

By: Representatives Bell (65th), Banks, Crudup, Dortch, Hines, Holloway, Johnson, McCray, Straughter, Walker

To: Universities and Colleges; Appropriations; Public Health and Human Services

HOUSE BILL NO. 1194

1 AN ACT TO ABOLISH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS
2 OF HIGHER LEARNING EFFECTIVE MAY 7, 2021; TO PROVIDE THAT THE
3 GOVERNANCE OF STATE INSTITUTIONS OF HIGHER LEARNING SHALL BE
4 VESTED IN A BOARD OF TRUSTEES FOR EACH UNIVERSITY ELECTED BY THE
5 ALUMNI ASSOCIATIONS AND DULY ENROLLED MEMBERS OF THE STUDENT BODY
6 OF EACH RESPECTIVE UNIVERSITY; TO PRESCRIBE THE COMPOSITION OF THE
7 BOARD AND TERMS OF OFFICE OF SUCH INDIVIDUALS ELECTED TO SERVE AS
8 TRUSTEES; TO REPEAL SECTION 37-101-3, TO AMEND SECTIONS 37-101-1,
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46 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION
47 55-23-53, MISSISSIPPI CODE OF 1972, WHICH REQUIRED THE BOARD OF
48 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO DEVELOP A
49 FOOTBALL SCHEDULE PROPOSAL FOR THE MISSISSIPPI VETERANS MEMORIAL
50 STADIUM; AND FOR RELATED PURPOSES.

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

52 **SECTION 1.** When used in this act and for the purposes of
53 Title 1, Title 7, Title 11, Title 17, Title 19, Title 21, Title
54 25, Title 27, Title 29, Title 31, Title 37, Title 39, Title 41,
55 Title 43, Title 47, Title 49, Title 55, Title 57, Title 61, Title
56 63, Title 69, Title 73 and Title 75, Mississippi Code of 1972,
57 whenever the terms "Board of Trustees of State Institutions of
58 Higher Learning" or "board of trustees" appears in state law, such
59 terms shall mean the university board of trustees of each publicly
60 funded state institution of higher learning, unless the context of
61 use clearly requires otherwise.

62 **SECTION 2.** (1) Pursuant to Section 213-A, Mississippi
63 Constitution of 1890, each public postsecondary state institution
64 of higher learning shall be administered by a university board of
65 trustees comprised of three (3) members who shall be residents of
66 the State of Mississippi, and who shall be elected by members of
67 the university's alumni association and duly enrolled members of



68 the university's student body at any such times that elections are
69 conducted. In addition to the elected trustees, the president of
70 each university shall serve on the board of trustees as an
71 ex-officio member of the board for the university in which he or
72 she serves. The chairperson of the faculty senate or the
73 equivalent and the president of the student body of the university
74 shall serve the board in an advisory capacity. The elected
75 members shall serve staggered five-year terms. In order to
76 achieve staggered terms, beginning May 7, 2021, of the initially
77 elected trustees, one (1) member shall serve a five-year term, one
78 (1) member shall serve a three-year term, and one (1) member shall
79 serve a two-year term, and thereafter, each elected trustee shall
80 serve a term of five (5) years.

81 (2) Members of the boards of trustees shall receive no
82 compensation but may be reimbursed for travel and per diem
83 expenses as provided in Section 25-3-41.

84 (3) Each university board of trustees shall select from
85 among its membership an individual to serve as chair. Each chair
86 shall serve for two (2) years and may be reselected for one
87 additional consecutive two-year term. The chair shall preside at
88 all meetings of the board of trustees and may call special
89 meetings of the board. The chair shall also attest to actions of
90 the board of trustees. The chair shall notify the president of
91 the university and the alumni association, in writing, whenever a
92 board member has three (3) consecutive unexcused absences from



93 regular board meetings in any fiscal year, which may be grounds
94 for recall by the voting electoral body.

95 (4) Each university board of trustees shall keep and, within
96 two (2) weeks after a board meeting, post prominently on the
97 university's website, detailed meeting minutes for all meetings,
98 including the vote history and attendance of each trustee.

99 **SECTION 3.** (1) Each board of trustees shall be a public
100 body corporate by the name of "The (Name of University) Board of
101 Trustees," with all the powers of a body corporate, including the
102 power to adopt a corporate seal, to contract and be contracted
103 with, to sue and be sued, to plead and be impleaded in all courts
104 of law or equity, and to give and receive donations. In all suits
105 against a board of trustees, service of process shall be made on
106 the chair of the board of trustees or, in the absence of the
107 chair, on the corporate secretary or designee.

108 (2) The corporation is constituted as a public
109 instrumentality, and the exercise by the corporation of the power
110 conferred by this section is considered to be the performance of
111 an essential public function. The corporation is subject to the
112 open meetings requirements under Chapter 41, Title 25, Mississippi
113 Code of 1972. The corporation shall be entitled to provide notice
114 of internal review committee meetings for competitive proposals or
115 procurement to applicants by mail or facsimile rather than by
116 means of publication.



117 **SECTION 4.** (1) Whenever appointed by any competent court of
118 the state, or by any statute, or in any will, deed, or other
119 instrument, or in any manner whatever as trustee of any funds or
120 real or personal property in which any of the institutions or
121 agencies under its management, control, or supervision, or their
122 departments or branches or students, faculty members, officers, or
123 employees, may be interested as beneficiaries, or otherwise, or
124 for any educational purpose, a university board of trustees is
125 authorized to act as trustee with full legal capacity as trustee
126 to administer such trust property, and the title thereto shall
127 vest in said board as trustee. In all such cases, the university
128 board of trustees shall have the power and capacity to do and
129 perform all things as fully as any individual trustee or other
130 competent trustee might do or perform, and with the same rights,
131 privileges, and duties, including the power, capacity, and
132 authority to convey, transfer, mortgage or pledge such property
133 held in trust and to contract and execute all other documents
134 relating to said trust property which may be required for, or
135 appropriate to, the administration of such trust or to accomplish
136 the purposes of any such trust.

137 (2) Deeds, mortgages, leases and other contracts of the
138 university board of trustees relating to real property of any such
139 trust or any interest therein may be executed by the university
140 board of trustees, as trustee, in the same manner as is provided
141 by the laws of the state for the execution of similar documents by



142 other corporations or may be executed by the signatures of a
143 majority of the members of the board of trustees; however, to be
144 effective, any such deed, mortgage, or lease contract for more
145 than ten (10) years of any trust property, executed hereafter by
146 the university board of trustees, shall be approved by the Public
147 Procurement Review Board, evidenced by an endorsement on the
148 instrument approved, reciting the date of such approval, and
149 bearing the seal of the Public Procurement Review Board. Such
150 signed and sealed endorsement shall be a part of the instrument
151 and entitled to record without further proof.

152 (3) (a) Nothing herein shall be construed to authorize a
153 university board of trustees to contract a debt on behalf of, or
154 in any way to obligate, the state.

155 (b) The satisfaction of any debt or obligation incurred
156 by the university board as trustee under the provisions of this
157 section shall be exclusively from the trust property, mortgaged or
158 encumbered.

159 (c) Any mortgage, lease or other agreement entered into
160 pursuant to this section is subject to the provisions of Section
161 37-101-301, et seq., relating to the issuance of general
162 obligation bonds for state institutions of higher learning.

163 **SECTION 5.** Section 37-101-1, Mississippi Code of 1972, is
164 amended as follows:

165 37-101-1. The following state institutions of higher
166 learning, namely:



- 167 (a) The University of Mississippi;
- 168 (b) The Mississippi State University * * *;
- 169 (c) The Mississippi * * * University for Women;
- 170 (d) The University of Southern Mississippi;
- 171 (e) The Delta State * * * University;
- 172 (f) The Alcorn * * * State University;
- 173 (g) The Jackson State * * * University;
- 174 (h) The Mississippi Valley State * * * University;
- 175 (i) And any other of like kind which may be hereafter
- 176 established by the state; shall be under the management and
- 177 control of a board of trustees to be known as "The (Name of
- 178 University) Board of Trustees * * *.

179 **SECTION 6.** Section 37-101-3, Mississippi Code of 1972, which

180 establishes the Board of Trustees of State Institutions of Higher

181 Learning is repealed.

182 **SECTION 7.** Section 37-101-5, Mississippi Code of 1972, is

183 amended as follows:

184 37-101-5. There shall be * * * elected only men or women to

185 membership on * * * a university board of trustees * * * as shall

186 be qualified electors residing in the * * * State of Mississippi

187 and at least twenty-five years of age and of the highest order of

188 intelligence, character, learning and fitness for the performance

189 of such duties to the end that such board shall perform the high

190 and honorable duties thereof to the greatest advantage of the



191 people of the state and of such institutions, uninfluenced by any
192 political considerations.

193 **SECTION 8.** Section 37-101-7, Mississippi Code of 1972, is
194 amended as follows:

195 37-101-7. Within ten (10) days after the beginning of the
196 terms of office of its members, upon call of the * * * respective
197 university president or chancellor, * * * all university boards of
198 trustees * * * shall meet in the City of Jackson and organize by
199 electing one (1) of its number as president, whose term of office
200 shall be for one (1) year or until a successor shall be elected,
201 and shall transact such other business as may come before the
202 meeting. When the presiding officer has voted and the result is a
203 tie, he cannot vote again to break the tie.

204 The trustees shall have authority to appoint a nonmember as
205 Commissioner of Higher Education, who shall possess the highest
206 qualifications as an administrator and research worker. The
207 Commissioner of Higher Education shall maintain an office and be
208 responsible to the board for the efficient functioning of the
209 staff which the board may from time to time establish. It shall
210 be the duty of the Commissioner of Higher Education to make
211 constant inquiry into the problems of higher education, to survey
212 and study carefully the organization, management and all other
213 affairs of each institution under the control of said trustees, to
214 make report of all findings and recommend such changes as will
215 increase efficiency and economy in the operation of each



216 institution, and to perform such other duties as the board may
217 prescribe. The Commissioner of Higher Education shall be
218 responsible for compiling all laws and all rules and regulations
219 of a general nature adopted by the board for the governance of the
220 various institutions of higher learning in pamphlet or loose-leaf
221 form. Current copies of such compilations shall be furnished to
222 all officials directly responsible for the carrying out of such
223 laws, rules and regulations. The expenses for such compilation
224 and publication shall be paid by the board out of any funds
225 available for the operation of said board.

226 The trustees shall authorize the employment of such other
227 personnel as may be required from time to time to carry out the
228 functions of the board and may assign to the personnel so employed
229 such functions and duties and may delegate to the commissioner or
230 other personnel such powers of the board as may be necessary to
231 accomplish the purposes for which the board was established. All
232 such personnel shall be employed by the commissioner with the
233 approval of the board and shall hold office at the pleasure of the
234 commissioner. The board shall also have the authority to employ
235 on a fee basis such technical and professional assistance as may
236 be necessary to carry out the powers, duties and purposes of the
237 board.

238 The Commissioner of Higher Education and other personnel
239 employed by the board shall receive reasonable salaries
240 commensurate with their duties and functions, the amount of which



241 shall be fixed by the board. The reasonable traveling expenses
242 and other authorized expenses incurred by the commissioner and
243 other personnel in the performance of their duties, together with
244 other expenses of the operation of the executive office, shall be
245 prorated and deducted from the appropriations for the current
246 expenses of the several institutions.

247 **SECTION 9.** Section 37-101-9, Mississippi Code of 1972, is
248 amended as follows:

249 37-101-9. * * * Members of a university board of
250 trustees * * * shall serve without salary compensation but shall
251 receive a per diem and mileage as authorized by law including time
252 of going to and returning from meetings of said board, together
253 with actual travel and hotel expenses incident to the meetings of
254 the board, and in the discharge of duties prescribed by the board.

255 The board of trustees shall hold * * * three (3) regular
256 quarterly slated meetings annually, one (1) in * * * January and
257 the others in * * * May and September, and as many special
258 meetings as may be necessary on call of the university
259 president * * *. In either case, the call shall be in writing and
260 shall be mailed by registered letter with return receipt
261 requested, or by certified mail, to each and every member at least
262 five (5) days prior to the date of meeting. * * * All three (3)
263 members must be present for the transaction of business.

264 **SECTION 10.** Section 37-101-11, Mississippi Code of 1972, is
265 amended as follows:



266 37-101-11. * * * Each university board of trustees * * * is
267 hereby authorized and empowered, in its discretion, to adopt and
268 have an official seal in such form as it deems appropriate for its
269 official use.

270 **SECTION 11.** Section 37-101-13, Mississippi Code of 1972, is
271 amended as follows:

272 37-101-13. It shall be the duty of the university boards of
273 trustees * * * and the boards of trustees of the community
274 colleges to begin immediately a comprehensive study of gaming and
275 related programs, degrees and courses offered. Following the
276 completion of such study, the boards shall make such adjustments
277 as may be found to be necessary in the programs of the various
278 institutions, to the end that the broadest possible educational
279 opportunities shall be offered to the citizens of this state
280 without inefficient and needless duplication. Subject to the
281 provisions of Section 75-76-34, the boards shall, through such
282 officers of the boards and through such procedures as it shall see
283 fit to establish, exercise continuing jurisdiction and control
284 over the establishment of new courses of study, new departments
285 and new functions and activities in each institution so that the
286 growth and development of the program of higher education in the
287 state shall proceed in an orderly and rational manner, inefficient
288 and needless duplication may be avoided, and new expanded programs
289 will be undertaken only as the same may become justified, based
290 upon objective criteria to be established by the respective



291 boards. In carrying out the purposes of this section, particular
292 attention shall be given to the extension programs of the various
293 institutions. The boards, in conjunction with the chancellor and
294 presidents of the institutions, shall take such steps as may be
295 necessary to improve and coordinate such programs and shall
296 exercise such direct control over the establishment, organization,
297 operation and granting of credit for such programs as may be
298 necessary to accomplish such purposes.

299 **SECTION 12.** Section 37-101-15, Mississippi Code of 1972, is
300 amended as follows:

301 37-101-15. (a) * * * Each university board of trustees,
302 respectively, * * * shall succeed to and continue to exercise
303 control of all records, books, papers, equipment, and supplies,
304 and all lands, buildings, and other real and personal property
305 belonging to or assigned to the use and benefit of the * * *
306 institutions of higher learning named in Section 37-101-1. The
307 boards shall have and exercise control of the use, distribution
308 and disbursement of all funds, appropriations and taxes, now and
309 hereafter in possession, levied and collected, received, or
310 appropriated for the use, benefit, support, and maintenance or
311 capital outlay expenditures of the institutions of higher learning
312 under its jurisdiction, including the authorization of employees
313 to sign vouchers for the disbursement of funds for the various
314 institutions, except where otherwise specifically provided by law.



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

330 (c) The boards shall exercise all the powers and
331 prerogatives conferred upon it under the laws establishing and
332 providing for the operation of the several institutions herein
333 specified. The boards shall adopt such bylaws and regulations
334 from time to time as it deems expedient for the proper supervision
335 and control of the several institutions of higher learning,
336 insofar as such bylaws and regulations are not repugnant to the
337 Constitution and laws, and not inconsistent with the object for
338 which these institutions were established. The boards shall have
339 power and authority to prescribe rules and regulations for



340 policing the campuses and all buildings of the respective
341 institutions, to authorize the arrest of all persons violating on
342 any campus any criminal law of the state, and to have such law
343 violators turned over to the civil authorities.

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

359 (e) For all institutions specified herein, the boards shall
360 prepare an annual report to the Legislature setting forth the
361 disbursements of all monies appropriated to the respective
362 institutions. Each report to the Legislature shall show how the
363 money appropriated to the * * * reporting institutions has been
364 expended, beginning and ending with the fiscal years of the



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



390 (f) The boards shall have the power and authority to elect
391 the heads of the various institutions of higher learning and to
392 contract with all deans, professors, and other members of the
393 teaching staff, and all administrative employees of said
394 institutions for a term not exceeding four (4) years. The boards
395 shall have the power and authority to terminate any such contract
396 at any time for malfeasance, inefficiency, or contumacious
397 conduct, but never for political reasons. It shall be the policy
398 of the boards to permit the executive head of each institution to
399 nominate for election by the boards all subordinate employees of
400 the institution over which he presides. It shall be the policy of
401 the boards to elect all officials for a definite tenure of service
402 and to reelect during the period of satisfactory service. The
403 boards shall have the power to make any adjustments it thinks
404 necessary between the various departments and schools of * * * the
405 institution * * * under its jurisdiction.

406 (g) The boards shall keep complete minutes and records of
407 all proceedings which shall be open for inspection by any citizen
408 of the state.

409 (h) The boards shall have the power to enter into an energy
410 performance contract, energy services contract, on a
411 shared-savings, lease or lease-purchase basis, for energy
412 efficiency services and/or equipment as prescribed in Section
413 31-7-14.



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

420 (j) In connection with any international contract
421 between * * * one (1) of the state's institutions of higher
422 learning and any party outside of the United States, the
423 respective board * * * of an institution that is the party to the
424 international contract is hereby authorized and empowered to
425 include in the contract a provision for the resolution by
426 arbitration of any controversy between the parties to the contract
427 relating to such contract or the failure or refusal to perform any
428 part of the contract. Such provision shall be valid, enforceable
429 and irrevocable without regard to the justiciable character of the
430 controversy. Provided, however, that in the event either party to
431 such contract initiates litigation against the other with respect
432 to the contract, the arbitration provision shall be deemed waived
433 unless asserted as a defense on or before the responding party is
434 required to answer such litigation.

435 (k) * * * A university board of trustees * * *, on behalf of
436 any institution under its jurisdiction, shall purchase and
437 maintain business property insurance and business personal
438 property insurance on all university-owned buildings and/or



439 contents as required by federal law and regulations of the Federal
440 Emergency Management Agency (FEMA) as is necessary for receiving
441 public assistance or reimbursement for repair, reconstruction,
442 replacement or other damage to those buildings and/or contents
443 caused by the Hurricane Katrina Disaster of 2005 or subsequent
444 disasters. * * * A board is authorized to expend funds from any
445 available source for the purpose of obtaining and maintaining that
446 property insurance. * * * A board is authorized to enter into
447 agreements with the Department of Finance and Administration,
448 local school districts, community/junior college districts,
449 community hospitals and/or other state agencies to pool their
450 liabilities to participate in a group business property and/or
451 business personal property insurance program, subject to uniform
452 rules and regulations as may be adopted by the Department of
453 Finance and Administration.

454 (1) * * * A university board of trustees * * *, or its
455 designee, may approve the payment or reimbursement of reasonable
456 travel expenses incurred by candidates for open positions at the
457 board's executive office or at any of the state institutions of
458 higher learning, when the job candidate has incurred expenses in
459 traveling to a job interview at the request of the board, the
460 Commissioner of Higher Education or a state institution of higher
461 learning administrator.

462 (m) (i) * * * A university board of trustees * * * is
463 authorized to administer and approve contracts for the



464 construction and maintenance of buildings and other facilities of
465 the state institutions of higher learning, including related
466 contracts for architectural and engineering services, which are
467 paid for with self-generated funds.

468 (ii) Additionally, * * * a board that is capable of
469 procuring and administering contracts for architectural and
470 engineering services, as annually designated by the board, is
471 authorized to oversee, administer and approve all such contracts
472 for the construction and maintenance of buildings and other
473 facilities of the * * * institution of higher learning, * * *
474 which are funded in whole or in part by general obligation bonds
475 of the State of Mississippi * * *. Prior to the disbursement of
476 funds, an agreement for each project between the institution and
477 the Department of Finance and Administration shall be executed.
478 The approval and execution of the agreement shall not be withheld
479 by either party unless the withholding party provides a written,
480 detailed explanation of the basis for withholding to the other
481 party. The agreement shall stipulate the responsibilities of each
482 party, applicable procurement regulations, documentation and
483 reporting requirements, conditions prior to, and schedule of,
484 disbursement of general obligation bond funds to the institution
485 and provisions concerning handling any remaining general
486 obligation bonds at the completion of the project. Such agreement
487 shall not include provisions that constitute additional
488 qualifications or criteria that act to invalidate the designation



489 of an institution as capable of procuring and administering such
490 project. Inclusion of any such provisions may be appealed to the
491 Public Procurement Review Board. This subparagraph (ii) shall
492 stand repealed from and after July 1, 2022.

493 **SECTION 13.** Section 37-101-16, Mississippi Code of 1972, is
494 amended as follows:

495 37-101-16. The university boards of trustees * * * shall
496 develop a system of manpower management which shall be implemented
497 in all institutions under the control of * * * each board. The
498 manpower management system shall be so designed to insure accurate
499 and rapid reporting of all manpower positions within each
500 institution by job classification to include position number and
501 title, grade, salary and fringe benefits, name of incumbent,
502 social security number and date of hire.

503 **SECTION 14.** Section 37-101-19, Mississippi Code of 1972, is
504 amended as follows:

505 37-101-19. The University of Southern Mississippi Board of
506 Trustees * * * is hereby authorized and empowered to establish and
507 maintain a marine research laboratory on lands belonging to the
508 State of Mississippi, said lands being a part of the Magnolia
509 State Park in Jackson County, Mississippi, and to be assigned for
510 the use of such laboratory by the Mississippi Department of Marine
511 Resources.

512 The marine research laboratory may, in the discretion of the
513 board of trustees * * *, be operated by the Mississippi Academy of



514 Science, Inc., under the supervision and control of the University
515 of Southern Mississippi Board of Trustees * * *.

516 The University of Southern Mississippi Board of
517 Trustees * * * is hereby authorized and empowered to expend
518 annually out of its regular appropriation for * * * a sum not
519 exceeding Five Thousand Dollars (\$5,000.00) for the support and
520 maintenance of the marine research laboratory.

521 **SECTION 15.** Section 37-101-21, Mississippi Code of 1972, is
522 amended as follows:

523 37-101-21. A body politic and corporate is hereby created
524 under the name of Gulf Coast Research Laboratory, to have
525 perpetual succession, with powers to contract and be contracted
526 with; to receive and acquire, by any legal method, property of any
527 description, necessary or convenient for its operation, and to
528 hold, employ, use and convey the same; to adopt and use a
529 corporate seal; and to adopt bylaws, rules and regulations for the
530 government of the same, its employees, officials, agents, and
531 members.

532 The object and purposes of the Gulf Coast Research Laboratory
533 shall be to promote the study and knowledge of science including
534 the natural resources of the State of Mississippi and to provide
535 for the dissemination of research findings and specimens from the
536 Gulf Coast area.

537 The Gulf Coast Research Laboratory shall be under the control
538 and supervision of the University of Southern Mississippi Board of



539 Trustees * * *, and the powers of said laboratory shall be vested
540 in and its duties performed by said board.

541 The laboratory shall be located at some appropriate place
542 within the state and on the Gulf of Mexico to be determined by the
543 university board of trustees * * *.

544 It shall be the duty of the board of trustees * * * to
545 appoint or elect a director for said laboratory, determine the
546 number of instructors, assistants and other employees and fix
547 their compensation, and in cooperation with the Mississippi
548 Academy of Science, prescribe rules, regulations, and policies
549 governing the operation of the institution, qualifications of
550 instructors and employees and for the admission of students, and
551 for the direction of research programs.

552 **SECTION 16.** Section 37-101-23, Mississippi Code of 1972, is
553 amended as follows:

554 37-101-23. (1) The Mississippi Small Farm Development
555 Center, which shall be referred to in this section as the SFDC, is
556 established under the management and control of the Alcorn State
557 University Board of Trustees * * *. The principal offices of the
558 SFDC shall be located at Alcorn State University and shall be
559 under the direction of the president of the university subject to
560 the governance of the university board of trustees. The president
561 shall appoint a director of the SFDC who shall recommend to the
562 president necessary professional and administrative staff of the
563 center, all subject to the approval of the board of trustees.



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

565 (a) Develop a system to deliver management and
566 technical assistance to small farms utilizing the resources of
567 local, state and federal government programs, various segments of
568 the private sector, and universities and colleges throughout the
569 state;

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

572 (c) Research and develop small farm opportunities for
573 new or alternative crops;

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

576 (e) Assist small farms in developing more efficient
577 marketing and distribution channels, including foreign trade
578 marketing.

579 **SECTION 17.** Section 37-101-27, Mississippi Code of 1972, is
580 amended as follows:

581 37-101-27. (1) There is created within the Working
582 Cash-Stabilization Reserve Fund in the State Treasury a trust to
583 be known as the Ayers Endowment Trust, which shall be used as
584 provided in this section. On July 1, 1997, Fifteen Million
585 Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve
586 Fund shall be set aside and placed in the Ayers Endowment Trust.

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



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

591 (3) The interest and income earned from the investment of
592 the principal of the Ayers Endowment Trust shall be appropriated
593 by the Legislature to the boards of trustees of * * * Jackson
594 State University, Alcorn State University and Mississippi Valley
595 State University, the historically black institutions of higher
596 learning in Mississippi, with one-third (1/3) of the amount of the
597 interest and income earned being allocated for the benefit of each
598 of those universities. The money allotted for each university
599 shall be used for continuing educational enhancement and racial
600 diversity, including recruitment of white students and
601 scholarships for white applicants.

602 (4) The creation of the Ayers Endowment Trust and the
603 appropriation of the interest and income for the purposes
604 specified in this section shall be to comply with the order of the
605 United States District Court in the case of *Ayers v. Fordice*, 879
606 F.Supp. 1419 (N.D. Miss. 1995), with regard to Jackson State
607 University and Alcorn State University, and to provide Mississippi
608 Valley State University with an equal amount of funding for the
609 same purposes as for the other historically black institutions of
610 higher learning.

611 (5) If the United States District Court for the Northern
612 District of Mississippi approves and directs the implementation of
613 a settlement agreement in the case of *Ayers v. Musgrove* (Civil



614 Action No. 4:75CV9-B-D, in the United States District Court for
615 the Northern District of Mississippi), and if the agreement
616 becomes final and effective according to its terms (including, but
617 not limited to, the exhaustion of all rights of appeal) before the
618 first day of the 2005 Regular Session of the Legislature, there
619 shall be created in the State Treasury a fund to be known as the
620 Ayers Settlement Fund. Monies deposited into the Ayers Settlement
621 Fund under Section 27-103-203(2) shall be appropriated by the
622 Legislature * * * for the purpose of establishing a public
623 endowment for the benefit of Jackson State University, Alcorn
624 State University and Mississippi Valley State University in
625 compliance with the settlement agreement.

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

630 **SECTION 18.** Section 37-101-29, Mississippi Code of 1972, is
631 amended as follows:

632 37-101-29. Each institution of higher learning with a
633 teacher education program approved by the State Board of Education
634 shall prepare and submit to the State Board of Education and
635 to * * * its board of trustees * * * an annual performance report
636 on the institution's teacher education program. The report shall
637 include the following information:

638 (a) Teacher enrollment data;



- 639 (b) Professional education faculty data;
- 640 (c) Characteristics of students receiving initial
641 licensure;
- 642 (d) Number and percentage of program completers scoring
643 at or above the proficiency level on the prescribed teacher
644 education exit tests;
- 645 (e) Satisfaction rate of employers and graduates;
- 646 (f) Follow-up profiles of graduates of the teacher
647 education program; and
- 648 (g) Any other information required by the State Board
649 of Education. Before requiring any other information, the State
650 Board of Education shall conduct collaborative planning activities
651 with the Mississippi Association of Colleges of Teacher Education
652 and the university boards of trustees * * *.

653 The State Department of Education, in collaboration with the
654 Mississippi Association of Colleges of Teacher Education and the
655 university boards of trustees * * *, shall prepare a common form
656 for the preparation and submission of the annual performance
657 reports. The State Department of Education shall establish the
658 date by which such reports must be submitted to the board. No
659 later than sixty (60) days after the deadline date established for
660 the submission of reports, the department shall submit a
661 compilation of all annual performance reports received from the
662 state institutions of higher learning to the Chairmen of the



663 Education Committees of the House of Representatives and the
664 Senate.

665 **SECTION 19.** Section 37-101-30, Mississippi Code of 1972, is
666 amended as follows:

667 37-101-30. (1) The Legislature finds and declares that a
668 compelling state interest exists in providing a retirement
669 incentive program or encouraging the retirement of those employees
670 of institutions of higher learning who are current and active
671 contributing members of the Public Employees' Retirement System.

672 (2) As used in this section:

673 (a) "Board" means the university board of trustees of a
674 state * * * institution of higher learning.

675 (b) "Program" means the retirement incentive program
676 established under this section.

677 (3) (a) The board is authorized to pay, in fiscal years
678 selected by the board, a monetary incentive to employees who are
679 eligible for retirement in exchange for a voluntary agreement of
680 the employee:

681 (i) To retire on a specific date as set forth in
682 subsection (6) of this section, and

683 (ii) To waive any and all claims, known or
684 unknown, arising out of or related to employment or cessation of
685 employment at the * * * institution of higher learning.



686 (b) The granting of additional compensation shall be
687 made in exchange for additional consideration given by the
688 employee.

