1031 **SECTION 24.** Section 25-3-41, Mississippi Code of 1972, is
1032 amended as follows:

1033 25-3-41. (1) When any officer or employee of the State of
1034 Mississippi, or any department, agency or institution thereof,
1035 after first being duly authorized, is required to travel in the
1036 performance of his official duties, the officer or employee shall

1037 receive as expenses for each mile actually and necessarily
1038 traveled, when the travel is done by a privately owned automobile
1039 or other privately owned motor vehicle, the mileage reimbursement
1040 rate allowable to federal employees for the use of a privately
1041 owned vehicle while on official travel.

1042 (2) When any officer or employee of any county or
1043 municipality, or of any agency, board or commission thereof, after
1044 first being duly authorized, is required to travel in the
1045 performance of his official duties, the officer or employee shall
1046 receive as expenses Twenty Cents (20¢) for each mile actually and
1047 necessarily traveled, when the travel is done by a privately owned
1048 motor vehicle; provided, however, that the governing authorities
1049 of a county or municipality may, in their discretion, authorize an
1050 increase in the mileage reimbursement of officers and employees of
1051 the county or municipality, or of any agency, board or commission
1052 thereof, in an amount not to exceed the mileage reimbursement rate
1053 authorized for officers and employees of the State of Mississippi
1054 in subsection (1) of this section.

1055 (3) Where two (2) or more officers or employees travel in
1056 one (1) privately owned motor vehicle, only one (1) travel expense
1057 allowance at the authorized rate per mile shall be allowed for any
1058 one (1) trip. When the travel is done by means of a public
1059 carrier or other means not involving a privately owned motor
1060 vehicle, then the officer or employee shall receive as travel
1061 expense the actual fare or other expenses incurred in such travel.

1062 (4) In addition to the foregoing, a public officer or
1063 employee shall be reimbursed for other actual expenses such as
1064 meals, lodging and other necessary expenses incurred in the course
1065 of the travel, subject to limitations placed on meals for
1066 intrastate and interstate official travel by the Department of
1067 Finance and Administration, provided, that the Legislative Budget
1068 Office shall place any limitations for expenditures made on
1069 matters under the jurisdiction of the Legislature. The Department

1070 of Finance and Administration shall set a maximum daily
1071 expenditure annually for such meals and shall notify officers and
1072 employees of changes to these allowances immediately upon approval
1073 of the changes. Travel by airline shall be at the tourist rate
1074 unless that space was unavailable. The officer or employee shall
1075 certify that tourist accommodations were not available if travel
1076 is performed in first class airline accommodations. Itemized
1077 expense accounts shall be submitted by those officers or employees
1078 in such number as the department, agency or institution may
1079 require; but in any case one (1) copy shall be furnished by state
1080 departments, agencies or institutions to the Department of Finance
1081 and Administration for preaudit or postaudit. The Department of
1082 Finance and Administration shall promulgate and adopt reasonable
1083 rules and regulations which it deems necessary and requisite to
1084 effectuate economies for all expenses authorized and paid pursuant
1085 to this section. Requisitions shall be made on the State Fiscal
1086 Officer who shall issue his warrant on the State Treasurer.
1087 Provided, however, that the provisions of this section shall not
1088 include agencies financed entirely by federal funds and audited by
1089 federal auditors.

1090 (5) Any officer or employee of a county or municipality, or
1091 any department, board or commission thereof, who is required to
1092 travel in the performance of his official duties, may receive
1093 funds before the travel, in the discretion of the administrative
1094 head of the county or municipal department, board or commission
1095 involved, for the purpose of paying necessary expenses incurred
1096 during the travel. Upon return from the travel, the officer or
1097 employee shall provide receipts of transportation, lodging, meals,
1098 fees and any other expenses incurred during the travel. Any
1099 portion of the funds advanced which is not expended during the
1100 travel shall be returned by the officer or employee. The
1101 Department of Audit shall adopt rules and regulations regarding
1102 advance payment of travel expenses and submission of receipts to

1103 ensure proper control and strict accountability for those payments
1104 and expenses.

1105 (6) No state or federal funds received from any source by
1106 any arm or agency of the state shall be expended in traveling
1107 outside of the continental limits of the United States until the
1108 governing body or head of the agency makes a finding and
1109 determination that the travel would be extremely beneficial to the
1110 state agency and obtains a written concurrence thereof from the
1111 Governor or his designee and the Department of Finance and
1112 Administration.

1113 (7) Where any officer or employee of the State of
1114 Mississippi, or any department, agency or institution thereof, or
1115 of any county or municipality, or of any agency, board or
1116 commission thereof, is authorized to receive travel reimbursement
1117 under any other provision of law, the reimbursement may be paid
1118 under the provisions of this section or the other section, but not
1119 under both.

1120 (8) When the Governor or Lieutenant Governor appoints a
1121 person to a board, commission or other position that requires
1122 confirmation by the Senate, the person may receive reimbursement
1123 for mileage and other actual expenses incurred in the performance
1124 of official duties before the appointment is confirmed by the
1125 Senate, as reimbursement for those expenses is authorized under
1126 this section.

1127 (9) (a) The Department of Finance and Administration may
1128 contract with one or more commercial travel agencies, after
1129 receiving competitive bids or proposals therefor, for that travel
1130 agency or agencies to provide necessary travel services for state
1131 officers and employees. Municipal and county officers and
1132 municipal and county employees may also participate in the state
1133 travel agency contract and utilize these travel services for
1134 official municipal or county travel. However, the administrative
1135 head of each state institution of higher learning may, in his

1136 discretion, contract with a commercial travel agency to provide
1137 necessary travel services for all academic officials and staff of
1138 the university in lieu of participation in the state travel agency
1139 contract. Any such decision by a university to contract with a
1140 separate travel agency shall be approved by the Commissioner of
1141 Higher Education and the Executive Director of the Department of
1142 Finance and Administration.

1143 (b) Before executing a contract with one or more travel
1144 agencies, the Department of Finance and Administration shall
1145 advertise for competitive bids or proposals once a week for two
1146 (2) consecutive weeks in a regular newspaper having a general
1147 circulation throughout the State of Mississippi. If the
1148 department determines that it should not contract with any of the
1149 bidders initially submitting proposals, the department may reject
1150 all those bids, advertise as provided in this paragraph and
1151 receive new proposals before executing the contract or contracts.
1152 The contract or contracts may be for a period not greater than
1153 three (3) years, with an option for the travel agency or agencies
1154 to renew the contract or contracts on a one-year basis on the same
1155 terms as the original contract or contracts, for a maximum of two
1156 (2) renewals. After the travel agency or agencies have renewed
1157 the contract twice or have declined to renew the contract for the
1158 maximum number of times, the Department of Finance and
1159 Administration shall advertise for bids in the manner required by
1160 this paragraph and execute a new contract or contracts.

1161 (c) Whenever any state officer or employee travels in
1162 the performance of his official duties by airline or other public
1163 carrier, he may have his travel arrangements handled by that
1164 travel agency or agencies. The amount paid for airline
1165 transportation for any state officer or employee, whether the
1166 travel was arranged by that travel agency or agencies or was
1167 arranged otherwise, shall not exceed the amount specified in the
1168 state contract established by the Department of Finance and

1169 Administration, Office of Purchasing and Travel, unless prior
1170 approval is obtained from the office.

1171 **SECTION 25.** Section 27-7-701, Mississippi Code of 1972, is
1172 amended as follows:

1173 27-7-701. For the purposes of this article, the following
1174 terms shall have the respective meanings ascribed by this section:

1175 (a) "Claimant agency" means the board of trustees of
1176 any state institution of higher learning * * *, the Mississippi
1177 Guarantee Student Loan Agency, the Mississippi Post-Secondary
1178 Education Assistance Board, or any state agency which has loaned
1179 money to an individual for educational purposes.

1180 (b) "Debtor" means any individual owing money or having
1181 a delinquent account with any claimant agency, which obligation
1182 has not been adjudicated satisfied by court order, set aside by
1183 court order, or discharged in bankruptcy.

1184 (c) "Debt" means any liquidated sum due and owing any
1185 claimant agency which has accrued through contract, subrogation,
1186 tort or operation of law, regardless of whether there is an
1187 outstanding judgment for that sum.

1188 (d) "Commission" means the State Tax Commission of the
1189 State of Mississippi.

1190 (e) "Refund" means the Mississippi income tax refund
1191 which the commission determines to be due any individual taxpayer.

1192 **SECTION 26.** Section 27-103-127, Mississippi Code of 1972, is
1193 amended as follows:

1194 27-103-127. To the end that the overall budget shall present
1195 in comparable terms a complete summary of all financial operations
1196 of all state agencies, Part 2 of the overall budget shall include
1197 therein the requested budget and the recommended budget for each
1198 special fund agency. The overall budget shall show for each
1199 special fund agency, in addition to such other information as may
1200 be prescribed by the Legislative Budget Office, the following:

1201 (a) The amount by source of all special fund receipts
1202 collected or otherwise available in the current fiscal year, and
1203 an estimate by source of all special funds which will be collected
1204 or become available by the end of the then current fiscal year;

1205 (b) The estimated amount of all expenditures to be made
1206 or obligations to be incurred payable from such special funds
1207 during the then current fiscal year;

1208 (c) The estimated aggregate amount of special funds
1209 which will be needed by the agency for the succeeding fiscal year;
1210 beginning with the 1995 fiscal year and in the event that any
1211 services proposed to be provided by the agency in the succeeding
1212 fiscal year are Medicaid reimbursable, any state general matching
1213 funds necessary for such reimbursement shall be included in the
1214 agency's proposed budget, and the appropriation to the Division of
1215 Medicaid in the 1995 fiscal year shall be adjusted accordingly;

1216 (d) The estimated amount by source of special funds
1217 which will be available under existing laws during the succeeding
1218 fiscal year, including any balances which will be on hand at the
1219 close of the then current fiscal year;

1220 (e) The estimated amount which will be needed and which
1221 will require change in existing law or laws;

1222 (f) If any new item of expense is included in the
1223 proposed budget of any special fund agency, the reason therefor
1224 shall be given; and in any case where the Legislative Budget
1225 Office shall eliminate or reduce any item or items in the proposed
1226 budget of any special fund agency, it shall note briefly the
1227 reasons therefor, together with the reasons advanced by the agency
1228 in support of the item or items eliminated or reduced;

1229 (g) The proposed budget of each special fund agency
1230 shall show the amounts required for operating expenses separately
1231 from the amounts required for permanent improvements.

1232 Proposed expenditures for any agency in Part 2 of the overall
1233 budget shall not exceed the amount of estimated revenues which

1234 will be available to it. Provided, that the Legislative Budget
1235 Office may recommend changes in existing law so as to decrease or
1236 increase the revenues available to any agency if in its judgment
1237 such changes are necessary or desirable.

1238 Provided further, that expenditures approved or authorized by
1239 the Legislature for any special fund agency or special funds
1240 approved for general fund agency shall constitute a maximum to be
1241 expended or encumbered by such agency, and shall not constitute
1242 authority to expend or encumber more than the amount of revenue
1243 actually collected or otherwise received.

1244 No special fund agency or general fund agency shall make
1245 expenditures from special funds available to such agency unless
1246 such expenditures are set forth in a budget approved by the
1247 Legislature. Such legislative approval shall be set forth in an
1248 appropriation act. Provided, however, that special funds derived
1249 from the collection of taxes for any political subdivision of the
1250 state shall be excepted from the foregoing provisions. The
1251 executive head of the state agency shall be liable on his official
1252 bond for expenditures or encumbrances which exceed the total
1253 amount of the budget or the amount received if receipts are less
1254 than the approved budget.

1255 * * * Each university and college shall submit through the
1256 board of trustees of the state institution of higher learning an
1257 annual budget to the Legislative Budget Office prior to the
1258 beginning of each fiscal year with such information and in such
1259 form, and in such detail, as may be required by the Legislative
1260 Budget Office. If the Legislative Budget Office determines that
1261 sufficient funds will be available during the fiscal year to fund
1262 the proposed budget as submitted, then and in that event the
1263 proposed budget shall be approved. However, if the Legislative
1264 Budget Office determines that, in its judgment, sufficient funds
1265 will not be available to fund the proposed budget, the affected
1266 institution * * * and its board * * * shall be promptly notified

1267 and given an opportunity to either justify the proposed budget or
1268 proposed amendments which can be mutually agreed upon. The
1269 Legislative Budget Office shall then approve the proposed budget
1270 or budgets of the several universities and colleges. The total
1271 amount approved for each institution shall constitute the maximum
1272 funds which may be expended during the fiscal year.

1273 The municipal, county or combined municipal and county port
1274 and harbor commissions, authorities or other port or harbor
1275 agencies not owned or operated by the state, shall submit annual
1276 or amended budgets of their estimated receipts and expenditures to
1277 the governing bodies of such municipality, county or municipality
1278 and county, for their approval, and a copy of such budget as
1279 approved by such governing body or bodies shall be filed with the
1280 Legislative Budget Office. Such budget shall itemize all
1281 estimated receipts and expenditures, and the Legislative Budget
1282 Office may require particularization, explanation or audit
1283 thereof, and shall report such information to the Legislature.

1284 To the end that the overall budget shall present in
1285 comparable terms a complete summary of all financial operations of
1286 all state agencies, Part 3 of such overall budget shall consist of
1287 an estimated preliminary annual budget of the Department of
1288 Transportation and the Division of State Aid Road Construction of
1289 the Department of Transportation and such information for the
1290 current fiscal year as is necessary to make presentation
1291 comparable to that specified for Part 2 special fund agencies.

1292 The annual budget request of the Department of Transportation
1293 shall be divided into the following program budgets: (a)
1294 administration and other expenses, (b) construction, (c)
1295 maintenance, and (d) debt service. In making its annual
1296 appropriation to the Department of Transportation from the State
1297 Highway Fund, the Legislature shall separate the appropriation
1298 bill into the four (4) program budget areas herein specified. For
1299 the purposes of this paragraph, "administration and other

1300 expenses" shall be construed to mean those expenses incurred due
1301 to departmental support activities which cannot be assigned to a
1302 specific construction or maintenance project, and shall be
1303 construed to include expenses incurred for office machines,
1304 furniture, fixtures, automobiles, station wagons, truck and other
1305 vehicles, road machinery, farm equipment and other working
1306 equipment, data processing and computer equipment, all other
1307 equipment, and replacements for equipment. "Construction" shall
1308 be construed to mean those expenses associated with the creation
1309 and development of the state highway system and its related
1310 facilities; "maintenance" shall be construed to mean those
1311 expenses incurred due to activities associated with preservation
1312 of safe and aesthetically acceptable highways in an attempt to
1313 maintain them in as close to the original condition as possible;
1314 and "debt service" shall be construed to mean amounts needed to
1315 pay bonds and interest coming due, bank service charges, and bond
1316 debt service.

1317 **SECTION 27.** Section 29-1-205, Mississippi Code of 1972, is
1318 amended as follows:

1319 29-1-205. (1) The Department of Finance and Administration,
1320 Bureau of Building, Grounds and Real Property Management, is
1321 hereby authorized, empowered and directed to sell and convey on
1322 behalf of the State of Mississippi to a nationally recognized
1323 organization which has as its purpose the recognition and
1324 promotion of scholarship, leadership and service among two-year
1325 college students throughout the country for the purpose of
1326 constructing a national headquarters thereon, the following
1327 described state-owned lands. The property authorized to be sold
1328 and conveyed is a certain parcel of land situated in the Northwest
1329 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
1330 County, Mississippi, and being more particularly described as
1331 follows, to-wit:

1332 Commence at the Southwest corner of Lot 2 of Northeast
1333 Heights, a subdivision on file and of record in the
1334 office of the Chancery Clerk at Jackson, Hinds County,
1335 Mississippi, in Plat Book 10 at Page 45; run thence
1336 Southerly along the extension of the West line of said
1337 Lot 2 for a distance of 80.00 feet to a point on the
1338 South Line of Eastover Drive; turn thence right through
1339 a deflection angle of 89 degrees 13 minutes and run
1340 westerly along the South line of Eastover Drive for a
1341 distance of 43.84 feet to the POINT OF BEGINNING; thence
1342 leaving said South line of Eastover Drive, turn left
1343 through a deflection angle of 95 degrees 41 minutes 50
1344 seconds and run Southerly along a line twenty five feet
1345 from and parallel to the centerline of a 31 foot asphalt
1346 drive for a distance of 118.08 feet; turn thence right
1347 through a deflection angle of 3 degrees 07 minutes 37
1348 seconds and continue Southerly along a line twenty five
1349 feet from and parallel to the centerline of a 31 foot
1350 asphalt drive for a distance of 132.71 feet to a point
1351 on the North line of a United Gas Pipe Line Company
1352 easement; turn thence right through a deflection angle
1353 of 59 degrees 18 minutes 47 seconds and run
1354 Southwesterly along the North line of said United Gas
1355 Pipe Line Company easement for a distance of 520.00
1356 feet; turn thence right through a deflection angle of 90
1357 degrees 00 minutes 00 seconds and run Northwesterly for
1358 a distance of 410.00 feet; turn thence right through a
1359 deflection angle of 69 degrees 42 minutes 33 seconds and
1360 run Northeasterly for a distance of 238.99 feet to a
1361 point on the South line of said Eastover Drive; said
1362 point further being on a 2 degrees 27 minutes curve
1363 bearing to the right, said curve having a central angle
1364 of 8 degrees 58 minutes 45 seconds and a radius of

1365 2258.60 feet; turn thence right through a deflection
1366 angle of 53 degrees 12 minutes 08 seconds and run
1367 Easterly along the chord of said 2 degrees 27 minutes
1368 curve bearing to the right and the South line of said
1369 Eastover Drive for a distance of 27.26 feet to the Point
1370 of Tangency; turn thence right through a deflection
1371 angle of 00 degrees 20 minutes 45 seconds and run
1372 Easterly along the South line said Eastover Drive for a
1373 distance of 472.74 feet to the POINT OF BEGINNING,
1374 containing 5.44 acres more or less.

1375 (2) The Legislature recognizes that Mississippi's public
1376 two-year college system is the oldest system of its kind in the
1377 nation, and further recognizes that this system enjoys national
1378 notoriety and respect for its achievement and promotion of
1379 educational, civic, social and cultural excellence. The
1380 Legislature declares and finds that the purpose of this
1381 legislation is to promote, enhance and foster continued excellence
1382 in Mississippi's two-year college system and the overall
1383 educational development and improvement of the State of
1384 Mississippi and the educational, civic, social, cultural, moral
1385 and economic welfare thereof, and that such purposes will be
1386 accomplished by the conveyance of the above-described property to
1387 an organization within the aforesaid classification for
1388 construction of a national headquarters thereon.

1389 (3) The conveyance to be executed by the Department of
1390 Finance and Administration, acting through the Bureau of Building,
1391 Grounds and Real Property Management, shall be within the limits
1392 contained in Sections 29-1-205 and 29-1-209 and contain a
1393 provision reserving unto the state all oil, gas and mineral rights
1394 of every kind and character. The conveyance shall make provision
1395 for reasonable access to the conveyed premises over existing
1396 roadways and to existing utility lines for the benefit of the
1397 conveyed premises. The conveyance shall include terms granting to

1398 the board of trustees of each state institution of higher
1399 learning, to the State Board for Community and Junior Colleges and
1400 to the Mississippi Authority for Educational Television reasonable
1401 rights to utilize the improvements to be constructed thereon, or
1402 portions thereof, for conference or meeting purposes, specifying
1403 the architectural style of the improvements and providing a
1404 reasonable setback of wooded undeveloped property contiguous to
1405 the improvements in order to maintain the natural environment of
1406 the site.

1407 (4) The conveyance herein shall be for such consideration as
1408 determined appropriate by the Public Procurement Review Board.
1409 Such consideration may be paid or provided in installments over a
1410 period of time (not to exceed twenty-five (25) years) and may also
1411 be provided in kind. In-kind consideration may include the
1412 reasonable use of the improvements constructed on the property by
1413 the board of trustees of any state institution of higher learning
1414 and its institutions, the State Board for Community and Junior
1415 Colleges and the community and junior colleges, and the
1416 Mississippi Authority for Educational Television and other state
1417 agencies, and the provision of leadership training certification
1418 programs for community and junior college faculty and others.
1419 Such in-kind consideration may also constitute full and fair
1420 consideration for the property. In establishing consideration,
1421 the board may take into account the appraised value of the
1422 property, but shall allow reasonable credit to the purchaser for
1423 benefits accruing to the State of Mississippi, including the
1424 enhancement of the state's community and junior college program
1425 and the promotion of excellence in public education afforded by
1426 the location of such organization and its headquarters in this
1427 state, the increase in employment made possible, and that the only
1428 use which can be made of the conveyed premises is for the
1429 organization's national headquarters with reversion to the state
1430 otherwise.

1431 **SECTION 28.** Section 29-17-1, Mississippi Code of 1972, is
1432 amended as follows:

1433 29-17-1. As used in this chapter, the following words shall
1434 have the meanings ascribed herein unless the context clearly
1435 requires otherwise:

1436 (a) "Public facility" shall mean any building or other
1437 facility owned by the State of Mississippi, or by any agency,
1438 department or political subdivision of the State of Mississippi,
1439 which is occupied, used or under the control of the State of
1440 Mississippi, or any agency or department of the State of
1441 Mississippi, or any junior college district of the State of
1442 Mississippi, or the board of trustees of any state institution of
1443 higher learning of the State of Mississippi * * *.

1444 (b) "Capitol complex" shall include the following state
1445 property located in Jackson, Mississippi: the New State Capitol
1446 Building, the Woolfolk State Office Building, the Carroll Gartin
1447 Justice Building, the Walter Sillers Office Building, the War
1448 Veterans' Memorial Building, the Charlotte Capers Building, the
1449 William F. Winter Archives and History Building, the Ike Sanford
1450 Veterans Affairs Building, the Old State Capitol Building, the
1451 Governor's Mansion, the Heber Ladner Building, the Burroughs
1452 Building, the Robert E. Lee Hotel Property, the Central High
1453 Legislative Services Building, the 301 Building or any other
1454 properties which may come under the supervision of the Department
1455 of Finance and Administration and are deemed to be in the Capitol
1456 Complex.

1457 **SECTION 29.** Section 31-1-1, Mississippi Code of 1972, is
1458 amended as follows:

1459 31-1-1. The responsibility for the making of contracts for
1460 printing, binding, engraving and lithographing is hereby vested in
1461 each state agency or office which requires such printing, binding,
1462 engraving and lithographing, including but not restricted to the
1463 Secretary of State, State Department of Education, State Tax

1464 Commission, Supreme Court, Department of Insurance, State Auditor,
1465 Public Service Commission, State Treasurer, State Fiscal
1466 Management Board, State Veterans Affairs Board, Attorney General,
1467 Department of Agriculture and Commerce, State Board of Pharmacy,
1468 State Board of Dental Examiners, State Law Library, State Board of
1469 Health, Mississippi Department of Corrections, State Educational
1470 Finance Commission, Department of Archives and History,
1471 Mississippi State Hospital and board of trustees of each state
1472 institution of higher learning.

1473 All contracts referred to herein shall be submitted to and
1474 approved by the State Fiscal Management Board prior to their
1475 execution, except that those contracts under the jurisdiction of
1476 the Legislature shall be submitted to and approved by the
1477 Legislative Budget Office.

1478 All state agencies shall purchase all commodities required
1479 for their operation or for the proper fulfillment of their duties
1480 and functions in accordance with Chapter 7 of this title in order
1481 to coordinate and promote efficiency and economy in the purchase
1482 of such commodities for the state.

1483 **SECTION 30.** Section 31-7-10, Mississippi Code of 1972, is
1484 amended as follows:

1485 31-7-10. (1) For the purposes of this section, the term
1486 "equipment" shall mean equipment, furniture, and if applicable,
1487 associated software and other applicable direct costs associated
1488 with the acquisition. In addition to its other powers and duties,
1489 the Department of Finance and Administration shall have the
1490 authority to develop a master lease-purchase program and, pursuant
1491 to that program, shall have the authority to execute on behalf of
1492 the state master lease-purchase agreements for equipment to be
1493 used by an agency, as provided in this section. Each agency
1494 electing to acquire equipment by a lease-purchase agreement shall
1495 participate in the Department of Finance and Administration's
1496 master lease-purchase program, unless the Department of Finance

1497 and Administration makes a determination that such equipment
1498 cannot be obtained under the program or unless the equipment can
1499 be obtained elsewhere at an overall cost lower than that for which
1500 the equipment can be obtained under the program. Such
1501 lease-purchase agreements may include the refinancing or
1502 consolidation, or both, of any state agency lease-purchase
1503 agreements entered into after June 30, 1990.

1504 (2) All funds designated by agencies for procurement of
1505 equipment and financing thereof under the master lease-purchase
1506 program shall be paid into a special fund created in the State
1507 Treasury known as the "Master Lease-Purchase Program Fund," which
1508 shall be used by the Department of Finance and Administration for
1509 payment to the lessors for equipment acquired under master
1510 lease-purchase agreements.

1511 (3) Upon final approval of an appropriation bill, each
1512 agency shall submit to the Public Procurement Review Board a
1513 schedule of proposed equipment acquisitions for the master
1514 lease-purchase program. Upon approval of an equipment schedule by
1515 the Public Procurement Review Board with the advice of the
1516 Department of Information Technology Services, the Office of
1517 Purchasing and Travel, and the Division of Energy and
1518 Transportation of the Mississippi Development Authority as it
1519 pertains to energy efficient climate control systems, the Public
1520 Procurement Review Board shall forward a copy of the equipment
1521 schedule to the Department of Finance and Administration.

1522 (4) The level of lease-purchase debt recommended by the
1523 Department of Finance and Administration shall be subject to
1524 approval by the State Bond Commission. After such approval, the
1525 Department of Finance and Administration shall be authorized to
1526 advertise and solicit written competitive proposals for a lessor,
1527 who will purchase the equipment pursuant to bid awards made by the
1528 using agency under a given category and then transfer the

1529 equipment to the Department of Finance and Administration as
1530 lessee, pursuant to a master lease-purchase agreement.

1531 The Department of Finance and Administration shall select the
1532 successful proposer for the financing of equipment under the
1533 master lease-purchase program with the approval of the State Bond
1534 Commission.

1535 (5) Each master lease-purchase agreement, and any subsequent
1536 amendments, shall include such terms and conditions as the State
1537 Bond Commission shall determine to be appropriate and in the
1538 public interest, and may include any covenants deemed necessary or
1539 desirable to protect the interests of the lessor, including, but
1540 not limited to, provisions setting forth the interest rate (or
1541 method for computing interest rates) for financing pursuant to
1542 such agreement, covenants concerning application of payments and
1543 funds held in the Master Lease-Purchase Program Fund, covenants to
1544 maintain casualty insurance with respect to equipment subject to
1545 the master lease-purchase agreement (and all state agencies are
1546 specifically authorized to purchase any insurance required by a
1547 master lease-purchase agreement) and covenants precluding or
1548 limiting the right of the lessee or user to acquire equipment
1549 within a specified time (not to exceed five (5) years) after
1550 cancellation on the basis of a failure to appropriate funds for
1551 payment of amounts due under a lease-purchase agreement covering
1552 comparable equipment. The State Bond Commission shall transmit
1553 copies of each such master lease-purchase agreement and each such
1554 amendment to the Joint Legislative Budget Committee. To the
1555 extent provided in any master lease-purchase agreement, title to
1556 equipment leased pursuant thereto shall be deemed to be vested in
1557 the state or the user of the equipment (as specified in such
1558 master lease-purchase agreement), subject to default under or
1559 termination of such master lease-purchase agreement.

1560 A master lease-purchase agreement may provide for payment by
1561 the lessor to the lessee of the purchase price of the equipment to

1562 be acquired pursuant thereto prior to the date on which payment is
1563 due to the vendor for such equipment and that the lease payments
1564 by the lessee shall commence as though the equipment had been
1565 provided on the date of payment. If the lessee, or lessee's
1566 escrow agent, has sufficient funds for payment of equipment
1567 purchases prior to payment due date to vendor of equipment, such
1568 funds shall be held or utilized on an as-needed basis for payment
1569 of equipment purchases either by the State Treasurer (in which
1570 event the master lease-purchase agreement may include provisions
1571 concerning the holding of such funds, the creation of a security
1572 interest for the benefit of the lessor in such funds until
1573 disbursed and other appropriate provisions approved by the Bond
1574 Commission) or by a corporate trustee selected by the Department
1575 of Finance and Administration (in which event the Department of
1576 Finance and Administration shall have the authority to enter into
1577 an agreement with such a corporate trustee containing terms and
1578 conditions approved by the Bond Commission). Earnings on any
1579 amount paid by the lessor prior to the acquisition of the
1580 equipment may be used to make lease payments under the master
1581 lease-purchase agreement or applied to pay costs and expenses
1582 incurred in connection with such lease-purchase agreement. In
1583 such event, the equipment use agreements with the user agency may
1584 provide for lease payments to commence upon the date of payment by
1585 the lessor and may also provide for a credit against such payments
1586 to the extent that investment receipts from investment of the
1587 purchase price are to be used to make lease-purchase payments.

1588 (6) The annual rate of interest paid under any
1589 lease-purchase agreement authorized under this section shall not
1590 exceed the maximum interest rate to maturity on general obligation
1591 indebtedness permitted under Section 75-17-101.

1592 (7) The Department of Finance and Administration shall
1593 furnish the equipment to the various agencies, also known as the
1594 user, pursuant to an equipment-use agreement developed by the

1595 Department of Finance and Administration. Such agreements shall
1596 require that all monthly payments due from such agency be paid,
1597 transferred or allocated into the Master Lease-Purchase Program
1598 Fund pursuant to a schedule established by the Department of
1599 Finance and Administration. In the event such sums are not paid
1600 by the defined payment period, the Executive Director of the
1601 Department of Finance and Administration shall issue a requisition
1602 for a warrant to draw such amount as may be due from any funds
1603 appropriated for the use of the agency which has failed to make
1604 the payment as agreed.

1605 (8) All master lease-purchase agreements executed under the
1606 authority of this section shall contain the following annual
1607 allocation dependency clause or an annual allocation dependency
1608 clause which is substantially equivalent thereto: "The
1609 continuation of each equipment schedule to this agreement is
1610 contingent in whole or in part upon the appropriation of funds by
1611 the Legislature to make the lease-purchase payments required under
1612 such equipment schedule. If the Legislature fails to appropriate
1613 sufficient funds to provide for the continuation of the
1614 lease-purchase payments under any such equipment schedule, then
1615 the obligations of the lessee and of the agency to make such
1616 lease-purchase payments and the corresponding provisions of any
1617 such equipment schedule to this agreement shall terminate on the
1618 last day of the fiscal year for which appropriations were made."

1619 (9) The maximum lease term for any equipment acquired under
1620 the master lease-purchase program shall not exceed the useful life
1621 of such equipment as determined according to the upper limit of
1622 the asset depreciation range (ADR) guidelines for the Class Life
1623 Asset Depreciation Range System established by the Internal
1624 Revenue Service pursuant to the United States Internal Revenue
1625 Code and Regulations thereunder as in effect on December 31, 1980,
1626 or comparable depreciation guidelines with respect to any
1627 equipment not covered by ADR guidelines. The Department of

1628 Finance and Administration shall be deemed to have met the
1629 requirements of this subsection if the term of a master
1630 lease-purchase agreement does not exceed the weighted average
1631 useful life of all equipment covered by such agreement and the
1632 schedules thereto as determined by the Department of Finance and
1633 Administration. For purposes of this subsection, the "term of a
1634 master lease-purchase agreement" shall be the weighted average
1635 maturity of all principal payments to be made under such master
1636 lease-purchase agreement and all schedules thereto.

1637 (10) Interest paid on any master lease-purchase agreement
1638 under this section shall be exempt from State of Mississippi
1639 income taxation. All equipment, and the purchase thereof by any
1640 lessor, acquired under the master lease-purchase program and all
1641 lease-purchase payments with respect thereto shall be exempt from
1642 all Mississippi sales, use and ad valorem taxes.

1643 (11) The Governor, in his annual executive budget to the
1644 Legislature, shall recommend appropriations sufficient to provide
1645 funds to pay all amounts due and payable during the applicable
1646 fiscal year under master lease-purchase agreements entered into
1647 pursuant to this section.

1648 (12) Any master lease-purchase agreement reciting in
1649 substance that such agreement has been entered into pursuant to
1650 this section shall be conclusively deemed to have been entered
1651 into in accordance with all of the provisions and conditions set
1652 forth in this section. Any defect or irregularity arising with
1653 respect to procedures applicable to the acquisition of any
1654 equipment shall not invalidate or otherwise limit the obligation
1655 of the Department of Finance and Administration, or the state or
1656 any agency of the state, under any master lease-purchase agreement
1657 or any equipment-use agreement.

1658 (13) There shall be maintained by the Department of Finance
1659 and Administration, with respect to each master lease-purchase
1660 agreement, an itemized statement of the cash price, interest

1661 rates, interest costs, commissions, debt service schedules and all
1662 other costs and expenses paid by the state incident to the
1663 lease-purchase of equipment under such agreement.

1664 (14) Lease-purchase agreements entered into by the board of
1665 trustees of any state institutions of higher learning pursuant to
1666 the authority of Section 37-101-413 or by any other agency which
1667 has specific statutory authority other than pursuant to Section
1668 31-7-13(e) to acquire equipment by lease-purchase shall not be
1669 made pursuant to the master lease-purchase program under this
1670 section, unless the board of trustees * * * or such other agency
1671 elects to participate as to part or all of its lease-purchase
1672 acquisitions in the master lease-purchase program pursuant to this
1673 section.

1674 (15) The Department of Finance and Administration may
1675 develop a master lease-purchase program for school districts and,
1676 pursuant to that program, may execute on behalf of the school
1677 districts master lease-purchase agreements for equipment to be
1678 used by the school districts. The form and structure of this
1679 program shall be substantially the same as set forth in this
1680 section for the master lease-purchase program for state agencies.
1681 If sums due from a school district under the master lease-purchase
1682 program are not paid by the expiration of the defined payment
1683 period, the Executive Director of the Department of Finance and
1684 Administration may withhold such amount that is due from the
1685 school district's minimum education or adequate education program
1686 fund allotments.

1687 (16) The Department of Finance and Administration may
1688 develop a master lease-purchase program for community and junior
1689 college districts and, pursuant to that program, may execute on
1690 behalf of the community and junior college districts master
1691 lease-purchase agreements for equipment to be used by the
1692 community and junior college districts. The form and structure of
1693 this program must be substantially the same as set forth in this

1694 section for the master lease-purchase program for state agencies.
1695 If sums due from a community or junior college district under the
1696 master lease-purchase program are not paid by the expiration of
1697 the defined payment period, the Executive Director of the
1698 Department of Finance and Administration may withhold an amount
1699 equal to the amount due under the program from any funds allocated
1700 for that community or junior college district in the state
1701 appropriations for the use and support of the community and junior
1702 colleges.

1703 **SECTION 31.** Section 37-3-2, Mississippi Code of 1972, is
1704 amended as follows:

1705 37-3-2. (1) There is established within the State
1706 Department of Education the Commission on Teacher and
1707 Administrator Education, Certification and Licensure and
1708 Development. It shall be the purpose and duty of the commission
1709 to make recommendations to the State Board of Education regarding
1710 standards for the certification and licensure and continuing
1711 professional development of those who teach or perform tasks of an
1712 educational nature in the public schools of Mississippi.

1713 (2) The commission shall be composed of fifteen (15)
1714 qualified members. The membership of the commission shall be
1715 composed of the following members to be appointed, three (3) from
1716 each congressional district: four (4) classroom teachers; three
1717 (3) school administrators; one (1) representative of schools of
1718 education of institutions of higher learning located within the
1719 state to be recommended by the Commissioner of Higher Education;
1720 one (1) representative from the schools of education of
1721 independent institutions of higher learning to be recommended by
1722 the Board of the Mississippi Association of Independent Colleges;
1723 one (1) representative from public community and junior colleges
1724 located within the state to be recommended by the State Board for
1725 Community and Junior Colleges; one (1) local school board member;
1726 and four (4) lay persons. All appointments shall be made by the

1727 State Board of Education after consultation with the State
1728 Superintendent of Public Education. The first appointments by the
1729 State Board of Education shall be made as follows: five (5)
1730 members shall be appointed for a term of one (1) year; five (5)
1731 members shall be appointed for a term of two (2) years; and five
1732 (5) members shall be appointed for a term of three (3) years.
1733 Thereafter, all members shall be appointed for a term of four (4)
1734 years.

1735 (3) The State Board of Education when making appointments
1736 shall designate a chairman. The commission shall meet at least
1737 once every two (2) months or more often if needed. Members of the
1738 commission shall be compensated at a rate of per diem as
1739 authorized by Section 25-3-69 and be reimbursed for actual and
1740 necessary expenses as authorized by Section 25-3-41.

1741 (4) An appropriate staff member of the State Department of
1742 Education shall be designated and assigned by the State
1743 Superintendent of Public Education to serve as executive secretary
1744 and coordinator for the commission. No less than two (2) other
1745 appropriate staff members of the State Department of Education
1746 shall be designated and assigned by the State Superintendent of
1747 Public Education to serve on the staff of the commission.

1748 (5) It shall be the duty of the commission to:

1749 (a) Set standards and criteria, subject to the approval
1750 of the State Board of Education, for all educator preparation
1751 programs in the state;

1752 (b) Recommend to the State Board of Education each year
1753 approval or disapproval of each educator preparation program in
1754 the state;

1755 (c) Establish, subject to the approval of the State
1756 Board of Education, standards for initial teacher certification
1757 and licensure in all fields;

1758 (d) Establish, subject to the approval of the State
1759 Board of Education, standards for the renewal of teacher licenses
1760 in all fields;

1761 (e) Review and evaluate objective measures of teacher
1762 performance, such as test scores, which may form part of the
1763 licensure process, and to make recommendations for their use;

1764 (f) Review all existing requirements for certification
1765 and licensure;

1766 (g) Consult with groups whose work may be affected by
1767 the commission's decisions;

1768 (h) Prepare reports from time to time on current
1769 practices and issues in the general area of teacher education and
1770 certification and licensure;

1771 (i) Hold hearings concerning standards for teachers'
1772 and administrators' education and certification and licensure with
1773 approval of the State Board of Education;

1774 (j) Hire expert consultants with approval of the State
1775 Board of Education;

1776 (k) Set up ad hoc committees to advise on specific
1777 areas; and

1778 (l) Perform such other functions as may fall within
1779 their general charge and which may be delegated to them by the
1780 State Board of Education.

1781 (6) (a) **Standard License - Approved Program Route.** An
1782 educator entering the school system of Mississippi for the first
1783 time and meeting all requirements as established by the State
1784 Board of Education shall be granted a standard five-year license.
1785 Persons who possess two (2) years of classroom experience as an
1786 assistant teacher or who have taught for one (1) year in an
1787 accredited public or private school shall be allowed to fulfill
1788 student teaching requirements under the supervision of a qualified
1789 participating teacher approved by an accredited college of
1790 education. The local school district in which the assistant

1791 teacher is employed shall compensate such assistant teachers at
1792 the required salary level during the period of time such
1793 individual is completing student teaching requirements.
1794 Applicants for a standard license shall submit to the department:
1795 (i) An application on a department form;
1796 (ii) An official transcript of completion of a
1797 teacher education program approved by the department or a
1798 nationally accredited program, subject to the following:
1799 Licensure to teach in Mississippi prekindergarten through
1800 kindergarten classrooms shall require completion of a teacher
1801 education program or a bachelor of science degree with child
1802 development emphasis from a program accredited by the American
1803 Association of Family and Consumer Sciences (AAFCS) or by the
1804 National Association for Education of Young Children (NAEYC) or by
1805 the National Council for Accreditation of Teacher Education
1806 (NCATE). Licensure to teach in Mississippi kindergarten, for
1807 those applicants who have completed a teacher education program,
1808 and in Grade 1 through Grade 4 shall require the completion of an
1809 interdisciplinary program of studies. Licenses for Grades 4
1810 through 8 shall require the completion of an interdisciplinary
1811 program of studies with two (2) or more areas of concentration.
1812 Licensure to teach in Mississippi Grades 7 through 12 shall
1813 require a major in an academic field other than education, or a
1814 combination of disciplines other than education. Students
1815 preparing to teach a subject shall complete a major in the
1816 respective subject discipline. All applicants for standard
1817 licensure shall demonstrate that such person's college preparation
1818 in those fields was in accordance with the standards set forth by
1819 the National Council for Accreditation of Teacher Education
1820 (NCATE) or the National Association of State Directors of Teacher
1821 Education and Certification (NASDTEC) or, for those applicants who
1822 have a bachelor of science degree with child development emphasis,
1823 the American Association of Family and Consumer Sciences (AAFCS);

1824 (iii) A copy of test scores evidencing
1825 satisfactory completion of nationally administered examinations of
1826 achievement, such as the Educational Testing Service's teacher
1827 testing examinations; and

1828 (iv) Any other document required by the State
1829 Board of Education.

1830 (b) **Standard License - Nontraditional Teaching Route.**

1831 Beginning January 1, 2003, an individual who possesses at least a
1832 bachelor's degree from a nationally or regionally accredited
1833 institution of higher learning, who has a passing score on the
1834 Praxis I Basic Skills and Praxis II Specialty Area Test in the
1835 requested area of endorsement may apply for the Teach Mississippi
1836 Institute (TMI) program to teach students in Grades 7 through 12
1837 if the individual meets the requirements of this paragraph (b).
1838 The State Board of Education shall adopt rules requiring that
1839 teacher preparation institutions which provide the Teach
1840 Mississippi Institute (TMI) program for the preparation of
1841 nontraditional teachers shall meet the standards and comply with
1842 the provisions of this paragraph.

1843 (i) The Teach Mississippi Institute (TMI) shall
1844 include an intensive eight-week, nine-semester-hour summer
1845 program, which shall include, but not be limited to, instruction
1846 in education, effective teaching strategies, classroom management,
1847 state curriculum requirements, planning and instruction,
1848 instructional methods and pedagogy, using test results to improve
1849 instruction, and a one (1) semester three-hour supervised
1850 internship to be completed while the teacher is employed as a
1851 full-time teacher intern in a local school district. The TMI
1852 shall be implemented on a pilot program basis, with courses to be
1853 offered at up to four (4) locations in the state, with one (1) TMI
1854 site to be located in each of the three (3) Mississippi Supreme
1855 Court districts.

1856 (ii) The school sponsoring the teacher intern
1857 shall enter into a written agreement with the institution
1858 providing the Teach Mississippi Institute (TMI) program, under
1859 terms and conditions as agreed upon by the contracting parties,
1860 providing that the school district shall provide teacher interns
1861 seeking a nontraditional provisional teaching license with a
1862 one-year classroom teaching experience. The teacher intern shall
1863 successfully complete the one (1) semester three-hour intensive
1864 internship in the school district during the semester immediately
1865 following successful completion of the TMI and prior to the end of
1866 the one-year classroom teaching experience.

1867 (iii) Upon completion of the nine-semester-hour
1868 TMI, the individual shall submit his transcript to the commission
1869 for provisional licensure of the intern teacher, and the intern
1870 teacher shall be issued a provisional teaching license by the
1871 commission, which will allow the individual to legally serve as a
1872 teacher while the person completes a nontraditional teacher
1873 preparation internship program.

1874 (iv) During the semester of internship in the
1875 school district, the teacher preparation institution shall monitor
1876 the performance of the intern teacher. The school district that
1877 employs the provisional teacher shall supervise the provisional
1878 teacher during the teacher's intern year of employment under a
1879 nontraditional provisional license, and shall, in consultation
1880 with the teacher intern's mentor at the school district of
1881 employment, submit to the commission a comprehensive evaluation of
1882 the teacher's performance sixty (60) days prior to the expiration
1883 of the nontraditional provisional license. If the comprehensive
1884 evaluation establishes that the provisional teacher intern's
1885 performance fails to meet the standards of the approved
1886 nontraditional teacher preparation internship program, the
1887 individual shall not be approved for a standard license.

1888 (v) An individual issued a provisional teaching
1889 license under this nontraditional route shall successfully
1890 complete, at a minimum, a one-year beginning teacher mentoring and
1891 induction program administered by the employing school district
1892 with the assistance of the State Department of Education.

1893 (vi) Upon successful completion of the TMI and the
1894 internship provisional license period, applicants for a Standard
1895 License-Nontraditional Route shall submit to the commission a
1896 transcript of successful completion of the twelve (12) semester
1897 hours required in the internship program, and the employing school
1898 district shall submit to the commission a recommendation for
1899 standard licensure of the intern. If the school district
1900 recommends licensure, the applicant shall be issued a Standard
1901 License-Nontraditional Route which shall be valid for a five-year
1902 period and be renewable.

1903 (vii) At the discretion of the teacher-preparation
1904 institution, the individual shall be allowed to credit the twelve
1905 (12) semester hours earned in the nontraditional teacher
1906 internship program toward the graduate hours required for a Master
1907 of Arts in Teacher (MAT) Degree.

1908 (viii) The local school district in which the
1909 nontraditional teacher intern or provisional licensee is employed
1910 shall compensate such teacher interns at Step 1 of the required
1911 salary level during the period of time such individual is
1912 completing teacher internship requirements and shall compensate
1913 such Standard License-Nontraditional Route teachers at Step 3 of
1914 the required salary level when they complete license requirements.

1915 Implementation of the TMI program provided for under this
1916 paragraph (b) shall be contingent upon the availability of funds
1917 appropriated specifically for such purpose by the Legislature.
1918 Such implementation of the TMI program may not be deemed to
1919 prohibit the State Board of Education from developing and
1920 implementing additional alternative route teacher licensure

1921 programs, as deemed appropriate by the board. The emergency
1922 certification program in effect prior to July 1, 2002, shall
1923 remain in effect.

1924 The State Department of Education shall compile and report,
1925 in consultation with the commission, information relating to
1926 nontraditional teacher preparation internship programs, including
1927 the number of programs available and geographic areas in which
1928 they are available, the number of individuals who apply for and
1929 possess a nontraditional conditional license, the subject areas in
1930 which individuals who possess nontraditional conditional licenses
1931 are teaching and where they are teaching, and shall submit its
1932 findings and recommendations to the legislative committees on
1933 education by December 1, 2004.

1934 A Standard License - Approved Program Route shall be issued
1935 for a five-year period, and may be renewed. Recognizing teaching
1936 as a profession, a hiring preference shall be granted to persons
1937 holding a Standard License - Approved Program Route or Standard
1938 License - Nontraditional Teaching Route over persons holding any
1939 other license.

1940 (c) **Special License - Expert Citizen.** In order to
1941 allow a school district to offer specialized or technical courses,
1942 the State Department of Education, in accordance with rules and
1943 regulations established by the State Board of Education, may grant
1944 a one-year expert citizen-teacher license to local business or
1945 other professional personnel to teach in a public school or
1946 nonpublic school accredited or approved by the state. Such person
1947 may begin teaching upon his employment by the local school board
1948 and licensure by the Mississippi Department of Education. The
1949 board shall adopt rules and regulations to administer the expert
1950 citizen-teacher license. A special license - expert citizen may
1951 be renewed in accordance with the established rules and
1952 regulations of the State Department of Education.

1953 (d) **Special License - Nonrenewable.** The State Board of
1954 Education is authorized to establish rules and regulations to
1955 allow those educators not meeting requirements in subsection
1956 (6)(a), (b) or (c) to be licensed for a period of not more than
1957 three (3) years, except by special approval of the State Board of
1958 Education.

1959 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1960 person may teach for a maximum of three (3) periods per teaching
1961 day in a public school or a nonpublic school accredited/approved
1962 by the state. Such person shall submit to the department a
1963 transcript or record of his education and experience which
1964 substantiates his preparation for the subject to be taught and
1965 shall meet other qualifications specified by the commission and
1966 approved by the State Board of Education. In no case shall any
1967 local school board hire nonlicensed personnel as authorized under
1968 this paragraph in excess of five percent (5%) of the total number
1969 of licensed personnel in any single school.

1970 (f) **Special License - Transitional Bilingual Education.**
1971 Beginning July 1, 2003, the commission shall grant special
1972 licenses to teachers of transitional bilingual education who
1973 possess such qualifications as are prescribed in this section.
1974 Teachers of transitional bilingual education shall be compensated
1975 by local school boards at not less than one (1) step on the
1976 regular salary schedule applicable to permanent teachers licensed
1977 under this section. The commission shall grant special licenses
1978 to teachers of transitional bilingual education who present the
1979 commission with satisfactory evidence that they (i) possess a
1980 speaking and reading ability in a language, other than English, in
1981 which bilingual education is offered and communicative skills in
1982 English; (ii) are in good health and sound moral character; (iii)
1983 possess a bachelor's degree or an associate's degree in teacher
1984 education from an accredited institution of higher education; (iv)
1985 meet such requirements as to courses of study, semester hours

1986 therein, experience and training as may be required by the
1987 commission; and (v) are legally present in the United States and
1988 possess legal authorization for employment. A teacher of
1989 transitional bilingual education serving under a special license
1990 shall be under an exemption from standard licensure if he achieves
1991 the requisite qualifications therefor. Two (2) years of service
1992 by a teacher of transitional bilingual education under such an
1993 exemption shall be credited to the teacher in acquiring a Standard
1994 Educator License. Nothing in this paragraph shall be deemed to
1995 prohibit a local school board from employing a teacher licensed in
1996 an appropriate field as approved by the State Department of
1997 Education to teach in a program in transitional bilingual
1998 education.

1999 (g) In the event any school district meets Level 4 or 5
2000 accreditation standards, the State Board of Education, in its
2001 discretion, may exempt such school district from any restrictions
2002 in paragraph (e) relating to the employment of nonlicensed
2003 teaching personnel.

2004 (7) **Administrator License.** The State Board of Education is
2005 authorized to establish rules and regulations and to administer
2006 the licensure process of the school administrators in the State of
2007 Mississippi. There will be four (4) categories of administrator
2008 licensure with exceptions only through special approval of the
2009 State Board of Education.

2010 (a) **Administrator License - Nonpracticing.** Those
2011 educators holding administrative endorsement but have no
2012 administrative experience or not serving in an administrative
2013 position on January 15, 1997.

2014 (b) **Administrator License - Entry Level.** Those
2015 educators holding administrative endorsement and having met the
2016 department's qualifications to be eligible for employment in a
2017 Mississippi school district. Administrator license - entry level
2018 shall be issued for a five-year period and shall be nonrenewable.

2019 (c) **Standard Administrator License - Career Level.** An
2020 administrator who has met all the requirements of the department
2021 for standard administrator licensure.

