

By: Senator(s) Little, Gordon, Robertson, Burton, Hewes, Kirby, King, Chaney, Flowers, Chamberlin, Pickering, Albritton, Brown, Moffatt, Morgan, Huggins, Carmichael, Nunnelee, Michel, Ross, Hyde-Smith, Clarke, Mettetal, Jackson (15th), Lee (35th), Doxey, Browning, White

To: Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2628

1 AN ACT TO REQUIRE CERTAIN EFFICIENCIES IN THE ADMINISTRATION
2 OF STATE GOVERNMENT; TO AMEND SECTION 25-9-127, MISSISSIPPI CODE
3 OF 1972, TO PROVIDE THAT FOR A PERIOD OF ONE YEAR, THE PERSONNEL
4 ACTIONS OF CERTAIN EXECUTIVE AGENCIES SHALL BE EXEMPT FROM CERTAIN
5 STATE PERSONNEL BOARD PROCEDURES; TO AMEND SECTIONS 41-29-107,
6 41-29-108, 41-29-111 AND 45-1-2, MISSISSIPPI CODE OF 1972, TO
7 ASSIGN THE COMMISSIONER OF PUBLIC SAFETY SUCH POWERS AND DUTIES
8 DEEMED NECESSARY TO CARRY OUT THE LAWFUL FUNCTIONS OF THE
9 MISSISSIPPI BUREAU OF NARCOTICS, TO PROVIDE FOR THE APPOINTMENT OF
10 THE DIRECTOR OF THE BUREAU, TO PROVIDE THAT FUNDS APPROPRIATED TO
11 THE DEPARTMENT OF PUBLIC SAFETY FOR THE USE OF THE BUREAU SHALL BE
12 BUDGETED AND MAINTAINED BY THE DEPARTMENT; TO AMEND SECTION 1,
13 CHAPTER 520, LAWS OF 1972, IN CONFORMITY THERETO; TO AMEND
14 SECTIONS 37-101-15 AND 37-4-3, MISSISSIPPI CODE OF 1972, TO DIRECT
15 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND
16 THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO CONDUCT A
17 JOINT STUDY TO DETERMINE OPPORTUNITIES FOR COST SAVINGS THROUGH
18 CENTRALIZATION OR COORDINATION OF ADMINISTRATIVE SERVICES, AND TO
19 REPORT SUCH FINDINGS TO THE LEGISLATURE NOT LATER THAN OCTOBER 1,
20 2004, WITH SAID REPORT TO INCLUDE COST SAVINGS TO BE REALIZED
21 ANNUALLY; TO PROVIDE THAT INTEREST EARNED ON THE STATE HIGHWAY
22 FUND MAINTAINED AND ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF
23 TRANSPORTATION SHALL BE CREDITED TO THE STATE GENERAL FUND; TO
24 AMEND SECTION 65-11-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY
25 THERETO; TO ESTABLISH AN OFFICE OF ADMINISTRATIVE SERVICES WITHIN
26 THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ASSIST SPECIAL
27 FUND AGENCIES IN FINANCIAL AND BUDGETING MATTERS; TO AUTHORIZE AN
28 ASSESSMENT ON PARTICIPATING AGENCIES; TO ESTABLISH AN OFFICE OF
29 ADMINISTRATIVE SERVICES REVOLVING FUND; TO SPECIFY THOSE AGENCIES
30 WHICH ARE TO UTILIZE THE SERVICES OF THE OFFICE OF ADMINISTRATIVE
31 SERVICES; TO AMEND SECTION 27-104-103, MISSISSIPPI CODE OF 1972,
32 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

34 **SECTION 1.** Section 25-9-127, Mississippi Code of 1972, is
35 amended as follows:

36 25-9-127. (1) No employee of any department, agency or
37 institution who is included under this chapter or hereafter
38 included under its authority, and who is subject to the rules and
39 regulations prescribed by the state personnel system may be
40 dismissed or otherwise adversely affected as to compensation or
41 employment status except for inefficiency or other good cause, and
42 after written notice and hearing within the department, agency or

43 institution as shall be specified in the rules and regulations of
44 the State Personnel Board complying with due process of law; and
45 any employee who has by written notice of dismissal or action
46 adversely affecting his compensation or employment status shall,
47 on hearing and on any appeal of any decision made in such action,
48 be required to furnish evidence that the reasons stated in the
49 notice of dismissal or action adversely affecting his compensation
50 or employment status are not true or are not sufficient grounds
51 for the action taken; provided, however, that this provision shall
52 not apply (a) to persons separated from any department, agency or
53 institution due to curtailment of funds or reduction in staff when
54 such separation is in accordance with rules and regulations of the
55 state personnel system; (b) during the probationary period of
56 state service of twelve (12) months; and (c) to an executive
57 officer of any state agency who serves at the will and pleasure of
58 the Governor, board, commission or other appointing authority.

59 (2) The operation of a state-owned motor vehicle without a
60 valid Mississippi driver's license by an employee of any
61 department, agency or institution that is included under this
62 chapter and that is subject to the rules and regulations of the
63 state personnel system shall constitute good cause for dismissal
64 of such person from employment.