689 (c) The retirement incentive authorized by this section
690 is a voluntary plan for institutions of higher learning faculty
691 and staff offering an incentive for retirement. The plan shall be
692 available to all full-time faculty and staff who meet the
693 eligibility criteria set forth in subsection (4) of this section.

694 (4) (a) To be eligible to participate in the program,
695 full-time faculty and staff of institutions of higher learning
696 must, as of the effective date of their retirement, be eligible to
697 retire under the laws governing the Public Employees' Retirement
698 System by virtue of:

699 (i) Having twenty-five (25) years of creditable
700 service, or

701 (ii) Being age sixty (60) and having at least four
702 (4) years of creditable service.

703 (b) The institution of higher learning offering the
704 program shall, in all cases, utilize the records of the Public
705 Employees' Retirement System as the source for determining
706 eligibility.

707 (c) The program is offered as an alternative to any
708 other retirement incentive plan that may be offered by the state
709 or the Public Employees' Retirement System in the future.



710 (5) In accordance with applicable law, the institution of
711 higher learning shall provide a cash benefit to each participant
712 in the program based upon a percentage of the participant's
713 current salary that is subject to federal income tax, state income
714 tax and Federal Insurance Contributions Act withholding. The
715 participant shall be compensated for unused annual leave as
716 otherwise provided by law. The cash benefit paid under this
717 section shall not be subject to employer or employee contributions
718 under the laws governing the Public Employees' Retirement System.

719 (6) Eligible employees shall make their election to
720 participate in the program in the manner and at the time
721 prescribed by the board. The date of retirement for all employees
722 participating in this program shall be June 30 of any fiscal year
723 in which the program is offered. Employees electing to
724 participate in the program shall agree to waive any claims, known
725 or unknown, arising out of or related to employment or cessation
726 of employment at institutions of higher learning. An employee may
727 revoke the election to participate in the program within seven (7)
728 days after the execution of the election.

729 (7) The additional compensation authorized under the program
730 is made in exchange for additional consideration given by the
731 employee.

732 (8) The board shall prescribe such rules and regulations as
733 it shall consider necessary to carry out the purposes of this
734 section.



735 **SECTION 20.** Section 37-101-31, Mississippi Code of 1972, is
736 amended as follows:

737 37-101-31. In addition to the powers vested in * * * each
738 university board of trustees * * * by Section 213-A, Mississippi
739 Constitution of 1890 and by this chapter, said boards * * * are
740 hereby authorized to establish a reserve fund to receive funds
741 from state, federal or private sources for the purpose of
742 guaranteeing payment of loans obtained by college or university
743 students from public or private lenders or banking institutions.
744 The boards * * * are authorized and empowered to do and perform
745 all the necessary and requisite acts and deeds necessary to carry
746 out the provisions of this section.

747 **SECTION 21.** Section 37-101-41, Mississippi Code of 1972, is
748 amended as follows:

749 37-101-41. (1) (a) Except as otherwise provided in
750 paragraph (b) of this section, and subject to the provisions of
751 Section 37-101-42, * * * an university board of trustees * * *
752 (the "board") is authorized and empowered to lease to private
753 individuals or corporations for a term not exceeding thirty-five
754 (35) years any land or land with existing auxiliary facilities
755 at * * * the following state-supported institutions: Mississippi
756 State University * * *, Jackson State University, Mississippi
757 Valley State University, University of Mississippi, Alcorn State
758 University, University of Southern Mississippi, Mississippi
759 University for Women and Delta State University, for the purpose



760 of erecting or renovating, furnishing, maintaining and equipping
761 auxiliary facilities thereon for active faculty, staff and/or
762 students. The auxiliary facilities shall be constructed or
763 renovated, and may be furnished, maintained and equipped thereon
764 by private financing, and may be leased back to the board for use
765 by the concerned state-supported institution of higher learning.
766 The lease shall contain a provision permitting the board to
767 purchase the building located thereon, including any furnishings
768 and equipment therein, for the sum of One Dollar (\$1.00) after
769 payment by the board of all sums of money due under said lease.

770 (b) The university board of trustees of * * * may * * *
771 lease to private individuals or corporations for a period not
772 exceeding thirty-five (35) years, any land or land with existing
773 auxiliary facilities at the university, for the purpose of
774 erecting or renovating, furnishing, maintaining and equipping
775 auxiliary facilities thereon for active faculty, staff and/or
776 students. The auxiliary facilities shall be constructed or
777 renovated, and may be furnished, maintained and equipped thereon
778 by private financing, and may be leased back to the board for use
779 by the university. The lease shall contain a provision permitting
780 the board to purchase the auxiliary facilities located thereon,
781 including any furnishings and equipment therein, for the sum of
782 One Dollar (\$1.00) after payment by the board of all sums of money
783 due under the lease.



784 (2) Upon there being an agreement reached between the board
785 of trustees * * * and a university upon whose land the auxiliary
786 facility will be constructed or renovated and a private
787 individual(s) or corporation(s) to enter into such lease agreement
788 as described in subsection (1), it shall be stipulated in the
789 agreement that all newly constructed or renovated auxiliary
790 facilities shall be in compliance with the minimum building code
791 standards employed by the state as required under Section
792 31-11-33.

793 (3) The board, * * * acting on behalf of the university,
794 shall have sole discretion to decide the placement of new
795 auxiliary facilities upon the university's campus. However, the
796 scope of any such construction or renovation by private entities
797 shall be limited to two (2) leases entered into pursuant to this
798 Section 37-101-41 per year for each university, and shall not
799 exceed in the aggregate twenty-five percent (25%) of the
800 university's total main campus or satellite campus property under
801 the original lease period. In addition, the scope of any such
802 renovation by private entities shall be limited to one (1) project
803 per fiscal year for each university.

804 (4) No contractual lease agreement for the construction or
805 renovation, furnishing, maintaining and equipping of privately
806 financed auxiliary facilities shall be entered into by a
807 university without prior approval of the board of trustees * * *.
808 An auxiliary facility is a facility that is described by the



809 current Postsecondary Education Facilities Inventory and
810 Classification Manual (FICM) as within categories
811 500/600/700/800/900.

812 Before entering into contractual lease agreements for the
813 construction or renovation, furnishing, maintaining and equipping
814 of privately financed auxiliary facilities, the board of
815 trustees * * * shall establish rules and procedures to ensure
816 adequate public advertisement of any requirement for the
817 construction or renovation, furnishing, maintaining and equipping
818 of privately financed auxiliary facilities at a university in
819 order to promote full and open competition and which set forth the
820 requirements for evaluation of offers and award of the contract
821 lease agreement to the private entity.

822 (5) In addition to the above stated authority, the
823 university, with the permission of the board, is authorized to
824 enter into such marketing, support, management, operating,
825 cooperating or other similar agreements as the university and
826 board may deem advisable or prudent in connection with the ongoing
827 operations of such auxiliary facilities for a period not to exceed
828 the term of the lease relating to such auxiliary facilities.

829 **SECTION 22.** Section 37-101-42, Mississippi Code of 1972, is
830 amended as follows:

831 37-101-42. There is created an advisory committee to the
832 university boards of trustees * * * for the lease of the property



833 described in Sections 37-101-41, 37-101-43 and 37-101-44, which
834 shall be composed of the following members:

835 (a) The respective Chairmen of the Public Property
836 Committees of the House of Representatives and the Senate;

837 (b) The respective Chairmen of the Universities and
838 Colleges Committees of the House of Representatives and the
839 Senate;

840 (c) One (1) member of the House of Representatives, to
841 be appointed by the Speaker of the House; and

842 (d) One (1) member of the Senate, to be appointed by
843 the Lieutenant Governor.

844 Before selecting the private developer to which to lease the
845 property described in Sections 37-101-41, 37-101-43 and 37-101-44,
846 and while negotiating the terms of the lease with the private
847 developer that has been selected, the each university board of
848 trustees * * * shall consult with the advisory committee and
849 consider any suggestions and recommendations made by the advisory
850 committee regarding the lease of the property.

851 **SECTION 23.** Section 37-101-43, Mississippi Code of 1972, is
852 amended as follows:

853 37-101-43. (a) Except as otherwise provided in Section
854 37-101-44, and subject to the provisions of Section 37-101-42,
855 before entering into or awarding any such lease contract under the
856 provisions of Section 37-101-41, * * * each university board of
857 trustees * * * shall cause the interested * * * institution under



858 its control and supervision and upon which a facility is proposed
859 to be constructed or renovated to select and submit three (3)
860 architects to the board. Thereupon, the board shall approve and
861 employ an architect, who shall be paid by the interested
862 institution from any funds available to the interested
863 institution. The architect, under the direction of the interested
864 institution, shall prepare complete plans and specifications for
865 the facility or facilities desired to be constructed or renovated
866 on the leased property.

867 Upon completion of the plans and specifications and the
868 approval thereof by the board, and before entering into any lease
869 contract, the board shall cause to be published once a week for at
870 least three (3) consecutive weeks and not less than twenty-one
871 (21) days in at least one (1) newspaper having a general
872 circulation in the county in which the interested institution is
873 located and in one (1) newspaper with a general statewide
874 circulation, a notice inviting bids or proposals for the leasing,
875 construction or renovation, including the furnishing, maintaining
876 and equipping, if applicable, and leasing back, if applicable, of
877 the land and constructed or renovated facility, including any
878 applicable furnishings or equipment, of the facility to be
879 constructed or renovated in accordance with the plans and
880 specifications. The notice shall distinctly state the thing to be
881 done, and invite sealed proposals, to be filed with the board, to
882 do the thing to be done. The notice shall contain the following



883 specific provisions, together with such others as the board in its
884 discretion deems appropriate, to wit: bids shall be accompanied
885 by a bid security evidenced by a certified or cashier's check or
886 bid-bond payable to the board in a sum of not less than five
887 percent (5%) of the gross construction cost of the facility to be
888 constructed as estimated by the board and the bids shall contain
889 proof satisfactory to the board of interim and permanent
890 financing. The board shall state in the notice when construction
891 shall commence. The bid shall contain the proposed contractor's
892 certificate of responsibility number and bidder's license. In all
893 cases, before the notice shall be published, the plans and
894 specifications shall be filed with the board and also in the
895 office of the president of the interested institution, there to
896 remain.

897 The board shall award the lease contract to the lowest and
898 best bidder, who will comply with the terms imposed by the
899 contract documents. At the time of the awarding of the lease
900 contract the successful bidder shall enter into bond with
901 sufficient sureties, to be approved by the board, in such penalty
902 as may be fixed by the board, but in no case to be less than the
903 estimated gross construction or renovation cost of the facility to
904 be constructed or renovated as estimated by the board, conditioned
905 for the prompt, proper and efficient performance of the contract.
906 The bond shall be made by an authorized corporate surety bonding
907 company. The bid security herein provided for shall be forfeited



908 if the successful bidder fails to enter into lease contract and
909 commence construction or renovation within the time limitation set
910 forth in the notice. At such time, and simultaneously with the
911 signing of the contract, the successful bidder shall deposit a sum
912 of money, in cash or certified or cashier's check, not less than
913 the bid security previously deposited as bid security to reimburse
914 the interested institution for all sums expended by it for
915 architectural services and other expenditures of the board and
916 interested institution connected with the bidden lease contract,
917 of which such other anticipated expenditures notice is to be given
918 to bidder in the notice. The bid security posted by an
919 unsuccessful bidder shall be refunded to him.

920 (b) Under the authority granted under Section
921 37-101-44, the requirements of paragraph (a) of this section shall
922 not apply to * * * universities' * * * authority to contract with
923 a single entity for privately financed design and construction or
924 renovation, and if applicable, the furnishing, maintaining and
925 equipping of facilities on university campuses, and if applicable,
926 the furnishing, maintenance and equipping of facilities on
927 university campuses.

928 **SECTION 24.** Section 37-101-44, Mississippi Code of 1972, is
929 amended as follows:

930 37-101-44. (1) In lieu of exercising the authority set
931 forth in Section 37-101-43 and before entering into or awarding
932 any lease under Section 37-101-41, * * * each university board of



933 trustees * * *, subject to the provisions of Section 37-101-42,
934 may award contracts to a single entity for privately financed
935 design and construction or renovation of facilities on university
936 campuses, as well as for maintaining, furnishing and equipping of
937 such facilities, if the entities receiving the contract or
938 contracts and those entities to which work or services are
939 subcontracted are duly licensed and qualified in the state to
940 perform the contract or contracts. State General Fund
941 appropriations or bonds backed by the state may not be used to
942 finance the construction or maintenance of any such facility.

943 (2) The design-build delivery system described under
944 subsection (1) of this section shall be administered pursuant to
945 Section 31-7-13.1 and may be authorized only when * * * a
946 university board of trustees * * * makes a determination, entered
947 on its minutes, with specific findings for the project
948 demonstrating how it is in the best interest of the public to
949 enter into a design-build contract.

950 **SECTION 25.** Section 37-101-61, Mississippi Code of 1972, is
951 amended as follows:

952 37-101-61. Whenever * * * a university board of
953 trustees * * * shall by a proper resolution declare the necessity
954 of the formation of nonprofit corporations for the purpose of
955 acquiring or constructing facilities for institutions of higher
956 learning under the jurisdiction and control of said board, any
957 number of natural persons, not less than three (3), who are



958 residents of the State of Mississippi, may file with the Secretary
959 of State of this state an application in writing for authority to
960 incorporate a public nonprofit corporation, known as an
961 "educational building corporation." If it shall be made to appear
962 that each of said persons is a duly qualified resident of this
963 state, then the persons filing such application shall be
964 authorized, subject to the prior approval by said board of the
965 form of the articles of incorporation and bylaws thereof, to
966 proceed to form such corporation as provided by the general law of
967 this state with respect to corporations organized not for profit
968 except as hereinafter provided. The Secretary of State, upon
969 receipt of such application, shall forthwith issue a certificate
970 of incorporation.

971 **SECTION 26.** Section 37-101-63, Mississippi Code of 1972, is
972 amended as follows:

973 37-101-63. Each corporation formed under the provisions of
974 Section 37-101-61 shall have the following powers, together with
975 all powers incidental thereto or necessary to the discharge
976 thereof in corporate form: to have succession by its corporate
977 name for the duration of time (which may be in perpetuity)
978 specified in its certificate of incorporation; to sue and be sued
979 and to defend suits against it; to make use of a corporate seal
980 and to alter it at pleasure; to acquire, whether by purchase,
981 construction or gift, facilities for one or more institutions of
982 higher learning and land therefor; to equip, maintain, enlarge or



983 improve such facilities; to lease under such terms and conditions
984 as its board of directors may deem advisable and as shall not
985 conflict with the provisions of Sections 37-101-61 through
986 37-101-71 to the * * * university board of trustees or to such
987 other entity as may be approved by such board subject to prior
988 approval by said board of each issue of bonds; to issue its bonds
989 for the purpose of defraying the cost of acquiring, constructing,
990 maintaining, enlarging, improving or equipping any of such
991 facilities or land in the manner provided in Section 37-101-65; to
992 secure the payment of such bonds through the pledge of and lien on
993 such revenues or other sources of income, including lease
994 payments, entering into trust agreements, and the making of such
995 covenants as are provided in Section 37-101-101; to refund bonds
996 previously issued; to enter into contracts and agreements or do
997 any act necessary for or incidental to the performance of its
998 duties and the execution of its powers under Sections 37-101-61
999 through 37-101-71; to accept gifts from any source whatsoever; to
1000 appoint and employ such officers and agents, including attorneys,
1001 as its business may require; and to provide for such insurance as
1002 its board of directors may deem advisable.

1003 **SECTION 27.** Section 37-101-71, Mississippi Code of 1972, is
1004 amended as follows:

1005 37-101-71. * * * University boards of trustees * * * are
1006 hereby authorized and empowered, in * * * their discretion, to
1007 pass proper resolutions declaring the necessity of the formation



1008 of nonprofit educational building corporations, as set forth in
1009 Section 37-101-61, and to lease facilities from said corporations
1010 in the manner provided by law.

1011 When the principal of and the interest on any bonds of an
1012 educational building corporation payable from the revenues derived
1013 from the operation of facilities owned by such corporation shall
1014 have been paid in full, then such facilities shall thereupon
1015 become the property of the * * * state * * * institution of higher
1016 learning upon which is located and title to the facilities shall
1017 thereupon immediately vest in the State of Mississippi.

1018 **SECTION 28.** Section 37-101-91, Mississippi Code of 1972, is
1019 amended as follows:

1020 37-101-91. * * * Each university board of trustees is hereby
1021 authorized and empowered to contract with and borrow money from
1022 the United States of America, or any department, instrumentality,
1023 or agency thereof, as may be designated or created to make loans
1024 and grants, or from private lenders, at an overall rate of
1025 interest to maturity not to exceed that allowed in Section
1026 75-17-103, for the purpose of acquiring land for, and erecting,
1027 repairing, remodeling, maintaining, adding to, extending,
1028 improving, equipping, or acquiring dormitories, dwellings,
1029 apartments, athletic stadium, gymnasiums, student union buildings,
1030 student service centers, athletic fields, swimming pools, parking
1031 facilities, cafeterias, dining halls, and/or other revenue



1032 producing facilities, to be located at or near * * * its
1033 campuses * * *.

1034 In agreements or commitments by or between * * * university
1035 boards of trustees and private lenders and/or the U.S. Department
1036 of Housing and Urban Development to make loans or grants for the
1037 construction of dormitories in which bonds are to be issued under
1038 the provisions of Sections 37-101-91 through 37-101-103, and in
1039 which part or all of the principal and/or interest on said bonds
1040 is to be paid or guaranteed by the U.S. Department of Housing and
1041 Urban Development, said bonds shall bear a net interest rate not
1042 in excess of that allowed in Section 75-17-103.

1043 Notwithstanding the foregoing provisions of this section,
1044 bonds referred to hereinabove may be issued pursuant to the
1045 supplemental powers and authorizations conferred by the provisions
1046 of the Registered Bond Act, being Sections 31-21-1 through
1047 31-21-7.

1048 **SECTION 29.** Section 37-101-93, Mississippi Code of 1972, is
1049 amended as follows:

1050 37-101-93. Bonds issued for the purposes enumerated in
1051 Section 37-101-91 shall be authorized by resolution of the
1052 university board of trustees * * * for whose benefit the bonds
1053 were issued. Said resolution shall positively show the said land,
1054 to be acquired, if any, and the said dormitories, dwellings,
1055 apartments, athletic stadiums, gymnasiums, student union
1056 buildings, student service centers, athletic fields, swimming



1057 pools and the like, to be erected, repaired, remodeled,
1058 maintained, added to, extended, improved, equipped or acquired,
1059 together with equipment therefor. A majority vote of all the
1060 members of * * * the university board of trustees shall be
1061 necessary to the passage of said resolution, and all votes on such
1062 resolutions shall be by yea and nay vote, duly recorded on the
1063 minutes of the proceedings of the board.

1064 The bonds may be issued in one or more series, may bear such
1065 date or dates, may be in such denomination or denominations, may
1066 mature at such time or times, not exceeding forty (40) years from
1067 the respective dates thereof, may mature in such amount or
1068 amounts, may bear interest at such rate or rates, not exceeding
1069 that allowed in Section 75-17-103, payable semiannually, may be in
1070 such forms, either coupon or registered, may carry such
1071 registration privileges, may be executed in such manner, may be
1072 payable in such medium of payment, at such place or places, and
1073 may be subject to such term of redemption, with or without
1074 premium, as such resolution or other resolutions may provide. The
1075 bonds may be sold at a private sale, at not less than par and
1076 accrued interest, without advertising the same at competitive
1077 bidding. The bonds shall be fully negotiable within the meaning
1078 and for all purposes of the Uniform Commercial Code.

1079 Notwithstanding any other provision of law, in any resolution
1080 authorizing bonds hereunder, including refunding bonds, the
1081 university board of trustees may provide for the initial issuance



1082 of one or more bonds (hereinafter sometimes collectively called
1083 "bond"), may make such provision for installment payments of the
1084 principal amount of any such bond as it may consider desirable,
1085 and may provide for the making of any such bond registerable as to
1086 principal or as to both principal and interest and, where interest
1087 accruing thereon is not represented by interest coupons, for the
1088 endorsing of payments of interest on such bond. The board may
1089 further make provision in any such resolution for the manner and
1090 circumstances in and under which any such bond may in the future,
1091 at the request of the holder thereof, be converted into bonds of
1092 smaller denominations, which bonds of small denominations may in
1093 turn be either coupon bonds or bonds registerable as to principal
1094 or principal and interest.

1095 **SECTION 30.** Section 37-101-95, Mississippi Code of 1972, is
1096 amended as follows:

1097 37-101-95. Bonds issued for the purposes enumerated in
1098 Section 37-101-91 may be refunded, in whole or in part:

1099 (a) When any such bonds have by their terms become due
1100 and payable and there are not sufficient sums in the fund
1101 established for their payment to pay such bonds and the interest
1102 thereon;

1103 (b) When any such bonds are by their terms callable for
1104 payment and redemption in advance of their date of maturity and
1105 shall have been duly called for payment and redemption;



1106 (c) When any such bonds are voluntarily surrendered by
1107 the holder or holders thereof in exchange for refunding bonds; or

1108 (d) When, in connection with the issuance of any
1109 additional bonds under Sections 37-101-91 through 37-101-103 for
1110 the purpose of financing any additional authorized
1111 construction, * * * a university board of trustees * * * shall
1112 determine to combine such new issue of bonds with any issue or
1113 issues of bonds of the * * * institution of higher learning * * *
1114 under its control and supervision then outstanding for the purpose
1115 of unifying such indebtedness and utilizing the income and
1116 revenues derived from all projects or facilities operated at such
1117 institution to the payment of such indebtedness, and * * * that
1118 board of trustees shall determine that such outstanding bonds are
1119 by their terms then callable for redemption or are obtainable by
1120 and through the voluntary surrender thereof by the holder or
1121 holders thereof.

1122 For the purpose of refunding any bonds, including refunding
1123 bonds, * * * each university board of trustees may respectively
1124 make and issue refunding bonds in such amount as may be necessary
1125 to pay off and redeem bonds to be refunded together with unpaid
1126 and past due interest thereon and any premium which may be due
1127 under the terms of such bonds, together also with the cost of
1128 issuing and refunding bonds, and may sell the same in like manner
1129 as provided in Section 37-101-97 for the initial issuance of
1130 bonds. With the proceeds of any such refunding bonds, * * * each



1131 board shall pay off, redeem, and cancel such old bonds and coupons
1132 as may have matured or such bonds as may have been called for
1133 payment and redemption together with the past due interest and the
1134 premium, if any, due thereon; such bonds may be issued and
1135 delivered in exchange for a like par value amount of bonds to
1136 refund which the refunding bonds were issued. No refunding bonds
1137 issued hereunder shall be payable in more than forty (40) years
1138 from the date thereof or shall bear interest at a rate in excess
1139 of the rate of interest authorized in Section 75-17-103 for the
1140 bonds being refunded.

1141 Such refunding bonds shall be payable from the same sources
1142 as were pledged to the payment of the bonds refunded thereby and,
1143 in the discretion of the university board of trustees, may be
1144 payable from any other sources which may be pledged to the payment
1145 of revenue bonds issued under Sections 37-101-91 through
1146 37-101-103. Bonds of two (2) or more issues of any institution of
1147 higher learning of the State of Mississippi may be refunded by a
1148 single issue of refunding bonds.

1149 Notwithstanding the foregoing provisions of this section,
1150 bonds referred to hereinabove may be issued pursuant to the
1151 supplemental powers and authorizations conferred by the provisions
1152 of the Registered Bond Act, being Sections 31-21-1 through
1153 31-21-7.

1154 **SECTION 31.** Section 37-101-99, Mississippi Code of 1972, is
1155 amended as follows:



1156 37-101-99. The Department of Finance and Administration,
1157 acting through the Bureau of Building, Grounds and Real Property
1158 Management, is hereby authorized to supervise the contracting for,
1159 and the erection of, all buildings erected as a result of the
1160 provisions of Sections 37-101-91 through 37-101-103 * * * allows a
1161 state institution of higher learning to administer.

1162 **SECTION 32.** Section 37-101-101, Mississippi Code of 1972, is
1163 amended as follows:

1164 37-101-101. * * * Each university board of trustees * * * in
1165 connection with the issuance of the bonds for its respective
1166 institution for the purposes enumerated in Section 37-101-91, or
1167 in order to secure the payment of such bonds and interest thereon,
1168 shall have power by resolutions:

1169 (a) To fix and maintain * * * (i) fees, rentals, and
1170 other charges to be paid by students, faculty members and others
1171 using or being served by any dormitories, dwellings, apartments,
1172 athletic stadiums, gymnasiums, student union buildings, student
1173 service centers, athletic fields, swimming pools, or other
1174 projects or facilities, erected, repaired, remodeled, maintained,
1175 added to, extended, improved, or acquired under the authority of
1176 Section 37-101-91; * * * (ii) fees, rentals and other charges to
1177 be paid by students, faculty members, and others using or being
1178 served by any other dormitories, dwellings, apartments, athletic
1179 stadiums, gymnasiums, student union buildings, student service
1180 centers, athletic fields, swimming pools, or other projects or



1181 facilities at any institution which so issues bonds, which fees,
1182 rentals and other charges to be paid by students, faculty members,
1183 and others using or being served by such other dormitories,
1184 dwellings, apartments, athletic stadiums, gymnasiums, student
1185 union buildings, student service centers, athletic fields,
1186 swimming pools, or other projects or facilities, shall be the same
1187 as those applicable to the dormitories, dwellings, apartments,
1188 athletic stadiums, gymnasiums, student union buildings, student
1189 service centers, athletic fields, swimming pools, or other
1190 projects or facilities referred to in the preceding * * *
1191 subparagraph (i); however, in fixing such fees, rentals and other
1192 charges, there may be allowed reasonable differentials based on
1193 the condition, type, location and relative convenience of the
1194 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
1195 student union buildings, student service centers, athletic fields,
1196 swimming pools, or other projects or facilities in question, but
1197 such differentials shall be uniform as to all such students or
1198 faculty members and others similarly accommodated;

1199 (b) To provide that bonds so issued shall be secured by
1200 a first, exclusive and closed lien on, and shall be payable from,
1201 all or any part of the income and revenues derived from fees,
1202 rentals and other charges to be paid by students, faculty members
1203 or others using or being served by any dormitories, dwellings,
1204 apartments, athletic stadiums, gymnasiums, student union
1205 buildings, student service centers, athletic fields, swimming



1206 pools, or other projects or facilities operated at any such
1207 institution, and erected, repaired, remodeled, maintained, added
1208 to, extended, improved or acquired under Section 37-101-91, or any
1209 other law, or otherwise, and not theretofore so pledged;

1210 (c) To pledge and assign to, or in trust for the
1211 benefit of the holder or holders of any bond or bonds, coupon or
1212 coupons so issued, an amount of the income and revenues derived
1213 from such fees, rentals and other charges to be paid by students,
1214 faculty members, or others using or being served by any
1215 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
1216 student union buildings, student service centers, athletic fields,
1217 swimming pools, or other projects or facilities operated at any
1218 such institution, and erected, repaired, remodeled, maintained,
1219 added to, extended, improved or acquired under Section 37-101-91,
1220 or any other law, or otherwise, and not theretofore so pledged,
1221 which rentals, fees and charges imposed and pledged pursuant to
1222 the terms of this section shall be sufficient to pay when due the
1223 bonds so issued and interest thereon, to create and maintain a
1224 reasonable reserve therefor and to operate and maintain the
1225 project so constructed, and to create and at all times maintain an
1226 adequate reserve for contingencies and for major repairs and
1227 replacements;

1228 (d) To covenant with or for the benefit of the holder
1229 or holders of any bond or bonds, coupon or coupons so issued to
1230 erect, repair, remodel, maintain, add to, extend, improve or



1231 acquire any dormitories, dwellings, apartments, athletic stadiums,
1232 gymnasiums, student union buildings, student service centers,
1233 athletic fields, swimming pools, or other projects or facilities,
1234 that so long as any of said bonds or coupons shall remain
1235 outstanding and unpaid, such institution shall fix, maintain and
1236 collect, in such installments as may be agreed upon, an amount of
1237 fees, rentals or other charges from students, faculty members, and
1238 others using or being served by any dormitories, dwellings,
1239 apartments, athletic stadiums, gymnasiums, student union
1240 buildings, student service centers, athletic fields, swimming
1241 pools, or other projects or facilities operated at any such
1242 institution and erected, repaired, remodeled, maintained, added
1243 to, extended, improved or acquired under Section 37-101-91, or any
1244 other law, or otherwise, which shall be sufficient to pay when due
1245 any bond or bonds, coupons or coupons so issued, and to create and
1246 maintain a reasonable reserve therefor, and to pay the cost of
1247 operation and maintenance of such dormitories, dwellings,
1248 apartments, athletic stadiums, gymnasiums, student union
1249 buildings, student service centers, athletic fields, swimming
1250 pools, or other projects or facilities, including a sum sufficient
1251 to pay the cost of insuring such dormitories, dwellings,
1252 apartments, athletic stadiums, gymnasiums, student union
1253 buildings, student service centers, athletic fields, swimming
1254 pools, or other projects or facilities against loss or damage by
1255 fire and windstorm or other calamities, in such sum as may be