2022 (d) **Administrator License - Nontraditional Route.** The
2023 board may establish a nontraditional route for licensing
2024 administrative personnel. Such nontraditional route for
2025 administrative licensure shall be available for persons holding,
2026 but not limited to, a master of business administration degree, a
2027 master of public administration degree, a master of public
2028 planning and policy degree or a doctor of jurisprudence degree
2029 from an accredited college or university, with five (5) years of
2030 administrative or supervisory experience. Successful completion
2031 of the requirements of alternate route licensure for
2032 administrators shall qualify the person for a standard
2033 administrator license.

2034 The State Department of Education shall compile and report,
2035 in consultation with the commission, information relating to
2036 nontraditional administrator preparation internship programs,
2037 including the number of programs available and geographic areas in
2038 which they are available, the number of individuals who apply for
2039 and possess a nontraditional conditional license and where they
2040 are employed, and shall submit its findings and recommendations to
2041 the legislative committees on education by December 1, 2004.

2042 Beginning with the 1997-1998 school year, individuals seeking
2043 school administrator licensure under paragraph (b), (c) or (d)
2044 shall successfully complete a training program and an assessment
2045 process prescribed by the State Board of Education. Applicants
2046 seeking school administrator licensure prior to June 30, 1997, and
2047 completing all requirements for provisional or standard
2048 administrator certification and who have never practiced, shall be
2049 exempt from taking the Mississippi Assessment Battery Phase I.
2050 Applicants seeking school administrator licensure during the
2051 period beginning July 1, 1997, through June 30, 1998, shall

2052 participate in the Mississippi Assessment Battery, and upon
2053 request of the applicant, the department shall reimburse the
2054 applicant for the cost of the assessment process required. After
2055 June 30, 1998, all applicants for school administrator licensure
2056 shall meet all requirements prescribed by the department under
2057 paragraph (b), (c) or (d), and the cost of the assessment process
2058 required shall be paid by the applicant.

2059 (8) **Reciprocity.** (a) The department shall grant a standard
2060 license to any individual who possesses a valid standard license
2061 from another state and has a minimum of two (2) years of full-time
2062 teaching or administrator experience.

2063 (b) The department shall grant a nonrenewable special
2064 license to any individual who possesses a credential which is less
2065 than a standard license or certification from another state, or
2066 who possesses a standard license from another state but has less
2067 than two (2) years of full-time teaching or administration
2068 experience. Such special license shall be valid for the current
2069 school year plus one (1) additional school year to expire on June
2070 30 of the second year, not to exceed a total period of twenty-four
2071 (24) months, during which time the applicant shall be required to
2072 complete the requirements for a standard license in Mississippi.

2073 (9) **Renewal and Reinstatement of Licenses.** The State Board
2074 of Education is authorized to establish rules and regulations for
2075 the renewal and reinstatement of educator and administrator
2076 licenses. Effective May 15, 1997, the valid standard license held
2077 by an educator shall be extended five (5) years beyond the
2078 expiration date of the license in order to afford the educator
2079 adequate time to fulfill new renewal requirements established
2080 pursuant to this subsection. An educator completing a master of
2081 education, educational specialist or doctor of education degree in
2082 May 1997 for the purpose of upgrading the educator's license to a
2083 higher class shall be given this extension of five (5) years plus
2084 five (5) additional years for completion of a higher degree.

2085 (10) All controversies involving the issuance, revocation,
2086 suspension or any change whatsoever in the licensure of an
2087 educator required to hold a license shall be initially heard in a
2088 hearing de novo, by the commission or by a subcommittee
2089 established by the commission and composed of commission members
2090 for the purpose of holding hearings. Any complaint seeking the
2091 denial of issuance, revocation or suspension of a license shall be
2092 by sworn affidavit filed with the Commission of Teacher and
2093 Administrator Education, Certification and Licensure and
2094 Development. The decision thereon by the commission or its
2095 subcommittee shall be final, unless the aggrieved party shall
2096 appeal to the State Board of Education, within ten (10) days, of
2097 the decision of the committee or its subcommittee. An appeal to
2098 the State Board of Education shall be on the record previously
2099 made before the commission or its subcommittee unless otherwise
2100 provided by rules and regulations adopted by the board. The State
2101 Board of Education in its authority may reverse, or remand with
2102 instructions, the decision of the committee or its subcommittee.
2103 The decision of the State Board of Education shall be final.

2104 (11) The State Board of Education, acting through the
2105 commission, may deny an application for any teacher or
2106 administrator license for one or more of the following:

2107 (a) Lack of qualifications which are prescribed by law
2108 or regulations adopted by the State Board of Education;

2109 (b) The applicant has a physical, emotional or mental
2110 disability that renders the applicant unfit to perform the duties
2111 authorized by the license, as certified by a licensed psychologist
2112 or psychiatrist;

2113 (c) The applicant is actively addicted to or actively
2114 dependent on alcohol or other habit-forming drugs or is a habitual
2115 user of narcotics, barbiturates, amphetamines, hallucinogens, or
2116 other drugs having similar effect, at the time of application for
2117 a license;

2118 (d) Revocation of an applicant's certificate or license
2119 by another state;

2120 (e) Fraud or deceit committed by the applicant in
2121 securing or attempting to secure such certification and license;

2122 (f) Failing or refusing to furnish reasonable evidence
2123 of identification;

2124 (g) The applicant has been convicted, has pled guilty
2125 or entered a plea of nolo contendere to a felony, as defined by
2126 federal or state law; or

2127 (h) The applicant has been convicted, has pled guilty
2128 or entered a plea of nolo contendere to a sex offense as defined
2129 by federal or state law.

2130 (12) The State Board of Education, acting on the
2131 recommendation of the commission, may revoke or suspend any
2132 teacher or administrator license for specified periods of time for
2133 one or more of the following:

2134 (a) Breach of contract or abandonment of employment may
2135 result in the suspension of the license for one (1) school year as
2136 provided in Section 37-9-57;

2137 (b) Obtaining a license by fraudulent means shall
2138 result in immediate suspension and continued suspension for one
2139 (1) year after correction is made;

2140 (c) Suspension or revocation of a certificate or
2141 license by another state shall result in immediate suspension or
2142 revocation and shall continue until records in the prior state
2143 have been cleared;

2144 (d) The license holder has been convicted, has pled
2145 guilty or entered a plea of nolo contendere to a felony, as
2146 defined by federal or state law;

2147 (e) The license holder has been convicted, has pled
2148 guilty or entered a plea of nolo contendere to a sex offense, as
2149 defined by federal or state law; or

2150 (f) The license holder knowingly and willfully
2151 committing any of the acts affecting validity of mandatory uniform
2152 test results as provided in Section 37-16-4(1).

2153 (13) (a) Dismissal or suspension of a licensed employee by
2154 a local school board pursuant to Section 37-9-59 may result in the
2155 suspension or revocation of a license for a length of time which
2156 shall be determined by the commission and based upon the severity
2157 of the offense.

2158 (b) Any offense committed or attempted in any other
2159 state shall result in the same penalty as if committed or
2160 attempted in this state.

2161 (c) A person may voluntarily surrender a license. The
2162 surrender of such license may result in the commission
2163 recommending any of the above penalties without the necessity of a
2164 hearing. However, any such license which has voluntarily been
2165 surrendered by a licensed employee may be reinstated by a
2166 unanimous vote of all members of the commission.

2167 (14) A person whose license has been suspended on any
2168 grounds except criminal grounds may petition for reinstatement of
2169 the license after one (1) year from the date of suspension, or
2170 after one-half (1/2) of the suspended time has lapsed, whichever
2171 is greater. A license suspended on the criminal grounds may be
2172 reinstated upon petition to the commission filed after expiration
2173 of the sentence and parole or probationary period imposed upon
2174 conviction. A revoked license may be reinstated upon satisfactory
2175 showing of evidence of rehabilitation. The commission shall
2176 require all who petition for reinstatement to furnish evidence
2177 satisfactory to the commission of good character, good mental,
2178 emotional and physical health and such other evidence as the
2179 commission may deem necessary to establish the petitioner's
2180 rehabilitation and fitness to perform the duties authorized by the
2181 license.

2182 (15) Reporting procedures and hearing procedures for dealing
2183 with infractions under this section shall be promulgated by the
2184 commission, subject to the approval of the State Board of
2185 Education. The revocation or suspension of a license shall be
2186 effected at the time indicated on the notice of suspension or
2187 revocation. The commission shall immediately notify the
2188 superintendent of the school district or school board where the
2189 teacher or administrator is employed of any disciplinary action
2190 and also notify the teacher or administrator of such revocation or
2191 suspension and shall maintain records of action taken. The State
2192 Board of Education may reverse or remand with instructions any
2193 decision of the commission regarding a petition for reinstatement
2194 of a license, and any such decision of the State Board of
2195 Education shall be final.

2196 (16) An appeal from the action of the State Board of
2197 Education in denying an application, revoking or suspending a
2198 license or otherwise disciplining any person under the provisions
2199 of this section, shall be filed in the Chancery Court of the First
2200 Judicial District of Hinds County on the record made, including a
2201 verbatim transcript of the testimony at the hearing. The appeal
2202 shall be filed within thirty (30) days after notification of the
2203 action of the board is mailed or served and the proceedings in
2204 chancery court shall be conducted as other matters coming before
2205 the court. The appeal shall be perfected upon filing notice of
2206 the appeal and by the prepayment of all costs, including the cost
2207 of preparation of the record of the proceedings by the State Board
2208 of Education, and the filing of a bond in the sum of Two Hundred
2209 Dollars (\$200.00) conditioned that if the action of the board be
2210 affirmed by the chancery court, the applicant or license holder
2211 shall pay the costs of the appeal and the action of the chancery
2212 court.

2213 (17) All such programs, rules, regulations, standards and
2214 criteria recommended or authorized by the commission shall become

2215 effective upon approval by the State Board of Education as
2216 designated by appropriate orders entered upon the minutes thereof.

2217 (18) The granting of a license shall not be deemed a
2218 property right nor a guarantee of employment in any public school
2219 district. A license is a privilege indicating minimal eligibility
2220 for teaching in the public schools of Mississippi. This section
2221 shall in no way alter or abridge the authority of local school
2222 districts to require greater qualifications or standards of
2223 performance as a prerequisite of initial or continued employment
2224 in such districts.

2225 (19) In addition to the reasons specified in subsections
2226 (12) and (13) of this section, the board shall be authorized to
2227 suspend the license of any licensee for being out of compliance
2228 with an order for support, as defined in Section 93-11-153. The
2229 procedure for suspension of a license for being out of compliance
2230 with an order for support, and the procedure for the reissuance or
2231 reinstatement of a license suspended for that purpose, and the
2232 payment of any fees for the reissuance or reinstatement of a
2233 license suspended for that purpose, shall be governed by Section
2234 93-11-157 or 93-11-163, as the case may be. Actions taken by the
2235 board in suspending a license when required by Section 93-11-157
2236 or 93-11-163 are not actions from which an appeal may be taken
2237 under this section. Any appeal of a license suspension that is
2238 required by Section 93-11-157 or 93-11-163 shall be taken in
2239 accordance with the appeal procedure specified in Section
2240 93-11-157 or 93-11-163, as the case may be, rather than the
2241 procedure specified in this section. If there is any conflict
2242 between any provision of Section 93-11-157 or 93-11-163 and any
2243 provision of this chapter, the provisions of Section 93-11-157 or
2244 93-11-163, as the case may be, shall control.

2245 **SECTION 32.** Section 37-4-4, Mississippi Code of 1972, is
2246 amended as follows:

2247 37-4-4. The Commissioner of Higher Education, or his
2248 designee, * * * shall attend all regular meetings of the State
2249 Board for Community and Junior Colleges. The commissioner shall
2250 have no jurisdiction or vote on any matter within the jurisdiction
2251 of the board. The Commissioner of Higher Education and any
2252 designee who is a state employee shall receive no per diem for
2253 attending meetings of the board, but shall be entitled to actual
2254 and necessary expense reimbursement and mileage for attending
2255 meetings at locations other than Jackson, Mississippi. * * *

2256 **SECTION 33.** Section 37-9-77, Mississippi Code of 1972, is
2257 amended as follows:

2258 37-9-77. (1) There is established the Mississippi School
2259 Administrator Sabbatical Program which shall be available to
2260 licensed teachers employed in Mississippi school districts for not
2261 less than three (3) years, for the purpose of allowing such
2262 teachers to become local school district administrators under the
2263 conditions set forth in this section. The State Board of
2264 Education, in coordination with the board of trustees of each
2265 state institution of higher learning offering administrator course
2266 work and training, shall develop guidelines for the program.
2267 Application shall be made to the State Department of Education for
2268 the Mississippi School Administrator Sabbatical Program by
2269 qualified teachers meeting the criteria for a department-approved
2270 administration program and who have been recommended by the local
2271 school board. Administration programs that are eligible for the
2272 administrator sabbatical program shall be limited to those that
2273 have been approved by the department by the January 1 preceding
2274 the date of admission to the program. Admission into the program
2275 shall authorize the applicant to take university course work and
2276 training leading to an administrator's license.

2277 (2) The salaries of the teachers approved for participation
2278 in the administrator sabbatical program shall be paid by the
2279 employing school district from nonminimum education program funds.

2280 However, the State Department of Education shall reimburse the
2281 employing school districts for the cost of the salaries and paid
2282 fringe benefits of teachers participating in the administrator
2283 sabbatical program for one (1) contract year. Reimbursement shall
2284 be made in accordance with the then current minimum education
2285 program salary schedule under Section 37-19-7, except that the
2286 maximum amount of the reimbursement from state funds shall not
2287 exceed the minimum education program salary for a teacher holding
2288 a Class A license and having five (5) years' experience. The
2289 local school district shall be responsible for that portion of a
2290 participating teacher's salary attributable to the local
2291 supplement and for any portion of the teacher's salary that
2292 exceeds the maximum amount allowed for reimbursement from state
2293 funds as provided in this subsection, and the school board may not
2294 reduce the local supplement payable to that teacher. Any
2295 reimbursements made by the State Department of Education to local
2296 school districts under this section shall be subject to available
2297 appropriations and may be made only to school districts determined
2298 by the State Board of Education as being in need of
2299 administrators.

2300 (3) Such teachers participating in the program on a
2301 full-time basis shall continue to receive teaching experience and
2302 shall receive the salary prescribed in Section 37-19-7, including
2303 the annual experience increments. Such participants shall be
2304 fully eligible to continue participation in the Public Employees'
2305 Retirement System and the Public School Employees Health Insurance
2306 Plan during the time they are in the program on a full-time basis.

2307 (4) As a condition for participation in the School
2308 Administrator Sabbatical Program, such teachers shall agree to
2309 employment as administrators in the sponsoring school district for
2310 not less than five (5) years following completion of administrator
2311 licensure requirements. Any person failing to comply with this
2312 employment commitment in any required school year, unless the

2313 commitment is deferred as provided in subsection (5) of this
2314 section, shall immediately be in breach of contract and become
2315 liable to the State Department of Education for that amount of his
2316 salary and paid fringe benefits paid by the state while the
2317 teacher was on sabbatical, less twenty percent (20%) of the amount
2318 of his salary and paid fringe benefits paid by the state for each
2319 year that the person was employed as an administrator following
2320 completion of the administrator licensure requirements. In
2321 addition, the person shall become liable to the local school
2322 district for any portion of his salary and paid fringe benefits
2323 paid by the local school district while the teacher was on
2324 sabbatical that is attributable to the local salary supplement or
2325 is attributable to the amount that exceeds the maximum amount
2326 allowed for reimbursement from state funds as provided in
2327 subsection (2) of this section, less twenty percent (20%) of the
2328 amount of his salary and paid fringe benefits paid by the school
2329 district for each year that the person was employed as an
2330 administrator following completion of the administrator licensure
2331 requirements. Interest on the amount due shall accrue at the
2332 current Stafford Loan rate at the time the breach occurs. If the
2333 claim for repayment of such salary and fringe benefits is placed
2334 in the hands of an attorney for collection after default, then the
2335 obligor shall be liable for an additional amount equal to a
2336 reasonable attorney's fee.

2337 (5) If there is not an administrator position immediately
2338 available in the sponsoring school district after a person has
2339 completed the administrator licensure requirements, or if the
2340 administrator position in the sponsoring school district in which
2341 the person is employed is no longer needed before the completion
2342 of the five-year employment commitment, the local school board
2343 shall defer any part of the employment commitment that has not
2344 been met until such time as an administrator position becomes
2345 available in the sponsoring school district. If such a deferral

2346 is made, the sponsoring school district shall employ the person as
2347 a teacher in the school district during the period of deferral,
2348 unless the person desires to be released from employment by the
2349 sponsoring school district and the district agrees to release the
2350 person from employment. If the sponsoring school district
2351 releases a person from employment, that person may be employed as
2352 an administrator in another school district in the state that is
2353 in need of administrators as determined by the State Board of
2354 Education, and that employment for the other school district shall
2355 be applied to any remaining portion of the five-year employment
2356 commitment required under this section. Nothing in this
2357 subsection shall prevent a school district from not renewing the
2358 person's contract before the end of the five-year employment
2359 commitment in accordance with the School Employment Procedures Law
2360 (Section 37-9-101 et seq.). However, if the person is not
2361 employed as an administrator by another school district after
2362 being released by the sponsoring school district, or after his
2363 contract was not renewed by the sponsoring school district, he
2364 shall be liable for repayment of the amount of his salary and
2365 fringe benefits as provided in subsection (4) of this section.

2366 (6) All funds received by the State Department of Education
2367 from the repayment of salary and fringe benefits paid by the state
2368 from program participants shall be deposited in the Mississippi
2369 Critical Teacher Shortage Fund.

2370 (7) This section shall stand repealed on July 1, 2007.

2371 **SECTION 34.** Section 37-9-213, Mississippi Code of 1972, is
2372 amended as follows:

2373 37-9-213. The Mississippi Teacher Center shall be
2374 responsible for the regular and ongoing evaluation of the
2375 beginning teacher support program and may contract for such
2376 evaluation. The evaluation shall include, but not be limited to,
2377 assessments of the following:

2378 (a) A survey and follow-up of all eligible mentor
2379 teachers and beginning teachers and appropriate district
2380 officials, to assess satisfaction with and the effectiveness of
2381 the beginning teacher support program;

2382 (b) The amount and quality of the contact time between
2383 mentor teachers and beginning teachers;

2384 (c) The effectiveness of workshops and other training
2385 required under Sections 37-9-201 through 37-9-211;

2386 (d) The effectiveness of the mentor program in
2387 enhancing the professional development and retention of new
2388 teachers in the district;

2389 (e) The desirability of extending this assistance
2390 program to students participating in graduate level teacher
2391 preparation programs similar to those which have been proposed by
2392 the boards of trustees of state institutions of higher learning
2393 offering such programs; and

2394 (f) The desirability of extending this assistance
2395 program to all probationary teachers.

2396 **SECTION 35.** Section 37-11-17, Mississippi Code of 1972, is
2397 amended as follows:

2398 37-11-17. (1) The State Board of Education, the board of
2399 trustees of each state institution of higher learning, the State
2400 Board for Community and Junior Colleges, the boards of trustees of
2401 the several junior colleges, the county boards of education, the
2402 governing authorities of any county, municipal or other public
2403 school districts, such other boards set up by law for any
2404 educational institution, school, college or university, or their
2405 authorized representative, or the State Health Officer or his
2406 authorized representative, may require any teacher, supervisor,
2407 janitor or other employee of the school to submit to a thorough
2408 physical examination, deemed advisable to determine whether he has
2409 any infectious or communicable disease.

2410 (2) The State Board of Education may develop a program to
2411 accomplish the identification of public school students with
2412 abnormal spinal curvature. No state funds shall be expended for
2413 the purposes of implementing this subsection. Such program shall:

2414 (a) Provide that an adequate number of school personnel
2415 in each district be instructed by qualified medical experts in the
2416 proper examination of students for abnormal spinal curvatures;

2417 (b) Provide that all public school students who are at
2418 least ten (10) years old be screened at least every two (2) years
2419 but at least in the fourth, sixth, eighth and tenth grades or at
2420 such other times as may be recommended by medical experts on a per
2421 case basis;

2422 (c) Provide that students identified as having abnormal
2423 spinal curvatures or potential for abnormal spinal curvatures be
2424 referred to the county health officer or to the student's personal
2425 physician or chiropractor with notice of the evaluation; and

2426 (d) Provide for notification of the parent or guardian
2427 of any student identified under this program and for the supplying
2428 to such parent or guardian information on the condition and
2429 resources available for the correction or treatment of such
2430 condition. However, the requirement for screening shall not apply
2431 to a child whose parent or guardian objects thereto on grounds
2432 that the requirement conflicts with his conscientiously held
2433 religious beliefs.

2434 **SECTION 36.** Section 37-11-29, Mississippi Code of 1972, is
2435 amended as follows:

2436 37-11-29. (1) Any principal, teacher or other school
2437 employee who has knowledge of any unlawful activity which occurred
2438 on educational property or during a school related activity or
2439 which may have occurred shall report such activity to the
2440 superintendent of the school district or his designee who shall
2441 notify the appropriate law enforcement officials as required by
2442 this section. In the event of an emergency or if the

2443 superintendent or his designee is unavailable, any principal may
2444 make a report required under this subsection.

2445 (2) Whenever any person who shall be an enrolled student in
2446 any school or educational institution in this state supported in
2447 whole or in part by public funds, or who shall be an enrolled
2448 student in any private school or educational institution, is
2449 arrested for, and lawfully charged with, the commission of any
2450 crime and convicted upon the charge for which he was arrested, or
2451 convicted of any crime charged against him after his arrest and
2452 before trial, the office or law enforcement department of which
2453 the arresting officer is a member, and the justice court judge and
2454 any circuit judge or court before whom such student is tried upon
2455 said charge or charges, shall make or cause to be made a report
2456 thereof to the superintendent or the president or chancellor, as
2457 the case may be, of the school district or other educational
2458 institution in which such student is enrolled.

2459 If the charge upon which such student was arrested, or any
2460 other charges preferred against him are dismissed or nol prossed,
2461 or if upon trial he is either convicted or acquitted of such
2462 charge or charges, same shall be reported to said respective
2463 superintendent or president, or chancellor, as the case may
2464 be. * * *

2465 Said report shall be made within one (1) week after the
2466 arrest of such student and within one (1) week after any charge
2467 placed against him is dismissed or nol prossed, and within one (1)
2468 week after he shall have pled guilty, been convicted, or have been
2469 acquitted by trial upon any charge placed against him. This
2470 section shall not apply to ordinary traffic violations involving a
2471 penalty of less than Fifty Dollars (\$50.00) and costs.

2472 (3) When the superintendent or his designee has a reasonable
2473 belief that an act has occurred on educational property or during
2474 a school related activity involving any of the offenses set forth
2475 in subsection (6) of this section, the superintendent or his

2476 designee shall immediately report the act to the appropriate local
2477 law enforcement agency. For purposes of this subsection, "school
2478 property" shall include any public school building, bus, public
2479 school campus, grounds, recreational area or athletic field in the
2480 charge of the superintendent. The State Board of Education shall
2481 prescribe a form for making reports required under this
2482 subsection. Any superintendent or his designee who fails to make
2483 a report required by this section shall be subject to the
2484 penalties provided in Section 37-11-15.

2485 (4) The law enforcement authority shall immediately dispatch
2486 an officer to the educational institution and with probable cause
2487 the officer is authorized to make an arrest if necessary as
2488 provided in Section 99-3-7.

2489 (5) Any superintendent, principal, teacher or other school
2490 personnel participating in the making of a required report
2491 pursuant to this section or participating in any judicial
2492 proceeding resulting therefrom shall be presumed to be acting in
2493 good faith. Any person reporting in good faith shall be immune
2494 from any civil liability that might otherwise be incurred or
2495 imposed.

2496 (6) For purposes of this section, "unlawful activity" means
2497 any of the following:

2498 (a) Possession or use of a deadly weapon, as defined in
2499 Section 97-37-1;

2500 (b) Possession, sale or use of any controlled
2501 substance;

2502 (c) Aggravated assault, as defined in Section 97-3-7;

2503 (d) Simple assault, as defined in Section 97-3-7, upon
2504 any school employee;

2505 (e) Rape, as defined under Mississippi law;

2506 (f) Sexual battery, as defined under Mississippi law;

2507 (g) Murder, as defined under Mississippi law;

2508 (h) Kidnapping, as defined under Mississippi law; or

2509 (i) Fondling, touching, handling, etc., a child for
2510 lustful purposes, as defined in Section 97-5-23.

2511 **SECTION 37.** Section 37-26-9, Mississippi Code of 1972, is
2512 amended as follows:

2513 37-26-9. (1) It shall be the duty of the clerk of any court
2514 to promptly collect the costs imposed pursuant to the provisions
2515 of Section 37-26-3. In all cases the clerk shall monthly deposit
2516 all such costs so collected with the State Treasurer either
2517 directly or by other appropriate procedures. All such deposits
2518 shall be clearly marked for the State Court Education Fund and the
2519 State Prosecutor Education Fund. Upon receipt of such deposits,
2520 the State Treasurer shall credit seventy-five percent (75%) of any
2521 amounts so deposited to the State Court Education Fund created
2522 pursuant to subsection (2) of this section, and shall credit the
2523 remaining twenty-five percent (25%) of any amounts so deposited to
2524 the State Prosecutor Education Fund created pursuant to subsection
2525 (3) of this section.

2526 (2) Such assessments as are collected under Section 99-19-73
2527 shall be deposited in a special fund hereby created in the State
2528 Treasury and designated the "State Court Education Fund." Monies
2529 deposited in such fund shall be expended by the board of trustees
2530 of each state institution of higher learning as authorized and
2531 appropriated by the Legislature to defray the cost of providing:
2532 (i) education and training for the courts of Mississippi and
2533 related personnel; (ii) technical assistance for the courts of
2534 Mississippi and related personnel; and (iii) current and accurate
2535 information for the Mississippi Legislature pertaining to the
2536 needs of the courts of Mississippi and related personnel.

2537 (3) Such assessments as are collected under Section 99-19-73
2538 shall be deposited in a special fund hereby created in the State
2539 Treasury and designated the "State Prosecutor Education Fund."
2540 Monies deposited in such fund shall be expended by the Attorney
2541 General of the State of Mississippi as authorized and appropriated

2542 by the Legislature to defray the cost of providing: (i) education
2543 and training for district attorneys, county prosecuting attorneys
2544 and municipal prosecuting attorneys; (ii) technical assistance for
2545 district attorneys, county prosecuting attorneys and municipal
2546 prosecuting attorneys; and (iii) current and accurate information
2547 for the Mississippi Legislature pertaining to the needs of
2548 district attorneys, county prosecuting attorneys and municipal
2549 prosecuting attorneys.

2550 (4) A supplemental fund is hereby created in the State
2551 Treasury and designated the State Court Constituents Fund. Monies
2552 deposited in such fund shall be for the education and training of
2553 judges and related court personnel other than those specified in
2554 Section 37-26-1(b). In addition to any other fees or costs now or
2555 as may hereafter be provided by law, there is hereby charged in
2556 all civil cases in the chancery, circuit, county, justice and
2557 municipal courts of this state a supplemental court education and
2558 training cost in the amount of Fifty Cents (50¢), except in
2559 justice court cases where the amount sued for is less than Fifteen
2560 Dollars (\$15.00); and in all criminal cases in the circuit,
2561 county, justice and municipal courts of this state, except in
2562 cases where the fine is less than Ten Dollars (\$10.00). Such
2563 costs shall be charged and collected as provided by Sections
2564 37-26-3 and 37-26-5.

2565 After the transfer to the State Prosecutor Education Fund of
2566 twenty-five percent (25%) of the money provided for in subsection
2567 (1) of this section, there shall then be transferred into the
2568 State Court Education Fund the money on deposit in the State Court
2569 Constituents Fund.

2570 (5) A special fund is created in the State Treasury and
2571 designated the "State Court Security Systems Fund." Monies
2572 deposited in such fund shall be expended for general courtroom
2573 security as well as the maintenance and operation of security
2574 surveillance and detection devices for the courtrooms of each

2575 court of the State of Mississippi specified in Section 37-26-1(2).
2576 The Administrative Office of Courts shall conduct a study to
2577 assess and determine the security needs of the courts and is
2578 authorized to expend monies in the fund for the purposes of the
2579 fund as authorized and appropriated by the Legislature.

2580 **SECTION 38.** Section 37-61-33, Mississippi Code of 1972, is
2581 amended as follows:

2582 37-61-33. (1) There is created within the State Treasury a
2583 special fund to be designated the "Education Enhancement Fund"
2584 into which shall be deposited all the revenues collected pursuant
2585 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

2586 (2) Of the amount deposited into the Education Enhancement
2587 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
2588 appropriated each fiscal year to the State Department of Education
2589 to be distributed to all school districts. Such money shall be
2590 distributed to all school districts in the proportion that the
2591 average daily attendance of each school district bears to the
2592 average daily attendance of all school districts within the state
2593 for the following purposes:

2594 (a) Purchasing, erecting, repairing, equipping,
2595 remodeling and enlarging school buildings and related facilities,
2596 including gymnasiums, auditoriums, lunchrooms, vocational training
2597 buildings, libraries, teachers' homes, school barns,
2598 transportation vehicles (which shall include new and used
2599 transportation vehicles) and garages for transportation vehicles,
2600 and purchasing land therefor.

2601 (b) Establishing and equipping school athletic fields
2602 and necessary facilities connected therewith, and purchasing land
2603 therefor.

2604 (c) Providing necessary water, light, heating, air
2605 conditioning and sewerage facilities for school buildings, and
2606 purchasing land therefor.

2607 (d) As a pledge to pay all or a portion of the debt
2608 service on debt issued by the school district under Sections
2609 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2610 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2611 and 37-41-81, or debt issued by boards of supervisors for
2612 agricultural high schools pursuant to Section 37-27-65, if such
2613 pledge is accomplished pursuant to a written contract or
2614 resolution approved and spread upon the minutes of an official
2615 meeting of the district's school board or board of supervisors.
2616 The annual grant to such district in any subsequent year during
2617 the term of the resolution or contract shall not be reduced below
2618 an amount equal to the district's grant amount for the year in
2619 which the contract or resolution was adopted. The intent of this
2620 provision is to allow school districts to irrevocably pledge a
2621 certain, constant stream of revenue as security for long-term
2622 obligations issued under the code sections enumerated in this
2623 paragraph or as otherwise allowed by law. It is the intent of the
2624 Legislature that the provisions of this paragraph shall be
2625 cumulative and supplemental to any existing funding programs or
2626 other authority conferred upon school districts or school boards.
2627 Debt of a district secured by a pledge of sales tax revenue
2628 pursuant to this paragraph shall not be subject to any debt
2629 limitation contained in the foregoing enumerated code sections.

2630 (3) The remainder of the money deposited into the Education
2631 Enhancement Fund shall be appropriated as follows:

2632 (a) To the State Department of Education as follows:

2633 (i) Sixteen and sixty-one one-hundredths percent
2634 (16.61%) to the cost of the adequate education program determined
2635 under Section 37-151-7; of the funds generated by the percentage
2636 set forth in this section for the support of the adequate
2637 education program, one and one hundred seventy-eight
2638 one-thousandths percent (1.178%) of the funds shall be
2639 appropriated to be used by the State Department of Education for

2640 the purchase of textbooks to be loaned under Sections 37-43-1
2641 through 37-43-59 to approved nonpublic schools, as described in
2642 Section 37-43-1. The funds to be distributed to each nonpublic
2643 school shall be in the proportion that the average daily
2644 attendance of each nonpublic school bears to the total average
2645 daily attendance of all nonpublic schools;

2646 (ii) Seven and ninety-seven one-hundredths percent
2647 (7.97%) to assist the funding of transportation operations and
2648 maintenance pursuant to Section 37-19-23; and

2649 (iii) Nine and sixty-one one-hundredths percent
2650 (9.61%) for classroom supplies, instructional materials and
2651 equipment, including computers and computer software, to be
2652 distributed to all school districts in the proportion that the
2653 average daily attendance of each school district bears to the
2654 average daily attendance of all school districts within the state.
2655 Classroom supply funds shall not be expended for administrative
2656 purposes. Local school districts shall allocate classroom supply
2657 funds equally among all classroom teachers in the school district.
2658 For purposes of this subparagraph, "teacher" means any employee of
2659 the school board of a school district who is required by law to
2660 obtain a teacher's license from the State Department of Education
2661 and who is assigned to an instructional area of work as defined by
2662 the department, but shall not include a federally funded teacher.
2663 Two (2) or more teachers may agree to pool their classroom supply
2664 funds for the benefit of a school within the district. It is the
2665 intent of the Legislature that all classroom teachers shall be
2666 involved in the development of a spending plan that addresses
2667 individual classroom needs and supports the overall goals of the
2668 school regarding supplies, instructional materials, equipment,
2669 computers or computer software under the provisions of this
2670 subparagraph, including the type, quantity and quality of such
2671 supplies, materials and equipment. This plan shall be submitted
2672 in writing to the school principal for approval. Classroom supply

2673 funds allocated under this subparagraph shall supplement, not
2674 replace, other local and state funds available for the same
2675 purposes. School districts need not fully expend the funds
2676 received under this subparagraph in the year in which they are
2677 received, but such funds may be carried forward for expenditure in
2678 any succeeding school year. The State Board of Education shall
2679 develop and promulgate rules and regulations for the
2680 administration of this subparagraph consistent with the above
2681 criteria, with particular emphasis on allowing the individual
2682 teachers to expend funds as they deem appropriate;

2683 (b) Twenty-two and nine one-hundredths percent (22.09%)
2684 to the various boards of trustees of state institutions of higher
2685 learning for the purpose of supporting the institutions of higher
2686 learning; and

2687 (c) Fourteen and forty-one one-hundredths percent
2688 (14.41%) to the State Board for Community and Junior Colleges for
2689 the purpose of providing support to community and junior colleges.

2690 (4) The amount remaining in the Education Enhancement Fund
2691 after funds are distributed as provided in subsections (2) and (3)
2692 of this section shall be disbursed as follows:

2693 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2694 be deposited into the Working Cash-Stabilization Reserve Fund
2695 created pursuant to Section 27-103-203(1), until the balance in
2696 such fund reaches the maximum balance of seven and one-half
2697 percent (7-1/2%) of the General Fund appropriations in the
2698 appropriate fiscal year. After the maximum balance in the Working
2699 Cash-Stabilization Reserve Fund is reached, such money shall
2700 remain in the Education Enhancement Fund to be appropriated in the
2701 manner provided for in paragraph (b) of this subsection.

2702 (b) The remainder shall be appropriated for other
2703 educational needs.

2704 (5) None of the funds appropriated pursuant to subsection
2705 (3)(a) of this section shall be used to reduce the state's General

2706 Fund appropriation for the categories listed in an amount below
2707 the following amounts:

2708 (a) For subsection (3)(a)(ii) of this section,
2709 Thirty-six Million Seven Hundred Thousand Dollars
2710 (\$36,700,000.00);

2711 (b) For the aggregate of minimum program allotments in
2712 the 1997 fiscal year, formerly provided for in Chapter 19, Title
2713 37, Mississippi Code of 1972, as amended, excluding those funds
2714 for transportation as provided for in subsection (5)(a) in this
2715 section.

2716 **SECTION 39.** Section 37-65-7, Mississippi Code of 1972, is
2717 amended as follows:

2718 37-65-7. The board of trustees of any such school district,
2719 agricultural high school district or agricultural high school and
2720 junior college district, and the board of trustees of any state
2721 institution of higher learning, respectively, as the case may be,
2722 may, in their discretion, pay all or any part of the salary of all
2723 superintendents, principals, teachers and other employees during
2724 or for the period when any of the said schools, agricultural high
2725 schools, agricultural high schools and junior colleges, or
2726 institutions of higher learning are closed in accordance with the
2727 terms of this article, and funds shall be drawn from the same
2728 source or sources as such funds would be drawn to pay such items
2729 if the schools, agricultural high schools, agricultural high
2730 schools and junior colleges, or institutions of higher learning
2731 had not been closed.

2732 **SECTION 40.** Section 37-101-2, Mississippi Code of 1972, is
2733 amended as follows:

2734 37-101-2. There is hereby established * * * a Welfare Policy
2735 Institute at a campus location to be designated by the
2736 Commissioner of Higher Education. The purpose of the institute
2737 shall be to research and gather empirical information regarding
2738 the social and welfare programs authorized under Sections 43-49-1

2739 through 43-49-15, 43-13-115, 43-17-1, 43-17-5, 43-1-8, 43-1-10,
2740 43-1-30 and 37-101-2 and to write grant proposals regarding the
2741 policy implications of such program.

2742 **SECTION 41.** Section 37-101-16, Mississippi Code of 1972, is
2743 amended as follows:

2744 37-101-16. The board of trustees of each state institution
2745 of higher learning shall develop a system of manpower management
2746 which shall be implemented in the institution under the control of
2747 the particular board. The manpower management system shall be so
2748 designed to insure accurate and rapid reporting of all manpower
2749 positions within each institution by job classification to include
2750 position number and title, grade, salary and fringe benefits, name
2751 of incumbent, social security number and date of hire.

2752 **SECTION 42.** Section 37-101-19, Mississippi Code of 1972, is
2753 amended as follows:

2754 37-101-19. The Board of Trustees of the University of
2755 Southern Mississippi is hereby authorized and empowered to
2756 establish and maintain a marine research laboratory on lands
2757 belonging to the State of Mississippi, said lands being a part of
2758 the Magnolia State Park in Jackson County, Mississippi, and to be
2759 assigned for the use of such laboratory by the Mississippi
2760 Department of Marine Resources.

2761 The marine research laboratory may, in the discretion of the
2762 board of trustees * * *, be operated by the Mississippi Academy of
2763 Science, Inc., under the supervision and control of the board of
2764 trustees * * *.

2765 The board of trustees * * * is hereby authorized and
2766 empowered to expend annually out of its regular appropriation for
2767 the support and maintenance of the University of Southern
2768 Mississippi a sum not exceeding Five Thousand Dollars (\$5,000.00)
2769 for the support and maintenance of the marine research laboratory.

2770 **SECTION 43.** Section 37-101-21, Mississippi Code of 1972, is
2771 amended as follows:

2772 37-101-21. A body politic and corporate is hereby created
2773 under the name of Gulf Coast Research Laboratory, to have
2774 perpetual succession, with powers to contract and be contracted
2775 with; to receive and acquire, by any legal method, property of any
2776 description, necessary or convenient for its operation, and to
2777 hold, employ, use and convey the same; to adopt and use a
2778 corporate seal; and to adopt by-laws, rules and regulations for
2779 the government of the same, its employees, officials, agents, and
2780 members.

2781 The object and purposes of the Gulf Coast Research Laboratory
2782 shall be to promote the study and knowledge of science including
2783 the natural resources of the State of Mississippi and to provide
2784 for the dissemination of research findings and specimens from the
2785 Gulf Coast area.

2786 The Gulf Coast Research Laboratory shall be under the control
2787 and supervision of the Board of Trustees of the University of
2788 Southern Mississippi, and the powers of said laboratory shall be
2789 vested in and its duties performed by said board.

2790 The laboratory shall be located at some appropriate place
2791 within the state and on the Gulf of Mexico to be determined by the
2792 board of trustees * * *.

2793 It shall be the duty of the board of trustees * * * to
2794 appoint or elect a director for said laboratory, determine the
2795 number of instructors, assistants and other employees and fix
2796 their compensation, and in cooperation with the Mississippi
2797 Academy of Science, prescribe rules, regulations, and policies
2798 governing the operation of the institution, qualifications of
2799 instructors and employees and for the admission of students, and
2800 for the direction of research programs.

2801 **SECTION 44.** Section 37-101-23, Mississippi Code of 1972, is
2802 amended as follows:

2803 37-101-23. (1) The Mississippi Small Farm Development
2804 Center, which shall be referred to in this section as the SFDC, is

2805 established under the management and control of the Board of
2806 Trustees of * * * Alcorn State University and shall be under the
2807 direction of the president of the university subject to the
2808 governance of the board of trustees. The president shall appoint
2809 a director of the SFDC who shall recommend to the president
2810 necessary professional and administrative staff of the center, all
2811 subject to the approval of the board of trustees.

2812 (2) It shall be the function and duty of the SFDC to:

2813 (a) Develop a system to deliver management and
2814 technical assistance to small farms utilizing the resources of
2815 local, state and federal government programs, various segments of
2816 the private sector, and universities and colleges throughout the
2817 state;

2818 (b) Make management and technical assistance available
2819 to small farms by linking together with the above resources;

2820 (c) Research and develop small farm opportunities for
2821 new or alternative crops;

2822 (d) Develop a clearinghouse for the collection and
2823 dissemination of agricultural and economic data; and

2824 (e) Assist small farms in developing more efficient
2825 marketing and distribution channels, including foreign trade
2826 marketing.

2827 **SECTION 45.** Section 37-101-27, Mississippi Code of 1972, is
2828 amended as follows:

2829 37-101-27. (1) There is created within the Working
2830 Cash-Stabilization Reserve Fund in the State Treasury a trust to
2831 be known as the Ayers Endowment Trust, which shall be used as
2832 provided in this section. On July 1, 1997, Fifteen Million
2833 Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve
2834 Fund shall be set aside and placed in the Ayers Endowment Trust.

2835 (2) The principal of the Ayers Endowment Trust shall remain
2836 inviolate within the Working Cash-Stabilization Reserve Fund, and

2837 shall be invested in the same manner as the remainder of the
2838 Working Cash-Stabilization Reserve Fund.

2839 (3) The interest and income earned from the investment of
2840 the principal of the Ayers Endowment Trust shall be appropriated
2841 by the Legislature to the Board of Trustees of State Institutions
2842 of Higher Learning for the benefit of Jackson State University,
2843 Alcorn State University and Mississippi Valley State University,
2844 the historically black institutions of higher learning in
2845 Mississippi, with one-third (1/3) of the amount of the interest
2846 and income earned being allocated for the benefit of each of those
2847 universities. The money allotted for each university shall be
2848 used for continuing educational enhancement and racial diversity,
2849 including recruitment of white students and scholarships for white
2850 applicants.

2851 (4) The creation of the Ayers Endowment Trust and the
2852 appropriation of the interest and income for the purposes
2853 specified in this section shall be to comply with the order of the
2854 United States District Court in the case of Ayers v. Fordice, 879
2855 F.Supp. 1419 (N.D. Miss. 1995), with regard to Jackson State
2856 University and Alcorn State University, and to provide Mississippi
2857 Valley State University with an equal amount of funding for the
2858 same purposes as for the other historically black institutions of
2859 higher learning.

2860 (5) If the United States District Court for the Northern
2861 District of Mississippi approves and directs the implementation of
2862 a settlement agreement in the case of Ayers v. Musgrove (Civil
2863 Action No. 4:75CV9-B-D, in the United States District Court for
2864 the Northern District of Mississippi), and if the agreement
2865 becomes final and effective according to its terms (including, but
2866 not limited to, the exhaustion of all rights of appeal) before the
2867 first day of the 2004 Regular Session of the Legislature, there
2868 shall be created in the State Treasury a fund to be known as the
2869 Ayers Settlement Fund. Monies deposited into the Ayers Settlement

2870 Fund under Section 27-103-203(2) shall be appropriated by the
2871 Legislature to the Boards of Trustees of * * * Jackson State
2872 University, Alcorn State University and Mississippi Valley State
2873 University for the purpose of establishing a public endowment for
2874 each in compliance with the settlement agreement.

2875 (6) If the Ayers Settlement Fund is created under subsection
2876 (5) of this section, subsection (1) through (4) of this section
2877 shall be repealed when the Ayers Endowment Trust reaches Zero
2878 Dollars (\$0.00) in accordance with Section 27-103-203(3).

2879 **SECTION 46.** Section 37-101-29, Mississippi Code of 1972, is
2880 amended as follows:

2881 37-101-29. Each institution of higher learning with a
2882 teacher education program approved by the State Board of Education
2883 shall prepare and submit to the State Board of Education * * * an
2884 annual performance report on the institution's teacher education
2885 program. The report shall include the following information:

2886 (a) Teacher enrollment data;

2887 (b) Professional education faculty data;

2888 (c) Characteristics of students receiving initial
2889 licensure;

2890 (d) Number and percentage of program completers scoring
2891 at or above the proficiency level on the prescribed teacher
2892 education exit tests;

2893 (e) Satisfaction rate of employers and graduates;

2894 (f) Follow-up profiles of graduates of the teacher
2895 education program; and

2896 (g) Any other information required by the State Board
2897 of Education. Before requiring any other information, the State
2898 Board of Education shall conduct collaborative planning activities
2899 with the Mississippi Association of Colleges of Teacher
2900 Education * * *.

2901 The State Department of Education, in collaboration with the
2902 Mississippi Association of Colleges of Teacher Education * * *,

2903 shall prepare a common form for the preparation and submission of
2904 the annual performance reports. The State Department of Education
2905 shall establish the date by which such reports must be submitted
2906 to the board. No later than sixty (60) days after the deadline
2907 date established for the submission of reports, the department
2908 shall submit a compilation of all annual performance reports
2909 received from the state institutions of higher learning to the
2910 Chairmen of the Education Committees of the House of
2911 Representatives and the Senate.

2912 **SECTION 47.** Section 37-101-31, Mississippi Code of 1972, is
2913 amended as follows:

2914 37-101-31. In addition to the powers vested in the board of
2915 trustees of each state institution of higher learning by Section
2916 213-A, Mississippi Constitution of 1890 and by this chapter, each
2917 board is hereby authorized to establish a reserve fund to receive
2918 funds from state, federal or private sources for the purpose of
2919 guaranteeing payment of loans obtained by college or university
2920 students from public or private lenders or banking institutions.
2921 The boards are authorized and empowered to do and perform all the
2922 necessary and requisite acts and deeds necessary to carry out the
2923 provisions of this section.

2924 **SECTION 48.** Section 37-101-41, Mississippi Code of 1972, is
2925 amended as follows:

2926 37-101-41. The board of trustees of each state institution
2927 of higher learning is hereby authorized and empowered to lease to
2928 private individuals or corporations, for a term not exceeding
2929 thirty-one (31) years, any land at * * * Mississippi State
2930 University of Agriculture and Applied Science, Jackson State
2931 University, Mississippi Valley State University, Alcorn State
2932 University, University of Southern Mississippi, Mississippi
2933 University for Women and Delta State University, for the purpose
2934 of erecting housing and dormitory facilities thereon for active
2935 faculty and students. Said housing facilities shall be

2936 constructed thereon by private financing, and shall be leased back
2937 to said board for use by the concerned state-supported institution
2938 of higher learning. The lease shall contain a provision
2939 permitting said board to purchase the building located thereon for
2940 the sum of One Dollar (\$1.00) after payment by said board of all
2941 sums of money due under said lease.

2942 **SECTION 49.** Section 37-101-43, Mississippi Code of 1972, is
2943 amended as follows:

2944 37-101-43. Prior to entering into or awarding any such lease
2945 contract under the provisions of Section 37-101-41, the board of
2946 trustees of a state institution of higher learning shall cause the
2947 interested state-supported institution upon which a facility is
2948 proposed to be constructed to select and submit three architects
2949 to the board. Thereupon, the board shall approve and employ an
2950 architect, who shall be paid by said interested institution from
2951 any funds available to said interested institution. Said
2952 architect, under the direction of said interested institution,
2953 shall prepare complete plans and specifications for the facility
2954 desired to be constructed on the leased property.

2955 Upon completion of said plans and specifications and the
2956 approval thereof by said board, and before entering into any lease
2957 contract, said (3) consecutive weeks and not less than twenty-one
2958 (21) days in at least one (1) newspaper having a general
2959 circulation in the county in which the interested institution is
2960 located and in one newspaper with a general statewide circulation,
2961 a notice inviting bids or proposals for the leasing, construction
2962 and leasing back of said land and constructed facility, said
2963 facility to be constructed in accordance with said plans and
2964 specifications. Said notice shall distinctly state the thing to
2965 be done, and invite sealed proposals, to be filed with said board,
2966 to do the thing to be done. Said notice shall contain the
2967 following specific provisions, together with such others as said
2968 board in its discretion deems appropriate, to wit: bids shall be

2969 accompanied by a bid security evidenced by a certified or
2970 cashier's check or bid-bond payable to said board in a sum of not
2971 less than five percent (5%) of the gross construction cost of the
2972 facility to be constructed as estimated by said board and the bids
2973 shall contain proof satisfactory to the board of interim and
2974 permanent financing. The board shall state in the notice when
2975 construction shall commence. The bid shall contain the proposed
2976 contractor's certificate of responsibility number and bidder's
2977 license. In all cases, before the notice shall be published, the
2978 plans and specifications shall be filed with said board and also
2979 in the office of the president of the interested institution,
2980 there to remain.

2981 The board shall award the lease contract to the lowest and
2982 best bidder, who will comply with the terms imposed by said
2983 contract documents. At the time of the awarding of the lease
2984 contract the successful bidder shall enter into bond with
2985 sufficient sureties, to be approved by the board, in such penalty
2986 as may be fixed by the board, but in no case to be less than the
2987 estimated gross construction cost of the facility to be
2988 constructed as estimated by said board, conditioned for the
2989 prompt, proper and efficient performance of the contract. The
2990 bond shall be made by an authorized corporate surety bonding
2991 company. The said bid security herein provided for shall be
2992 forfeited if the successful bidder fails to enter into lease
2993 contract and commence construction within the time limitation set
2994 forth in the notice. At such time, and simultaneously with the
2995 signing of said contract, the successful bidder shall deposit a
2996 sum of money, in cash or certified or cashier's check, not less
2997 than the bid security previously deposited as bid security to
2998 reimburse the interested institution for all sums expended by it
2999 for architectural services and other expenditures of the board and
3000 interested institution connected with the bidden lease contract,
3001 of which such other anticipated expenditures notice is to be given

3002 to bidder in said notice. The bid security posted by an
3003 unsuccessful bidder shall be refunded to him.

3004 **SECTION 50.** Section 37-101-61, Mississippi Code of 1972, is
3005 amended as follows:

3006 37-101-61. Whenever the board of trustees of a state
3007 institution of higher learning of the State of Mississippi shall
3008 by a proper resolution declare the necessity of the formation of
3009 nonprofit corporations for the purpose of acquiring or
3010 constructing facilities for the institution of higher learning
3011 under the jurisdiction and control of said board, any number of
3012 natural persons, not less than three (3), who are residents of the
3013 State of Mississippi, may file with the Secretary of State of this
3014 state an application in writing for authority to incorporate a
3015 public nonprofit corporation, known as an "educational building
3016 corporation." If it shall be made to appear that each of said
3017 persons is a duly qualified resident of this state, then the
3018 persons filing such application shall be authorized, subject to
3019 the prior approval by said board of the form of the articles of
3020 incorporation and bylaws thereof, to proceed to form such
3021 corporation as provided by the general law of this state with
3022 respect to corporations organized not for profit except as
3023 hereinafter provided. The Secretary of State, upon receipt of
3024 such application, shall forthwith issue a certificate of
3025 incorporation.

