

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

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 AMEND SECTIONS 41-4-7 AND 41-4-21, MISSISSIPPI CODE  
 22 OF 1972, TO DIRECT THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH TO  
 23 MAINTAIN A CENTRAL ADMINISTRATIVE OFFICE FOR SUPPORT SERVICES; TO  
 24 PROVIDE THAT INTEREST EARNED ON THE STATE HIGHWAY FUND MAINTAINED  
 25 AND ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
 26 SHALL BE CREDITED TO THE STATE GENERAL FUND; TO AMEND SECTION  
 27 65-11-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
 28 ESTABLISH AN OFFICE OF ADMINISTRATIVE SERVICES WITHIN THE  
 29 DEPARTMENT OF FINANCE AND ADMINISTRATION TO ASSIST SPECIAL FUND  
 30 AGENCIES IN FINANCIAL AND BUDGETING MATTERS; TO AUTHORIZE AN  
 31 ASSESSMENT ON PARTICIPATING AGENCIES; TO ESTABLISH AN OFFICE OF  
 32 ADMINISTRATIVE SERVICES REVOLVING FUND; TO SPECIFY THOSE AGENCIES  
 33 WHICH ARE TO UTILIZE THE SERVICES OF THE OFFICE OF ADMINISTRATIVE  
 34 SERVICES; TO AMEND SECTION 27-104-103, MISSISSIPPI CODE OF 1972,  
 35 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

39 25-9-127. (1) No employee of any department, agency or  
 40 institution who is included under this chapter or hereafter  
 41 included under its authority, and who is subject to the rules and  
 42 regulations prescribed by the state personnel system may be  
 43 dismissed or otherwise adversely affected as to compensation or

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

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

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

77 of perjury that the male employee has complied with the  
78 requirements of the federal selective service act.

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

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

83 (b) Mississippi Department of Corrections;

84 (c) Mississippi Department of Finance and  
85 Administration;

86 (d) Mississippi Department of Human Services;

87 (e) Mississippi Department of Public Safety and the  
88 Mississippi Bureau of Narcotics;

89 (f) Mississippi Emergency Management Agency;

90 (g) Mississippi Development Authority;

91 (h) Mississippi Department of Environmental Quality;

92 (i) Mississippi Employment Security Commission and its  
93 successor agency the Department of Employment Security, Office of  
94 the Governor.

95 All new employees in the executive agencies named above shall  
96 meet criteria of the State Personnel Board as presently exists for  
97 employment.

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

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

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

109       (3) Any funds, property or PINS that are appropriated to or  
110 otherwise received by the bureau, or appropriated to, transferred  
111 to or otherwise received by the Department of Public Safety for  
112 the use of the bureau, shall be budgeted and maintained by the  
113 department as funds of the department. Personnel occupying PINS  
114 transferred from the Mississippi Bureau of Narcotics to the  
115 Mississippi Department of Public Safety shall serve on a  
116 probationary basis for the twelve (12) months following transfer.

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

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

142 the Drug Enforcement Administration or the United States Justice  
143 Department.

144 \* \* \*

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

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

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

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

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

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

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

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

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

199       41-29-111. The Commissioner of Public Safety shall  
200 administer this article and shall work in conjunction and  
201 cooperation with the State Board of Pharmacy, county and municipal  
202 law enforcement agencies, the district and county attorneys, the  
203 Office of the Attorney General and the Mississippi Highway Safety  
204 Patrol. The State Board of Health shall work with the bureau in  
205 an advisory capacity and shall be responsible for recommending to  
206 the Legislature the appropriate schedule for all substances to be

207 scheduled or rescheduled in Sections 41-29-113 through 41-29-121.

208 In making a recommendation regarding a substance, the board shall  
209 consider the following:

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

211 (2) The scientific evidence of its pharmacological  
212 effect, if known;

213 (3) The state of current scientific knowledge  
214 regarding the substance;

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

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

217 (6) The risk to the public health;

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

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

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

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

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

235 (e) Authority to control under this article does not  
236 extend to distilled spirits, wine, malt beverages, or tobacco as  
237 those terms are defined or used in the Local Option Alcoholic  
238 Beverage Control Law, being Sections 67-1-1 through 67-1-91, and  
239 the Tobacco Tax Law of 1934, being Sections 27-69-1 through

240 27-69-77. It is the intent of the Legislature of the State of  
241 Mississippi that the bureau shall concentrate its efforts and  
242 resources on the enforcement of the Uniform Controlled Substances  
243 Law with respect to illicit narcotic and drug traffic in the  
244 state.

245 The controlled substances listed in the schedules in Sections  
246 41-29-113 through 41-29-121 are included by whatever official,  
247 common, usual, chemical or trade name designated.

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

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

254 45-1-2. (1) The Executive Director of the Department of  
255 Public Safety shall be the Commissioner of Public Safety.