1256 acceptable to the purchaser or purchasers of such bonds. The
1257 rentals, fees and other charges shall at all times be sufficient
1258 to maintain an adequate bond sinking fund to provide for the
1259 payment of interest on and principal of the bonds as and when they
1260 accrue and mature, to create a reasonable reserve therein and to
1261 pay the cost of operation and maintenance and insurance as herein
1262 provided and to create and at all times maintain an adequate
1263 reserve for contingencies and for major repairs and replacements;

1264 (e) To make and enforce and agree to make and enforce
1265 parietal rules that shall insure the use of any such dormitory,
1266 dwelling, apartment, athletic stadium, gymnasium, student union
1267 building, student service center, athletic field, swimming pool,
1268 or other project or facility by all students in attendance at such
1269 institution, and faculty members thereof, to the maximum extent to
1270 which such dormitories, dwellings, apartments, athletic stadiums,
1271 gymnasiums, student union buildings, student service centers,
1272 athletic fields, swimming pools, or other projects or facilities
1273 are capable of serving same, so long as it does not interfere with
1274 any existing contract;

1275 (f) To covenant that as long as any of the bonds so
1276 issued shall remain outstanding and unpaid, it will not, except
1277 upon such terms and conditions as may be determined by the
1278 resolution issuing such bonds, * * * (i) voluntarily create, or
1279 cause to be created, any debt, lien, pledge, assignment,
1280 encumbrance, or other charge having priority to or being on a



1281 parity with the lien of the bonds so issued upon any of the income
1282 and revenues derived from fees, rentals and other charges to be
1283 paid by students, faculty members and others using or being served
1284 by any dormitories, dwellings, apartments, athletic stadiums,
1285 gymnasiums, student union buildings, student service centers,
1286 athletic fields, swimming pools, or other projects or facilities
1287 operated at any such institution and erected, repaired, remodeled,
1288 maintained, added to, extended, improved or acquired under Section
1289 37-101-91, or any other law, or otherwise, or * * * (ii) convey or
1290 otherwise alienate any such dormitories, dwellings, apartments,
1291 athletic stadiums, gymnasiums, student union buildings, student
1292 service centers, athletic fields, swimming pools, or other
1293 projects or facilities, or the real estate upon which the same
1294 shall be located, except at a price sufficient to pay all the
1295 bonds then outstanding payable from the revenues derived therefrom
1296 and interest accrued on such bonds, and then only in accordance
1297 with any agreements with the holder or holders of such bonds,
1298 or * * * (iii) mortgage or otherwise voluntarily create, or cause
1299 to be created, any encumbrance on any such dormitory, dwelling,
1300 apartment, athletic stadium, gymnasium, student union building,
1301 student service center, athletic field, swimming pool, or other
1302 project or facility, or the real estate upon which it shall be
1303 located;

1304 (g) To covenant as to the proceedings by which the
1305 terms of any contract with a holder or holders of such bonds may



1306 be amended or rescinded, the amount or percentage of bonds the
1307 holder or holders of which must consent thereto and the manner in
1308 which such consent may be given;

1309 (h) To vest in a trustee or trustees the right to
1310 receive all or any part of the income and revenue and proceeds of
1311 insurance pledged and assigned to, or for the benefit of, the
1312 holder or holders of such bonds, and to hold, apply and dispose of
1313 the same and the right to enforce any covenant made to secure or
1314 pay or in relation to such bonds;

1315 (i) To authorize the chairman and the secretary of said
1316 board to execute and deliver, in the name of the institution for
1317 which such bonds are being issued, a trust agreement or agreements
1318 which may set forth the powers and duties of such trustee or
1319 trustees, and limiting the liabilities thereof, and describing
1320 what occurrences shall constitute events of default and
1321 prescribing the terms and conditions upon which such trustee or
1322 trustees or the holder or holders of bonds of any specified amount
1323 or percentage of such bonds may exercise such right and enforce
1324 any and all such covenants and resort to any such remedies as may
1325 be appropriate; and

1326 (j) To vest in a trustee or trustees or the holder or
1327 holders of any specified amount or percentage of bonds the right
1328 to apply to any court of competent jurisdiction for and have
1329 granted the appointment of a receiver or receivers of the income
1330 and revenue pledged and assigned to or for the benefit of the



1331 holder or holders of such bonds, which receiver or receivers may
1332 have and be granted such powers and duties as are usually granted
1333 under the laws of the State of Mississippi to a receiver or
1334 receivers appointed in connection with the foreclosure of a
1335 mortgage made by a private corporation.

1336 **SECTION 33.** Section 37-101-103, Mississippi Code of 1972, is
1337 amended as follows:

1338 37-101-103. No * * * monies derived from the sale of bonds
1339 of any institution or otherwise borrowed or received by such
1340 institution under Sections 37-101-91 through 37-101-103, or from
1341 the fees, rentals, and charges received and collected for the use
1342 of any project constructed, repaired, remodeled, maintained, added
1343 to, extended, improved, or acquired under authority of said
1344 sections, shall be required to be paid into the State Treasury,
1345 but shall, except as herein otherwise provided, be deposited by
1346 the treasurer or other fiscal officer of the institution in a
1347 separate bank account or accounts in such bank or banks or trust
1348 company or trust companies as may be designated by * * * a
1349 university board of trustees * * *. All deposits of such * * *
1350 monies shall, if required by the board, be secured by obligations
1351 of the United States of America or of the State of Mississippi, of
1352 a market value equal at all times to the amount of the deposit,
1353 and all banks and all trust companies are hereby authorized to
1354 give such security. Such * * * monies may be disbursed as may be
1355 directed by the board and in accordance with the terms of any



1356 agreements with the holder or holders of any bonds. This section
1357 shall be construed as limiting the power of said board to agree in
1358 connection with issuance of any such bonds as to the custody and
1359 disposition of the * * * monies received from the sale of such
1360 bonds or the income and revenues pledged and assigned to or in
1361 trust for the benefit of the holder or holders thereof.

1362 It is specifically provided, however, notwithstanding any
1363 other provision of this section, that when any project financed by
1364 the proceeds of revenue bonds issued hereunder shall be supervised
1365 by the State Building Commission and the said State Building
1366 Commission shall execute and enter into construction contracts
1367 with respect thereto, the appropriate university board of
1368 trustees * * * shall have the power and authority to pay into the
1369 State Treasury in a special account for said project an amount
1370 from the proceeds of the sale of the bonds which shall be
1371 sufficient to pay all such construction contracts and all fees and
1372 expenses incidental thereto, including any amount, plus interest
1373 thereon, which may have been borrowed for interim financing of
1374 said project. The amount so paid into such special account shall
1375 be expended by the State Building Commission in the manner
1376 provided by law in payment of the amounts due under such
1377 construction contracts, and fees and expenses incidental thereto,
1378 and in repayment of * * * monies, if any, borrowed for interim
1379 financing, plus interest thereon. If, at the conclusion of the
1380 project, any sum should remain in said special account it shall be



1381 repaid to the institution entitled thereto to be handled in
1382 accordance with the terms of the agreement with the holder or
1383 holders of the bonds.

1384 Notwithstanding any other provisions of this section, such
1385 reports as may be required by the State Auditor of public accounts
1386 shall be made to him by the institutions of higher learning in the
1387 manner and at the times he may prescribe, so that his records may
1388 reflect full and complete information relative thereto.

1389 **SECTION 34.** Section 37-101-121, Mississippi Code of 1972, is
1390 amended as follows:

1391 37-101-121. The university boards of trustees of each
1392 state * * * institution of higher learning * * * are hereby
1393 authorized and empowered, in its discretion, and with the consent
1394 and approval of the State Building Commission, to invest any funds
1395 derived or made available for the purpose of constructing,
1396 erecting, repairing, remodeling or equipping dormitories and other
1397 housing facilities under projects approved and sanctioned by the
1398 Home and Housing Finance Agency of the United States of America,
1399 whether said funds be derived from the proceeds of bonds issued
1400 under the provisions of Sections 37-101-91 through 37-101-103, or
1401 from * * * monies borrowed for the interim financing of any such
1402 project, or from any other sources, in short-term bonds or other
1403 direct obligations of the United States of America. However, no
1404 such funds shall be so invested except the amount of such funds
1405 which is in excess of the sums which will be required for



1406 expenditure in financing the construction of said projects during
1407 the succeeding ninety (90) days. In all cases, the bonds or other
1408 obligations in which such funds are invested shall mature or be
1409 redeemable prior to the time the funds so invested will be needed
1410 for expenditure in financing the construction of said projects.

1411 * * * A university board of trustees * * *, with the consent
1412 and approval of the State Building Commission, may, by order or
1413 resolution spread upon its minutes, authorize and empower any
1414 member or members of said board of trustees, or any officers or
1415 employees thereof, or any other person or persons, to make
1416 investments of such funds, from time to time, as they shall be
1417 available for investment under the provisions of this section.
1418 Any such member or members or officers or employees, or other
1419 person or persons, when so authorized by such order or resolution,
1420 shall have the power and authority to make such investments of
1421 such funds, to make purchases of such bonds or other obligations,
1422 to execute all necessary instruments in connection therewith, and
1423 to take such other action as may be necessary to effectuate the
1424 investment of such funds.

1425 **SECTION 35.** Section 37-101-123, Mississippi Code of 1972, is
1426 amended as follows:

1427 37-101-123. When any such bonds or other direct obligations
1428 of the United States of America shall have been purchased with
1429 such excess funds as is provided for in Section 37-101-121, such
1430 bonds or other obligations may be sold or surrendered for



1431 redemption at any time by order or resolution adopted by * * * a
1432 university board of trustees * * *, and approved by the State
1433 Building Commission. Any member or members thereof or any
1434 officers or employees thereof, or any other person or persons,
1435 when authorized by such order or resolution, shall have the power
1436 and authority to sell said bonds or other obligations or to
1437 surrender same for redemption and to execute all instruments and
1438 take such other action as may be necessary to effectuate the sale
1439 or redemption thereof. When such bonds or other obligations shall
1440 be sold or redeemed, the proceeds thereof, including the accrued
1441 interest thereon, shall be paid into the proper fund and shall in
1442 all respects be dealt with and expended for the purpose for which
1443 said funds were originally derived or made available.

1444 **SECTION 36.** Section 37-101-125, Mississippi Code of 1972, is
1445 amended as follows:

1446 37-101-125. Orders or resolutions of * * * a university
1447 board of trustees * * * authorizing the investment of funds or the
1448 sale and redemption of bonds and other obligations purchased
1449 therewith under the provisions of Sections 37-101-121 and
1450 37-101-123, may be in general terms and may confer continuing
1451 authority upon the person or persons authorized to act. It shall
1452 not be necessary that separate resolutions or orders be passed and
1453 adopted with reference to each transaction.

1454 **SECTION 37.** Section 37-101-141, Mississippi Code of 1972, is
1455 amended as follows:



1456 37-101-141. * * * Each university board of trustees, as it
1457 relates to real property under its control and supervision * * *
1458 is hereby authorized and empowered, in its discretion, to sell and
1459 dispose of the timber, trees, dead wood and stumps standing,
1460 growing and being upon the lands granted to the State of
1461 Mississippi for the use and benefit of the University of
1462 Mississippi by an act of Congress of the United States approved
1463 June 20, 1894, and upon the lands granted to the State of
1464 Mississippi for the use and benefit of Mississippi * * *
1465 University for Women by an act of Congress of the United States
1466 approved March 2, 1895, and upon the lands granted to the State of
1467 Mississippi for the use and benefit of Mississippi State
1468 University * * *, and Alcorn * * * State University by an act of
1469 Congress of the United States approved February 20, 1895, whenever
1470 the sale or disposition of such timber shall be to the best
1471 advantage of the institutions named herein. Such timber shall be
1472 sold and disposed of under the direction and specifications of the
1473 State Forestry Commission in accordance with sound and efficient
1474 principles of forestry management and conservation.

1475 **SECTION 38.** Section 37-101-143, Mississippi Code of 1972, is
1476 amended as follows:

1477 37-101-143. * * * Each university board of trustees of state
1478 institutions of higher learning is also authorized and empowered
1479 to lease those lands referred to in Section 37-101-141, or any
1480 part thereof, for oil, gas and mineral development, or for any



1481 other purpose, for such consideration, upon such terms and
1482 conditions as said board of trustees shall deem proper, and for
1483 the best advantage of the respective institutions. Any such oil,
1484 gas or mineral lease shall not be for a primary term of more than
1485 six (6) years and so long thereafter as oil, gas or other minerals
1486 are produced from said lands. The royalties reserved in such
1487 lease or leases shall be not less than the following:

1488 (a) On oil, one-eighth (1/8) part produced and saved
1489 from said land;

1490 (b) On gas, including casinghead gas, or other gaseous
1491 substances, produced from said land and sold or used off the
1492 premises, or for the extraction of gasoline or other products
1493 therefrom, the market value at the well of one-eighth (1/8) of the
1494 gas so sold or used; and

1495 (c) On all other minerals mined and marketed,
1496 one-eighth (1/8) part in kind or value at the well or mine except
1497 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
1498 ton.

1499 **SECTION 39.** Section 37-101-145, Mississippi Code of 1972, is
1500 amended as follows:

1501 37-101-145. Before any timber, trees, dead wood, or stumps,
1502 standing, growing or being upon lands shall be sold from said
1503 lands as is authorized in Section 37-101-141, and before any lands
1504 shall be leased for oil, gas and mineral purposes, or other
1505 purposes as is authorized in Section 37-101-143, the university



1506 board of trustees * * * having control and supervision of such
1507 timber shall advertise its intention to do so by publication in a
1508 newspaper in the City of Jackson, and also in a newspaper
1509 published in each county where such lands are situated, such
1510 notice to be published once a week for three (3) consecutive weeks
1511 preceding such sale or lease, and by posting one (1) notice at the
1512 courthouse in the county or counties where the lands are situated.
1513 In any county having no paper published therein, the publication
1514 shall be placed in some paper having a general circulation in said
1515 county. Said board shall sell or lease at public auction, or by
1516 sealed bids, at the place designated in said notices, to the
1517 highest and best bidder for cash. The board shall have the right
1518 to reject any or all of such bids.

1519 **SECTION 40.** Section 37-101-147, Mississippi Code of 1972, is
1520 amended as follows:

1521 37-101-147. All leases and conveyances of timber, trees,
1522 dead wood and stumps, and all oil, gas and mineral leases, or
1523 leases for other purposes, provided for in Sections 37-101-141 and
1524 37-101-143, shall be executed by the president or chancellor of
1525 the university upon the approval of the appropriate university
1526 board of trustees * * *, and attested by the Commissioner of
1527 Higher Education, respectively, for and on behalf of the
1528 University of Mississippi, Mississippi * * * University for Women,
1529 Mississippi State University * * * and Alcorn * * * State
1530 University, as the case may be. The corporate seal of the proper



1531 institution shall be affixed to all conveyances and leases of the
1532 lands held for the use and benefit of such institutions. In all
1533 such cases such conveyances and leases shall be executed only upon
1534 the order or resolution of the appropriate university board of
1535 trustees * * * in the manner and method hereinbefore set forth.

1536 **SECTION 41.** Section 37-101-149, Mississippi Code of 1972, is
1537 amended as follows:

1538 37-101-149. The proceeds derived or received from all sales
1539 of timber, trees, dead wood, and stumps, and from all oil, gas and
1540 mineral leases, or leases for other purposes, provided for in
1541 Sections 37-101-141 and 37-101-143, including, but not limited to,
1542 rentals, bonuses, royalties and delay rentals, shall be deposited
1543 in such special funds as the said board of trustees * * * may
1544 designate for the use and benefit of the institution owning or
1545 having the use and benefit of the land from which such money was
1546 derived. Such money, after all expenditures for maintenance,
1547 operation and improvements necessary for effective and scientific
1548 management of said resources shall have been deducted, shall be
1549 used and expended under the supervision of said board of trustees
1550 for the erection and construction of permanent improvements on the
1551 campuses of such institutions, or for the repair of permanent
1552 improvements existing on said campuses. It is the purpose of this
1553 section that the funds received from lands held for the use of
1554 each of the respective institutions shall be kept in a special
1555 fund for the use and benefit of the institution having the use and



1556 benefit of the land from which such funds were derived, and that
1557 such funds shall be expended only for the purposes hereinabove set
1558 forth.

1559 Notwithstanding any other provisions of this section, such
1560 reports as may be required by the state auditor of public accounts
1561 shall be made to him by the institutions of higher learning in the
1562 manner and at the times he may prescribe, so that his records may
1563 reflect full and complete information relative thereto.

1564 **SECTION 42.** Section 37-101-153, Mississippi Code of 1972, is
1565 amended as follows:

1566 37-101-153. * * * Each university board of trustees * * * is
1567 hereby authorized and empowered in its discretion to lease any
1568 lands, or any part thereof, belonging to * * * the
1569 institution * * * of higher learning * * * under its control and
1570 supervision, for oil, gas and mineral development, upon such
1571 terms, conditions and considerations as said board of trustees
1572 shall deem proper and for the best interest of the institution or
1573 institutions. Any such oil, gas or mineral lease shall be for a
1574 primary term of not more than six (6) years and so long thereafter
1575 as oil, gas or other mineral is produced from said land. The
1576 royalty reserved in such lease or leases shall not be less than
1577 the following:

1578 (a) On oil, one-eighth (1/8) part produced and saved
1579 from said land;



1580 (b) On gas, including casinghead gas, or other gaseous
1581 substances, produced from said land and sold or used off the
1582 premises, or for the extraction of gasoline or other products
1583 therefrom the market value at the well of one-eighth (1/8) of the
1584 gas so sold or used; and

1585 (c) On all other minerals mined and marketed,
1586 one-eighth (1/8) part in kind or value at the well or mine except
1587 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
1588 ton.

1589 **SECTION 43.** Section 37-101-155, Mississippi Code of 1972, is
1590 amended as follows:

1591 37-101-155. Before any of the land named in Section
1592 37-101-153, shall be leased for oil, gas and mineral purposes, the
1593 university board of trustees * * * owning or having control and
1594 supervision of such lands shall give notice of its intention by
1595 publishing a notice in some newspaper in the City of Jackson and
1596 also a newspaper published in the county or counties where such
1597 lands are situated, giving the time and place that said board will
1598 receive bids. Said notice shall be published once each week for
1599 three (3) consecutive weeks. Said board at said time and place
1600 will receive sealed bids for such lease or leases, and will
1601 consider the highest and best bid that is the most advantageous to
1602 the institution or institutions. The board shall have the right
1603 to reject any or all such bids.



1604 **SECTION 44.** Section 37-101-157, Mississippi Code of 1972, is
1605 amended as follows:

1606 37-101-157. All oil, gas and mineral leases provided for in
1607 Section 37-101-153, shall be executed by the president or
1608 chancellor of the university upon the approval of the appropriate
1609 university board of trustees * * * and attested by the
1610 Commissioner of Higher Education, respectively, on behalf of the
1611 institution owning or having the use of such lands as the case may
1612 be. The corporate seal of the institution owning or having
1613 benefit of such land shall be affixed to all leases. In all such
1614 cases such leases shall be executed only upon order or resolution
1615 of the university board of trustees * * * in the manner
1616 hereinbefore set forth.

1617 **SECTION 45.** Section 37-101-159, Mississippi Code of 1972, is
1618 amended as follows:

1619 37-101-159. The consideration and proceeds derived or
1620 received from all oil, gas and mineral leases provided for in
1621 Section 37-101-153, including, but not limited to, bonuses,
1622 rentals, royalties and delay rentals, shall be paid to the
1623 university board of trustees * * * having control and supervision
1624 of such leased lands for the use and benefit of the institution
1625 owning or having the use and benefit of the land from which said
1626 money was derived. All such money or funds shall be allocated to
1627 or used for the benefit of such institution * * *.



1628 **SECTION 46.** Section 37-101-181, Mississippi Code of 1972, is
1629 amended as follows:

1630 37-101-181. Any member of the faculties of Alcorn * * *
1631 State University, Jackson State * * * University, and Mississippi
1632 Valley State * * * University shall be eligible for leave of
1633 absence to pursue advanced academic training so as to elevate the
1634 scholastic qualifications of the faculties of these
1635 above-mentioned colleges, in line with the requirements of the
1636 several accrediting agencies.

1637 In order to provide for the above leaves the respective
1638 university board of trustees * * * shall have power to adopt rules
1639 and regulations regarding such leave. In no instance shall leave
1640 be granted unless there is a contract providing for continued
1641 service, after expiration of the leave, in the college where the
1642 faculty member is employed.

1643 * * * Each university board of trustees of state
1644 institutions of higher learning is hereby authorized to make
1645 payment of salary, or such part of salary as may be decided, of
1646 such faculty members who are under contract for academic leaves.

1647 **SECTION 47.** Section 37-101-183, Mississippi Code of 1972, is
1648 amended as follows:

1649 37-101-183. Any members of the faculty of the state
1650 institutions of higher learning of the State of Mississippi shall
1651 be eligible for sabbatical leaves, for the purpose of professional
1652 improvement, for not more than two (2) semesters immediately



1653 following any twelve (12) or more consecutive semesters of active
1654 service in the institutions of higher learning of this state where
1655 such faculty member is employed or for not more than one (1)
1656 semester immediately following any six (6) or more consecutive
1657 semesters of such service. Absence on sick leave shall not be
1658 deemed to interrupt the active service herein provided for.

1659 Applications for sabbatical leave shall be made to the
1660 respective university board of trustees * * * with the approval of
1661 the chancellor or the president of the * * * institution of higher
1662 learning. Approval or disapproval of the applications for
1663 sabbatical leave shall be made on the basis of regulations
1664 prescribed by the board of trustees * * *.

1665 Any person who is granted a sabbatical leave and who fails to
1666 comply with the provisions of such leave as approved by the state
1667 institution of higher learning may have his or her leave
1668 terminated by the board of trustees * * *.

1669 No person on sabbatical leave can be denied any regular
1670 increment of increase in salary because of absence on sabbatical
1671 leave.

1672 Service on sabbatical leave shall count as active service for
1673 the purpose of retirement and contributions to the retirement fund
1674 shall be continued.

1675 In order to provide for the above leaves the board of
1676 trustees * * * shall have power to adopt rules and regulations
1677 regarding such leave. In no instance shall leave be granted



1678 unless there is a contract providing for continued service, after
1679 expiration of the leave, in the college where the faculty member
1680 is employed.

1681 Every person on sabbatical leave shall enjoy all the rights
1682 and privileges pertaining to his or her employment in the
1683 institution of higher learning in which such person is employed,
1684 which such person would have enjoyed if in active service during
1685 such leave in the position from which such leave was taken.

1686 Each person granted sabbatical leave may receive and be paid
1687 compensation up to the rate of fifty percent (50%) of such
1688 person's annual salary.

1689 Compensation payable to persons on sabbatical leave shall be
1690 paid at the same time and in the same manner salaries of the other
1691 members of the faculty are paid.

1692 **SECTION 48.** Section 37-101-185, Mississippi Code of 1972, is
1693 amended as follows:

1694 37-101-185. * * * Each university board of trustees * * * is
1695 hereby authorized to cooperate with the State Building Commission,
1696 in the discretion of both agencies, in the employment of technical
1697 and professional personnel for supervising the planning and
1698 constructing or repairs of physical plant facilities located on
1699 the campuses of the several institutions of higher learning. Upon
1700 determination by the State Building Commission as to the
1701 proportionate amount due from the respective university board of
1702 trustees for salaries and other expenses of such employees, said



1703 board is authorized and empowered to pay over to the State
1704 Building Commission such sums from funds available to the board of
1705 trustees * * * for such purposes.

1706 **SECTION 49.** Section 37-101-283, Mississippi Code of 1972, is
1707 amended as follows:

1708 37-101-283. Each male applicant for any scholarship or loan
1709 funded in whole or in part by this state, whether granted by
1710 the * * *, the Post-Secondary Education Financial Assistance
1711 Board, or otherwise granted by any state-supported college or
1712 university, and whether to be used at a state-supported
1713 institution of higher learning or at a private institution, shall
1714 within six (6) months after he attains the age of eighteen (18)
1715 years submit to the person, commission, board or agency in which
1716 his application for scholarship or loan is or has been made
1717 satisfactory evidence of his compliance with the draft
1718 registration requirements of the Military Selective Service Act.
1719 Such evidence shall consist of a copy of the draft registration
1720 acknowledgment letter received from the Selective Service System
1721 by the scholarship or loan applicant or holder. If an applicant
1722 for or holder of any such scholarship or loan fails to submit a
1723 copy of his draft registration acknowledgment letter in the manner
1724 and within the time allowed therefor, any pending application of
1725 such person for the award, grant or renewal of any such
1726 scholarship or loan shall be denied, and any such scholarship or
1727 loan currently held by such person shall be revoked to the extent



1728 that no further payments under that scholarship or loan may be
1729 made to him or on his behalf. The person, commission, board or
1730 agency to which an application for the award, grant or renewal of
1731 such scholarship or loan is made, or by or through which any such
1732 scholarship or loan is administered or issued shall notify the
1733 applicant or holder and the chief executive officer of any
1734 institution at which a holder of a scholarship or loan so revoked
1735 is enrolled of its action, and upon request of the scholarship or
1736 loan applicant or holder shall afford him the opportunity, either
1737 in person, in writing or by counsel of his choice to present
1738 evidence against such action.

1739 **SECTION 50.** Section 37-101-303, Mississippi Code of 1972, is
1740 amended as follows:

1741 37-101-303. Before the issuance of any of the bonds herein
1742 authorized for the benefit of state institutions of higher
1743 learning, the appropriate university board of trustees * * * shall
1744 forward to the State Bond Commission its recommendation declaring
1745 the necessity for the issuance of general obligation bonds as
1746 authorized by Sections 37-101-301 through 37-101-331 for the
1747 purpose of erecting, repairing, constructing, remodeling, adding
1748 to or improving capital facilities for * * * the institution of
1749 higher learning. The State Bond Commission shall have the power
1750 and is hereby authorized, upon receipt of the aforesaid
1751 recommendations, at one (1) time or from time to time, to declare
1752 the necessity for issuance of negotiable general obligation bonds



1753 of the State of Mississippi in an aggregate amount not to exceed
1754 Forty Million Dollars (\$40,000,000.00) to provide funds for the
1755 purposes hereinabove set forth and to issue and sell bonds in the
1756 amount specified.

1757 Out of the total amount of bonds authorized to be issued,
1758 funds shall be allocated among the institutions of higher learning
1759 as follows:

1760	Alcorn State University.....	\$ 4,416,000.00
1761	Delta State University.....	1,882,000.00
1762	Jackson State University.....	2,396,000.00
1763	Mississippi State University.....	9,810,000.00
1764	Mississippi University for Women.....	1,909,000.00
1765	Mississippi Valley State University.....	1,775,000.00
1766	University of Mississippi.....	6,086,000.00
1767	University of Southern Mississippi.....	5,971,000.00
1768	University of Southern Mississippi -	
1769	Gulf Park Campus.....	309,000.00
1770	University Medical Center.....	3,465,000.00
1771	Gulf Coast Research Laboratory.....	260,000.00
1772	Education and Research Center.....	475,000.00
1773	Division of Agriculture, Forestry and	
1774	Veterinary Medicine.....	1,246,000.00

1775 It is expressly provided, however, that in the event any
1776 emergencies or unforeseen contingencies arise, the amount set
1777 forth above for any institution may be increased by the respective



1778 university board of trustees * * *, provided that the amount of
1779 such increase is achieved by a pro rata reduction in the amounts
1780 allocated to the other institutions.

1781 **SECTION 51.** Section 37-101-305, Mississippi Code of 1972, is
1782 amended as follows:

1783 37-101-305. Upon receipt of a certified copy of a resolution
1784 of * * * a university board of trustees * * * declaring the
1785 necessity for the issuance of any part or all of the bonds
1786 authorized by Sections 37-101-301 et seq., the State Bond
1787 Commission is hereby authorized and empowered to sell and issue
1788 general obligation bonds of the State of Mississippi in the
1789 principal amount requested, not to exceed an aggregate principal
1790 amount of Forty Million Dollars (\$40,000,000.00) for the purposes
1791 hereinabove set forth. The State Bond Commission is authorized
1792 and empowered to pay the costs that are incident to the sale,
1793 issuance and delivery of the bonds authorized under Sections
1794 37-101-301 et seq. from the proceeds derived from the sale of such
1795 bonds.

1796 **SECTION 52.** Section 37-101-351, Mississippi Code of 1972, is
1797 amended as follows:

1798 37-101-351. * * * Each university board of trustees * * * is
1799 hereby authorized to establish an executive institute which shall
1800 be responsible for providing advanced training and assessment for
1801 public sector executives, elected officials, state board and



1802 commission members, and officers and employees of local government
1803 entities of the State of Mississippi.