3026 **SECTION 51.** Section 37-101-63, Mississippi Code of 1972, is
3027 amended as follows:

3028 37-101-63. Each corporation formed under the provisions of
3029 Section 37-101-61 shall have the following powers, together with
3030 all powers incidental thereto or necessary to the discharge
3031 thereof in corporate form: to have succession by its corporate
3032 name for the duration of time (which may be in perpetuity)
3033 specified in its certificate of incorporation; to sue and be sued
3034 and to defend suits against it; to make use of a corporate seal

3035 and to alter it at pleasure; to acquire, whether by purchase,
3036 construction or gift, facilities for the institution of higher
3037 learning and land therefor; to equip, maintain, enlarge or improve
3038 such facilities; to lease under such terms and conditions as its
3039 board of directors may deem advisable and as shall not conflict
3040 with the provisions of Sections 37-101-61 through 37-101-71 to the
3041 board of trustees of the state institution of higher learning or
3042 to such other entity as may be approved by such board subject to
3043 prior approval by said board of each issue of bonds; to issue its
3044 bonds for the purpose of defraying the cost of acquiring,
3045 constructing, maintaining, enlarging, improving or equipping any
3046 of such facilities or land in the manner provided in Section
3047 37-101-65; to secure the payment of such bonds through the pledge
3048 of and lien on such revenues or other sources of income, including
3049 lease payments, entering into trust agreements, and the making of
3050 such covenants as are provided in Section 37-101-101; to refund
3051 bonds previously issued; to enter into contracts and agreements or
3052 do any act necessary for or incidental to the performance of its
3053 duties and the execution of its powers under Sections 37-101-61
3054 through 37-101-71; to accept gifts from any source whatsoever; to
3055 appoint and employ such officers and agents, including attorneys,
3056 as its business may require; and to provide for such insurance as
3057 its board of directors may deem advisable.

3058 **SECTION 52.** Section 37-101-71, Mississippi Code of 1972, is
3059 amended as follows:

3060 37-101-71. The board of trustees of each state institution
3061 of higher learning * * * is hereby authorized and empowered, in
3062 its discretion, to pass proper resolutions declaring the necessity
3063 of the formation of nonprofit educational building corporations,
3064 as set forth in Section 37-101-61, and to lease facilities from
3065 said corporations in the manner provided by law.

3066 When the principal of and the interest on any bonds of an
3067 educational building corporation payable from the revenues derived

3068 from the operation of facilities owned by such corporation shall
3069 have been paid in full, then such facilities shall thereupon
3070 become the property of the board of trustees of the state
3071 institution of higher learning and title to the facilities shall
3072 thereupon immediately vest in the State of Mississippi.

3073 **SECTION 53.** Section 37-101-91, Mississippi Code of 1972, is
3074 amended as follows:

3075 37-101-91. The board of trustees of each state institution
3076 of higher learning is hereby authorized and empowered to contract
3077 with and borrow money from the United States of America, or any
3078 department, instrumentality, or agency thereof, as may be
3079 designated or created to make loans and grants, or from private
3080 lenders, at an overall rate of interest to maturity not to exceed
3081 that allowed in Section 75-17-103, for the purpose of acquiring
3082 land for, and erecting, repairing, remodeling, maintaining, adding
3083 to, extending, improving, equipping, or acquiring dormitories,
3084 dwellings, apartments, athletic stadium, gymnasiums, student union
3085 buildings, student service centers, athletic fields, swimming
3086 pools, parking facilities, cafeterias, dining halls, and/or other
3087 revenue producing facilities, to be located at or near the
3088 campuses of the University of Mississippi, Mississippi State
3089 University of Agriculture and Applied Science, Mississippi
3090 University for Women, Alcorn State University, University of
3091 Southern Mississippi, Delta State University, Jackson State
3092 University, Mississippi Valley State University, and Gulf Coast
3093 Research Laboratory.

3094 In agreements or commitments by or between the aforesaid
3095 boards of trustees and private lenders and/or the U.S. Department
3096 of Housing and Urban Development to make loans or grants for the
3097 construction of dormitories in which bonds are to be issued under
3098 the provisions of Sections 37-101-91 through 37-101-103, and in
3099 which part or all of the principal and/or interest on said bonds
3100 is to be paid or guaranteed by the U.S. Department of Housing and

3101 Urban Development, said bonds shall bear a net interest rate not
3102 in excess of that allowed in Section 75-17-103.

3103 Notwithstanding the foregoing provisions of this section,
3104 bonds referred to hereinabove may be issued pursuant to the
3105 supplemental powers and authorizations conferred by the provisions
3106 of the Registered Bond Act, being Sections 31-21-1 through
3107 31-21-7.

3108 **SECTION 54.** Section 37-101-93, Mississippi Code of 1972, is
3109 amended as follows:

3110 37-101-93. Bonds issued for the purposes enumerated in
3111 Section 37-101-91 shall be authorized by resolution of the board
3112 of trustees of the state institution of higher learning involved.
3113 Said resolution shall positively show the said land, to be
3114 acquired, if any, and the said dormitories, dwellings, apartments,
3115 athletic stadiums, gymnasiums, student union buildings, student
3116 service centers, athletic fields, swimming pools and the like, to
3117 be erected, repaired, remodeled, maintained, added to, extended,
3118 improved, equipped or acquired, together with equipment therefor.
3119 A majority vote of all the members of the board of trustees shall
3120 be necessary to the passage of said resolution, and all votes on
3121 such resolutions shall be by yea and nay vote, duly recorded on
3122 the minutes of the proceedings of the board.

3123 The bonds may be issued in one or more series, may bear such
3124 date or dates, may be in such denomination or denominations, may
3125 mature at such time or times, not exceeding forty (40) years from
3126 the respective dates thereof, may mature in such amount or
3127 amounts, may bear interest at such rate or rates, not exceeding
3128 that allowed in Section 75-17-103, payable semiannually, may be in
3129 such forms, either coupon or registered, may carry such
3130 registration privileges, may be executed in such manner, may be
3131 payable in such medium of payment, at such place or places, and
3132 may be subject to such term of redemption, with or without
3133 premium, as such resolution or other resolutions may provide. The

3134 bonds may be sold at a private sale, at not less than par and
3135 accrued interest, without advertising the same at competitive
3136 bidding. The bonds shall be fully negotiable within the meaning
3137 and for all purposes of the Uniform Commercial Code.

3138 Notwithstanding any other provision of law, in any resolution
3139 authorizing bonds hereunder, including refunding bonds, the board
3140 of trustees may provide for the initial issuance of one or more
3141 bonds (hereinafter sometimes collectively called "bond"), may make
3142 such provision for installment payments of the principal amount of
3143 any such bond as it may consider desirable, and may provide for
3144 the making of any such bond registerable as to principal or as to
3145 both principal and interest and, where interest accruing thereon
3146 is not represented by interest coupons, for the endorsing of
3147 payments of interest on such bond. The board may further make
3148 provision in any such resolution for the manner and circumstances
3149 in and under which any such bond may in the future, at the request
3150 of the holder thereof, be converted into bonds of smaller
3151 denominations, which bonds of small denominations may in turn be
3152 either coupon bonds or bonds registerable as to principal or
3153 principal and interest.

3154 **SECTION 55.** Section 37-101-95, Mississippi Code of 1972, is
3155 amended as follows:

3156 37-101-95. Bonds issued for the purposes enumerated in
3157 Section 37-101-91 may be refunded, in whole or in part:

3158 (a) When any such bonds have by their terms become due
3159 and payable and there are not sufficient sums in the fund
3160 established for their payment to pay such bonds and the interest
3161 thereon;

3162 (b) When any such bonds are by their terms callable for
3163 payment and redemption in advance of their date of maturity and
3164 shall have been duly called for payment and redemption;

3165 (c) When any such bonds are voluntarily surrendered by
3166 the holder or holders thereof in exchange for refunding bonds; or

3167 (d) When, in connection with the issuance of any
3168 additional bonds under Sections 37-101-91 through 37-101-103 for
3169 the purpose of financing any additional authorized construction,
3170 the board of trustees of the state institution of higher learning
3171 shall determine to combine such new issue of bonds with any issue
3172 or issues of bonds of the same institution of higher learning of
3173 the State of Mississippi then outstanding for the purpose of
3174 unifying such indebtedness and utilizing the income and revenues
3175 derived from all projects or facilities operated at such
3176 institution to the payment of such indebtedness, and the board of
3177 trustees shall determine that such outstanding bonds are by their
3178 terms then callable for redemption or are obtainable by and
3179 through the voluntary surrender thereof by the holder or holders
3180 thereof.

3181 For the purpose of refunding any bonds, including refunding
3182 bonds, the board of trustees may make and issue refunding bonds in
3183 such amount as may be necessary to pay off and redeem bonds to be
3184 refunded together with unpaid and past due interest thereon and
3185 any premium which may be due under the terms of such bonds,
3186 together also with the cost of issuing and refunding bonds, and
3187 may sell the same in like manner as provided in Section 37-101-97
3188 for the initial issuance of bonds. With the proceeds of any such
3189 refunding bonds, the board shall pay off, redeem, and cancel such
3190 old bonds and coupons as may have matured or such bonds as may
3191 have been called for payment and redemption together with the past
3192 due interest and the premium, if any, due thereon; such bonds may
3193 be issued and delivered in exchange for a like par value amount of
3194 bonds to refund which the refunding bonds were issued. No
3195 refunding bonds issued hereunder shall be payable in more than
3196 forty (40) years from the date thereof or shall bear interest at a
3197 rate in excess of the rate of interest authorized in Section
3198 75-17-103 for the bonds being refunded.

3199 Such refunding bonds shall be payable from the same sources
3200 as were pledged to the payment of the bonds refunded thereby and,
3201 in the discretion of the board of trustees, may be payable from
3202 any other sources which may be pledged to the payment of revenue
3203 bonds issued under Sections 37-101-91 through 37-101-103. Bonds
3204 of two (2) or more issues of any institution of higher learning of
3205 the State of Mississippi may be refunded by a single issue of
3206 refunding bonds.

3207 Notwithstanding the foregoing provisions of this section,
3208 bonds referred to hereinabove may be issued pursuant to the
3209 supplemental powers and authorizations conferred by the provisions
3210 of the Registered Bond Act, being Sections 31-21-1 through
3211 31-21-7.

3212 **SECTION 56.** Section 37-101-101, Mississippi Code of 1972, is
3213 amended as follows:

3214 37-101-101. The board of trustees of each state institution
3215 of higher learning in connection with the issuance of the bonds
3216 for the purposes enumerated in Section 37-101-91, or in order to
3217 secure the payment of such bonds and interest thereon, shall have
3218 power by resolutions:

3219 (a) To fix and maintain (1) fees, rentals, and other
3220 charges to be paid by students, faculty members and others using
3221 or being served by any dormitories, dwellings, apartments,
3222 athletic stadiums, gymnasiums, student union buildings, student
3223 service centers, athletic fields, swimming pools, or other
3224 projects or facilities, erected, repaired, remodeled, maintained,
3225 added to, extended, improved, or acquired under the authority of
3226 Section 37-101-91; (2) fees, rentals and other charges to be paid
3227 by students, faculty members, and others using or being served by
3228 any other dormitories, dwellings, apartments, athletic stadiums,
3229 gymnasiums, student union buildings, student service centers,
3230 athletic fields, swimming pools, or other projects or facilities
3231 at any institution which so issues bonds, which fees, rentals and

3232 other charges to be paid by students, faculty members, and others
3233 using or being served by such other dormitories, dwellings,
3234 apartments, athletic stadiums, gymnasiums, student union
3235 buildings, student service centers, athletic fields, swimming
3236 pools, or other projects or facilities, shall be the same as those
3237 applicable to the dormitories, dwellings, apartments, athletic
3238 stadiums, gymnasiums, student union buildings, student service
3239 centers, athletic fields, swimming pools, or other projects or
3240 facilities referred to in the preceding subdivision (1); however,
3241 in fixing such fees, rentals and other charges, there may be
3242 allowed reasonable differentials based on the condition, type,
3243 location and relative convenience of the dormitories, dwellings,
3244 apartments, athletic stadiums, gymnasiums, student union
3245 buildings, student service centers, athletic fields, swimming
3246 pools, or other projects or facilities in question, but such
3247 differentials shall be uniform as to all such students or faculty
3248 members and others similarly accommodated;

3249 (b) To provide that bonds so issued shall be secured by
3250 a first, exclusive and closed lien on, and shall be payable from,
3251 all or any part of the income and revenues derived from fees,
3252 rentals and other charges to be paid by students, faculty members
3253 or others using or being served by any dormitories, dwellings,
3254 apartments, athletic stadiums, gymnasiums, student union
3255 buildings, student service centers, athletic fields, swimming
3256 pools, or other projects or facilities operated at any such
3257 institution, and erected, repaired, remodeled, maintained, added
3258 to, extended, improved or acquired under Section 37-101-91, or any
3259 other law, or otherwise, and not theretofore so pledged;

3260 (c) To pledge and assign to, or in trust for the
3261 benefit of the holder or holders of any bond or bonds, coupon or
3262 coupons so issued, an amount of the income and revenues derived
3263 from such fees, rentals and other charges to be paid by students,
3264 faculty members, or others using or being served by any

3265 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3266 student union buildings, student service centers, athletic fields,
3267 swimming pools, or other projects or facilities operated at any
3268 such institution, and erected, repaired, remodeled, maintained,
3269 added to, extended, improved or acquired under Section 37-101-91,
3270 or any other law, or otherwise, and not theretofore so pledged,
3271 which rentals, fees and charges imposed and pledged pursuant to
3272 the terms of this section shall be sufficient to pay when due the
3273 bonds so issued and interest thereon, to create and maintain a
3274 reasonable reserve therefor and to operate and maintain the
3275 project so constructed, and to create and at all times maintain an
3276 adequate reserve for contingencies and for major repairs and
3277 replacements;

3278 (d) To covenant with or for the benefit of the holder
3279 or holders of any bond or bonds, coupon or coupons so issued to
3280 erect, repair, remodel, maintain, add to, extend, improve or
3281 acquire any dormitories, dwellings, apartments, athletic stadiums,
3282 gymnasiums, student union buildings, student service centers,
3283 athletic fields, swimming pools, or other projects or facilities,
3284 that so long as any of said bonds or coupons shall remain
3285 outstanding and unpaid, such institution shall fix, maintain and
3286 collect, in such installments as may be agreed upon, an amount of
3287 fees, rentals or other charges from students, faculty members, and
3288 others using or being served by any dormitories, dwellings,
3289 apartments, athletic stadiums, gymnasiums, student union
3290 buildings, student service centers, athletic fields, swimming
3291 pools, or other projects or facilities operated at any such
3292 institution and erected, repaired, remodeled, maintained, added
3293 to, extended, improved or acquired under Section 37-101-91, or any
3294 other law, or otherwise, which shall be sufficient to pay when due
3295 any bond or bonds, coupons or coupons so issued, and to create and
3296 maintain a reasonable reserve therefor, and to pay the cost of
3297 operation and maintenance of such dormitories, dwellings,

3298 apartments, athletic stadiums, gymnasiums, student union
3299 buildings, student service centers, athletic fields, swimming
3300 pools, or other projects or facilities, including a sum sufficient
3301 to pay the cost of insuring such dormitories, dwellings,
3302 apartments, athletic stadiums, gymnasiums, student union
3303 buildings, student service centers, athletic fields, swimming
3304 pools, or other projects or facilities against loss or damage by
3305 fire and windstorm or other calamities, in such sum as may be
3306 acceptable to the purchaser or purchasers of such bonds. The
3307 rentals, fees and other charges shall at all times be sufficient
3308 to maintain an adequate bond sinking fund to provide for the
3309 payment of interest on and principal of the bonds as and when they
3310 accrue and mature, to create a reasonable reserve therein and to
3311 pay the cost of operation and maintenance and insurance as herein
3312 provided and to create and at all times maintain an adequate
3313 reserve for contingencies and for major repairs and replacements;

3314 (e) To make and enforce and agree to make and enforce
3315 parietal rules that shall insure the use of any such dormitory,
3316 dwelling, apartment, athletic stadium, gymnasium, student union
3317 building, student service center, athletic field, swimming pool,
3318 or other project or facility by all students in attendance at such
3319 institution, and faculty members thereof, to the maximum extent to
3320 which such dormitories, dwellings, apartments, athletic stadiums,
3321 gymnasiums, student union buildings, student service centers,
3322 athletic fields, swimming pools, or other projects or facilities
3323 are capable of serving same, so long as it does not interfere with
3324 any existing contract;

3325 (f) To covenant that as long as any of the bonds so
3326 issued shall remain outstanding and unpaid, it will not, except
3327 upon such terms and conditions as may be determined by the
3328 resolution issuing such bonds, (1) voluntarily create, or cause to
3329 be created, any debt, lien, pledge, assignment, encumbrance, or
3330 other charge having priority to or being on a parity with the lien

3331 of the bonds so issued upon any of the income and revenues derived
3332 from fees, rentals and other charges to be paid by students,
3333 faculty members and others using or being served by any
3334 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3335 student union buildings, student service centers, athletic fields,
3336 swimming pools, or other projects or facilities operated at any
3337 such institution and erected, repaired, remodeled, maintained,
3338 added to, extended, improved or acquired under Section 37-101-91,
3339 or any other law, or otherwise, or (2) convey or otherwise
3340 alienate any such dormitories, dwellings, apartments, athletic
3341 stadiums, gymnasiums, student union buildings, student service
3342 centers, athletic fields, swimming pools, or other projects or
3343 facilities, or the real estate upon which the same shall be
3344 located, except at a price sufficient to pay all the bonds then
3345 outstanding payable from the revenues derived therefrom and
3346 interest accrued on such bonds, and then only in accordance with
3347 any agreements with the holder or holders of such bonds, or (3)
3348 mortgage or otherwise voluntarily create, or cause to be created,
3349 any encumbrance on any such dormitory, dwelling, apartment,
3350 athletic stadium, gymnasium, student union building, student
3351 service center, athletic field, swimming pool, or other project or
3352 facility, or the real estate upon which it shall be located;

3353 (g) To covenant as to the proceedings by which the
3354 terms of any contract with a holder or holders of such bonds may
3355 be amended or rescinded, the amount or percentage of bonds the
3356 holder or holders of which must consent thereto and the manner in
3357 which such consent may be given;

3358 (h) To vest in a trustee or trustees the right to
3359 receive all or any part of the income and revenue and proceeds of
3360 insurance pledged and assigned to, or for the benefit of, the
3361 holder or holders of such bonds, and to hold, apply and dispose of
3362 the same and the right to enforce any covenant made to secure or
3363 pay or in relation to such bonds;

3364 (i) To authorize the chairman and the secretary of said
3365 board to execute and deliver, in the name of the institution for
3366 which such bonds are being issued, a trust agreement or agreements
3367 which may set forth the powers and duties of such trustee or
3368 trustees, and limiting the liabilities thereof, and describing
3369 what occurrences shall constitute events of default and
3370 prescribing the terms and conditions upon which such trustee or
3371 trustees or the holder or holders of bonds of any specified amount
3372 or percentage of such bonds may exercise such right and enforce
3373 any and all such covenants and resort to any such remedies as may
3374 be appropriate; and

3375 (j) To vest in a trustee or trustees or the holder or
3376 holders of any specified amount or percentage of bonds the right
3377 to apply to any court of competent jurisdiction for and have
3378 granted the appointment of a receiver or receivers of the income
3379 and revenue pledged and assigned to or for the benefit of the
3380 holder or holders of such bonds, which receiver or receivers may
3381 have and be granted such powers and duties as are usually granted
3382 under the laws of the State of Mississippi to a receiver or
3383 receivers appointed in connection with the foreclosure of a
3384 mortgage made by a private corporation.

3385 **SECTION 57.** Section 37-101-103, Mississippi Code of 1972, is
3386 amended as follows:

3387 37-101-103. No monies derived from the sale of bonds of any
3388 institution or otherwise borrowed or received by such institution
3389 under Sections 37-101-91 through 37-101-103, or from the fees,
3390 rentals, and charges received and collected for the use of any
3391 project constructed, repaired, remodeled, maintained, added to,
3392 extended, improved, or acquired under authority of said sections,
3393 shall be required to be paid into the State Treasury, but shall,
3394 except as herein otherwise provided, be deposited by the Treasurer
3395 or other fiscal officer of the institution in a separate bank
3396 account or accounts in such bank or banks or trust company or

3397 trust companies as may be designated by the board of trustees of
3398 the state institution of higher learning. All deposits of such
3399 monies shall, if required by the board, be secured by obligations
3400 of the United States of America or of the State of Mississippi, of
3401 a market value equal at all times to the amount of the deposit,
3402 and all banks and all trust companies are hereby authorized to
3403 give such security. Such money may be disbursed as may be
3404 directed by the board and in accordance with the terms of any
3405 agreements with the holder or holders of any bonds. This section
3406 shall be construed as limiting the power of said board to agree in
3407 connection with issuance of any such bonds as to the custody and
3408 disposition of the monies received from the sale of such bonds or
3409 the income and revenues pledged and assigned to or in trust for
3410 the benefit of the holder or holders thereof.

3411 It is specifically provided, however, notwithstanding any
3412 other provision of this section, that when any project financed by
3413 the proceeds of revenue bonds issued hereunder shall be supervised
3414 by the State Building Commission and the said State Building
3415 Commission shall execute and enter into construction contracts
3416 with respect thereto, the board of trustees of each state
3417 institution of higher learning shall have the power and authority
3418 to pay into the State Treasury in a special account for said
3419 project an amount from the proceeds of the sale of the bonds which
3420 shall be sufficient to pay all such construction contracts and all
3421 fees and expenses incidental thereto, including any amount, plus
3422 interest thereon, which may have been borrowed for interim
3423 financing of said project. The amount so paid into such special
3424 account shall be expended by the State Building Commission in the
3425 manner provided by law in payment of the amounts due under such
3426 construction contracts, and fees and expenses incidental thereto,
3427 and in repayment of money, if any, borrowed for interim financing,
3428 plus interest thereon. If, at the conclusion of the project, any
3429 sum should remain in said special account it shall be repaid to

3430 the institution entitled thereto to be handled in accordance with
3431 the terms of the agreement with the holder or holders of the
3432 bonds.

3433 Notwithstanding any other provisions of this section, such
3434 reports as may be required by the State Auditor of Public Accounts
3435 shall be made to him by the institutions of higher learning in the
3436 manner and at the times he may prescribe, so that his records may
3437 reflect full and complete information relative thereto.

3438 **SECTION 58.** Section 37-101-121, Mississippi Code of 1972, is
3439 amended as follows:

3440 37-101-121. The board of trustees of each state institution
3441 of higher learning is hereby authorized and empowered, in its
3442 discretion, and with the consent and approval of the State
3443 Building Commission, to invest any funds derived or made available
3444 for the purpose of constructing, erecting, repairing, remodeling
3445 or equipping dormitories and other housing facilities under
3446 projects approved and sanctioned by the Home and Housing Finance
3447 Agency of the United States of America, whether said funds be
3448 derived from the proceeds of bonds issued under the provisions of
3449 Sections 37-101-91 through 37-101-103, or from money borrowed for
3450 the interim financing of any such project, or from any other
3451 sources, in short-term bonds or other direct obligations of the
3452 United States of America. However, no such funds shall be so
3453 invested except the amount of such funds which is in excess of the
3454 sums which will be required for expenditure in financing the
3455 construction of said projects during the succeeding ninety (90)
3456 days. In all cases, the bonds or other obligations in which such
3457 funds are invested shall mature or be redeemable prior to the time
3458 the funds so invested will be needed for expenditure in financing
3459 the construction of said projects.

3460 The board * * *, with the consent and approval of the State
3461 Building Commission, may, by order or resolution spread upon its
3462 minutes, authorize and empower any member or members of said board

3463 of trustees, or any officers or employees thereof, or any other
3464 person or persons, to make investments of such funds from time to
3465 time as they shall be available for investment under the
3466 provisions of this section. Any such member or members or
3467 officers or employees, or other person or persons, when so
3468 authorized by such order or resolution, shall have the power and
3469 authority to make such investments of such funds, to make
3470 purchases of such bonds or other obligations, to execute all
3471 necessary instruments in connection therewith, and to take such
3472 other action as may be necessary to effectuate the investment of
3473 such funds.

3474 **SECTION 59.** Section 37-101-123, Mississippi Code of 1972, is
3475 amended as follows:

3476 37-101-123. When any such bonds or other direct obligations
3477 of the United States of America shall have been purchased with
3478 such excess funds as is provided for in Section 37-101-121, such
3479 bonds or other obligations may be sold or surrendered for
3480 redemption at any time by order or resolution adopted by the board
3481 of trustees of the state institution of higher learning, and
3482 approved by the State Building Commission. Any member or members
3483 thereof or any officers or employees thereof, or any other person
3484 or persons, when authorized by such order or resolution, shall
3485 have the power and authority to sell said bonds or other
3486 obligations or to surrender same for redemption and to execute all
3487 instruments and take such other action as may be necessary to
3488 effectuate the sale or redemption thereof. When such bonds or
3489 other obligations shall be sold or redeemed, the proceeds thereof,
3490 including the accrued interest thereon, shall be paid into the
3491 proper fund and shall in all respects be dealt with and expended
3492 for the purpose for which said funds were originally derived or
3493 made available.

3494 **SECTION 60.** Section 37-101-125, Mississippi Code of 1972, is
3495 amended as follows:

3496 37-101-125. Orders or resolutions of the board of trustees
3497 of any state institution of higher learning authorizing the
3498 investment of funds or the sale and redemption of bonds and other
3499 obligations purchased therewith under the provisions of Sections
3500 37-101-121 and 37-101-123, may be in general terms and may confer
3501 continuing authority upon the person or persons authorized to act.
3502 It shall not be necessary that separate resolutions or orders be
3503 passed and adopted with reference to each transaction.

3504 **SECTION 61.** Section 37-101-141, Mississippi Code of 1972, is
3505 amended as follows:

3506 37-101-141. The board of trustees of each state institution
3507 of higher learning is hereby authorized and empowered, in its
3508 discretion, to sell and dispose of the timber, trees, dead wood
3509 and stumps standing, growing and being upon the lands granted to
3510 the State of Mississippi for the use and benefit of the University
3511 of Mississippi by an act of Congress of the United States approved
3512 June 20, 1894, and upon the lands granted to the State of
3513 Mississippi for the use and benefit of Mississippi University for
3514 Women by an act of Congress of the United States approved March 2,
3515 1895, and upon the lands granted to the State of Mississippi for
3516 the use and benefit of Mississippi State University of Agriculture
3517 and Applied Science, and Alcorn State University by an act of
3518 Congress of the United States approved February 20, 1895, whenever
3519 the sale or disposition of such timber shall be to the best
3520 advantage of the institutions named herein. Such timber shall be
3521 sold and disposed of under the direction and specifications of the
3522 State Forestry Commission in accordance with sound and efficient
3523 principles of forestry management and conservation.

3524 **SECTION 62.** Section 37-101-143, Mississippi Code of 1972, is
3525 amended as follows:

3526 37-101-143. The board of trustees of each state institution
3527 of higher learning named in Section 37-101-141 is also authorized
3528 and empowered to lease those lands referred to in Section

3529 37-101-141, or any part thereof, for oil, gas and mineral
3530 development, or for any other purpose, for such consideration,
3531 upon such terms and conditions as the board of trustees shall deem
3532 proper, and for the best advantage of the respective institutions.
3533 Any such oil, gas or mineral lease shall not be for a primary term
3534 of more than six (6) years and so long thereafter as oil, gas or
3535 other minerals are produced from said lands. The royalties
3536 reserved in such lease or leases shall be not less than the
3537 following:

3538 (a) On oil, one-eighth (1/8) part produced and saved
3539 from said land;

3540 (b) On gas, including casinghead gas, or other gaseous
3541 substances, produced from said land and sold or used off the
3542 premises, or for the extraction of gasoline or other products
3543 therefrom, the market value at the well of one-eighth (1/8) of the
3544 gas so sold or used; and

3545 (c) On all other minerals mined and marketed,
3546 one-eighth (1/8) part in kind or value at the well or mine except
3547 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3548 ton.

3549 **SECTION 63.** Section 37-101-145, Mississippi Code of 1972, is
3550 amended as follows:

3551 37-101-145. Before any timber, trees, dead wood, or stumps,
3552 standing, growing or being upon lands shall be sold from said
3553 lands as is authorized in Section 37-101-141, and before any lands
3554 shall be leased for oil, gas and mineral purposes, or other
3555 purposes as is authorized in Section 37-101-143, the board of
3556 trustees of the involved state institution of higher learning
3557 shall advertise its intention to do so by publication in a
3558 newspaper in the City of Jackson, and also in a newspaper
3559 published in each county where such lands are situated, such
3560 notice to be published once a week for three (3) consecutive weeks
3561 preceding such sale or lease, and by posting one (1) notice at the

3562 courthouse in the county or counties where the lands are situated.
3563 In any county having no paper published therein, the publication
3564 shall be placed in some paper having a general circulation in said
3565 county. Said board shall sell or lease at public auction, or by
3566 sealed bids, at the place designated in said notices, to the
3567 highest and best bidder for cash. The board shall have the right
3568 to reject any or all of such bids.

3569 **SECTION 64.** Section 37-101-147, Mississippi Code of 1972, is
3570 amended as follows:

3571 37-101-147. All leases and conveyances of timber, trees,
3572 dead wood and stumps, and all oil, gas and mineral leases, or
3573 leases for other purposes, provided for in Sections 37-101-141 and
3574 37-101-143, shall be executed by the president of the board of
3575 trustees of * * * the University of Mississippi, Mississippi
3576 University for Women, Mississippi State University of Agriculture
3577 and Applied Science and Alcorn State University, as the case may
3578 be. The corporate seal of the proper institution shall be affixed
3579 to all conveyances and leases of the lands held for the use and
3580 benefit of such institutions. In all such cases such conveyances
3581 and leases shall be executed only upon the order or resolution of
3582 the board of trustees of the state institution of higher learning
3583 in the manner and method hereinbefore set forth.

3584 **SECTION 65.** Section 37-101-149, Mississippi Code of 1972, is
3585 amended as follows:

3586 37-101-149. The proceeds derived or received from all sales
3587 of timber, trees, dead wood, and stumps, and from all oil, gas and
3588 mineral leases, or leases for other purposes, provided for in
3589 Sections 37-101-141 and 37-101-143, including but not limited to
3590 rentals, bonuses, royalties, and delay rentals, shall be deposited
3591 in such special funds as the * * * board of trustees of the
3592 involved state institution of higher learning may designate for
3593 the use and benefit of the institution owning or having the use
3594 and benefit of the land from which such money was derived. Such

3595 money, after all expenditures for maintenance, operation, and
3596 improvements necessary for effective and scientific management of
3597 said resources shall have been deducted, shall be used and
3598 expended under the supervision of said board of trustees for the
3599 erection and construction of permanent improvements on the
3600 campuses of such institution, or for the repair of permanent
3601 improvements existing on said campuses. It is the purpose of this
3602 section that the funds received from lands held for the use of
3603 each of the respective institutions shall be kept in a special
3604 fund for the use and benefit of the institution having the use and
3605 benefit of the land from which such funds were derived, and that
3606 such funds shall be expended only for the purposes hereinabove set
3607 forth.

3608 Notwithstanding any other provisions of this section, such
3609 reports as may be required by the State Auditor of Public Accounts
3610 shall be made to him by the institutions of higher learning in the
3611 manner and at the times he may prescribe, so that his records may
3612 reflect full and complete information relative thereto.

3613 **SECTION 66.** Section 37-101-153, Mississippi Code of 1972, is
3614 amended as follows:

3615 37-101-153. The board of trustees of each state institution
3616 of higher learning is hereby authorized and empowered, in its
3617 discretion, to lease any lands, or any part thereof, belonging
3618 to * * * said institution, for oil, gas and mineral development,
3619 upon such terms, conditions and considerations as said board of
3620 trustees shall deem proper and for the best interest of the
3621 institution * * *. Any such oil, gas or mineral lease shall be
3622 for a primary term of not more than six (6) years and so long
3623 thereafter as oil, gas or other mineral is produced from said
3624 land. The royalty reserved in such lease or leases shall not be
3625 less than the following:

3626 (a) On oil, one-eighth (1/8) part produced and saved
3627 from said land;

3628 (b) On gas, including casinghead gas, or other gaseous
3629 substances, produced from said land and sold or used off the
3630 premises, or for the extraction of gasoline or other products
3631 therefrom the market value at the well of one-eighth (1/8) of the
3632 gas so sold or used; and

3633 (c) On all other minerals mined and marketed,
3634 one-eighth (1/8) part in kind or value at the well or mine except
3635 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3636 ton.

3637 **SECTION 67.** Section 37-101-155, Mississippi Code of 1972, is
3638 amended as follows:

3639 37-101-155. Before any of the land named in Section
3640 37-101-153, shall be leased for oil, gas and mineral purposes, the
3641 board of trustees of the involved state institution of higher
3642 learning shall give notice of its intention by publishing a notice
3643 in some newspaper in the City of Jackson and also a newspaper
3644 published in the county or counties where such lands are situated,
3645 giving the time and place that said board will receive bids. Said
3646 notice shall be published once each week for three (3) consecutive
3647 weeks. Said board at said time and place will receive sealed bids
3648 for such lease or leases, and will consider the highest and best
3649 bid that is the most advantageous to the institution * * *. The
3650 board shall have the right to reject any or all such bids.

3651 **SECTION 68.** Section 37-101-157, Mississippi Code of 1972, is
3652 amended as follows:

3653 37-101-157. All oil, gas and mineral leases provided for in
3654 Section 37-101-153, shall be executed by the president of the
3655 board of trustees of the involved state institution of higher
3656 learning * * * on behalf of the institution owning or having the
3657 use of such lands, as the case may be. The corporate seal of the
3658 institution owning or having benefit of such land shall be affixed
3659 to all leases. In all such cases such leases shall be executed
3660 only upon order or resolution of the board of trustees of the

3661 state institutions of higher learning in the manner hereinbefore
3662 set forth.

3663 **SECTION 69.** Section 37-101-159, Mississippi Code of 1972, is
3664 amended as follows:

3665 37-101-159. The consideration and proceeds derived or
3666 received from all oil, gas and mineral leases provided for in
3667 Section 37-101-153, including, but not limited to bonuses,
3668 rentals, royalties and delay rentals, shall be paid to the board
3669 of trustees of the state institution of higher learning for the
3670 use and benefit of the institution owning or having the use and
3671 benefit of the land from which said money was derived. All such
3672 money or funds shall be allocated to or used for the benefit of
3673 such institution * * *.

3674 **SECTION 70.** Section 37-101-181, Mississippi Code of 1972, is
3675 amended as follows:

3676 37-101-181. Any member of the faculties of Alcorn State
3677 University, Jackson State University, and Mississippi Valley State
3678 University shall be eligible for leave of absence to pursue
3679 advanced academic training so as to elevate the scholastic
3680 qualifications of the faculties of these above-mentioned colleges,
3681 in line with the requirements of the several accrediting agencies.

3682 In order to provide for the above leaves the board of
3683 trustees of those state institutions of higher learning shall have
3684 power to adopt rules and regulations regarding such leave. In no
3685 instance shall leave be granted unless there is a contract
3686 providing for continued service, after expiration of the leave, in
3687 the college where the faculty member is employed.

3688 The board of trustees * * * is hereby authorized to make
3689 payment of salary, or such part of salary as may be decided, of
3690 such faculty members who are under contract for academic leaves.

3691 **SECTION 71.** Section 37-101-183, Mississippi Code of 1972, is
3692 amended as follows:

3693 37-101-183. Any members of the faculty of the state
3694 institutions of higher learning of the State of Mississippi shall
3695 be eligible for sabbatical leaves, for the purpose of professional
3696 improvement, for not more than two (2) semesters immediately
3697 following any twelve (12) or more consecutive semesters of active
3698 service in the institutions of higher learning of this state where
3699 such faculty member is employed or for not more than one (1)
3700 semester immediately following any six (6) or more consecutive
3701 semesters of such service. Absence on sick leave shall not be
3702 deemed to interrupt the active service herein provided for.

3703 Applications for sabbatical leave shall be made to the board
3704 of trustees of the state institution of higher learning, with the
3705 approval of the chancellor or the president of the institution of
3706 higher learning. Approval or disapproval of the applications for
3707 sabbatical leave shall be made on the basis of regulations
3708 prescribed by the board * * *.

3709 Any person who is granted a sabbatical leave and who fails to
3710 comply with the provisions of such leave as approved by the state
3711 institution of higher learning may have his or her leave
3712 terminated by the board * * *.

3713 No person on sabbatical leave can be denied any regular
3714 increment of increase in salary because of absence on sabbatical
3715 leave.

3716 Service on sabbatical leave shall count as active service for
3717 the purpose of retirement and contributions to the retirement fund
3718 shall be continued.

3719 In order to provide for the above leaves the board of
3720 trustees of each state institution of higher learning shall have
3721 power to adopt rules and regulations regarding such leave. In no
3722 instance shall leave be granted unless there is a contract
3723 providing for continued service, after expiration of the leave, in
3724 the college where the faculty member is employed.

3725 Every person on sabbatical leave shall enjoy all the rights
3726 and privileges pertaining to his or her employment in the
3727 institution of higher learning in which such person is employed,
3728 which such person would have enjoyed if in active service during
3729 such leave in the position from which such leave was taken.

3730 Each person granted sabbatical leave may receive and be paid
3731 compensation up to the rate of fifty percent (50%) of such
3732 person's annual salary.

3733 Compensation payable to persons on sabbatical leave shall be
3734 paid at the same time and in the same manner salaries of the other
3735 members of the faculty are paid.

3736 **SECTION 72.** Section 37-101-185, Mississippi Code of 1972, is
3737 amended as follows:

3738 37-101-185. The board of trustees of each state institution
3739 of higher learning is hereby authorized to cooperate with the
3740 state building commission, in the discretion of both agencies, in
3741 the employment of technical and professional personnel for
3742 supervising the planning and constructing or repairs of physical
3743 plant facilities located on the campuses of the several
3744 institutions of higher learning. Upon determination by the state
3745 building commission as to the proportionate amount due from the
3746 board of trustees for salaries and other expenses of such
3747 employees, said board is authorized and empowered to pay over to
3748 the state building commission such sums from funds available to
3749 the board * * * for such purposes.

3750 **SECTION 73.** Section 37-101-221, Mississippi Code of 1972, is
3751 amended as follows:

3752 37-101-221. The Commissioner of Higher Education may provide
3753 instruction in graduate and professional schools for qualified
3754 students, who are residents of Mississippi, in institutions
3755 outside the state boundaries, when such instruction is not
3756 available for them in the regularly supported Mississippi
3757 institutions of higher learning. The commissioner shall, by * * *

3758 rules and regulations, determine the qualifications of such
3759 students as may be aided by this section, and the decision by the
3760 commissioner as to the qualifications of such students shall be
3761 final. The commissioner shall provide such graduate and
3762 professional instruction, within the limits of the funds available
3763 for this purpose, at a cost to students, not exceeding the cost,
3764 as estimated by the commissioner, of such instruction, if it were
3765 available at a state supported institution of higher learning in
3766 the State of Mississippi.

3767 **SECTION 74.** Section 37-101-283, Mississippi Code of 1972, is
3768 amended as follows:

3769 37-101-283. Each male applicant for any scholarship or loan
3770 funded in whole or in part by this state, whether granted by the
3771 Commissioner of Higher Education, the board of trustees of a state
3772 institution of higher learning, the Post-Secondary Education
3773 Financial Assistance Board, or otherwise granted by any
3774 state-supported college or university, and whether to be used at a
3775 state-supported institution of higher learning or at a private
3776 institution, shall within six (6) months after he attains the age
3777 of eighteen (18) years submit to the person, commission, board or
3778 agency in which his application for scholarship or loan is or has
3779 been made satisfactory evidence of his compliance with the draft
3780 registration requirements of the Military Selective Service Act.
3781 Such evidence shall consist of a copy of the draft registration
3782 acknowledgment letter received from the Selective Service System
3783 by the scholarship or loan applicant or holder. If an applicant
3784 for or holder of any such scholarship or loan fails to submit a
3785 copy of his draft registration acknowledgment letter in the manner
3786 and within the time allowed therefor, any pending application of
3787 such person for the award, grant or renewal of any such
3788 scholarship or loan shall be denied, and any such scholarship or
3789 loan currently held by such person shall be revoked to the extent
3790 that no further payments under that scholarship or loan may be

3791 made to him or on his behalf. The person, commission, board or
3792 agency to which an application for the award, grant or renewal of
3793 such scholarship or loan is made, or by or through which any such
3794 scholarship or loan is administered or issued shall notify the
3795 applicant or holder and the chief executive officer of any
3796 institution at which a holder of a scholarship or loan so revoked
3797 is enrolled of its action, and upon request of the scholarship or
3798 loan applicant or holder shall afford him the opportunity, either
3799 in person, in writing or by counsel of his choice to present
3800 evidence against such action.

3801 **SECTION 75.** Section 37-101-303, Mississippi Code of 1972, is
3802 amended as follows:

3803 37-101-303. Before the issuance of any of the bonds herein
3804 authorized, the board of trustees of each state institution of
3805 higher learning shall forward to the State Bond Commission its
3806 recommendation declaring the necessity for the issuance of general
3807 obligation bonds as authorized by Sections 37-101-301 through
3808 37-101-331 for the purpose of erecting, repairing, constructing,
3809 remodeling, adding to or improving capital facilities for
3810 institutions of higher learning. The State Bond Commission shall
3811 have the power and is hereby authorized, upon receipt of the
3812 aforesaid recommendations, at one time or from time to time, to
3813 declare the necessity for issuance of negotiable general
3814 obligation bonds of the State of Mississippi in an aggregate
3815 amount not to exceed Forty Million Dollars (\$40,000,000.00) to
3816 provide funds for the purposes hereinabove set forth and to issue
3817 and sell bonds in the amount specified.

3818 Out of the total amount of bonds authorized to be issued,
3819 funds shall be allocated among the institutions of higher learning
3820 as follows:

3821	Alcorn State University.....	\$ 4,416,000.00
3822	Delta State University.....	1,882,000.00
3823	Jackson State University.....	2,396,000.00

3824	Mississippi State University.....	9,810,000.00
3825	Mississippi University for Women.....	1,909,000.00
3826	Mississippi Valley State University.....	1,775,000.00
3827	University of Mississippi.....	6,086,000.00
3828	University of Southern Mississippi.....	5,971,000.00
3829	University of Southern Mississippi -	
3830	Gulf Park Campus.....	309,000.00
3831	University Medical Center.....	3,465,000.00
3832	Gulf Coast Research Laboratory.....	260,000.00
3833	Education and Research Center.....	475,000.00
3834	Division of Agriculture, Forestry and	
3835	Veterinary Medicine.....	1,246,000.00

3836 * * *

3837 **SECTION 76.** Section 37-101-305, Mississippi Code of 1972, is
3838 amended as follows:

3839 37-101-305. Upon receipt of a certified copy of a resolution
3840 of the board of trustees of a state institution of higher learning
3841 declaring the necessity for the issuance of any part or all of the
3842 bonds authorized by Sections 37-101-301 et seq., the State Bond
3843 Commission is hereby authorized and empowered to sell and issue
3844 general obligation bonds of the State of Mississippi in the
3845 principal amount requested, not to exceed an aggregate principal
3846 amount of Forty Million Dollars (\$40,000,000.00) for the purposes
3847 hereinabove set forth. The State Bond Commission is authorized
3848 and empowered to pay the costs that are incident to the sale,
3849 issuance and delivery of the bonds authorized under Sections
3850 37-101-301 et seq. from the proceeds derived from the sale of such
3851 bonds.

3852 **SECTION 77.** Section 37-101-351, Mississippi Code of 1972, is
3853 amended as follows:

3854 37-101-351. The board of trustees of each state institution
3855 of higher learning is hereby authorized to establish an executive
3856 institute which shall be responsible for providing advanced

3857 training and assessment for public sector executives, elected
3858 officials, state board and commission members, and officers and
3859 employees of local government entities of the State of
3860 Mississippi.

3861 **SECTION 78.** Section 37-102-1, Mississippi Code of 1972, is
3862 amended as follows:

3863 37-102-1. The board of trustees of each state institution of
3864 higher learning may establish off-campus instructional programs
3865 for existing universities. However, the board * * * shall not
3866 establish off-campus instructional programs if in its opinion such
3867 action is not in the best interest of quality education for the
3868 State of Mississippi and the university system.

3869 Students at any off-campus program site may, in the
3870 discretion of the board * * *, be permitted to register for
3871 full-time course loads.

3872 Attendance at an off-campus site shall fulfill the residency
3873 requirements as if the student had attended class on the parent
3874 campus of the university, and there shall be no difference in the
3875 standards for work nor quality weight of a degree earned in the
3876 off-campus program from that earned at the parent institution.

3877 **SECTION 79.** Section 37-102-3, Mississippi Code of 1972, is
3878 amended as follows:

3879 37-102-3. The boards of trustees of the state institutions
3880 of higher learning shall not permit the public universities to
3881 offer courses for college credit at the lower undergraduate level
3882 at an off-campus site unless approved by the State Board for
3883 Community and Junior Colleges. The Commissioner of Higher
3884 Education, in cooperation with the State Board for Community and
3885 Junior Colleges, shall study the need and advisability of offering
3886 (a) courses for college credit at the lower undergraduate level,
3887 and (b) advanced centers for technology partnerships for
3888 industrial training and professional development for credit and
3889 noncredit courses, at the following off-campus sites by four-year

3890 public state institutions of higher learning: the Mississippi
3891 Gulf Coast counties; Greenville, Mississippi; Columbus,
3892 Mississippi; McComb, Mississippi; Hattiesburg, Mississippi;
3893 Meridian, Mississippi; Laurel, Mississippi; and any other proposed
3894 area of the state. Any such study shall take into account the
3895 ongoing programs of the community and junior colleges in the State
3896 of Mississippi when a board authorizes off-campus programs created
3897 under this chapter. It is the intent of the Legislature to meet
3898 the educational needs of students who do not have ready access to
3899 the educational opportunities that they desire. It is the further
3900 intent of this chapter that university off-campus programs
3901 established hereunder will in no way usurp the responsibilities of
3902 the public junior colleges of the State of Mississippi. The
3903 Commissioner of Higher Education shall establish such rules and
3904 regulations as it deems necessary and proper to carry out the
3905 purposes and intent of this chapter.

3906 **SECTION 80.** Section 37-102-5, Mississippi Code of 1972, is
3907 amended as follows:

3908 37-102-5. The board of trustees of each state institution of
3909 higher learning may designate * * * off-campus sites. However,
3910 off-campus sites shall be located in such a manner as to make the
3911 services of the institutions of higher learning available to the
3912 people of Mississippi without unnecessary program duplication in
3913 the same geographic area.

3914 **SECTION 81.** Section 37-102-7, Mississippi Code of 1972, is
3915 amended as follows:

3916 37-102-7. The board of trustees of each state institution of
3917 higher learning shall submit to the Legislature budget requests
3918 with off-campus programs being an identified part of the
3919 total * * * budget request for the university by being a separate
3920 item within the budget request * * *. Said budget request shall
3921 include a statement of all actual or estimated receipts and

3922 disbursements for such off-campus programs and such other
3923 information as may be required by the Legislative Budget Office.

3924 **SECTION 82.** Section 37-102-13, Mississippi Code of 1972, is
3925 amended as follows:

3926 37-102-13. The board of trustees of each state institution
3927 of higher learning shall take into account the ongoing programs of
3928 the private colleges in the State of Mississippi when authorizing
3929 off-campus programs created under this chapter. It is the intent
3930 of this chapter to meet the educational needs of students who do
3931 not have ready access to the educational opportunities that they
3932 desire.

3933 **SECTION 83.** Section 37-102-15, Mississippi Code of 1972, is
3934 amended as follows:

3935 37-102-15. (1) The board of trustees of each state
3936 institution of higher learning and the Bureau of Buildings,
3937 Grounds and Real Property Management shall not make any
3938 expenditure for capital improvements for off-campus sites unless
3939 specifically authorized by the Mississippi Legislature. However,
3940 this shall not preclude such capital improvements from being made
3941 by county or municipal governments locally or regionally involved.

3942 (2) The Board of Trustees of Mississippi State University
3943 and the Bureau of Buildings, Grounds and Real Property Management
3944 is specifically authorized to expend any funds available to it
3945 from private sources, from the proceeds of the sale of any
3946 property and improvements currently on the site of Mississippi
3947 State University off-campus instructional program at Meridian and
3948 from the proceeds of funds designated to the Mississippi State
3949 University system for "repair, renovation and new construction" in
3950 Chapter 2, Section 2, General Laws, First Extraordinary Session of
3951 1989, for the construction, equipping and furnishing and new
3952 building, and/or for the repair, renovation, equipping and
3953 furnishing of any existing building at the Mississippi State
3954 University off-campus instructional program site at Meridian,

3955 Mississippi. The board * * * is hereby authorized to receive and
3956 expend matching funds from the local, county and municipal
3957 governments for such construction, equipping, furnishing, repair
3958 or renovation.

3959 **SECTION 84.** Section 37-103-1, Mississippi Code of 1972, is
3960 amended as follows:

3961 37-103-1. The board of trustees of each junior college in
3962 this state, the board of trustees of each state institution of
3963 higher learning, and the administrative authorities of each
3964 institution governed by said boards, in ascertaining and
3965 determining the legal residence of and tuition to be charged any
3966 student applying for admission to such institutions shall be
3967 governed by the definitions and conditions set forth in Sections
3968 37-103-1 through 37-103-23.

3969 **SECTION 85.** Section 37-103-9, Mississippi Code of 1972, is
3970 amended as follows:

3971 37-103-9. Children of parents who are members of the faculty
3972 or staff of any institution under the jurisdiction of the board of
3973 trustees of any junior college * * * or of any state institution
3974 of higher learning in this state may be classified as residents
3975 for the purpose of attendance at the institution where their
3976 parents are faculty or staff members.

3977 **SECTION 86.** Section 37-103-25, Mississippi Code of 1972, is
3978 amended as follows:

3979 37-103-25. (1) The board of trustees of each state
3980 institution of higher learning and the boards of trustees of the
3981 community colleges and junior colleges are authorized to prescribe
3982 the amount of tuition and fees to be paid by students attending
3983 the several state-supported institutions of higher learning and
3984 community colleges and junior colleges of the State of
3985 Mississippi.