65 (3) Beginning July 1, 1999, every male between the ages of
66 eighteen (18) and twenty-six (26) who is required to register
67 under the federal Military Selective Service Act, 50 USCS App.
68 453, and who is an employee of the state shall not be promoted to
69 any higher position of employment with the state until he submits
70 to the person, commission, board or agency by which he is employed
71 satisfactory documentation of his compliance with the draft
72 registration requirements of the Military Selective Service Act.
73 The documentation shall include a signed affirmation under penalty
74 of perjury that the male employee has complied with the
75 requirements of the federal selective service act.

76 (4) For a period of one (1) year after the effective date of
77 this act, the provisions of Section 25-9-127(1) shall not apply to
78 the personnel actions of the following executive agencies:

79 (a) Division of Medicaid, Office of the Governor;

80 (b) Mississippi Department of Corrections;

81 (c) Mississippi Department of Finance and

82 Administration;

83 (d) Mississippi Department of Human Services;

84 (e) Mississippi Department of Public Safety and the

85 Mississippi Bureau of Narcotics;

86 (f) Mississippi Emergency Management Agency;

87 (g) Mississippi Development Authority;

88 (h) Mississippi Department of Environmental Quality;

89 (i) Mississippi Employment Security Commission and its

90 successor agency the Department of Employment Security, Office of
91 the Governor.

92 All new employees in the executive agencies named above shall
93 meet criteria of the State Personnel Board as presently exists for
94 employment.

95 **SECTION 2.** Section 41-29-107, Mississippi Code of 1972, is
96 amended as follows:

97 41-29-107. (1) From and after July 1, 2004, the
98 Commissioner of Public Safety may assign to the appropriate
99 offices such powers and duties deemed appropriate to carry out the
100 lawful functions of the Mississippi Bureau of Narcotics.

101 (2) There is hereby created within the Mississippi
102 Department of Public Safety an office to be known as the
103 Mississippi Bureau of Narcotics * * *. The said office shall
104 have * * * a director who shall be appointed by the Governor with
105 the advice and consent of the Senate.

106 (3) Any funds, property or PINS that are appropriated to or
107 otherwise received by the bureau, or appropriated to, transferred
108 to or otherwise received by the Department of Public Safety for

109 the use of the bureau, shall be budgeted and maintained by the
110 department as funds of the department. Personnel occupying PINS
111 transferred from the Mississippi Bureau of Narcotics to the
112 Mississippi Department of Public Safety shall serve on a
113 probationary basis for the twelve (12) months following transfer.

114 (4) The Commissioner of Public Safety is empowered to employ
115 or appoint necessary agents. The Commissioner of Public Safety
116 may also employ such secretarial, clerical and administrative
117 personnel, including a duly licensed attorney, as necessary for
118 the operation of the bureau, and shall have such quarters,
119 equipment and facilities as needed. The salary and qualifications
120 of the attorney authorized by this section shall be fixed by the
121 director, but the salary shall not exceed the salary authorized
122 for an assistant attorney general who performs similar duties.

123 (5) The director and agents so appointed shall be citizens
124 of the United States and of the State of Mississippi, and of good
125 moral character. The agents shall be not less than twenty-one
126 (21) nor shall have attained the age of thirty-six (36) years of
127 age at the time of such appointment. In addition thereto, those
128 appointed shall have satisfactorily completed at least two (2)
129 years of college studies. However, two (2) years of satisfactory
130 service as a law enforcement officer and the completion of the
131 prescribed course of study at a school operated by the Drug
132 Enforcement Administration or the United States Justice Department
133 shall satisfy one (1) year of such college studies, and four (4)
134 years of satisfactory service as a law enforcement officer and the
135 completion of the prescribed course of study at such federal
136 bureau school as stated heretofore shall fully satisfy the two (2)
137 years of college requirement. The director shall also be required
138 to complete a prescribed course of study at a school operated by
139 the Drug Enforcement Administration or the United States Justice
140 Department.

141 * * *

142 (6) The Commissioner of Public Safety may assign members of
143 the Mississippi Highway Safety Patrol, regardless of age, to the
144 bureau * * *; however, when any highway patrolman or other
145 employee, agent or official of the Mississippi Department of
146 Public Safety is assigned to duty with, or is employed by, the
147 bureau, he shall not be subject to assignment or transfer to any
148 other office or department within the Mississippi Department of
149 Public Safety except by the Commissioner of Public Safety. Any
150 highway patrolman assigned to duty with the bureau shall retain
151 his status as a highway patrolman, but shall be under the
152 supervision of the director. For purposes of compensation and
153 seniority within the Highway Safety Patrol and for purposes of
154 retirement under the Mississippi Highway Safety Patrol Retirement
155 System, highway patrolmen assigned to the bureau will be credited
156 as if performing duty with the Highway Safety Patrol. The
157 Commissioner of Public Safety may assign employees of the Highway
158 Safety Patrol to the Mississippi Bureau of Narcotics and also
159 assign agents of the bureau to the Highway Patrol; provided,
160 however, that employees so assigned meet all established
161 requirements for duty.