1804 **SECTION 53.** Section 37-101-413, Mississippi Code of 1972, is
1805 amended as follows:

1806 37-101-413. (1) As used in this section, the term "state
1807 institutions of higher learning" means those institutions
1808 identified in Section 37-101-1 and the University Research Center.

1809 (2) * * * Each university board of trustees * * * may
1810 establish an equipment leasing and purchase program for the use of
1811 the state * * * institution of higher learning under its control
1812 and supervision. In establishing and administering the
1813 program, * * * a board may perform the following actions:

1814 (a) Adopt policies and procedures to implement the
1815 program;

1816 (b) Establish offices or subordinate units as may be
1817 necessary for the administration of the program;

1818 (c) Adopt rules and regulations pertaining to the
1819 program;

1820 (d) Acquire by purchase, lease or lease-purchase
1821 contract and retain or transfer ownership or possession of
1822 instructional and other equipment;

1823 (e) Contract for the leasing of such properties and for
1824 the financing of leases and purchases;

1825 (f) Enter into contracts with others to provide any
1826 services deemed necessary and advisable by the board;



1827 (g) Make purchases and enter into leases according to
1828 the requirements of the state public purchasing laws and the
1829 requirements of those laws establishing the Mississippi Department
1830 of Information Technology Services;

1831 (h) Enter into lease financing agreements in connection
1832 with purchases made under the authority of this section;

1833 (i) Require the transfer of appropriations of general
1834 funds or self-generated funds from the state institutions to those
1835 funds that the board may determine are required in connection with
1836 any lease financing agreements;

1837 (j) Develop administrative methods for determining age,
1838 useful life, replacement value, current use, condition and other
1839 characteristics of instructional and research equipment at the
1840 state institutions and research facilities;

1841 (k) Determine obsolescence of the equipment and
1842 establish priorities for replacement or provision of the equipment
1843 or its transfer to another state institution that can continue to
1844 utilize it; and

1845 (l) Develop long-range plans for the orderly and
1846 systematic acquisition and utilization of the instructional and
1847 research equipment in order to eliminate waste and duplication,
1848 provide the maximum efficiency of use for expenditures, and
1849 achieve equitable allocations of equipment funds to the state
1850 institutions consistent with the roles of the institutions and
1851 disciplines served.



1852 (3) All institutions of higher learning desiring to
1853 purchase, lease or lease-purchase equipment involving an
1854 expenditure or expenditures of more than Five Thousand Dollars
1855 (\$5,000.00) must procure that equipment under the equipment
1856 leasing and purchase program unless funds for the procurement of
1857 the equipment under the program are unavailable or the equipment
1858 can be procured elsewhere at an overall cost lower than that for
1859 which the equipment can be procured under the program.

1860 **SECTION 54.** Section 1-1-11, Mississippi Code of 1972, is
1861 amended as follows:

1862 1-1-11. (1) Except as provided in subsection (2) of this
1863 section, the Joint Committee on Compilation, Revision and
1864 Publication of Legislation shall distribute or provide for the
1865 distribution of the sets of the compilation of the Mississippi
1866 Code of 1972 purchased by the state as follows:

1867 Fifty-seven (57) sets to the Mississippi House of
1868 Representatives and forty (40) sets to the Mississippi Senate for
1869 the use of the Legislative Reference Bureau, Legislative Services
1870 Offices, staffs and committees thereof.

1871 Ten (10) sets to the Governor's Office; nine (9) sets to the
1872 Secretary of State; and twenty (20) sets to the Auditor's Office.

1873 One (1) set to each of the following: the Lieutenant
1874 Governor; each member of the Legislature; the Treasurer; each
1875 district attorney; each county attorney; each judge of the Court
1876 of Appeals and each judge of the Supreme, circuit, chancery,



1877 county, family, justice and municipal courts; each Mississippi
1878 Senator and Mississippi Representative in Congress; State
1879 Superintendent of Education; Director of the Department of Finance
1880 and Administration; six (6) sets to the Performance Evaluation and
1881 Expenditure Review (PEER) Committee; three (3) sets to the
1882 Director of the Legislative Budget Office; the Commissioner of
1883 Agriculture and Commerce; each Mississippi Transportation
1884 Commissioner; six (6) sets to the Department of Corrections; the
1885 Insurance Commissioner; the Clerk of the Supreme Court; the State
1886 Board of Health; each circuit clerk; each chancery clerk in the
1887 state for the use of the chancery clerk and the board of
1888 supervisors; each sheriff in the state for the use of his office
1889 and the county officers; and each county for the county library
1890 (and an additional set shall be given to each circuit clerk,
1891 chancery clerk, sheriff and county library in counties having two
1892 (2) judicial districts).

1893 Two (2) sets to the Department of Archives and History; two
1894 (2) sets to the State Soil and Water Conservation Commission;
1895 sixty-eight (68) sets to the Attorney General's office; six (6)
1896 sets to the Public Service Commission; four (4) sets to the Public
1897 Utilities Staff; thirty-five (35) sets to the Department of
1898 Revenue; one (1) set to the Board of Tax Appeals; two (2) sets to
1899 the State Personnel Board; six (6) sets to the State Law Library;
1900 one (1) set to the Library of Congress; ten (10) sets to the
1901 University of Mississippi Law School; one (1) set each to the



1902 Mississippi School for the Deaf and the Mississippi School for the
1903 Blind; one (1) set each to the University of Mississippi,
1904 Mississippi State University, Mississippi University for Women,
1905 University of Southern Mississippi, Delta State University, Alcorn
1906 State University, Jackson State University * * * and Mississippi
1907 Valley State University * * *; and one (1) set to the Supreme
1908 Court judges' conference room. In furtherance of the State
1909 Library's reciprocal program of code exchange with libraries of
1910 the several states, the joint committee shall, at the direction
1911 and only upon the written request of the State Librarian,
1912 distribute or provide for the distribution of sets of the code to
1913 such libraries.

1914 One (1) set to each state junior or community college; three
1915 (3) sets to the Department of Wildlife, Fisheries and Parks; two
1916 (2) sets to the Department of Environmental Quality; two (2) sets
1917 to the Department of Marine Resources; two (2) sets to the
1918 Mississippi Ethics Commission; six (6) sets to the Mississippi
1919 Workers' Compensation Commission; four (4) sets to the State
1920 Department of Rehabilitation Services; and seven (7) sets to the
1921 Department of Human Services. One (1) set to each of the
1922 following: State Textbook Procurement Commission; University
1923 Medical Center; State Library Commission; Department of
1924 Agriculture and Commerce; Forestry Commission; and seventeen (17)
1925 sets to the Department of Public Safety. Also, one (1) set to
1926 each of the following: Adjutant General, Mississippi Development



1927 Authority, Department of Banking and Consumer Finance, Bureau of
1928 Building, Grounds and Real Property Management, the State
1929 Educational Finance Commission, the Mississippi Board of
1930 Vocational and Technical Education, Division of Medicaid, State
1931 Board of Mental Health, and Department of Youth Services.

1932 The joint committee is authorized to distribute or provide
1933 for the distribution of additional sets of the Mississippi Code,
1934 not to exceed three (3) sets, to the office of each district
1935 attorney for the use of his assistants.

1936 The joint committee shall provide to the Mississippi House of
1937 Representatives and the Mississippi Senate the annual supplements
1938 to the Mississippi Code of 1972 for each set of the code
1939 maintained by the House and Senate.

1940 The set of the Mississippi Code of 1972 to be provided to
1941 each member of the Legislature shall be provided unless
1942 specifically waived by such legislator in writing.

1943 An elected or appointed officeholder in the State of
1944 Mississippi, except for a member of the Legislature, shall deliver
1945 to his successor in office, or to the joint committee if there is
1946 no successor, the set of the Mississippi Code of 1972 provided the
1947 officeholder under this section.

1948 Before the joint committee delivers or provides for delivery
1949 of a copy of the Mississippi Code of 1972 to an individual
1950 officeholder, the joint committee shall prepare and submit a
1951 written agreement to the officeholder. The agreement shall, among



1952 other provisions, state that the code is the property of the State
1953 of Mississippi, that it shall be transferred to the officeholder's
1954 successor in office, that the officeholder has an obligation to
1955 make such transfer and that the officeholder shall be responsible
1956 for the failure to deliver the code and for any damage or
1957 destruction to the code, normal wear and tear excepted. The joint
1958 committee shall execute the agreement and forward it to the
1959 officeholder for execution. The joint committee shall not deliver
1960 or provide for delivery of the code to the officeholder until the
1961 executed agreement is received by the committee. The joint
1962 committee may include in the agreement such other provisions as it
1963 may deem reasonable and necessary. In addition to damages or any
1964 other remedy for not transferring a set of the code to his
1965 successor, an officeholder who does not transfer his set of the
1966 code shall be guilty of a misdemeanor and shall, upon conviction,
1967 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of
1968 the joint committee, the Attorney General shall assist the joint
1969 committee in taking such actions as necessary to require an
1970 officeholder to transfer the set of code provided under this
1971 section to his successor, or to the joint committee if there is no
1972 successor, and to recover reimbursement or damages from any
1973 officeholder for the loss of or damage or destruction to any
1974 volumes of the set of the code provided under this section, other
1975 than normal wear and tear.



1976 Replacement of missing, damaged or destroyed sets or volumes
1977 of the code provided by this chapter may be obtained from the code
1978 publisher through the joint committee at the established state
1979 cost, the cost to be borne by the recipient.

1980 No more than one (1) set of the Mississippi Code of 1972
1981 shall be furnished to any one (1) individual, regardless of the
1982 office or offices he may hold.

1983 (2) (a) The joint committee, in its discretion, may
1984 determine whether electronic access to the Mississippi Code of
1985 1972 is available and a sufficient substitute for actual bound
1986 volumes of the code and, if so, may omit furnishing any one or
1987 more sets otherwise required by this section.

1988 (b) Each elected state official, elected state district
1989 official and member of the Legislature shall receive a CD-ROM
1990 version of the Mississippi Code of 1972 in lieu of bound volumes
1991 of the Mississippi Code of 1972 unless the official or member of
1992 the Legislature makes a request in writing to the Joint Committee
1993 on Compilation, Revision and Publication of Legislation that he
1994 receive bound volumes of the Mississippi Code of 1972.

1995 **SECTION 55.** Section 7-7-27, Mississippi Code of 1972, is
1996 amended as follows:

1997 7-7-27. (1) Except as provided otherwise in subsection (2)
1998 of this section, all claims against the state as the result of
1999 purchases, services, salaries, travel expense, or other
2000 encumbrances made or liabilities incurred by any officer,



2001 department, division, board, commission, institution or other
2002 agency of the state authorized to incur such obligations, whether
2003 as the result of the issuance of purchase orders, as hereinabove
2004 provided, or not, shall be filed with, certified and approved by
2005 the agency incurring such obligation pursuant to rules and
2006 regulations established by the Department of Finance and
2007 Administration. These rules and regulations shall set forth
2008 certain circumstances where certification by the approving
2009 officers that the goods and services have been received or
2010 performed may be waived by the Department of Finance and
2011 Administration. Such waivers may pertain to, but should not be
2012 limited to, service contracts of limited time periods for lease of
2013 office space and equipment, computer software and subgrantee
2014 disbursements under federal grant programs.

2015 (2) * * * Each university board of trustees * * * and the
2016 local board of trustees of a community or junior college shall
2017 adopt rules and regulations for institutions under their
2018 governance for the waiver of certification that goods or services
2019 have been received or performed. These rules and regulations
2020 shall be consistent with those established by the Department of
2021 Finance and Administration under subsection (1) of this section.

2022 **SECTION 56.** Section 11-46-1, Mississippi Code of 1972, is
2023 amended as follows:

2024 11-46-1. As used in this chapter, the following terms shall
2025 have the meanings ascribed unless the context otherwise requires:



2026 (a) "Claim" means any demand to recover damages from a
2027 governmental entity as compensation for injuries.

2028 (b) "Claimant" means any person seeking compensation
2029 under the provisions of this chapter, whether by administrative
2030 remedy or through the courts.

2031 (c) "Board" means the Mississippi Tort Claims Board.

2032 (d) "Department" means the Department of Finance and
2033 Administration.

2034 (e) "Director" means the executive director of the
2035 department who is also the executive director of the board.

2036 (f) "Employee" means any officer, employee or servant
2037 of the State of Mississippi or a political subdivision of the
2038 state, including elected or appointed officials and persons acting
2039 on behalf of the state or a political subdivision in any official
2040 capacity, temporarily or permanently, in the service of the state
2041 or a political subdivision whether with or without compensation,
2042 including firefighters who are members of a volunteer fire
2043 department that is a political subdivision. The term "employee"
2044 shall not mean a person or other legal entity while acting in the
2045 capacity of an independent contractor under contract to the state
2046 or a political subdivision; and

2047 (i) For purposes of the limits of liability
2048 provided for in Section 11-46-15, the term "employee" shall
2049 include:



2050 1. Physicians under contract to provide
2051 health services with the State Board of Health, the State Board of
2052 Mental Health or any county or municipal jail facility while
2053 rendering services under the contract;

2054 2. Any physician, dentist or other health
2055 care practitioner employed by the University of Mississippi
2056 Medical Center (UMMC) and its departmental practice plans who is a
2057 faculty member and provides health care services only for patients
2058 at UMMC or its affiliated practice sites, including any physician
2059 or other health care practitioner employed by UMMC under an
2060 arrangement with a public or private health-related organization;

2061 3. Any physician, dentist or other health
2062 care practitioner employed by any state-funded college or
2063 university * * *;

2064 4. Any physician, dentist or other health
2065 care practitioner employed by the State Veterans Affairs Board and
2066 who provides health care services for patients for the State
2067 Veterans Affairs Board;

2068 (ii) The term "employee" shall also include
2069 Mississippi Department of Human Services licensed foster parents
2070 for the limited purposes of coverage under the Tort Claims Act as
2071 provided in Section 11-46-8; and

2072 (iii) The term "employee" also shall include any
2073 employee or member of the governing board of a charter school but
2074 shall not include any person or entity acting in the capacity of



2075 an independent contractor to provide goods or services under a
2076 contract with a charter school.

2077 (g) "Governmental entity" means the state and political
2078 subdivisions.

2079 (h) "Injury" means death, injury to a person, damage to
2080 or loss of property or any other injury that a person may suffer
2081 that is actionable at law or in equity.

2082 (i) "Political subdivision" means any body politic or
2083 body corporate other than the state responsible for governmental
2084 activities only in geographic areas smaller than that of the
2085 state, including, but not limited to, any county, municipality,
2086 school district, charter school, volunteer fire department that is
2087 a chartered nonprofit corporation providing emergency services
2088 under contract with a county or municipality, community hospital
2089 as defined in Section 41-13-10, airport authority, or other
2090 instrumentality of the state, whether or not the body or
2091 instrumentality has the authority to levy taxes or to sue or be
2092 sued in its own name.

2093 (j) "State" means the State of Mississippi and any
2094 office, department, agency, division, bureau, commission, board,
2095 institution, hospital, college, university, airport authority or
2096 other instrumentality thereof, whether or not the body or
2097 instrumentality has the authority to levy taxes or to sue or be
2098 sued in its own name.



2099 (k) "Law" means all species of law, including, but not
2100 limited to, any and all constitutions, statutes, case law, common
2101 law, customary law, court order, court rule, court decision, court
2102 opinion, court judgment or mandate, administrative rule or
2103 regulation, executive order, or principle or rule of equity.

2104 **SECTION 57.** Section 11-46-17, Mississippi Code of 1972, is
2105 amended as follows:

2106 11-46-17. (1) There is hereby created in the State Treasury
2107 a special fund to be known as the "Tort Claims Fund."

2108 All monies that the Department of Finance and Administration
2109 receives and collects under the provisions of subsection (2) of
2110 this section and all funds that the Legislature appropriates for
2111 use by the board in administering the provisions of this chapter
2112 shall be deposited in the fund. All monies in the fund may be
2113 expended by the board for any and all purposes for which the board
2114 is authorized to expend funds under the provisions of this
2115 chapter. All interest earned from the investment of monies in the
2116 fund shall be credited to the fund. Monies remaining in the fund
2117 at the end of a fiscal year shall not lapse into the State General
2118 Fund.

2119 (2) From and after July 1, 1993, each governmental entity
2120 other than political subdivisions shall participate in a
2121 comprehensive plan of self-insurance or one or more policies of
2122 liability insurance or combination of the two (2), all to be
2123 administered by the Department of Finance and Administration. The



2124 plan shall provide coverage to each of such governmental entities
2125 for every risk for which the board determines the respective
2126 governmental entities to be liable in the event of a claim or suit
2127 for injuries under the provisions of this chapter, including
2128 claims or suits for injuries from the use or operation of motor
2129 vehicles; the board may allow the plan to contain any reasonable
2130 limitations or exclusions not contrary to Mississippi state
2131 statutes or case law as are normally included in commercial
2132 liability insurance policies generally available to governmental
2133 entities. The plan may also provide coverage for liabilities
2134 outside the provisions of this chapter, including, but not limited
2135 to, liabilities arising from Sections 1983 through 1987 of Title
2136 42 of the United States Code and liabilities from actions brought
2137 in foreign jurisdictions, and the board shall establish limits of
2138 coverage for such liabilities. Each governmental entity
2139 participating in the plan shall make payments to the board in such
2140 amounts, times and manner determined by the board as the board
2141 deems necessary to provide sufficient funds to be available for
2142 payment by the board of the costs it incurs in providing coverage
2143 for the governmental entity. Each governmental entity of the
2144 state other than the political subdivisions thereof participating
2145 in the plan procured by the board shall be issued by the board a
2146 certificate of coverage whose form and content shall be determined
2147 by the board but which shall have the effect of certifying that,



2148 in the opinion of the board, each of such governmental entities is
2149 adequately insured.

2150 * * * From and after * * * the date that the House
2151 Concurrent Resolution No. , 2020, which is the constitutional
2152 provision abolishing the Board of Trustees of State Institutions
2153 of Higher Learning is ratified by a two-thirds (2/3) vote of the
2154 qualified electorate of this state, each university board of
2155 trustees shall be responsible for carrying forward the liability
2156 coverage established by the predecessor board of trustees * * * as
2157 such coverage must conform to the provisions of this section * * *
2158 as approved by the predecessor board of trustees. * * * If the
2159 predecessor board of trustees * * * rejected a plan, * * * each
2160 university board of trustees shall participate in the liability
2161 program for state agencies established by the predecessor board of
2162 trustees.

2163 (3) All political subdivisions shall, from and after October
2164 1, 1993, obtain a policy or policies of insurance, establish
2165 self-insurance reserves, or provide a combination of insurance and
2166 reserves as necessary to cover all risks of claims and suits for
2167 which political subdivisions may be liable under this chapter; a
2168 political subdivision shall not be required to obtain pollution
2169 liability insurance. However, this shall not limit any cause of
2170 action against a political subdivision relative to limits of
2171 liability under the Tort Claims Act. The policy or policies of
2172 insurance or self-insurance may contain any reasonable limitations



2173 or exclusions not contrary to Mississippi state statutes or case
2174 law as are normally included in commercial liability insurance
2175 policies generally available to political subdivisions. All the
2176 plans of insurance or reserves or combination of insurance and
2177 reserves shall be submitted for approval to the board. The board
2178 shall issue a certificate of coverage to each political
2179 subdivision whose plan it approves in the same manner as provided
2180 in subsection (2) of this section. Whenever any political
2181 subdivision fails to obtain the board's approval of its plan, the
2182 political subdivision shall act in accordance with the rules and
2183 regulations of the board and obtain a satisfactory plan of
2184 insurance or reserves or combination of insurance and reserves to
2185 be approved by the board.

2186 (4) Any governmental entity may purchase liability insurance
2187 to cover claims in excess of the amounts provided for in Section
2188 11-46-15 and may be sued by anyone in excess of the amounts
2189 provided for in Section 11-46-15 to the extent of the excess
2190 insurance carried; however, the immunity from suit above the
2191 amounts provided for in Section 11-46-15 shall be waived only to
2192 the extent of excess liability insurance carried.

2193 (5) Any two (2) or more political subdivisions may contract
2194 to pool their liabilities as a group under this chapter. The
2195 pooling agreements and contracts may provide for the purchase of
2196 one or more policies of liability insurance or the establishment
2197 of self-insurance reserves or a combination of insurance and



2198 reserves and shall be subject to approval by the board in the
2199 manner provided in subsections (2) and (3) of this section.

2200 (6) The board shall have subrogation rights against a third
2201 party for amounts paid out of any plan of self-insurance
2202 administered by the board pursuant to this section on behalf of a
2203 governmental entity that is not a political subdivision as a
2204 result of damages caused under circumstances creating a cause of
2205 action in favor of such governmental entity against a third party.
2206 The board shall deposit in the Tort Claims Fund all monies
2207 received in connection with the settlement or payment of any
2208 claim, including proceeds from the sale of salvage.

2209 (7) During fiscal year 2017, the board shall have full
2210 authority to assess agencies and governmental entities as per
2211 Section 11-46-19(1)(r).

2212 **SECTION 58.** Section 17-13-5, Mississippi Code of 1972, is
2213 amended as follows:

2214 17-13-5. For the purpose of this chapter, the following
2215 words shall be defined as herein provided unless the context
2216 requires otherwise:

2217 (a) "Local governmental unit" shall mean any county,
2218 any incorporated city, town or village, any school district, any
2219 utility district, any community college, any institution of higher
2220 learning, any municipal airport authority or regional airport
2221 authority in the state, any local tourism commission in the state



2222 or any public improvement district created under the Public
2223 Improvement District Act.

2224 (b) "Governing authority" shall mean the board of
2225 supervisors of any county, board of trustees of any school
2226 district or community college whether elective or appointive, the
2227 governing board of any city, town or village, the board of
2228 commissioners of a utility district, * * * a university board of
2229 trustees * * *, the commissioners of a municipal airport authority
2230 or regional airport authority, the commission of a local tourism
2231 commission or the board of directors of any public improvement
2232 district created under the Public Improvement District Act.

2233 **SECTION 59.** Section 19-3-47, Mississippi Code of 1972, is
2234 amended as follows:

2235 19-3-47. (1) (a) The board of supervisors shall have the
2236 power, in its discretion, to employ counsel by the year at an
2237 annual salary at an amount that it deems proper, not to exceed the
2238 maximum annual amount authorized by law for payment to a member of
2239 the board.

2240 (b) The board of supervisors shall have the power, in
2241 its discretion, to employ counsel in all civil cases in which the
2242 county is interested, including eminent domain proceedings, the
2243 examination and certification of title to property the county is
2244 acquiring and in criminal cases against a county officer for
2245 malfeasance or dereliction of duty in office, when by the criminal
2246 conduct of the officer the county may be liable to be affected



2247 pecuniarily, with the counsel to conduct the proceeding instead of
2248 the district attorney, or in conjunction with him, and to pay the
2249 counsel out of the county treasury or the road fund that may be
2250 involved reasonable compensation, or if counsel so employed is
2251 retained on an annual basis as provided in this subsection,
2252 reasonable additional compensation for his services.

2253 (c) The board of supervisors shall have the power, in
2254 its discretion, to pay reasonable compensation to attorneys who
2255 may be employed by it in the matter of the issuance of bonds and
2256 the drafting of orders and resolutions in connection therewith. In
2257 no instance shall the attorney's fee for the services exceed the
2258 following amounts, to wit:

2259 One percent (1%) of the first Five Hundred Thousand Dollars
2260 (\$500,000.00) of any one (1) bond issue; one-half percent (1/2%)
2261 of the amount of the issue in excess of Five Hundred Thousand
2262 Dollars (\$500,000.00) but not more than One Million Dollars
2263 (\$1,000,000.00); and one-fourth percent (1/4%) of the amount of
2264 the issue in excess of One Million Dollars (\$1,000,000.00). The
2265 limitations imposed in this paragraph shall not apply to any bond
2266 issue for which a declaration to issue the bonds has heretofore
2267 been adopted by proper resolution.

2268 (d) This subsection shall not in anyway amend or
2269 repeal or otherwise affect subsection (2) of this section, but
2270 this subsection shall remain in full force and effect.



2271 (2) The board of supervisors of any county, in addition to
2272 the authority conferred upon it in subsection (1) of this section,
2273 may employ, in its discretion, a firm of attorneys to represent it
2274 as its regular attorneys on the same terms, conditions and
2275 compensation as provided for employment of an attorney as its
2276 regular attorney. However, there shall not be both an attorney
2277 and a firm of attorneys employed at the same time as the regular
2278 attorney for the board.

2279 (3) In any county having a 1980 federal census population
2280 in excess of one hundred eighteen thousand (118,000), and in which
2281 is located a major refinery for the production of petroleum
2282 products and a facility for the construction of ships for the
2283 United States Navy; in any county which is traversed by an
2284 interstate highway and having a 1980 federal census population in
2285 excess of sixty-six thousand (66,000), and in which is located a
2286 comprehensive university * * * and a National Guard training base;
2287 in any county in which is located the State Capitol and the
2288 state's largest municipality; in any county which is traversed by
2289 Interstate Highway 55, United States Highway 51 and United States
2290 Highway 98; in any county bordering the Gulf of Mexico, having a
2291 1980 federal census population in excess of one hundred
2292 fifty-seven thousand (157,000), and in which is located a
2293 state-owned port; and in any county which is traversed by
2294 Interstate Highway 20, United States Highway 49 and United States
2295 Highway 80, and in which is located the State Hospital and an



2296 international airport; all of which foregoing criteria the
2297 Legislature finds to be conducive to industrial development
2298 requiring the issuance of industrial revenue bonds and which
2299 counties would gain benefits by employment of counsel in the
2300 manner authorized by this subsection, the board of supervisors, as
2301 an alternative to the authority conferred upon it in subsections
2302 (1) and (2) of this section, may employ annually, in its
2303 discretion, an attorney as a full-time employee of the county,
2304 subject to the following conditions:

2305 (a) The attorney shall maintain an office in the county
2306 courthouse or other county-owned building and shall represent the
2307 board of supervisors and all county agencies responsible to the
2308 board;

2309 (b) The attorney shall be employed by the board of
2310 supervisors in the matter of the issuance of all bonds of the
2311 county and the drafting of resolutions in connection therewith,
2312 and shall represent the board in all state and federal courts.
2313 Attorney's fees for the services which otherwise would have been
2314 paid to an attorney under paragraph (1)(c) of this section shall
2315 be paid into the county general fund and used to defray the salary
2316 of the attorney and his necessary office expenses;

2317 (c) During his employment by the county, the attorney
2318 shall not engage otherwise in the practice of civil or criminal
2319 law and shall not be associated with any other attorney or firm of
2320 attorneys;



2321 (d) The board of supervisors shall have the power, in
2322 its discretion, to pay the attorney an annual salary not to exceed
2323 the maximum annual salary authorized by law to be paid to the
2324 county judge of that county; and

2325 (e) The board of supervisors may authorize, in its
2326 discretion, the employment of special counsel to assist the
2327 counsel employed pursuant to this subsection, provided that the
2328 board shall determine and spread on its minutes that the
2329 employment of the special counsel is necessary and in the best
2330 interest of the county and setting forth the duties or
2331 responsibilities assigned to the special counsel.