3986 (2) Except as otherwise provided in this subsection, the
3987 total tuition to be paid by residents of other states shall not be

3988 less than the average cost per student from appropriated funds.
3989 However, the tuition to be paid by a resident of another state
3990 shall be equal to the tuition amount established under subsection
3991 (1) of this section if:

3992 (a) The nonresident student was born in the State of
3993 Mississippi but subsequently relocated and resided outside the
3994 state as a minor under the care of the minor's father or mother,
3995 or both;

3996 (b) The nonresident student is a veteran who served in
3997 the Armed Forces of the United States; and

3998 (c) The nonresident student is domiciled in Mississippi
3999 no later than six (6) months after the nonresident student's
4000 separation from service, as evidenced by a Report of Separation
4001 from Military Service or other military discharge document, for
4002 the purpose of enrolling in a state institution of higher learning
4003 or a community or junior college.

4004 **SECTION 87.** Section 37-103-29, Mississippi Code of 1972, is
4005 amended as follows:

4006 37-103-29. Nothing in this chapter shall be construed to
4007 provide that the board of trustees of any state institution of
4008 higher learning or the board of trustees of any junior college is
4009 required to consider for admission the application of a
4010 nonresident.

4011 **SECTION 88.** Section 37-104-5, Mississippi Code of 1972, is
4012 amended as follows:

4013 37-104-5. As used in this chapter, the following words and
4014 terms shall have the following meanings:

4015 (a) "Authority" means the members of the State Bond
4016 Commission, which is composed of the Governor, the Attorney
4017 General, and the State Treasurer, under Section 31-17-1, acting as
4018 the Educational Facilities Authority for Private, Nonprofit
4019 Institutions of Higher Learning.

4020 (b) "Private institution of higher learning" means a
4021 nonprofit university, college or junior college within the State
4022 of Mississippi, authorized by law to provide a program of
4023 education beyond the high school level, which is not under the
4024 jurisdiction of a board of trustees of a state institution of
4025 higher learning or the State Board for Community and Junior
4026 Colleges, and which is accredited by the Southern Association of
4027 Colleges and Schools.

4028 (c) "Educational facility" means any facility or
4029 structure, including, but not limited to, a housing or dormitory
4030 facility, academic building, library, laboratory, research
4031 facility, classroom, athletic facility, health care facility,
4032 maintenance, storage or utility facility, student union building,
4033 administration building, and parking facility, and any other
4034 facility or structure related thereto, which is essential, useful
4035 or convenient for the instruction of students, the conducting of
4036 research or the operation and conduct of a private institution of
4037 higher learning, and the land underlying said facility or
4038 structure, but shall not include any facility or structure used or
4039 to be used for sectarian instruction or as a place of religious
4040 worship nor any facility which is used or to be used primarily in
4041 connection with any part of the program of a school or department
4042 of divinity for any religious denomination or sect.

4043 (d) "Educational facility project" means the
4044 construction, enlargement, repair, improvement, alteration,
4045 remodeling, reconstruction, equipping or acquisition of an
4046 educational facility.

4047 (e) "Cost of the educational facility project" means
4048 the cost of construction, enlargement, repair, improvement,
4049 alteration, remodeling, reconstruction, equipping or acquisition
4050 of an educational facility; the cost of all lands, properties,
4051 rights-of-way, easements, franchises and interests acquired, used
4052 for or in connection with the educational facility; the cost of

4053 demolishing or removing buildings or structures on land so
4054 acquired, including the cost of acquiring any lands to which such
4055 buildings or structures may be moved; the cost of all machinery
4056 and equipment; financing charges, interest prior to and during
4057 construction, enlargement, repair, improvement, alteration,
4058 remodeling, reconstruction, or equipping of the said educational
4059 facility and for one (1) year after completion of said
4060 construction, enlargement, repair, improvement, alteration,
4061 remodeling, reconstruction, equipping or acquisition; the cost of
4062 engineering, architectural, financial and legal services; the cost
4063 of all plans, surveys and specifications; studies, estimates of
4064 cost and of revenues, and other expenses necessary or incident to
4065 determining the feasibility or practicability of the project;
4066 administrative expenses; the cost of such other expenses as may be
4067 necessary or incident to the financing herein authorized of the
4068 construction, enlargement, repair, improvement, alteration,
4069 remodeling, reconstruction, equipping or acquisition of any
4070 educational facility and the placing of said project in operation.
4071 Any obligations or expenses incurred for any of the foregoing
4072 purposes shall be regarded as a cost of the educational facility
4073 project and may be paid or reimbursed as such out of the proceeds
4074 of revenue bonds issued under the provisions of this chapter for
4075 such educational facility project.

4076 (f) "Participating private institution of higher
4077 learning" means a private institution of higher learning which,
4078 pursuant to the provisions of this chapter, undertakes an
4079 educational facility project, and the financing thereof, or
4080 undertakes the refinancing of an educational facility project.

4081 (g) "Revenue bonds" means revenue bonds issued by the
4082 Authority, under the provisions of this chapter, to finance or
4083 refinance an educational facility project at a participating
4084 private institution of higher learning and payable from monies
4085 received by the Authority from the participating private

4086 institution of higher learning pursuant to the bond loan agreement
4087 as defined herein.

4088 (h) "Bond loan agreement" means an agreement between
4089 the participating private institution of higher learning and the
4090 Authority for the purposes of: (i) establishing the terms for the
4091 payment of the revenue bonds by the participating private
4092 institution of higher learning; (ii) establishing the collateral
4093 of the participating private institution of higher learning which
4094 the parties determine to be necessary to secure the payment of the
4095 revenue bonds; (iii) establishing the terms for the payment by the
4096 Authority to the participating private institution of higher
4097 learning of the proceeds from the sale of the revenue bonds for
4098 the payment of the costs of the educational facilities project by
4099 the participating private institution of higher learning; and (iv)
4100 setting forth all other matters relating to the revenue bonds.

4101 **SECTION 89.** Section 37-105-1, Mississippi Code of 1972, is
4102 amended as follows:

4103 37-105-1. The board of trustees of each state institution of
4104 higher learning is hereby authorized and empowered to enact
4105 traffic rules and regulations for the control, direction, parking
4106 and general regulation of traffic and automobiles on the campus
4107 and streets of the state institution of higher learning under the
4108 supervision of such board.

4109 Any rules and regulations promulgated hereunder shall become
4110 effective only after notice of the enactment of same has been
4111 published in three (3) consecutive weekly issues of the college
4112 newspaper and in a newspaper published and having general
4113 circulation in the county or municipality where the institution to
4114 which same pertain is located; such notice shall state where the
4115 full text of such rules and regulations may be found on file. In
4116 addition, such rules and regulations shall be posted on five (5)
4117 bulletin boards at each such institution for a period of four (4)
4118 weeks after their promulgation.

4119 **SECTION 90.** Section 37-105-7, Mississippi Code of 1972, is
4120 amended as follows:

4121 37-105-7. The board of trustees of each state institution of
4122 higher learning is hereby authorized and empowered to prevent or
4123 regulate the running at large of animals of all kinds on the
4124 campus and the streets of the state institution of higher learning
4125 under the supervision of such board, and to cause such animals as
4126 may be running at large to be impounded and a charge made against
4127 the owner to discharge the cost and expenses of keeping the same.
4128 If the owner of any such animal does not pay such cost within the
4129 time prescribed by the board * * *, such impounded animal may be
4130 sold to discharge the cost and expense of impounding and selling
4131 the same.

4132 If the owner of any such animal does not pay such cost within
4133 the time prescribed by the board * * * and if such impounded
4134 animal cannot be sold to discharge the cost and expense of
4135 impounding and selling the same, such impounded animal may be sold
4136 or donated to research organizations.

4137 **SECTION 91.** Section 37-105-9, Mississippi Code of 1972, is
4138 amended as follows:

4139 37-105-9. Any act which, if committed within the limits of a
4140 city, town or village, or in any public place, would be a
4141 violation of the general laws of this state, shall be criminal and
4142 punishable if done on the campus, grounds or roads of any of the
4143 state institutions of higher learning. The peace officers duly
4144 appointed by the board of trustees of each state institution of
4145 higher learning are vested with the powers and subjected to the
4146 duties of a constable for the purpose of preventing and punishing
4147 all violations of law on university or college grounds, and for
4148 preserving order and decorum thereon.

4149 **SECTION 92.** Section 37-106-5, Mississippi Code of 1972, is
4150 amended as follows:

4151 37-106-5. For purposes of this chapter, the following words
4152 shall be defined as follows unless the context requires otherwise:

4153 (a) "Eligible applicant or eligible student" means an
4154 individual who is a bona fide resident of Mississippi or an
4155 out-of-state student who is enrolled or accepted for attendance at
4156 an approved institution located in Mississippi in a course of
4157 study including at least six (6) semester hours or the full-time
4158 equivalent thereof.

4159 (b) "Approved institution" means an institution of
4160 higher learning, public or private, which is accredited by the
4161 Southern Association of Colleges and Secondary Schools, or its
4162 equivalent or a business, vocational, technical or other
4163 specialized school recognized and approved by the Post-secondary
4164 Education Financial Assistance Board.

4165 (c) "Board" means the Post-secondary Education
4166 Financial Assistance Board created by Section 37-106-9 authorized
4167 and empowered to administer the provisions of this chapter.

4168 (d) "Fund" means the Post-secondary Education
4169 Assistance Fund created by Section 37-106-13.

4170 (e) "Financial need" means anticipated expenses of an
4171 eligible student while attending an approved institution which
4172 cannot reasonably be met by said student or by the parents thereof
4173 as shall be determined according to the criteria established by
4174 the rules and regulations of the board. Financial need shall be
4175 reevaluated and redetermined at least annually.

4176 (f) "Agency" means the board of trustees of each state
4177 institution of higher learning.

4178 (g) "Commissioner" means the Commissioner of Higher
4179 Education.

4180 **SECTION 93.** Section 37-106-9, Mississippi Code of 1972, is
4181 amended as follows:

4182 37-106-9. (1) There is hereby created the Post-secondary
4183 Education Financial Assistance Board which shall consist of the

4184 following three (3) members: the Commissioner of Higher
4185 Education; one (1) person to be appointed by the State Board for
4186 Community and Junior Colleges for an initial period of three (3)
4187 years; and one (1) person to be appointed by the Governor for an
4188 initial period of two (2) years. All subsequent appointments
4189 shall be for a period of four (4) years. Vacancies shall be
4190 filled for the length of the unexpired term only. The board shall
4191 elect from its membership a chairman.

4192 (2) The agency shall designate one (1) member of its staff
4193 to serve as director, to administer the provisions of this
4194 financial assistance program. The director shall be assigned by
4195 the agency sufficient staff, professional and clerical, funds and
4196 quarters to administer this program.

4197 (3) The director:

4198 (a) Subject to the review of the board, shall have the
4199 power of final approval of any application submitted;

4200 (b) Subject to the approval of the board and the
4201 agency, shall have authority to promulgate the necessary rules and
4202 regulations for effective administration of this chapter,
4203 including the method of making application for assistance
4204 authorized by this chapter.

4205 **SECTION 94.** Section 37-106-35, Mississippi Code of 1972, is
4206 amended as follows:

4207 37-106-35. (1) There is established the assistant teacher
4208 scholarship program for the purpose of assisting eligible
4209 assistant teachers to become certificated teachers through the
4210 awarding of financial scholarships and to attract and retain
4211 qualified teachers for those geographical areas of the state and
4212 academic subject areas in which there exist a critical shortage of
4213 teachers. The scholarship program shall be implemented and
4214 administered by the Commissioner of Higher Education and is
4215 subject to the availability of funds appropriated specifically
4216 therefor by the Legislature.

4217 (2) Under the assistant teacher scholarship program,
4218 qualified assistant teachers may be awarded financial assistance
4219 in an amount that is equal to the actual cost of three (3)
4220 three-hour academic courses per year. However, no assistant
4221 teacher may receive assistance through the program for more than
4222 fifteen (15) three-hour academic courses. An assistant teacher
4223 scholarship shall not be based upon an applicant's eligibility for
4224 financial aid, and the receipt of any other scholarship or
4225 financial assistance shall not affect an assistant teacher's
4226 eligibility under the program.

4227 (3) In order to qualify for an assistant teacher
4228 scholarship, an applicant must satisfy the following requirements:

4229 (a) The applicant must be employed full-time as an
4230 assistant teacher with a local school district;

4231 (b) The applicant must be accepted for enrollment at a
4232 baccalaureate degree-granting institution of higher learning in
4233 the State of Mississippi which is accredited by the Southern
4234 Association of Colleges and Schools and approved by the
4235 Mississippi Commission on College Accreditation or at any
4236 accredited nonprofit community or junior college in the state;

4237 (c) The assistant teacher must maintain a minimum
4238 cumulative grade point average of 2.5 calculated on a 4.0 scale
4239 for all courses funded through the assistant teacher scholarship
4240 program; and

4241 (d) The assistant teacher must have expressed in
4242 writing a present intention to teach in a critical teacher
4243 shortage geographic or academic subject area.

4244 (4) The Commissioner of Higher Education shall develop a
4245 system that provides for the payment of scholarship funds directly
4246 to the educational institution at which a recipient of an
4247 assistant teacher scholarship is enrolled.

4248 (5) At the beginning of the school year next succeeding the
4249 date on which a person who has received an assistant teacher

4250 scholarship obtains a baccalaureate degree, that person shall
4251 begin to render service as a certificated teacher in a school
4252 district or academic subject area, or both, designated by the
4253 State Board of Education. The State Board of Education shall
4254 establish the duration of teaching service due for recipients of
4255 scholarships based upon the number of academic hours funded
4256 through the assistant teacher scholarship program. Any person
4257 failing to meet teaching requirements shall be liable for the
4258 amount of the corresponding scholarship received, plus interest
4259 accruing at the current Stafford Loan rate.

4260 **SECTION 95.** Section 37-107-7, Mississippi Code of 1972, is
4261 amended as follows:

4262 37-107-7. Any applicant qualified and desiring a scholarship
4263 under the provisions of this chapter shall apply in writing to the
4264 Commissioner of Higher Education. Said Commissioner of Higher
4265 Education shall make inquiries into each such application and
4266 shall make such investigation as * * * proper to establish and
4267 validate all claims before a scholarship is granted.

4268 **SECTION 96.** Section 37-107-9, Mississippi Code of 1972, is
4269 amended as follows:

4270 37-107-9. The cost of the scholarship program established
4271 under the provisions of this chapter will be administered by the
4272 Commissioner of Higher Education, and necessary allowances for
4273 scholarships granted shall be included in the annual budget of the
4274 Office of the Commissioner for Higher Education.

4275 **SECTION 97.** Section 37-108-3, Mississippi Code of 1972, is
4276 amended as follows:

4277 37-108-3. Any applicant qualified and desiring a scholarship
4278 under this chapter shall apply in writing to the Commissioner of
4279 Higher Education. Said Commissioner of Higher Education shall
4280 make inquiries into each such application and shall make such
4281 investigation as * * * proper to establish and validate all claims
4282 made under this chapter before a scholarship is granted.

4283 **SECTION 98.** Section 37-108-5, Mississippi Code of 1972, is
4284 amended as follows:

4285 37-108-5. The cost of this scholarship program will be
4286 administered by the Commissioner of Higher Education, and
4287 necessary allowances for scholarships granted shall be included in
4288 the annual budget of the office of the commissioner.

4289 **SECTION 99.** Section 37-110-1, Mississippi Code of 1972, is
4290 amended as follows:

4291 37-110-1. There is hereby established an intern educational
4292 program to be designated as the Mississippi Public Management
4293 Graduate Intern Program to be administered by the Commissioner of
4294 Higher Education through a program coordinator. The program shall
4295 consist of not more than thirty-six (36) positions in the general
4296 fields of public management, program analysis and public
4297 administration. Said positions shall not be included in the
4298 number of employees allowed by law within a particular state
4299 agency. Graduate intern students shall be temporarily assigned by
4300 the program coordinator to specific state or local agencies and
4301 offices, including offices of the Legislature. Each participating
4302 agency or office shall not employ more than four (4) graduate
4303 intern students per year. To qualify for the program, a student
4304 must (a) be enrolled as a graduate student in a state university
4305 masters program in one (1) of the following: public
4306 administration, public policy and administration, and criminal
4307 justice administration, and (b) have committed himself to a field
4308 of graduate study directly related to a state or local government
4309 public managerial position.

4310 **SECTION 100.** Section 37-110-3, Mississippi Code of 1972, is
4311 amended as follows:

4312 37-110-3. (1) There is hereby created the Mississippi
4313 Intern Public Management Education Council to consist of the
4314 following members: The chairmen of the various departments of
4315 Mississippi institutions of higher learning which offer graduate

4316 programs in one of the following: public administration, public
4317 policy and administration, and criminal justice administration.
4318 The council shall elect from its membership a chairman which shall
4319 be a rotating, one-year appointment. The council shall meet at
4320 the place and time designated by the chairman at least twice but
4321 no more than six (6) times per year.

4322 (2) The council shall adopt, amend and repeal such rules and
4323 regulations as it deems necessary to establish standards and
4324 ensure the orderly execution of the objectives of the intern
4325 educational program, not inconsistent with the provisions of this
4326 chapter. Such regulations shall be submitted to the Commissioner
4327 of Higher Education for implementation by the program coordinator.
4328 The council shall review and evaluate the program on a yearly
4329 basis and submit its findings to the program coordinator.

4330 **SECTION 101.** Section 37-110-5, Mississippi Code of 1972, is
4331 amended as follows:

4332 37-110-5. (1) There is hereby created the position of
4333 program coordinator who shall be the chief administrative officer
4334 of the Mississippi Public Management Graduate Intern Program. The
4335 program coordinator shall be appointed by and be an employee of
4336 the Commissioner of Higher Education.

4337 (2) The program coordinator shall administer the policies of
4338 the council and supervise and direct all technical activities of
4339 the program. The coordinator shall select students to participate
4340 in the program based upon the nominees of the participating state
4341 institutions of higher learning. No participating university
4342 shall be allotted less than three (3) intern students per year
4343 unless said university nominates less than three (3) students.
4344 The coordinator shall place the intern students in state or local
4345 agencies which agree in writing to participate in the program.

4346 (3) The program coordinator shall prepare and deliver to the
4347 Legislature and to the Governor an annual report describing the
4348 operation and progress of the Mississippi Public Management

4349 Graduate Intern Program, including a detailed statement of
4350 expenditures and any recommendations the board may have.

4351 **SECTION 102.** Section 37-111-3, Mississippi Code of 1972, is
4352 amended as follows:

4353 37-111-3. No society of the character designated in Section
4354 37-111-1 shall be organized without first having made written
4355 application to the faculty of the institution concerned, which
4356 application shall be signed by each of the proposed membership. A
4357 majority vote of the faculty present at a regular meeting shall
4358 suffice to approve or reject such application. The board of
4359 trustees of each state institution of higher learning may
4360 determine who constitutes the members of the faculty having
4361 jurisdiction of student activities.

4362 **SECTION 103.** Section 37-111-7, Mississippi Code of 1972, is
4363 amended as follows:

4364 37-111-7. Organizations of the character designated in
4365 Section 37-111-1 shall be permitted to hold their regular meetings
4366 for academic, social or business purposes in such places as the
4367 authorities may agree upon. Such organizations shall not be
4368 permitted to purchase, lease, or as an organization live within a
4369 domicile especially set apart for their purpose at any time,
4370 except under such regulations as shall be prescribed by the board
4371 of trustees of each state institution of higher learning.

4372 **SECTION 104.** Section 37-111-9, Mississippi Code of 1972, is
4373 amended as follows:

4374 37-111-9. The board of trustees of each state institution of
4375 higher learning is hereby authorized and empowered, in its
4376 discretion, to lease to social fraternities, sororities, or other
4377 social organizations, upon such conditions as it may prescribe,
4378 for a term not exceeding ninety-nine (99) years, any land at the
4379 state-supported institution of higher learning for the purpose of
4380 erecting fraternity houses, sorority houses, or other facilities
4381 for recreation thereon.

4382 **SECTION 105.** Section 37-111-11, Mississippi Code of 1972, is
4383 amended as follows:

4384 37-111-11. The members of organizations of the character
4385 designated in Section 37-111-1, shall be amenable to the same
4386 rules and regulations as any and all other students in the
4387 institution. In the event that the members of such an
4388 organization become guilty of continued violation of the rules and
4389 of infractions of discipline, the board of trustees of the state
4390 institution of higher learning shall have the authority to
4391 dissolve such society and prohibit further meetings or its
4392 continuation as an organization. A failure to comply with the
4393 requirements of the trustees shall be a cause for suspension or
4394 expulsion from the institution as the faculty of the same may
4395 elect.

4396 **SECTION 106.** Section 37-113-7, Mississippi Code of 1972, is
4397 amended as follows:

4398 37-113-7. (1) The Board of Trustees of Mississippi State
4399 University is hereby authorized, in its discretion, to acquire by
4400 purchase, gift, or otherwise, any real property required by and
4401 for the use of the university * * *, and said university is
4402 authorized to hold, use and operate such real property in
4403 conducting its authorized and necessary program of work. This
4404 section is designed to make it possible for said university and
4405 its subdivisions to acquire, hold and operate real property needed
4406 in its program of operations without the benefit of state funds
4407 specifically appropriated for the purchase of such properties.
4408 Such properties shall be acquired or purchased on the
4409 recommendation of the Director of the Mississippi Agricultural and
4410 Forestry Experimental Station made to the president of said
4411 university and approved by the board of trustees of the
4412 institution.

4413 (2) The Board of Trustees of Mississippi State University is
4414 hereby authorized, in its discretion, to sell any such real

4415 property purchased or otherwise acquired under the authority of
4416 subsection (1) for the use of the university * * * or its
4417 subdivisions when such property is not needed in the university's
4418 programs of operations. Such properties shall be sold on the
4419 recommendation of the Director of the Mississippi Agricultural and
4420 Forestry Experimental Station made to the president of the
4421 university and approved by the board * * *. The proceeds from the
4422 sale of such properties may be used to purchase other real
4423 properties for the use of the university under the provisions of
4424 subsection (1), or may be retained by the university for its
4425 operations. Consideration for the sale of real property hereunder
4426 shall not be less than the fair market price thereof as determined
4427 by a professional property appraiser selected and approved by the
4428 State Building Commission. Said appraisal shall be filed with the
4429 State Building Commission at least thirty (30) days prior to the
4430 proposed sale of said property. Appraisal fees shall be shared
4431 equally by the university and the purchaser.

4432 (3) The Board of Trustees of Mississippi State University is
4433 hereby authorized and empowered to sell the following described
4434 property owned by the university * * * in Oktibbeha County,
4435 Mississippi, to-wit:

4436 Commence at the Northeast corner of the Southeast
4437 Quarter of Section 15, Township 19 North, Range 15 East,
4438 Oktibbeha County, Mississippi and use as the point of
4439 beginning. Thence run West along the North boundary of
4440 the South Half of Section 15 a distance of 3,997 feet to
4441 the East right-of-way of Macon-Aberdeen Road; thence run
4442 South along said right-of-way a distance of 20 feet;
4443 thence run East a distance of 800 feet; thence run South
4444 78 degrees 41' East a distance of 102 feet; thence run
4445 East a distance of 410 feet; thence run South a distance
4446 of 1,107 feet; thence run East a distance of 2,687 feet
4447 to the East boundary of Section 15; thence run North

4448 along said East boundary of Section 15 a distance of
4449 1,147 feet to the point of beginning. Being 71.56 acres
4450 located in the East Three Quarter of the South Half of
4451 Section 15, Township 19 North, Range 15 East, Oktibbeha
4452 County, Mississippi.

4453 The proceeds from the sale of said property shall be used by
4454 the board * * * to purchase other real property adjacent or in
4455 close proximity to the Mississippi State University of Agriculture
4456 and Applied Science, or its subdivisions, suitable for use in the
4457 university's programs of operation. Consideration for the sale
4458 and purchase of said property shall be for the fair market price
4459 thereof as determined by a professional property appraiser
4460 selected and approved by the State Building Commission. Said
4461 appraisals shall be filed with the State Building Commission at
4462 least thirty (30) days prior to the proposed sale or purchase of
4463 said property. Appraisal fees shall be shared equally by the
4464 university and the purchaser in the case of the sale herein
4465 authorized, and by the university and the seller(s) in the case of
4466 the purchase herein authorized.

4467 (4) The Board of Trustees of Mississippi State University is
4468 hereby authorized and empowered to sell the following described
4469 property owned by the university * * * in George County,
4470 Mississippi, to-wit:

4471 The South West Quarter of the North West Quarter of
4472 Section Twenty, in Township One South of Range Six West,
4473 of the St. Stephens Meridian, Mississippi, containing
4474 Forty and Thirty One Hundredths of an acre.

4475 The proceeds from the sale of said property shall be used by
4476 the board * * * to purchase other real property adjacent or in
4477 close proximity to the Mississippi State University of Agriculture
4478 and Applied Science, or its subdivisions, suitable for use in the
4479 university's programs of operation. Consideration for the sale
4480 and purchase of said property shall be for the fair market price

4481 thereof as determined by a professional property appraiser
4482 selected and approved by the State Building Commission. Said
4483 appraisals shall be filed with the State Building Commission at
4484 least thirty (30) days prior to the proposed sale or purchase of
4485 said property. Appraisal fees shall be shared equally by the
4486 university and the purchaser in the case of the sale herein
4487 authorized, and by the university and the seller(s) in the case of
4488 the purchase herein authorized.

4489 (5) The Board of Trustees of Mississippi State University is
4490 hereby authorized and empowered to sell the following described
4491 property owned by the university * * * in Lauderdale County,
4492 Mississippi, to-wit:

4493 The Northeast Quarter of the Northeast Quarter of
4494 Section 2, in Township 6, Range 16 East, plus applicable
4495 easements and mineral rights thereto.

4496 The proceeds from the sale of said property shall be used by
4497 the board * * * to purchase other real property adjacent or in
4498 close proximity to the Mississippi State University of Agriculture
4499 and Applied Science, or its subdivisions, suitable for use in the
4500 university's programs of operation. Consideration for the sale
4501 and purchase of said property shall be for the fair market price
4502 thereof as determined by a professional property appraiser
4503 selected and approved by the State Building Commission. Said
4504 appraisals shall be filed with the State Building Commission at
4505 least thirty (30) days prior to the proposed sale or purchase of
4506 said property. Appraisal fees shall be shared equally by the
4507 university and the purchaser in the case of the sale herein
4508 authorized, and by the university and the seller(s) in the case of
4509 the purchase herein authorized.

4510 (6) When any property is sold by the Board of Trustees of
4511 Mississippi State University pursuant to this section, the board
4512 shall retain for the university any mineral rights which the board
4513 or the university has in such land.

4514 **SECTION 107.** Section 37-113-17, Mississippi Code of 1972, is
4515 amended as follows:

4516 37-113-17. The money received by this state, under act of
4517 Congress, entitled "An act to establish agricultural experimental
4518 stations, etc.," approved March 2, 1887, and the provisions of
4519 which were accepted by this state, by act approved January 31,
4520 1888, and assigned to the Mississippi State University of
4521 Agriculture and Applied Science, shall be expended under its
4522 direction. The Agricultural and Forestry Experimental Station for
4523 this state is established at and with said university, and the
4524 Board of Trustees of Mississippi State University shall have full
4525 control thereof.

4526 **SECTION 108.** Section 37-113-19, Mississippi Code of 1972, is
4527 amended as follows:

4528 37-113-19. The State of Mississippi by its Legislature
4529 assents to and accepts the provisions and requirements of an act
4530 entitled "An act to provide for the further development of
4531 agricultural extension work between the agricultural colleges in
4532 the several states receiving the benefits of the act entitled 'An
4533 act donating public lands of the several counties and territories
4534 which may provide colleges for the benefit of agriculture and the
4535 mechanical arts,' approved July 2, 1862, and all acts
4536 supplementary thereto, and the United States Department of
4537 Agriculture," approved by the President on the 22nd day of May,
4538 1928. The Board of Trustees of Mississippi State University, on
4539 behalf of the Mississippi State University of Agriculture and
4540 Applied Science, is authorized and empowered to receive the grants
4541 of money appropriated under said act and to organize and conduct
4542 agricultural extension work, which shall be carried on in
4543 connection with the said university in accordance with the terms
4544 and conditions expressed in the said act of Congress.

4545 **SECTION 109.** Section 37-113-21, Mississippi Code of 1972, is
4546 amended as follows:

4547 37-113-21. (1) Agriculture is the primary industry of
4548 Mississippi and it is to the interest of said state agriculture
4549 that research in the fields of livestock products, pastures and
4550 forage crops, poultry, herd and flock management, horticulture,
4551 farm mechanization, soil conservation, forestry, disease and
4552 insect and parasite control, the testing of plants and livestock
4553 under different conditions, farm enterprises for different sized
4554 farms under different soil and climatic conditions and market
4555 locations, and other important phases of Mississippi's
4556 agricultural economy, be expanded in the manner provided for in
4557 this section.

4558 (2) There is hereby authorized a branch experiment station
4559 to be known as the Brown Loam Branch Experiment Station, which is
4560 to be located on a part of that tract of land owned by the State
4561 of Mississippi and formerly operated as the Oakley Penitentiary
4562 and known as the Oakley Training School, same to be selected in
4563 accordance with Laws, 1954, Chapter 159, Section 3, and used as an
4564 agricultural experiment station. This property is to be supplied
4565 with necessary buildings, equipment, and other facilities; and
4566 title to such Oakley Penitentiary Farm, now known as the Oakley
4567 Training School, is to be transferred to the board of trustees of
4568 state institutions of higher learning for the use of the
4569 Mississippi Agricultural and Forestry Experimental Station as the
4570 site of, and to be used for said Brown Loam Branch Experiment
4571 Station in accordance with Laws, 1954, Chapter 159, Section 3.

4572 There is hereby authorized a branch experiment station to be
4573 known as the Coastal Plain Branch Experiment Station to be located
4574 on a suitable tract of approximately nine hundred (900) acres to
4575 be purchased in the upper coastal plain or short leaf pine area of
4576 East Central Mississippi and to be supplied with necessary
4577 buildings, equipment, and other facilities.

4578 The enlargement of the Holly Springs Branch Experiment
4579 Station, hereafter to be known as the North Mississippi Branch

4580 Experiment Station, is hereby authorized, by the purchase of
4581 approximately five hundred (500) acres of additional land adjacent
4582 to or in the vicinity of either of the two (2) farms now operated
4583 by said branch stations, and by the provision of the necessary
4584 buildings, equipment, and other facilities, and the sale as,
4585 hereinafter provided, of that farm of said branch station which is
4586 not adjacent to the additional land to be purchased.

4587 There is hereby authorized the reactivation of the former
4588 McNeil Branch Experiment Station to be operated as a part of the
4589 South Mississippi Branch Experiment Station at Poplarville, and to
4590 be supplied with necessary buildings, equipment, and other
4591 facilities.

4592 There is hereby authorized a branch experiment station to be
4593 known as the Black Belt Branch Experiment Station to be located on
4594 a suitable tract of approximately six hundred forty (640) acres of
4595 land to be purchased in Noxubee County, Mississippi, and to be
4596 supplied with the necessary buildings, equipment, and other
4597 facilities.

4598 There is hereby authorized a branch experiment station to be
4599 known as the Northeast Mississippi Branch Experiment Station to be
4600 located on a suitable tract of approximately two hundred (200)
4601 acres of land to be purchased in Lee County, Mississippi. Said
4602 station shall be primarily devoted to the development of the dairy
4603 industry and shall be supplied with necessary buildings,
4604 equipment, and other facilities.

4605 There is hereby authorized the expansion of the office and
4606 laboratory building at the Delta Branch Experiment Station at
4607 Stoneville and of the office and laboratory and dwellings for
4608 station workers at the Truck Crops Branch Experiment Station at
4609 Crystal Springs.

4610 (3) The governing authorities of any municipality, town, or
4611 county in the state may, in their discretion, donate land, money

4612 or other property to the Board of Trustees of Mississippi State
4613 University in furtherance of the purposes of this section.

4614 For the purpose of securing funds to carry out this
4615 subsection, the governing authorities of such municipality, town,
4616 or county are hereby authorized and empowered, in their
4617 discretion, to issue bonds or negotiate notes for the purpose of
4618 acquiring by purchase, gift, or lease real estate for the purpose
4619 herein authorized. Such issuance of bonds or notes shall be
4620 issued in an amount not to exceed the limitation now or hereafter
4621 imposed by law on counties, municipalities and towns, and shall be
4622 issued in all respects including interest rate, maturities and
4623 other details as is now or may hereafter be provided by general
4624 law regulating the issuance of bond or notes by the governing
4625 authorities of such municipality, town, or county.

4626 (4) Any person, firm or corporation may contribute or donate
4627 real or other property to the board of trustees of state
4628 institutions of higher learning in furtherance of the purpose of
4629 this section.

4630 (5) The Board of Trustees of Mississippi State University is
4631 hereby authorized, upon recommendation of the Director of the
4632 Agricultural and Forestry Experimental Station at the * * *
4633 university * * *, which recommendation is approved by and
4634 transmitted to said board by the president of said university, to
4635 carry out the provisions of this section with particular reference
4636 to the establishment, reactivation, expansion, and the
4637 discontinuance of branch stations as herein provided, to receive
4638 and accept title to any land or property or money herein
4639 authorized, to buy or sell and dispose of any real or personal
4640 property herein authorized, to make available for carrying into
4641 effect the provisions of this section all money received from such
4642 sale or sales, and to do any and all things necessary to
4643 effectuate the purposes of this section. One-half (1/2) interest

4644 in and to all oil, gas and other minerals shall be retained under
4645 any lands sold hereunder.

4646 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
4647 authorized by the General Education Board of the Rockefeller
4648 Foundation for the development of agricultural research, with
4649 particular reference to expanding the branch experiment stations
4650 and conditioned upon a general program of expansion substantially,
4651 as herein provided, is hereby accepted. The Director of the
4652 Agricultural and Forestry Experimental Station at the Mississippi
4653 State University of Agriculture and Applied Science is authorized
4654 and instructed to control and expend such fund in the same manner
4655 as other funds appropriated to carry out the provisions of this
4656 section.

4657 (7) The experiment station in Clay County, Mississippi,
4658 shall not be affected by this section.

4659 **SECTION 110.** Section 37-113-23, Mississippi Code of 1972, is
4660 amended as follows:

4661 37-113-23. (1) There is hereby authorized a branch
4662 experiment station, to be known as the "Pontotoc Ridge-Flatwoods
4663 Soil Experiment Station," to be located on a suitable tract of
4664 approximately six hundred (600) acres of land in Pontotoc County,
4665 Mississippi, the site of which is to be selected by the Director
4666 of the Agricultural and Forestry Experimental Station at the
4667 Mississippi State University of Agriculture and Applied Science.
4668 Said acreage shall be divided equally, as nearly as practicable,
4669 between the Pontotoc Ridge and Flatwoods soil types, for the
4670 purpose of experimentation with said two types of soil in
4671 forestry, pasture-improvement, horticulture, soil conservation,
4672 truck crops, forage crops, poultry, disease and insect control and
4673 general farm products. The said experiment station shall be
4674 supplied with the necessary buildings, equipment, and other
4675 facilities.

4676 (2) The purpose of this section is to provide for increased
4677 efficiency in agriculture research for the farmers in the Pontotoc
4678 Ridge and Flatwoods soil types, who have been denied this service
4679 for all these years. Said branch experiment station shall serve
4680 the following named counties, to-wit: The Pontotoc Ridge soil
4681 begins at the Tennessee line and traverses the counties of Alcorn,
4682 Prentiss, Union, Pontotoc, Chickasaw and Clay. The Flatwoods soil
4683 which joins the Pontotoc Ridge soil on the west, begins at the
4684 Tennessee line and traverses the counties of Tippah, Benton,
4685 Union, Pontotoc, Calhoun, Chickasaw, Webster, Clay, Choctaw,
4686 Oktibbeha, Winston, Neshoba, Kemper and Lauderdale County or other
4687 counties applicable to these conditions.

4688 (3) The governing authorities of any municipality, town, or
4689 county in the state, or any person, firm or corporation may
4690 contribute or donate land, money or other property to the Board of
4691 Trustees of Mississippi State University in furtherance of the
4692 purpose of this section.

4693 (4) The Board of Trustees of Mississippi State University is
4694 hereby authorized, upon the recommendation of the Director of the
4695 Agricultural and Forestry Experimental Station at the
4696 university * * *, which recommendation is approved by and
4697 transmitted to said board by the president of said university, to
4698 establish said Pontotoc Ridge-Flatwoods soil experiment station,
4699 to receive and accept title to any land or money or property
4700 herein authorized or to be authorized, made available or to be
4701 made available by the State Legislature, to purchase land, let
4702 contracts for the construction of necessary buildings, to equip
4703 same, and to further equip said experiment station with farm
4704 equipment and any and all other equipment, and to do all things
4705 necessary to effectuate the purposes of this section.

4706 **SECTION 111.** Section 37-113-25, Mississippi Code of 1972, is
4707 amended as follows:

4708 37-113-25. The Board of Trustees of Mississippi State
4709 University is hereby authorized to establish and maintain a system
4710 of retirement for the employees of the Agricultural and Forestry
4711 Experimental Station and Extension Service, out of any federal
4712 funds available under the provisions of the act of Congress,
4713 approved March 4, 1940, and out of contributions made by the
4714 employees of such experimental station and extension service.

4715 In the establishment of such special retirement system, the
4716 board of trustees * * * shall have full authority to make all
4717 needful rules and regulations, to carry into effect the provisions
4718 of this section.

4719 **SECTION 112.** Section 37-113-28, Mississippi Code of 1972, is
4720 amended as follows:

4721 37-113-28. Neither the Board of Trustees of Mississippi
4722 State University, nor any person acting on behalf thereof, shall
4723 lease or rent hunting rights on any land located in Washington
4724 County, Mississippi, under the jurisdiction, ownership or
4725 trusteeship of the Mississippi Agriculture and Forestry Experiment
4726 Station, Delta Branch at Stoneville, but shall allow the public to
4727 hunt on such lands in accordance with the rules, regulations and
4728 permits as shall be adopted by the Delta Branch Experiment
4729 Station. The Department of Wildlife, Fisheries and Parks shall
4730 assist in the enforcement of such rules, regulations and permits
4731 as adopted by the Delta Branch Experiment Station, as well as
4732 enforcing the general hunting statutes of the State of
4733 Mississippi.

4734 **SECTION 113.** Section 37-113-29, Mississippi Code of 1972, is
4735 amended as follows:

4736 37-113-29. The Agricultural Extension Service of the
4737 Mississippi State University of Agriculture and Applied Science,
4738 by and with the approval and consent of the president of said
4739 university and the board of trustees of the university, is hereby
4740 authorized and empowered to create, establish, equip and maintain

4741 a 4-H Club demonstration camp on a designated area on Sardis Lake
4742 in Panola County, Mississippi, on lands belonging to the federal
4743 government and leased to the agricultural extension service for
4744 such purpose.

4745 It shall be the duty and responsibility of the agricultural
4746 extension service of said university to direct and supervise the
4747 utilization of this facility in carrying out the purposes of this
4748 section. When not in use by the agricultural extension service
4749 for the purpose herein provided, this facility may be rented to
4750 other organizations for educational and recreational use only.
4751 Any money derived from such rental shall be used by the
4752 agricultural extension service by and with the approval of the
4753 president of said university and the board * * *, for maintaining
4754 and further improving such facilities for use of the 4-H Clubs in
4755 Mississippi.

4756 The purpose of this section is to authorize the agricultural
4757 extension service of said university, by and with the approval and
4758 consent of the president of said university and the board * * *,
4759 to establish, equip and maintain this 4-H Club demonstration camp
4760 for the purpose of teaching these Mississippi boys and girls
4761 standards of better farm and home making, the importance of and
4762 the methods of conservation of our natural resources, and the
4763 development of character and leadership and training for
4764 citizenship. To accomplish such purposes, the agricultural
4765 extension service, by and with the approval and consent of the
4766 president of said university and the board * * *, is authorized
4767 and empowered to do such things as may be necessary, and to
4768 prescribe such rules and regulations as it may deem proper to
4769 carry out and put into effect the intent and purpose of this
4770 section.

4771 **SECTION 114.** Section 37-113-31, Mississippi Code of 1972, is
4772 amended as follows:

4773 37-113-31. The Agricultural Extension Service of the
4774 Mississippi State University of Agriculture and Applied Science,
4775 by and with the approval and consent of the president of said
4776 university and the Board of Trustees of Mississippi State
4777 University, is hereby authorized and empowered to create,
4778 establish, equip and maintain a 4-H Club demonstration camp
4779 for * * * 4-H Club members, located on a designated area in
4780 Madison County, Mississippi, on lands belonging to the State of
4781 Mississippi.

4782 It shall be the duty and responsibility of the agricultural
4783 extension service of said university to direct and supervise the
4784 utilization of this facility in carrying out the purposes of this
4785 section. When not in use by the agricultural extension service
4786 for the purpose herein provided, this facility may be rented to
4787 other * * * organizations for educational and recreational use
4788 only. Any money derived from such rental shall be used by the
4789 agricultural extension service by and with the approval of the
4790 president of said university and the board * * *, for maintaining
4791 and further improving such facilities for use of the 4-H Clubs of
4792 Mississippi.

4793 The purpose of this section is to authorize the Agricultural
4794 Extension Service of Mississippi by and with the approval and
4795 consent of the president of said university and the board * * *,
4796 to establish, equip and maintain this 4-H Club demonstration camp
4797 for the purpose of teaching * * * boys and girls of Mississippi
4798 standards of better farm and home making, the importance of and
4799 the methods of conservation of our natural resources, and the
4800 development of character and leadership and training for
4801 citizenship. To accomplish such purposes, the agricultural
4802 extension service, by, and with the approval and consent of the
4803 president of said university and the board * * *, is authorized
4804 and empowered to do such things as may be necessary, and to
4805 prescribe such rules and regulations as it may deem proper, to

4806 carry out and put into effect the intent and purpose of this
4807 section.

4808 **SECTION 115.** Section 37-113-33, Mississippi Code of 1972, is
4809 amended as follows:

4810 37-113-33. The Board of Trustees of Mississippi State
4811 University is hereby authorized and empowered to purchase, breed,
4812 maintain, manage, show and sell foundation herds of beef cattle,
4813 sheep and hogs at the Mississippi State University of Agriculture
4814 and Applied Science. The said board is further authorized to
4815 establish necessary facilities, to employ and maintain necessary
4816 personnel, and to take any other action necessary to carry out
4817 this program.

4818 The purpose of this program is to provide a means for the
4819 broadening, balancing, and rounding-out of courses in animal
4820 husbandry for the training of animal husbandry students in
4821 livestock breeding, feeding, fitting, showing, judging, buying and
4822 selling, and to establish and maintain a source of foundation seed
4823 stock.

4824 Selected animals purchased, or produced, under this program
4825 may be sold only at public auctions sponsored by breed
4826 associations, after approval of the board * * *. The proceeds
4827 accruing from the sales of such animals, from show premium money,
4828 or from any other source, shall revert to, and be used for the
4829 maintenance of the revolving fund, when established by law, to
4830 carry out this program.

4831 This is a remedial statute and shall be liberally construed
4832 to accomplish its purpose.

4833 **SECTION 116.** Section 37-113-41, Mississippi Code of 1972, is
4834 amended as follows:

4835 37-113-41. The Board of Trustees of Mississippi State
4836 University is hereby authorized to establish a fund to be known as
4837 the J. C. Hardy Memorial Fund.

4838 The fund herein authorized shall be raised and supplemented
4839 by donations, gifts, legacies, and otherwise. Under the
4840 supervision of said board of trustees, said fund or the proceeds
4841 therefrom shall be used to assist sons of low-income Mississippi
4842 citizens to meet their educational expenses at the Mississippi
4843 State University of Agriculture and Applied Science.

4844 **SECTION 117.** Section 37-113-43, Mississippi Code of 1972, is
4845 amended as follows:

4846 37-113-43. Any county of this state now or hereafter having
4847 a population of more than one hundred thousand (100,000) according
4848 to the latest available census, and in which there is located a
4849 municipality of one hundred thousand (100,000) or more, acting by
4850 and through its board of supervisors, is hereby authorized and
4851 empowered to contribute the sum of One Million Dollars
4852 (\$1,000,000.00) toward the construction, erection and equipping of
4853 educational facilities to be utilized by Mississippi State
4854 University of Agriculture and Applied Science within such county,
4855 by the Board of Trustees of Mississippi State University.

4856 **SECTION 118.** Section 37-113-45, Mississippi Code of 1972, is
4857 amended as follows:

4858 37-113-45. Any such county as is provided for in Section
4859 37-113-43 is hereby authorized and empowered to issue and sell its
4860 bonds, notes or other evidences of indebtedness for the purpose of
4861 providing funds with which to make the contribution or donation
4862 authorized under the provisions of said section. Such bonds,
4863 notes or other evidences of indebtedness shall not be issued in an
4864 amount which will exceed the limit of indebtedness of said county
4865 as such limit is prescribed by Sections 19-9-1 through 19-9-31.
4866 Before issuing any such bonds, notes or other evidences of
4867 indebtedness, the board of supervisors acting for such county
4868 shall adopt a resolution declaring its intention to issue the
4869 same, stating the amount and purpose thereof and fixing the date
4870 upon which an election will be held on the proposition. Notice of

4871 such election shall be given by publication of such resolution
4872 once a week for at least three (3) consecutive weeks in at least
4873 one newspaper published in said county. The first publication of
4874 such notice shall be made not less than twenty-one (21) days prior
4875 to the date fixed in such resolution for the holding of said
4876 election as aforesaid and the last publication shall be made not
4877 more than seven (7) days prior to such date. At such election all
4878 qualified electors of said county may vote and the ballots used
4879 shall have printed thereon a brief statement of the amount and
4880 purpose of the bonds, notes or other evidences of indebtedness
4881 proposed to be issued and the voter shall vote by placing a cross
4882 (x) or check (✓) opposite his choice on the proposition. The
4883 bonds, notes or other evidences of indebtedness authorized herein
4884 shall not be issued unless authorized by the affirmative vote of a
4885 majority of the qualified voters of said county who vote on the
4886 proposition at such election. Such election shall be conducted
4887 and the returns thereof made, canvassed, and declared as nearly as
4888 may be in like manner as is now or may hereafter be provided by
4889 law in the case of general elections in counties. In the event
4890 that the question of the issuance of such bonds, notes or other
4891 evidences of indebtedness be not authorized at such election, such
4892 question shall not again be submitted to a vote until the
4893 expiration of a period of six (6) months, from and after the date
4894 of such election.

4895 Such bonds, notes or other evidences of indebtedness shall
4896 bear such date or dates, shall be of such denomination or
4897 denominations, shall be payable at such place or places, shall
4898 bear such rate or rates of interest and shall mature in such
4899 amounts and at such times as may be provided and directed by the
4900 board of supervisors of said county. Such bonds shall bear
4901 interest at a rate or rates not exceeding six percent (6%) per
4902 annum and shall mature in not more than twenty-five (25) years

4903 from the date thereof and shall be sold for not less than par and
4904 accrued interest.

4905 Any bonds authorized to be issued at an election as provided
4906 for in this section shall be issued by such county, acting by and
4907 through its board of supervisors, at such times and in such
4908 amounts as shall be provided for by resolution of the Board of
4909 Trustees of Mississippi State University.

4910 All bonds, notes or other evidences of indebtedness issued
4911 hereunder shall be secured by a pledge of the full faith, credit
4912 and resources of such county. There shall annually be levied upon
4913 all taxable property within said county an ad valorem tax in
4914 addition to all other taxes, sufficient to provide for the payment
4915 of the principal of and the interest on said bonds, notes or other
4916 evidences of indebtedness as the same respectively mature and
4917 accrue.

4918 **SECTION 119.** Section 37-113-47, Mississippi Code of 1972, is
4919 amended as follows:

4920 37-113-47. The proceeds of any contribution made by any
4921 county under the provisions of Section 37-113-43, including the
4922 proceeds from the sale of any bonds issued for such purposes,
4923 shall be paid by the board of supervisors of such county into the
4924 State Treasury into a special fund to the credit of the Board of
4925 Trustees of Mississippi State University, and shall thereafter be
4926 utilized and expended by said board * * * in the construction,
4927 erection and equipping of educational facilities in such county to
4928 be utilized by the Mississippi State University of Agriculture and
4929 Applied Science.

4930 **SECTION 120.** Section 37-113-51, Mississippi Code of 1972, is
4931 amended as follows:

4932 37-113-51. The Board of Trustees of Mississippi State
4933 University is hereby authorized and directed to establish a
4934 college of veterinary medicine at Mississippi State University at
4935 Starkville, Mississippi.

4936 **SECTION 121.** Section 37-115-33, Mississippi Code of 1972, is
4937 amended as follows:

4938 37-115-33. The State Building Commission in the development
4939 of the architectural facilities of the medical center and hospital
4940 facilities is hereby authorized, empowered and directed to erect
4941 and equip adequate facilities for the training of nurses under
4942 such rules and regulations as may be promulgated by the Board of
4943 Trustees of the University of Mississippi.

4944 **SECTION 122.** Section 37-115-35, Mississippi Code of 1972, is
4945 amended as follows:

4946 37-115-35. The Board of Trustees of the University of
4947 Mississippi is hereby authorized and empowered to establish a fund
4948 to be known as "The Fielding L. Wright Memorial Health Fund,"
4949 which fund shall be administered by said board.

4950 The corpus of "The Fielding L. Wright Memorial Health Fund"
4951 shall consist of any monies appropriated to it by the State
4952 Legislature and any funds received by donation, gift, legacy, or
4953 otherwise, the said board of trustees being hereby specifically
4954 authorized and empowered to accept such funds. All funds received
4955 by said board of trustees shall be invested in the following
4956 classes of securities, preference being in the order listed:

4957 (a) Bonds, notes, certificates, and other valid
4958 obligations of the State of Mississippi, or any county or city of
4959 the State of Mississippi, or of any school district bonds of the
4960 State of Mississippi;

4961 (b) Bonds, notes, certificates, and other valid
4962 obligations of the United States;

4963 (c) Bonds, notes, debentures and other securities
4964 issued by any federal instrumentality and fully guaranteed by the
4965 United States; or

4966 (d) Interest-bearing bonds or notes which are general
4967 obligations of any other state in the United States or of any city
4968 or county therein, provided that any such city or county had a

4969 population as shown by the federal census next preceding such
4970 investment of not less than twenty-five thousand (25,000)
4971 inhabitants, and provided that any such state, city or county has
4972 not defaulted for a period longer than thirty (30) days in the
4973 payment of principal or interest on any of its general obligation
4974 indebtedness during a period of ten (10) calendar years
4975 immediately preceding such investment.