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

261 (a) Office of Public Safety Planning;

262 (b) Office of Medical Examiner;

263 (c) Office of Mississippi Highway Safety Patrol;

264 (d) Office of Crime Laboratories;

265 (e) Office of Law Enforcement Officers' Training  
266 Academy;

267 (f) Office of Support Services;

268 (g) The Office of Narcotics, known as the Mississippi  
269 Bureau of Narcotics \* \* \*.

270 (3) The department shall be headed by a commissioner who  
271 shall be appointed by and serve at the pleasure of the Governor.  
272 The appointment of the commissioner shall be made with the advice

273 and consent of the Senate. The commissioner may assign to the  
274 appropriate offices such powers and duties as deemed appropriate  
275 to carry out the department's lawful functions.

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

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

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

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

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

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

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

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

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

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

366 (e) For all institutions specified herein, the board shall  
367 prepare an annual report to the Legislature setting forth the  
368 disbursements of all monies appropriated to the respective  
369 institutions. Each report to the Legislature shall show how the  
370 money appropriated to the several institutions has been expended,

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

396 (f) The board shall have the power and authority to elect  
397 the heads of the various institutions of higher learning and to  
398 contract with all deans, professors, and other members of the  
399 teaching staff, and all administrative employees of said  
400 institutions for a term of not exceeding four (4) years. The  
401 board shall have the power and authority to terminate any such  
402 contract at any time for malfeasance, inefficiency, or  
403 contumacious conduct, but never for political reasons. It shall

404 be the policy of the board to permit the executive head of each  
405 institution to nominate for election by the board all subordinate  
406 employees of the institution over which he presides. It shall be  
407 the policy of the board to elect all officials for a definite  
408 tenure of service and to reelect during the period of satisfactory  
409 service. The board shall have the power to make any adjustments  
410 it thinks necessary between the various departments and schools of  
411 any institution or between the different institutions.

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

415 (h) The board shall have the power to contract, on a  
416 shared-savings, lease or lease-purchase basis, for energy  
417 efficiency services and/or equipment as prescribed in Section  
418 31-7-14, not to exceed ten (10) years.

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

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

437 Appropriations Committee, Chairman of the Senate Universities and  
438 Colleges Committee, Chairman of the House Universities and  
439 Colleges Committee and the State Fiscal Officer not later than  
440 October 1, 2004, and annually thereafter as deemed necessary.  
441 Said report shall identify savings that shall be realized between  
442 the Board of Trustees of State Institutions of Higher Learning and  
443 the State Board for Community and Junior Colleges annually.

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

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

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

470 the Fifth Mississippi Congressional District, one (1) who shall  
471 serve an initial term of five (5) years and one (1) who shall  
472 serve an initial term of two (2) years. All subsequent  
473 appointments shall be for a term of six (6) years and continue  
474 until their successors are appointed and qualify. An appointment  
475 to fill a vacancy which arises for reasons other than by  
476 expiration of a term of office shall be for the unexpired term  
477 only. No two (2) appointees shall reside in the same junior  
478 college district. All members shall be appointed with the advice  
479 and consent of the Senate.

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

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

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

503 The Legislature shall provide adequate funds for the State Board  
504 for Community and Junior Colleges, its activities and its staff.

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

507 (a) To authorize disbursements of state appropriated  
508 funds to community and junior colleges through orders in the  
509 minutes of the board.

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

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

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

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

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

529 (g) To approve applications from community and junior  
530 colleges for state funds for vocational-technical education  
531 facilities.

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

534 (i) To appoint members to the Post-Secondary  
535 Educational Assistance Board.

536           (j) To appoint members to the Authority for Educational  
537 Television.

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

543           (l) To fix standards for community and junior colleges  
544 to qualify for appropriations, and qualifications for community  
545 and junior college teachers.

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

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

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

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

579       **SECTION 9.** Section 41-4-7, Mississippi Code of 1972, is  
580 amended as follows:

581       41-4-7. The State Board of Mental Health shall have the  
582 following powers and duties:

583           (a) To appoint a full-time Executive Director of the  
584 Department of Mental Health, who shall be employed by the board  
585 and shall serve as executive secretary to the board. The first  
586 director shall be a duly licensed physician with special interest  
587 and competence in psychiatry, and shall possess a minimum of three  
588 (3) years' experience in clinical and administrative psychiatry.  
589 Subsequent directors shall possess at least a master's degree or  
590 its equivalent, and shall possess at least ten (10) years'  
591 administrative experience in the field of mental health. The  
592 salary of the executive director shall be determined by the board;

593           (b) To set up state plans for the purpose of  
594 controlling and treating any and all forms of mental and emotional  
595 illness, alcoholism, drug misuse and developmental disabilities;

596           (c) To supervise, coordinate and establish standards  
597 for all operations and activities of the state related to mental  
598 health and providing mental health services, including, but not  
599 limited to: the requirement that no person be approved for  
600 treatment which is paid for by funds made available through the  
601 department who has not had a treatment plan established as a