162 (7) The Commissioner of Public Safety may enter into
163 contracts or agreements with the State Board of Health for
164 purposes of recruitment and screening of applicants through the
165 merit system.

166 (8) The Commissioner of Public Safety may enter into
167 agreements with bureaus or departments of other states or of the
168 United States for the exchange or temporary assignment of agents
169 for special undercover assignments and for performance of specific
170 duties.

171 (9) The Commissioner of Public Safety is hereby authorized
172 to assign agents of the bureau to such duty and to request and
173 accept agents from such other bureaus or departments for such
174 duty.

175 (10) In transferring the responsibilities of the Mississippi
176 Bureau of Narcotics to the Department of Public Safety, the
177 commissioner and the director shall develop and implement written
178 security precautions which shall be observed by all affected
179 employees. The commissioner and the director of the bureau shall
180 review, modify and approve the plan prior to the effective date of
181 the merger of responsibilities required herein.

182 **SECTION 3.** Section 41-29-108, Mississippi Code of 1972, is
183 amended as follows:

184 41-29-108. (1) The * * * Commissioner of Public Safety is
185 hereby authorized to accept vehicles which may be available from
186 the federal government for use in enforcement of this article.
187 The commissioner is further authorized to expend reasonable funds
188 from any funds appropriated for the bureau for the delivery,
189 repair and maintenance of such automobiles.

190 (2) The commissioner is further authorized to rent or lease
191 motor vehicles for undercover missions. Such vehicles shall be
192 used only on specified missions and not as additions to the
193 regularly authorized and budgeted vehicles of the bureau.

194 **SECTION 4.** Section 41-29-111, Mississippi Code of 1972, is
195 amended as follows:

196 41-29-111. The Commissioner of Public Safety shall
197 administer this article and shall work in conjunction and
198 cooperation with the State Board of Pharmacy, county and municipal
199 law enforcement agencies, the district and county attorneys, the
200 Office of the Attorney General and the Mississippi Highway Safety
201 Patrol. The State Board of Health shall work with the bureau in
202 an advisory capacity and shall be responsible for recommending to
203 the Legislature the appropriate schedule for all substances to be
204 scheduled or rescheduled in Sections 41-29-113 through 41-29-121.
205 In making a recommendation regarding a substance, the board shall
206 consider the following:

207 (a) (1) The actual or relative potential for abuse;

208 (2) The scientific evidence of its pharmacological
209 effect, if known;

210 (3) The state of current scientific knowledge
211 regarding the substance;

212 (4) The history and current pattern of abuse;

213 (5) The scope, duration and significance of abuse;

214 (6) The risk to the public health;

215 (7) The potential of the substance to produce
216 psychic or physiological dependence liability; and

217 (8) Whether the substance is an immediate
218 precursor of a substance already controlled under this article.

219 (b) After considering the factors enumerated in
220 paragraph (a), the board shall make findings with respect thereto
221 and issue a recommendation to control the substance if it finds
222 the substance has a potential for abuse.

223 (c) If the board designates a substance as an immediate
224 precursor, substances which are precursors of the controlled
225 precursor shall not be recommended for control solely because they
226 are precursors of the controlled precursor.

227 (d) If any substance is designated, rescheduled, or
228 deleted as a controlled substance under federal law and notice
229 thereof is given to the board, it shall recommend the control of
230 the substance under this article at the next session of the
231 Legislature.

232 (e) Authority to control under this article does not
233 extend to distilled spirits, wine, malt beverages, or tobacco as
234 those terms are defined or used in the Local Option Alcoholic
235 Beverage Control Law, being Sections 67-1-1 through 67-1-91, and
236 the Tobacco Tax Law of 1934, being Sections 27-69-1 through
237 27-69-77. It is the intent of the Legislature of the State of
238 Mississippi that the bureau shall concentrate its efforts and
239 resources on the enforcement of the Uniform Controlled Substances

240 Law with respect to illicit narcotic and drug traffic in the
241 state.

242 The controlled substances listed in the schedules in Sections
243 41-29-113 through 41-29-121 are included by whatever official,
244 common, usual, chemical or trade name designated.

245 (f) The board shall recommend the exclusion of any
246 nonnarcotic substance from a schedule if such substance may, under
247 the Federal Food, Drug and Cosmetic Act and the laws of this
248 state, be lawfully sold over the counter without a prescription.

249 **SECTION 5.** Section 45-1-2, Mississippi Code of 1972, is
250 amended as follows:

251 45-1-2. (1) The Executive Director of the Department of
252 Public Safety shall be the Commissioner of Public Safety.

253 (2) The Commissioner of Public Safety shall establish the
254 organizational structure of the Department of Public Safety which
255 shall include the creation of any units necessary to implement the
256 duties assigned to the department and consistent with specific
257 requirements of law, including, but not limited to:

258 (a) Office of Public Safety Planning;

259 (b) Office of Medical Examiner;

260 (c) Office of Mississippi Highway Safety Patrol;

261 (d) Office of Crime Laboratories;

262 (e) Office of Law Enforcement Officers' Training
263 Academy;

264 (f) Office of Support Services;

265 (g) The Office of Narcotics, known as the Mississippi
266 Bureau of Narcotics * * *.