4976 All interest derived from investments and any gains from the
4977 sale or exchange of investments shall be expended by the staff of
4978 the University Medical Center, under the supervision of the
4979 Director of the University Medical Center, for medical research in
4980 behalf of The Fielding L. Wright Memorial Health Fund.

4981 **SECTION 123.** Section 37-115-51, Mississippi Code of 1972, is
4982 amended as follows:

4983 37-115-51. The Legislature hereby finds that there is great
4984 need of additional and better trained nurses in Mississippi and
4985 the purpose of this section is to meet that need to the extent
4986 herein provided.

4987 The Board of Trustees of the University of Mississippi is
4988 hereby authorized and directed to establish a school of nursing at
4989 the University of Mississippi under the jurisdiction of the dean
4990 of the school of medicine or such other authority as said board of
4991 trustees may determine, and other regularly constituted
4992 administrative authorities of the university.

4993 Said board of trustees shall provide for such school, such
4994 buildings and equipment, and such teaching staff and other
4995 personnel as may be deemed appropriate for the establishment and
4996 operation of such school of nursing and for the performance of the
4997 other functions herein provided for, all of which shall, however,
4998 be done within the appropriations made for such purposes.

4999 Such school of nursing shall, under the direction and
5000 supervision of the dean of the school of medicine and the other
5001 regularly constituted administrative authorities of the university

5002 and of said board of trustees and under curricula to be prescribed
5003 by said board, and beginning each of its functions at such time as
5004 may be determined by said board, carry on a teaching course,
5005 looking to the conferring of bachelor's or master's degrees in
5006 nursing.

5007 Such school of nursing shall under the same direction,
5008 supervision, control and conditions as set forth in the fourth
5009 paragraph hereof, have authority, in its discretion, to arrange
5010 and contract with hospitals, hospital schools of nursing or other
5011 similar institutions, for students in the school of nursing to
5012 take clinical training and practice in such institutions. It
5013 shall have the further authority to contract with hospitals,
5014 hospital schools of nursing or other similar institutions with
5015 respect to providing to any such institution instructors or
5016 instruction services from the university school of nursing upon
5017 full or part time basis and upon such basis of compensation or
5018 reimbursement of costs as may be deemed reasonable and proper in
5019 view of the public interests involved.

5020 Under the same supervision, direction, control and conditions
5021 as are set forth in the fourth paragraph hereof, said school of
5022 nursing shall also administer such scholarship programs in nursing
5023 education and such activities with respect to recruitment of
5024 nursing students and counseling work with such students and
5025 prospective students as may be provided for by the Legislature
5026 from time to time.

5027 **SECTION 124.** Section 37-115-69, Mississippi Code of 1972, is
5028 amended as follows:

5029 37-115-69. Any county of this state now or hereafter having
5030 a population of more than one hundred thousand (100,000) according
5031 to the latest available census, and in which there is located a
5032 municipality of one hundred thousand (100,000) or more, acting by
5033 and through its board of supervisors, is hereby authorized and
5034 empowered to contribute the sum of One Million Dollars

5035 (\$1,000,000.00) toward the construction, erection and equipping of
5036 educational facilities to be utilized by the University of
5037 Mississippi within such county, by the Board of Trustees of the
5038 University of Mississippi.

5039 **SECTION 125.** Section 37-115-71, Mississippi Code of 1972, is
5040 amended as follows:

5041 37-115-71. Any such county as is provided for in Section
5042 37-115-69 is hereby authorized and empowered to issue and sell its
5043 bonds, notes or other evidences of indebtedness for the purpose of
5044 providing funds with which to make the contribution or donation
5045 authorized under the provisions of said section. Such bonds,
5046 notes or other evidences of indebtedness shall not be issued in an
5047 amount which will exceed the limit of indebtedness of said county
5048 as such limit is prescribed by Sections 19-9-1 through 19-9-31.
5049 Before issuing any such bonds, notes or other evidences of
5050 indebtedness, the board of supervisors acting for such county
5051 shall adopt a resolution declaring its intention to issue the
5052 same, stating the amount and purpose thereof and fixing the date
5053 upon which an election will be held on the proposition. Notice of
5054 such election shall be given by publication of such resolution
5055 once a week for at least three (3) consecutive weeks in at least
5056 one (1) newspaper published in said county. The first publication
5057 of such notice shall be made not less than twenty-one (21) days
5058 prior to the date fixed in such resolution for the holding of said
5059 election as aforesaid and the last publication shall be made not
5060 more than seven (7) days prior to such date. At such election all
5061 qualified electors of said county may vote and the ballots used
5062 shall have printed thereon a brief statement of the amount and
5063 purpose of the bonds, notes or other evidences of indebtedness
5064 proposed to be issued and the voter shall vote by placing a cross
5065 (x) or check (✓) opposite his choice on the proposition. The
5066 bonds, notes or other evidences of indebtedness authorized herein
5067 shall not be issued unless authorized by the affirmative vote of a

5068 majority of the qualified voters of said county who vote on the
5069 proposition at such election.

5070 Such election shall be conducted and the returns thereof
5071 made, canvassed, and declared as nearly as may be in like manner
5072 as is now or may hereafter be provided by law in the case of
5073 general elections in counties. In the event that the question of
5074 the issuance of such bonds, notes or other evidences of
5075 indebtedness be not authorized at such election, such question
5076 shall not again be submitted to a vote until the expiration of a
5077 period of six months, from and after the date of such election.

5078 Such bonds, notes or other evidences of indebtedness shall
5079 bear such date or dates, shall be of such denomination or
5080 denominations, shall be payable at such place or places, shall
5081 bear such rate or rates of interest and shall mature in such
5082 amounts and at such times as may be provided and directed by the
5083 board of supervisors of said county. Such bonds shall bear
5084 interest at a rate or rates not exceeding six percent (6%) per
5085 annum and shall mature in not more than twenty-five (25) years
5086 from the date thereof and shall be sold for not less than par and
5087 accrued interest.

5088 Any bonds authorized to be issued at an election as provided
5089 for in this section shall be issued by such county, acting by and
5090 through its board of supervisors, at such times and in such
5091 amounts as shall be provided for by resolution of the Board of
5092 Trustees of the University of Mississippi.

5093 All bonds, notes or other evidences of indebtedness issued
5094 hereunder shall be secured by a pledge of the full faith, credit
5095 and resources of such county. There shall annually be levied upon
5096 all taxable property within said county an ad valorem tax in
5097 addition to all other taxes, sufficient to provide for the payment
5098 of the principal of and the interest on said bonds, notes or other
5099 evidences of indebtedness as the same respectively mature and
5100 accrue.

5101 **SECTION 126.** Section 37-115-73, Mississippi Code of 1972, is
5102 amended as follows:

5103 37-115-73. The proceeds of any contribution made by any
5104 county under the provisions of Section 37-115-69, including the
5105 proceeds from the sale of any bonds issued for such purposes,
5106 shall be paid by the board of supervisors of such county into the
5107 State Treasury into a special fund to the credit of the Board of
5108 Trustees of the University of Mississippi, and shall thereafter be
5109 utilized and expended by said board of trustees * * * in the
5110 construction, erection and equipping of educational facilities in
5111 such county to be utilized by the University of Mississippi.

5112 **SECTION 127.** Section 37-115-101, Mississippi Code of 1972,
5113 is amended as follows:

5114 37-115-101. The Board of Trustees of the University of
5115 Mississippi is hereby directed and authorized to establish a
5116 school of dentistry at the University of Mississippi Medical
5117 Center in Jackson.

5118 **SECTION 128.** Section 37-115-105, Mississippi Code of 1972,
5119 is amended as follows:

5120 37-115-105. The school of dentistry created and authorized
5121 by Sections 37-115-101 through 37-115-111 shall be in operation
5122 within three (3) years from the date the Legislature makes funds
5123 available for the construction of a building to house said school;
5124 provided, however, that no staff may be employed and no
5125 construction may begin until One Million Two Hundred Fifty
5126 Thousand Dollars (\$1,250,000.00) from the City of Jackson and One
5127 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from
5128 Hinds County has been deposited in the State Treasury for use by
5129 the building commission in construction and furnishing of the
5130 dental school. The Board of Trustees of the University of
5131 Mississippi is authorized and directed to take any and all
5132 necessary and proper actions for the implementation of this
5133 section.

5134 **SECTION 129.** Section 37-115-107, Mississippi Code of 1972,
5135 is amended as follows:

5136 37-115-107. It shall be the duty of the Board of Trustees of
5137 the University of Mississippi to elect or appoint a dean of this
5138 school; to determine and provide for an adequate faculty, staff
5139 and other employees; to fix and provide for the compensation of
5140 said faculty, staff and employees; to provide an adequate physical
5141 plant for this school; to prescribe the courses of study and
5142 research compatible with the objects and purposes hereinabove set
5143 forth; and to do and accomplish all other related functions
5144 consistent with the implementation of Sections 37-115-101 through
5145 37-115-111.

5146 **SECTION 130.** Section 37-115-109, Mississippi Code of 1972,
5147 is amended as follows:

5148 37-115-109. The Board of Trustees of the University of
5149 Mississippi is directed, empowered and authorized to take
5150 necessary and proper actions to assure that the School of
5151 Dentistry of the University of Mississippi Medical Center, as
5152 hereby established, acquires and maintains recognition and
5153 accreditation in local, regional and national accreditation
5154 associations at least at the level of its counterparts in the
5155 southeastern region of the United States and on a level with the
5156 other professional schools of this state.

5157 **SECTION 131.** Section 37-119-3, Mississippi Code of 1972, is
5158 amended as follows:

5159 37-119-3. The principal object of the University of Southern
5160 Mississippi shall be to qualify teachers for the public schools of
5161 this state, by imparting instruction in the art and practice of
5162 teaching in all branches of study which pertain to a common school
5163 education, and such other studies as the Board of Trustees of the
5164 University of Southern Mississippi may from time to time
5165 prescribe.

5166 **SECTION 132.** Section 37-119-7, Mississippi Code of 1972, is
5167 amended as follows:

5168 37-119-7. The University of Southern Mississippi (herein
5169 sometimes referred to as the "university") is authorized and
5170 empowered to require the State Building Commission to issue bonds
5171 in an amount not exceeding the sum of Seven Hundred Fifty Thousand
5172 Dollars (\$750,000.00), bearing interest at a rate not exceeding
5173 six percent (6%) per annum, for the purpose of and to be expended
5174 in extending, adding to and improving the athletic stadium on its
5175 campus; to impose student athletic fees; to impose charges, in
5176 addition to and distinguished from the established price of
5177 admission, upon persons, other than students, for the privilege of
5178 attending events held in such stadium, which such charges shall be
5179 exempt from any amusement tax now levied and collected in the
5180 State of Mississippi, and to immediately commence, prior to the
5181 issuance and sale of the bonds herein authorized and to continue,
5182 the collection of such charges; and to apply to the satisfaction
5183 and retirement, as and when due, of the principal of and interest
5184 on such bonds, said athletic fees and said charges, and also,
5185 rental income from the dormitory facilities now in the stadium,
5186 and income, not otherwise appropriated or allocated, from any
5187 other sources. Such bonds shall be authorized by the Board of
5188 Trustees of the University of Southern Mississippi in the manner
5189 now provided by Sections 37-101-91 through 37-101-103, and all of
5190 the provisions of said sections (except as herein otherwise
5191 provided and as are not in conflict with the provisions hereof)
5192 shall be applicable to the authorization and issuance of such
5193 bonds. Reference in Sections 37-101-95, 37-101-101, to
5194 "dormitories, dwellings or apartments" shall be understood to
5195 apply also to all other projects authorized to be financed under
5196 the provisions of Section 37-101-99.

5197 Upon request of the university, acting through its president
5198 and financial secretary, authorization having been first obtained

5199 from the Board of Trustees * * *, the State Building Commission
5200 shall issue and sell bonds of the university at not less than par
5201 and accrued interest in the manner provided by Section 21-27-45,
5202 for the sale of bonds of municipalities issued thereunder and upon
5203 terms and at interest rates, not to exceed the maximum therein
5204 authorized, to be fixed by the State Building Commission. The
5205 State Building Commission is hereby authorized to supervise the
5206 contracting for, and the erection of, all buildings erected,
5207 extended, added to, or improved under the provisions of this
5208 section. The board of trustees * * * is hereby authorized and
5209 empowered to specify the nature of such extensions, additions,
5210 improvements or new construction, and shall approve the plans and
5211 specifications therefor prior to the letting of any new contract
5212 for any such work. All contracts let under the supervision of the
5213 State Building Commission shall be let as provided by law for
5214 other contracts let by said commission.

5215 The board of trustees * * *, in the resolution authorizing
5216 such bonds, may provide for the imposition of such student
5217 athletic fees, such charges for the privilege of attending events
5218 held in such stadium (as hereinabove distinguished from the price
5219 of admission), such rental charges for use of the dormitories
5220 facilities now in the stadium and for application to the
5221 retirement of such bonds of such other sources of income, not
5222 otherwise appropriated or allocated, as it may consider desirable.
5223 Said board may provide for the collection and the allocation of
5224 such fees and charges. Such fees and charges or other income
5225 shall always be in such amounts as will assure the prompt payment
5226 of principal of and interest on such bonds and the carrying out of
5227 all of the covenants and agreements contained in such resolution
5228 authorizing such bonds.

5229 All bonds so issued shall constitute negotiable instruments
5230 within the meaning of the Uniform Commercial Code of Mississippi.

5231 Any bonds authorized under authority of this section may be
5232 validated in the Chancery Court of First Judicial District, Hinds
5233 County, in the manner and with the force and effect now or
5234 hereafter provided by general law for the validation of municipal
5235 bonds.

5236 This section, without reference to any other statute or law
5237 of Mississippi other than the portions of Sections 37-101-91
5238 through 37-101-103, not in conflict herewith, and Section
5239 31-19-25, shall constitute full authority for the extension,
5240 adding to and improvement of the aforesaid stadium and the
5241 authorization and issuance of bonds hereunder and no other
5242 provisions of the statutes pertinent thereto, except as herein
5243 expressly provided, shall be construed as applying to any
5244 proceedings had hereunder or any acts done pursuant hereto.

5245 **SECTION 133.** Section 37-123-3, Mississippi Code of 1972, is
5246 amended as follows:

5247 37-123-3. The principal object of the Delta State University
5248 shall be to qualify teachers for the public schools of this state,
5249 by imparting instruction in the art and practice of teaching in
5250 all branches of study which pertain to a common school education,
5251 and such other studies as the Board of Trustees of Delta State
5252 University may from time to time prescribe.

5253 **SECTION 134.** Section 37-125-3, Mississippi Code of 1972, is
5254 amended as follows:

5255 37-125-3. The object of the Jackson State University shall
5256 be to qualify teachers for the public schools of this state by
5257 giving instruction in the art and practice of teaching in all
5258 branches of study which pertain to industrial training, health,
5259 and rural and elementary education, and such other studies as the
5260 Board of Trustees of Jackson State University, in cooperation with
5261 the State Department of Education, may, from time to time,
5262 prescribe.

5263 **SECTION 135.** Section 37-125-7, Mississippi Code of 1972, is
5264 amended as follows:

5265 37-125-7. The executive head of the Jackson State University
5266 shall be held as the professional adviser of the Board of Trustees
5267 of Jackson State University on all matters pertaining to the
5268 inside arrangements of buildings, selection of faculty, and course
5269 of study. He shall have the immediate supervision and management
5270 of the university in all its departments, subject however, to the
5271 general supervision, management, and direction of the board of
5272 trustees * * *.

5273 **SECTION 136.** Section 37-127-3, Mississippi Code of 1972, is
5274 amended as follows:

5275 37-127-3. The object of the Mississippi Valley State
5276 University shall be to train teachers for teaching in the public
5277 schools of this state by giving instruction in the art and
5278 practice of teaching in the elementary and high school grades and
5279 in all branches of study which pertain to industrial training,
5280 health, and rural and elementary education, and to provide
5281 instruction and training in such other subjects as the Board of
5282 Trustees of Mississippi Valley State University, in cooperation
5283 with the State Department of Education, may, from time to time,
5284 prescribe. It shall also be the object of the university to
5285 establish and conduct schools, classes or courses, for preparing,
5286 equipping and training citizens of the State of Mississippi for
5287 employment in gainful occupations, in trade, industrial and
5288 distributive pursuits whether such students are qualified by
5289 educational requirements or not.

5290 **SECTION 137.** Section 37-127-5, Mississippi Code of 1972, is
5291 amended as follows:

5292 37-127-5. The Mississippi Valley State University shall be
5293 located at some appropriate place in the Delta section of the
5294 state, to be determined by the Board of Trustees of Mississippi
5295 Valley State University.

5296 **SECTION 138.** Section 37-127-7, Mississippi Code of 1972, is
5297 amended as follows:

5298 37-127-7. The President of the Mississippi Valley State
5299 University shall be held as the professional adviser of the Board
5300 of Trustees of Mississippi Valley State University of all matters
5301 pertaining to the inside arrangements of buildings, selection of
5302 faculty, and course of study. He shall have the immediate
5303 supervision and management of the university in all its
5304 departments, subject however, to the general supervision,
5305 management, and direction of the board of trustees * * *.

5306 **SECTION 139.** Section 37-129-1, Mississippi Code of 1972, is
5307 amended as follows:

5308 37-129-1. In addition to all other powers and duties now
5309 vested by law in the Commissioner of Higher Education, said
5310 commissioner is hereby empowered and required to:

5311 (a) Establish by rules and regulations and promulgate
5312 uniform standards for accreditation of schools of nursing in the
5313 State of Mississippi (1) insofar as concerns the eligibility of
5314 graduates of such schools to take the examination prescribed by
5315 law to become registered nurses authorized to practice the
5316 profession of nursing as registered nurses in Mississippi, and (2)
5317 insofar as concerns student nurses attending such schools being
5318 eligible to participate in any student nurse scholarship program
5319 or other program of assistance now existing or hereafter
5320 established by legislative enactment;

5321 (b) Issue to such schools of nursing upon an annual
5322 basis certificates of accreditation as may be proper under such
5323 standards;

5324 (c) Administer any scholarship program or other program
5325 of assistance heretofore or hereafter established by legislative
5326 enactment for the benefit of students attending accredited schools
5327 of nursing in this state;

5328 (d) Administer any other funds available or which may
5329 be made available for the promotion of nursing education in the
5330 state, with the exception of nursing faculty supplement funds to
5331 the public junior colleges, which funds shall be appropriated to
5332 and administered by the Division of Junior Colleges of the State
5333 Department of Education;

5334 (e) Adopt rules and regulations to provide that a nurse
5335 in training may, during the two-year period in an approved
5336 hospital, be allowed to transfer at any time with full credit
5337 after six (6) months in training, to any other hospital of her
5338 choice at which there is a vacancy; suitable provision shall be
5339 made to protect her against coercion or intimidation concerning
5340 such a contemplated transfer.

5341 In addition to other powers now vested by law in the
5342 Commissioner of Higher Education, said commissioner is hereby
5343 empowered to establish and maintain a nurse-midwifery education
5344 program that meets the accreditation standards of the American
5345 College of Nurse-Midwives at a public state institution of higher
5346 learning * * *.

5347 In order to implement subsection (d) above, the commissioner
5348 is hereby authorized and directed to arrange and contract with
5349 hospitals, senior colleges and hospital schools of nursing for the
5350 financial support of programs of nursing education. The
5351 commissioner is further authorized to adopt such terms for
5352 contracts, and such rules and regulations for reimbursing
5353 contracting agencies for costs of instruction in schools of
5354 nursing as may be feasible in accordance with appropriations made
5355 by the Legislature for this purpose. However, no reimbursement
5356 may be made to contracting agencies in excess of the actual cost
5357 of instruction in the schools of nursing.

5358 No provision of this section shall be construed to authorize
5359 any department, agency, officer or employee of the State of
5360 Mississippi to exercise any controls over the admissions policy of

5361 any private educational institution offering a baccalaureate
5362 degree in nursing.

5363 **SECTION 140.** Section 37-131-1, Mississippi Code of 1972, is
5364 amended as follows:

5365 37-131-1. The president or executive head of any
5366 state-supported institution of higher learning of the State of
5367 Mississippi, subject to the approval of the board of trustees of
5368 that state institution of higher learning, is hereby authorized
5369 and empowered to establish, operate, maintain, and conduct
5370 teachers demonstration and practice schools in connection with the
5371 operation of such institution of higher learning. The president
5372 or executive head of any such institution, subject to the approval
5373 of the board of trustees of that state institution of higher
5374 learning, shall have full power and authority to regulate and
5375 conduct the affairs of such schools and to establish rules and
5376 regulations for their government.

5377 **SECTION 141.** Section 37-131-3, Mississippi Code of 1972, is
5378 amended as follows:

5379 37-131-3. The president or executive head of any institution
5380 of higher learning which has established a demonstration or
5381 practice school, subject to the approval of the board of trustees
5382 of that state institution of higher learning, shall have the power
5383 and authority to enter into contracts and agreements with the
5384 board of trustees of any school district providing for the
5385 attendance of pupils, or one or more, or parts of, grades, from
5386 the educable children of such school district at such
5387 demonstration or practice school. The board of trustees of any
5388 school district is hereby authorized and empowered to enter into
5389 contracts and agreements with the president or executive head of
5390 an institution of higher learning for such purpose. All such
5391 contracts shall be upon such terms and conditions as may be agreed
5392 upon by and between the president or executive head of the

5393 institution of higher learning and the board of trustees of the
5394 school district involved.

5395 **SECTION 142.** Section 37-131-9, Mississippi Code of 1972, is
5396 amended as follows:

5397 37-131-9. In addition to the amounts paid to the
5398 demonstration or practice school from minimum education program
5399 funds, as provided in Section 37-131-7, the board of trustees of
5400 the school district involved may contract with the said
5401 demonstration or practice school for the payment of additional
5402 amounts thereto to defray expenses over and above those defrayed
5403 by minimum education program funds, which additional amounts shall
5404 be paid from any funds available to the school district other than
5405 minimum education program funds, whether produced by a
5406 supplemental district tax levy or otherwise.

5407 If the total funds paid to the demonstration or practice
5408 school by the school district are inadequate to defray the cost
5409 and expense of maintaining and operating such demonstration or
5410 practice school then the president or executive head of the
5411 institution may, subject to the approval of the board of trustees
5412 of that state institution of higher learning, require the payment
5413 of additional fees or tuition in an amount to be fixed by the
5414 president or executive head of the institution, subject to the
5415 approval of the board of trustees * * *, which amount shall be
5416 paid by and collected from the student or his parents.

5417 Boards of trustees of school districts involved may designate
5418 an area within the jurisdiction of the board as an attendance
5419 center as provided by law, and may require students in such area
5420 to attend demonstration or practice schools, subject to a
5421 satisfactory contract between the school board and the president
5422 or executive head of the institution operating the demonstration
5423 or practice school. In such event, all fees and tuition must be
5424 borne by the school district and in no case shall the child or the

5425 parents of the child assigned to such demonstration or practice
5426 school be required to pay any fees or tuition.

5427 The president or executive head of the institution, subject
5428 to the approval of the board of trustees of that state institution
5429 of higher learning, may also fix the amount of fees and tuition to
5430 be paid by students desiring to attend such demonstration or
5431 practice school in cases where there is no contract with the board
5432 of trustees of the school district in which the students reside
5433 therefor.

5434 All funds received by an institution, under the provisions of
5435 this section, shall be deposited in a special fund and shall be
5436 used and expended solely for the purpose of defraying and paying
5437 the cost and expense of operating, maintaining and conducting such
5438 teachers demonstration and practice school. Such funds may be
5439 supplemented by and used in connection with any other funds
5440 available to the institutions for such purpose whether made
5441 available by legislative appropriation or otherwise.

5442 **SECTION 143.** Section 37-131-13, Mississippi Code of 1972, is
5443 amended as follows:

5444 37-131-13. In order to carry into effect the right and
5445 authority granted in Sections 37-131-1 through 37-131-11,
5446 authorizing demonstration and practice schools in connection with
5447 major state institutions of higher learning, the board of trustees
5448 of each state institution of higher learning is hereby authorized
5449 to accept by donations, grants, cooperative agreements or
5450 otherwise, such sums of money as may be deemed necessary for the
5451 construction and maintenance of such demonstration and practice
5452 schools from whatever sources available, including agencies of the
5453 federal, state and county governments, the city of Starkville,
5454 Mississippi, private individuals, benevolent institutions or
5455 organizations, or any other available and legal source or sources.

5456 **SECTION 144.** Section 37-131-15, Mississippi Code of 1972, is
5457 amended as follows:

5458 37-131-15. Oktibbeha County, Mississippi, the Starkville
5459 Municipal Separate School District, and any one or more of the
5460 consolidated or separate school districts in Oktibbeha County,
5461 Mississippi, are hereby authorized to cooperate with the Board of
5462 Trustees of Mississippi State University by establishing,
5463 constructing, maintaining and operating a teachers demonstration
5464 or practice school.

5465 The Board of Trustees of Mississippi State University is
5466 hereby authorized to act as sponsor with respect to any funds that
5467 may be secured for the construction, maintenance, and operation of
5468 such teachers demonstration or practice school from any agency or
5469 subdivision of the federal, state, Oktibbeha County, City of
5470 Starkville, or school district, or from private individuals,
5471 benevolent institutions or organizations, or any other available
5472 and legal source or sources.

5473 **SECTION 145.** Section 37-133-5, Mississippi Code of 1972, is
5474 amended as follows:

5475 37-133-5. In addition to all other powers and duties now
5476 vested by law in the board of trustees of each state institution
5477 of higher learning of the State of Mississippi, each board is
5478 hereby empowered and required to permit the establishment of
5479 technical institutes, as branches within the framework of the
5480 existing state institutions of higher learning, that have an
5481 ongoing program in the areas concerned, adequately staffed and
5482 equipped to offer a curriculum designed and intended to
5483 immediately initiate training (extending beyond the junior college
5484 level) in the field of vocational, scientific, engineering,
5485 technical, and aerospace education and the necessary supporting
5486 studies, so that the demands of heavy and aerospace industry and
5487 installations for skilled engineering technicians may be satisfied
5488 and maintained. The * * * curriculum of any technical institute
5489 established under the provisions of the Mississippi Technical
5490 Institute Law of 1964 shall be complementary and supplementary to

5491 public junior college curriculums so that the full advantage of
5492 the educational resources of the State of Mississippi may be
5493 realized. The * * * establishment of such technical institutes
5494 shall be permitted anywhere within the State of Mississippi, in
5495 the areas of most urgent need, on any land or facility presently,
5496 or hereafter, under the jurisdiction and control of a board of
5497 trustees of a state institution of higher learning and on such
5498 terms and conditions as shall seem appropriate. The State
5499 Building Commission shall, at its discretion, provide new
5500 buildings, facilities, and necessary repairs, renovations and
5501 remodeling of any facility designated by a board of trustees of a
5502 state institution of higher learning as a technical institute from
5503 funds made available for such purposes.

5504 **SECTION 146.** Section 37-133-7, Mississippi Code of 1972, is
5505 amended as follows:

5506 37-133-7. There is hereby created in the State Treasury a
5507 special fund to be known as the "Technical Institute Fund." All
5508 sums of money received by the board of trustees of each state
5509 institution of higher learning to carry out the provisions of the
5510 Mississippi Technical Institute Law of 1964 shall be maintained in
5511 a separate account for the respective university in said special
5512 fund. All expenditures therefrom shall be for the purposes of
5513 carrying out the intents and purposes of said law, including the
5514 payment of salaries for qualified instructors as well as the
5515 equipping and staffing of the institute. Such expenditures shall
5516 be paid therefrom by the State Treasurer on warrant of the Auditor
5517 of Public Accounts. Said Auditor shall issue his warrant upon
5518 requisition signed by the proper person, officer or officers, as
5519 authorized by law. Each board is authorized to accept gifts,
5520 bequests of money, or other property, real or personal, to be used
5521 for the purpose of establishing or maintaining any technical
5522 institute which may be authorized under the provisions of said law
5523 and in accordance with the law of the State of Mississippi.

5524 **SECTION 147.** Section 37-133-9, Mississippi Code of 1972, is
5525 amended as follows:

5526 37-133-9. It shall be the duty of the board of trustees of
5527 each state institution of higher learning to make periodic fiscal
5528 reports to the State Fiscal Management Board and the Legislative
5529 Budget Office, and to otherwise comply with the budget and
5530 accounting laws of the State of Mississippi.

5531 **SECTION 148.** Section 37-138-7, Mississippi Code of 1972, is
5532 amended as follows:

5533 37-138-7. The commission is authorized and directed to adopt
5534 regulations for certification of contractors, inspectors,
5535 management planners, project designers, air monitors, supervisors
5536 and workers. The regulations shall include an accreditation plan
5537 which shall be equivalent to paragraphs 1 through 3 of the Model
5538 Plan. The accreditation plan shall be no more stringent than the
5539 Model Plan, except as provided herein. The regulations and
5540 accreditation plan shall include the requirements for all training
5541 courses for accreditation of contractors, inspectors, management
5542 planners, project designers, air monitors, supervisors and
5543 workers. All regulations promulgated by the commission pursuant
5544 to this chapter shall not be effective until November 1, 1990. By
5545 October 1, 1989, the Commissioner of Higher Education shall
5546 designate a university which may offer all training courses set
5547 forth in the regulations and accreditation plan and such
5548 university may charge reasonable fees to offset costs of the
5549 courses offered. The commission shall not approve any training
5550 courses offered in Mississippi other than those courses offered at
5551 the designated university and those certified abatement worker
5552 courses that have received Environmental Protection Agency
5553 approval pursuant to Section III of Appendix C to Title 40, Part
5554 763, Subpart E, of the Code of Federal Regulations.

5555 **SECTION 149.** Section 37-139-7, Mississippi Code of 1972, is
5556 amended as follows:

5557 37-139-7. The board shall be authorized to solicit and
5558 utilize the staff of the State Department of Education, staff of
5559 the board of trustees of any state institution of higher learning
5560 and other state agencies as required for the implementation of
5561 this chapter. In addition, the board shall be authorized to
5562 contract or enter into agreements with other agencies and/or
5563 private research centers that it may deem necessary to carry out
5564 its duties and functions.

5565 **SECTION 150.** Section 37-140-5, Mississippi Code of 1972, is
5566 amended as follows:

5567 37-140-5. (1) The school shall be governed by the State
5568 Board of Education. The board shall develop a plan relating to
5569 the opening, operation and funding of the school to be presented
5570 to the Legislature during the 2000 Regular Session. The plan
5571 shall include an equitable and reasonable plan for student
5572 recruitment without regard to race, creed or color.

5573 (2) The State Superintendent of Public Education shall
5574 appoint an advisory panel to assist the board in developing the
5575 plan relating to the school. The advisory panel shall consist of
5576 the following twelve (12) appointed or designated members:

5577 (a) Three (3) licensed school teachers or
5578 administrators, one (1) to be appointed from each of the three (3)
5579 Mississippi Supreme Court Districts;

5580 (b) Three (3) citizens or professionals representing
5581 the areas of dance, creative writing, literature, music, theater
5582 arts or visual arts, one (1) to be appointed from each of the
5583 three (3) Mississippi Supreme Court Districts;

5584 (c) Three (3) citizens knowledgeable in business,
5585 personnel management or public administration, with at least three
5586 (3) years' actual experience therein, one (1) to be appointed from
5587 each of the three (3) Mississippi Supreme Court Districts;

5588 (d) One (1) member shall be a representative of the
5589 Mississippi Arts Commission to be designated by the commission,

5590 one (1) member shall be a representative of the Mississippi
5591 Humanities Council to be designated by the council, and one (1)
5592 member shall be a representative of a state institution of higher
5593 learning in Mississippi which offers degrees in visual, fine and
5594 performing arts, to be designated by the Commissioner of Higher
5595 Education.

5596 Appointments to the advisory panel shall be made within
5597 ninety (90) days of April 23, 1999. The advisory panel shall meet
5598 upon the call of the State Superintendent of Public Education and
5599 shall organize for business by selecting a chairman and vice
5600 chairman/secretary for keeping records of the panel. Members of
5601 the advisory panel shall receive no compensation but may be
5602 reimbursed for necessary expenses and mileage for attending
5603 meetings and necessary business of the panel, in the amount
5604 authorized for state employees under Section 25-3-41.

5605 (3) The board may utilize the staff of the State Department
5606 of Education and other state agencies as may be required for the
5607 implementation of this chapter. The department may employ any
5608 personnel deemed necessary by the board for assisting in the
5609 development and implementation of the plan relating to the
5610 opening, operation and funding of the school. The board also may
5611 contract or enter into agreements with other agencies or private
5612 entities which it deems necessary to carry out its duties and
5613 functions relating to the opening and operation of the school.

5614 (4) To the extent possible, the board shall enter into
5615 agreements with the Board of Trustees of the Brookhaven Municipal
5616 Separate School District for the dual enrollment of students for
5617 the purpose of teaching academic courses to students attending the
5618 school, and the local school board shall be fully authorized to
5619 offer any such courses to students attending the school. The
5620 State Board of Education may develop and issue necessary
5621 regulations for the coordination of such courses for these
5622 students, the preparation and transfer of transcripts, and the

5623 reimbursement of any costs incurred by the school district for
5624 providing such services.

5625 (5) The board may enter into agreements with public school
5626 districts to authorize students enrolled in such school districts
5627 to participate in the fine arts programs at the school to the
5628 extent that adequate space is available. The parent or guardian
5629 of any student participating in fine arts programs at the school
5630 under this subsection shall be responsible for transporting the
5631 student to and from the school.

5632 **SECTION 151.** Section 37-141-3, Mississippi Code of 1972, is
5633 amended as follows:

5634 37-141-3. (1) There is hereby created the University
5635 Research Center, as an agency of the State of Mississippi,
5636 hereinafter referred to as the "center," which shall have full
5637 authority to contract and to be contracted with. The Commissioner
5638 of Higher Education shall serve as the director for the center.

5639 (2) The center shall be under the direction and management
5640 of the Commissioner of Higher Education. The commissioner shall,
5641 in his discretion, obtain fidelity bonds and determine who and
5642 what should be covered thereby and the amount of such bonds.

5643 (3) The Commissioner of Higher Education * * * shall appoint
5644 and employ such staff and employees as he deems necessary to carry
5645 out the objectives and purposes of this chapter and Section
5646 57-63-17 and may establish the organizational structure of the
5647 center, which shall include the creation of any divisions
5648 necessary to implement the duties assigned to the center. It is
5649 specifically provided that the commissioner establish such units
5650 within the center as he deems necessary to include but not limited
5651 to areas of economic analysis, economic forecasting, long range
5652 economic development planning, research, grants, services and
5653 university and agency coordination and reporting.

5654 * * *

5655 (4) The Commissioner of Higher Education shall use savings
5656 realized through personnel attrition and other economies created
5657 by the reorganization effected in Senate Bill No. 2925, 1988
5658 Regular Session [Laws, 1988, Chapter 518], to establish a special
5659 account in the University Research Center out of which funds may
5660 be expended to conduct priority research projects by contracting
5661 with universities, agencies and individuals.

5662 **SECTION 152.** Section 37-141-5, Mississippi Code of 1972, is
5663 amended as follows:

5664 37-141-5. The main office building of the University
5665 Research Center and the Mississippi Development Authority in the
5666 City of Jackson shall be known and designated as the Paul B.
5667 Johnson, Jr. Building. The Commissioner of Higher Education and
5668 the Governor's Office of General Services shall coordinate and
5669 cooperate to effect the relocation of the Mississippi Development
5670 Authority to the Paul B. Johnson, Jr. Building and any other
5671 related agency relocations necessary to accomplish the requirement
5672 of this section if such relocation is feasible. If such
5673 relocation of the Mississippi Development Authority to the Paul B.
5674 Johnson, Jr. Building is not feasible because of space
5675 limitations, the Governor's Office of General Services shall
5676 coordinate the relocation of such authority to some other location
5677 and shall, if possible, secure the amount of space necessary to
5678 also place the University Research Center in the same location
5679 with the authority.

5680 The Office of General Services shall provide proper signs to
5681 be placed on the building in accordance with this section.

5682 **SECTION 153.** Section 37-141-13, Mississippi Code of 1972, is
5683 amended as follows:

5684 37-141-13. (1) The Commissioner of Higher Education shall
5685 have responsibility for the administration of the center. By so
5686 designating the commissioner as administrator for the center, the
5687 Legislature hereby expresses its intent that the center shall have

5688 a relationship of close cooperation and coordination with the
5689 several universities but that the center shall not be under the
5690 control or influence of any single institution. * * *

5691 Academically eligible center staff may hold appointment to
5692 faculties of state universities and university faculty members may
5693 be assigned to the center.

5694 (2) The Mississippi Development Authority, being the
5695 economic development agency for the state, shall advise on the
5696 programs and projects of the center focused upon economic
5697 development.

5698 (3) The center may advise the various agencies and
5699 departments of state government regarding internal research needs
5700 and programs and shall assist in the establishment of such
5701 programs where needed. These programs shall be coordinated by the
5702 center in order to minimize duplication of effort, to maximize
5703 utilization of data and equipment and to standardize procedures
5704 for the more efficient pursuit of research.

5705 (4) Communities, counties, special-purpose districts,
5706 multicounty area development groupings and other such
5707 organizations may call upon the center for informational services.
5708 Specific research projects may be undertaken by the center for
5709 such organizations on a contract basis.

5710 (5) The center may provide advice and counsel, consistent
5711 with its duties and responsibilities, to the private business
5712 community. Consultation and information may also be made
5713 available to other segments of the private business community.
5714 Advice and assistance for the establishment of research programs
5715 within business organizations may be provided by the center.
5716 Specific research projects may be undertaken by the center for
5717 private business on a contract basis. The center may solicit and
5718 accept grants and other financial aid or support from private
5719 sources.

5720 **SECTION 154.** Section 37-141-15, Mississippi Code of 1972, is
5721 amended as follows:

5722 37-141-15. With the approval of the Commissioner of Higher
5723 Education, the center may establish and staff branch operations at
5724 various universities within the state.

5725 **SECTION 155.** Section 37-141-17, Mississippi Code of 1972, is
5726 amended as follows:

5727 37-141-17. The center, on behalf of the Commissioner of
5728 Higher Education, shall prepare an annual report of economic
5729 development activities of those agencies and institutions subject
5730 to the commissioner. The report shall describe:

5731 (a) Economic development efforts and accomplishments of
5732 the University Research Center, each university, and each
5733 institute.

5734 (b) Efforts and accomplishments of the center in
5735 coordinating economic development activities among the
5736 universities.

5737 (c) Recommendations of the center for coordination and
5738 utilization of university resources in economic development, for
5739 university-based initiatives in economic development, and for
5740 funding related to economic development and plans of the
5741 universities.

5742 (d) Assistance rendered to the Mississippi Development
5743 Authority by the center and each university.

5744 (e) Activities and accomplishments of staff assigned to
5745 planning and development districts pursuant to Section 37-141-19.

5746 (f) Any other information which the center wishes to
5747 present.

5748 The annual report shall be submitted to the Governor and the
5749 Joint Legislative Budget Committee not later than July 1 of each
5750 year.

5751 **SECTION 156.** Section 37-141-19, Mississippi Code of 1972, is
5752 amended as follows:

5753 37-141-19. The board of trustees of each state institution
5754 of higher learning shall require that the president of the
5755 university under its jurisdiction designate, at the level of vice
5756 president, a person responsible for economic development
5757 activities at the university. The person so designated shall be
5758 the primary contact at each university for the center in carrying
5759 out its responsibilities related to coordinating, assisting,
5760 monitoring and reporting on economic development activities at the
5761 universities.

5762 **SECTION 157.** Section 37-141-21, Mississippi Code of 1972, is
5763 amended as follows:

5764 37-141-21. (1) The director of the center, subject to the
5765 approval of the Commissioner of Higher Education, shall fix the
5766 salaries and wages of employees of the center, shall reimburse
5767 employees for actual expenses incurred in the performance of their
5768 duties, and may approve receipt by employees of additional income
5769 payments from grants, fellowships and other sources.

5770 (2) The director of the center, upon approval of the
5771 commissioner, may contract with universities and colleges, with
5772 individuals and with public or private research organizations for
5773 their services and, under the same approval, may contract for
5774 performance by the center of services to governmental subdivisions
5775 of the state, to United States government departments and
5776 agencies, to area development organizations, to trade associations
5777 and other similar groups of public or private nature, and to
5778 private business enterprises, and may set fees for such services.
5779 Upon approval of the commissioner, the center may establish intern
5780 programs to provide experience that supplements the education of
5781 students enrolled in state institutions of higher learning.

5782 (3) Expenditures by and for the center and its branches
5783 shall be paid by the State Treasurer out of the funds appropriated
5784 to carry out the provisions of this chapter, upon warrant issued
5785 by the State Fiscal Management Board; and such board shall issue

5786 its warrant upon requisition signed by the director of the center,
5787 in the manner provided by law. Full and complete accounting shall
5788 be kept and made by the center for all funds received and expended
5789 by it. Representatives of the office of the State Auditor
5790 annually shall audit the expenditures of funds received by the
5791 center from all sources, and the auditor shall make a complete and
5792 detailed report of such audit to the Legislature.

5793 **SECTION 158.** Section 37-143-3, Mississippi Code of 1972, is
5794 amended as follows:

5795 37-143-3. The Legislature makes the following findings of
5796 fact and declarations of purpose: By legislative enactment, five
5797 (5) loan or scholarship programs have been created wherein
5798 Mississippi residents are granted scholarships in certain
5799 professional fields in return for their contractual obligation to
5800 perform services in such professions under a variety of
5801 requirements of location, duration, manner and mode of service,
5802 and institution in which performed. Such loan or scholarship
5803 programs provide variously for different degrees of recourse in
5804 the event that the recipient's contract is not fulfilled, but
5805 shall provide in every case that the scholarship convert to a loan
5806 which must be repaid at interest and, in some of the programs,
5807 require the payment of penalties also. In addition to the
5808 foregoing described loan or scholarship programs, a State of
5809 Mississippi fund-financed loan program was created in the
5810 Postsecondary Education Financial Assistance Law of 1975. The
5811 purposes and needs, for which the Postsecondary Education
5812 Financial Assistance Law was enacted, have now been almost
5813 entirely supplanted by the provisions of the federal laws
5814 providing for guaranteed student loans. The Legislature further
5815 finds, that as a result of the restrictive and punitive provisions
5816 contained in the loan or scholarship programs in existence prior
5817 to this chapter, there are low levels of utilization of such
5818 programs. The Legislature further finds that such programs being

5819 enacted at various times and for various specialized purposes have
5820 inconsistencies in the provisions for their administration, which
5821 should be made consistent, uniform and regular. The Legislature
5822 further finds that because of the low use of the Postsecondary
5823 Education Financial Assistance Law, there are sums of monies
5824 dedicated for use in student loans or scholarships which could be
5825 utilized in the improved scholarship or loan programs created by
5826 this chapter. The Legislature finds and declares that such older
5827 existing revolving funds should be collapsed and consolidated into
5828 a single revolving fund in support of the loan or scholarship
5829 programs authorized herein. The Legislature further finds and
5830 declares that there is a need for the creation of additional
5831 scholarship programs for the purpose of encouraging eligible
5832 Mississippi residents to enter into professional schools, and
5833 that, in particular, there should be programs to encourage the
5834 participation of minorities in graduate professional programs in
5835 the institutions of this state, and that the Commissioner of
5836 Higher Education should be granted the power and authority to
5837 create and implement such new loan or scholarship programs as the
5838 need may arise. And the Legislature further finds and declares
5839 that there is a need to create an ability within the office of the
5840 commissioner to fashion new and innovative systems for the
5841 financing of loan or scholarship programs by combining the use of
5842 private sector loans for education and guaranteed student loans
5843 with scholarship repayment programs promulgated by the board, and
5844 that the board should be granted authority to devise and develop
5845 such innovative systems to obtain the most efficient use of state
5846 funds to encourage entry and service in certain professional
5847 fields.

5848 **SECTION 159.** Section 37-143-5, Mississippi Code of 1972, is
5849 amended as follows:

5850 37-143-5. (1) There is hereby created the medical loan or
5851 scholarship program. The purpose of such program shall be to

5852 enable eligible applicants who desire to become physicians to
5853 obtain a medical education in the University of Mississippi School
5854 of Medicine, which will qualify them to become licensed,
5855 practicing physicians and surgeons.

5856 (2) The Board of Trustees of the University of Mississippi
5857 shall establish, by rule and regulation, the maximum annual award
5858 which may be made under this program at an amount not to exceed
5859 the cost of tuition and other expenses, and shall establish the
5860 maximum number of awards which may be made not to exceed the
5861 length of time required to complete the degree requirements and
5862 internship or residency.

5863 (3) Loans made to applicants under this program may be made
5864 under similar terms and conditions as then current provisions of
5865 the Federal Guaranteed Student Loan Program, or its successor, as
5866 to the repayment of principal and interest. Such loans shall be
5867 eligible for deferment during attendance as a full-time student in
5868 an approved course of training. No interest shall accrue on such
5869 loan during the time the recipient is in such attendance. Such
5870 loans may be eligible for other deferments for such other causes
5871 as may be established by the board by rule and regulations not
5872 inconsistent with the foregoing.

5873 (4) Loans made to applicants shall be made and based upon
5874 the following options for repayment or conversion to interest-free
5875 scholarships:

5876 (a) Payment in full of principal and interest must be
5877 made in sixty (60) or less equal monthly installments, commencing
5878 one (1) month after graduation and internship or residency, or
5879 termination of attendance as a full-time student;

5880 (b) In lieu of payment in full of both principal and
5881 interest, a loan recipient may elect to repay by entry into public
5882 health work at a state health institution as defined in Section
5883 37-143-13(2), or community health centers that are grantees under
5884 Section 330 of the United States Public Health Service Act.

5885 Repayment under this option shall convert loan to scholarship, and
5886 discharge the same, on the basis of one (1) year's service for one
5887 (1) year's loan amount, or the appropriate proportion of the total
5888 outstanding balance of principal and interest, all as shall be
5889 established by rule and regulation of the board of trustees. If
5890 at any time prior to the repayment in full of the total obligation
5891 the recipient abandons or abrogates repayment by this option, the
5892 provisions of Section 37-143-5(d) shall apply;

5893 (c) In lieu of payment in full of both principal and
5894 interest, a loan recipient may elect to repay by entry into the
5895 practice of medicine in a primary health care field in an area
5896 outside of a metropolitan statistical area, as defined and
5897 established by the United States Census Bureau, and within a
5898 region ranking between 1 and 54, inclusively, on the Relative
5899 Needs Index of Five Factors for Primary Care Physicians, as
5900 annually determined by the State Board of Health, for a period of
5901 five (5) years. Repayment under this option shall convert loan to
5902 scholarship, and discharge the same on the basis of one (1) year's
5903 service for one (1) year's loan amount, or the appropriate
5904 proportion of the total outstanding balance of principal and
5905 interest, all as shall be established by rule and regulation of
5906 the board of trustees. If at any time prior to the repayment in
5907 full of the total obligation the recipient abandons or abrogates
5908 repayment by this option, the provisions of Section 37-143-5(4)(d)
5909 shall apply;

5910 (d) In the event of abandonment or abrogation of the
5911 options for repayment as provided for in Section 37-143-5(4)(b)
5912 and (c), the remaining balance of unpaid or undischarged principal
5913 and interest shall become due and payable over the remaining
5914 period of time as if the option provided for in Section
5915 37-143-5(4)(a) had been elected upon graduation and internship or
5916 residency.

5917 (5) The board * * * shall establish such rules and
5918 regulations as it deems necessary and proper to carry out the
5919 purposes and intent of this section.

5920 **SECTION 160.** Section 37-143-6, Mississippi Code of 1972, is
5921 amended as follows:

5922 37-143-6. (1) There is established a Medical Education
5923 Scholarship and Loan Repayment Program, which shall be
5924 administered by the Board of Trustees of the University of
5925 Mississippi. Each year, the program shall provide a certain
5926 number of eligible applicants, if the applicant meets the
5927 conditions upon which the scholarship or loan repayment is
5928 granted, with: (a) a full scholarship to obtain a medical
5929 education at the University of Mississippi School of Medicine at
5930 no cost to the recipient; or (b) funds for repaying state and
5931 federal medical education loans.

5932 (2) The program shall provide scholarships or loan
5933 repayments to up to twenty (20) new recipients each year, of which
5934 no more than ten (10) may be recipients of loan repayments. The
5935 program shall be funded from monies appropriated from the Health
5936 Care Expendable Fund established under Section 43-13-407. The
5937 amounts that may be expended annually for scholarships and loan
5938 repayments under the program shall not exceed the following: Five
5939 Hundred Thousand Dollars (\$500,000.00) in fiscal year 2001; One
5940 Million Dollars (\$1,000,000.00) in fiscal year 2002; One Million
5941 Five Hundred Thousand Dollars (\$1,500,000.00) in fiscal year 2003;
5942 and Two Million Dollars (\$2,000,000.00) in fiscal year 2004 and in
5943 any later fiscal year.

5944 (3) A scholarship awarded under this program shall be in an
5945 amount that will pay the full cost of attendance, as defined by
5946 federal law and regulation, at the University of Mississippi
5947 School of Medicine for the entire time necessary for the recipient
5948 to complete the requirements for a medical degree. The actual

5949 amount of the scholarship shall be determined by the Office of
5950 Financial Aid of the University of Mississippi Medical Center.

5951 (4) Before being granted a scholarship, each applicant shall
5952 enter into a contract with the board of trustees, which shall be
5953 deemed a contract with the State of Mississippi, agreeing to the
5954 terms and conditions upon which the scholarship will be granted.
5955 In order to receive a scholarship under the program, the recipient
5956 must agree in the contract to practice family medicine for a
5957 period of not less than six (6) years after completion of his or
5958 her residency in an area of the state that is a critical needs
5959 area for primary medical care at the time of the recipient's entry
5960 into medical practice. The determination and designation of the
5961 areas of the state that are critical needs areas for primary
5962 medical care in which scholarship recipients may practice shall be
5963 made by a committee to be known as the Medical Care Critical Needs
5964 Committee, which shall be composed of the following persons: the
5965 Vice Chancellor for Health Affairs of the University of
5966 Mississippi Medical Center, who shall be chairman of the
5967 committee; the Executive Director of the State Department of
5968 Health; the Executive Director of the Division of Medicaid; the
5969 President of the Mississippi State Medical Association or his
5970 designee; the President of the Mississippi State Hospital
5971 Association or his designee; the President of the Mississippi
5972 Academy of Family Physicians; and the Executive Director of the
5973 Mississippi Primary Health Care Association. The committee shall
5974 meet at least once annually to determine and designate the areas
5975 of the state that are critical needs areas for primary medical
5976 care in which scholarship recipients may practice family medicine
5977 in order to fulfill their contractual obligation.