602 result of having been seen by a licensed physician or licensed  
603 clinical psychologist and that physician or clinical psychologist  
604 signing these plans stating that he/she has personally evaluated  
605 the client and that the treatment plan is medically necessary. A  
606 physician or clinical psychologist shall recertify each client's  
607 record at least semiannually (except for persons with a diagnosis  
608 of mental retardation/developmental disability which shall be  
609 completed annually), and more often if medically indicated by  
610 physically visiting the client and certifying same in the record.  
611 The board shall have the authority to develop and implement all  
612 standards and plans and shall have the authority to establish  
613 appropriate actions, including financially punitive actions, to  
614 insure enforcement of these established standards, in accordance  
615 with the Administrative Procedures Law (Section 25-43-1 et seq.);

616 (d) To enter into contracts with any other state or  
617 federal agency, or with any private person, organization or group  
618 capable of contracting, if it finds such action to be in the  
619 public interest;

620 (e) To collect reasonable fees for its services;  
621 provided, however, if it is determined that a person receiving  
622 services is unable to pay the total fee, the department shall  
623 collect any amount such person is able to pay;

624 (f) To certify, coordinate and establish minimum  
625 standards and establish minimum required services for regional  
626 mental health and mental retardation commissions and other  
627 community service providers for community or regional programs and  
628 services in mental health, mental retardation, alcoholism, drug  
629 misuse, developmental disabilities, compulsive gambling, addictive  
630 disorders and related programs throughout the state. Such  
631 regional mental health and mental retardation commissions and  
632 other community service providers shall submit an annual  
633 operational plan to the State Department of Mental Health for  
634 approval or disapproval based on the minimum standards and minimum

635 required services established by the department for certification.  
636 If the department finds deficiencies in the plan of any regional  
637 commission or community service provider based on the minimum  
638 standards and minimum required services established for  
639 certification, the department shall give the regional commission  
640 or community service provider a six-month probationary period to  
641 bring its standards and services up to the established minimum  
642 standards and minimum required services. After the six-month  
643 probationary period, if the department determines that the  
644 regional commission or community service provider still does not  
645 meet the minimum standards and minimum required services  
646 established for certification, the department may remove the  
647 certification of the commission or provider. However, the  
648 department shall not mandate a standard or service, or decertify a  
649 regional commission or community service provider for not meeting  
650 a standard or service, if the standard or service does not have  
651 funding appropriated by the Legislature or have a funding source  
652 from the State Department of Mental Health or a local funding  
653 source. The State Board of Mental Health shall promulgate rules  
654 and regulations necessary to implement the provisions of this  
655 paragraph (f), in accordance with the Administrative Procedures  
656 Law (Section 25-43-1 et seq.);

657           (g) To establish and promulgate reasonable minimum  
658 standards for the construction and operation of state and all  
659 Department of Mental Health certified facilities, including  
660 reasonable minimum standards for the admission, diagnosis, care,  
661 treatment, transfer of patients and their records, and also  
662 including reasonable minimum standards for providing day care,  
663 outpatient care, emergency care, inpatient care and follow-up  
664 care, when such care is provided for persons with mental or  
665 emotional illness, mental retardation, alcoholism, drug misuse and  
666 developmental disabilities;

667           (h) To assist community or regional programs consistent  
668 with the purposes of this chapter by making grants and contracts  
669 from available funds;

670           (i) To establish and collect reasonable fees for  
671 necessary inspection services incidental to certification or  
672 compliance;

673           (j) To accept gifts, trusts, bequests, grants,  
674 endowments or transfers of property of any kind;

675           (k) To receive monies coming to it by way of fees for  
676 services or by appropriations;

677           (l) To serve as the single state agency in receiving  
678 and administering any and all funds available from any source for  
679 the purpose of service delivery, training, research and education  
680 in regard to all forms of mental illness, mental retardation,  
681 alcoholism, drug misuse and developmental disabilities, unless  
682 such funds are specifically designated to a particular agency or  
683 institution by the federal government, the Mississippi Legislature  
684 or any other grantor;

685           (m) To establish mental health holding centers for the  
686 purpose of providing short-term emergency mental health treatment,  
687 places for holding persons awaiting commitment proceedings or  
688 awaiting placement in a state mental health facility following  
689 commitment, and for diverting placement in a state mental health  
690 facility. These mental health holding facilities shall be readily  
691 accessible, available statewide, and be in compliance with  
692 emergency services' minimum standards. They shall be  
693 comprehensive and available to triage and make appropriate  
694 clinical disposition, including the capability to access inpatient  
695 services or less restrictive alternatives, as needed, as  
696 determined by medical staff. Such facility shall have medical,  
697 nursing and behavioral services available on a  
698 twenty-four-hour-a-day basis. The board may provide for all or  
699 part of the costs of establishing and operating the holding

700 centers in each district from such funds as may be appropriated to  
701 the board for such use, and may participate in any plan or  
702 agreement with any public or private entity under which the entity  
703 will provide all or part of the costs of establishing and  
704 operating a holding center in any district;