267 (3) The department shall be headed by a commissioner who
268 shall be appointed by and serve at the pleasure of the Governor.
269 The appointment of the commissioner shall be made with the advice
270 and consent of the Senate. The commissioner may assign to the
271 appropriate offices such powers and duties as deemed appropriate
272 to carry out the department's lawful functions.

273 (4) The commissioner of the department shall appoint heads
274 of offices, who shall serve at the pleasure of the commissioner.
275 The commissioner shall have the authority to organize the offices
276 established by subsection (2) of this section as deemed
277 appropriate to carry out the responsibilities of the department.
278 The organization charts of the department shall be presented
279 annually with the budget request of the Governor for review by the
280 Legislature.

281 (5) The commissioner of the department shall appoint, from
282 within the Department of Public Safety, a statewide safety
283 training officer who shall serve at the pleasure of the
284 commissioner and whose duty it shall be to perform public training
285 for both law enforcement and private persons throughout the state
286 concerning proper emergency response to the mentally ill,
287 terroristic threats or acts, domestic conflict, other conflict
288 resolution, and such other matters as the commissioner may direct.

289 **SECTION 6.** Section 1, Chapter 520, Laws of 1972, is amended
290 as follows:

291 Section 1. (a) The Mississippi Bureau of Drug Enforcement
292 shall henceforth be designated as an office known as the
293 Mississippi Bureau of Narcotics within the Department of Public
294 Safety.

295 (b) The Mississippi Bureau of Drug Enforcement as created by
296 Chapter 521, Section 3, Laws of 1971, being Section 6831-53,
297 Mississippi Code of 1942, is hereby transferred from the State
298 Board of Health to the Mississippi Department of Public Safety;
299 all personnel, records, property, equipment and all funds
300 allocated the Bureau of Drug Enforcement are hereby transferred to
301 and placed under the supervision of the Mississippi Bureau of
302 Narcotics of the Department of Public Safety. * * *

303 **SECTION 7.** Section 37-101-15, Mississippi Code of 1972, is
304 amended as follows:

305 37-101-15. (a) The Board of Trustees of State Institutions
306 of Higher Learning shall succeed to and continue to exercise
307 control of all records, books, papers, equipment, and supplies,
308 and all lands, buildings, and other real and personal property
309 belonging to or assigned to the use and benefit of the board of
310 trustees formerly supervising and controlling the institutions of
311 higher learning named in Section 37-101-1. The board shall have
312 and exercise control of the use, distribution and disbursement of
313 all funds, appropriations and taxes, now and hereafter in
314 possession, levied and collected, received, or appropriated for
315 the use, benefit, support, and maintenance or capital outlay
316 expenditures of the institutions of higher learning, including the
317 authorization of employees to sign vouchers for the disbursement
318 of funds for the various institutions, except where otherwise
319 specifically provided by law.

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

335 (c) The board shall exercise all the powers and prerogatives
336 conferred upon it under the laws establishing and providing for
337 the operation of the several institutions herein specified. The

338 board shall adopt such bylaws and regulations from time to time as
339 it deems expedient for the proper supervision and control of the
340 several institutions of higher learning, insofar as such bylaws
341 and regulations are not repugnant to the Constitution and laws,
342 and not inconsistent with the object for which these institutions
343 were established. The board shall have power and authority to
344 prescribe rules and regulations for policing the campuses and all
345 buildings of the respective institutions, to authorize the arrest
346 of all persons violating on any campus any criminal law of the
347 state, and to have such law violators turned over to the civil
348 authorities.

349 (d) For all institutions specified herein, the board shall
350 provide a uniform system of recording and of accounting approved
351 by the State Department of Audit. The board shall annually
352 prepare, or cause to be prepared, a budget for each institution of
353 higher learning for the succeeding year which must be prepared and
354 in readiness for at least thirty (30) days before the convening of
355 the regular session of the Legislature. All relationships and
356 negotiations between the State Legislature and its various
357 committees and the institutions named herein shall be carried on
358 through the board of trustees. No official, employee or agent
359 representing any of the separate institutions shall appear before
360 the Legislature or any committee thereof except upon the written
361 order of the board or upon the request of the Legislature or a
362 committee thereof.

363 (e) For all institutions specified herein, the board shall
364 prepare an annual report to the Legislature setting forth the
365 disbursements of all monies appropriated to the respective
366 institutions. Each report to the Legislature shall show how the
367 money appropriated to the several institutions has been expended,
368 beginning and ending with the fiscal years of the institutions,
369 showing the name of each teacher, officer, and employee, and the
370 salary paid each, and an itemized statement of each and every item

371 of receipts and expenditures. Each report must be balanced, and
372 must begin with the former balance. If any property belonging to
373 the state or the institution is used for profit, the reports shall
374 show the expense incurred in managing the property and the amount
375 received therefrom. The reports shall also show a summary of the
376 gross receipts and gross disbursements for each year and shall
377 show the money on hand at the beginning of the fiscal period of
378 the institution next preceding each session of the Legislature and
379 the necessary amount of expense to be incurred from said date to
380 January 1 following. The board shall keep the annual expenditures
381 of each institution herein mentioned within the income derived
382 from legislative appropriations and other sources, but in case of
383 emergency arising from acts of providence, epidemics, fire or
384 storm with the written approval of the Governor and by written
385 consent of a majority of the Senators and of the Representatives
386 it may exceed the income. The board shall require a surety bond
387 in a surety company authorized to do business in this state, of
388 every employee who is the custodian of funds belonging to one or
389 more of the institutions mentioned herein, which bond shall be in
390 a sum to be fixed by the board in an amount that will properly
391 safeguard the said funds, the premium for which shall be paid out
392 of the funds appropriated for said institutions.