5978 (5) (a) Beginning on July 1, 2001, the Board of Trustees of
5979 the University of Mississippi may use any funds available under
5980 the Medical Education Scholarship and Loan Repayment Program for
5981 repaying state and federal medical education loans made to

5982 licensed family medicine physicians who agree to practice family
5983 medicine for a period of not less than two (2) years in an area of
5984 the state that is a critical needs area for primary medical care,
5985 as designated by the Medical Care Critical Needs Committee. For
5986 the first two (2) years of practice of family medicine in a
5987 critical needs area for primary medical care, the recipient shall
5988 receive a state loan repayment in the amount of Forty Thousand
5989 Dollars (\$40,000.00). For each additional year of family medicine
5990 practice in that area after two (2) years, for a maximum of four
5991 (4) additional years, the recipient shall receive a state loan
5992 repayment in the amount of Ten Thousand Dollars (\$10,000.00) for
5993 each additional year of practice. The board of trustees shall use
5994 any funds available under the Medical Education Scholarship and
5995 Loan Repayment Program to apply for and receive federal matching
5996 funds from the National Health Service Corps to assist in the
5997 repayment of qualified educational loans for primary health care
5998 clinicians, including dentists and nurse practitioners, who agree
5999 to practice in a critical needs area for primary medical care. In
6000 order to receive a state loan repayment under this section, an
6001 applicant must enter into a contract with the board of trustees,
6002 which shall be deemed a contract with the State of Mississippi,
6003 agreeing to the terms and conditions upon which the loan repayment
6004 will be granted. The contract must include all conditions
6005 specified under subsection (4) for scholarship recipients;
6006 however, for a loan repayment, the minimum period of service
6007 required in an area of the state that is a critical needs area for
6008 primary medical care at the time the contract is executed is two
6009 (2) years. The contract also must specify the total amount of the
6010 loan repayment and a schedule for making payments to the
6011 recipient, based upon the recommendation of the Medical Care
6012 Critical Needs Committee.

6013 (b) The board of trustees shall give priority in
6014 awarding loan repayments to family medicine physicians according
6015 to the following:

6016 (i) University of Mississippi School of Medicine
6017 graduates or persons who have completed successfully a full
6018 three-year family medicine residency training program in the State
6019 of Mississippi;

6020 (ii) Persons who were born in Mississippi who have
6021 completed training in a certified family medicine residency
6022 program outside the State of Mississippi; and

6023 (iii) Physicians who are practicing outside the
6024 State of Mississippi who received training at a medical school
6025 outside the state and who are board certified in family practice.

6026 (c) The Medical Care Critical Needs Committee shall
6027 meet at least once annually to determine and designate the areas
6028 of the state that are critical needs areas for primary medical
6029 care in which loan repayment recipients may practice family
6030 medicine and other primary care health professional disciplines in
6031 order to fulfill their contractual obligation. The committee also
6032 shall determine the priority of additional primary health care
6033 clinicians who are eligible to participate in the state loan
6034 repayment program using any National Health Service Corps matching
6035 funds or other funds excluding funds appropriated by the
6036 Legislature.

6037 (6) If a scholarship recipient leaves the University of
6038 Mississippi School of Medicine before graduation, or leaves his or
6039 her residency before completion, or fails to practice family
6040 medicine for a period of six (6) years in a critical needs area
6041 for primary medical care as designated by the Medical Care
6042 Critical Needs Committee under subsection (4) of this section, the
6043 full amount that the recipient received under the scholarship
6044 shall be due and payable within ninety (90) days, together with
6045 interest. If a loan repayment recipient fails to practice family

6046 medicine for a period of two (2) years in a critical needs area
6047 for primary medical care as designated by the Medical Care
6048 Critical Needs Committee under subsection (5)(c) of this section,
6049 the full amount that the recipient received for loan repayments
6050 shall be due and payable within ninety (90) days, together with
6051 interest. The amount of interest due shall be equal to the annual
6052 rate of return on the Health Care Trust Fund established under
6053 Section 43-13-405 for each year from the time the recipient
6054 received the scholarship or loan repayment money until the time
6055 the scholarship or loan repayment money is repaid. The board of
6056 trustees may bring suit against any scholarship or loan repayment
6057 recipient to recover the amount due to the state under this
6058 section for the recipient's failure to comply with the conditions
6059 upon which the scholarship or loan repayment was granted, as
6060 provided in this section and in the contract between the recipient
6061 and the board of trustees. The board of trustees is authorized to
6062 postpone or forgive the repayment of all or part of the amount
6063 that a recipient received under the scholarship or for loan
6064 repayments and the interest that would otherwise be due under this
6065 subsection if the recipient's failure to comply with the
6066 conditions upon which the scholarship or loan repayment was
6067 granted was due to circumstances beyond the recipient's control
6068 that caused the recipient to be physically unable to comply with
6069 those conditions, such as suffering a severe illness, injury or
6070 other disabling condition.

6071 (7) The board of trustees shall establish such rules and
6072 regulations, based upon recommendations submitted by the Medical
6073 Care Critical Needs Committee, which it deems necessary and proper
6074 to carry out the purposes and intent of this section.

6075 **SECTION 161.** Section 37-143-7, Mississippi Code of 1972, is
6076 amended as follows:

6077 37-143-7. (1) There is hereby created the dental loan or
6078 scholarship program. The purpose of such program shall be to

6079 enable eligible applicants who desire to become dentists to obtain
6080 a standard four-year education in the study of dentistry in the
6081 University of Mississippi School of Dentistry, which will qualify
6082 them to become licensed, practicing dentists.

6083 (2) The Board of Trustees of the University of Mississippi
6084 shall establish, by rule and regulation, the maximum annual award
6085 which may be made under this program at an amount not to exceed
6086 the cost of tuition and other expenses, and shall establish the
6087 maximum number of awards, which may be made not to exceed the
6088 length of time required to complete the degree requirements.

6089 (3) Loans made to applicants under this program may be made
6090 under similar terms and conditions as then current provisions of
6091 the Federal Guaranteed Student Loan Program, or its successor, as
6092 to the repayment of principal and interest. Such loans shall be
6093 eligible for deferment during attendance as a full-time student in
6094 an approved course of training. No interest shall accrue on such
6095 loan during the time the recipient is in such attendance. Such
6096 loans may be eligible for other deferments for such other causes
6097 as may be established by the board by rule and regulations not
6098 inconsistent with the foregoing.

6099 (4) Loans made to applicants shall be made and based upon
6100 the following options for repayment or conversion to interest-free
6101 scholarships:

6102 (a) Payment in full of principal and interest must be
6103 made in sixty (60) or less equal monthly installments, commencing
6104 one (1) month after graduation or termination of attendance as a
6105 full-time student;

6106 (b) In lieu of payment in full of both principal and
6107 interest, a loan recipient may elect to repay by entry into public
6108 health work at a state health institution as defined in Section
6109 37-143-13(2), or community health centers that are grantees under
6110 Section 330 of the United States Public Health Service Act.

6111 Repayment under this option shall convert loan to scholarship, and

6112 discharge the same, on the basis of one (1) year's service for one
6113 (1) year's loan amount, or the appropriate proportion of the total
6114 outstanding balance of principal and interest, all as shall be
6115 established by rule and regulation of the board of trustees. If
6116 at any time prior to the discharge in full of the total obligation
6117 the recipient abandons or abrogates repayment by this option, the
6118 provisions of Section 37-143-7(4)(d) shall apply;

6119 (c) In lieu of payment in full of both principal and
6120 interest, a loan recipient may elect to repay by entry into the
6121 practice of dentistry in an area outside of a metropolitan
6122 statistical area, as defined and established by the United States
6123 Census Bureau, and within a region ranking between 1 and 54,
6124 inclusively, on the Relative Needs Index of Four Factors for
6125 Dentists, as annually determined by the State Board of Health, for
6126 a period of five (5) years. Repayment under this option shall
6127 convert loan to scholarship and discharge the same on the basis of
6128 one (1) year's service for one (1) year's loan amount, or the
6129 appropriate proportion of the total outstanding balance of
6130 principal and interest, all as shall be established by rule and
6131 regulation of the board of trustees. If at any time prior to the
6132 repayment in full of the total obligation the recipient abandons
6133 or abrogates repayment by this option, the provisions of Section
6134 37-143-7(4)(d) shall apply;

6135 (d) In the event of abandonment or abrogation of the
6136 options for repayment as provided for in Section 37-143-7(4)(b)
6137 and (c), the remaining balance of unpaid or undischarged principal
6138 and interest shall become due and payable over the remaining
6139 period of time as if the option provided for in Section
6140 37-143-7(4)(a) had been elected upon graduation.

6141 (5) The board * * * shall establish such rules and
6142 regulations as it deems necessary and proper to carry out the
6143 purposes and intent of this section.

6144 **SECTION 162.** Section 37-143-9, Mississippi Code of 1972, is
6145 amended as follows:

6146 37-143-9. There is created a program for advanced study in
6147 nursing. Scholarships are established and shall be allocated to
6148 students who: (a) have graduated from an accredited high school
6149 and from a school of nursing and are licensed registered nurses in
6150 Mississippi; and (b) are approved by the Commissioner of Higher
6151 Education; and (c) enter into contract with the commissioner,
6152 obligating themselves to pursue to completion the course of study
6153 agreed upon, and immediately following the completion of such
6154 work, to spend a period of time, equal to the period of study
6155 provided under the scholarship, in teaching nursing at any
6156 accredited school of nursing in Mississippi, approved by the
6157 commissioner, or in performing other work in the interest of
6158 public health in the state, to be approved by the commissioner.
6159 Such period of service, after completion of study under a
6160 scholarship, shall in no event be less than one (1) year.

6161 In addition to a scholarship, any such student may be
6162 allocated a loan not to exceed One Thousand Dollars (\$1,000.00)
6163 per month for each month of full-time study in a graduate nursing
6164 program. The repayment of the principal and interest of such
6165 loans shall be eligible for deferment during attendance as a
6166 full-time student in an approved program for advanced study in an
6167 accredited school of nursing. For any student who receives this
6168 loan, the student's contract with the commissioner shall obligate
6169 the student, immediately following completion of the course of
6170 study, to repay the loan by teaching nursing for not less than two
6171 (2) years at any accredited school of nursing in Mississippi
6172 approved by the commissioner. Such teaching service shall convert
6173 the loan to an interest-free scholarship, and discharge the same,
6174 on the basis of two (2) years of service for one-year's loan
6175 amount, or the appropriate proportion of the total outstanding
6176 balance of principal and interest, all as established by rule and

6177 regulation of the commissioner. Any such student who fails to
6178 complete all of the teaching service obligation shall be liable to
6179 the commissioner for the remaining balance of the principal and
6180 interest that remains undischarged.

6181 The commissioner shall establish such rules and regulations
6182 as it deems necessary and proper to carry out the purposes and
6183 intent of this section.

6184 **SECTION 163.** Section 37-143-11, Mississippi Code of 1972, is
6185 amended as follows:

6186 37-143-11. (1) It is the intention of the Legislature to
6187 attract and retain qualified teachers by awarding incentive loans
6188 to persons declaring an intention to serve in the teaching field
6189 and who actually render service to the state while possessing an
6190 appropriate teaching license.

6191 (2) There is established the "William F. Winter Teacher
6192 Scholar Loan Program."

6193 (3) To the extent of appropriations available, students who
6194 are enrolled in any baccalaureate degree-granting institution of
6195 higher learning in the State of Mississippi accredited by the
6196 Southern Association of Colleges and Schools and approved by the
6197 Mississippi Commission on College Accreditation, or any accredited
6198 nonprofit community or junior college, and who have expressed in
6199 writing a present intention to teach in Mississippi, shall be
6200 eligible for student loans to be applied to the costs of their
6201 college education. Persons who have been admitted to a teacher
6202 education program or a nontraditional teacher internship licensure
6203 program authorized under Section 37-3-2(6)(b), as approved by the
6204 State Board of Education, shall also qualify for loans at approved
6205 institutions.

6206 (4) A freshman establishing initial eligibility shall be
6207 eligible for a maximum of four (4) annual loans and a senior shall
6208 be eligible for one (1) annual loan.

6209 (5) The maximum annual loan shall be set by the Commissioner
6210 of Higher Education at an amount not to exceed the cost of
6211 attendance at any baccalaureate degree-granting institution of
6212 higher learning in the State of Mississippi. However, it is the
6213 intent of the Legislature that the maximum annual loan amounts
6214 under the William F. Winter Teacher Scholar Loan Program shall not
6215 be of such amounts that would compete with the Critical Needs
6216 Teacher Scholarship Program.

6217 (6) The loans of persons who actually render service as
6218 licensed teachers or nontraditional teacher interns authorized
6219 under Section 37-3-2 (6)(b) in a public school in Mississippi for
6220 a major portion of the school day for at least seventy-eight (78)
6221 school days during each of eight (8) school semesters of the ten
6222 (10) immediately after obtaining a baccalaureate degree, shall be
6223 converted to interest-free scholarships. Conversion shall be
6224 based on two (2) semesters of service for each year a loan was
6225 received, and the Commissioner of Higher Education shall not
6226 authorize the conversion of loans into interest-free scholarships
6227 at any other ratio, except as follows: Participants in the
6228 William F. Winter Teacher Scholar Loan Program may have their
6229 loans converted into interest-free scholarships at the same ratio
6230 as under the Critical Needs Teacher Scholarship Program if they
6231 render service as a licensed teacher or nontraditional teacher
6232 intern authorized under Section 37-3-2 (6)(b) in a public school
6233 district in a geographical area of the state where there is a
6234 critical shortage of teachers, as designated by the State Board of
6235 Education.

6236 (7) Persons failing to complete an appropriate program of
6237 study shall immediately become liable to the Commissioner of
6238 Higher Education for the sum of all outstanding loans, except in
6239 the case of a deferral of debt for cause by the commissioner,
6240 after which period of deferral, study may be resumed. Persons
6241 failing to meet teaching requirements in any required semester

6242 shall immediately be in breach of contract and become liable to
6243 the board for the amount of the corresponding loan received, with
6244 interest accruing at the current Stafford Loan rate at the time
6245 the breach occurs, except in the case of a deferral of debt for
6246 cause by the board, after which period of deferral, teaching
6247 duties required hereunder will be resumed. If the claim for
6248 payment of such loan is placed in the hands of an attorney for
6249 collection after default, then the obligor shall be liable for an
6250 additional amount equal to a reasonable attorney's fee.

6251 (8) A loan made pursuant to this section shall not be
6252 voidable by reason of the age of the borrower at the time of
6253 receiving the loan.

6254 (9) Failure to repay any loan and interest that becomes due
6255 shall be cause for the revocation of a person's teaching license
6256 by the State Department of Education.

6257 (10) All monies repaid to the Commissioner of Higher
6258 Education hereunder shall be added to the appropriations made for
6259 purposes of this section, and those appropriations shall not
6260 lapse.

6261 (11) The Commissioner of Higher Education with the
6262 concurrence of the State Board of Education shall jointly
6263 promulgate regulations necessary for the proper administration of
6264 this section.

6265 (12) If insufficient funds are available for requested loans
6266 to a qualified student during any fiscal year, the commissioner
6267 shall make pro rata reductions in the loans made to qualifying
6268 applicants. Priority consideration shall be given to persons
6269 receiving previous loans and participating in the program.

6270 (13) The commissioner shall make an annual report to the
6271 Legislature. Each report shall contain a complete enumeration of
6272 the * * * loans or scholarships granted, names of persons to whom
6273 granted and the institutions attended by those receiving the same,
6274 the teaching location of applicants who have received their

6275 education and become licensed teachers within this state as a
6276 result of the loans and/or scholarships. The commissioner shall
6277 make a full report and account of receipts and expenditures for
6278 salaries and expenses incurred under the provisions of this
6279 section. The commissioner shall, upon his records and any
6280 published reports, distinguish between those recipients who have
6281 breached their contracts but with the commissioner's permission
6282 who have paid their financial obligations in full, and those
6283 recipients who have breached their contracts and remain
6284 financially indebted to the state.

6285 **SECTION 164.** Section 37-143-15, Mississippi Code of 1972, is
6286 amended as follows:

6287 37-143-15. The Commissioner of Higher Education is
6288 authorized and empowered to establish loan or scholarship programs
6289 of like character, operation and purpose to the foregoing
6290 enumerated programs to encourage the participation of eligible
6291 worthy persons in courses of instruction in the public
6292 institutions of higher learning, and in furtherance of such power
6293 and authority is authorized: to adopt and implement rules and
6294 regulations declaring and describing the goals and objectives of
6295 such loan or scholarship programs; to establish the eligibility
6296 requirements for entry into such program and required for
6297 continuing participation for succeeding years; to determine the
6298 maximum amount to be made available to recipients; to delineate
6299 the terms and conditions of contracts with recipients and
6300 establish the service requirements for such contracts, if any; to
6301 enter into contracts pertaining to such programs with recipients;
6302 to enter into loan agreements and other contracts with financial
6303 institutions or other providers of loan monies for scholarship or
6304 loan participants; and to allocate and utilize such funds as may
6305 be necessary for the operation of such loan or scholarship
6306 programs from the annual appropriation for student financial aid.

6307 In issuing rules and regulations governing the administration of
6308 the Graduate Teacher Summer Scholarship (GTS) Program, the
6309 commissioner shall provide that certified teachers at the Columbia
6310 or Oakley Training Schools under the jurisdiction of the
6311 Department of Human Services shall be fully eligible to
6312 participate in said program.

6313 **SECTION 165.** Section 37-143-19, Mississippi Code of 1972, is
6314 amended as follows:

6315 37-143-19. The Commissioner of Higher Education is
6316 authorized to establish a consolidated revolving loan fund for the
6317 purpose of providing monies for the operation of all loan or
6318 scholarship programs authorized * * * by this chapter, and to the
6319 Postsecondary Education Financial Assistance Board by the
6320 provisions of Chapter 106 of Title 37, Mississippi Code of 1972,
6321 and for the purpose of providing monies for the operation of such
6322 other loan programs as may be deemed appropriate and authorized by
6323 the commissioner from time to time for the furtherance of
6324 education of eligible applicants. The commissioner shall be
6325 charged with the duty of directing the dispensing of such funds in
6326 a manner so as to best effectuate the purpose of this chapter.
6327 Any monies collected in the form of repayment of loans, both
6328 principal and interest, shall be deposited in this fund. The
6329 commissioner is authorized to maintain such revolving fund in an
6330 official state depository and, in accordance with Section
6331 27-105-21, Mississippi Code of 1972, shall invest such funds, less
6332 the amount required for current operation, at interest as required
6333 by said section. All interest earned on such investments shall
6334 likewise be deposited in said fund. From such revolving fund, the
6335 commissioner shall provide the Postsecondary Education Financial
6336 Assistance Board such sums as shall be required to fulfill its
6337 role as lender of last resort to the Guarantee Student Loan
6338 program. The assets of the Postsecondary Education Financial
6339 Assistance Board, including cash and loans on hand, shall not

6340 exceed Five Hundred Thousand Dollars (\$500,000.00), and repayments
6341 of principal and interest and all other revenue * * * shall be
6342 deposited in the fund created hereby.

6343 From and after * * * July 1, 1991, the sums maintained in the
6344 respective revolving funds being repealed by Chapter 547, Laws,
6345 1991, or other revolving funds being maintained by the
6346 commissioner shall become and constitute the monies of the
6347 consolidated revolving fund created by this section, wherever such
6348 funds may be physically located. The commissioner is hereby
6349 authorized to transfer said funds to an official state depository,
6350 as aforesaid.

6351 **SECTION 166.** Section 37-143-21, Mississippi Code of 1972, is
6352 amended as follows:

6353 37-143-21. The board of trustees of each state institution
6354 of higher learning shall make an annual report to the Legislature.
6355 Each said report shall contain a complete summary of the board's
6356 activities, loans or scholarships granted, names of persons to
6357 whom granted, institutions attended by those receiving same, and
6358 the location of loan recipients who have contracted to repay loan
6359 or scholarship through approved service in their profession. The
6360 board shall make a full report and account of the receipts and
6361 expenditures for salaries and expenses incurred under the
6362 provisions of this chapter. The board shall, upon its records and
6363 any published reports, distinguish between those recipients who
6364 have breached their contracts, but with the board's permission who
6365 have paid their financial obligations in full, and those
6366 recipients who have breached their contracts and remain
6367 financially indebted to the state.

6368 **SECTION 167.** Section 37-145-3, Mississippi Code of 1972, is
6369 amended as follows:

6370 37-145-3. As used in this chapter:

6371 (a) "Company" means the Mississippi Business Finance
6372 Corporation established pursuant to Section 57-10-167.

6373 (b) "Board of trustees" means the board of trustees of
6374 each state institution of higher learning.

6375 (c) "Guaranty Agency" means the Mississippi Guarantee
6376 Student Loan Agency * * *.

6377 **SECTION 168.** Section 37-147-5, Mississippi Code of 1972, is
6378 amended as follows:

6379 37-147-5. The following words shall have the meaning
6380 ascribed herein unless the context clearly requires otherwise:

6381 (a) "Act" means the Mississippi University Research
6382 Authority Act;

6383 (b) "Authority" means the entity created pursuant to
6384 this act;

6385 (c) "Board" means the board of trustees of each state
6386 institution of higher learning;

6387 (d) "Technological innovations" means research,
6388 development, prototype assembly, manufacture, patenting,
6389 licensing, marketing and sale of inventions, ideas, practices,
6390 applications, processes, machines, technology and related property
6391 rights of all kinds; * * *

6392 (e) "University" means a Mississippi educational
6393 institution established pursuant to the provisions of Section 213A
6394 of the 1890 Constitution of the State of Mississippi; and

6395 (f) "Intellectual property" means any formula, pattern,
6396 compilation, program, device, method, technique or process created
6397 primarily as a result of the research effort of an employee or
6398 employees of an institution of higher learning of the State of
6399 Mississippi.

6400 **SECTION 169.** Section 37-147-15, Mississippi Code of 1972, is
6401 amended as follows:

6402 37-147-15. (1) With the approval of the Commissioner of
6403 Higher Education, any university may form, pursuant to the
6404 provisions of the Mississippi Nonprofit Corporation Act or the
6405 Mississippi Business Corporation Act, one or more research

6406 corporations, separate and apart from the state and the
6407 university, to promote, develop and administer enterprises arising
6408 from research or technological innovations in order to take
6409 advantage of opportunities of scientific, educational and economic
6410 development.

6411 (2) Each such corporation shall be governed by, and all of
6412 the functions, powers and duties of it shall be exercised by, a
6413 board of directors appointed by the president of the university.
6414 Members of the board of directors may include the president of the
6415 university, officers and employees of the university, and other
6416 persons selected by the president of the university. Officers and
6417 employees of the university may have ownership or financial
6418 interests in such corporations.

6419 (3) The board of directors of each such corporation shall
6420 adopt bylaws, in accordance with the provisions of the Mississippi
6421 Nonprofit Corporation Act or the Mississippi Business Corporation
6422 Act, as appropriate, governing the conduct of the corporation in
6423 the performance of its duties under its charter and this act.

6424 **SECTION 170.** Section 37-149-1, Mississippi Code of 1972, is
6425 amended as follows:

6426 37-149-1. (1) There is established within the State
6427 Department of Education, the Mississippi Teacher Center for the
6428 purpose of insuring that the children of our state are taught by
6429 quality professionals. The center shall serve as an interagency
6430 center focused on teacher recruitment, enhanced training and
6431 initial instructional support.

6432 (2) The center shall have a staff which shall consist of one
6433 (1) director, one (1) administrative assistant and professional
6434 teacher recruiters. A steering committee shall be established
6435 which shall consist of one (1) member from each of the following:
6436 the Office of the Commissioner of Higher Education, the State
6437 Board for Community and Junior Colleges, the State Board of
6438 Education, the Board of the Mississippi Association of Independent

6439 Colleges, the Board of the Mississippi Association of Colleges of
6440 Teacher Education, trustees of the local school boards, teachers
6441 and the private sector. The members of the steering committee
6442 shall be appointed by the State Superintendent with the approval
6443 of the board. The steering committee shall direct the work and
6444 establish policies for the purpose of operating the center.

6445 (3) The center shall provide leadership for the following
6446 initiatives:

6447 (a) The initiation and monitoring of high school
6448 programs for teacher recruitment;

6449 (b) The initiation and monitoring of college level
6450 programs for teacher recruitment;

6451 (c) The establishment of a Beginning Teacher/Mentoring
6452 program, as authorized in Sections 37-9-201 through 37-9-213;

6453 (d) The sponsorship of a teacher renewal institute;

6454 (e) The continuation of the Teacher Corps program;

6455 (f) The enhancement of the William Winter Scholarship
6456 program;

6457 (g) Research for the development of professional
6458 teaching standards;

6459 (h) Provide additional scholarships for any targeted
6460 populations needing potential teachers; and

6461 (i) Provide assistance to local school districts in
6462 identifying and locating specific teacher needs.

6463 **SECTION 171.** Section 37-155-9, Mississippi Code of 1972, is
6464 amended as follows:

6465 37-155-9. In addition to the powers granted by any other
6466 provision of this article, the board of directors shall have the
6467 powers necessary or convenient to carry out the purposes and
6468 provisions of this article, the purposes and objectives of the
6469 trust fund and the powers delegated by any other law of the state
6470 or any executive order thereof, including, but not limited to, the
6471 following express powers:

6472 (a) To adopt and amend bylaws;

6473 (b) To adopt such rules and regulations as are
6474 necessary to implement the provisions of this article;

6475 (c) To invest any funds of the trust fund in any
6476 instrument, obligation, security or property that constitutes
6477 legal investments for public funds in the state and to name and
6478 use depositories for its investments and holdings;

6479 (d) To execute contracts and other necessary
6480 instruments;

6481 (e) To impose reasonable requirements for residency for
6482 beneficiaries at the time of purchase of the contract and to
6483 establish rules to govern purchase of contracts for beneficiaries
6484 who are nonresidents at the time the purchaser enters into the
6485 prepaid tuition contract;

6486 (f) To impose reasonable limits on the number of
6487 contract participants in the trust fund at any given period of
6488 time;

6489 (g) To contract for necessary goods and services, to
6490 employ necessary personnel, and to engage the services of
6491 consultants for administrative and technical assistance in
6492 carrying out the responsibilities of the trust fund;

6493 (h) To solicit and accept gifts, including
6494 bequeathments or other testamentary gifts made by will, trust or
6495 other disposition, grants, loans and other aids from any personal
6496 source or to participate in any other way in any federal, state or
6497 local governmental programs in carrying out the purposes of this
6498 article. Any gifts made to the board under this subsection shall
6499 be deductible from taxable income of the state in the tax year;

6500 (i) To define the terms and conditions under which
6501 payments may be withdrawn or refunded from the trust fund,
6502 including, but not limited to, the amount paid in and an
6503 additional amount in the nature of interest at a rate that
6504 corresponds, at a minimum, to the prevailing interest rates for

6505 savings accounts provided by banks and savings and loan
6506 associations and impose reasonable charges for such withdrawal or
6507 refund;

6508 (j) To ensure applicability to private and out-of-state
6509 tuitions:

6510 (i) Under the program, a state purchaser may enter
6511 into a prepaid tuition contract with the board under which the
6512 purchaser agrees to attend a public institution of higher
6513 education in Mississippi;

6514 (ii) If the beneficiary of a plan described by
6515 Section 37-155-11 enrolls in any in-state or out-of-state
6516 regionally accredited private four- or two-year college or an
6517 out-of-state regionally accredited, state-supported, nonprofit
6518 four- or two-year college or university, or any in-state or
6519 out-of-state regionally accredited graduate institution, the board
6520 shall pay to the institution an amount up to, but not greater
6521 than, the undergraduate tuition and required fees that the board
6522 would have paid had the beneficiary enrolled in an institution of
6523 higher education covered by the plan selected in the prepaid
6524 tuition contract. The beneficiary is responsible for paying a
6525 private undergraduate or graduate institution or an out-of-state
6526 public undergraduate or graduate institution the amount by which
6527 the tuition and required fees of the institution exceed the
6528 tuition and required fees paid by the board;

6529 (k) To impose reasonable time limits on the use of the
6530 tuition benefits provided by the program;

6531 (l) To provide for the receipt of contributions to the
6532 trust fund in lump sums or installment payments;

6533 (m) To adopt an official seal and rules;

6534 (n) To sue and be sued;

6535 (o) To establish agreements or other transactions with
6536 federal, state and local agencies, including state universities
6537 and community colleges;

6538 (p) To appear in its own behalf before boards,
6539 commissions or other governmental agencies;

6540 (q) To segregate contributions and payments to the fund
6541 into various accounts and funds;

6542 (r) To require and collect administrative fees and
6543 charges in connection with any transaction and impose reasonable
6544 penalties, including default, for delinquent payments or for
6545 entering into an advance payment contract on a fraudulent basis;

6546 (s) To procure insurance against any loss in connection
6547 with the property, assets and activities of the fund or the board;

6548 (t) To require that purchasers of advance payment
6549 contracts verify, under oath, any requests for contract
6550 conversions, substitutions, transfers, cancellations, refund
6551 requests or contract changes of any nature;

6552 (u) To administer the fund in a manner that is
6553 sufficiently actuarially sound to meet the obligations of the
6554 program. The board shall annually evaluate or cause to be
6555 evaluated the actuarial soundness of the fund. If the board
6556 perceives a need for additional assets in order to preserve
6557 actuarial soundness, the board may adjust the terms of subsequent
6558 advance payment contracts to ensure such soundness;

6559 (v) To establish a comprehensive investment plan for
6560 the purposes of this section. The comprehensive investment plan
6561 shall specify the investment policies to be utilized by the board
6562 in its administration of the fund. The board may authorize
6563 investments in:

6564 (i) Bonds, notes, certificates and other valid
6565 general obligations of the State of Mississippi, or of any county,
6566 or of any city, or of any supervisors district of any county of
6567 the State of Mississippi, or of any school district bonds of the
6568 State of Mississippi; notes or certificates of indebtedness issued
6569 by the Veterans' Home Purchase Board of Mississippi, provided such
6570 notes or certificates of indebtedness are secured by the pledge of

6571 collateral equal to two hundred percent (200%) of the amount of
6572 the loan, which collateral is also guaranteed at least for fifty
6573 percent (50%) of the face value by the United States government,
6574 and provided that not more than five percent (5%) of the total
6575 investment holdings of the system shall be in Veterans' Home
6576 Purchase Board notes or certificates at any time; real estate
6577 mortgage loans one hundred percent (100%) insured by the Federal
6578 Housing Administration on single family homes located in the State
6579 of Mississippi, where monthly collections and all servicing
6580 matters are handled by Federal Housing Administration approved
6581 mortgagees authorized to make such loans in the State of
6582 Mississippi;

6583 (ii) State of Mississippi highway bonds;

6584 (iii) Funds may be deposited in federally insured
6585 institutions domiciled in the State of Mississippi or a custodial
6586 bank which appears on the State of Mississippi Treasury
6587 Department's approved depository list and/or safekeeper list;

6588 (iv) Corporate bonds of investment grade as rated
6589 by Standard & Poor's or by Moody's Investment Service, with bonds
6590 rated BAA/BBB not to exceed five percent (5%) of the book value of
6591 the total fixed income investments; or corporate short-term
6592 obligations of corporations or of wholly owned subsidiaries of
6593 corporations, whose short-term obligations are rated A-3 or better
6594 by Standard and Poor's or rated P-3 or better by Moody's
6595 Investment Service;

6596 (v) Bonds of the Tennessee Valley Authority;

6597 (vi) Bonds, notes, certificates and other valid
6598 obligations of the United States, and other valid obligations of
6599 any federal instrumentality that issues securities under authority
6600 of an act of Congress and are exempt from registration with the
6601 Securities and Exchange Commission;

6602 (vii) Bonds, notes, debentures and other
6603 securities issued by any federal instrumentality and fully

6604 guaranteed by the United States. Direct obligations issued by the
6605 United States of America shall be deemed to include securities of,
6606 or other interests in, any open-end or closed-end management type
6607 investment company or investment trust registered under the
6608 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
6609 portfolio of such investment company or investment trust is
6610 limited to direct obligations issued by the United States of
6611 America, United States government agencies, United States
6612 government instrumentalities or United States government sponsored
6613 enterprises, and to repurchase agreements fully collateralized by
6614 direct obligations of the United States of America, United States
6615 government agencies, United States government instrumentalities or
6616 United States government sponsored enterprises, and the investment
6617 company or investment trust takes delivery of such collateral for
6618 the repurchase agreement, either directly or through an authorized
6619 custodian. The State Treasurer and the Executive Director of the
6620 Department of Finance and Administration shall review and approve
6621 the investment companies and investment trusts in which funds may
6622 be invested;

6623 (viii) Interest-bearing bonds or notes which are
6624 general obligations of any other state in the United States or of
6625 any city or county therein, provided such city or county had a
6626 population as shown by the federal census next preceding such
6627 investment of not less than twenty-five thousand (25,000)
6628 inhabitants and provided that such state, city or county has not
6629 defaulted for a period longer than thirty (30) days in the payment
6630 of principal or interest on any of its general obligation
6631 indebtedness during a period of ten (10) calendar years
6632 immediately preceding such investment;

6633 (ix) Shares of stocks, common and/or preferred, of
6634 corporations created by or existing under the laws of the United
6635 States or any state, district or territory thereof; provided:

6636 (A) The maximum investments in stocks shall
6637 not exceed fifty percent (50%) of the book value of the total
6638 investment fund of the system;

6639 (B) The stock of such corporation shall:

6640 1. Be listed on a national stock
6641 exchange; or

6642 2. Be traded in the over-the-counter
6643 market, provided price quotations for such over-the-counter stocks
6644 are quoted by the National Association of Securities Dealers
6645 Automated Quotation System (NASDAQ);

6646 (C) The outstanding shares of such
6647 corporation shall have a total market value of not less than Fifty
6648 Million Dollars (\$50,000,000.00);

6649 (D) The amount of investment in any one (1)
6650 corporation shall not exceed three percent (3%) of the book value
6651 of the assets of the system; and

6652 (E) The shares of any one (1) corporation
6653 owned by the system shall not exceed five percent (5%) of that
6654 corporation's outstanding stock;

6655 (x) Bonds rated Single A or better, stocks and
6656 convertible securities of established non-United States companies,
6657 which companies are listed on only primary national stock
6658 exchanges of foreign nations; and in foreign government securities
6659 rated Single A or better by a recognized rating agency; provided
6660 that the total book value of investments under this paragraph
6661 shall at no time exceed twenty percent (20%) of the total book
6662 value of all investments of the system. The board may take
6663 requisite action to effectuate or hedge such transactions through
6664 foreign banks, including the purchase and sale, transfer, exchange
6665 or otherwise disposal of, and generally deal in foreign exchange
6666 through the use of foreign currency, interbank forward contracts,
6667 futures contracts, options contracts, swaps and other related

6668 derivative instruments, notwithstanding any other provisions of
6669 this article to the contrary;

6670 (xi) Covered call and put options on securities
6671 traded on one or more of the regulated exchanges;

6672 (xii) Institutional investment trusts managed by a
6673 corporate trustee or by a Securities and Exchange Commission
6674 registered investment advisory firm retained as an investment
6675 manager by the board of directors, and institutional class shares
6676 of investment companies and unit investment trusts registered
6677 under the Investment Company Act of 1940 where such funds or
6678 shares are comprised of common or preferred stocks, bonds, money
6679 market instruments or other investments authorized under this
6680 section. Any investment manager or managers approved by the board
6681 of directors shall invest such funds or shares as a fiduciary;

6682 (xiii) Pooled or commingled real estate funds or
6683 real estate securities managed by a corporate trustee or by a
6684 Securities and Exchange Commission registered investment advisory
6685 firm retained as an investment manager by the board of directors.
6686 Such investment in commingled funds or shares shall be held in
6687 trust; provided that the total book value of investments under
6688 this paragraph shall at no time exceed five percent (5%) of the
6689 total book value of all investments of the system. Any investment
6690 manager approved by the board of directors shall invest such
6691 commingled funds or shares as a fiduciary;

6692 (w) All investments shall be acquired by the board at
6693 prices not exceeding the prevailing market values for such
6694 securities;

6695 (x) Any limitations herein set forth shall be
6696 applicable only at the time of purchase and shall not require the
6697 liquidation of any investment at any time. All investments shall
6698 be clearly marked to indicate ownership by the system and to the
6699 extent possible shall be registered in the name of the system;

6700 (y) Subject to the above terms, conditions, limitations
6701 and restrictions, the board shall have power to sell, assign,
6702 transfer and dispose of any of the securities and investments of
6703 the system, provided that the sale, assignment or transfer has the
6704 majority approval of the entire board. The board may employ or
6705 contract with investment managers, evaluation services or other
6706 such services as determined by the board to be necessary for the
6707 effective and efficient operation of the system;

6708 (z) Except as otherwise provided herein, no trustee and
6709 no employee of the board shall have any direct or indirect
6710 interest in the income, gains or profits of any investment made by
6711 the board, nor shall any such person receive any pay or emolument
6712 for his services in connection with any investment made by the
6713 board. No trustee or employee of the board shall become an
6714 endorser or surety, or in any manner an obligor for money loaned
6715 by or borrowed from the system;

6716 (aa) All interest derived from investments and any
6717 gains from the sale or exchange of investments shall be credited
6718 by the board to the account of the system;

6719 (bb) To delegate responsibility for administration of
6720 the comprehensive investment plan to a consultant the board
6721 determines to be qualified. Such consultant shall be compensated
6722 by the board. Directly or through such consultant, the board may
6723 contract to provide such services as may be a part of the
6724 comprehensive investment plan or as may be deemed necessary or
6725 proper by the board or such consultant, including, but not limited
6726 to, providing consolidated billing, individual and collective
6727 record keeping and accounting, and asset purchase, control and
6728 safekeeping;

6729 (cc) To annually prepare or cause to be prepared a
6730 report setting forth in appropriate detail an accounting of the
6731 fund and a description of the financial condition of the program
6732 at the close of each fiscal year. Such report shall be submitted

6733 to the Governor, the Lieutenant Governor, the President of the
6734 Senate, the Speaker of the House of Representatives, the
6735 Commissioner of Higher Education, the State Board for Community
6736 and Junior Colleges and the State Board of Education on or before
6737 March 31 each year. In addition, the board shall make the report
6738 available to purchasers of advance payment contracts. The board
6739 shall provide to the Commissioner of Higher Education and the
6740 State Board for Community and Junior Colleges by March 31 each
6741 year complete advance payment contract sales information including
6742 projected postsecondary enrollments of beneficiaries. The
6743 accounts of the fund shall be subject to annual audits by the
6744 State Auditor or his designee;

6745 (dd) To solicit proposals for the marketing of the
6746 Mississippi Prepaid Affordable College Tuition Program. The
6747 entity designated pursuant to this paragraph shall serve as a
6748 centralized marketing agent for the program and shall solely be
6749 responsible for the marketing of the program. Any materials
6750 produced for the purpose of marketing the programs shall be
6751 submitted to the board for review. No such materials shall be
6752 made available to the public before the materials are approved by
6753 the board. Any educational institution may distribute marketing
6754 materials produced for the program; however, all such materials
6755 shall have been approved by the board prior to distribution.
6756 Neither the state nor the board shall be liable for
6757 misrepresentation of the program by a marketing agent; and

6758 (ee) To establish other policies, procedures and
6759 criteria necessary to implement and administer the provisions of
6760 this article.

6761 For efficient and effective administration of the program and
6762 trust fund, the board may authorize the State of Mississippi
6763 Treasury Department and/or the State Treasurer to carry out any or
6764 all of the powers and duties enumerated above.

6765 **SECTION 172.** Section 37-157-1, Mississippi Code of 1972, is
6766 amended as follows:

6767 37-157-1. (1) The tuition at any institution of higher
6768 education in the state shall be paid by the state on behalf of any
6769 student who enrolls in such a school to pursue an academic
6770 undergraduate degree, who applies for the payment thereof, and who
6771 meets all of the following qualifications:

6772 (a) Actual residence in Mississippi during the
6773 twenty-four (24) months immediately preceding university
6774 enrollment. For the purposes of this paragraph, residency shall
6775 be demonstrated by proof of the following as required by the
6776 administering agency:

6777 (i) If registered to vote, being registered in
6778 Mississippi.

6779 (ii) If licensed to drive a motor vehicle, being
6780 in possession of a Mississippi driver's license.

6781 (iii) If owning a motor vehicle located within
6782 Mississippi, being in possession of Mississippi registration for
6783 that vehicle.

6784 (iv) If earning an income, having filed a
6785 Mississippi state income tax return and having complied with state
6786 income tax laws and regulations.

6787 (b) Having a parent or guardian who is a domiciliary of
6788 Mississippi.

6789 (c) Graduation from high school within the two (2)
6790 years preceding the application with a minimum cumulative grade
6791 point average of 2.5 calculated on a 4.0 scale.

6792 (d) Successful completion of seventeen and one-half
6793 (17-1/2) units of high school course work (Grade 9 level or
6794 higher) which constitutes a core curriculum and meets standards
6795 for admission to the desired college or university. The core
6796 curriculum is defined as follows:

6797 (i) English I, II, III and IV (four (4) units).

6798 (ii) Algebra I and II (two (2) units).
6799 (iii) Geometry, Trigonometry, Calculus or
6800 comparable Advanced Mathematics (one (1) unit).
6801 (iv) Biology (one (1) unit).
6802 (v) Chemistry (one (1) unit).
6803 (vi) Earth Science, Environmental Science,
6804 Physical Science, Biology II, Chemistry II or Physics (one (1)
6805 unit).
6806 (vii) American History (one (1) unit).
6807 (viii) World History, World Cultures, Western
6808 Civilization or World Geography (one (1) unit).
6809 (ix) Civics and/or Economics (one (1) unit).
6810 (x) Fine Arts Survey (one (1) unit; or substitute
6811 two (2) units of performance courses in music, dance or theater;
6812 or substitute two (2) units of studio art courses).
6813 (xi) Foreign Language (two (2) units in a single
6814 language).
6815 (xii) Computer Science, Computer Literacy or Data
6816 Processing (one-half (1/2) unit).
6817 (xiii) Electives from the above (one (1) unit).
6818 (e) Having a composite score on the American College
6819 Test of at least twenty (20) on the 1989 version or an equivalent
6820 concordant value on an enhanced version of such test.
6821 (f) Having no criminal record, except for misdemeanor
6822 traffic violations.
6823 (g) Being in financial need.
6824 (2) For purposes of this section:
6825 (a) "Institution of higher education" shall mean any of
6826 the following institutions of higher learning or community or
6827 junior colleges located in Mississippi: Alcorn State University,
6828 Delta State University, Jackson State University, Mississippi
6829 State University, Mississippi University for Women, Mississippi
6830 Valley State University, University of Mississippi, University of

6831 Southern Mississippi, Coahoma Community College, Copiah-Lincoln
6832 Community College, East Central Community College, East
6833 Mississippi Community College, Hinds Community College, Holmes
6834 Community College, Itawamba Community College, Jones County Junior
6835 College, Meridian Community College, Mississippi Delta Community
6836 College, Mississippi Gulf Coast Community College, Northeast
6837 Mississippi Community College, Northwest Mississippi Community
6838 College, Pearl River Community College, Southwest Mississippi
6839 Community College, Belhaven College, Blue Mountain College,
6840 Millsaps College, Mississippi College, Rust College, Tougaloo
6841 College, William Carey College, Mary Holmes College, Magnolia
6842 Bible College and Wood College.

6843 (b) "Tuition" shall mean the semester or trimester or
6844 term charges and all required fees imposed by an institution of
6845 higher education as a condition of enrollment by all students.
6846 However, for a two-year nonpublic institution of higher education
6847 defined in paragraph (a), the tuition payments shall not exceed
6848 the average charges and fees required by all of the two-year
6849 public institutions of higher education defined in paragraph (a),
6850 and for a four-year nonpublic institution of higher education
6851 defined in paragraph (a), the tuition payments shall not exceed
6852 the average charges and fees required by all of the four-year
6853 public institutions of higher education defined in paragraph (a).

6854 (3) The tuition at any institution of higher education in
6855 the state shall be paid by the state on behalf of any student who
6856 enrolls in such a school to pursue an academic undergraduate or
6857 associate degree, who applies for the payment thereof, and who
6858 meets the qualifications enumerated in paragraphs (a), (b), (f)
6859 and (g) of subsection (1) but who fails to meet one (1) of the
6860 particular requirements established by paragraph (c), (d) or (e)
6861 of subsection (1) by an amount of ten percent (10%) or less.

6862 (4) To maintain continued state payment of tuition, once
6863 enrolled in an institution of higher education, a student shall
6864 meet all of the following requirements:

6865 (a) Make steady academic progress toward a degree,
6866 earning not less than the minimum number of hours of credit
6867 required for full-time standing in each academic period requiring
6868 such enrollment;

6869 (b) Maintain continuous enrollment for not less than
6870 two (2) semesters or three (3) quarters in each successive
6871 academic year, unless granted an exception for cause by the
6872 administering agency;

6873 (c) Have a cumulative grade point average of at least
6874 2.5 calculated on a 4.0 scale at the end of the first academic
6875 year and thereafter maintain such a cumulative grade point average
6876 as evaluated at the end of each academic year;

6877 (d) Have no criminal record, except for misdemeanor
6878 traffic violations; and

6879 (e) Be found to be in financial need.

6880 (5) The provisions of this chapter shall be administered by
6881 the Commissioner of Higher Education in conjunction with the State
6882 Board for Community and Junior Colleges. The board may provide by
6883 rule for all matters necessary for the implementation of this
6884 chapter.

6885 (6) By rule, the board shall provide for:

6886 (a) A mechanism for informing all students of the
6887 availability of the assistance provided pursuant to this chapter
6888 early enough in their schooling that a salutary motivational
6889 effect is possible.

6890 (b) Applications, forms, financial audit procedures,
6891 eligibility and other program audit procedures and other matters
6892 related to efficient operation.

6893 (c) A procedure for waiver through the 1996-1997
6894 academic year of the program eligibility requirement for

6895 successful completion of a specified core curriculum upon proper
6896 documentation by the applicant that failure to comply with such
6897 requirement is due solely to the fact that the required course or
6898 courses were not available to the applicant at the school
6899 attended.

6900 (7) An applicant shall be found to be in financial need if:

6901 (a) The family has one (1) child under the age of
6902 twenty-one (21), and the two-year average annual adjusted gross
6903 income of the family is less than Thirty-six Thousand Five Hundred
6904 Dollars (\$36,500.00); or

6905 (b) The family has a two-year average annual adjusted
6906 gross income of less than Thirty-six Thousand Five Hundred Dollars
6907 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
6908 additional child under the age of twenty-one (21).

6909 The two-year average annual adjusted gross income of the
6910 family shall be verified by Internal Revenue Service returns or by
6911 certified affidavits in cases of income that cannot be verified by
6912 such returns.

6913 As used in this subsection, the term "family" for an
6914 unemancipated applicant means the applicant, the applicant's
6915 parents, and other children under age twenty-one (21) of the
6916 applicant's parents. The term "family" for an emancipated
6917 applicant means the applicant, an applicant's spouse, and any
6918 children under age twenty-one (21) of the applicant and spouse.

6919 (8) An appropriation of funds may annually be made to the
6920 board sufficient to cover, in addition to any other available
6921 funds, the costs of tuition required to be paid, both initial and
6922 continuing, for the coming academic year. All such payments shall
6923 be made directly to the institution to which such tuition is due
6924 after notice to the school that the state shall pay the tuition of
6925 a student and after notice from the school that the student has
6926 actually enrolled.

6927 (9) The board may seek, accept and expend funds from any
6928 source, including private business, industry, foundations and
6929 other groups as well as any federal or other governmental funding
6930 available for this purpose.

6931 (10) No student shall receive a grant pursuant to this
6932 chapter in an amount greater than the tuition charged by the
6933 school. The student must apply for a federal grant prior to
6934 receiving state funds.

6935 **SECTION 173.** Section 37-157-3, Mississippi Code of 1972, is
6936 amended as follows:

6937 37-157-3. There is hereby created in the State Treasury a
6938 special trust fund to be known as the Student Tuition Assistance
6939 Trust Fund. The trust fund shall consist of all monies designated
6940 by the Legislature for deposit therein and any gift, donation,
6941 bequest, trust, grant, endowment, transfer of money or securities,
6942 or any other monies from any source whatsoever, designated for
6943 deposit in the trust fund.

6944 The principal of the trust fund shall remain inviolate and
6945 shall be invested by the State Treasurer in the same manner as
6946 provided by Section 27-105-33, Mississippi Code of 1972, for the
6947 investment of excess state funds. Interest and income derived
6948 from investment of the principal of the trust fund shall be
6949 appropriated by the Legislature to the Commissioner of Higher
6950 Education for expenditure as provided in this chapter.

6951 **SECTION 174.** Section 37-159-3, Mississippi Code of 1972, is
6952 amended as follows:

6953 37-159-3. (1) There is established the "Critical Needs
6954 Teacher Scholarship Program," the purpose of which is to attract
6955 qualified teachers to those geographical areas of the state and
6956 those subject areas of the curriculum where there exists a
6957 critical shortage of teachers by awarding full scholarships to
6958 persons declaring an intention to serve in the teaching field who

6959 actually render service to the state while possessing an
6960 appropriate teaching license.

6961 (2) Any individual who is enrolled in or accepted for
6962 enrollment at a teacher education program approved by the State
6963 Board of Education at a baccalaureate degree-granting institution
6964 of higher learning in the State of Mississippi and has a passing
6965 score on the Praxis I Basic Skills Test who expresses in writing
6966 an intention to teach in a geographical area of the state or a
6967 subject area of the public school curriculum in which there exists
6968 a critical shortage of teachers, as designated by the State Board
6969 of Education, shall be eligible for a financial scholarship to be
6970 applied toward the costs of the individual's college education.
6971 The annual amount of the award shall be equal to the total cost
6972 for tuition, room and meals, books, materials and fees at the
6973 college or university in which the student is enrolled, not to
6974 exceed an amount equal to the highest total cost of tuition, room
6975 and meals, books, materials and fees assessed by a state
6976 institution of higher learning during that school year. Awards
6977 made to nonresidents of the state shall not include any amount
6978 assessed by the college or university for out-of-state tuition.