705           (n) To certify/license case managers, mental health  
706 therapists, mental retardation therapists, mental  
707 health/retardation program administrators, addiction counselors  
708 and others as deemed appropriate by the board. Persons already  
709 professionally licensed by another state board or agency are not  
710 required to be certified/licensed under this section by the  
711 Department of Mental Health. The department shall not use  
712 professional titles in its certification/licensure process for  
713 which there is an independent licensing procedure. Such  
714 certification/licensure shall be valid only in the state mental  
715 health system, in programs funded and/or certified by the  
716 Department of Mental Health, and/or in programs certified/licensed  
717 by the State Department of Health that are operated by the state  
718 mental health system serving the mentally ill, mentally retarded,  
719 developmentally disabled or persons with addictions, and shall not  
720 be transferable;

721           (o) To develop formal mental health worker  
722 qualifications for regional mental health and mental retardation  
723 commissions and other community service providers. The State  
724 Personnel Board shall develop and promulgate a recommended salary  
725 scale and career ladder for all regional mental health/retardation  
726 center therapists and case managers who work directly with  
727 clients. The State Personnel Board shall also develop and  
728 promulgate a career ladder for all direct care workers employed by  
729 the State Department of Mental Health;

730           (p) The employees of the department shall be governed  
731 by personnel merit system rules and regulations, the same as other  
732 employees in state services;

733           (q) To establish such rules and regulations as may be  
734 necessary in carrying out the provisions of this chapter,  
735 including the establishment of a formal grievance procedure to  
736 investigate and attempt to resolve consumer complaints;

737           (r) To grant easements for roads, utilities and any  
738 other purpose it finds to be in the public interest;

739           (s) To survey statutory designations, building markers  
740 and the names given to mental health/retardation facilities and  
741 proceedings in order to recommend deletion of obsolete and  
742 offensive terminology relative to the mental health/retardation  
743 system;

744           (t) To ensure an effective case management system  
745 directed at persons who have been discharged from state and  
746 private psychiatric hospitals to ensure their continued well-being  
747 in the community;

748           (u) To develop formal service delivery standards  
749 designed to measure the quality of services delivered to community  
750 clients, as well as the timeliness of services to community  
751 clients provided by regional mental health/retardation commissions  
752 and other community services providers;

753           (v) To establish regional state offices to provide  
754 mental health crisis intervention centers and services available  
755 throughout the state to be utilized on a case-by-case emergency  
756 basis. The regional services director, other staff and delivery  
757 systems shall meet the minimum standards of the Department of  
758 Mental Health;

759           (w) To require performance contracts with community  
760 mental health/mental retardation service providers to contain  
761 performance indicators to measure successful outcomes, including  
762 diversion of persons from inpatient psychiatric hospitals,  
763 rapid/timely response to emergency cases, client satisfaction with  
764 services and other relevant performance measures;

765           (x) To enter into interagency agreements with other  
766 state agencies, school districts and other local entities as  
767 determined necessary by the department to ensure that local mental  
768 health service entities are fulfilling their responsibilities to  
769 the overall state plan for behavioral services;

770           (y) To establish and maintain a toll-free grievance  
771 reporting telephone system for the receipt and referral for  
772 investigation of all complaints by clients of state and community  
773 mental health/retardation facilities;

774           (z) To establish a peer review/quality assurance  
775 evaluation system that assures that appropriate assessment,  
776 diagnosis and treatment is provided according to established  
777 professional criteria and guidelines;

778           (aa) To develop and implement state plans for the  
779 purpose of assisting with the care and treatment of persons with  
780 Alzheimer's disease and other dementia. This plan shall include  
781 education and training of service providers, care-givers in the  
782 home setting and others who deal with persons with Alzheimer's  
783 disease and other dementia, and development of adult day care,  
784 family respite care and counseling programs to assist families who  
785 maintain persons with Alzheimer's disease and other dementia in  
786 the home setting. No agency shall be required to provide any  
787 services under this section until such time as sufficient funds  
788 have been appropriated or otherwise made available by the  
789 Legislature specifically for the purposes of the treatment of  
790 persons with Alzheimer's and other dementia;

791           (bb) Working with the advice and consent of the  
792 administration of Ellisville State School, to enter into  
793 negotiations with the Economic Development Authority of Jones  
794 County for the purpose of negotiating the possible exchange, lease  
795 or sale of lands owned by Ellisville State School to the Economic  
796 Development Authority of Jones County. It is the intent of the  
797 Mississippi Legislature that such negotiations shall ensure that

798 the financial interest of the persons with mental retardation  
799 served by Ellisville State School will be held paramount in the  
800 course of these negotiations. The Legislature also recognizes the  
801 importance of economic development to the citizens of the State of  
802 Mississippi and Jones County, and encourages fairness to the  
803 Economic Development Authority of Jones County. Any negotiations  
804 proposed which would result in the recommendation for exchange,  
805 lease or sale of lands owned by Ellisville State School must have  
806 the approval of the State Board of Mental Health. The State Board  
807 of Mental Health may and has the final authority as to whether or  
808 not these negotiations result in the exchange, lease or sale of  
809 the properties it currently holds in trust for citizens with  
810 mental retardation served at Ellisville State School.