393 (f) The board shall have the power and authority to elect
394 the heads of the various institutions of higher learning and to
395 contract with all deans, professors, and other members of the
396 teaching staff, and all administrative employees of said
397 institutions for a term of not exceeding four (4) years. The
398 board shall have the power and authority to terminate any such
399 contract at any time for malfeasance, inefficiency, or
400 contumacious conduct, but never for political reasons. It shall
401 be the policy of the board to permit the executive head of each
402 institution to nominate for election by the board all subordinate
403 employees of the institution over which he presides. It shall be

404 the policy of the board to elect all officials for a definite
405 tenure of service and to reelect during the period of satisfactory
406 service. The board shall have the power to make any adjustments
407 it thinks necessary between the various departments and schools of
408 any institution or between the different institutions.

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

412 (h) The board shall have the power to contract, on a
413 shared-savings, lease or lease-purchase basis, for energy
414 efficiency services and/or equipment as prescribed in Section
415 31-7-14, not to exceed ten (10) years.

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

422 (j) The Board of Trustees of State Institutions of Higher
423 Learning shall conduct a joint study with the State Board for
424 Community and Junior Colleges to determine opportunities for cost
425 savings, which shall include, but not be limited to, duplication
426 of services and other administrative functions that could be
427 centralized, eliminated or improved to produce savings. It is the
428 intention of the Legislature that the cost savings resulting from
429 implementation of the findings of this study shall be redirected
430 from administrative expenses to instruction and research programs
431 in fiscal year 2005. A report of the joint study, its findings
432 and implementation plan shall be provided to the Chairman of the
433 Senate Appropriations Committee, Chairman of the House
434 Appropriations Committee, Chairman of the Senate Universities and
435 Colleges Committee, Chairman of the House Universities and
436 Colleges Committee and the State Fiscal Officer not later than

437 October 1, 2004, and annually thereafter as deemed necessary.
438 Said report shall identify savings that shall be realized between
439 the Board of Trustees of State Institutions of Higher Learning and
440 the State Board for Community and Junior Colleges annually.

441 **SECTION 8.** Section 37-4-3, Mississippi Code of 1972, is
442 amended as follows:

443 37-4-3. (1) From and after July 1, 1986, there shall be a
444 State Board for Community and Junior Colleges which shall receive
445 and distribute funds appropriated by the Legislature for the use
446 of the public community and junior colleges and funds from federal
447 and other sources that are transmitted through the state
448 governmental organization for use by said colleges. This board
449 shall provide general coordination of the public community and
450 junior colleges, assemble reports and such other duties as may be
451 prescribed by law.

452 (2) The board shall consist of ten (10) members of which
453 none shall be an elected official and none shall be engaged in the
454 educational profession. The Governor shall appoint two (2)
455 members from the First Mississippi Congressional District, one (1)
456 who shall serve an initial term of two (2) years and one (1) who
457 shall serve an initial term of five (5) years; two (2) members
458 from the Second Mississippi Congressional District, one (1) who
459 shall serve an initial term of five (5) years and one (1) who
460 shall serve an initial term of three (3) years; and two (2)
461 members from the Third Mississippi Congressional District, one (1)
462 who shall serve an initial term of four (4) years and one (1) who
463 shall serve an initial term of two (2) years; two (2) members from
464 the Fourth Mississippi Congressional District, one (1) who shall
465 serve an initial term of three (3) years and one (1) who shall
466 serve an initial term of four (4) years; and two (2) members from
467 the Fifth Mississippi Congressional District, one (1) who shall
468 serve an initial term of five (5) years and one (1) who shall
469 serve an initial term of two (2) years. All subsequent

470 appointments shall be for a term of six (6) years and continue
471 until their successors are appointed and qualify. An appointment
472 to fill a vacancy which arises for reasons other than by
473 expiration of a term of office shall be for the unexpired term
474 only. No two (2) appointees shall reside in the same junior
475 college district. All members shall be appointed with the advice
476 and consent of the Senate.

477 (3) There shall be a chairman and vice chairman of the
478 board, elected by and from the membership of the board; and the
479 chairman shall be the presiding officer of the board. The board
480 shall adopt rules and regulations governing times and places for
481 meetings and governing the manner of conducting its business.