2332 **SECTION 60.** Section 19-9-1, Mississippi Code of 1972, is
2333 amended as follows:

2334 19-9-1. The board of supervisors of any county is authorized
2335 to issue negotiable bonds of the county to raise money for the
2336 following purposes:

2337 (a) Purchasing or erecting, equipping, repairing,
2338 reconstructing, remodeling and enlarging county buildings,
2339 courthouses, office buildings, jails, hospitals, nurses' homes,
2340 health centers, clinics, and related facilities, and the purchase
2341 of land therefor;

2342 (b) Erecting, equipping, repairing, reconstructing,
2343 remodeling, or acquiring county homes for indigents, and
2344 purchasing land therefor;



2345 (c) Purchasing or constructing, repairing, improving
2346 and equipping buildings for public libraries and for purchasing
2347 land, equipment and books therefor, whether the title to same be
2348 vested in the county issuing such bonds or in some subdivision of
2349 the state government other than the county, or jointly in such
2350 county and other such subdivision;

2351 (d) Establishing county farms for convicts, purchasing
2352 land therefor, and erecting, remodeling, and equipping necessary
2353 buildings therefor;

2354 (e) Constructing, reconstructing, and repairing roads,
2355 highways and bridges, and acquiring the necessary land, including
2356 land for road building materials, acquiring rights-of-way
2357 therefor; and the purchase of heavy construction equipment and
2358 accessories thereto reasonably required to construct, repair and
2359 renovate roads, highways and bridges and approaches thereto within
2360 the county;

2361 (f) Erecting, repairing, equipping, remodeling or
2362 enlarging or assisting or cooperating with another county or other
2363 counties in erecting, repairing, equipping, remodeling, or
2364 enlarging buildings, and related facilities for an agricultural
2365 high school, or agricultural high school-junior college, including
2366 gymnasiums, auditoriums, lunchrooms, vocational training
2367 buildings, libraries, teachers' homes, school barns, garages for
2368 transportation vehicles, and purchasing land therefor;



2369 (g) Purchasing or renting voting machines and any other
2370 election equipment to be used in elections held within the county;

2371 (h) Constructing, reconstructing or repairing boat
2372 landing ramps and wharves fronting on the Mississippi Sound or the
2373 Gulf of Mexico and on the banks or shores of the inland waters,
2374 levees, bays and bayous of any county bordering on the Gulf of
2375 Mexico or fronting on the Mississippi Sound, having two (2)
2376 municipalities located therein, each with a population in excess
2377 of twenty thousand (20,000) in accordance with the then last
2378 preceding federal census;

2379 (i) Assisting * * * a university board of
2380 trustees * * *, the Office of General Services or any other state
2381 agency in acquiring a site for constructing suitable buildings and
2382 runways and equipping an airport for any state university or other
2383 state-supported four-year college now or hereafter in existence in
2384 such county;

2385 (j) Aiding and cooperating in the planning,
2386 undertaking, construction or operation of airports and air
2387 navigation facilities, including lending or donating money,
2388 pursuant to the provisions of the airport authorities law, being
2389 Sections 61-3-1 through 61-3-83, Mississippi Code of 1972,
2390 regardless of whether such airports or air navigation facilities
2391 are located in the county or counties issuing such bonds;



2392 (k) Establishing rubbish and garbage disposal systems
2393 in accordance with the provisions of Sections 19-5-17 through
2394 19-5-27;

2395 (l) Defraying the expenses of projects of the county
2396 cooperative service district in which it is a participating
2397 county, regardless of whether the project is located in the county
2398 issuing such bonds;

2399 (m) Purchasing machinery and equipment which have an
2400 expected useful life in excess of ten (10) years. The life of
2401 such bonds shall not exceed the expected useful life of such
2402 machinery and equipment. Machinery and equipment shall not
2403 include any motor vehicle weighing less than twelve thousand
2404 (12,000) pounds;

2405 (n) Purchasing fire fighting equipment and apparatus,
2406 and providing housing for the same and purchasing land necessary
2407 therefor;

2408 (o) A project for which a certificate of public
2409 convenience and necessity has been obtained by the county pursuant
2410 to the Regional Economic Development Act;

2411 (p) Constructing dams or low-water control structures
2412 on lakes or bodies of water under the provisions of Section
2413 19-5-92;

2414 (q) For the purposes provided for in Section 57-75-37.

2415 **SECTION 61.** Section 21-25-23, Mississippi Code of 1972, is
2416 amended as follows:



2417 21-25-23. The governing authorities of any municipality are
2418 hereby authorized, when petitioned so to do by * * * a university
2419 board of trustees * * *, to create, by ordinance, a fire district
2420 encompassing the area adjoining such municipality on which a part
2421 or all of * * * the state institution of higher learning is
2422 located, after the creation of which such governing authorities
2423 and the board of trustees of the affected state * * * institution
2424 of higher learning shall have full power to contract for laying of
2425 water mains and any other pipes or connections to the water mains
2426 to be used in said fire district, and for the establishment and
2427 maintenance of fire service therein. However, no such governing
2428 authority shall have the power either to promulgate or enforce any
2429 charge, rule or regulation upon said district without first having
2430 received the ratification and consent of the board of trustees of
2431 the affected state * * * institution of higher learning as
2432 reflected by the minutes of said trustees.

2433 **SECTION 62.** Section 21-33-301, Mississippi Code of 1972, is
2434 amended as follows:

2435 21-33-301. The governing authorities of any municipality are
2436 authorized to issue negotiable bonds of the municipality to raise
2437 money for the following purposes:

2438 (a) Erecting municipal buildings, armories,
2439 auditoriums, community centers, gymnasiums and athletic stadiums,
2440 preparing and equipping athletic fields, and purchasing buildings
2441 or land therefor, and for repairing, improving, adorning and



2442 equipping the same, and for erecting, equipping and furnishing of
2443 buildings to be used as a municipal or civic arts center;

2444 (b) Erecting or purchasing waterworks, gas, electric
2445 and other public utility plants or distribution systems or
2446 franchises, and repairing, improving and extending the same;

2447 (c) Purchasing or constructing, repairing, improving
2448 and equipping buildings for public libraries and for purchasing
2449 land, equipment and books therefor, whether the title to same be
2450 vested in the municipality issuing such bonds or in some
2451 subdivision of the state government other than the municipality,
2452 or jointly in such municipality and other such subdivision;

2453 (d) Establishing sanitary, storm, drainage or sewerage
2454 systems, and repairing, improving and extending the same;

2455 (e) Protecting a municipality, its streets and
2456 sidewalks from overflow, caving banks and other like dangers;

2457 (f) Constructing, improving or paving streets,
2458 sidewalks, driveways, parkways, walkways or public parking
2459 facilities, and purchasing land therefor;

2460 (g) Purchasing land for parks, cemeteries and public
2461 playgrounds, and improving, equipping and adorning the same,
2462 including the constructing, repairing and equipping of swimming
2463 pools and other recreational facilities;

2464 (h) Constructing bridges and culverts;



2465 (i) Constructing, repairing and improving wharves,
2466 docks, harbors and appurtenant facilities, and purchasing land
2467 therefor;

2468 (j) Constructing, repairing and improving public
2469 slaughterhouses, markets, pest houses, workhouses, hospitals,
2470 houses of correction, reformatories and jails in the corporate
2471 limits, or within three (3) miles of the corporate limits, and
2472 purchasing land therefor;

2473 (k) Altering or changing the channels of streams and
2474 water courses to control, deflect or guide the current thereof;

2475 (l) Purchasing fire-fighting equipment and apparatus,
2476 and providing housing for same, and purchasing land therefor;

2477 (m) Purchasing or renting voting machines and any other
2478 election equipment needed in elections held in the municipality;

2479 (n) Assisting * * * university boards of
2480 trustees * * *, the Bureau of Building, Grounds and Real Property
2481 Management of the Governor's Office of General Services, or any
2482 other state agency in acquiring a site for, constructing suitable
2483 buildings and runways and equipping an airport for the university
2484 or other state-supported four-year college, now or hereafter in
2485 existence, in or near which the municipality is located, within
2486 not more than ten (10) miles of the municipality;

2487 (o) Acquiring and improving existing mass transit
2488 system; however, no municipal governing authorities shall
2489 authorize any bonds to be issued for the acquiring and improving



2490 of an existing mass transit system unless an election be conducted
2491 in said municipality in the same manner provided for general and
2492 special elections, and a majority of the qualified electors of the
2493 municipality participating in said election approve the bond
2494 issuance for the acquiring and improving of an existing mass
2495 transit system;

2496 (p) Purchasing machinery and equipment which have an
2497 expected useful life in excess of ten (10) years. The life of
2498 such bonds shall not exceed the expected useful life of such
2499 machinery and equipment. Machinery and equipment shall not
2500 include any motor vehicle weighing less than twelve thousand
2501 (12,000) pounds;

2502 (q) A project for which a certificate of public
2503 convenience and necessity has been obtained by the municipality
2504 pursuant to the Regional Economic Development Act.

2505 **SECTION 63.** Section 25-3-41, Mississippi Code of 1972, is
2506 amended as follows:

2507 25-3-41. (1) Subject to the provisions of subsection (10)
2508 of this section, when any officer or employee of the State of
2509 Mississippi, or any department, agency or institution thereof,
2510 after first being duly authorized, is required to travel in the
2511 performance of his official duties, the officer or employee shall
2512 receive as expenses for each mile actually and necessarily
2513 traveled, when the travel is done by a privately owned automobile
2514 or other privately owned motor vehicle, the mileage reimbursement



2515 rate allowable to federal employees for the use of a privately
2516 owned vehicle while on official travel.

2517 (2) When any officer or employee of any county or
2518 municipality, or of any agency, board or commission thereof, after
2519 first being duly authorized, is required to travel in the
2520 performance of his official duties, the officer or employee shall
2521 receive as expenses Twenty Cents (20¢) for each mile actually and
2522 necessarily traveled, when the travel is done by a privately owned
2523 motor vehicle; provided, however, that the governing authorities
2524 of a county or municipality may, in their discretion, authorize an
2525 increase in the mileage reimbursement of officers and employees of
2526 the county or municipality, or of any agency, board or commission
2527 thereof, in an amount not to exceed the mileage reimbursement rate
2528 authorized for officers and employees of the State of Mississippi
2529 in subsection (1) of this section.

2530 (3) Where two (2) or more officers or employees travel in
2531 one (1) privately owned motor vehicle, only one (1) travel expense
2532 allowance at the authorized rate per mile shall be allowed for any
2533 one (1) trip. When the travel is done by means of a public
2534 carrier or other means not involving a privately owned motor
2535 vehicle, then the officer or employee shall receive as travel
2536 expense the actual fare or other expenses incurred in such travel.

2537 (4) In addition to the foregoing, a public officer or
2538 employee shall be reimbursed for other actual expenses such as
2539 meals, lodging and other necessary expenses incurred in the course



2540 of the travel, subject to limitations placed on meals for
2541 intrastate and interstate official travel by the Department of
2542 Finance and Administration, provided, that the Legislative Budget
2543 Office shall place any limitations for expenditures made on
2544 matters under the jurisdiction of the Legislature. The Department
2545 of Finance and Administration shall set a maximum daily
2546 expenditure annually for such meals and shall notify officers and
2547 employees of changes to these allowances immediately upon approval
2548 of the changes. Travel by airline shall be at the tourist rate
2549 unless that space was unavailable. The officer or employee shall
2550 certify that tourist accommodations were not available if travel
2551 is performed in first class airline accommodations. Itemized
2552 expense accounts shall be submitted by those officers or employees
2553 in such number as the department, agency or institution may
2554 require; but in any case one (1) copy shall be furnished by state
2555 departments, agencies or institutions to the Department of Finance
2556 and Administration for preaudit or postaudit. The Department of
2557 Finance and Administration shall promulgate and adopt reasonable
2558 rules and regulations which it deems necessary and requisite to
2559 effectuate economies for all expenses authorized and paid pursuant
2560 to this section. Requisitions shall be made on the State Fiscal
2561 Officer who shall issue his warrant on the State Treasurer.
2562 Provided, however, that the provisions of this section shall not
2563 include agencies financed entirely by federal funds and audited by
2564 federal auditors.



2565 (5) Any officer or employee of a county or municipality, or
2566 any department, board or commission thereof, who is required to
2567 travel in the performance of his official duties, may receive
2568 funds before the travel, in the discretion of the administrative
2569 head of the county or municipal department, board or commission
2570 involved, for the purpose of paying necessary expenses incurred
2571 during the travel. Upon return from the travel, the officer or
2572 employee shall provide receipts of transportation, lodging, meals,
2573 fees and any other expenses incurred during the travel. Any
2574 portion of the funds advanced which is not expended during the
2575 travel shall be returned by the officer or employee. The
2576 Department of Audit shall adopt rules and regulations regarding
2577 advance payment of travel expenses and submission of receipts to
2578 ensure proper control and strict accountability for those payments
2579 and expenses.

2580 (6) No state or federal funds received from any source by
2581 any arm or agency of the state shall be expended in traveling
2582 outside of the continental limits of the United States until the
2583 governing body or head of the agency makes a finding and
2584 determination that the travel would be extremely beneficial to the
2585 state agency and obtains a written concurrence thereof from the
2586 Governor, or his designee, and the Department of Finance and
2587 Administration. However, employees of state institutions of
2588 higher learning may expend funds for travel outside of the
2589 continental limits of the United States upon a written finding by



2590 the president or head of the institution that the travel would be
2591 extremely beneficial to the institution.

2592 (7) Where any officer or employee of the State of
2593 Mississippi, or any department, agency or institution thereof, or
2594 of any county or municipality, or of any agency, board or
2595 commission thereof, is authorized to receive travel reimbursement
2596 under any other provision of law, the reimbursement may be paid
2597 under the provisions of this section or the other section, but not
2598 under both.

2599 (8) When the Governor, Lieutenant Governor or Speaker of the
2600 House of Representatives appoints a person to a board, commission
2601 or other position that requires confirmation by the Senate, the
2602 person may receive reimbursement for mileage and other actual
2603 expenses incurred in the performance of official duties before the
2604 appointment is confirmed by the Senate, as reimbursement for those
2605 expenses is authorized under this section.

2606 (9) (a) The Department of Finance and Administration may
2607 contract with one or more commercial travel agencies, after
2608 receiving competitive bids or proposals therefor, for that travel
2609 agency or agencies to provide necessary travel services for state
2610 officers and employees. Municipal and county officers and
2611 municipal and county employees may also participate in the state
2612 travel agency contract and utilize these travel services for
2613 official municipal or county travel. However, the administrative
2614 head of each state institution of higher learning may, in his



2615 discretion, contract with a commercial travel agency to provide
2616 necessary travel services for all academic officials and staff of
2617 the university in lieu of participation in the state travel agency
2618 contract. Any such decision by a university to contract with a
2619 separate travel agency shall be approved by the university's board
2620 of trustees * * * and the Executive Director of the Department of
2621 Finance and Administration.

2622 (b) Before executing a contract with one or more travel
2623 agencies, the Department of Finance and Administration shall
2624 advertise for competitive bids or proposals once a week for two
2625 (2) consecutive weeks in a regular newspaper having a general
2626 circulation throughout the State of Mississippi. If the
2627 department determines that it should not contract with any of the
2628 bidders initially submitting proposals, the department may reject
2629 all those bids, advertise as provided in this paragraph and
2630 receive new proposals before executing the contract or contracts.
2631 The contract or contracts may be for a period not greater than
2632 three (3) years, with an option for the travel agency or agencies
2633 to renew the contract or contracts on a one-year basis on the same
2634 terms as the original contract or contracts, for a maximum of two
2635 (2) renewals. After the travel agency or agencies have renewed
2636 the contract twice or have declined to renew the contract for the
2637 maximum number of times, the Department of Finance and
2638 Administration shall advertise for bids in the manner required by
2639 this paragraph and execute a new contract or contracts.



2640 (c) Whenever any state officer or employee travels in
2641 the performance of his official duties by airline or other public
2642 carrier, he may have his travel arrangements handled by that
2643 travel agency or agencies. The amount paid for airline
2644 transportation for any state officer or employee, whether the
2645 travel was arranged by that travel agency or agencies or was
2646 arranged otherwise, shall not exceed the amount specified in the
2647 state contract established by the Department of Finance and
2648 Administration, Office of Purchasing and Travel, unless prior
2649 approval is obtained from the office.

2650 (10) (a) For purposes of this subsection, the term "state
2651 agency" means any agency that is subject to oversight by the
2652 Bureau of Fleet Management of the Department of Finance and
2653 Administration under Section 25-1-77.

2654 (b) Each state agency shall use a trip optimizer type
2655 system developed and administered by the Department of Finance and
2656 Administration in computing the optimum method and cost for travel
2657 by state officers and employees using a motor vehicle where the
2658 travel will exceed one hundred (100) miles per day and the officer
2659 or employee is not driving a state-owned or state-leased vehicle
2660 that has been dedicated or assigned to the officer or employee.

2661 (c) The provisions of this subsection shall be used to
2662 determine the most cost-effective method of travel by motor
2663 vehicles, whether those vehicles are owned by the state agency,
2664 leased by the state agency, or owned by the officer or employee,



2665 and shall be applicable for purposes of determining the maximum
2666 authorized amount of any travel reimbursement for officers and
2667 employees of those agencies related to vehicle usage.

2668 (d) The maximum authorized amount of travel
2669 reimbursement related to motor vehicle usage shall be the lowest
2670 cost option as determined by the trip optimizer type system. All
2671 travel claims submitted for reimbursement shall include the
2672 results of the trip optimizer type system indicating the lowest
2673 cost option for travel by the state officer or employee.

2674 (e) In providing a calculation of rates, the trip
2675 optimizer type system shall account for the distance that an
2676 officer or employee must travel to pick up a rental or state fleet
2677 vehicle, and shall account for the long-term rate discounts
2678 offered through the state purchasing contract for vehicle rentals.

2679 (f) This subsection shall not apply to travel by state
2680 officials in motor vehicles driven by the official or in vehicles
2681 used for the transport of the official. The exemption in this
2682 paragraph (f) applies only to the state official and not to the
2683 staff or other employees of the state official. As used in this
2684 paragraph (f), "state official" means statewide elected officials
2685 and the elected members of the Public Service Commission.

2686 **SECTION 64.** Section 25-53-5, Mississippi Code of 1972, is
2687 amended as follows:

2688 25-53-5. The authority shall have the following powers,
2689 duties, and responsibilities:



2690 (a) (i) The authority shall provide for the
2691 development of plans for the efficient acquisition and utilization
2692 of computer equipment and services by all agencies of state
2693 government, and provide for their implementation. In so doing,
2694 the authority may use the MDITS' staff, at the discretion of the
2695 executive director of the authority, or the authority may contract
2696 for the services of qualified consulting firms in the field of
2697 information technology and utilize the service of such consultants
2698 as may be necessary for such purposes. Pursuant to Section
2699 25-53-1, the provisions of this section shall not apply to the
2700 Department of Human Services for a period of three (3) years
2701 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
2702 provisions of this section shall not apply to the Department of
2703 Child Protection Services for a period of three (3) years
2704 beginning July 1, 2017.

2705 (ii) Notwithstanding the exemption of the
2706 Department of Human Services and the Department of Child
2707 Protection Services from the provisions of this section, before
2708 the Department of Human Services or the Department of Child
2709 Protection Services may take an action that would otherwise be
2710 subject to the provisions of this section, the department(s) shall
2711 give notice of the proposed action to the MDITS for any
2712 recommendations by the MDITS. Upon receipt of the notice, the
2713 MDITS shall post the notice on its website and on the procurement
2714 portal website established by Sections 25-53-151 and 27-104-165.



2715 If the MDITS does not respond to the department(s) within seven
2716 (7) calendar days after receiving the notice, the department(s)
2717 may take the proposed action. If the MDITS responds to the
2718 department(s) within seven (7) calendar days, then the MDITS has
2719 seven (7) calendar days from the date of its initial response to
2720 provide any additional recommendations. After the end of the
2721 second seven-day period, the department(s) may take the proposed
2722 action. The MDITS is not authorized to disapprove any proposed
2723 actions that would otherwise be subject to the provisions of this
2724 section. This subparagraph (ii) shall stand repealed on July 1,
2725 2020.

2726 (b) The authority shall immediately institute
2727 procedures for carrying out the purposes of this chapter and
2728 supervise the efficient execution of the powers and duties of the
2729 office of executive director of the authority. In the execution
2730 of its functions under this chapter, the authority shall maintain
2731 as a paramount consideration the successful internal organization
2732 and operation of the several agencies so that efficiency existing
2733 therein shall not be adversely affected or impaired. In executing
2734 its functions in relation to the institutions of higher learning
2735 and junior colleges in the state, the authority shall take into
2736 consideration the special needs of such institutions in relation
2737 to the fields of teaching and scientific research.

2738 (c) Title of whatever nature of all computer equipment
2739 now vested in any agency of the State of Mississippi is hereby



2740 vested in the authority, and no such equipment shall be disposed
2741 of in any manner except in accordance with the direction of the
2742 authority or under the provisions of such rules and regulations as
2743 may hereafter be adopted by the authority in relation thereto.

2744 (d) The authority shall adopt rules, regulations, and
2745 procedures governing the acquisition of computer and
2746 telecommunications equipment and services which shall, to the
2747 fullest extent practicable, insure the maximum of competition
2748 between all manufacturers of supplies or equipment or services.
2749 In the writing of specifications, in the making of contracts
2750 relating to the acquisition of such equipment and services, and in
2751 the performance of its other duties the authority shall provide
2752 for the maximum compatibility of all information systems hereafter
2753 installed or utilized by all state agencies and may require the
2754 use of common computer languages where necessary to accomplish the
2755 purposes of this chapter. The authority may establish by
2756 regulation and charge reasonable fees on a nondiscriminatory basis
2757 for the furnishing to bidders of copies of bid specifications and
2758 other documents issued by the authority.

2759 (e) The authority shall adopt rules and regulations
2760 governing the sharing with, or the sale or lease of information
2761 technology services to any nonstate agency or person. Such
2762 regulations shall provide that any such sharing, sale or lease
2763 shall be restricted in that same shall be accomplished only where
2764 such services are not readily available otherwise within the



2765 state, and then only at a charge to the user not less than the
2766 prevailing rate of charge for similar services by private
2767 enterprise within this state.

2768 (f) The authority may, in its discretion, establish a
2769 special technical advisory committee or committees to study and
2770 make recommendations on technology matters within the competence
2771 of the authority as the authority may see fit. Persons serving on
2772 the Information Resource Council, its task forces, or any such
2773 technical advisory committees shall be entitled to receive their
2774 actual and necessary expenses actually incurred in the performance
2775 of such duties, together with mileage as provided by law for state
2776 employees, provided the same has been authorized by a resolution
2777 duly adopted by the authority and entered on its minutes prior to
2778 the performance of such duties.

2779 (g) The authority may provide for the development and
2780 require the adoption of standardized computer programs and may
2781 provide for the dissemination of information to and the
2782 establishment of training programs for the personnel of the
2783 various information technology centers of state agencies and
2784 personnel of the agencies utilizing the services thereof.

2785 (h) The authority shall adopt reasonable rules and
2786 regulations requiring the reporting to the authority through the
2787 office of executive director of such information as may be
2788 required for carrying out the purposes of this chapter and may
2789 also establish such reasonable procedures to be followed in the



2790 presentation of bills for payment under the terms of all contracts
2791 for the acquisition of computer equipment and services now or
2792 hereafter in force as may be required by the authority or by the
2793 executive director in the execution of their powers and duties.

2794 (i) The authority shall require such adequate
2795 documentation of information technology procedures utilized by the
2796 various state agencies and may require the establishment of such
2797 organizational structures within state agencies relating to
2798 information technology operations as may be necessary to
2799 effectuate the purposes of this chapter.

2800 (j) The authority may adopt such further reasonable
2801 rules and regulations as may be necessary to fully implement the
2802 purposes of this chapter. All rules and regulations adopted by
2803 the authority shall be published and disseminated in readily
2804 accessible form to all affected state agencies, and to all current
2805 suppliers of computer equipment and services to the state, and to
2806 all prospective suppliers requesting the same. Such rules and
2807 regulations shall be kept current, be periodically revised, and
2808 copies thereof shall be available at all times for inspection by
2809 the public at reasonable hours in the offices of the authority.
2810 Whenever possible no rule, regulation or any proposed amendment to
2811 such rules and regulations shall be finally adopted or enforced
2812 until copies of the proposed rules and regulations have been
2813 furnished to all interested parties for their comment and
2814 suggestions.



2815 (k) The authority shall establish rules and regulations
2816 which shall provide for the submission of all contracts proposed
2817 to be executed by the executive director for computer equipment or
2818 services to the authority for approval before final execution, and
2819 the authority may provide that such contracts involving the
2820 expenditure of less than such specified amount as may be
2821 established by the authority may be finally executed by the
2822 executive director without first obtaining such approval by the
2823 authority.

2824 (l) The authority is authorized to purchase, lease, or
2825 rent computer equipment or services and to operate that equipment
2826 and use those services in providing services to one or more state
2827 agencies when in its opinion such operation will provide maximum
2828 efficiency and economy in the functions of any such agency or
2829 agencies.

2830 (m) Upon the request of the governing body of a
2831 political subdivision or instrumentality, the authority shall
2832 assist the political subdivision or instrumentality in its
2833 development of plans for the efficient acquisition and utilization
2834 of computer equipment and services. An appropriate fee shall be
2835 charged the political subdivision by the authority for such
2836 assistance.

2837 (n) The authority shall adopt rules and regulations
2838 governing the protest procedures to be followed by any actual or
2839 prospective bidder, offerer or contractor who is aggrieved in



2840 connection with the solicitation or award of a contract for the
2841 acquisition of computer equipment or services. Such rules and
2842 regulations shall prescribe the manner, time and procedure for
2843 making protests and may provide that a protest not timely filed
2844 shall be summarily denied. The authority may require the
2845 protesting party, at the time of filing the protest, to post a
2846 bond, payable to the state, in an amount that the authority
2847 determines sufficient to cover any expense or loss incurred by the
2848 state, the authority or any state agency as a result of the
2849 protest if the protest subsequently is determined by a court of
2850 competent jurisdiction to have been filed without any substantial
2851 basis or reasonable expectation to believe that the protest was
2852 meritorious; however, in no event may the amount of the bond
2853 required exceed a reasonable estimate of the total project cost.
2854 The authority, in its discretion, also may prohibit any
2855 prospective bidder, offerer or contractor who is a party to any
2856 litigation involving any such contract with the state, the
2857 authority or any agency of the state to participate in any other
2858 such bid, offer or contract, or to be awarded any such contract,
2859 during the pendency of the litigation.

2860 (o) The authority shall make a report in writing to the
2861 Legislature each year in the month of January. Such report shall
2862 contain a full and detailed account of the work of the authority
2863 for the preceding year as specified in Section 25-53-29(3).



2864 All acquisitions of computer equipment and services involving
2865 the expenditure of funds in excess of the dollar amount
2866 established in Section 31-7-13(c), or rentals or leases in excess
2867 of the dollar amount established in Section 31-7-13(c) for the
2868 term of the contract, shall be based upon competitive and open
2869 specifications, and contracts therefor shall be entered into only
2870 after advertisements for bids are published in one or more daily
2871 newspapers having a general circulation in the state not less than
2872 fourteen (14) days prior to receiving sealed bids therefor. The
2873 authority may reserve the right to reject any or all bids, and if
2874 all bids are rejected, the authority may negotiate a contract
2875 within the limitations of the specifications so long as the terms
2876 of any such negotiated contract are equal to or better than the
2877 comparable terms submitted by the lowest and best bidder, and so
2878 long as the total cost to the State of Mississippi does not exceed
2879 the lowest bid. If the authority accepts one (1) of such bids, it
2880 shall be that which is the lowest and best.

2881 (p) When applicable, the authority may procure
2882 equipment, systems and related services in accordance with the law
2883 or regulations, or both, which govern the Bureau of Purchasing of
2884 the Office of General Services or which govern the Mississippi
2885 Department of Information Technology Services procurement of
2886 telecommunications equipment, software and services.

2887 (q) The authority is authorized to purchase, lease, or
2888 rent information technology and services for the purpose of



2889 establishing pilot projects to investigate emerging technologies.
2890 These acquisitions shall be limited to new technologies and shall
2891 be limited to an amount set by annual appropriation of the
2892 Legislature. These acquisitions shall be exempt from the
2893 advertising and bidding requirement.

2894 (r) All fees collected by the Mississippi Department of
2895 Information Technology Services shall be deposited into the
2896 Mississippi Department of Information Technology Services
2897 Revolving Fund unless otherwise specified by the Legislature.

2898 (s) The authority shall work closely with the council
2899 to bring about effective coordination of policies, standards and
2900 procedures relating to procurement of remote sensing and
2901 geographic information systems (GIS) resources. In addition, the
2902 authority is responsible for development, operation and
2903 maintenance of a delivery system infrastructure for geographic
2904 information systems data. The authority shall provide a warehouse
2905 for Mississippi's geographic information systems data.

2906 (t) The authority shall manage one or more State Data
2907 Centers to provide information technology services on a
2908 cost-sharing basis. In determining the appropriate services to be
2909 provided through the State Data Center, the authority should
2910 consider those services that:

- 2911 (i) Result in savings to the state as a whole;
- 2912 (ii) Improve and enhance the security and
2913 reliability of the state's information and business systems; and



2914 (iii) Optimize the efficient use of the state's
2915 information technology assets, including, but not limited to,
2916 promoting partnerships with the state institutions of higher
2917 learning and community colleges to capitalize on advanced
2918 information technology resources.

2919 (u) The authority shall increase federal participation
2920 in the cost of the State Data Center to the extent provided by law
2921 and its shared technology infrastructure through providing such
2922 shared services to agencies that receive federal funds. With
2923 regard to state institutions of higher learning and community
2924 colleges, the authority may provide shared services when mutually
2925 agreeable, following a determination by both the authority
2926 and * * * each university board of trustees * * * or the
2927 Mississippi Community College Board, as the case may be, that the
2928 sharing of services is mutually beneficial.

2929 (v) The authority, in its discretion, may require new
2930 or replacement agency business applications to be hosted at the
2931 State Data Center. With regard to state institutions of higher
2932 learning and community colleges, the authority and * * *
2933 university boards of trustees * * * or the Mississippi Community
2934 College Board, as the case may be, may agree that institutions of
2935 higher learning or community colleges may utilize business
2936 applications that are hosted at the State Data Center, following a
2937 determination by both the authority and the applicable board that
2938 the hosting of those applications is mutually beneficial. In



2939 addition, the authority may establish partnerships to capitalize
2940 on the advanced technology resources of * * * university boards of
2941 trustees * * * or the Mississippi Community College Board,
2942 following a determination by both the authority and the applicable
2943 board that such a partnership is mutually beneficial.