811 If the State Board of Mental Health authorizes the sale of  
812 lands owned by Ellisville State School, as provided for under this  
813 paragraph (bb), the monies derived from the sale shall be placed  
814 into a special fund that is created in the State Treasury to be  
815 known as the "Ellisville State School Client's Trust Fund." The  
816 principal of the trust fund shall remain inviolate and shall never  
817 be expended. Any interest earned on the principal may be expended  
818 solely for the benefits of clients served at Ellisville State  
819 School. The State Treasurer shall invest the monies of the trust  
820 fund in any of the investments authorized for the Mississippi  
821 Prepaid Affordable College Tuition Program under Section 37-155-9,  
822 and those investments shall be subject to the limitations  
823 prescribed by Section 37-155-9. Unexpended amounts remaining in  
824 the trust fund at the end of a fiscal year shall not lapse into  
825 the State General Fund, and any interest earned on amounts in the  
826 trust fund shall be deposited to the credit of the trust fund.  
827 The administration of Ellisville State School may use any interest  
828 earned on the principal of the trust fund, upon appropriation by  
829 the Legislature, as needed for services or facilities by the  
830 clients of Ellisville State School. Ellisville State School shall

831 make known to the Legislature, through the Legislative Budget  
832 Committee and the respective Appropriations Committees of the  
833 House and Senate, its proposed use of interest earned on the  
834 principal of the trust fund for any fiscal year in which it  
835 proposes to make expenditures thereof. The State Treasurer shall  
836 provide Ellisville State School with an annual report on the  
837 Ellisville State School Client's Trust Fund to indicate the total  
838 monies in the trust fund, interest earned during the year,  
839 expenses paid from the trust fund and such other related  
840 information.

841 Nothing in this section shall be construed as applying to or  
842 affecting mental health/retardation services provided by hospitals  
843 as defined in Section 41-9-3(a), and/or their subsidiaries and  
844 divisions, which hospitals, subsidiaries and divisions are  
845 licensed and regulated by the Mississippi State Department of  
846 Health unless such hospitals, subsidiaries or divisions  
847 voluntarily request certification by the Mississippi State  
848 Department of Mental Health.

849 All new programs authorized under this section shall be  
850 subject to the availability of funds appropriated therefor by the  
851 Legislature;

852 (cc) Working with the advice and consent of the  
853 administration of Boswell Regional Center, to enter into  
854 negotiations with the Economic Development Authority of Simpson  
855 County for the purpose of negotiating the possible exchange, lease  
856 or sale of lands owned by Boswell Regional Center to the Economic  
857 Development Authority of Simpson County. It is the intent of the  
858 Mississippi Legislature that such negotiations shall ensure that  
859 the financial interest of the persons with mental retardation  
860 served by Boswell Regional Center will be held paramount in the  
861 course of these negotiations. The Legislature also recognizes the  
862 importance of economic development to the citizens of the State of  
863 Mississippi and Simpson County, and encourages fairness to the

864 Economic Development Authority of Simpson County. Any  
865 negotiations proposed which would result in the recommendation for  
866 exchange, lease or sale of lands owned by Boswell Regional Center  
867 must have the approval of the State Board of Mental Health. The  
868 State Board of Mental Health may and has the final authority as to  
869 whether or not these negotiations result in the exchange, lease or  
870 sale of the properties it currently holds in trust for citizens  
871 with mental retardation served at Boswell Regional Center. In any  
872 such exchange, lease or sale of such lands owned by Boswell  
873 Regional Center, title to all minerals, oil and gas on such lands  
874 shall be reserved, together with the right of ingress and egress  
875 to remove same, whether such provisions be included in the terms  
876 of any such exchange, lease or sale or not.

877       If the State Board of Mental Health authorizes the sale of  
878 lands owned by Boswell Regional Center, as provided for under this  
879 paragraph (cc), the monies derived from the sale shall be placed  
880 into a special fund that is created in the State Treasury to be  
881 known as the "Boswell Regional Center Client's Trust Fund." The  
882 principal of the trust fund shall remain inviolate and shall never  
883 be expended. Any earnings on the principal may be expended solely  
884 for the benefits of clients served at Boswell Regional Center.  
885 The State Treasurer shall invest the monies of the trust fund in  
886 any of the investments authorized for the Mississippi Prepaid  
887 Affordable College Tuition Program under Section 37-155-9, and  
888 those investments shall be subject to the limitations prescribed  
889 by Section 37-155-9. Unexpended amounts remaining in the trust  
890 fund at the end of a fiscal year shall not lapse into the State  
891 General Fund, and any earnings on amounts in the trust fund shall  
892 be deposited to the credit of the trust fund. The administration  
893 of Boswell Regional Center may use any earnings on the principal  
894 of the trust fund, upon appropriation by the Legislature, as  
895 needed for services or facilities by the clients of Boswell  
896 Regional Center. Boswell Regional Center shall make known to the

897 Legislature, through the Legislative Budget Committee and the  
898 respective Appropriations Committees of the House and Senate, its  
899 proposed use of the earnings on the principal of the trust fund  
900 for any fiscal year in which it proposes to make expenditures  
901 thereof. The State Treasurer shall provide Boswell Regional  
902 Center with an annual report on the Boswell Regional Center  
903 Client's Trust Fund to indicate the total monies in the trust  
904 fund, interest and other income earned during the year, expenses  
905 paid from the trust fund and such other related information.