482 (4) The members of the board shall receive no annual salary,
483 but shall receive per diem compensation as authorized by Section
484 25-3-69, Mississippi Code of 1972, for each day devoted to the
485 discharge of official board duties and shall be entitled to
486 reimbursement for all actual and necessary expenses incurred in
487 the discharge of their duties, including mileage as authorized by
488 Section 25-3-41, Mississippi Code of 1972.

489 (5) The board shall name a director for the state system of
490 public junior and community colleges, who shall serve at the
491 pleasure of the board. Such director shall be the chief executive
492 officer of the board, give direction to the board staff, carry out
493 the policies set forth by the board, and work with the presidents
494 of the several community and junior colleges to assist them in
495 carrying out the mandates of the several boards of trustees and in
496 functioning within the state system and policies established by
497 the State Board for Community and Junior Colleges. The State
498 Board for Community and Junior Colleges shall set the salary of
499 the Director of the State System of Community and Junior Colleges.
500 The Legislature shall provide adequate funds for the State Board
501 for Community and Junior Colleges, its activities and its staff.

502 (6) The powers and duties of the State Board for Community
503 and Junior Colleges shall be:

504 (a) To authorize disbursements of state appropriated
505 funds to community and junior colleges through orders in the
506 minutes of the board.

507 (b) To make studies of the needs of the state as they
508 relate to the mission of the community and junior colleges.

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

511 (d) To require community and junior colleges to supply
512 such information as the board may request and compile, publish and
513 make available such reports based thereon as the board may deem
514 advisable.

515 (e) To approve proposed new attendance centers (campus
516 locations) as the local boards of trustees should determine to be
517 in the best interest of the district. Provided, however, that no
518 new community/junior college branch campus shall be approved
519 without an authorizing act of the Legislature.

520 (f) To serve as the state approving agency for federal
521 funds for proposed contracts to borrow money for the purpose of
522 acquiring land, erecting, repairing, etc. dormitories, dwellings
523 or apartments for students and/or faculty, such loans to be paid
524 from revenue produced by such facilities as requested by local
525 boards of trustees.

526 (g) To approve applications from community and junior
527 colleges for state funds for vocational-technical education
528 facilities.

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

531 (i) To appoint members to the Post-Secondary
532 Educational Assistance Board.

533 (j) To appoint members to the Authority for Educational
534 Television.

535 (k) To contract with other boards, commissions,
536 governmental entities, foundations, corporations or individuals
537 for programs, services, grants and awards when such are needed for
538 the operation and development of the state public community and
539 junior college system.

540 (l) To fix standards for community and junior colleges
541 to qualify for appropriations, and qualifications for community
542 and junior college teachers.

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

546 (n) To approve or disapprove of any proposed inclusion
547 within municipal corporate limits of state-owned buildings and
548 grounds of any community college or junior college and to approve
549 or disapprove of land use development, zoning requirements,
550 building codes and delivery of governmental services applicable to
551 state-owned buildings and grounds of any community college or
552 junior college. Any agreement by a local board of trustees of a
553 community college or junior college to annexation of state-owned
554 property or other conditions described in this paragraph shall be
555 void unless approved by the board and by the board of supervisors
556 of the county in which the state-owned property is located.

557 (o) To conduct a joint study with the Board of Trustees
558 of State Institutions of Higher Learning to determine
559 opportunities for cost savings, which shall include, but not be
560 limited to, duplication of services and other administrative
561 functions that could be centralized, eliminated or improved to
562 produce savings. It is the intention of the Legislature that the
563 cost savings resulting from implementation of the findings of this
564 study shall be redirected from administrative expenses to
565 instruction and research programs in fiscal year 2005. A report
566 of the joint study, its findings and implementation plan shall be
567 provided to the Chairman of the Senate Appropriations Committee,

568 Chairman of the House Appropriations Committee, Chairman of the
569 Senate Universities and Colleges Committee, Chairman of the House
570 Universities and Colleges Committee and the State Fiscal Officer
571 not later than October 1, 2004, and annually thereafter as deemed
572 necessary. Said report shall identify savings that shall be
573 realized between the Board of Trustees of State Institutions of
574 Higher Learning and the State Board for Community and Junior
575 Colleges annually.

576 **SECTION 9.** Section 41-4-21, Mississippi Code of 1972, is
577 amended as follows:

578 41-4-21. For the operations of all facilities placed under
579 the control of the department and for all of its operations, the
580 board shall adopt a uniform system of reporting and accounting
581 approved by the State Department of Audit, and shall prepare an
582 annual report to the Legislature setting forth the disbursements
583 of all monies appropriated and specifying the facilities and
584 activities upon which funds were expended. Said system shall be
585 maintained and administered at a central location. It shall
586 prepare annually, or cause to be prepared, a budget for its total
587 operation for the ensuing fiscal period in the manner and form as
588 required by the Legislative Budget Office.