6979 (3) Awards granted under the Critical Needs Teacher
6980 Scholarship Program shall be available to both full-time and
6981 part-time students. Students enrolling on a full-time basis may
6982 receive a maximum of two (2) annual awards. The maximum number of
6983 awards that may be made to students attending school on a
6984 part-time basis, and the maximum time period for part-time
6985 students to complete the number of academic hours necessary to
6986 obtain a baccalaureate degree in education, shall be established
6987 by rules and regulations jointly promulgated by the Commissioner
6988 of Higher Education and the State Board of Education. Critical
6989 Needs Teacher Scholarships shall not be based upon an applicant's
6990 eligibility for financial aid.

6991 (4) Except in those cases where employment positions may not
6992 be available upon completion of licensure requirements, at the
6993 beginning of the first school year in which a recipient of a
6994 Critical Needs Teacher Scholarship is eligible for employment as a
6995 licensed teacher or a nontraditional teacher intern pursuant to
6996 Section 37-3-2 (6)(b), that person shall begin to render service
6997 as a licensed teacher or nontraditional teacher intern in a public
6998 school district in a geographical area of the state or a subject
6999 area of the curriculum where there is a critical shortage of
7000 teachers, as approved by the State Board of Education. Any person
7001 who received two (2) annual awards, or who received fewer than two
7002 (2) annual awards, or the equivalent of two (2) annual awards,
7003 shall render one (1) year's service as a licensed teacher for each
7004 year that the person received a full-time student scholarship.

7005 (5) Any person failing to complete a program of study which
7006 will enable that person to become a licensed teacher or
7007 nontraditional teacher intern under Section 37-3-2 (6)(b), as the
7008 case may be, shall become liable immediately to the Commissioner
7009 of Higher Education for the sum of all Critical Needs Teacher
7010 Scholarship awards made to that person, plus interest accruing at
7011 the current Stafford Loan rate at the time the person abrogates
7012 his participation in the program. Any person failing to complete
7013 his teaching obligation, as required under subsection (4) of this
7014 section, shall become liable immediately to the commissioner for
7015 the sum of all scholarship awards made to that person less the
7016 corresponding amount of any awards for which service has been
7017 rendered, plus interest accruing at the current Stafford Loan rate
7018 at the time the person discontinues his service, except in the
7019 case of a deferral of debt for cause by the State Board of
7020 Education when there is no employment position immediately
7021 available upon a teacher's completion of licensure requirements.
7022 After the period of such deferral, such person shall begin or
7023 resume teaching duties as required under subsection (4) or shall

7024 become liable to the commissioner under this subsection. If a
7025 claim for payment under this subsection is placed in the hands of
7026 an attorney for collection, the obligor shall be liable for an
7027 additional amount equal to a reasonable attorney's fee.

7028 (6) The obligations made by the recipient of a Critical
7029 Needs Teacher Scholarship award shall not be voidable by reason of
7030 the age of the student at the time of receiving the scholarship.

7031 (7) Any student who, prior to July 1, 2003, has been
7032 accepted into the Critical Needs Teacher Scholarship Program under
7033 the authority of Section 37-159-3(4) shall be allowed to begin or
7034 remain in the scholar loan program, and conversion for those
7035 students with fewer than four (4) annual awards shall be based on
7036 one (1) year of service in either (a) a geographic area of the
7037 state in which there exists a critical shortage of teachers as
7038 determined by the State Board of Education, or (b) a subject area
7039 of the curriculum in the public schools in which there exists a
7040 critical shortage of teachers as determined by the State Board of
7041 Education, for each year a loan was received by the student. For
7042 those students that receive the equivalent of four (4) annual
7043 awards, such students shall render three (3) years of service.

7044 (8) The Commissioner of Higher Education and the State Board
7045 of Education shall jointly promulgate rules and regulations
7046 necessary for the proper administration of the Critical Needs
7047 Teacher Scholarship Program. The Commissioner of Higher Education
7048 shall be the administering agency of the program.

7049 (9) If insufficient funds are available to fully fund
7050 scholarship awards to all eligible students, the Commissioner of
7051 Higher Education shall make the awards to first-time students on a
7052 first-come, first-served basis; however, priority consideration
7053 shall be given to persons previously receiving awards under the
7054 Critical Needs Teacher Scholarship Program.

7055 (10) All funds received by the Commissioner of Higher
7056 Education from the repayment of scholarship awards by program

7057 participants shall be deposited in the Mississippi Critical
7058 Teacher Shortage Fund.

7059 (11) The State Department of Education shall compile and
7060 report, in consultation with the Commissioner of Higher Education,
7061 an annual report with findings and recommendations to the
7062 legislative committees on education by December 1, 2003, and
7063 annually thereafter, on the following:

7064 (a) The number of participants in the Critical Needs
7065 Teacher Scholarship Program, by institution and by freshman,
7066 sophomore, junior and senior level;

7067 (b) The number of nontraditional teacher license
7068 program participants;

7069 (c) The number of individuals who completed the
7070 Critical Needs Teacher Scholarship Program and the school district
7071 in which they are employed;

7072 (d) The number of individuals who are in default of
7073 their obligation under the Critical Needs Teacher Scholarship
7074 Program and the status of their obligation; and

7075 (e) The number of participants in the program who have
7076 successfully completed the Praxis examination in their junior
7077 year.

7078 **SECTION 175.** Section 37-159-15, Mississippi Code of 1972, is
7079 amended as follows:

7080 37-159-15. The State Department of Education and the
7081 Commissioner of Higher Education shall jointly prepare an annual
7082 report for the Legislature, to be submitted by December 1 of each
7083 year beginning in 1998, which shall assess the impact of the
7084 teacher recruitment incentive programs authorized under House Bill
7085 No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the
7086 employment of licensed teachers in critical teacher shortage
7087 areas. The report shall include, at a minimum, the numbers of
7088 persons who have participated in each of the programs each year,
7089 and the numbers of persons who have participated in the programs

7090 who have rendered service as teachers in critical teacher shortage
7091 areas each year by school district.

7092 **SECTION 176.** Section 41-13-15, Mississippi Code of 1972, is
7093 amended as follows:

7094 41-13-15. (1) Any county and/or any political or judicial
7095 subdivision of a county and/or any municipality of the State of
7096 Mississippi, acting individually or jointly, may acquire and hold
7097 real estate for a community hospital either recognized and/or
7098 licensed as such by either the State of Mississippi or the United
7099 States government, and may, after complying with applicable health
7100 planning and licensure statutes, construct a community hospital
7101 thereon and/or appropriate funds according to the provisions of
7102 this chapter for the construction, remodeling, maintaining,
7103 equipping, furnishing and expansion of such facilities by the
7104 board of trustees upon such real estate.

7105 (2) Where joint ownership of a community hospital is
7106 involved, the owners are hereby authorized to contract with each
7107 other for determining the pro rata ownership of such community
7108 hospital, the proportionate cost of maintenance and operation, and
7109 the proportionate financing that each will contribute to the
7110 community hospital.

7111 (3) The owners may likewise contract with each other, or on
7112 behalf of any subordinate political or judicial subdivision, or
7113 with the board of trustees of a community hospital, and/or any
7114 agency of the State of Mississippi or the United States
7115 government, for necessary purposes related to the establishment,
7116 operation or maintenance of community hospitals and related
7117 programs wherever located, and may either accept from, sell or
7118 contribute to the other entities, monies, personal property or
7119 existing health facilities. The owners or the board of trustees
7120 may also receive monies, property or any other valuables of any
7121 kind through gifts, donations, devises or other recognized means
7122 from any source for the purpose of hospital use.

7123 (4) Owners and boards of trustees, acting jointly or
7124 severally, may acquire and hold real estate for offices for
7125 physicians and other health care practitioners and related health
7126 care or support facilities, provided that any contract for the
7127 purchase of real property must be ratified by the owner, and may
7128 thereon construct and equip, maintain and remodel or expand such
7129 offices and related facilities, and the board of trustees may
7130 lease same to members of the hospital staff or others at a rate
7131 deemed to be in the best interest of the community hospital.

7132 (5) If any political or judicial subdivision of a county is
7133 obligated hereunder, the boundaries of such district shall not be
7134 altered in such a manner as to relieve any portion thereof of its
7135 obligation hereunder.

7136 (6) Owners may convey to any other owner any or all
7137 property, real or personal, comprising any existing community
7138 hospital, including related facilities, wherever located, owned by
7139 such conveying owner. Such conveyance shall be upon such terms
7140 and conditions as may be agreed upon and may make such provisions
7141 for transfers of operating funds and/or for the assumption of
7142 liabilities of the community hospital as may be deemed appropriate
7143 by the respective owners.

7144 (7) (a) Except as provided for in subsection (11) of this
7145 section, owners may lease all or part of the property, real or
7146 personal, comprising a community hospital, including any related
7147 facilities, wherever located, and/or assets of such community
7148 hospital, to any individual, partnership or corporation, whether
7149 operating on a nonprofit basis or on a profit basis, or to the
7150 board of trustees of such community hospital or any other owner or
7151 board of trustees, subject to the applicable provisions of
7152 subsections (8), (9) and (10) of this section. The term of such
7153 lease shall not exceed fifty (50) years. Such lease shall be
7154 conditioned upon (i) the leased facility continuing to operate in
7155 a manner safeguarding community health interests; (ii) the

7156 proceeds from the lease being first applied against such bonds,
7157 notes or other evidence of indebtedness as are issued pursuant to
7158 Section 41-13-19 as and when they are due, provided that the terms
7159 of the lease shall cover any indebtedness pursuant to Section
7160 41-13-19; and (iii) any surplus proceeds from the lease being
7161 deposited in the general fund of the owner, which proceeds may be
7162 used for any lawful purpose. Such lease shall be subject to the
7163 express approval of the board of trustees of the community
7164 hospital, except in the case where the board of trustees of the
7165 community hospital will be the lessee. However, owners may not
7166 lease any community hospital to the University of Mississippi
7167 Medical Center unless first the University of Mississippi Medical
7168 Center has obtained authority to lease such hospital under
7169 specific terms and conditions from the Board of Trustees of the
7170 University of Mississippi.

7171 If the owner wishes to lease a community hospital without an
7172 option to sell it and the approval of the board of trustees of the
7173 community hospital is required but is not given within thirty (30)
7174 days of the request for its approval by the owner, then the owner
7175 may enter such lease as described herein on the following
7176 conditions: A resolution by the owner describing its intention to
7177 enter such lease shall be published once a week for at least three
7178 (3) consecutive weeks in at least one (1) newspaper published in
7179 the county or city, as the case may be, or if none be so
7180 published, in a newspaper having a general circulation therein.
7181 The first publication of such notice shall be made not less than
7182 twenty-one (21) days prior to the date fixed in such resolution
7183 for the lease of the community hospital and the last publication
7184 shall be made not more than seven (7) days prior to such date.
7185 If, on or prior to the date fixed in such resolution for the lease
7186 of the community hospital, there shall be filed with the clerk of
7187 the owner a petition signed by twenty percent (20%) or fifteen
7188 hundred (1500), whichever is less, of the qualified voters of such

7189 owner, requesting that an election be called and held on the
7190 question of the lease of the community hospital, then it shall be
7191 the duty of the owner to call and provide for the holding of an
7192 election as petitioned for. In such case, no such lease shall be
7193 entered into unless authorized by the affirmative vote of the
7194 majority of the qualified voters of such owner who vote on the
7195 proposition at such election. Notice of such election shall be
7196 given by publication in like manner as hereinabove provided for
7197 the publication of the initial resolution. Such election shall be
7198 conducted and the return thereof made, canvassed and declared as
7199 nearly as may be in like manner as is now or may hereafter be
7200 provided by law in the case of general elections in such owner.
7201 If, on or prior to the date fixed in the owner's resolution for
7202 the lease of the community hospital, no such petition as described
7203 above is filed with the clerk of the owner, then the owner may
7204 proceed with the lease subject to the other requirements of this
7205 section. Subject to the above conditions, the lease agreement
7206 shall be upon such terms and conditions as may be agreed upon and
7207 may make such provision for transfers of tangible and intangible
7208 personal property and operating funds and/or for the assumption of
7209 liabilities of the community hospital and for such lease payments,
7210 all as may be deemed appropriate by the owners.

7211 (b) Owners may sell and convey all or part of the
7212 property, real or personal, comprising a community hospital,
7213 including any related facilities, wherever located, and/or assets
7214 of such community hospital, to any individual, partnership or
7215 corporation, whether operating on a nonprofit basis or on a profit
7216 basis, or to the board of trustees of such community hospital or
7217 any other owner or board of trustees, subject to the applicable
7218 provisions of subsections (8) and (10) of this section. Such sale
7219 and conveyance shall be upon such terms and conditions as may be
7220 agreed upon by the owner and the purchaser that are consistent
7221 with the requirements of this section, and the parties may make

7222 such provisions for the transfer of operating funds or for the
7223 assumption of liabilities of the facility, or both, as they deem
7224 appropriate. However, such sale and conveyance shall be
7225 conditioned upon (i) the facility continuing to operate in a
7226 manner safeguarding community health interests; (ii) the proceeds
7227 from such sale being first applied against such bonds, notes or
7228 other evidence of indebtedness as are issued pursuant to Section
7229 41-13-19 as and when they are due, provided that the terms of the
7230 sale shall cover any indebtedness pursuant to Section 41-13-19;
7231 and (iii) any surplus proceeds from the sale being deposited in
7232 the general fund of the owner, which proceeds may be used for any
7233 lawful purpose. However, owners may not sell or convey any
7234 community hospital to the University of Mississippi Medical Center
7235 unless first the University of Mississippi Medical Center has
7236 obtained authority to purchase such hospital under specific terms
7237 and conditions from the Board of Trustees of the University of
7238 Mississippi.

7239 (8) Whenever any owner decides that it may be in its best
7240 interests to sell or lease a community hospital as provided for
7241 under subsection (7) of this section, the owner shall first
7242 contract with a certified public accounting firm, a law firm or
7243 competent professional health care or management consultants to
7244 review the current operating condition of the community hospital.
7245 The review shall consist of, at minimum, the following:

7246 (a) A review of the community's inpatient facility
7247 needs based on current workload, historical trends and
7248 projections, based on demographic data, of future needs.

7249 (b) A review of the competitive market for services,
7250 including other hospitals which serve the same area, the services
7251 provided and the market perception of the competitive hospitals.

7252 (c) A review of the hospital's strengths relative to
7253 the competition and its capacity to compete in light of projected
7254 trends and competition.

7255 (d) An analysis of the hospital's options, including
7256 service mix and pricing strategies. If the study concludes that a
7257 sale or lease should occur, the study shall include an analysis of
7258 which option would be best for the community and how much revenues
7259 should be derived from the lease or sale.

7260 (9) After the review and analysis under subsection (8) of
7261 this section, an owner may choose to sell or lease the community
7262 hospital. If an owner chooses to sell such hospital or lease the
7263 hospital with an option to sell it, the owner shall follow the
7264 procedure specified in subsection (10) of this section. If an
7265 owner chooses to lease the hospital without an option to sell it,
7266 it shall first spread upon its minutes why such a lease is in the
7267 best interests of the persons living in the area served by the
7268 facility to be leased, and it shall make public any and all
7269 findings and recommendations made in the review required under
7270 proposals for the lease, which shall state clearly the minimum
7271 required terms of all respondents and the evaluation process that
7272 will be used when the owner reviews the proposals. The owner
7273 shall lease to the respondent submitting the highest and best
7274 proposal. In no case may the owner deviate from the process
7275 provided for in the request for proposals.

7276 (10) If an owner wishes to sell such community hospital or
7277 lease the hospital with an option to sell it, the owner first
7278 shall conduct a public hearing on the issue of the proposed sale
7279 or lease with an option to sell the hospital. Notice of the date,
7280 time, location and purpose of the public hearing shall be
7281 published once a week for at least three (3) consecutive weeks in
7282 at least one (1) newspaper published in the county or city, as the
7283 case may be, or if none be so published, in a newspaper having a
7284 general circulation therein. The first publication of the notice
7285 shall be made not less than twenty-one (21) days before the date
7286 of the public hearing and the last publication shall be made not
7287 more than seven (7) days before that date. If, after the public

7288 hearing, the owner chooses to sell or lease with an option to sell
7289 the hospital, the owner shall adopt a resolution describing its
7290 intention to sell or lease with an option to sell the hospital,
7291 which shall include the owner's reasons why such a sale or lease
7292 is in the best interests of the persons living in the area served
7293 by the facility to be sold or leased. The owner then shall
7294 publish a copy of the resolution; the requirements for proposals
7295 for the sale or lease with an option to sell the hospital, which
7296 shall state clearly the minimum required terms of all respondents
7297 and the evaluation process that will be used when the owner
7298 reviews the proposals; and the date proposed by the owner for the
7299 sale or lease with an option to sell the hospital. Such
7300 publication shall be made once a week for at least three (3)
7301 consecutive weeks in at least one (1) newspaper published in the
7302 county or city, as the case may be, or if none be so published, in
7303 a newspaper having a general circulation therein. The first
7304 publication of the notice shall be made not less than twenty-one
7305 (21) days before the date proposed for the sale or lease with an
7306 option to sell the hospital and the last publication shall be made
7307 not more than seven (7) days before that date. If, on or before
7308 the date proposed for the sale or lease of the hospital, there is
7309 filed with the clerk of the owner a petition signed by twenty
7310 percent (20%) or fifteen hundred (1500), whichever is less, of the
7311 qualified voters of the owner, requesting that an election be
7312 called and held on the question of the sale or lease with an
7313 option to sell the hospital, then it shall be the duty of the
7314 owner to call and provide for the holding of an election as
7315 petitioned for. In that case, no such sale or lease shall be
7316 entered into unless authorized by the affirmative vote of the
7317 majority of the qualified voters of the owner who vote on the
7318 proposition at such election. Notice of the election shall be
7319 given by publication in the same manner as provided for the
7320 publication of the initial resolution. The election shall be

7321 conducted and the return thereof made, canvassed and declared in
7322 the same manner as provided by law in the case of general
7323 elections in the owner. If, on or before the date proposed for
7324 the sale or lease of the hospital, no such petition is filed with
7325 the clerk of the owner, then the owner may sell or lease with an
7326 option to sell the hospital. Such sale or lease shall be made to
7327 the respondent submitting the highest and best proposal. In no
7328 case may the owner deviate from the process provided for in the
7329 request for proposals.

7330 (11) A lessee of a community hospital, under a lease entered
7331 into under the authority of Section 41-13-15, in effect prior to
7332 July 15, 1993, or an affiliate thereof, may extend or renew such
7333 lease whether or not an option to renew or extend the lease is
7334 contained in the lease, for a term not to exceed fifteen (15)
7335 years, conditioned upon (a) the leased facility continuing to
7336 operate in a manner safeguarding community health interest; (b)
7337 proceeds from the lease being first applied against such bonds,
7338 notes or other evidence of indebtedness as are issued pursuant to
7339 Section 41-13-19; (c) surplus proceeds from the lease being used
7340 for health related purposes; (d) subject to the express approval
7341 of the board of trustees of the community hospital; and (e)
7342 subject to the express approval of the owner. If no board of
7343 trustees is then existing, the owner shall have the right to enter
7344 into a lease upon such terms and conditions as agreed upon by the
7345 parties. Any lease entered into under this subsection (11) may
7346 contain an option to purchase the hospital, on such terms as the
7347 parties shall agree.

7348 **SECTION 177.** Section 41-87-5, Mississippi Code of 1972, is
7349 amended as follows:

7350 41-87-5. Unless the context requires otherwise, the
7351 following definitions in this section apply throughout this
7352 chapter:

7353 (a) "Eligible infants and toddlers" or "eligible
7354 children" means children from birth through thirty-six (36) months
7355 of age who need early intervention services because they:

7356 (i) Are experiencing developmental delays as
7357 measured by appropriate diagnostic instruments and procedures in
7358 one or more of the following areas:

7359 (A) Cognitive development;

7360 (B) Physical development, including vision or
7361 hearing;

7362 (C) Communication development;

7363 (D) Social or emotional development;

7364 (E) Adaptive development.

7365 (ii) Have a diagnosed physical or mental
7366 condition, as defined in state policy, that has a high probability
7367 of resulting in developmental delay.

7368 (iii) Are at risk of having substantial
7369 developmental delays if early intervention services are not
7370 provided due to conditions as defined in state policy. (This
7371 category may be served at the discretion of the lead agency
7372 contingent upon available resources.)

7373 (b) "Early intervention services" are developmental
7374 services that:

7375 (i) Are provided under public supervision;

7376 (ii) Are provided at no cost except where federal
7377 or state law provides for a system of payments by families,
7378 including a schedule of sliding fees;

7379 (iii) Are designed to meet the developmental needs
7380 of an infant or toddler with a disability in any one or more of
7381 the following areas:

7382 (A) Physical development;

7383 (B) Cognitive development;

7384 (C) Communication development;

7385 (D) Social or emotional development; or

7386 (E) Adaptive development;

7387 (iv) Meet the requirements of Part C of the

7388 Individuals with Disabilities Education Act (IDEA) and the early

7389 intervention standards of the State of Mississippi;

7390 (v) Include, but are not limited to, the following

7391 services:

7392 (A) Assistive technology devices and

7393 assistive technology services;

7394 (B) Audiology;

7395 (C) Family training, counseling and home

7396 visits;

7397 (D) Health services necessary to enable a

7398 child to benefit from other early intervention services;

7399 (E) Medical services only for diagnostic or

7400 evaluation purposes;

7401 (F) Nutrition services;

7402 (G) Occupational therapy;

7403 (H) Physical therapy;

7404 (I) Psychological services;

7405 (J) Service coordination (case management);

7406 (K) Social work services;

7407 (L) Special instruction;

7408 (M) Speech-language pathology;

7409 (N) Transportation and related costs that are

7410 necessary to enable an infant or toddler and her/his family to

7411 receive early intervention services; and

7412 (O) Vision services;

7413 (vi) Are provided by qualified personnel as

7414 determined by the state's personnel standards, including:

7415 (A) Audiologists;

7416 (B) Family therapists;

7417 (C) Nurses;

7418 (D) Nutritionists;

- 7419 (E) Occupational therapists;
- 7420 (F) Orientation and mobility specialists;
- 7421 (G) Pediatricians and other physicians;
- 7422 (H) Physical therapists;
- 7423 (I) Psychologists;
- 7424 (J) Social workers;
- 7425 (K) Special educators;
- 7426 (L) Speech and language pathologists;

7427 (vii) Are provided, to the maximum extent
7428 appropriate, in natural environments, including the home, and
7429 community settings in which children without disabilities would
7430 participate;

7431 (viii) Are provided in conformity with an
7432 individualized family service plan.

7433 (c) "Council" means the State Interagency Coordinating
7434 Council established under Section 41-87-7.

7435 (d) "Lead agency" means the State Department of Health.

7436 (e) "Participating agencies" includes, but is not
7437 limited to, the State Department of Education, the Department of
7438 Human Services, the State Department of Health, the Division of
7439 Medicaid, the State Department of Mental Health, the University
7440 Medical Center, the board of trustees of each state institution of
7441 higher learning and the State Board for Community and Junior
7442 Colleges.

7443 (f) "Local community" means a county either jointly,
7444 severally, or a portion thereof, participating in the provision of
7445 early intervention services.

7446 (g) "Primary service agency" means the agency, whether
7447 a state agency, local agency, local interagency council or service
7448 provider which is designated by the lead agency to serve as the
7449 fiscal and contracting agent for a local community.

7450 (h) "Multidisciplinary team" means a group comprised of
7451 the parent(s) or legal guardian and the service providers, as

7452 appropriate, described in paragraph (b) of this section, who are
7453 assembled for the purposes of:

7454 (i) Assessing the developmental needs of an infant
7455 or toddler;

7456 (ii) Developing the individualized family service
7457 plan; and

7458 (iii) Providing the infant or toddler and his or
7459 her family with the appropriate early intervention services as
7460 detailed in the individualized family service plan.

7461 (i) "Individualized family service plan" means a
7462 written plan designed to address the needs of the infant or
7463 toddler and his or her family as specified under Section 41-87-13.

7464 (j) "Early intervention standards" means those
7465 standards established by any agency or agencies statutorily
7466 designated the responsibility to establish standards for infants
7467 and toddlers with disabilities, in coordination with the council
7468 and in accordance with Part C of IDEA.

7469 (k) "Early intervention system" means the total
7470 collaborative effort in the state that is directed at meeting the
7471 needs of eligible children and their families.

7472 (l) "Parent," for the purpose of early intervention
7473 services, means a parent, a guardian, a person acting as a parent
7474 of a child, foster parent, or an appointed surrogate parent. The
7475 term does not include the state if the child is a ward of the
7476 state where the child has not been placed with individuals to
7477 serve in a parenting capacity, such as foster parents, or when a
7478 surrogate parent has not been appointed. When a child is the ward
7479 of the state, a Department of Human Services representative will
7480 act as parent for purposes of service authorization.

7481 (m) "Policies" means the state statutes, regulations,
7482 Governor's orders, directives by the lead agency, or other written
7483 documents that represent the state's position concerning any
7484 matter covered under this chapter.

7485 (n) "Regulations" means the United States Department of
7486 Education's regulations concerning the governance and
7487 implementation of Part C of IDEA, the Early Intervention Program
7488 for Infants and Toddlers with Disabilities.

7489 **SECTION 178.** Section 43-55-5, Mississippi Code of 1972, is
7490 amended as follows:

7491 43-55-5. (1) Members of the Commission for Volunteer
7492 Service shall be appointed by the Governor. The commission shall
7493 consist of no fewer than fifteen (15) and no more than twenty-five
7494 (25) members.

7495 (2) The commission members shall include as voting members,
7496 except as otherwise indicated, at least one (1) of each of the
7497 following:

7498 (a) An individual with expertise in the educational,
7499 training, and developmental needs of youth, particularly
7500 disadvantaged youth.

7501 (b) An individual with experience in promoting service
7502 and volunteerism among older adults.

7503 (c) A representative of a community-based agency.

7504 (d) The superintendent of the State Department of
7505 Education, or his or her designee.

7506 (e) A representative of local government.

7507 (f) A representative of local labor organizations.

7508 (g) A representative of business.

7509 (h) An individual between the ages of sixteen (16) and
7510 twenty-five (25) who is a participant or supervisor in a program
7511 as defined in Section 101 of Title I, 42 USCS 12511.

7512 (i) A representative of a national service program
7513 described in Section 122(a) of Title I, 42 USCS 12572.

7514 (j) The employee of the corporation designated under
7515 Section 195 of Title I, 42 USCS 12651f, as the representative of
7516 the corporation in this state, as a nonvoting member.

7517 (3) In addition to the members described in subsection (2),
7518 the commission may include as voting members any of the following:

7519 (a) Local educators.

7520 (b) Experts in the delivery of human, educational,
7521 environmental, or public safety services to communities and
7522 persons.

7523 (c) Representative of Native American tribes.

7524 (d) Out-of-school youth or other at-risk youth.

7525 (e) Representatives of entities that receive assistance
7526 under the Domestic Volunteer Service Act of 1973, Public Law
7527 93-113, 87 Stat. 394.

7528 (f) A member of the board of trustees of a state
7529 institution of higher learning, recommended by the Commissioner of
7530 Higher Education.

7531 (4) Not more than twenty-five percent (25%) of the voting
7532 commission members shall be officers or employees of this state.
7533 The Governor may appoint additional officers or employees of state
7534 agencies operating community service, youth service, education,
7535 social service, senior service, and job training programs, as
7536 nonvoting, ex officio members of the commission.

7537 (5) The Governor shall ensure, to the maximum extent
7538 possible, that the commission membership is diverse with respect
7539 to race, ethnicity, age, gender, and disability characteristics.

7540 (6) Except as provided in this subsection, members of the
7541 commission shall serve for staggered three-year terms expiring on
7542 October 1. The members constituting the Mississippi Commission
7543 for Volunteer Service under Executive Order No. 1994-742 on the
7544 day before the effective date of this chapter shall serve on the
7545 commission for the remainder of the terms for which they were
7546 appointed. Of the additional members, the Governor shall appoint
7547 one-third (1/3) of the initial members for a term of one (1) year;
7548 one-third for a term of two (2) years; and one-third (1/3) for a
7549 term of three (3) years. Following expiration of these initial

7550 terms, all appointments shall be for three-year renewable terms.
7551 Members of the commission may not serve more than two (2)
7552 consecutive terms.

7553 (7) A vacancy on the commission shall be filled in the same
7554 manner as the original appointments, and any member so appointed
7555 shall serve during the remainder of the term for which the vacancy
7556 occurred. The vacancy shall not affect the power of the remaining
7557 commission members to execute the duties of the commission.

7558 **SECTION 179.** Section 43-55-23, Mississippi Code of 1972, is
7559 amended as follows:

7560 43-55-23. (1) The institutions of higher learning and the
7561 Office of the Governor shall provide necessary administrative and
7562 staff support services to the State Commission for Volunteer
7563 Service. Additional support services may be provided, including,
7564 but not limited to, the use of office space, furniture and
7565 equipment, motor vehicles, travel and other related services. The
7566 commission shall employ an executive director, who shall be
7567 initially designated by the Governor. The executive director
7568 shall employ such staff as is necessary to carry out the
7569 provisions of this chapter. Future executive directors shall be
7570 selected by the commission.

7571 (2) The commission may procure information and assistance
7572 from the state or any subdivision, municipal corporation, public
7573 officer, or governmental department or agency thereof. All
7574 agencies, officers, and political subdivisions of the state or
7575 municipal corporations shall provide the office with all relevant
7576 information and reasonable assistance on any matters of research
7577 within their knowledge or control.

7578 (3) The commission may apply for, receive, and expend funds,
7579 grants, and services from local, state, or federal government, or
7580 any of their agencies, or any other public or private sources and
7581 is authorized to use funds derived from these sources for purposes
7582 reasonable and necessary to carry out the purposes of this

7583 chapter. The commission also may expend monies, upon
7584 appropriation by the Legislature, from the Mississippi Commission
7585 for Volunteer Service Fund created in Section 43-55-29.

7586 (4) The commission shall submit its budget request through
7587 the Commissioner of Higher Education. Such request shall be
7588 submitted * * * as a separate and distinct request made on behalf
7589 of the commission.

7590 **SECTION 180.** Section 47-5-401, Mississippi Code of 1972, is
7591 amended as follows:

7592 47-5-401. (1) There is hereby authorized, in each county of
7593 the state, a public service work program for state inmates in
7594 custody of the county. Such a program may be established at the
7595 option of the county in accordance with the provisions of Sections
7596 47-5-401 through 47-5-421. The department shall also recommend
7597 rules and regulations concerning the participation of state
7598 inmates in the program.

7599 (2) An inmate shall not be eligible to participate in a work
7600 program established in accordance with the provisions of Sections
7601 47-5-401 through 47-5-421 if he has been convicted of any crime of
7602 violence, including but not limited to murder, aggravated assault,
7603 rape, robbery or armed robbery.

7604 (3) The inmates participating in the work program
7605 established in accordance with the provisions of Sections 47-5-401
7606 through 47-5-421 are restricted to the performance of public
7607 service work for counties, municipalities, the state or nonprofit
7608 charitable organizations, as defined by Section 501(c)(3) of the
7609 Internal Revenue Code of 1986, except that the Department of
7610 Corrections must approve all requests by nonprofit charitable
7611 organizations to use offenders to perform any public service work.
7612 Upon request of the board of trustees of any state institution of
7613 higher learning, or the board of trustees of a county school
7614 district, municipal school district or junior college district,
7615 the inmates may be permitted to perform work for such boards.

7616 **SECTION 181.** Section 47-5-451, Mississippi Code of 1972, is
7617 amended as follows:

7618 47-5-451. (1) There is hereby authorized, in each county of
7619 the state, a public service work program for state inmates in
7620 custody of the county. Such a program may be established at the
7621 option of the county in accordance with the provisions of Sections
7622 47-5-401 through 47-5-421. The department shall also recommend
7623 rules and regulations concerning the participation of state
7624 inmates in the program.

7625 (2) An inmate shall not be eligible to participate in a work
7626 program established in accordance with the provisions of Sections
7627 47-5-401 through 47-5-421, if he has been convicted of any crime
7628 of violence, including but not limited to murder, aggravated
7629 assault, rape, robbery or armed robbery.

7630 (3) The inmates participating in the work program
7631 established in accordance with the provisions of Sections 47-5-401
7632 through 47-5-421, are restricted to the performance of public
7633 service work for counties, municipalities, the state or nonprofit
7634 charitable organizations, as defined by Section 501(c)(3) of the
7635 Internal Revenue Code of 1986, except that the Department of
7636 Corrections must approve all requests by nonprofit charitable
7637 organizations to use offenders to perform any public service work.
7638 Upon request of the board of trustees of any state institution of
7639 higher learning, or the board of trustees of a county school
7640 district, municipal school district or junior college district,
7641 the inmates may be permitted to perform work for such boards.

7642 **SECTION 182.** Section 49-3-5, Mississippi Code of 1972, is
7643 amended as follows:

7644 49-3-5. The Board of Trustees of Mississippi State
7645 University is hereby authorized and directed to establish a
7646 fisheries and wildlife laboratory at Mississippi State University
7647 under the direction of the president and such other administrative

7648 authorities within the university as such board of trustees may
7649 determine.

7650 **SECTION 183.** Section 49-3-7, Mississippi Code of 1972, is
7651 amended as follows:

7652 49-3-7. The Board of Trustees of Mississippi State
7653 University shall provide for such laboratory such buildings,
7654 equipment, personnel, supplies and service as it shall determine
7655 to be necessary for the proper operation and maintenance of such
7656 laboratory, having due regard for the contributory facilities and
7657 programs already existing at Mississippi State University.

7658 **SECTION 184.** Section 49-3-11, Mississippi Code of 1972, is
7659 amended as follows:

7660 49-3-11. In addition to the appropriations made by the
7661 Mississippi Legislature for the operation and support of the
7662 laboratory, the Board of Trustees of Mississippi State University
7663 is authorized and empowered to receive contributions, donations,
7664 gifts and grants of money and/or property, equipment, materials or
7665 manpower from persons, foundations, trust funds, corporations,
7666 organizations, the federal government or any subdivision thereof,
7667 the state government or any subdivision thereof, to be expended by
7668 the board in carrying out the purposes and objectives of this
7669 chapter.

7670 **SECTION 185.** Section 55-23-5, Mississippi Code of 1972, is
7671 amended as follows:

7672 55-23-5. There is hereby created a commission to be known as
7673 "The Mississippi Veterans Memorial Stadium Commission,"
7674 hereinafter sometimes referred to as the commission, which shall
7675 consist of five (5) members as follows:

7676 (a) One (1) member shall be appointed by the Mayor of
7677 the City of Jackson, Mississippi;

7678 (b) One (1) member shall be selected by the
7679 Commissioner of Higher Education from among the membership of the

7680 boards of trustees of the state institutions of higher learning or
7681 shall be some other person designated by the commissioner; and

7682 (c) Two (2) members shall be appointed by the Governor
7683 from the state at large outside of Hinds County, Mississippi, and
7684 one (1) member shall be appointed by the Governor from Hinds
7685 County, Mississippi. The appointee from Hinds County may be
7686 selected from a list of three (3) persons submitted by the Hinds
7687 County Board of Supervisors to the Governor.

7688 Terms of members shall begin on May 1, 1987, as follows: Of
7689 the members appointed by the Governor, one (1) shall serve for a
7690 term of one (1) year, one (1) for a term of two (2) years and one
7691 (1) for a term of three (3) years; the member appointed by the
7692 Mayor of the City of Jackson shall serve for a term of four (4)
7693 years; and the member representing the board of trustees of a
7694 state institution of higher learning shall serve for a term of
7695 five (5) years. Upon the expiration of the foregoing terms,
7696 members shall serve for terms of five (5) years each. The
7697 appointing authority shall fill any vacancy in the above terms by
7698 appointment of a member for the unexpired term. Members shall be
7699 eligible for reappointment. An appointed member serving on the
7700 commission on April 30, 1987, shall be eligible for appointment to
7701 the commission for a term beginning May 1, 1987, of either one
7702 (1), two (2), three (3), four (4) or five (5) years, if such
7703 member is otherwise qualified. One (1) member of the commission
7704 appointed by the Governor shall be a person knowledgeable in
7705 marketing with at least three (3) years actual experience therein
7706 and one (1) member appointed by the Governor shall be a person of
7707 recognized ability in a trade or business with at least five (5)
7708 years actual experience therein. From and after May 1, 1987, the
7709 name of the commission shall be the "Mississippi Veterans Memorial
7710 Stadium Commission" and any references in Sections 55-23-3 through
7711 55-23-11 to the Mississippi Memorial Stadium Commission or
7712 commission shall mean the Mississippi Veterans Memorial Stadium

7713 Commission unless the context clearly indicates a different
7714 meaning. From and after May 1, 1987, the stadium shall be known
7715 as the "Mississippi Veterans Memorial Stadium." The commission is
7716 authorized to accept donations of money, property or services from
7717 any public or private source to accomplish any physical
7718 replacement or alterations of stadium property necessary to
7719 accomplish the renaming of the stadium.

7720 The members of the commission shall serve without
7721 compensation except that members shall be paid their actual and
7722 necessary expenses in connection with the performance of their
7723 duties as members of the commission, including mileage, as
7724 authorized in Section 25-3-41, Mississippi Code of 1972, plus a
7725 per diem as is authorized by Section 25-3-69, Mississippi Code of
7726 1972, while engaged in the performance of their duties. The
7727 expenses, mileage and per diem allowance shall be paid out of the
7728 Mississippi Veterans Memorial Stadium Fund.

7729 The commission shall elect from its membership a chairman who
7730 shall preside over meetings and a vice chairman who shall preside
7731 in the absence of the chairman. Three (3) members of the
7732 commission shall constitute a quorum for the transaction of any
7733 and all business of the commission.

7734 The powers of the commission shall be exercised by a majority
7735 of the members thereof, but it may delegate to one or more of its
7736 members, or to its agents and employees, such powers and duties as
7737 it may deem proper, and may adopt rules and regulations for the
7738 conduct of its business and affairs. The commission shall
7739 contract with a certified public accounting firm to conduct audits
7740 of concession and novelty sales by vendors at the stadium. The
7741 commission shall, as far as is practicable, provide that the cost
7742 of such audits shall be paid by the vendor of such concessions or
7743 novelties, or both.

7744 The commission shall appoint a director who shall have at
7745 least a bachelor's degree from an accredited university or

7746 college. The director shall have the responsibility for insuring
7747 the marketing of tickets to events conducted in the stadium, in
7748 addition to such other duties as the commission may designate.
7749 Before entering upon the duties of his office, the director shall
7750 give bond to the State of Mississippi in the sum of Fifty Thousand
7751 Dollars (\$50,000.00), and said bond shall be conditioned upon the
7752 faithful discharge and performance of his official duty. The
7753 principal and surety on said bond shall be liable thereunder to
7754 the state for double the amount of value of any money or property
7755 which the state may lose, if any, by reason of any wrongful or
7756 criminal act of said director. Said bond, when approved by the
7757 commission, shall be filed with the Secretary of State, and the
7758 premium thereon shall be paid from the Mississippi Veterans
7759 Memorial Stadium Fund.

7760 **SECTION 186.** Section 55-23-9, Mississippi Code of 1972, is
7761 amended as follows:

7762 55-23-9. The commission shall operate the Mississippi
7763 Veterans Memorial Stadium and to that end may employ such agents
7764 and employees as may be required in connection therewith. It may
7765 enter into contracts for the use of the stadium, and fix the
7766 amount of the compensation therefor, and collect the same when
7767 due. The commission may take any action authorized in Section
7768 55-23-8 relating to the Mississippi Veterans Memorial Stadium and
7769 the property described in Section 55-23-8.

7770 All monies and revenues, including the amusement tax imposed
7771 upon the sale of tickets for admission to the stadium, and all
7772 other events on stadium property and all monies arising from other
7773 use of stadium property, including that realized from the sale of
7774 concessions, shall be paid by the commission to the State
7775 Treasurer, to be placed to the credit of a special fund to be
7776 known as the "Mississippi Veterans Memorial Stadium Operating
7777 Fund" and any references in the laws to the "Mississippi Memorial
7778 Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund"

7779 shall mean the "Mississippi Veterans Memorial Stadium Operating
7780 Fund" unless the context clearly indicates otherwise. Any
7781 interest earned on amounts deposited in the Mississippi Veterans
7782 Memorial Stadium Operating Fund shall be credited to such special
7783 fund. Provided, however, that twenty-five percent (25%) of all
7784 profits realized by the commission from the sale of concessions at
7785 athletic events when Jackson State University is the home team
7786 shall be deposited to the credit of a special auxiliary fund and
7787 authorized for expenditure by the Board of Trustees of Jackson
7788 State University exclusively for the support of intercollegiate
7789 athletics at such university. All expenses incident to the
7790 operation and upkeep of the facilities and property managed by the
7791 commission shall be paid out of the Mississippi Veterans Memorial
7792 Stadium Operating Fund by warrants drawn by the Department of
7793 Finance and Administration, which shall be issued on the
7794 requisition of the commission.

7795 All tickets sold to an event conducted in the Mississippi
7796 Veterans Memorial Stadium shall have printed in an appropriate and
7797 prominent place thereon the words A.C. "Butch" Lambert Field.

7798 **SECTION 187.** Section 55-23-53, Mississippi Code of 1972, is
7799 amended as follows:

7800 55-23-53. * * * The Commissioner of Higher Education shall
7801 develop a proposal to encourage scheduling of football games by
7802 Mississippi universities in the Mississippi Veterans Memorial
7803 Stadium, which scheduling will acknowledge the obligation of such
7804 universities to support the enlarged stadium, the expansion of
7805 which was encouraged by such universities.

7806 **SECTION 188.** Section 57-1-357, Mississippi Code of 1972, is
7807 amended as follows:

7808 57-1-357. The Commissioner of Higher Education is hereby
7809 authorized to support the project by creating institutes and
7810 developing curricula of direct benefit to the enterprise. Upon
7811 notification to DECD by the enterprise that the state has been

7812 selected as the site of the project, the commissioner may
7813 establish and create programs to enhance the project's success.

7814 **SECTION 189.** Section 57-13-22, Mississippi Code of 1972, is
7815 amended as follows:

7816 57-13-22. (1) The Mississippi Research and Development
7817 Center is hereby abolished from and after July 1, 1988. All of
7818 the functions of the center shall be transferred on that date to
7819 the Mississippi Development Authority or to the University
7820 Research Center which is created in Section 37-141-3.

7821 (2) (a) From and after July 1, 1988, the duties and
7822 responsibilities of the Research and Development Center which are
7823 depicted organizationally in the 1989 fiscal year budget request
7824 of the Research and Development Center and which are performed by
7825 the Forecast and Analysis Division, the Administration Division,
7826 the Government Services Division and the Data Services Division
7827 except as provided in subsection 3(b) shall be transferred to the
7828 University Research Center.

7829 (b) From and after July 1, 1988, the duties and
7830 responsibilities of the Research and Development Center not
7831 included in the transfer described in paragraph (a) except as
7832 provided in (3)(c) of this subsection shall be transferred to the
7833 Mississippi Development Authority.

7834 (3) (a) All personnel of the Mississippi Research and
7835 Development Center shall be transferred to the Mississippi
7836 Development Authority or to the University Research Center
7837 according to the transfer of their duties pursuant to this
7838 section.

7839 (b) It is specifically provided that the positions
7840 identified in items (i), (ii) and (iii) below be transferred to
7841 the Mississippi Development Authority unless the Director of the
7842 Research and Development Center and the Executive Director of the
7843 Mississippi Development Authority make mutually agreeable
7844 substitutions:

7845 (i) Position identification numbers 60, 174, 244,
7846 98 and 177 of the Administration Unit shall be transferred June 1,
7847 1988.

7848 (ii) Position identification numbers 156, 27, 194,
7849 23, 307 and 308 of the Data Services Unit shall be transferred
7850 July 1, 1988.

7851 (iii) Position identification numbers 71, 104 and
7852 148 of the Government Services Division shall be transferred July
7853 1, 1988.

7854 (c) It is specifically provided that position
7855 identification numbers 30 and 76 of the Office of the Director of
7856 the Research and Development Center be transferred to the
7857 University Research Center on July 1, 1988.

7858 (d) It is the intention of the Legislature that there
7859 be a reduction in personnel where there is a duplication of effort
7860 as a result of the transfers required by this subsection. The
7861 Mississippi Development Authority in its reorganization pursuant
7862 to this act [Laws, 1988, Chapter 518] may utilize savings realized
7863 from personnel attrition and other economies to reallocate and
7864 reclassify positions within the department, subject to the
7865 approval of the State Personnel Board.

7866 (e) All personnel transferred to the University
7867 Research Center shall become subject to all personnel and
7868 compensation policies of the Commissioner of Higher Education;
7869 however, anyone so transferred shall retain all of the protection
7870 and benefits to which they have been entitled under the state
7871 personnel system.

7872 (4) All records, property, unexpended balances of
7873 appropriations or other funds, and all other resources of the
7874 Mississippi Research and Development Center shall be transferred
7875 to the Mississippi Development Authority or to the University
7876 Research Center, as appropriate, pursuant to the transfer of
7877 duties and responsibilities in subsection (2) of this section.

7878 (5) (a) Each officer or agency subject to the provisions of
7879 this act [Laws, 1988, Chapter 518] shall assist with the fullest
7880 degree of reasonable cooperation any other officer or agency in
7881 carrying out the intent and purpose of this act [Laws, 1988,
7882 Chapter 518].

7883 (b) Each officer or agency subject to the provisions of
7884 this act [Laws, 1988, Chapter 518] is hereby authorized and
7885 empowered to promulgate all necessary rules and regulations not in
7886 conflict with this act [Laws, 1988, Chapter 518] necessary to
7887 accomplish an orderly transition pursuant to this act [Laws, 1988,
7888 Chapter 518].

7889 **SECTION 190.** Section 57-15-3, Mississippi Code of 1972, is
7890 amended as follows:

7891 57-15-3. (1) The Mississippi Commission on Marine
7892 Resources, hereinafter referred to as the "council," shall be the
7893 Mississippi Marine Resources Council, and shall function insofar
7894 as practicable under the provisions of Chapter 15 of Title 49,
7895 Mississippi Code of 1972, in cooperation with the Mississippi
7896 Development Authority and the Board of Trustees of the University
7897 of Southern Mississippi, with particular reference to the Gulf
7898 Coast Research Laboratory, the Universities Marine Center, and the
7899 universities and colleges which are conducting oceanographic
7900 research. The offices of the commission shall be located in
7901 Hancock, Harrison or Jackson Counties.

7902 (2) The words "Mississippi Marine Resources Council,"
7903 wherever they may appear in the laws of the State of Mississippi,
7904 shall be construed to mean the Mississippi Commission on Marine
7905 Resources.

7906 **SECTION 191.** Section 57-15-9, Mississippi Code of 1972, is
7907 amended as follows:

7908 57-15-9. The council, exercising its duties and
7909 responsibilities, shall also act in an advisory capacity to the
7910 Governor and all related state agencies, including the Board of

7911 Trustees of the University of Southern Mississippi, the Gulf Coast
7912 Research Laboratory and the Universities Marine Center which are
7913 conducting oceanographic research. All state boards and agencies
7914 engaged in activities in the field of marine resources and
7915 technology shall utilize this commission as a clearinghouse on all
7916 present and future joint federal-state programs whether presently
7917 administered by an existing agency or not; to advise on the best
7918 programs available to the State of Mississippi for the development
7919 of its marine resources, and how to apply for, receive or hold any
7920 and all such authorizations, licenses and grants necessary and
7921 proper therefor; to advise on the utilization of all facilities in
7922 the State of Mississippi for marine research and development, such
7923 as the future maximum utilization of the NASA-Mississippi Test
7924 Facility, but not limiting the provisions of this chapter
7925 exclusively thereto; and to advise on all in-depth studies
7926 necessary to carry out the provisions of this chapter. This
7927 chapter shall not, however, abrogate the authority of the
7928 Mississippi Commission on Marine Resources, the Board of Trustees
7929 of the University of Southern Mississippi or the Gulf Coast
7930 Research Laboratory, the Universities Marine Center, or of the
7931 individual institutions * * * to apply for grants, and to carry
7932 out oceanographic research. Said council is hereby authorized to
7933 receive services, gifts, contributions, property and equipment
7934 from public and private sources to be utilized in the discharge of
7935 the council's functions, all to be done within the purview of this
7936 chapter.

7937 **SECTION 192.** Section 57-18-5, Mississippi Code of 1972, is
7938 amended as follows:

7939 57-18-5. (1) The Board of Trustees of Mississippi State
7940 University is authorized and directed to establish a Forest and
7941 Wildlife Research Center at Mississippi State University. The
7942 center will be an administrative unit within the Division of
7943 Agriculture, Forestry and Veterinary Medicine. The Dean of the

7944 School of Forest Resources shall serve as the director of the
7945 center.

7946 (2) The center shall conduct a program of research relevant
7947 to the efficient management and utilization of the forest,
7948 wildlife and fisheries resources of this state and to the
7949 protection and enhancement of the natural environment associated
7950 with those resources. The center shall disseminate results of
7951 such research programs to the public and to individuals and
7952 organizations for whom such information will be useful. The
7953 center shall conduct research that will encourage the growth and
7954 development of the furniture manufacturing industry and allied
7955 industries in this state and shall work closely with the
7956 Mississippi Cooperative Extension Service, the University Research
7957 Center, the Mississippi Development Authority and other agencies,
7958 both public and private, in the dissemination of its research
7959 findings.

7960 (3) From and after the creation of the Forest and Wildlife
7961 Research Center, the center shall assume all research functions
7962 which are being exercised within the Division of Agriculture,
7963 Forestry and Veterinary Medicine by the Forest Products
7964 Utilization Laboratory, by the Department of Forestry, by the
7965 Department of Wildlife and Fisheries, by the Furniture Research
7966 Unit and, upon the recommendation of the President of Mississippi
7967 State University to the Board of Trustees of Mississippi State
7968 University, by other departments and units of the university.

7969 (4) All records, personnel, property and unexpended balances
7970 of appropriations, allocations or other funds relating to those
7971 research functions which are being assumed by the center shall be
7972 transferred to the center. The transfer of segregated or special
7973 funds shall be made in such a manner that the relation between
7974 program and revenue source is retained.

7975 **SECTION 193.** Section 57-18-7, Mississippi Code of 1972, is
7976 amended as follows:

7977 57-18-7. The Board of Trustees of Mississippi State
7978 University shall provide for the Forest and Wildlife Research
7979 Center such buildings, equipment, personnel, supplies and services
7980 as it shall determine to be necessary for the proper operation and
7981 maintenance of the center, having due regard for the contributory
7982 facilities and programs already existing at Mississippi State
7983 University.