906       Nothing in this section shall be construed as applying to or  
907 affecting mental health/retardation services provided by hospitals  
908 as defined in Section 41-9-3(a), and/or their subsidiaries and  
909 divisions, which hospitals, subsidiaries and divisions are  
910 licensed and regulated by the Mississippi State Department of  
911 Health unless such hospitals, subsidiaries or divisions  
912 voluntarily request certification by the Mississippi State  
913 Department of Mental Health.

914       All new programs authorized under this section shall be  
915 subject to the availability of funds appropriated therefor by the  
916 Legislature;

917       (dd) Notwithstanding any other section of the code, the  
918 Board of Mental Health shall be authorized to fingerprint and  
919 perform a criminal history record check on every employee or  
920 volunteer. Every employee and volunteer shall provide a valid  
921 current social security number and/or driver's license number  
922 which shall be furnished to conduct the criminal history record  
923 check. If no disqualifying record is identified at the state  
924 level, fingerprints shall be forwarded to the Federal Bureau of  
925 Investigation for a national criminal history record check;

926       (ee) The Department of Mental Health shall have the  
927 authority for the development of a consumer friendly single point  
928 of intake and referral system within its service areas for persons  
929 with mental illness, mental retardation, developmental

930 disabilities or alcohol or substance abuse who need assistance  
931 identifying or accessing appropriate services. The department  
932 will develop and implement a comprehensive evaluation procedure  
933 ensuring that, where appropriate, the affected person or their  
934 parent or legal guardian will be involved in the assessment and  
935 planning process. The department, as the point of intake and as  
936 service provider, shall have the authority to determine the  
937 appropriate institutional, hospital or community care setting for  
938 persons who have been diagnosed with mental illness, mental  
939 retardation, developmental disabilities and/or alcohol or  
940 substance abuse, and may provide for the least restrictive  
941 placement if the treating professional believes such a setting is  
942 appropriate, if the person affected or their parent or legal  
943 guardian wants such services, and if the department can do so with  
944 a reasonable modification of the program without creating a  
945 fundamental alteration of the program. The least restrictive  
946 setting could be an institution, hospital or community setting,  
947 based upon the needs of the affected person or their parent or  
948 legal guardian;

949 (ff) To have the sole power and discretion to enter  
950 into, sign, execute and deliver long-term or multiyear leases of  
951 real and personal property to and from other state and federal  
952 agencies;

953 (gg) To establish and maintain a central office that  
954 will provide administrative support for all institutions and  
955 facilities under the control of the department to ensure that  
956 administrative support functions are not duplicated by said  
957 institutions and facilities.

958 **SECTION 10.** Section 41-4-21, Mississippi Code of 1972, is  
959 amended as follows:

960 41-4-21. For the operations of all facilities placed under  
961 the control of the department and for all of its operations, the  
962 board shall adopt a uniform system of reporting and accounting

963 approved by the State Department of Audit, and shall prepare an  
964 annual report to the Legislature setting forth the disbursements  
965 of all monies appropriated and specifying the facilities and  
966 activities upon which funds were expended. Said system shall be  
967 maintained and administered at a central location. It shall  
968 prepare annually, or cause to be prepared, a budget for its total  
969 operation for the ensuing fiscal period in the manner and form as  
970 required by the Legislative Budget Office.

971 **SECTION 11.** Any interest earned on the State Highway Fund  
972 maintained and administered by the Mississippi Department of  
973 Transportation shall be credited by the State Treasurer to the  
974 State General Fund. The special fund account included in this  
975 provision is as follows:

976	<b>FUND</b>	<b>FUND NAME</b>
977	3941	DEPT TRANSPORTATION-SUPPORT

978 **SECTION 12.** Section 65-11-35, Mississippi Code of 1972, is  
979 amended as follows:

980 65-11-35. All monies that shall be appropriated for the  
981 purposes of Sections 65-11-1 through 65-11-37 shall be paid into  
982 the State Highway Fund, as shall all other monies that shall be  
983 paid for said purposes as a result of any other law, state or  
984 federal, and all monies which shall accrue from any other source  
985 for such purposes. All expenditures of state funds contemplated  
986 by the aforesaid sections shall be made from such fund, and such  
987 monies shall be paid out by the State Highway Commission, acting  
988 through its director, in the manner and method now provided by  
989 law. Any interest earned on the State Highway Fund shall be  
990 credited by the State Treasurer to the State General Fund.

991 **SECTION 13.** (1) There is hereby created the Office of  
992 Administrative Services within, and under the supervision of, the  
993 Department of Finance and Administration. The office shall have  
994 as Chief Administrative Officer a director, hereinafter referred

995 to as "director," who shall be appointed by the Executive Director  
996 of the Department of Finance and Administration.