2944 (w) The authority shall provide a periodic update
2945 regarding reform-based information technology initiatives to the
2946 Chairmen of the House and Senate Accountability, Efficiency and
2947 Transparency Committees.

2948 From and after July 1, 2018, the expenses of this agency
2949 shall be defrayed by appropriation from the State General Fund.
2950 In addition, in order to receive the maximum use and benefit from
2951 information technology and services, expenses for the provision of
2952 statewide shared services that facilitate cost-effective
2953 information processing and telecommunication solutions shall be
2954 defrayed by pass-through funding and shall be deposited into the
2955 Mississippi Department of Information Technology Services
2956 Revolving Fund unless otherwise specified by the Legislature.
2957 These funds shall only be utilized to pay the actual costs
2958 incurred by the Mississippi Department of Information Technology
2959 Services for providing these shared services to state agencies.
2960 Furthermore, state agencies shall work in full cooperation with
2961 the Board of the Mississippi Department of Information Technology
2962 Services to identify computer equipment or services to minimize



2963 duplication, reduce costs, and improve the efficiency of providing
2964 common technology services across agency boundaries.

2965 **SECTION 65.** Section 27-7-701, Mississippi Code of 1972, is
2966 amended as follows:

2967 27-7-701. For the purposes of this article, the following
2968 terms shall have the respective meanings ascribed by this section:

2969 (a) "Claimant agency" means * * * any state-funded
2970 institution of higher learning * * *, the Mississippi Guarantee
2971 Student Loan Agency, the Mississippi Postsecondary Education
2972 Financial Assistance Board, any public community or junior
2973 college, or any state agency which has loaned money to or is owed
2974 a debt by an individual for educational purposes.

2975 (b) "Debtor" means any individual owing money or having
2976 a delinquent account with any claimant agency, which obligation
2977 has not been adjudicated satisfied by court order, set aside by
2978 court order, or discharged in bankruptcy.

2979 (c) "Debt" means any liquidated sum due and owing any
2980 claimant agency which has accrued through contract, subrogation,
2981 tort or operation of law, regardless of whether there is an
2982 outstanding judgment for that sum.

2983 (d) "Commission," "State Tax Commission" or
2984 "department" means the Department of Revenue of the State of
2985 Mississippi.

2986 (e) "Refund" means the Mississippi income tax refund
2987 which the commission determines to be due any individual taxpayer.



2988 **SECTION 66.** Section 27-103-127, Mississippi Code of 1972, is
2989 amended as follows:

2990 27-103-127. To the end that the overall budget shall present
2991 in comparable terms a complete summary of all financial operations
2992 of all state agencies, Part 2 of the overall budget shall include
2993 therein the requested budget and the recommended budget for each
2994 special fund agency. The overall budget shall show for each
2995 special fund agency, in addition to such other information as may
2996 be prescribed by the Legislative Budget Office, the following:

2997 (a) The amount by source of all special fund receipts
2998 collected or otherwise available in the current fiscal year, and
2999 an estimate by source of all special funds which will be collected
3000 or become available by the end of the then current fiscal year;

3001 (b) The estimated amount of all expenditures to be made
3002 or obligations to be incurred payable from such special funds
3003 during the then current fiscal year;

3004 (c) The estimated aggregate amount of special funds
3005 which will be needed by the agency for the succeeding fiscal year;
3006 beginning with the 1995 fiscal year and in the event that any
3007 services proposed to be provided by the agency in the succeeding
3008 fiscal year are Medicaid reimbursable, any state general matching
3009 funds necessary for such reimbursement shall be included in the
3010 agency's proposed budget, and the appropriation to the Division of
3011 Medicaid in the 1995 fiscal year shall be adjusted accordingly;



3012 (d) The estimated amount by source of special funds
3013 which will be available under existing laws during the succeeding
3014 fiscal year, including any balances which will be on hand at the
3015 close of the then current fiscal year;

3016 (e) The estimated amount which will be needed and which
3017 will require change in existing law or laws;

3018 (f) If any new item of expense is included in the
3019 proposed budget of any special fund agency, the reason therefor
3020 shall be given; and in any case where the Legislative Budget
3021 Office shall eliminate or reduce any item or items in the proposed
3022 budget of any special fund agency, it shall note briefly the
3023 reasons therefor, together with the reasons advanced by the agency
3024 in support of the item or items eliminated or reduced;

3025 (g) The proposed budget of each special fund agency
3026 shall show the amounts required for operating expenses separately
3027 from the amounts required for permanent improvements.

3028 Proposed expenditures for any agency in Part 2 of the overall
3029 budget shall not exceed the amount of estimated revenues which
3030 will be available to it. Provided, that the Legislative Budget
3031 Office may recommend changes in existing law so as to decrease or
3032 increase the revenues available to any agency if in its judgment
3033 such changes are necessary or desirable.

3034 Provided further, that expenditures approved or authorized by
3035 the Legislature for any special fund agency or special funds
3036 approved for general fund agency shall constitute a maximum to be



3037 expended or encumbered by such agency, and shall not constitute
3038 authority to expend or encumber more than the amount of revenue
3039 actually collected or otherwise received.

3040 No special fund agency or general fund agency shall make
3041 expenditures from special funds available to such agency unless
3042 such expenditures are set forth in a budget approved by the
3043 Legislature. Such legislative approval shall be set forth in an
3044 appropriation act. Provided, however, that special funds derived
3045 from the collection of taxes for any political subdivision of the
3046 state shall be excepted from the foregoing provisions. The
3047 executive head of the state agency shall be liable on his official
3048 bond for expenditures or encumbrances which exceed the total
3049 amount of the budget or the amount received if receipts are less
3050 than the approved budget.

3051 Provided, however, that each university and college shall
3052 submit through * * * its university board of trustees * * * an
3053 annual budget to the Legislative Budget Office prior to the
3054 beginning of each fiscal year with such information and in such
3055 form, and in such detail, as may be required by the Legislative
3056 Budget Office. If the Legislative Budget Office determines that
3057 sufficient funds will be available during the fiscal year to fund
3058 the proposed budget as submitted, then and in that event the
3059 proposed budget shall be approved. However, if the Legislative
3060 Budget Office determines that, in its judgment, sufficient funds
3061 will not be available to fund the proposed budget, the affected



3062 institution or institutions and * * * their respective university
3063 board of trustees * * * shall be promptly notified and given an
3064 opportunity to either justify the proposed budget or proposed
3065 amendments which can be mutually agreed upon. The Legislative
3066 Budget Office shall then approve the proposed budget or budgets of
3067 the several universities and colleges. The total amount approved
3068 for each institution shall constitute the maximum funds which may
3069 be expended during the fiscal year.

3070 The municipal, county or combined municipal and county port
3071 and harbor commissions, authorities or other port or harbor
3072 agencies not owned or operated by the state, shall submit annual
3073 or amended budgets of their estimated receipts and expenditures to
3074 the governing bodies of such municipality, county or municipality
3075 and county, for their approval, and a copy of such budget as
3076 approved by such governing body or bodies shall be filed with the
3077 Legislative Budget Office. Such budget shall itemize all
3078 estimated receipts and expenditures, and the Legislative Budget
3079 Office may require particularization, explanation or audit
3080 thereof, and shall report such information to the Legislature.

3081 To the end that the overall budget shall present in
3082 comparable terms a complete summary of all financial operations of
3083 all state agencies, Part 3 of such overall budget shall consist of
3084 an estimated preliminary annual budget of the Department of
3085 Transportation and the Division of State Aid Road Construction of
3086 the Department of Transportation and such information for the



3087 current fiscal year as is necessary to make presentation
3088 comparable to that specified for Part 2 special fund agencies.

3089 The annual budget request of the Department of Transportation
3090 shall be divided into the following program budgets: (a)
3091 administration and other expenses, (b) construction, (c)
3092 maintenance, and (d) debt service. In making its annual
3093 appropriation to the Department of Transportation from the State
3094 Highway Fund, the Legislature shall separate the appropriation
3095 bill into the four (4) program budget areas herein specified. For
3096 the purposes of this paragraph, "administration and other
3097 expenses" shall be construed to mean those expenses incurred due
3098 to departmental support activities which cannot be assigned to a
3099 specific construction or maintenance project, and shall be
3100 construed to include expenses incurred for office machines,
3101 furniture, fixtures, automobiles, station wagons, truck and other
3102 vehicles, road machinery, farm equipment and other working
3103 equipment, data processing and computer equipment, all other
3104 equipment, and replacements for equipment. "Construction" shall
3105 be construed to mean those expenses associated with the creation
3106 and development of the state highway system and its related
3107 facilities; "maintenance" shall be construed to mean those
3108 expenses incurred due to activities associated with preservation
3109 of safe and aesthetically acceptable highways in an attempt to
3110 maintain them in as close to the original condition as possible;
3111 and "debt service" shall be construed to mean amounts needed to



3112 pay bonds and interest coming due, bank service charges, and bond
3113 debt service.

3114 **SECTION 67.** Section 27-104-155, Mississippi Code of 1972, is
3115 amended as follows:

3116 27-104-155. (1) The Department of Finance and
3117 Administration shall develop and operate a searchable website that
3118 includes information on expenditures of state funds from all
3119 funding sources. The website shall have a unique and simplified
3120 website address, and the department shall require each agency that
3121 maintains a generally accessible Internet site or for which a
3122 generally accessible Internet site is maintained to include a link
3123 on the front page of the agency's Internet site to the searchable
3124 website required under this section.

3125 (a) With regard to disbursement of funds, the website
3126 shall include, but not be limited to:

3127 (i) The name and principal location of the entity
3128 or recipients of the funds, excluding release of information
3129 relating to an individual's place of residence, the identity of
3130 recipients of state or federal assistance payments, and any other
3131 information deemed confidential by state or federal law relating
3132 to privacy rights;

3133 (ii) The amount of state funds expended;

3134 (iii) A descriptive purpose of the funding action
3135 or expenditure;

3136 (iv) The funding source of the expenditure;



3137 (v) The budget program or activity of the
3138 expenditure;

3139 (vi) The specific source of authority and
3140 descriptive purpose of the expenditure, to include a link to the
3141 funding authorization document(s) in a searchable PDF form;

3142 (vii) The specific source of authority for the
3143 expenditure including, but not limited to, a grant, subgrant,
3144 contract, or the general discretion of the agency director,
3145 provided that if the authority is a grant, subgrant or contract,
3146 the website entry shall include a grant, subgrant or contract
3147 number or similar information that clearly identifies the specific
3148 source of authority. The information required under this
3149 paragraph includes data relative to tax exemptions and credits;

3150 (viii) The expending agency;

3151 (ix) The type of transaction;

3152 (x) The expected performance outcomes achieved for
3153 the funding action or expenditure;

3154 (xi) Links to any state audit or report relating
3155 to the entity or recipient of funds or the budget program or
3156 activity or agency; and

3157 (xii) Any other information deemed relevant by the
3158 Department of Finance and Administration.

3159 (b) When the expenditure of state funds involves the
3160 expenditure of bond proceeds, the searchable website must include
3161 a clear, detailed description of the purpose of the bonds, a



3162 current status report on the project or projects being financed by
3163 the bonds, and a current status report on the payment of the
3164 principal and interest on the bonds.

3165 (c) The searchable website must include access to an
3166 electronic summary of each grant, including amendments; subgrant,
3167 including amendments; contract, including amendments; and payment
3168 voucher that includes, wherever possible, a hyperlink to the
3169 actual document in a searchable PDF format, subject to the
3170 restrictions in paragraph (d) of this subsection. The Department
3171 of Finance and Administration may cooperate with other agencies to
3172 accomplish the requirements of this paragraph.

3173 (d) Nothing in Sections 27-104-151 through 27-104-159
3174 shall permit or require the disclosure of trade secrets or other
3175 proprietary information, including confidential vendor
3176 information, or any other information that is required to be
3177 confidential by state or federal law.

3178 (e) The information available from the searchable
3179 website must be updated no later than fourteen (14) days after the
3180 receipt of data from an agency, and the Department of Finance and
3181 Administration shall require each agency to provide to the
3182 department access to all data that is required to be accessible
3183 from the searchable website within fourteen (14) days of each
3184 expenditure, grant award, including amendments; subgrant,
3185 including amendments; or contract, including amendments; executed
3186 by the agency.



3187 (f) The searchable website must include all information
3188 required by this section for all transactions that are initiated
3189 in fiscal year 2015 or later. In addition, all information that
3190 is included on the searchable website from the date of the
3191 inception of the website until July 1, 2014, must be maintained on
3192 the website according to the requirements of this section before
3193 July 1, 2014, and remain accessible for ten (10) years from the
3194 date it was originally made available. All data on the searchable
3195 website must remain accessible to the public for a minimum of ten
3196 (10) years.

3197 (g) For the purposes of this subsection (1), the term
3198 "contract" includes, but is not limited to, personal and
3199 professional services contracts.

3200 (2) * * * Each state * * * institution of higher learning
3201 shall create * * * an IHL Accountability and Transparency website
3202 to include its executive office and the institutions of higher
3203 learning modeled after the website which was created by the
3204 predecessor Board of Trustees of State Institutions of Higher
3205 Learning * * * before July 1, 2012. This website shall:

3206 (a) Provide access to existing financial reports,
3207 financial audits, budgets and other financial documents that are
3208 used to allocate, appropriate, spend and account for appropriated
3209 funds;

3210 (b) Have a unique and simplified website address;



3211 (c) Be directly accessible via a link from the main
3212 page of the Department of Finance and Administration website, as
3213 well as the IHL website and the main page of the website of each
3214 institution of higher learning;

3215 (d) Include other links, features or functionality that
3216 will assist the public in obtaining and reviewing public financial
3217 information;

3218 (e) Report expenditure information currently available
3219 within these enterprise resource planning (ERP) computer systems;
3220 and

3221 (f) Design the reporting format using the existing
3222 capabilities of these ERP computer systems.

3223 (3) The Mississippi Community College Board shall create the
3224 Community and Junior Colleges Accountability and Transparency
3225 website to include its executive office and the community and
3226 junior colleges no later than July 1, 2012. This website shall:

3227 (a) Provide access to existing financial reports,
3228 financial audits, budgets and other financial documents that are
3229 used to allocate, appropriate, spend and account for appropriated
3230 funds;

3231 (b) Have a unique and simplified website address;

3232 (c) Be directly accessible via a link from the main
3233 page of the Department of Finance and Administration website, as
3234 well as the Mississippi Community College Board website and the
3235 main page of the website of each community and junior college;



3236 (d) Include other links, features or functionality that
3237 will assist the public in obtaining and reviewing public financial
3238 information;

3239 (e) Report expenditure information currently available
3240 within the computer system of each community and junior college;
3241 and

3242 (f) Design the reporting format using the existing
3243 capabilities of the computer system of each community and junior
3244 college.

3245 (4) Not later than January 1, 2016, the owner or owners of a
3246 community hospital, as defined in Section 41-13-10, shall create
3247 and maintain an accountability and transparency website for the
3248 community hospital or set up a separate section for the community
3249 hospital on the current website of the owner or owners. This
3250 website of the community hospital or section of the website of the
3251 owner or owners shall:

3252 (a) Provide access to existing financial reports,
3253 financial audits, budgets and other financial documents of the
3254 community hospital that are used to allocate, appropriate, spend
3255 and account for public funds;

3256 (b) Have a unique and simplified website address if it
3257 is a new website for the community hospital, or be an easily
3258 accessible section of the website of the owner or owners;



3259 (c) Include links, features or functionality that will
3260 assist the public in obtaining and reviewing public financial
3261 information of the community hospital;

3262 (d) Report expenditure information of the community
3263 hospital in functional expenditure categories that is currently
3264 available within the computer system of the community hospital;
3265 and

3266 (e) Design the reporting format using the existing
3267 capabilities of the computer system or systems of the owner or
3268 owners of the community hospital.

3269 **SECTION 68.** Section 27-104-203, Mississippi Code of 1972, is
3270 amended as follows:

3271 27-104-203. From and after July 1, 2016, no state agency
3272 shall charge another state agency a fee, assessment, rent, audit
3273 fee, personnel fee or other charge for services or resources
3274 received. The provisions of this section shall not apply (a) to
3275 grants, contracts, pass-through funds, project fees or other
3276 charges for services between state agencies and * * * any public
3277 university, the Mississippi Community College Board, any public
3278 community or junior college, and the State Department of
3279 Education, nor (b) to charges for services between * * * any
3280 public university, the Mississippi Community College Board, any
3281 public community or junior college, and the State Department of
3282 Education, nor (c) to federal grants, pass-through funds, cost
3283 allocation charges, surplus property charges or project fees



3284 between state agencies as approved or determined by the State
3285 Fiscal Officer, nor (d) telecommunications, data center services,
3286 and/or other information technology services that are used on an
3287 as-needed basis and those costs shall be passed through to the
3288 using agency, nor (e) to federal grants, special funds, or
3289 pass-through funds, available for payment by state agencies to the
3290 Department of Finance and Administration related to Mississippi
3291 Management and Reporting Systems (MMRS) Statewide Application
3292 charges and utilities as approved or determined by the State
3293 Fiscal Officer. * * * Any public university, the Mississippi
3294 Community College Board, any public community or junior college,
3295 and the State Department of Education shall retain the authority
3296 to charge and be charged for expenditures that they deemed
3297 nonrecurring in nature by the State Fiscal Officer.

3298 **SECTION 69.** Section 29-1-205, Mississippi Code of 1972, is
3299 amended as follows:

3300 29-1-205. (1) The Department of Finance and Administration,
3301 Bureau of Building, Grounds and Real Property Management, is
3302 hereby authorized, empowered and directed to sell and convey on
3303 behalf of the State of Mississippi to a nationally recognized
3304 organization which has as its purpose the recognition and
3305 promotion of scholarship, leadership and service among two-year
3306 college students throughout the country for the purpose of
3307 constructing a national headquarters thereon, the following
3308 described state-owned lands. The property authorized to be sold



3309 and conveyed is a certain parcel of land situated in the Northwest
3310 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
3311 County, Mississippi, and being more particularly described as
3312 follows, to wit:

3313 Commence at the Southwest corner of Lot 2 of
3314 Northeast Heights, a subdivision on file and of record in
3315 the Office of the Chancery Clerk at Jackson, Hinds
3316 County, Mississippi, in Plat Book 10 at page 45; run
3317 thence Southerly along the extension of the West line of
3318 said Lot 2 for a distance of 80.00 feet to a point on the
3319 South line of Eastover Drive; turn thence right through a
3320 deflection angle of 89 degrees 13 minutes and run
3321 westerly along the South line of Eastover Drive for a
3322 distance of 43.84 feet to the POINT OF BEGINNING; thence
3323 leaving said South line of Eastover Drive, turn left
3324 through a deflection angle of 95 degrees 41 minutes 50
3325 seconds and run Southerly along a line twenty-five feet
3326 from and parallel to the centerline of a 31 foot asphalt
3327 drive for a distance of 118.08 feet; turn thence right
3328 through a deflection angle of 3 degrees 07 minutes 37
3329 seconds and continue Southerly along a line twenty-five
3330 feet from and parallel to the centerline of a 31 foot
3331 asphalt drive for a distance of 132.71 feet to a point on
3332 the North line of a United Gas Pipe Line Company
3333 easement; turn thence right through a deflection angle of



3334 59 degrees 18 minutes 47 seconds and run Southwesterly
3335 along the North line of said United Gas Pipe Line Company
3336 easement for a distance of 520.00 feet; turn thence right
3337 through a deflection angle of 90 degrees 00 minutes 00
3338 seconds and run Northwesterly for a distance of 410.00
3339 feet; turn thence right through a deflection angle of 69
3340 degrees 42 minutes 33 seconds and run Northeasterly for a
3341 distance of 238.99 feet to a point on the South line of
3342 said Eastover Drive; said point further being on a 2
3343 degrees 27 minutes curve bearing to the right, said curve
3344 having a central angle of 8 degrees 58 minutes 45 seconds
3345 and a radius of 2258.60 feet; turn thence right through a
3346 deflection angle of 53 degrees 12 minutes 08 seconds and
3347 run Easterly along the chord of said 2 degrees 27 minutes
3348 curve bearing to the right and the South line of said
3349 Eastover Drive for a distance of 27.26 feet to the Point
3350 of Tangency; turn thence right through a deflection angle
3351 of 00 degrees 20 minutes 45 seconds and run Easterly
3352 along the South line said Eastover Drive for a distance
3353 of 472.74 feet to the POINT OF BEGINNING, containing 5.44
3354 acres more or less.

3355 (2) The Legislature recognizes that Mississippi's public
3356 two-year college system is the oldest system of its kind in the
3357 nation, and further recognizes that this system enjoys national
3358 notoriety and respect for its achievement and promotion of



3359 educational, civic, social and cultural excellence. The
3360 Legislature declares and finds that the purpose of this
3361 legislation is to promote, enhance and foster continued excellence
3362 in Mississippi's two-year college system and the overall
3363 educational development and improvement of the State of
3364 Mississippi and the educational, civic, social, cultural, moral
3365 and economic welfare thereof, and that such purposes will be
3366 accomplished by the conveyance of the above-described property to
3367 an organization within the aforesaid classification for
3368 construction of a national headquarters thereon.

3369 (3) The conveyance to be executed by the Department of
3370 Finance and Administration, acting through the Bureau of Building,
3371 Grounds and Real Property Management, shall be within the limits
3372 contained in Sections 29-1-205 and 29-1-209 and contain a
3373 provision reserving unto the state all oil, gas and mineral rights
3374 of every kind and character. The conveyance shall make provision
3375 for reasonable access to the conveyed premises over existing
3376 roadways and to existing utility lines for the benefit of the
3377 conveyed premises. The conveyance shall include terms granting
3378 to * * * university boards of trustees * * *, to the Mississippi
3379 Community College Board and to the Mississippi Authority for
3380 Educational Television reasonable rights to utilize the
3381 improvements to be constructed thereon, or portions thereof, for
3382 conference or meeting purposes, specifying the architectural style
3383 of the improvements and providing a reasonable setback of wooded



3384 undeveloped property contiguous to the improvements in order to
3385 maintain the natural environment of the site.

3386 (4) The conveyance herein shall be for such consideration as
3387 determined appropriate by the Public Procurement Review Board.
3388 Such consideration may be paid or provided in installments over a
3389 period of time (not to exceed twenty-five (25) years) and may also
3390 be provided in kind. In kind consideration may include the
3391 reasonable use of the improvements constructed on the property
3392 by * * * a university board of trustees * * * and its
3393 institutions, the Mississippi Community College Board and the
3394 community and junior colleges, and the Mississippi Authority for
3395 Educational Television and other state agencies, and the provision
3396 of leadership training certification programs for community and
3397 junior college faculty and others. Such in kind consideration may
3398 also constitute full and fair consideration for the property. In
3399 establishing consideration, the board may take into account the
3400 appraised value of the property, but shall allow reasonable credit
3401 to the purchaser for benefits accruing to the State of
3402 Mississippi, including the enhancement of the state's community
3403 and junior college program and the promotion of excellence in
3404 public education afforded by the location of such organization and
3405 its headquarters in this state, the increase in employment made
3406 possible, and that the only use which can be made of the conveyed
3407 premises is for the organization's national headquarters with
3408 reversion to the state otherwise.



3409 **SECTION 70.** Section 29-5-77, Mississippi Code of 1972, is
3410 amended as follows:

3411 29-5-77. (1) The Department of Finance and Administration
3412 shall have jurisdiction relative to the enforcement of all laws of
3413 the State of Mississippi on the properties, from curb to curb
3414 including adjoining streets, sidewalks and leased parking lots
3415 within the Capitol complex, set forth in Section 29-5-2, the Court
3416 of Appeals Building, the Mississippi Department of Transportation
3417 Building and the Public Employees' Retirement System Building, and
3418 any property purchased, constructed or otherwise acquired by the
3419 State of Mississippi for conducting state business and not
3420 specifically under the supervision and care by any other state
3421 entity, but which is reasonably assumed the department would be
3422 responsible for such, as approved by the Public Procurement Review
3423 Board. The Department of Finance and Administration shall,
3424 through any person or persons appointed by the Department of
3425 Finance and Administration, or through the Department of Public
3426 Safety when requested by the Department of Finance and
3427 Administration, make arrests for any violation of any law of the
3428 State of Mississippi on those grounds of or within those
3429 properties. The Department of Finance and Administration shall
3430 enforce the provisions of Sections 29-5-57 through 29-5-67,
3431 29-5-71 through 29-5-77, and 29-5-81 through 29-5-95, and
3432 prescribe such rules and regulations as are necessary therefor.



3433 (2) When in the opinion of the Governor or, in his absence,
3434 the Lieutenant Governor, it is readily apparent that an emergency
3435 exists that the persons appointed by the Department of Finance and
3436 Administration are unable to control in the accomplishment of the
3437 provisions of Sections 29-5-57 through 29-5-67, 29-5-71 through
3438 29-5-77, and 29-5-81 through 29-5-95 in regard to law enforcement,
3439 then the Governor or, in his absence, the Lieutenant Governor, may
3440 call upon the Department of Public Safety, members of which shall
3441 have power to arrest and detain any persons violating the
3442 provisions of those sections of law, until the person can be
3443 brought before the proper authorities for trial.

3444 (3) * * * The * * * Commissioner of Higher * * *
3445 Education * * * the Department of Finance and Administration shall
3446 be authorized to enter into a contract for the Department of
3447 Finance and Administration to supply the security personnel with
3448 jurisdiction to enforce all laws of the State of Mississippi on
3449 the property of the Board of Trustees located at the corner of
3450 Ridgewood Road and Lakeland Drive in the City of Jackson.

3451 (4) (a) The Department of Finance and Administration and
3452 the Department of Agriculture are authorized to enter into a
3453 contract for the Department of Finance and Administration to have
3454 jurisdiction and enforce all laws of the State of Mississippi on
3455 the property of the Department of Agriculture located at 121 North
3456 Jefferson Street and the new Farmer's Market Building located at
3457 the corner of High and Jefferson Streets in the City of Jackson,



3458 Hinds County, Mississippi. It is the intent of the Legislature
3459 that the Department of Finance and Administration will not post
3460 any security personnel at such buildings, but will provide regular
3461 vehicle patrols and responses to security system alarms.

3462 (b) The Department of Finance and Administration and
3463 the Mississippi Fair Commission are authorized to enter into a
3464 contract for the Department of Finance and Administration to have
3465 jurisdiction and enforce all laws of the State of Mississippi on
3466 the property of the Mississippi Fair Commission known as the
3467 "Mississippi State Fairgrounds Complex" and any and all of its
3468 outlying buildings and property. The Department of Finance and
3469 Administration and the Mississippi Fair Commission are authorized
3470 to enter into a contract for the Department of Finance and
3471 Administration to supply the security personnel to the Mississippi
3472 Fair Commission with jurisdiction to enforce all laws of the State
3473 of Mississippi on this property and any and all buildings on this
3474 property.

3475 (5) The Department of Finance and Administration and the
3476 Department of Revenue are authorized to enter into a contract for
3477 the Department of Finance and Administration to supply the
3478 security personnel with jurisdiction to enforce all laws of the
3479 State of Mississippi at the Alcoholic Beverage Control facility
3480 and the Department of Revenue main office.

3481 (6) The Department of Finance and Administration shall have
3482 jurisdiction relative to the enforcement of all laws of the State



3483 of Mississippi within the boundaries of the Capitol Complex
3484 Improvement District created in Section 29-5-203. The Department
3485 of Finance and Administration shall, through any person or persons
3486 appointed by the Department of Finance and Administration, make
3487 arrests for any violation of any law of the State of Mississippi
3488 which occurs within the boundaries of the district. The
3489 jurisdiction of the Department of Finance and Administration under
3490 this subsection (6) shall be concurrent with the jurisdiction of
3491 the City of Jackson, Mississippi, and that of Hinds County,
3492 Mississippi. The jurisdiction and authority of the Department of
3493 Finance and Administration under this subsection (6) shall be in
3494 addition to any other jurisdiction and authority provided to the
3495 department under this section or any other law.

3496 **SECTION 71.** Section 31-1-1, Mississippi Code of 1972, is
3497 amended as follows:

3498 31-1-1. The responsibility for the making of contracts for
3499 printing, binding, engraving and lithographing is hereby vested in
3500 each state agency or office which requires such printing, binding,
3501 engraving and lithographing, including but not restricted to the
3502 Secretary of State, State Department of Education, * * *
3503 Mississippi Department of Revenue, Supreme Court, Department of
3504 Insurance, State Auditor, Public Service Commission, State
3505 Treasurer, State Fiscal Management Board, State Veterans Affairs
3506 Board, Attorney General, Department of Agriculture and Commerce,
3507 State Board of Pharmacy, State Board of Dental Examiners, State



3508 Law Library, State Board of Health, Mississippi Department of
3509 Corrections, State Educational Finance Commission, Department of
3510 Archives and History, Mississippi State Hospital and * * * the
3511 respective state institutions of higher learning.