589 **SECTION 10.** Any interest earned on the State Highway Fund
590 maintained and administered by the Mississippi Department of
591 Transportation shall be credited by the State Treasurer to the
592 State General Fund. The special fund account included in this
593 provision is as follows:

594	FUND	FUND NAME
595	3941	DEPT TRANSPORTATION-SUPPORT

596 **SECTION 11.** Section 65-11-35, Mississippi Code of 1972, is
597 amended as follows:

598 65-11-35. All monies that shall be appropriated for the
599 purposes of Sections 65-11-1 through 65-11-37 shall be paid into
600 the State Highway Fund, as shall all other monies that shall be

601 paid for said purposes as a result of any other law, state or
602 federal, and all monies which shall accrue from any other source
603 for such purposes. All expenditures of state funds contemplated
604 by the aforesaid sections shall be made from such fund, and such
605 monies shall be paid out by the State Highway Commission, acting
606 through its director, in the manner and method now provided by
607 law. Any interest earned on the State Highway Fund shall be
608 credited by the State Treasurer to the State General Fund.

609 **SECTION 12.** (1) There is hereby created the Office of
610 Administrative Services within, and under the supervision of, the
611 Department of Finance and Administration. The office shall have
612 as Chief Administrative Officer a director, hereinafter referred
613 to as "director," who shall be appointed by the Executive Director
614 of the Department of Finance and Administration.

615 (2) The director is hereby empowered and authorized to
616 employ or contract for employment of necessary staff to perform
617 the duties and responsibilities of the office.

618 (3) The duties of the Office of Administrative Services
619 shall be to provide, subject to the availability of funds,
620 services and resources to state agencies, boards, commissions and
621 other institutions as follows:

622 (a) Full purchasing, accounting, payroll and human
623 resource services, including the Statewide Automated Accounting
624 System (SAAS) and Statewide Payroll and Human Resource System
625 (SPAHRs) processing.

626 (b) Consulting on financial and management matters.

627 (c) Budget preparation.

628 (d) Appropriation and budget monitoring.

629 (e) Financial planning and analysis.

630 (f) Reporting to outside entities.

631 (g) Reporting to management.

632 (h) Office equipment.

633 (i) Suitable office space and facilities.

634 (4) The Office of Administrative Services may, subject to
635 funds being appropriated by the Legislature, operate from special
636 funds provided from assessments from state agencies, boards,
637 commissions and other institutions for which the office provides
638 services.

639 (5) There is hereby created in the State Treasury a
640 revolving fund to be known as the Office of Administrative
641 Services Fund. Any balance in said fund shall be available to the
642 Office of Administrative Services for the purchase of office
643 supplies, office services, printing, office equipment, office
644 facilities, administrative or management services and related
645 items. Payments into the fund shall be made by state agencies,
646 boards, commissions and other institutions, which have been
647 appropriated funds for the purpose of paying for services
648 performed by the Office of Administrative Services. That portion
649 of the monies in the fund used by the Office of Administrative
650 Services to administer the central office management for
651 self-supporting regulatory agencies is subject to appropriations
652 by the Legislature. The amount of payments by state agencies,
653 boards, commissions and other institutions shall not exceed the
654 amounts budgeted to the same for such designated purposes. Any
655 money in the fund shall be expended only upon authorization of the
656 director. The director shall adopt rules and regulations
657 regarding the time and manner in which payment shall be made into
658 the fund by state agencies, boards, commissions and other
659 institutions to which appropriations are made, in accordance with
660 provisions in this section.

661 (6) Any state agency, board, commission or institution
662 occupying offices in the office space under the jurisdiction or
663 control of the Office of Administrative Services shall pay, as
664 directed by the office into the fund created in this section, a
665 rent to be fixed by the office which shall conform to prevailing
666 commercial rents in the general area. In the event that the sums

667 are not paid as directed by the office, the director may issue a
668 requisition for a warrant to draw the amount as may be due, plus a
669 penalty of ten percent (10%) of the amount, from any fund
670 appropriated for the use of the state agency, board, commission or
671 other institution which has failed to pay rent as agreed.

672 (7) Unless exempted by the Executive Director of the
673 Department of Finance and Administration, the following state
674 agencies, boards, commissions and other institutions shall utilize
675 services provided by the Office of Administrative Services, and
676 shall comply with rules and regulations established by the office
677 pursuant to this section:

- 678 State Board of Agricultural Aviation
- 679 State Board of Architecture
- 680 State Board of Barber Examiners
- 681 State Board of Chiropractic Examiners
- 682 State Board of Cosmetology
- 683 State Board of Examiners for Licensed Professional Counselors
- 684 State Board of Dental Examiners
- 685 State Board of Engineers and Land Surveyors
- 686 State Board of Funeral Services
- 687 State Board of Massage Therapy
- 688 State Board of Medical Licensure
- 689 State Board of Nursing
- 690 State Board of Nursing Home Administrators
- 691 State Board of Optometry
- 692 State Board of Pharmacy
- 693 State Board of Physical Therapy
- 694 State Board of Psychological Examiners
- 695 State Board of Public Accountancy
- 696 State Board of Public Contractors
- 697 State Board of Real Estate Appraisers, Licensing and
698 Certification
- 699 State Board of Registered Professional Geologists

700 State Board of Examiners for Social Workers and Marriage and
701 Family Therapists
702 Mississippi Auctioneer Commission
703 Mississippi Athletic Commission
704 Mississippi Capital Defense Counsel
705 Mississippi Capital Post Conviction Counsel
706 Mississippi Motor Vehicle Commission
707 Mississippi Real Estate Commission
708 Other boards, agencies, commissions and institutions desiring
709 to receive services provided by the Office of Administrative
710 Services may apply for approval with the Executive Director of the
711 Department of Finance and Administration.