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

1000 (3) The duties of the Office of Administrative Services  
1001 shall be to provide, subject to the availability of funds,  
1002 services and resources to state agencies, boards, commissions and  
1003 other institutions as follows:

1004 (a) Full purchasing, accounting, payroll and human  
1005 resource services, including the Statewide Automated Accounting  
1006 System (SAAS) and Statewide Payroll and Human Resource System  
1007 (SPAHRs) processing.

1008 (b) Consulting on financial and management matters.

1009 (c) Budget preparation.

1010 (d) Appropriation and budget monitoring.

1011 (e) Financial planning and analysis.

1012 (f) Reporting to outside entities.

1013 (g) Reporting to management.

1014 (h) Office equipment.

1015 (i) Suitable office space and facilities.

1016 (4) The Office of Administrative Services may, subject to  
1017 funds being appropriated by the Legislature, operate from special  
1018 funds provided from assessments from state agencies, boards,  
1019 commissions and other institutions for which the office provides  
1020 services.

1021 (5) There is hereby created in the State Treasury a  
1022 revolving fund to be known as the Office of Administrative  
1023 Services Fund. Any balance in said fund shall be available to the  
1024 Office of Administrative Services for the purchase of office  
1025 supplies, office services, printing, office equipment, office  
1026 facilities, administrative or management services and related  
1027 items. Payments into the fund shall be made by state agencies,

1028 boards, commissions and other institutions, which have been  
1029 appropriated funds for the purpose of paying for services  
1030 performed by the Office of Administrative Services. That portion  
1031 of the monies in the fund used by the Office of Administrative  
1032 Services to administer the central office management for  
1033 self-supporting regulatory agencies is subject to appropriations  
1034 by the Legislature. The amount of payments by state agencies,  
1035 boards, commissions and other institutions shall not exceed the  
1036 amounts budgeted to the same for such designated purposes. Any  
1037 money in the fund shall be expended only upon authorization of the  
1038 director. The director shall adopt rules and regulations  
1039 regarding the time and manner in which payment shall be made into  
1040 the fund by state agencies, boards, commissions and other  
1041 institutions to which appropriations are made, in accordance with  
1042 provisions in this section.

1043 (6) Any state agency, board, commission or institution  
1044 occupying offices in the office space under the jurisdiction or  
1045 control of the Office of Administrative Services shall pay, as  
1046 directed by the office into the fund created in this section, a  
1047 rent to be fixed by the office which shall conform to prevailing  
1048 commercial rents in the general area. In the event that the sums  
1049 are not paid as directed by the office, the director may issue a  
1050 requisition for a warrant to draw the amount as may be due, plus a  
1051 penalty of ten percent (10%) of the amount, from any fund  
1052 appropriated for the use of the state agency, board, commission or  
1053 other institution which has failed to pay rent as agreed.

1054 (7) Unless exempted by the Executive Director of the  
1055 Department of Finance and Administration, the following state  
1056 agencies, boards, commissions and other institutions shall utilize  
1057 services provided by the Office of Administrative Services, and  
1058 shall comply with rules and regulations established by the office  
1059 pursuant to this section:

1060 State Board of Agricultural Aviation

1061 State Board of Architecture  
 1062 State Board of Barber Examiners  
 1063 State Board of Chiropractic Examiners  
 1064 State Board of Cosmetology  
 1065 State Board of Examiners for Licensed Professional Counselors  
 1066 State Board of Dental Examiners  
 1067 State Board of Engineers and Land Surveyors  
 1068 State Board of Funeral Services  
 1069 State Board of Massage Therapy  
 1070 State Board of Medical Licensure  
 1071 State Board of Nursing  
 1072 State Board of Nursing Home Administrators  
 1073 State Board of Optometry  
 1074 State Board of Pharmacy  
 1075 State Board of Physical Therapy  
 1076 State Board of Psychological Examiners  
 1077 State Board of Public Accountancy  
 1078 State Board of Public Contractors  
 1079 State Board of Real Estate Appraisers, Licensing and  
 1080 Certification  
 1081 State Board of Registered Professional Geologists  
 1082 State Board of Examiners for Social Workers and Marriage and  
 1083 Family Therapists  
 1084 Mississippi Auctioneer Commission  
 1085 Mississippi Athletic Commission  
 1086 Mississippi Capital Defense Counsel  
 1087 Mississippi Capital Post Conviction Counsel  
 1088 Mississippi Motor Vehicle Commission  
 1089 Mississippi Real Estate Commission  
 1090 Other boards, agencies, commissions and institutions desiring  
 1091 to receive services provided by the Office of Administrative  
 1092 Services may apply for approval with the Executive Director of the  
 1093 Department of Finance and Administration.

1094           (8) The Executive Director of the Department of Finance and  
1095 Administration shall determine cost savings from each state  
1096 agency, board, commission or institution resulting from receiving  
1097 services provided by the Office of Administrative Services, and  
1098 shall provide a report of such savings to the Legislature not  
1099 later than January 31, 2005.