3512 All contracts referred to herein shall be submitted to and
3513 approved by the State Fiscal Management Board prior to their
3514 execution, except that those contracts under the jurisdiction of
3515 the Legislature shall be submitted to and approved by the
3516 Legislative Budget Office.

3517 All state agencies shall purchase all commodities required
3518 for their operation or for the proper fulfillment of their duties
3519 and functions in accordance with Chapter 7 of this title in order
3520 to coordinate and promote efficiency and economy in the purchase
3521 of such commodities for the state.

3522 **SECTION 72.** Section 31-7-10, Mississippi Code of 1972, is
3523 amended as follows:

3524 31-7-10. (1) For the purposes of this section, the term
3525 "equipment" shall mean equipment, furniture, and if applicable,
3526 associated software and other applicable direct costs associated
3527 with the acquisition. In addition to its other powers and duties,
3528 the Department of Finance and Administration shall have the
3529 authority to develop a master lease-purchase program and, pursuant
3530 to that program, shall have the authority to execute on behalf of
3531 the state master lease-purchase agreements for equipment to be
3532 used by an agency, as provided in this section. Each agency



3533 electing to acquire equipment by a lease-purchase agreement shall
3534 participate in the Department of Finance and Administration's
3535 master lease-purchase program, unless the Department of Finance
3536 and Administration makes a determination that such equipment
3537 cannot be obtained under the program or unless the equipment can
3538 be obtained elsewhere at an overall cost lower than that for which
3539 the equipment can be obtained under the program. Such
3540 lease-purchase agreements may include the refinancing or
3541 consolidation, or both, of any state agency lease-purchase
3542 agreements entered into after June 30, 1990.

3543 (2) All funds designated by agencies for procurement of
3544 equipment and financing thereof under the master lease-purchase
3545 program shall be paid into a special fund created in the State
3546 Treasury known as the "Master Lease-Purchase Program Fund," which
3547 shall be used by the Department of Finance and Administration for
3548 payment to the lessors for equipment acquired under master
3549 lease-purchase agreements.

3550 (3) Upon final approval of an appropriation bill, each
3551 agency shall submit to the Public Procurement Review Board a
3552 schedule of proposed equipment acquisitions for the master
3553 lease-purchase program. Upon approval of an equipment schedule by
3554 the Public Procurement Review Board with the advice of the
3555 Department of Information Technology Services, the Office of
3556 Purchasing, Travel and Fleet Management, and the Division of
3557 Energy and Transportation of the Mississippi Development Authority



3558 as it pertains to energy efficient climate control systems, the
3559 Public Procurement Review Board shall forward a copy of the
3560 equipment schedule to the Department of Finance and
3561 Administration.

3562 (4) The level of lease-purchase debt recommended by the
3563 Department of Finance and Administration shall be subject to
3564 approval by the State Bond Commission. After such approval, the
3565 Department of Finance and Administration shall be authorized to
3566 advertise and solicit written competitive proposals for a lessor,
3567 who will purchase the equipment pursuant to bid awards made by the
3568 using agency under a given category and then transfer the
3569 equipment to the Department of Finance and Administration as
3570 lessee, pursuant to a master lease-purchase agreement.

3571 The Department of Finance and Administration shall select the
3572 successful proposer for the financing of equipment under the
3573 master lease-purchase program with the approval of the State Bond
3574 Commission.

3575 (5) Each master lease-purchase agreement, and any subsequent
3576 amendments, shall include such terms and conditions as the State
3577 Bond Commission shall determine to be appropriate and in the
3578 public interest, and may include any covenants deemed necessary or
3579 desirable to protect the interests of the lessor, including, but
3580 not limited to, provisions setting forth the interest rate (or
3581 method for computing interest rates) for financing pursuant to
3582 such agreement, covenants concerning application of payments and



3583 funds held in the Master Lease-Purchase Program Fund, covenants to
3584 maintain casualty insurance with respect to equipment subject to
3585 the master lease-purchase agreement (and all state agencies are
3586 specifically authorized to purchase any insurance required by a
3587 master lease-purchase agreement) and covenants precluding or
3588 limiting the right of the lessee or user to acquire equipment
3589 within a specified time (not to exceed five (5) years) after
3590 cancellation on the basis of a failure to appropriate funds for
3591 payment of amounts due under a lease-purchase agreement covering
3592 comparable equipment. The State Bond Commission shall transmit
3593 copies of each such master lease-purchase agreement and each such
3594 amendment to the Joint Legislative Budget Committee. To the
3595 extent provided in any master lease-purchase agreement, title to
3596 equipment leased pursuant thereto shall be deemed to be vested in
3597 the state or the user of the equipment (as specified in such
3598 master lease-purchase agreement), subject to default under or
3599 termination of such master lease-purchase agreement.

3600 A master lease-purchase agreement may provide for payment by
3601 the lessor to the lessee of the purchase price of the equipment to
3602 be acquired pursuant thereto prior to the date on which payment is
3603 due to the vendor for such equipment and that the lease payments
3604 by the lessee shall commence as though the equipment had been
3605 provided on the date of payment. If the lessee, or lessee's
3606 escrow agent, has sufficient funds for payment of equipment
3607 purchases prior to payment due date to vendor of equipment, such



3608 funds shall be held or utilized on an as-needed basis for payment
3609 of equipment purchases either by the State Treasurer (in which
3610 event the master lease-purchase agreement may include provisions
3611 concerning the holding of such funds, the creation of a security
3612 interest for the benefit of the lessor in such funds until
3613 disbursed and other appropriate provisions approved by the Bond
3614 Commission) or by a corporate trustee selected by the Department
3615 of Finance and Administration (in which event the Department of
3616 Finance and Administration shall have the authority to enter into
3617 an agreement with such a corporate trustee containing terms and
3618 conditions approved by the Bond Commission). Earnings on any
3619 amount paid by the lessor prior to the acquisition of the
3620 equipment may be used to make lease payments under the master
3621 lease-purchase agreement or applied to pay costs and expenses
3622 incurred in connection with such lease-purchase agreement. In
3623 such event, the equipment-use agreements with the user agency may
3624 provide for lease payments to commence upon the date of payment by
3625 the lessor and may also provide for a credit against such payments
3626 to the extent that investment receipts from investment of the
3627 purchase price are to be used to make lease-purchase payments.

3628 (6) The annual rate of interest paid under any
3629 lease-purchase agreement authorized under this section shall not
3630 exceed the maximum interest rate to maturity on general obligation
3631 indebtedness permitted under Section 75-17-101.



3632 (7) The Department of Finance and Administration shall
3633 furnish the equipment to the various agencies, also known as the
3634 user, pursuant to an equipment-use agreement developed by the
3635 Department of Finance and Administration. Such agreements shall
3636 require that all monthly payments due from such agency be paid,
3637 transferred or allocated into the Master Lease-Purchase Program
3638 Fund pursuant to a schedule established by the Department of
3639 Finance and Administration. In the event such sums are not paid
3640 by the defined payment period, the Executive Director of the
3641 Department of Finance and Administration shall issue a requisition
3642 for a warrant to draw such amount as may be due from any funds
3643 appropriated for the use of the agency which has failed to make
3644 the payment as agreed.

3645 (8) All master lease-purchase agreements executed under the
3646 authority of this section shall contain the following annual
3647 allocation dependency clause or an annual allocation dependency
3648 clause which is substantially equivalent thereto: "The
3649 continuation of each equipment schedule to this agreement is
3650 contingent in whole or in part upon the appropriation of funds by
3651 the Legislature to make the lease-purchase payments required under
3652 such equipment schedule. If the Legislature fails to appropriate
3653 sufficient funds to provide for the continuation of the
3654 lease-purchase payments under any such equipment schedule, then
3655 the obligations of the lessee and of the agency to make such
3656 lease-purchase payments and the corresponding provisions of any



3657 such equipment schedule to this agreement shall terminate on the
3658 last day of the fiscal year for which appropriations were made."

3659 (9) The maximum lease term for any equipment acquired under
3660 the master lease-purchase program shall not exceed the useful life
3661 of such equipment as determined according to the upper limit of
3662 the asset depreciation range (ADR) guidelines for the Class Life
3663 Asset Depreciation Range System established by the Internal
3664 Revenue Service pursuant to the United States Internal Revenue
3665 Code and Regulations thereunder as in effect on December 31, 1980,
3666 or comparable depreciation guidelines with respect to any
3667 equipment not covered by ADR guidelines. The Department of
3668 Finance and Administration shall be deemed to have met the
3669 requirements of this subsection if the term of a master
3670 lease-purchase agreement does not exceed the weighted average
3671 useful life of all equipment covered by such agreement and the
3672 schedules thereto as determined by the Department of Finance and
3673 Administration. For purposes of this subsection, the "term of a
3674 master lease-purchase agreement" shall be the weighted average
3675 maturity of all principal payments to be made under such master
3676 lease-purchase agreement and all schedules thereto.

3677 (10) Interest paid on any master lease-purchase agreement
3678 under this section shall be exempt from State of Mississippi
3679 income taxation. All equipment, and the purchase thereof by any
3680 lessor, acquired under the master lease-purchase program and all



3681 lease-purchase payments with respect thereto shall be exempt from
3682 all Mississippi sales, use and ad valorem taxes.

3683 (11) The Governor, in his annual executive budget to the
3684 Legislature, shall recommend appropriations sufficient to provide
3685 funds to pay all amounts due and payable during the applicable
3686 fiscal year under master lease-purchase agreements entered into
3687 pursuant to this section.

3688 (12) Any master lease-purchase agreement reciting in
3689 substance that such agreement has been entered into pursuant to
3690 this section shall be conclusively deemed to have been entered
3691 into in accordance with all of the provisions and conditions set
3692 forth in this section. Any defect or irregularity arising with
3693 respect to procedures applicable to the acquisition of any
3694 equipment shall not invalidate or otherwise limit the obligation
3695 of the Department of Finance and Administration, or the state or
3696 any agency of the state, under any master lease-purchase agreement
3697 or any equipment-use agreement.

3698 (13) There shall be maintained by the Department of Finance
3699 and Administration, with respect to each master lease-purchase
3700 agreement, an itemized statement of the cash price, interest
3701 rates, interest costs, commissions, debt service schedules and all
3702 other costs and expenses paid by the state incident to the
3703 lease-purchase of equipment under such agreement.

3704 (14) Lease-purchase agreements entered into by * * * a
3705 university board of trustees * * * pursuant to the authority of



3706 Section 37-101-413 or by any other agency which has specific
3707 statutory authority other than pursuant to Section 31-7-13(e) to
3708 acquire equipment by lease-purchase shall not be made pursuant to
3709 the master lease-purchase program under this section, unless the
3710 said board of trustees * * * or such other agency elects to
3711 participate as to part or all of its lease-purchase acquisitions
3712 in the master lease-purchase program pursuant to this section.

3713 (15) The Department of Finance and Administration may
3714 develop a master lease-purchase program for school districts and,
3715 pursuant to that program, may execute on behalf of the school
3716 districts master lease-purchase agreements for equipment to be
3717 used by the school districts. The form and structure of this
3718 program shall be substantially the same as set forth in this
3719 section for the master lease-purchase program for state agencies.
3720 If sums due from a school district under the master lease-purchase
3721 program are not paid by the expiration of the defined payment
3722 period, the Executive Director of the Department of Finance and
3723 Administration may withhold such amount that is due from the
3724 school district's minimum education or adequate education program
3725 fund allotments.

3726 (16) The Department of Finance and Administration may
3727 develop a master lease-purchase program for community and junior
3728 college districts and, pursuant to that program, may execute on
3729 behalf of the community and junior college districts master
3730 lease-purchase agreements for equipment to be used by the



3731 community and junior college districts. The form and structure of
3732 this program must be substantially the same as set forth in this
3733 section for the master lease-purchase program for state agencies.
3734 If sums due from a community or junior college district under the
3735 master lease-purchase program are not paid by the expiration of
3736 the defined payment period, the Executive Director of the
3737 Department of Finance and Administration may withhold an amount
3738 equal to the amount due under the program from any funds allocated
3739 for that community or junior college district in the state
3740 appropriations for the use and support of the community and junior
3741 colleges.

3742 (17) From and after July 1, 2016, the expenses of this
3743 agency shall be defrayed by appropriation from the State General
3744 Fund and all user charges and fees authorized under this section
3745 shall be deposited into the State General Fund as authorized by
3746 law.

3747 (18) From and after July 1, 2016, no state agency shall
3748 charge another state agency a fee, assessment, rent or other
3749 charge for services or resources received by authority of this
3750 section.

3751 **SECTION 73.** Section 31-7-13, Mississippi Code of 1972, is
3752 amended as follows:

3753 31-7-13. All agencies and governing authorities shall
3754 purchase their commodities and printing; contract for garbage
3755 collection or disposal; contract for solid waste collection or



3756 disposal; contract for sewage collection or disposal; contract for
3757 public construction; and contract for rentals as herein provided.

3758 (a) **Bidding procedure for purchases not over \$5,000.00.**

3759 Purchases which do not involve an expenditure of more than Five
3760 Thousand Dollars (\$5,000.00), exclusive of freight or shipping
3761 charges, may be made without advertising or otherwise requesting
3762 competitive bids. However, nothing contained in this paragraph

3763 (a) shall be construed to prohibit any agency or governing
3764 authority from establishing procedures which require competitive
3765 bids on purchases of Five Thousand Dollars (\$5,000.00) or less.

3766 (b) **Bidding procedure for purchases over \$5,000.00 but**

3767 **not over \$50,000.00.** Purchases which involve an expenditure of
3768 more than Five Thousand Dollars (\$5,000.00) but not more than
3769 Fifty Thousand Dollars (\$50,000.00), exclusive of freight and
3770 shipping charges, may be made from the lowest and best bidder
3771 without publishing or posting advertisement for bids, provided at
3772 least two (2) competitive written bids have been obtained. Any
3773 state agency or community/junior college purchasing commodities or
3774 procuring construction pursuant to this paragraph (b) may
3775 authorize its purchasing agent, or his designee, to accept the
3776 lowest competitive written bid under Fifty Thousand Dollars
3777 (\$50,000.00). Any governing authority purchasing commodities
3778 pursuant to this paragraph (b) may authorize its purchasing agent,
3779 or his designee, with regard to governing authorities other than
3780 counties, or its purchase clerk, or his designee, with regard to



3781 counties, to accept the lowest and best competitive written bid.
3782 Such authorization shall be made in writing by the governing
3783 authority and shall be maintained on file in the primary office of
3784 the agency and recorded in the official minutes of the governing
3785 authority, as appropriate. The purchasing agent or the purchase
3786 clerk, or their designee, as the case may be, and not the
3787 governing authority, shall be liable for any penalties and/or
3788 damages as may be imposed by law for any act or omission of the
3789 purchasing agent or purchase clerk, or their designee,
3790 constituting a violation of law in accepting any bid without
3791 approval by the governing authority. The term "competitive
3792 written bid" shall mean a bid submitted on a bid form furnished by
3793 the buying agency or governing authority and signed by authorized
3794 personnel representing the vendor, or a bid submitted on a
3795 vendor's letterhead or identifiable bid form and signed by
3796 authorized personnel representing the vendor. "Competitive" shall
3797 mean that the bids are developed based upon comparable
3798 identification of the needs and are developed independently and
3799 without knowledge of other bids or prospective bids. Any bid item
3800 for construction in excess of Five Thousand Dollars (\$5,000.00)
3801 shall be broken down by components to provide detail of component
3802 description and pricing. These details shall be submitted with
3803 the written bids and become part of the bid evaluation criteria.
3804 Bids may be submitted by facsimile, electronic mail or other
3805 generally accepted method of information distribution. Bids



3806 submitted by electronic transmission shall not require the
3807 signature of the vendor's representative unless required by
3808 agencies or governing authorities.

3809 (c) **Bidding procedure for purchases over \$50,000.00.**

3810 (i) **Publication requirement.**

3811 1. Purchases which involve an expenditure of
3812 more than Fifty Thousand Dollars (\$50,000.00), exclusive of
3813 freight and shipping charges, may be made from the lowest and best
3814 bidder after advertising for competitive bids once each week for
3815 two (2) consecutive weeks in a regular newspaper published in the
3816 county or municipality in which such agency or governing authority
3817 is located. However, all American Recovery and Reinvestment Act
3818 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
3819 shall be bid. All references to American Recovery and
3820 Reinvestment Act projects in this section shall not apply to
3821 programs identified in Division B of the American Recovery and
3822 Reinvestment Act.

3823 2. Reverse auctions shall be the primary
3824 method for receiving bids during the bidding process. If a
3825 purchasing entity determines that a reverse auction is not in the
3826 best interest of the state, then that determination must be
3827 approved by the Public Procurement Review Board. The purchasing
3828 entity shall submit a detailed explanation of why a reverse
3829 auction would not be in the best interest of the state and present
3830 an alternative process to be approved by the Public Procurement



3831 Review Board. If the Public Procurement Review Board authorizes
3832 the purchasing entity to solicit bids with a method other than
3833 reverse auction, then the purchasing entity may designate the
3834 other methods by which the bids will be received, including, but
3835 not limited to, bids sealed in an envelope, bids received
3836 electronically in a secure system, or bids received by any other
3837 method that promotes open competition and has been approved by the
3838 Office of Purchasing and Travel. However, reverse auction shall
3839 not be used for any public contract for design or construction of
3840 public facilities, including buildings, roads and bridges. The
3841 Public Procurement Review Board must approve any contract entered
3842 into by alternative process. The provisions of this item 2 shall
3843 not apply to the individual state institutions of higher learning.

3844 3. The date as published for the bid opening
3845 shall not be less than seven (7) working days after the last
3846 published notice; however, if the purchase involves a construction
3847 project in which the estimated cost is in excess of Fifty Thousand
3848 Dollars (\$50,000.00), such bids shall not be opened in less than
3849 fifteen (15) working days after the last notice is published and
3850 the notice for the purchase of such construction shall be
3851 published once each week for two (2) consecutive weeks. However,
3852 all American Recovery and Reinvestment Act projects in excess of
3853 Twenty-five Thousand Dollars (\$25,000.00) shall be bid. For any
3854 projects in excess of Twenty-five Thousand Dollars (\$25,000.00)
3855 under the American Recovery and Reinvestment Act, publication



3856 shall be made one (1) time and the bid opening for construction
3857 projects shall not be less than ten (10) working days after the
3858 date of the published notice. The notice of intention to let
3859 contracts or purchase equipment shall state the time and place at
3860 which bids shall be received, list the contracts to be made or
3861 types of equipment or supplies to be purchased, and, if all plans
3862 and/or specifications are not published, refer to the plans and/or
3863 specifications on file. If there is no newspaper published in the
3864 county or municipality, then such notice shall be given by posting
3865 same at the courthouse, or for municipalities at the city hall,
3866 and at two (2) other public places in the county or municipality,
3867 and also by publication once each week for two (2) consecutive
3868 weeks in some newspaper having a general circulation in the county
3869 or municipality in the above-provided manner. On the same date
3870 that the notice is submitted to the newspaper for publication, the
3871 agency or governing authority involved shall mail written notice
3872 to, or provide electronic notification to the main office of the
3873 Mississippi Procurement Technical Assistance Program under the
3874 Mississippi Development Authority that contains the same
3875 information as that in the published notice. Submissions received
3876 by the Mississippi Procurement Technical Assistance Program for
3877 projects funded by the American Recovery and Reinvestment Act
3878 shall be displayed on a separate and unique Internet web page
3879 accessible to the public and maintained by the Mississippi
3880 Development Authority for the Mississippi Procurement Technical



3881 Assistance Program. Those American Recovery and Reinvestment Act
3882 related submissions shall be publicly posted within twenty-four
3883 (24) hours of receipt by the Mississippi Development Authority and
3884 the bid opening shall not occur until the submission has been
3885 posted for ten (10) consecutive days. The Department of Finance
3886 and Administration shall maintain information regarding contracts
3887 and other expenditures from the American Recovery and Reinvestment
3888 Act, on a unique Internet web page accessible to the public. The
3889 Department of Finance and Administration shall promulgate rules
3890 regarding format, content and deadlines, unless otherwise
3891 specified by law, of the posting of award notices, contract
3892 execution and subsequent amendments, links to the contract
3893 documents, expenditures against the awarded contracts and general
3894 expenditures of funds from the American Recovery and Reinvestment
3895 Act. Within one (1) working day of the contract award, the agency
3896 or governing authority shall post to the designated web page
3897 maintained by the Department of Finance and Administration, notice
3898 of the award, including the award recipient, the contract amount,
3899 and a brief summary of the contract in accordance with rules
3900 promulgated by the department. Within one (1) working day of the
3901 contract execution, the agency or governing authority shall post
3902 to the designated web page maintained by the Department of Finance
3903 and Administration a summary of the executed contract and make a
3904 copy of the appropriately redacted contract documents available
3905 for linking to the designated web page in accordance with the



3906 rules promulgated by the department. The information provided by
3907 the agency or governing authority shall be posted to the web page
3908 for the duration of the American Recovery and Reinvestment Act
3909 funding or until the project is completed, whichever is longer.

3910 (ii) **Bidding process amendment procedure.** If all
3911 plans and/or specifications are published in the notification,
3912 then the plans and/or specifications may not be amended. If all
3913 plans and/or specifications are not published in the notification,
3914 then amendments to the plans/specifications, bid opening date, bid
3915 opening time and place may be made, provided that the agency or
3916 governing authority maintains a list of all prospective bidders
3917 who are known to have received a copy of the bid documents and all
3918 such prospective bidders are sent copies of all amendments. This
3919 notification of amendments may be made via mail, facsimile,
3920 electronic mail or other generally accepted method of information
3921 distribution. No addendum to bid specifications may be issued
3922 within two (2) working days of the time established for the
3923 receipt of bids unless such addendum also amends the bid opening
3924 to a date not less than five (5) working days after the date of
3925 the addendum.

3926 (iii) **Filing requirement.** In all cases involving
3927 governing authorities, before the notice shall be published or
3928 posted, the plans or specifications for the construction or
3929 equipment being sought shall be filed with the clerk of the board
3930 of the governing authority. In addition to these requirements, a



3931 bid file shall be established which shall indicate those vendors
3932 to whom such solicitations and specifications were issued, and
3933 such file shall also contain such information as is pertinent to
3934 the bid.

3935 (iv) **Specification restrictions.**

3936 1. Specifications pertinent to such bidding
3937 shall be written so as not to exclude comparable equipment of
3938 domestic manufacture. However, if valid justification is
3939 presented, the Department of Finance and Administration or the
3940 board of a governing authority may approve a request for specific
3941 equipment necessary to perform a specific job. Further, such
3942 justification, when placed on the minutes of the board of a
3943 governing authority, may serve as authority for that governing
3944 authority to write specifications to require a specific item of
3945 equipment needed to perform a specific job. In addition to these
3946 requirements, from and after July 1, 1990, vendors of relocatable
3947 classrooms and the specifications for the purchase of such
3948 relocatable classrooms published by local school boards shall meet
3949 all pertinent regulations of the State Board of Education,
3950 including prior approval of such bid by the State Department of
3951 Education.

3952 2. Specifications for construction projects
3953 may include an allowance for commodities, equipment, furniture,
3954 construction materials or systems in which prospective bidders are
3955 instructed to include in their bids specified amounts for such



3956 items so long as the allowance items are acquired by the vendor in
3957 a commercially reasonable manner and approved by the
3958 agency/governing authority. Such acquisitions shall not be made
3959 to circumvent the public purchasing laws.

3960 (v) **Electronic bids.** Agencies and governing
3961 authorities shall provide a secure electronic interactive system
3962 for the submittal of bids requiring competitive bidding that shall
3963 be an additional bidding option for those bidders who choose to
3964 submit their bids electronically. The Department of Finance and
3965 Administration shall provide, by regulation, the standards that
3966 agencies must follow when receiving electronic bids. Agencies and
3967 governing authorities shall make the appropriate provisions
3968 necessary to accept electronic bids from those bidders who choose
3969 to submit their bids electronically for all purchases requiring
3970 competitive bidding under this section. Any special condition or
3971 requirement for the electronic bid submission shall be specified
3972 in the advertisement for bids required by this section. Agencies
3973 or governing authorities that are currently without available high
3974 speed Internet access shall be exempt from the requirement of this
3975 subparagraph (v) until such time that high speed Internet access
3976 becomes available. Any county having a population of less than
3977 twenty thousand (20,000) shall be exempt from the provisions of
3978 this subparagraph (v). Any municipality having a population of
3979 less than ten thousand (10,000) shall be exempt from the
3980 provisions of this subparagraph (v). The provisions of this



3981 subparagraph (v) shall not require any bidder to submit bids
3982 electronically. When construction bids are submitted
3983 electronically, the requirement for including a certificate of
3984 responsibility, or a statement that the bid enclosed does not
3985 exceed Fifty Thousand Dollars (\$50,000.00), on the exterior of the
3986 bid envelope as indicated in Section 31-3-21(1) and (2) shall be
3987 deemed in compliance with by including same as an attachment with
3988 the electronic bid submittal.

3989 (d) **Lowest and best bid decision procedure.**

3990 (i) **Decision procedure.** Purchases may be made
3991 from the lowest and best bidder. In determining the lowest and
3992 best bid, freight and shipping charges shall be included.
3993 Life-cycle costing, total cost bids, warranties, guaranteed
3994 buy-back provisions and other relevant provisions may be included
3995 in the best bid calculation. All best bid procedures for state
3996 agencies must be in compliance with regulations established by the
3997 Department of Finance and Administration. If any governing
3998 authority accepts a bid other than the lowest bid actually
3999 submitted, it shall place on its minutes detailed calculations and
4000 narrative summary showing that the accepted bid was determined to
4001 be the lowest and best bid, including the dollar amount of the
4002 accepted bid and the dollar amount of the lowest bid. No agency
4003 or governing authority shall accept a bid based on items not
4004 included in the specifications.



4005 (ii) **Decision procedure for Certified Purchasing**
4006 **Offices.** In addition to the decision procedure set forth in
4007 subparagraph (i) of this paragraph (d), Certified Purchasing
4008 Offices may also use the following procedure: Purchases may be
4009 made from the bidder offering the best value. In determining the
4010 best value bid, freight and shipping charges shall be included.
4011 Life-cycle costing, total cost bids, warranties, guaranteed
4012 buy-back provisions, documented previous experience, training
4013 costs and other relevant provisions, including, but not limited
4014 to, a bidder having a local office and inventory located within
4015 the jurisdiction of the governing authority, may be included in
4016 the best value calculation. This provision shall authorize
4017 Certified Purchasing Offices to utilize a Request For Proposals
4018 (RFP) process when purchasing commodities. All best value
4019 procedures for state agencies must be in compliance with
4020 regulations established by the Department of Finance and
4021 Administration. No agency or governing authority shall accept a
4022 bid based on items or criteria not included in the specifications.

4023 (iii) **Decision procedure for Mississippi**
4024 **Landmarks.** In addition to the decision procedure set forth in
4025 subparagraph (i) of this paragraph (d), where purchase involves
4026 renovation, restoration, or both, of the State Capitol Building or
4027 any other historical building designated for at least five (5)
4028 years as a Mississippi Landmark by the Board of Trustees of the
4029 Department of Archives and History under the authority of Sections



4030 39-7-7 and 39-7-11, the agency or governing authority may use the
4031 following procedure: Purchases may be made from the lowest and
4032 best prequalified bidder. Prequalification of bidders shall be
4033 determined not less than fifteen (15) working days before the
4034 first published notice of bid opening. Prequalification criteria
4035 shall be limited to bidder's knowledge and experience in
4036 historical restoration, preservation and renovation. In
4037 determining the lowest and best bid, freight and shipping charges
4038 shall be included. Life-cycle costing, total cost bids,
4039 warranties, guaranteed buy-back provisions and other relevant
4040 provisions may be included in the best bid calculation. All best
4041 bid and prequalification procedures for state agencies must be in
4042 compliance with regulations established by the Department of
4043 Finance and Administration. If any governing authority accepts a
4044 bid other than the lowest bid actually submitted, it shall place
4045 on its minutes detailed calculations and narrative summary showing
4046 that the accepted bid was determined to be the lowest and best
4047 bid, including the dollar amount of the accepted bid and the
4048 dollar amount of the lowest bid. No agency or governing authority
4049 shall accept a bid based on items not included in the
4050 specifications.

4051 (iv) **Construction project negotiations authority.**
4052 If the lowest and best bid is not more than ten percent (10%)
4053 above the amount of funds allocated for a public construction or
4054 renovation project, then the agency or governing authority shall



4055 be permitted to negotiate with the lowest bidder in order to enter
4056 into a contract for an amount not to exceed the funds allocated.