712 (8) The Executive Director of the Department of Finance and
713 Administration shall determine cost savings from each state
714 agency, board, commission or institution resulting from receiving
715 services provided by the Office of Administrative Services, and
716 shall provide a report of such savings to the Legislature not
717 later than January 31, 2005.

718 **SECTION 13.** Section 27-104-103, Mississippi Code of 1972, is
719 amended as follows:

720 27-104-103. (1) The Department of Finance and
721 Administration shall have the following duties and powers:

722 (a) To provide administrative guidance to the various
723 departments and agencies of state government;

724 (b) To facilitate the expedient delivery of services
725 and programs for the benefit of the citizens of the state;

726 (c) To analyze and develop efficient management
727 practices and assist departments and agencies in implementing
728 effective and efficient work management systems;

729 (d) To conduct management review of state agencies and
730 departments and recommend a management plan to state departments
731 and agencies when corrective action is required;

732 (e) To, at least annually, report to the Governor and
733 the Legislature on programs and actions taken to improve the
734 conduct of state operations and to prepare and recommend
735 management programs for effective and efficient management of the
736 operations of state government;

737 (f) To allocate the federal-state programs funds to the
738 departments responsible for the delivery of the programs and
739 services for which the appropriation was made;

740 (g) To coordinate the planning functions of all
741 agencies in the executive branch of government and review any and
742 all plans which are developed by those agencies and departments;

743 (h) To collect and maintain the necessary data on which
744 to base budget and policy development issues;

745 (i) To develop and analyze policy recommendations to
746 the Governor;

747 (j) To develop and manage the executive budget process;

748 (k) To prepare the executive branch budget
749 recommendations;

750 (l) To review and monitor the expenditures of the
751 executive agencies and departments of government;

752 (m) To manage the state's fiscal affairs;

753 (n) To administer programs relating to general
754 services, public procurement, insurance and the Bond Advisory
755 Division;

756 (o) To administer the state's aircraft operation.

757 (2) The department shall have the following additional
758 powers and duties under Chapter 18 of Title 17:

759 (a) It shall acquire the site submitted by the
760 Mississippi Hazardous Waste Facility Siting Authority and, if
761 determined necessary, design, finance, construct and operate a
762 state commercial hazardous waste management facility;

763 (b) It may acquire by deed, purchase, lease, contract,
764 gift, devise or otherwise any real or personal property,

765 structures, rights-of-way, franchises, easements and other
766 interest in land which is necessary and convenient for the
767 construction or operation of the state commercial hazardous waste
768 management facility, upon such terms and conditions as it deems
769 advisable, hold, mortgage, pledge or otherwise encumber the same,
770 and lease, sell, convey or otherwise dispose of the same in such a
771 manner as may be necessary or advisable to carry out the purposes
772 of Chapter 18 of Title 17;

773 (c) It shall develop and implement, in consultation
774 with the Department of Environmental Quality, schedules of user
775 fees, franchise fees and other charges, including nonregulatory
776 penalties and surcharges applicable to the state commercial
777 hazardous waste management facility;

778 (d) It may employ consultants and contractors to
779 provide services including site acquisition, design, construction,
780 operation, closure, post-closure and perpetual care of the state
781 commercial hazardous waste management facility;

782 (e) It may apply for and accept loans, grants and gifts
783 from any federal or state agency or any political subdivision or
784 any private or public organization;

785 (f) It shall make plans, surveys, studies and
786 investigations as may be necessary or desirable with respect to
787 the acquisition, development and use of real property and the
788 design, construction, operation, closure and long-term care of the
789 state commercial hazardous waste management facility;

790 (g) It shall have the authority to preempt any local
791 ordinance or restriction which prohibits or has the effect of
792 prohibiting the establishment or operation of the state commercial
793 hazardous waste management facility;

794 (h) It may negotiate any agreement for site
795 acquisition, design, construction, operation, closure,
796 post-closure and perpetual care of the state commercial hazardous

797 waste management facility and may negotiate any agreement with any
798 local governmental unit pursuant to Chapter 18 of Title 17;

799 (i) It may promulgate rules and regulations necessary
800 to effectuate the purposes of Chapter 18 of Title 17 not
801 inconsistent therewith;

802 (j) If funds are not appropriated or if the
803 appropriated funds are insufficient to carry out the provisions of
804 Chapter 18 of Title 17, the department shall expend any funds
805 available to it from any source to defray its costs to implement
806 Chapter 18 of Title 17 through February 1, 1991;

807 (k) It may establish an Office Administrative Services
808 (OAS) to provide financial, personnel, budgeting and managerial
809 services to other state agencies without sufficient resources to
810 provide such services.

811 **SECTION 14.** This act shall take effect and be in force from
812 and after July 1, 2004; provided, however, that Section 1 of this
813 act shall take effect and be in force from and after its passage.