1100           **SECTION 14.** Section 27-104-103, Mississippi Code of 1972, is  
1101 amended as follows:

1102           27-104-103. (1) The Department of Finance and  
1103 Administration shall have the following duties and powers:

1104                   (a) To provide administrative guidance to the various  
1105 departments and agencies of state government;

1106                   (b) To facilitate the expedient delivery of services  
1107 and programs for the benefit of the citizens of the state;

1108                   (c) To analyze and develop efficient management  
1109 practices and assist departments and agencies in implementing  
1110 effective and efficient work management systems;

1111                   (d) To conduct management review of state agencies and  
1112 departments and recommend a management plan to state departments  
1113 and agencies when corrective action is required;

1114                   (e) To, at least annually, report to the Governor and  
1115 the Legislature on programs and actions taken to improve the  
1116 conduct of state operations and to prepare and recommend  
1117 management programs for effective and efficient management of the  
1118 operations of state government;

1119                   (f) To allocate the federal-state programs funds to the  
1120 departments responsible for the delivery of the programs and  
1121 services for which the appropriation was made;

1122                   (g) To coordinate the planning functions of all  
1123 agencies in the executive branch of government and review any and  
1124 all plans which are developed by those agencies and departments;

1125                   (h) To collect and maintain the necessary data on which  
1126 to base budget and policy development issues;

1127           (i) To develop and analyze policy recommendations to  
1128 the Governor;

1129           (j) To develop and manage the executive budget process;

1130           (k) To prepare the executive branch budget  
1131 recommendations;

1132           (l) To review and monitor the expenditures of the  
1133 executive agencies and departments of government;

1134           (m) To manage the state's fiscal affairs;

1135           (n) To administer programs relating to general  
1136 services, public procurement, insurance and the Bond Advisory  
1137 Division;

1138           (o) To administer the state's aircraft operation.

1139           (2) The department shall have the following additional  
1140 powers and duties under Chapter 18 of Title 17:

1141           (a) It shall acquire the site submitted by the  
1142 Mississippi Hazardous Waste Facility Siting Authority and, if  
1143 determined necessary, design, finance, construct and operate a  
1144 state commercial hazardous waste management facility;

1145           (b) It may acquire by deed, purchase, lease, contract,  
1146 gift, devise or otherwise any real or personal property,  
1147 structures, rights-of-way, franchises, easements and other  
1148 interest in land which is necessary and convenient for the  
1149 construction or operation of the state commercial hazardous waste  
1150 management facility, upon such terms and conditions as it deems  
1151 advisable, hold, mortgage, pledge or otherwise encumber the same,  
1152 and lease, sell, convey or otherwise dispose of the same in such a  
1153 manner as may be necessary or advisable to carry out the purposes  
1154 of Chapter 18 of Title 17;

1155           (c) It shall develop and implement, in consultation  
1156 with the Department of Environmental Quality, schedules of user  
1157 fees, franchise fees and other charges, including nonregulatory  
1158 penalties and surcharges applicable to the state commercial  
1159 hazardous waste management facility;

1160 (d) It may employ consultants and contractors to  
1161 provide services including site acquisition, design, construction,  
1162 operation, closure, post-closure and perpetual care of the state  
1163 commercial hazardous waste management facility;

1164 (e) It may apply for and accept loans, grants and gifts  
1165 from any federal or state agency or any political subdivision or  
1166 any private or public organization;

1167 (f) It shall make plans, surveys, studies and  
1168 investigations as may be necessary or desirable with respect to  
1169 the acquisition, development and use of real property and the  
1170 design, construction, operation, closure and long-term care of the  
1171 state commercial hazardous waste management facility;

1172 (g) It shall have the authority to preempt any local  
1173 ordinance or restriction which prohibits or has the effect of  
1174 prohibiting the establishment or operation of the state commercial  
1175 hazardous waste management facility;

1176 (h) It may negotiate any agreement for site  
1177 acquisition, design, construction, operation, closure,  
1178 post-closure and perpetual care of the state commercial hazardous  
1179 waste management facility and may negotiate any agreement with any  
1180 local governmental unit pursuant to Chapter 18 of Title 17;

1181 (i) It may promulgate rules and regulations necessary  
1182 to effectuate the purposes of Chapter 18 of Title 17 not  
1183 inconsistent therewith;

1184 (j) If funds are not appropriated or if the  
1185 appropriated funds are insufficient to carry out the provisions of  
1186 Chapter 18 of Title 17, the department shall expend any funds  
1187 available to it from any source to defray its costs to implement  
1188 Chapter 18 of Title 17 through February 1, 1991;

1189 (k) It may establish an Office Administrative Services  
1190 (OAS) to provide financial, personnel, budgeting and managerial  
1191 services to other state agencies without sufficient resources to  
1192 provide such services.

1193           **SECTION 15.** This act shall take effect and be in force from  
1194 and after July 1, 2004; provided, however, that Section 1 of this  
1195 act shall take effect and be in force from and after its passage.