7984 **SECTION 194.** Section 57-18-9, Mississippi Code of 1972, is
7985 amended as follows:

7986 57-18-9. In addition to appropriations made by the
7987 Legislature from the State General Fund, the Forest and Wildlife
7988 Research Center is authorized and empowered, subject to the
7989 approval of the Board of Trustees of Mississippi State University
7990 upon recommendation by the President of Mississippi State
7991 University, to receive contributions, donations, gifts and grants
7992 of money and/or property, equipment, materials and manpower from
7993 persons, foundations, trust funds, corporations, organizations,
7994 and state and federal agencies for use in carrying out the
7995 purposes and objectives of this chapter.

7996 **SECTION 195.** Section 57-19-5, Mississippi Code of 1972, is
7997 amended as follows:

7998 57-19-5. The Board of Trustees of Mississippi State
7999 University is hereby authorized and directed to establish a food
8000 technology program at Mississippi State University of Agriculture
8001 and Applied Science under the direction of the president and such
8002 other administrative authorities within the university as said
8003 board of trustees may determine.

8004 **SECTION 196.** Section 57-19-7, Mississippi Code of 1972, is
8005 amended as follows:

8006 57-19-7. The Board of Trustees of Mississippi State
8007 University shall provide for such food technology laboratory, such
8008 building, pilot processing facilities, personnel, supplies, and
8009 services as it shall determine to be necessary for the proper

8010 operation and maintenance of the food technology program, having
8011 due regard for the contributory facilities and programs already
8012 existing at Mississippi State University of Agriculture and
8013 Applied Science.

8014 **SECTION 197.** Section 57-19-11, Mississippi Code of 1972, is
8015 amended as follows:

8016 57-19-11. In addition to appropriations made by the
8017 Mississippi Legislature for the operation and support of the
8018 laboratory, the Board of Trustees of Mississippi State University
8019 is authorized and empowered to receive contributions, donations,
8020 gifts and grants of money and/or property, equipment, materials or
8021 manpower from persons, foundations, trust funds, corporations,
8022 organizations, the federal government or any subdivision thereof,
8023 the state government or any subdivision thereof, to be expended by
8024 said board in carrying out the purposes and objectives of this
8025 chapter.

8026 **SECTION 198.** Section 57-21-7, Mississippi Code of 1972, is
8027 amended as follows:

8028 57-21-7. The chief executive officer of the laboratory shall
8029 be the State Chemist.

8030 (a) Qualifications: The State Chemist shall be an
8031 individual who has earned the doctor of philosophy degree or its
8032 equivalent in chemistry or biochemistry at a recognized university
8033 or college qualified to grant such degrees. The major field of
8034 his training should be preferably in analytical or organic
8035 chemistry, but other fields of chemistry may be acceptable if the
8036 individual has experience qualifying him otherwise. He should
8037 also have knowledge by training or experience of agricultural,
8038 industrial or health-related fields. The candidate for State
8039 Chemist must be acceptable as a research or teaching faculty
8040 member in the department of chemistry at the university.

8041 (b) Appointment: The State Chemist shall be appointed
8042 by the president of the university, with the advice and consent of

8043 the Senate, for a term of six (6) years; and the said State
8044 Chemist shall serve for said six-year term and until his successor
8045 shall have been appointed and qualified. However, it is provided
8046 that the said State Chemist may be removed from office by the
8047 Board of Trustees of Mississippi State University upon the
8048 demonstration of his inability to serve due to illness,
8049 incompetence, malfeasance in office, dereliction of duty or moral
8050 turpitude. The board of trustees * * * shall fix the annual
8051 salary of the State Chemist, who shall be paid from the budget of
8052 the Mississippi State Chemical Laboratory or from the budget of
8053 the university, or from both, whichever is deemed desirable by the
8054 Board of Trustees of Mississippi State University.

8055 (c) Status: The State Chemist shall simultaneously
8056 hold an appointment as Professor of Chemistry in the Chemistry
8057 Department of the university. He may acquire tenure as a faculty
8058 member in accordance with rules current at the university during
8059 his appointment. The State Chemist may teach or direct research
8060 in the Department of Chemistry as part of his professional duties,
8061 and may serve in other administrative positions as deemed
8062 desirable, with the consent and approval of the president of the
8063 university and the board of trustees. He shall receive
8064 appropriate reimbursement for such services.

8065 (d) Responsibility: The State Chemist shall be
8066 responsible to and shall report to the president of the
8067 university.

8068 (e) Duties: The State Chemist shall:

8069 1. Serve as the chief executive officer and
8070 director of the laboratory.

8071 2. Recommend the appointment, discharge, annual
8072 salaries, duties, and titles of administrative, technical and
8073 support personnel and staff of the laboratory to assist him in
8074 carrying out its authorized functions.

8075 3. Prepare and submit budget requests for the
8076 laboratory to the appropriate agency, subject to approval by the
8077 president of the university and the board of trustees. The State
8078 Chemist shall present such requests before the Legislative Budget
8079 Office and legislative committees. He shall prepare an annual
8080 budget for operation of the laboratory from appropriated or
8081 special funds or other income available, and shall make monthly,
8082 quarterly and other reports of such income and expenditures to the
8083 appropriate agencies as required by law.

8084 4. Maintain an inventory of laboratory equipment
8085 and report it appropriately to the proper agencies as required by
8086 law.

8087 5. Prepare annual or biennial reports and special
8088 reports as needed of laboratory activities, programs and
8089 recommendations. Such reports shall be submitted to governmental
8090 heads and agencies as required by statutes, to the president of
8091 the university, the Board of Trustees of Mississippi State
8092 University, and to the chief executive officer of each agency with
8093 which it cooperates.

8094 6. Serve on such state or national agencies,
8095 commissions, boards, organizations or committees as required by
8096 law.

8097 7. Conduct other business necessary and desirable
8098 for proper discharge of his responsibilities to the university or
8099 as may be stipulated here or elsewhere in the laws of Mississippi.

8100 **SECTION 199.** Section 57-23-5, Mississippi Code of 1972, is
8101 amended as follows:

8102 57-23-5. The Board of Trustees of the University of
8103 Mississippi is hereby authorized and directed to establish a
8104 research institute of pharmaceutical sciences at the University of
8105 Mississippi under the direction of the chancellor and such other
8106 administrative authorities within the university as said board of
8107 trustees may determine.

8108 **SECTION 200.** Section 57-23-7, Mississippi Code of 1972, is
8109 amended as follows:

8110 57-23-7. The Board of Trustees of the University of
8111 Mississippi shall provide for such equipment, personnel, supplies
8112 and services as it shall determine to be necessary for the proper
8113 operation and maintenance of said institute, having due regard for
8114 the contributory facilities and programs already existing at the
8115 University of Mississippi.

8116 **SECTION 201.** Section 57-23-11, Mississippi Code of 1972, is
8117 amended as follows:

8118 57-23-11. In addition to appropriations made by the
8119 Mississippi Legislature for the operation and support of the
8120 institute, the Board of Trustees of the University of Mississippi
8121 is authorized and empowered to receive contributions, donations,
8122 gifts, and grants of money and/or property, equipment, materials
8123 or manpower from persons, foundations, trust funds, corporations,
8124 organizations, and other sources, to be expended by said board in
8125 carrying out the objectives of this chapter.

8126 **SECTION 202.** Section 57-39-105, Mississippi Code of 1972, is
8127 amended as follows:

8128 57-39-105. The Energy Division of the Department of Economic
8129 and Community Development, referred to in Sections 57-39-103
8130 through 57-39-117 as the "division," shall coordinate the
8131 development and implementation of a general energy management
8132 plan. The general energy management plan shall include, but not
8133 be limited to, the following elements:

- 8134 (a) Data gathering requirements;
- 8135 (b) Buildings and facilities energy audit procedures;
- 8136 (c) Uniform data analysis procedures;
- 8137 (d) Employee energy education program procedures;
- 8138 (e) Energy consumption reduction techniques;
- 8139 (f) Training program for agency and institution
8140 personnel and energy coordinators;

- 8141 (g) Guidelines for buildings and facilities managers;
8142 (h) Building retrofit revolving loan fund policies and
8143 procedures;
8144 (i) Program monitoring and evaluation procedures.

8145 The general energy management plan shall also include a
8146 description of actions to reduce consumption of electricity and
8147 nonrenewable energy sources used for heating, cooling,
8148 ventilation, lighting and water heating. The Commissioner of
8149 Higher Education, the Department of Education and the Department
8150 of Finance and Administration shall assist in the preparation of
8151 the general energy management plan. The Department of Finance and
8152 Administration, Bureau of Buildings Division, shall notify the
8153 Energy Division of all renovations and repairs of buildings and
8154 facilities and the planning and design of new buildings and
8155 facilities to ensure that energy efficient equipment is utilized.

8156 **SECTION 203.** Section 57-49-11, Mississippi Code of 1972, is
8157 amended as follows:

8158 57-49-11. The Nuclear Waste Technical Review Committee
8159 hereby created and hereinafter referred to as the "committee"
8160 shall exercise the powers and duties and discharge the
8161 responsibilities enumerated herein.

8162 The committee shall originally consist of eight (8) members,
8163 one (1) of whom shall be the Executive Director of the Department
8164 of Wildlife, Fisheries and Parks, one (1) of whom shall be
8165 Director of the Emergency Management Agency, one (1) of whom shall
8166 be the State Health Officer, one (1) of whom shall be the
8167 Commissioner of Higher Education, one (1) of whom shall be a
8168 chairman of a board of trustees of a state institution of higher
8169 learning, as appointed by the Commissioner of Higher Education,
8170 one (1) of whom shall be the Executive Director of the Department
8171 of Environmental Quality, one (1) of whom shall be the staff
8172 member responsible for the Nuclear Waste Program within the
8173 Department of Environmental Quality who shall serve as secretary

8174 in a nonvoting capacity, and one (1) of whom shall be the
8175 Executive Director of the Mississippi Development Authority. The
8176 chairman shall be elected from among the membership of the
8177 committee.

8178 Committee members shall be permitted to designate substitute
8179 or alternate members to act in their stead, should they be unable
8180 to assume the responsibility of serving on the committee. The
8181 committee, by a majority vote of its membership, may recommend to
8182 the chairman that additional appointments should be made to the
8183 committee from other state agencies and the chairman shall make
8184 such appointments.

8185 The members of the committee shall receive reimbursement for
8186 mileage and actual expenses incurred in the performance of their
8187 duties at the rate authorized by Section 25-3-41. Members of the
8188 committee who are state employees shall be reimbursed for those
8189 expenses incurred which are authorized by Section 25-3-41.

8190 Provided that funding is available under Section 57-49-39,
8191 the members of the committee shall receive per diem compensation
8192 at the rate authorized by Section 25-3-69 for each day spent in
8193 the actual discharge of their duties when attending a meeting of
8194 the committee.

8195 **SECTION 204.** Section 57-55-5, Mississippi Code of 1972, is
8196 amended as follows:

8197 57-55-5. (1) In order to promote the orderly modernization
8198 and simplification of the law of the state and more complete
8199 utilization of the law resources of this state, the Mississippi
8200 Law Research Institute, hereafter referred to as MLRI, is hereby
8201 established as an official advisory law revision, research and
8202 reform agency of the State of Mississippi under the management and
8203 control of the Board of Trustees of the University of Mississippi
8204 as an academic department of the University of Mississippi Law
8205 Center.

8206 (2) The general purpose of the MLRI shall be to promote and
8207 encourage the clarification and simplification of the law of
8208 Mississippi, to improve the administration of justice, and to
8209 carry on scholarly legal research in anticipation of legal
8210 requirements for the efficient utilization and conservation of the
8211 natural resources of the state and the promotion of social,
8212 agricultural, industrial and commercial development. To that end
8213 it shall be the duty of said institute (a) to consider needed
8214 improvements in both substantive and adjective law and to make
8215 recommendations concerning same to the Legislature; (b) to examine
8216 and study the law of Mississippi and Mississippi jurisprudence
8217 with the object of discovering defects and inequities and of
8218 recommending needed reforms; (c) to receive and consider
8219 suggestions from judges, justices, public officials, lawyers and
8220 the public generally as to defects and anachronisms in the law;
8221 (d) to recommend from time to time such changes in the law as it
8222 deems necessary to reform or eliminate antiquated and inequitable
8223 rules of law and to bring the law of the state, both civil and
8224 criminal, into harmony with modern conditions; (e) to perform
8225 research and prepare reports on matters of law in support of the
8226 Legislature; (f) to advise and assist local governments, state
8227 agencies and associations by performing law research and
8228 preparation of related material, such as statutes and ordinances,
8229 reports, manuals, handbooks, codes, and conducting courses of
8230 instruction for the more efficient application of law and
8231 utilization of governmental resources; and (g) to prepare and
8232 publish texts and other scholarly works on law and procedure to
8233 aid in the administration of government within the state. In
8234 addition, the MLRI in cooperation with the Legislature and its
8235 staff shall devise and carry out a plan for continuous and
8236 comprehensive improvement in the utility and quality of the
8237 Mississippi Code. The MLRI shall coordinate its efforts with the
8238 work of the American Law Institute, National Conference of

8239 Commissioners on Uniform State Laws, the law and government
8240 institutes of the several states, and other such organizations in
8241 aid of the mission of said institute.

8242 **SECTION 205.** Section 57-55-7, Mississippi Code of 1972, is
8243 amended as follows:

8244 57-55-7. (1) The Board of Trustees of Mississippi State
8245 University is hereby authorized and directed to establish a
8246 Mississippi Water Resources Research Institute, hereinafter
8247 referred to as the WRRRI, at Mississippi State University under the
8248 direct supervision of the president of the university or a vice
8249 president to be designated by the president.

8250 (2) It shall be the function and duty of the WRRRI to:

8251 (a) Assist state agencies in the development and
8252 maintenance of a state water management plan;

8253 (b) Consult with state and local governmental agencies,
8254 water management districts, water user associations, the
8255 Legislature of the State of Mississippi, and other potential users
8256 in identifying and establishing research, planning, policy, and
8257 management priorities regarding water problems;

8258 (c) Negotiate and administer contracts with local,
8259 regional, state and federal agencies and other universities of the
8260 state for mitigation of priority water and related problems;

8261 (d) Report to the appropriate state agencies each year
8262 on the progress and findings of research projects;

8263 (e) Disseminate new information and facilitate transfer
8264 and application of new technologies as they are developed;

8265 (f) Provide for liaison between Mississippi and funding
8266 agencies as an advocate for Mississippi water research, planning,
8267 policy, and management needs; and

8268 (g) Facilitate and stimulate planning and management
8269 that:

8270 (i) Deals with water policy issues facing the
8271 State of Mississippi;

8272 (ii) Supports state water agencies' missions with
8273 research on problems encountered and expected;

8274 (iii) Provides water planning and management
8275 organizations with tools to increase efficiency and effectiveness
8276 of water planning and management.

8277 (3) The principal administrative officer of the WRRRI shall
8278 be a director, who shall be appointed by the President of
8279 Mississippi State University, with the approval of the board of
8280 trustees * * *. To meet the purposes of the WRRRI, the director
8281 shall develop appropriate policies and procedures (a) for
8282 identification of priority research problems; (b) for
8283 collaborating with local and state governmental agencies, water
8284 user associations, other universities, federal government
8285 agencies, and the Legislature in the formulation of its research
8286 program; (c) for selection of projects to be funded; and (d) for
8287 the dissemination and transfer of information and technology
8288 produced by research.

8289 **SECTION 206.** Section 57-55-9, Mississippi Code of 1972, is
8290 amended as follows:

8291 57-55-9. (1) The Mississippi Mineral Resources Institute,
8292 hereinafter referred to as MMRI, is hereby established. The MMRI
8293 shall be under the management and control of the Board of Trustees
8294 of the University of Mississippi. The principal offices of the
8295 MMRI shall be located at the University of Mississippi. The MMRI
8296 shall be organized to coordinate mining and mineral research,
8297 planning and development with the appropriate disciplines in other
8298 institutions of higher learning and other state, federal and
8299 private agencies concerned with the development and conservation
8300 of the mineral resources of the state.

8301 (2) It shall be the function and duties of the MMRI to:

8302 (a) Conduct basic and applied research for the
8303 development and conservation of mineral resources, including but

8304 not limited to mining, land reclamation and disposal of waste
8305 material;

8306 (b) Assist and support mining and mineral related
8307 research programs at the various institutions of higher learning;

8308 (c) Assist and consult with state and local agencies in
8309 planning the development and conservation of mineral resources;

8310 (d) Maintain liaison with private industry and
8311 appropriate state and local agencies to promote industrial
8312 development and conservation of mineral resources and plan,
8313 initiate and maintain a program of cooperative training between
8314 private industry and the academic and technical institutions of
8315 the state;

8316 (e) Disseminate new information and facilitate transfer
8317 and application of new technologies as they are developed; and

8318 (f) Negotiate and administer contracts with private,
8319 local, regional, state and federal agencies.

8320 **SECTION 207.** Section 57-55-11, Mississippi Code of 1972, is
8321 amended as follows:

8322 57-55-11. (1) The Mississippi Small Business Development
8323 Center, hereinafter referred to as SBDC, is hereby established.
8324 The Board of Trustees of the University of Mississippi is hereby
8325 authorized to establish the Mississippi Small Business Development
8326 Center at the University of Mississippi under the direct
8327 supervision of the chancellor of the university and the dean of
8328 the business school.

8329 (2) It shall be the function and duty of the SBDC to:

8330 (a) Develop a system to deliver management assistance
8331 to the small business community utilizing the resources of local,
8332 state and federal government programs, various segments of the
8333 private sector, and universities and colleges throughout the
8334 state;

8335 (b) Make management and technical assistance available
8336 to small businesses in Mississippi by linking together the above
8337 resources;

8338 (c) Develop small business opportunities for new
8339 start-ups and the expansion of existing businesses;

8340 (d) Develop the economic area served by the SBDC by
8341 providing opportunities for increased productivity through
8342 utilization of modern technology as developed by government, the
8343 university and the private sector;

8344 (e) Develop a clearinghouse for the collection and
8345 dissemination of economic and business data;

8346 (f) Assist businesses in developing more efficient
8347 marketing and distribution channels, including foreign trade
8348 marketing;

8349 (g) Increase opportunities for socially and/or
8350 economically disadvantaged entrepreneurs to enter the mainstream
8351 of our economy through an organized outreach program; and

8352 (h) Increase small business viability so that the small
8353 business client "graduates" from the SBDC.

8354 (3) The principal officer of the SBDC shall be an executive
8355 director who shall be appointed by the Chancellor of the
8356 University of Mississippi, with the approval of the board of
8357 trustees * * *.

8358 **SECTION 208.** Section 57-55-13, Mississippi Code of 1972, is
8359 amended as follows:

8360 57-55-13. (1) The Mississippi Polymer Institute,
8361 hereinafter referred to as the MPI, is hereby established under
8362 the management and control of the Board of Trustees of the
8363 University of Southern Mississippi. The principal offices of the
8364 MPI shall be located at the University of Southern Mississippi and
8365 shall be under the direction of the president and such other
8366 administrative authorities within the university as the board of
8367 trustees may determine.

8368 (2) It shall be the function of the MPI to conduct and
8369 sponsor research of interest to the polymer industries of the
8370 state, and to disseminate research results and other information
8371 of interest to appropriate individuals and research agencies for
8372 whom such knowledge will be helpful, and to the Mississippi
8373 polymer industries by conducting and sponsoring short courses,
8374 seminars and symposia. Said research shall be designed to
8375 increase the utilization of Mississippi raw materials in polymers
8376 and to support the rapidly growing polymer industry. Data from
8377 applications research will be released to appropriate Mississippi
8378 research agencies and industries for appropriate utilization. The
8379 MPI shall be organized to coordinate polymer research, planning
8380 and development with the appropriate disciplines in other
8381 institutions of higher learning and other state, federal and
8382 private agencies concerned with the development of Mississippi's
8383 polymer industry.

8384 **SECTION 209.** Section 57-55-15, Mississippi Code of 1972, is
8385 amended as follows:

8386 57-55-15. (1) The Mississippi Energy Research Center,
8387 hereinafter referred to as the MERC, is hereby established under
8388 the management and control of the Board of Trustees of Mississippi
8389 State University. The MERC shall be a unit of Mississippi State
8390 University under the direct supervision of the president thereof
8391 or a vice president to be designated by the president.

8392 (2) It shall be the purpose of the MERC to develop,
8393 implement and coordinate energy and energy-related research
8394 programs in Mississippi. It shall be the duty of the MERC to:

8395 (a) Conduct basic and applied research related to
8396 energy needs within Mississippi;

8397 (b) Consult with state and local government agencies,
8398 utilities, industry and Legislature and other potential users of
8399 research in identifying and prioritizing energy problems for
8400 research;

8401 (c) Negotiate and administer contracts with other
8402 universities of the state for the conduct of research projects;
8403 (d) Report to the Governor and to the Legislature each
8404 year on the progress and findings of research projects;
8405 (e) Facilitate the transfer and application of new
8406 technologies as they are developed; and
8407 (f) Facilitate and stimulate research that:
8408 (i) Deals with policy issues facing the
8409 Legislature;
8410 (ii) Supports state agencies' missions with
8411 research on problems encountered and expected; and
8412 (iii) Provides energy planning and management
8413 organizations with tools to increase efficiency and effectiveness
8414 of energy planning and management.

8415 (3) The principal administrative officer of the MERC shall
8416 be a director, who shall be appointed by the president with the
8417 approval of the board of trustees * * *. To meet the purposes of
8418 the center, the director shall develop appropriate policies and
8419 procedures (a) for identification of priority research problems;
8420 (b) for collaborating with local and state government agencies,
8421 utilities, industry, other universities, federal government
8422 agencies and the Legislature in the formulation of its research
8423 program; (c) for selection of projects to be funded; and (d) for
8424 the transfer of technology which is produced by the research.

8425 **SECTION 210.** Section 57-55-17, Mississippi Code of 1972, is
8426 amended as follows:

8427 57-55-17. (1) The Mississippi Urban Research Center,
8428 hereinafter referred to as the MURC, is hereby established under
8429 the management and control of the Board of Trustees of Jackson
8430 State University. The principal officers of the MURC shall be
8431 located at Jackson State University and shall be under the
8432 direction of the president of the university subject to the
8433 governance of the board of trustees. The president shall appoint

8434 a director of the MURC who shall recommend to the president
8435 necessary professional and administrative staff of the center, all
8436 subject to the approval of the board of trustees.

8437 (2) It shall be the function of the urban research center to
8438 conduct basic and applied research into urban problems and public
8439 policy and to make available the results of this research to
8440 private groups, public bodies and public officials. They may
8441 offer consultations and general advisory services concerning urban
8442 problems and their solutions. According to the policies of the
8443 board of trustees * * * and with its approval, they may conduct
8444 instructional and training programs for those who are working in
8445 or expect to make careers in urban public service. Such training
8446 programs may be conducted by Jackson State University either in
8447 its own name or by agreement and cooperation with other public and
8448 private organizations. The MURC personnel shall cooperate fully
8449 with the various departments of the state government, with the
8450 colleges and universities of the state, with the University
8451 Research Center, with the Mississippi Development Authority, and
8452 with other research and development agencies in an effort to fully
8453 effectuate the purpose of this section. All state agencies and
8454 departments are hereby authorized and directed to give the MURC
8455 and its personnel their full cooperation in every possible manner.

8456 **SECTION 211.** Section 57-67-5, Mississippi Code of 1972, is
8457 amended as follows:

8458 57-67-5. Words and phrases used in this chapter shall have
8459 meanings as follows, unless the context clearly indicates a
8460 different meaning:

8461 (a) "Act" means the Mississippi Superconducting Super
8462 Collider Act as originally enacted or as hereafter amended.

8463 (b) "Authority" means the Mississippi Superconducting
8464 Super Collider Authority created pursuant to the chapter.

8465 (c) "Bonds" means bonds, interim notes and other
8466 certificates of indebtedness of the authority issued pursuant to
8467 the provisions of Sections 57-67-19 through 57-67-31.

8468 (d) "Facility related to the project" means and
8469 includes any of the following, as the same may pertain to the
8470 project:

8471 (i) Facilities to provide potable and industrial
8472 water supply systems (including cooling lakes) and sewage and
8473 waste disposal systems to the site of the project;

8474 (ii) Airports, airfields and air terminals;

8475 (iii) Rail lines;

8476 (iv) Port facilities on the Tennessee-Tombigbee
8477 Waterway;

8478 (v) Highways, streets and other roadways;

8479 (vi) Public school buildings, classrooms and
8480 instructional facilities, including any functionally related
8481 facilities;

8482 (vii) Parks, outdoor recreation facilities and
8483 athletic facilities; and

8484 (viii) Auditoriums, pavilions, campgrounds, art
8485 centers, cultural centers, folklore centers and other public
8486 facilities.

8487 (e) "Person" means any natural person, corporation,
8488 association, partnership, receiver, trustee, guardian, executor,
8489 administrator, fiduciary, governmental unit, public agency,
8490 political subdivision, or any other group acting as a unit, and
8491 the plural as well as the singular.

8492 (f) "Project" means the superconducting super colliding
8493 particle beam accelerator, known as the Superconducting Super
8494 Collider, proposed to be constructed by the United States
8495 Department of Energy, as described in the Invitation for Proposals
8496 issued by said department, as now or hereafter supplemented or
8497 amended, together with all real property required for

8498 construction, maintenance and operation of the Superconducting
8499 Super Collider, and all buildings, tunneling and other supporting
8500 land and facilities required or useful for construction,
8501 maintenance and operation of the Superconducting Super Collider.

8502 (g) "Project area" means the project site, together
8503 with any area or territory within the state lying within fifty
8504 (50) air miles from any portion of the project site to be conveyed
8505 to the Department of Energy, whether or not such area or territory
8506 be contiguous. "Project site" means the real property to be
8507 conveyed to the United States Department of Energy as set forth in
8508 the application to be filed with the Department of Energy by the
8509 authority.

8510 (h) "Public agency" means and includes:

8511 (i) The state and any department, board,
8512 commission, institution or other agency or instrumentality of the
8513 state, including but not limited to, the board of trustees of each
8514 state institution of higher learning and the State Board of
8515 Education;

8516 (ii) Any city, town, county, political
8517 subdivision, school district or other district created or existing
8518 under the laws of the state or any public agency of any such city,
8519 town, county, political subdivision or district;

8520 (iii) Any department, commission, agency or
8521 instrumentality of the United States of America; and

8522 (iv) Any other state of the United States of
8523 America which may be cooperating with respect to location of the
8524 project within the state, or any agency thereof.

8525 (i) "State" means State of Mississippi.

8526 (j) "State bonds" means general obligation bonds, notes
8527 or other evidences of the State of Mississippi issued under
8528 Section 57-67-15.

8529 **SECTION 212.** Section 57-67-13, Mississippi Code of 1972, is
8530 amended as follows:

8531 57-67-13. (1) The Commissioner of Higher Education is
8532 hereby directed to develop plans for the creation of an Institute
8533 of High Energy Physics. Upon notification to the authority by the
8534 Department of Energy that the state has been selected as the site
8535 of the project, the board of trustees of the state institution of
8536 higher learning selected for the site, not later than one (1) year
8537 thereafter, shall establish and create the institute. Such
8538 institute shall include at least twenty (20) funded faculty
8539 positions and shall include facilities to accommodate faculty and
8540 graduate students.

8541 (2) The Commissioner of Higher Education is hereby directed
8542 to develop plans for the creation of an Institute for Mathematics
8543 and Computing Sciences. Upon notification to the authority by the
8544 Department of Energy that the state has been selected as the site
8545 of the project, the board of trustees of the state institution of
8546 higher learning selected for the site, not later than one (1) year
8547 thereafter, shall establish and create the institute.

8548 (3) The authority is hereby directed to develop plans for
8549 technology transfer activities to ensure private sector conduits
8550 for exchange of information, technology and expertise related to
8551 the project to generate opportunities for commercial development
8552 within the state.

8553 **SECTION 213.** Section 57-75-13, Mississippi Code of 1972, is
8554 amended as follows:

8555 57-75-13. The Commissioner of Higher Education is hereby
8556 authorized to support the project by creating institutes and
8557 developing curricula of direct benefit to the enterprise. Upon
8558 notification to the authority by the enterprise that the state has
8559 been selected as the site of the project, the board of trustees of
8560 the state institution of higher learning that has been selected
8561 for the site may establish and create programs to enhance the
8562 project's success.

8563 **SECTION 214.** Section 61-5-71, Mississippi Code of 1972, is
8564 amended as follows:

8565 61-5-71. It shall be the public policy of this state to
8566 encourage the construction, equipping, maintenance and operation
8567 of adequate transportation facilities, including airports, if
8568 needed, for use of the state university and the state supported
8569 four-year colleges now or hereafter located in the state, as
8570 necessary in the operation and training program of such university
8571 and colleges and desirable for the use of the municipalities and
8572 areas in or near which such airports may be located as well as
8573 being helpful in the economic, industrial and business development
8574 of said counties. It is the intent of Sections 61-5-71 through
8575 61-5-77 to provide means whereby the board of trustees of each
8576 state institution of higher learning, the State Building
8577 Commission and any and all other state agencies which have either
8578 constructed such airport facilities, or contemplate so doing, may
8579 obtain assistance and contributions of funds from any municipality
8580 in or near which any such college may be located and from the
8581 county in which any such airport facilities may be located. It is
8582 also the intent of said sections to authorize such municipalities
8583 and counties to borrow money and issue bonds, under their
8584 respective bond laws, to provide funds for the purpose of aiding
8585 and assisting in the acquisition of sites for such airports,
8586 construction of buildings, construction of runways and extension
8587 of runways and in constructing and equipping all facilities needed
8588 or desirable for such airports.

8589 **SECTION 215.** Section 61-5-73, Mississippi Code of 1972, is
8590 amended as follows:

8591 61-5-73. The boards of supervisors of the several counties
8592 of the state are authorized, in their discretion, to acquire by
8593 condemnation, donation, lease or purchase land to be used as an
8594 airport or landing place for airplanes. They may erect such

8595 buildings thereon as they may deem necessary for such purpose, and
8596 equip and maintain such airport.

8597 The boards of supervisors of the several counties of the
8598 state, wherein the university or other state supported four-year
8599 colleges now or hereafter in existence, are or shall be located,
8600 are authorized, in their discretion, to assist the board of
8601 trustees of the state institution of higher learning located in
8602 that county, the State Building Commission or any other state
8603 agency by contributing county funds to be used in the acquisition
8604 of a site for an airport, erecting suitable buildings, building or
8605 extending runways and equipping, maintaining and operating an
8606 airport, which shall be available for the use of said university
8607 or colleges, as the case may be, and for the general public.

8608 **SECTION 216.** Section 61-5-75, Mississippi Code of 1972, is
8609 amended as follows:

8610 61-5-75. The governing authorities of any municipality are
8611 authorized, in their discretion, to exercise all the powers
8612 conferred on boards of supervisors with reference to acquiring
8613 land to be used as an airport or landing place for airplanes, and
8614 erect suitable buildings thereon, and equip and maintain such
8615 airport. They may acquire airports or landing places already
8616 established. Such airport or landing place may be situated beyond
8617 the limits of such municipality. The governing authorities of a
8618 municipality may lease, or sublease, or contract the maintenance
8619 and operation of, any airport or landing place for airplanes to
8620 the United States of America, or any department or agency thereof,
8621 or to any person, firm, association, or corporation, for the
8622 purpose of training aviators and for other legal purposes. The
8623 county wherein such airport may be situated is hereby authorized
8624 to make such contribution to the cost of acquiring the necessary
8625 land for such airport, the placing of same in suitable condition,
8626 and the equipping and maintenance thereof, as the board of

8627 supervisors of such county and the governing body of such
8628 municipality may mutually agree upon.

8629 The governing authorities of the several municipalities of
8630 the state in or near which the state university or a state
8631 supported four-year college, now or hereafter in existence, are or
8632 shall be located, are authorized, in their discretion, to assist
8633 the board of trustees of the state institution of higher learning
8634 in or near the particular municipality, the State Building
8635 Commission or any other state agency by contributing municipal
8636 funds to be used in the acquisition of a site for an airport,
8637 erecting suitable buildings and building or extending runways,
8638 equipping, maintaining and operating an airport, which shall be
8639 available for the use of said university or colleges, as the case
8640 may be, and for the general public.

8641 Any such municipality which offers assistance in the
8642 acquisition of a site for constructing suitable buildings,
8643 building or extending runways or maintaining and operating such
8644 airports for the university or other state supported colleges, as
8645 the case may be, may or may not be in the county in which the
8646 university or the state supported four-year college is located,
8647 provided the airport is not more than ten (10) miles from said
8648 municipality.

8649 **SECTION 217.** Section 63-11-32, Mississippi Code of 1972, is
8650 amended as follows:

8651 63-11-32. (1) The State Department of Public Safety in
8652 conjunction with the Governor's Highway Safety Program, the State
8653 Board of Health, or any other state agency or institution shall
8654 develop and implement a driver improvement program for persons
8655 identified as first offenders convicted of driving while under the
8656 influence of intoxicating liquor or another substance which had
8657 impaired such person's ability to operate a motor vehicle,
8658 including provision for referral to rehabilitation facilities.

8659 (2) The program shall consist of a minimum of ten (10) hours
8660 of instruction. Each person who participates shall pay a nominal
8661 fee to defray a portion of the cost of the program.

8662 (3) Such assessments as are collected under subsection (2)
8663 of Section 99-19-73 shall be deposited in a special fund hereby
8664 created in the State Treasury and designated the "Mississippi
8665 Alcohol Safety Education Program Fund." Monies deposited in such
8666 fund shall be expended by the boards of trustees of the state
8667 institutions of higher learning as authorized and appropriated by
8668 the Legislature to defray the costs of the Mississippi Alcohol
8669 Safety Education Program operated pursuant to the provisions of
8670 this section. Any revenue in the fund which is not encumbered at
8671 the end of the fiscal year shall lapse to the General Fund.

8672 (4) Such assessments as are collected under subsection (2)
8673 of Section 99-19-73 shall be deposited in a special fund hereby
8674 created in the State Treasury and designated the "Federal-State
8675 Alcohol Program Fund." Monies deposited in such fund shall be
8676 expended by the Department of Public Safety as authorized and
8677 appropriated by the Legislature to defray the costs of alcohol and
8678 traffic safety programs. Any revenue in the fund which is not
8679 encumbered at the end of the fiscal year shall lapse to the
8680 General Fund.

8681 (5) Such assessments as are collected under subsection (2)
8682 of Section 99-19-73 shall be deposited in a special fund hereby
8683 created in the State Treasury and designated the "Mississippi
8684 Crime Laboratory Implied Consent Law Fund." Monies deposited in
8685 such fund shall be expended by the Department of Public Safety as
8686 authorized and appropriated by the Legislature to defray the costs
8687 of equipment replacement and operational support of the
8688 Mississippi Crime Laboratory relating to enforcement of the
8689 Implied Consent Law. Any revenue in the fund which is not
8690 encumbered at the end of the fiscal year shall not lapse to the
8691 General Fund but shall remain in the fund.

8692 **SECTION 218.** Section 69-2-5, Mississippi Code of 1972, is
8693 amended as follows:

8694 69-2-5. (1) The Mississippi Cooperative Extension Service
8695 shall act as a clearinghouse for the dissemination of information
8696 regarding programs and services which may be available to help
8697 those persons and businesses which have been adversely affected by
8698 the present emergency in the agricultural community. The
8699 Cooperative Extension Service shall develop a plan of assistance
8700 which shall identify all programs and services available within
8701 the state which can be of assistance to those affected by the
8702 present emergency. The Department of Agriculture and Commerce,
8703 the Division of Federal-State Programs of the Office of the
8704 Governor, Department of Public Welfare, Department of Mental
8705 Health, State Board of Health, board of trustees of each state
8706 institution of higher learning, State Board for Community and
8707 Junior Colleges, Research and Development Center, Board of
8708 Economic Development, Employment Security Commission, Board of
8709 Vocational and Technical Education, Mississippi Authority for
8710 Educational Television, and other agencies of the state which have
8711 programs and services that can be of assistance to those affected
8712 by the present emergency, shall provide information regarding
8713 their programs and services to the Cooperative Extension Service
8714 for use in the clearinghouse. The types of programs and services
8715 shall include but not be limited to financial counseling, farm and
8716 small business management, employment services, labor market
8717 information, job retraining, vocational and technical training,
8718 food stamp programs, personal counseling, health services, and
8719 free or low cost legal services. The clearinghouse shall provide
8720 a single contact point to provide program information and referral
8721 services to individuals interested or needing services from state
8722 funded assistance programs affecting agriculture, horticulture,
8723 aquaculture and other agribusinesses or related industries. Such
8724 assistance information shall identify all monies available under

8725 the Small Business Financing Act, the Business Investment Act, the
8726 Emerging Crop Fund legislation and any other sources which may be
8727 used singularly or combined, to provide a comprehensive financing
8728 package. The provisions of this section in establishing a single
8729 contact point for information and referral services shall not be
8730 construed to authorize the hiring of additional personnel.

8731 (2) The Cooperative Extension Service may accept monetary or
8732 in-kind contributions, gifts and grants for the establishment or
8733 operation of the clearinghouse.

8734 (3) The Cooperative Extension Service shall establish a
8735 method for the dissemination of information to those who can be
8736 benefited by the existing programs and services of the state.

8737 (4) The Cooperative Extension Service shall file an annual
8738 report with the Governor, Lieutenant Governor and Speaker of the
8739 House of Representatives regarding the efforts which have been
8740 made in the clearinghouse operation. The report shall also
8741 recommend any additional measures, including legislation, which
8742 may be needed or desired in providing programs and benefits to
8743 those affected by the agricultural emergency.

8744 **SECTION 219.** Section 73-15-19, Mississippi Code of 1972, is
8745 amended as follows:

8746 73-15-19. (1) **Registered nurse applicant qualifications.**
8747 Any applicant for a license to practice as a registered nurse
8748 shall submit to the board:

8749 (a) An attested written application on a board of
8750 nursing form;

8751 (b) Written official evidence of completion of a
8752 nursing program approved by the Commissioner of Higher Education,
8753 or one approved by a legal accrediting agency of another state,
8754 territory or possession of the United States, the District of
8755 Columbia, or a foreign country which is satisfactory to this
8756 board;

8757 (c) Evidence of competence in English related to
8758 nursing, provided the first language is not English;

8759 (d) Any other official records required by the board.

8760 The board may, in its discretion, refuse to accept the
8761 application of any person who has been convicted of a criminal
8762 offense under any provision of Title 97 of the Mississippi Code of
8763 1972, as now or hereafter amended, or any provision of this
8764 chapter.

8765 (2) **Licensure by examination.**

8766 (a) Upon the board being satisfied that an applicant
8767 for a license as a registered nurse has met the qualifications set
8768 forth in subsection (1) of this section, the board shall proceed
8769 to examine such applicant in such subjects as the board shall, in
8770 its discretion, determine. The subjects in which applicants shall
8771 be examined shall be in conformity with curricula in schools of
8772 nursing approved by the Commissioner of Higher Education, or one
8773 approved by a legal accrediting agency of another state, territory
8774 or possession of the United States, the District of Columbia, or a
8775 foreign country which is satisfactory to the board.

8776 (b) The applicant shall be required to pass the written
8777 examination as selected by the board.

8778 (c) Upon successful completion of such examination, the
8779 board shall issue to the applicant a license to practice as a
8780 registered nurse.

8781 (d) The board may use any part or all of the state
8782 board test pool examination for registered nurse licensure, its
8783 successor examination, or any other nationally standardized
8784 examination identified by the board in its rules. The passing
8785 score shall be established by the board in its rules.

8786 (3) **Licensure by endorsement.** The board may issue a license
8787 to practice nursing as a registered nurse without examination to
8788 an applicant who has been duly licensed as a registered nurse
8789 under the laws of another state, territory or possession of the

8790 United States, the District of Columbia, or a foreign country if,
8791 in the opinion of the board, the applicant meets the
8792 qualifications required of licensed registered nurses in this
8793 state and has previously achieved the passing score or scores on
8794 the licensing examination required by this state, at the time of
8795 his or her graduation.

8796 (4) **Requirements for rewriting the examination.** The board
8797 shall establish in its rules the requirements for rewriting the
8798 examination for those persons failing the examination on the first
8799 writing or subsequent rewriting.

8800 (5) **Fee.** The applicant applying for a license by
8801 examination or by endorsement to practice as a registered nurse
8802 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
8803 board.

8804 (6) **Temporary permit.**

8805 (a) The board may issue a temporary permit to practice
8806 nursing to a graduate of an approved school of nursing pending the
8807 results of the examination in Mississippi, and to a qualified
8808 applicant from another state, territory or possession of the
8809 United States, or District of Columbia, or pending licensure
8810 procedures as provided for elsewhere in this chapter. The fee
8811 shall not exceed Twenty-five Dollars (\$25.00).

8812 (b) The board may issue a temporary permit for a period
8813 of ninety (90) days to a registered nurse who is currently
8814 licensed in another state, territory or possession of the United
8815 States or the District of Columbia and who is an applicant for
8816 licensure by endorsement. Such permit is not renewable except by
8817 board action.

8818 (c) The board may issue a temporary permit to a
8819 graduate of an approved school of nursing pending the results of
8820 the first licensing examination scheduled after application. Such
8821 permit is not renewable except by board action.

8822 (d) The board may issue a temporary permit for a period
8823 of thirty (30) days to any registered nurse during the time
8824 enrolled in a nursing reorientation program. This time period may
8825 be extended by board action. The fee shall not exceed Twenty-five
8826 Dollars (\$25.00).

8827 (e) The board may adopt such regulations as are
8828 necessary to limit the practice of persons to whom temporary
8829 permits are issued.

8830 (7) **Temporary license.** The board may issue a temporary
8831 license to practice nursing at a youth camp licensed by the State
8832 Board of Health to nonresident registered nurses and retired
8833 resident registered nurses under the provisions of Section
8834 75-48-8.

8835 (8) **Title and abbreviation.** Any person who holds a license
8836 or holds the privilege to practice as a registered nurse in this
8837 state shall have the right to use the title "registered nurse" and
8838 the abbreviation "R.N." No other person shall assume such title
8839 or use such abbreviation, or any words, letters, signs or devices
8840 to indicate that the person using the same is a registered nurse.

8841 (9) **Registered nurses licensed under a previous law.** Any
8842 person holding a license to practice nursing as a registered nurse
8843 issued by this board which is valid on July 1, 1981, shall
8844 thereafter be deemed to be licensed as a registered nurse under
8845 the provisions of this chapter upon payment of the fee provided in
8846 Section 73-15-27.

8847 (10) Each application or filing made under this section
8848 shall include the social security number(s) of the applicant in
8849 accordance with Section 93-11-64.

8850 **SECTION 220.** Section 73-15-33, Mississippi Code of 1972, is
8851 amended as follows:

8852 73-15-33. It is unlawful for any person, including a
8853 corporation or association, to:

8854 (a) Sell, fraudulently obtain or furnish any nursing
8855 diploma, license, renewal of license, or record, or to aid or abet
8856 therein;

8857 (b) Practice nursing as defined by this chapter under
8858 cover of any diploma, license, renewal of license, or record
8859 illegally or fraudulently obtained or signed or issued unlawfully
8860 or under fraudulent representation;

8861 (c) Practice or offer to practice nursing as defined by
8862 this chapter unless duly licensed or privileged to practice under
8863 the provisions of this chapter;

8864 (d) Use any designation by which a person presents to
8865 the public that he or she is a registered nurse or a licensed
8866 practical nurse unless duly licensed or privileged to practice
8867 under the provisions of this chapter;

8868 (e) Practice as a registered nurse or a licensed
8869 practical nurse during the time his or her license or privilege to
8870 practice issued under the provisions of this chapter is under
8871 suspension or revocation;

8872 (f) Conduct a nursing education program for the
8873 preparation of registered nurses, unless the program has been
8874 accredited by the Commission of Higher Education, or conduct a
8875 nursing education program for the preparation of licensed
8876 practical nurses unless the program has been accredited by the
8877 Department of Education through the Division of Vocational
8878 Education;

8879 (g) Willfully employ unlicensed persons or persons not
8880 holding the privilege to practice, to practice as registered
8881 nurses or licensed practical nurses; or

8882 (h) Willfully aid or abet any person who violates any
8883 provisions of this chapter.

8884 Any person, firm or corporation who violates any provisions
8885 of this chapter shall be guilty of a misdemeanor and, upon
8886 conviction thereof, shall be punished by a fine not less than One

8887 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
8888 (\$1,000.00) or by imprisonment in the county jail for not less
8889 than twelve (12) months, or by both such fine and imprisonment.
8890 It shall be necessary to prove, in any prosecution under this
8891 chapter, only a single act prohibited by law, or a single holding
8892 out or an attempt without proving a general course of conduct in
8893 order to constitute a violation. Each violation may constitute a
8894 separate offense. It shall be the duty of the Attorney General to
8895 advise with the board in preparing charges, to assist in
8896 conducting board disciplinary hearings, to provide assistance with
8897 appropriate affidavits and other charges for filing in the
8898 appropriate court, and to assist the county or district attorney
8899 in prosecution, if any.

8900 **SECTION 221.** Section 75-59-1, Mississippi Code of 1972, is
8901 amended as follows:

8902 75-59-1. No person, firm or corporation shall contract to
8903 furnish correspondence courses to persons within the state unless
8904 such person, firm or corporation shall have obtained a permit from
8905 the Office of the Secretary of State, either (a) the State
8906 Department of Education, (b) the State Board for Community and
8907 Junior Colleges, or (c) the Commissioner of Higher Education,
8908 whichever is appropriate, and the Office of the Attorney General.
8909 An application for a permit shall be made on forms furnished by
8910 the Secretary of State, the State Department of Education, the
8911 State Board for Community and Junior Colleges or the Commissioner
8912 of Higher Education, as the case may be, and the Attorney General
8913 and such application shall designate an agent for the service of
8914 summons within the state; shall contain the name and address of
8915 the applicant; the type of courses offered with a brief summary of
8916 the course of studies offered; and one (1) copy of all textbooks
8917 or other teaching aids and training materials which are
8918 incorporated in the course of study shall be filed with said
8919 application. The applicant shall pay the Secretary of State a fee

8920 of Two Hundred Fifty Dollars (\$250.00). The applicant shall file
8921 a bond with his application in the sum of Fifty Thousand Dollars
8922 (\$50,000.00) conditioned to satisfy any judgment rendered by a
8923 court of competent jurisdiction, in favor of any person who has
8924 sustained damages as a result of the breach of a contract of
8925 instruction by the permittee. Such bond shall be executed by the
8926 permittee and a resident surety company qualified to transact
8927 business within the state. Such permit shall be valid for one (1)
8928 year from the date thereof. Suits against the permittee and his
8929 surety may be brought in the county where the plaintiff resides,
8930 or the county where the defendant has his principal place of
8931 business, or where his resident agent resides. This chapter shall
8932 not apply to any business school or business college holding a
8933 current certificate or license issued under the applicable law of
8934 this state. In addition, this chapter shall not apply to
8935 religious instructions offered by a recognized church
8936 denomination; provided, however, that no fee or charge of any kind
8937 whatever may be levied or collected directly or indirectly for
8938 such instructions or certificates issued in connection therewith
8939 or incidental thereto. No person shall be granted a permit unless
8940 he is an individual of good moral character.

8941 **SECTION 222.** Section 75-60-5, Mississippi Code of 1972, is
8942 amended as follows:

8943 75-60-5. The provisions of this chapter do not apply to the
8944 following categories of courses, schools or colleges:

8945 (a) Tuition-free courses or schools conducted by
8946 employers exclusively for their own employees;

8947 (b) Schools, colleges, technical institutes, community
8948 colleges, junior colleges or universities under the jurisdiction
8949 of a board of trustees of a state institution of higher learning
8950 or the State Board for Community and Junior Colleges;

8951 (c) Schools or courses of instruction under the
8952 jurisdiction of the State Board of Cosmetology or State Board of
8953 Barber Examiners;

8954 (d) Courses of instruction required by law to be
8955 approved or licensed, or given by institutions approved or
8956 licensed, by a state board or agency other than the Commission on
8957 Proprietary School and College Registration; however, a school so
8958 approved or licensed may apply to the Commission on Proprietary
8959 School and College Registration for a certificate of registration
8960 to be issued in accordance with the provisions of this chapter;

8961 (e) Correspondence courses;

8962 (f) Nonprofit private schools offering academic credits
8963 at primary or secondary levels, or conducting classes for
8964 exceptional education as defined by regulations of the State
8965 Department of Education;

8966 (g) Private nonprofit colleges and universities or any
8967 private school offering academic credits at primary, secondary or
8968 postsecondary levels;

8969 (h) Courses of instruction conducted by a public school
8970 district or a combination of public school districts;

8971 (i) Courses of instruction conducted outside the United
8972 States;

8973 (j) A school which offers only instruction in subjects
8974 which the Commission on Proprietary School and College
8975 Registration determines are primarily for avocational, personal
8976 improvement or cultural purposes and which does not represent to
8977 the public that its course of study or instruction will or may
8978 produce income for those who take such study or instruction;

8979 (k) Courses conducted primarily on an individual
8980 tutorial basis, where not more than one (1) student is involved at
8981 any one (1) time, except in those instances where the Commission
8982 on Proprietary School and College Registration determines that the
8983 course is for the purpose of preparing for a vocational objective;

8984 (1) Kindergartens or similar programs for preschool-age
8985 children.

8986 **SECTION 223.** The Attorney General of the State of
8987 Mississippi shall submit this act, immediately upon approval by
8988 the Governor, or upon approval by the Legislature subsequent to a
8989 veto, to the Attorney General of the United States or to the
8990 United States District Court for the District of Columbia in
8991 accordance with the provisions of the Voting Rights Act of 1965,
8992 as amended and extended.

8993 **SECTION 224.** This act shall take effect and be in force from
8994 and after either the date it is effectuated under the Voting
8995 Rights Act of 1965, as amended and extended, or the date that
8996 House Concurrent Resolution No. ____, 2004 Regular Session, takes
8997 effect, whichever is the later date; however, this act shall take
8998 effect and be in force only if it is effectuated under the Voting
8999 Rights Act of 1965, as amended and extended, and only if House
9000 Concurrent Resolution No. ____, 2004 Regular Session, takes effect
9001 by effectuation under the Voting Rights Act of 1965, as amended
9002 and extended, and by ratification of the electorate at the
9003 November 2004 general election.