4057 (e) **Lease-purchase authorization.** For the purposes of
4058 this section, the term "equipment" shall mean equipment, furniture
4059 and, if applicable, associated software and other applicable
4060 direct costs associated with the acquisition. Any lease-purchase
4061 of equipment which an agency is not required to lease-purchase
4062 under the master lease-purchase program pursuant to Section
4063 31-7-10 and any lease-purchase of equipment which a governing
4064 authority elects to lease-purchase may be acquired by a
4065 lease-purchase agreement under this paragraph (e). Lease-purchase
4066 financing may also be obtained from the vendor or from a
4067 third-party source after having solicited and obtained at least
4068 two (2) written competitive bids, as defined in paragraph (b) of
4069 this section, for such financing without advertising for such
4070 bids. Solicitation for the bids for financing may occur before or
4071 after acceptance of bids for the purchase of such equipment or,
4072 where no such bids for purchase are required, at any time before
4073 the purchase thereof. No such lease-purchase agreement shall be
4074 for an annual rate of interest which is greater than the overall
4075 maximum interest rate to maturity on general obligation
4076 indebtedness permitted under Section 75-17-101, and the term of
4077 such lease-purchase agreement shall not exceed the useful life of
4078 equipment covered thereby as determined according to the upper
4079 limit of the asset depreciation range (ADR) guidelines for the



4080 Class Life Asset Depreciation Range System established by the
4081 Internal Revenue Service pursuant to the United States Internal
4082 Revenue Code and regulations thereunder as in effect on December
4083 31, 1980, or comparable depreciation guidelines with respect to
4084 any equipment not covered by ADR guidelines. Any lease-purchase
4085 agreement entered into pursuant to this paragraph (e) may contain
4086 any of the terms and conditions which a master lease-purchase
4087 agreement may contain under the provisions of Section 31-7-10(5),
4088 and shall contain an annual allocation dependency clause
4089 substantially similar to that set forth in Section 31-7-10(8).
4090 Each agency or governing authority entering into a lease-purchase
4091 transaction pursuant to this paragraph (e) shall maintain with
4092 respect to each such lease-purchase transaction the same
4093 information as required to be maintained by the Department of
4094 Finance and Administration pursuant to Section 31-7-10(13).
4095 However, nothing contained in this section shall be construed to
4096 permit agencies to acquire items of equipment with a total
4097 acquisition cost in the aggregate of less than Ten Thousand
4098 Dollars (\$10,000.00) by a single lease-purchase transaction. All
4099 equipment, and the purchase thereof by any lessor, acquired by
4100 lease-purchase under this paragraph and all lease-purchase
4101 payments with respect thereto shall be exempt from all Mississippi
4102 sales, use and ad valorem taxes. Interest paid on any
4103 lease-purchase agreement under this section shall be exempt from
4104 State of Mississippi income taxation.



4105 (f) **Alternate bid authorization.** When necessary to
4106 ensure ready availability of commodities for public works and the
4107 timely completion of public projects, no more than two (2)
4108 alternate bids may be accepted by a governing authority for
4109 commodities. No purchases may be made through use of such
4110 alternate bids procedure unless the lowest and best bidder cannot
4111 deliver the commodities contained in his bid. In that event,
4112 purchases of such commodities may be made from one (1) of the
4113 bidders whose bid was accepted as an alternate.

4114 (g) **Construction contract change authorization.** In the
4115 event a determination is made by an agency or governing authority
4116 after a construction contract is let that changes or modifications
4117 to the original contract are necessary or would better serve the
4118 purpose of the agency or the governing authority, such agency or
4119 governing authority may, in its discretion, order such changes
4120 pertaining to the construction that are necessary under the
4121 circumstances without the necessity of further public bids;
4122 provided that such change shall be made in a commercially
4123 reasonable manner and shall not be made to circumvent the public
4124 purchasing statutes. In addition to any other authorized person,
4125 the architect or engineer hired by an agency or governing
4126 authority with respect to any public construction contract shall
4127 have the authority, when granted by an agency or governing
4128 authority, to authorize changes or modifications to the original
4129 contract without the necessity of prior approval of the agency or



4130 governing authority when any such change or modification is less
4131 than one percent (1%) of the total contract amount. The agency or
4132 governing authority may limit the number, manner or frequency of
4133 such emergency changes or modifications.

4134 (h) **Petroleum purchase alternative.** In addition to
4135 other methods of purchasing authorized in this chapter, when any
4136 agency or governing authority shall have a need for gas, diesel
4137 fuel, oils and/or other petroleum products in excess of the amount
4138 set forth in paragraph (a) of this section, such agency or
4139 governing authority may purchase the commodity after having
4140 solicited and obtained at least two (2) competitive written bids,
4141 as defined in paragraph (b) of this section. If two (2)
4142 competitive written bids are not obtained, the entity shall comply
4143 with the procedures set forth in paragraph (c) of this section.
4144 In the event any agency or governing authority shall have
4145 advertised for bids for the purchase of gas, diesel fuel, oils and
4146 other petroleum products and coal and no acceptable bids can be
4147 obtained, such agency or governing authority is authorized and
4148 directed to enter into any negotiations necessary to secure the
4149 lowest and best contract available for the purchase of such
4150 commodities.

4151 (i) **Road construction petroleum products price**
4152 **adjustment clause authorization.** Any agency or governing
4153 authority authorized to enter into contracts for the construction,
4154 maintenance, surfacing or repair of highways, roads or streets,



4155 may include in its bid proposal and contract documents a price
4156 adjustment clause with relation to the cost to the contractor,
4157 including taxes, based upon an industry-wide cost index, of
4158 petroleum products including asphalt used in the performance or
4159 execution of the contract or in the production or manufacture of
4160 materials for use in such performance. Such industry-wide index
4161 shall be established and published monthly by the Mississippi
4162 Department of Transportation with a copy thereof to be mailed,
4163 upon request, to the clerks of the governing authority of each
4164 municipality and the clerks of each board of supervisors
4165 throughout the state. The price adjustment clause shall be based
4166 on the cost of such petroleum products only and shall not include
4167 any additional profit or overhead as part of the adjustment. The
4168 bid proposals or document contract shall contain the basis and
4169 methods of adjusting unit prices for the change in the cost of
4170 such petroleum products.

4171 (j) **State agency emergency purchase procedure.** If the
4172 governing board or the executive head, or his designees, of any
4173 agency of the state shall determine that an emergency exists in
4174 regard to the purchase of any commodities or repair contracts, so
4175 that the delay incident to giving opportunity for competitive
4176 bidding would be detrimental to the interests of the state, then
4177 the head of such agency, or his designees, shall file with the
4178 Department of Finance and Administration (i) a statement
4179 explaining the conditions and circumstances of the emergency,



4180 which shall include a detailed description of the events leading
4181 up to the situation and the negative impact to the entity if the
4182 purchase is made following the statutory requirements set forth in
4183 paragraph (a), (b) or (c) of this section, and (ii) a certified
4184 copy of the appropriate minutes of the board of such agency
4185 requesting the emergency purchase, if applicable. Upon receipt of
4186 the statement and applicable board certification, the State Fiscal
4187 Officer, or his designees, may, in writing, authorize the purchase
4188 or repair without having to comply with competitive bidding
4189 requirements.

4190 If the governing board or the executive head, or his
4191 designees, of any agency determines that an emergency exists in
4192 regard to the purchase of any commodities or repair contracts, so
4193 that the delay incident to giving opportunity for competitive
4194 bidding would threaten the health or safety of any person, or the
4195 preservation or protection of property, then the provisions in
4196 this section for competitive bidding shall not apply, and any
4197 officer or agent of the agency having general or specific
4198 authority for making the purchase or repair contract shall approve
4199 the bill presented for payment, and he shall certify in writing
4200 from whom the purchase was made, or with whom the repair contract
4201 was made.

4202 Total purchases made under this paragraph (j) shall only be
4203 for the purpose of meeting needs created by the emergency
4204 situation. Following the emergency purchase, documentation of the



4205 purchase, including a description of the commodity purchased, the
4206 purchase price thereof and the nature of the emergency shall be
4207 filed with the Department of Finance and Administration. Any
4208 contract awarded pursuant to this paragraph (j) shall not exceed a
4209 term of one (1) year.

4210 (k) **Governing authority emergency purchase procedure.**

4211 If the governing authority, or the governing authority acting
4212 through its designee, shall determine that an emergency exists in
4213 regard to the purchase of any commodities or repair contracts, so
4214 that the delay incident to giving opportunity for competitive
4215 bidding would be detrimental to the interest of the governing
4216 authority, then the provisions herein for competitive bidding
4217 shall not apply and any officer or agent of such governing
4218 authority having general or special authority therefor in making
4219 such purchase or repair shall approve the bill presented therefor,
4220 and he shall certify in writing thereon from whom such purchase
4221 was made, or with whom such a repair contract was made. At the
4222 board meeting next following the emergency purchase or repair
4223 contract, documentation of the purchase or repair contract,
4224 including a description of the commodity purchased, the price
4225 thereof and the nature of the emergency shall be presented to the
4226 board and shall be placed on the minutes of the board of such
4227 governing authority.

4228 (l) **Hospital purchase, lease-purchase and lease**
4229 **authorization.**



4230 (i) The commissioners or board of trustees of any
4231 public hospital may contract with such lowest and best bidder for
4232 the purchase or lease-purchase of any commodity under a contract
4233 of purchase or lease-purchase agreement whose obligatory payment
4234 terms do not exceed five (5) years.

4235 (ii) In addition to the authority granted in
4236 subparagraph (i) of this paragraph (1), the commissioners or board
4237 of trustees is authorized to enter into contracts for the lease of
4238 equipment or services, or both, which it considers necessary for
4239 the proper care of patients if, in its opinion, it is not
4240 financially feasible to purchase the necessary equipment or
4241 services. Any such contract for the lease of equipment or
4242 services executed by the commissioners or board shall not exceed a
4243 maximum of five (5) years' duration and shall include a
4244 cancellation clause based on unavailability of funds. If such
4245 cancellation clause is exercised, there shall be no further
4246 liability on the part of the lessee. Any such contract for the
4247 lease of equipment or services executed on behalf of the
4248 commissioners or board that complies with the provisions of this
4249 subparagraph (ii) shall be excepted from the bid requirements set
4250 forth in this section.

4251 (m) **Exceptions from bidding requirements.** Excepted
4252 from bid requirements are:

4253 (i) **Purchasing agreements approved by department.**
4254 Purchasing agreements, contracts and maximum price regulations



4255 executed or approved by the Department of Finance and
4256 Administration.

4257 (ii) **Outside equipment repairs.** Repairs to
4258 equipment, when such repairs are made by repair facilities in the
4259 private sector; however, engines, transmissions, rear axles and/or
4260 other such components shall not be included in this exemption when
4261 replaced as a complete unit instead of being repaired and the need
4262 for such total component replacement is known before disassembly
4263 of the component; however, invoices identifying the equipment,
4264 specific repairs made, parts identified by number and name,
4265 supplies used in such repairs, and the number of hours of labor
4266 and costs therefor shall be required for the payment for such
4267 repairs.

4268 (iii) **In-house equipment repairs.** Purchases of
4269 parts for repairs to equipment, when such repairs are made by
4270 personnel of the agency or governing authority; however, entire
4271 assemblies, such as engines or transmissions, shall not be
4272 included in this exemption when the entire assembly is being
4273 replaced instead of being repaired.

4274 (iv) **Raw gravel or dirt.** Raw unprocessed deposits
4275 of gravel or fill dirt which are to be removed and transported by
4276 the purchaser.

4277 (v) **Governmental equipment auctions.** Motor
4278 vehicles or other equipment purchased from a federal agency or
4279 authority, another governing authority or state agency of the



4280 State of Mississippi, or any governing authority or state agency
4281 of another state at a public auction held for the purpose of
4282 disposing of such vehicles or other equipment. Any purchase by a
4283 governing authority under the exemption authorized by this
4284 subparagraph (v) shall require advance authorization spread upon
4285 the minutes of the governing authority to include the listing of
4286 the item or items authorized to be purchased and the maximum bid
4287 authorized to be paid for each item or items.

4288 (vi) **Intergovernmental sales and transfers.**

4289 Purchases, sales, transfers or trades by governing authorities or
4290 state agencies when such purchases, sales, transfers or trades are
4291 made by a private treaty agreement or through means of
4292 negotiation, from any federal agency or authority, another
4293 governing authority or state agency of the State of Mississippi,
4294 or any state agency or governing authority of another state.
4295 Nothing in this section shall permit such purchases through public
4296 auction except as provided for in subparagraph (v) of this
4297 paragraph (m). It is the intent of this section to allow
4298 governmental entities to dispose of and/or purchase commodities
4299 from other governmental entities at a price that is agreed to by
4300 both parties. This shall allow for purchases and/or sales at
4301 prices which may be determined to be below the market value if the
4302 selling entity determines that the sale at below market value is
4303 in the best interest of the taxpayers of the state. Governing
4304 authorities shall place the terms of the agreement and any



4305 justification on the minutes, and state agencies shall obtain
4306 approval from the Department of Finance and Administration, prior
4307 to releasing or taking possession of the commodities.

4308 (vii) **Perishable supplies or food.** Perishable
4309 supplies or food purchased for use in connection with hospitals,
4310 the school lunch programs, homemaking programs and for the feeding
4311 of county or municipal prisoners.

4312 (viii) **Single source items.** Noncompetitive items
4313 available from one (1) source only. In connection with the
4314 purchase of noncompetitive items only available from one (1)
4315 source, a certification of the conditions and circumstances
4316 requiring the purchase shall be filed by the agency with the
4317 Department of Finance and Administration and by the governing
4318 authority with the board of the governing authority. Upon receipt
4319 of that certification the Department of Finance and Administration
4320 or the board of the governing authority, as the case may be, may,
4321 in writing, authorize the purchase, which authority shall be noted
4322 on the minutes of the body at the next regular meeting thereafter.
4323 In those situations, a governing authority is not required to
4324 obtain the approval of the Department of Finance and
4325 Administration. Following the purchase, the executive head of the
4326 state agency, or his designees, shall file with the Department of
4327 Finance and Administration, documentation of the purchase,
4328 including a description of the commodity purchased, the purchase
4329 price thereof and the source from whom it was purchased.



4330 (ix) **Waste disposal facility construction**
4331 **contracts.** Construction of incinerators and other facilities for
4332 disposal of solid wastes in which products either generated
4333 therein, such as steam, or recovered therefrom, such as materials
4334 for recycling, are to be sold or otherwise disposed of; however,
4335 in constructing such facilities, a governing authority or agency
4336 shall publicly issue requests for proposals, advertised for in the
4337 same manner as provided herein for seeking bids for public
4338 construction projects, concerning the design, construction,
4339 ownership, operation and/or maintenance of such facilities,
4340 wherein such requests for proposals when issued shall contain
4341 terms and conditions relating to price, financial responsibility,
4342 technology, environmental compatibility, legal responsibilities
4343 and such other matters as are determined by the governing
4344 authority or agency to be appropriate for inclusion; and after
4345 responses to the request for proposals have been duly received,
4346 the governing authority or agency may select the most qualified
4347 proposal or proposals on the basis of price, technology and other
4348 relevant factors and from such proposals, but not limited to the
4349 terms thereof, negotiate and enter contracts with one or more of
4350 the persons or firms submitting proposals.

4351 (x) **Hospital group purchase contracts.** Supplies,
4352 commodities and equipment purchased by hospitals through group
4353 purchase programs pursuant to Section 31-7-38.



4354 (xi) **Information technology products.** Purchases
4355 of information technology products made by governing authorities
4356 under the provisions of purchase schedules, or contracts executed
4357 or approved by the Mississippi Department of Information
4358 Technology Services and designated for use by governing
4359 authorities.

4360 (xii) **Energy efficiency services and equipment.**
4361 Energy efficiency services and equipment acquired by school
4362 districts, community and junior colleges, institutions of higher
4363 learning and state agencies or other applicable governmental
4364 entities on a shared-savings, lease or lease-purchase basis
4365 pursuant to Section 31-7-14.

4366 (xiii) **Municipal electrical utility system fuel.**
4367 Purchases of coal and/or natural gas by municipally owned electric
4368 power generating systems that have the capacity to use both coal
4369 and natural gas for the generation of electric power.

4370 (xiv) **Library books and other reference materials.**
4371 Purchases by libraries or for libraries of books and periodicals;
4372 processed film, videocassette tapes, filmstrips and slides;
4373 recorded audiotapes, cassettes and diskettes; and any such items
4374 as would be used for teaching, research or other information
4375 distribution; however, equipment such as projectors, recorders,
4376 audio or video equipment, and monitor televisions are not exempt
4377 under this subparagraph.



4378 (xv) **Unmarked vehicles.** Purchases of unmarked
4379 vehicles when such purchases are made in accordance with
4380 purchasing regulations adopted by the Department of Finance and
4381 Administration pursuant to Section 31-7-9(2).

4382 (xvi) **Election ballots.** Purchases of ballots
4383 printed pursuant to Section 23-15-351.

4384 (xvii) **Multichannel interactive video systems.**
4385 From and after July 1, 1990, contracts by Mississippi Authority
4386 for Educational Television with any private educational
4387 institution or private nonprofit organization whose purposes are
4388 educational in regard to the construction, purchase, lease or
4389 lease-purchase of facilities and equipment and the employment of
4390 personnel for providing multichannel interactive video systems
4391 (ITSF) in the school districts of this state.

4392 (xviii) **Purchases of prison industry products by**
4393 **the Department of Corrections, regional correctional facilities or**
4394 **privately owned prisons.** Purchases made by the Mississippi
4395 Department of Corrections, regional correctional facilities or
4396 privately owned prisons involving any item that is manufactured,
4397 processed, grown or produced from the state's prison industries.

4398 (xix) **Undercover operations equipment.** Purchases
4399 of surveillance equipment or any other high-tech equipment to be
4400 used by law enforcement agents in undercover operations, provided
4401 that any such purchase shall be in compliance with regulations
4402 established by the Department of Finance and Administration.



4403 (xx) **Junior college books for rent.** Purchases by
4404 community or junior colleges of textbooks which are obtained for
4405 the purpose of renting such books to students as part of a book
4406 service system.

4407 (xxi) **Certain school district purchases.**
4408 Purchases of commodities made by school districts from vendors
4409 with which any levying authority of the school district, as
4410 defined in Section 37-57-1, has contracted through competitive
4411 bidding procedures for purchases of the same commodities.

4412 (xxii) **Garbage, solid waste and sewage contracts.**
4413 Contracts for garbage collection or disposal, contracts for solid
4414 waste collection or disposal and contracts for sewage collection
4415 or disposal.

4416 (xxiii) **Municipal water tank maintenance**
4417 **contracts.** Professional maintenance program contracts for the
4418 repair or maintenance of municipal water tanks, which provide
4419 professional services needed to maintain municipal water storage
4420 tanks for a fixed annual fee for a duration of two (2) or more
4421 years.

4422 (xxiv) **Purchases of Mississippi Industries for the**
4423 **Blind products.** Purchases made by state agencies or governing
4424 authorities involving any item that is manufactured, processed or
4425 produced by the Mississippi Industries for the Blind.

4426 (xxv) **Purchases of state-adopted textbooks.**
4427 Purchases of state-adopted textbooks by public school districts.



4428 (xxvi) **Certain purchases under the Mississippi**
4429 **Major Economic Impact Act.** Contracts entered into pursuant to the
4430 provisions of Section 57-75-9(2), (3) and (4).

4431 (xxvii) **Used heavy or specialized machinery or**
4432 **equipment for installation of soil and water conservation**
4433 **practices purchased at auction.** Used heavy or specialized
4434 machinery or equipment used for the installation and
4435 implementation of soil and water conservation practices or
4436 measures purchased subject to the restrictions provided in
4437 Sections 69-27-331 through 69-27-341. Any purchase by the State
4438 Soil and Water Conservation Commission under the exemption
4439 authorized by this subparagraph shall require advance
4440 authorization spread upon the minutes of the commission to include
4441 the listing of the item or items authorized to be purchased and
4442 the maximum bid authorized to be paid for each item or items.

4443 (xxviii) **Hospital lease of equipment or services.**
4444 Leases by hospitals of equipment or services if the leases are in
4445 compliance with paragraph (1)(ii).

4446 (xxix) **Purchases made pursuant to qualified**
4447 **cooperative purchasing agreements.** Purchases made by certified
4448 purchasing offices of state agencies or governing authorities
4449 under cooperative purchasing agreements previously approved by the
4450 Office of Purchasing and Travel and established by or for any
4451 municipality, county, parish or state government or the federal
4452 government, provided that the notification to potential



4453 contractors includes a clause that sets forth the availability of
4454 the cooperative purchasing agreement to other governmental
4455 entities. Such purchases shall only be made if the use of the
4456 cooperative purchasing agreements is determined to be in the best
4457 interest of the governmental entity.

4458 (xxx) **School yearbooks.** Purchases of school
4459 yearbooks by state agencies or governing authorities; provided,
4460 however, that state agencies and governing authorities shall use
4461 for these purchases the RFP process as set forth in the
4462 Mississippi Procurement Manual adopted by the Office of Purchasing
4463 and Travel.

4464 (xxxi) **Design-build method and dual-phase**
4465 **design-build method of contracting.** Contracts entered into under
4466 the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

4467 (xxxii) **Toll roads and bridge construction**
4468 **projects.** Contracts entered into under the provisions of Section
4469 65-43-1 or 65-43-3.

4470 (xxxiii) **Certain purchases under Section 57-1-221.**
4471 Contracts entered into pursuant to the provisions of Section
4472 57-1-221.

4473 (xxxiv) **Certain transfers made pursuant to the**
4474 **provisions of Section 57-105-1(7).** Transfers of public property
4475 or facilities under Section 57-105-1(7) and construction related
4476 to such public property or facilities.



4477 (xxxv) **Certain purchases or transfers entered into**
4478 **with local electrical power associations.** Contracts or agreements
4479 entered into under the provisions of Section 55-3-33.

4480 (xxxvi) **Certain purchases by an academic medical**
4481 **center or health sciences school.** Purchases by an academic
4482 medical center or health sciences school, as defined in Section
4483 37-115-50, of commodities that are used for clinical purposes and
4484 1. intended for use in the diagnosis of disease or other
4485 conditions or in the cure, mitigation, treatment or prevention of
4486 disease, and 2. medical devices, biological, drugs and
4487 radiation-emitting devices as defined by the United States Food
4488 and Drug Administration.

4489 (xxxvii) **Certain purchases made under the Alyce G.**
4490 **Clarke Mississippi Lottery Law.** Contracts made by the Mississippi
4491 Lottery Corporation pursuant to the Alyce G. Clarke Mississippi
4492 Lottery Law.

4493 (n) **Term contract authorization.** All contracts for the
4494 purchase of:

4495 (i) All contracts for the purchase of commodities,
4496 equipment and public construction (including, but not limited to,
4497 repair and maintenance), may be let for periods of not more than
4498 sixty (60) months in advance, subject to applicable statutory
4499 provisions prohibiting the letting of contracts during specified
4500 periods near the end of terms of office. Term contracts for a
4501 period exceeding twenty-four (24) months shall also be subject to



4502 ratification or cancellation by governing authority boards taking
4503 office subsequent to the governing authority board entering the
4504 contract.

4505 (ii) Bid proposals and contracts may include price
4506 adjustment clauses with relation to the cost to the contractor
4507 based upon a nationally published industry-wide or nationally
4508 published and recognized cost index. The cost index used in a
4509 price adjustment clause shall be determined by the Department of
4510 Finance and Administration for the state agencies and by the
4511 governing board for governing authorities. The bid proposal and
4512 contract documents utilizing a price adjustment clause shall
4513 contain the basis and method of adjusting unit prices for the
4514 change in the cost of such commodities, equipment and public
4515 construction.

4516 (o) **Purchase law violation prohibition and vendor**
4517 **penalty.** No contract or purchase as herein authorized shall be
4518 made for the purpose of circumventing the provisions of this
4519 section requiring competitive bids, nor shall it be lawful for any
4520 person or concern to submit individual invoices for amounts within
4521 those authorized for a contract or purchase where the actual value
4522 of the contract or commodity purchased exceeds the authorized
4523 amount and the invoices therefor are split so as to appear to be
4524 authorized as purchases for which competitive bids are not
4525 required. Submission of such invoices shall constitute a
4526 misdemeanor punishable by a fine of not less than Five Hundred



4527 Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00),
4528 or by imprisonment for thirty (30) days in the county jail, or
4529 both such fine and imprisonment. In addition, the claim or claims
4530 submitted shall be forfeited.

4531 (p) **Electrical utility petroleum-based equipment**
4532 **purchase procedure.** When in response to a proper advertisement
4533 therefor, no bid firm as to price is submitted to an electric
4534 utility for power transformers, distribution transformers, power
4535 breakers, reclosers or other articles containing a petroleum
4536 product, the electric utility may accept the lowest and best bid
4537 therefor although the price is not firm.

4538 (q) **Fuel management system bidding procedure.** Any
4539 governing authority or agency of the state shall, before
4540 contracting for the services and products of a fuel management or
4541 fuel access system, enter into negotiations with not fewer than
4542 two (2) sellers of fuel management or fuel access systems for
4543 competitive written bids to provide the services and products for
4544 the systems. In the event that the governing authority or agency
4545 cannot locate two (2) sellers of such systems or cannot obtain
4546 bids from two (2) sellers of such systems, it shall show proof
4547 that it made a diligent, good-faith effort to locate and negotiate
4548 with two (2) sellers of such systems. Such proof shall include,
4549 but not be limited to, publications of a request for proposals and
4550 letters soliciting negotiations and bids. For purposes of this
4551 paragraph (q), a fuel management or fuel access system is an



4552 automated system of acquiring fuel for vehicles as well as
4553 management reports detailing fuel use by vehicles and drivers, and
4554 the term "competitive written bid" shall have the meaning as
4555 defined in paragraph (b) of this section. Governing authorities
4556 and agencies shall be exempt from this process when contracting
4557 for the services and products of fuel management or fuel access
4558 systems under the terms of a state contract established by the
4559 Office of Purchasing and Travel.

4560 (r) **Solid waste contract proposal procedure.** Before
4561 entering into any contract for garbage collection or disposal,
4562 contract for solid waste collection or disposal or contract for
4563 sewage collection or disposal, which involves an expenditure of
4564 more than Fifty Thousand Dollars (\$50,000.00), a governing
4565 authority or agency shall issue publicly a request for proposals
4566 concerning the specifications for such services which shall be
4567 advertised for in the same manner as provided in this section for
4568 seeking bids for purchases which involve an expenditure of more
4569 than the amount provided in paragraph (c) of this section. Any
4570 request for proposals when issued shall contain terms and
4571 conditions relating to price, financial responsibility,
4572 technology, legal responsibilities and other relevant factors as
4573 are determined by the governing authority or agency to be
4574 appropriate for inclusion; all factors determined relevant by the
4575 governing authority or agency or required by this paragraph (r)
4576 shall be duly included in the advertisement to elicit proposals.



4577 After responses to the request for proposals have been duly
4578 received, the governing authority or agency shall select the most
4579 qualified proposal or proposals on the basis of price, technology
4580 and other relevant factors and from such proposals, but not
4581 limited to the terms thereof, negotiate and enter into contracts
4582 with one or more of the persons or firms submitting proposals. If
4583 the governing authority or agency deems none of the proposals to
4584 be qualified or otherwise acceptable, the request for proposals
4585 process may be reinitiated. Notwithstanding any other provisions
4586 of this paragraph, where a county with at least thirty-five
4587 thousand (35,000) nor more than forty thousand (40,000)
4588 population, according to the 1990 federal decennial census, owns
4589 or operates a solid waste landfill, the governing authorities of
4590 any other county or municipality may contract with the governing
4591 authorities of the county owning or operating the landfill,
4592 pursuant to a resolution duly adopted and spread upon the minutes
4593 of each governing authority involved, for garbage or solid waste
4594 collection or disposal services through contract negotiations.

4595 (s) **Minority set-aside authorization.** Notwithstanding
4596 any provision of this section to the contrary, any agency or
4597 governing authority, by order placed on its minutes, may, in its
4598 discretion, set aside not more than twenty percent (20%) of its
4599 anticipated annual expenditures for the purchase of commodities
4600 from minority businesses; however, all such set-aside purchases
4601 shall comply with all purchasing regulations promulgated by the



4602 Department of Finance and Administration and shall be subject to
4603 bid requirements under this section. Set-aside purchases for
4604 which competitive bids are required shall be made from the lowest
4605 and best minority business bidder. For the purposes of this
4606 paragraph, the term "minority business" means a business which is
4607 owned by a majority of persons who are United States citizens or
4608 permanent resident aliens (as defined by the Immigration and
4609 Naturalization Service) of the United States, and who are Asian,
4610 Black, Hispanic or Native American, according to the following
4611 definitions:

4612 (i) "Asian" means persons having origins in any of
4613 the original people of the Far East, Southeast Asia, the Indian
4614 subcontinent, or the Pacific Islands.

4615 (ii) "Black" means persons having origins in any
4616 black racial group of Africa.

4617 (iii) "Hispanic" means persons of Spanish or
4618 Portuguese culture with origins in Mexico, South or Central
4619 America, or the Caribbean Islands, regardless of race.

4620 (iv) "Native American" means persons having
4621 origins in any of the original people of North America, including
4622 American Indians, Eskimos and Aleuts.

4623 (t) **Construction punch list restriction.** The
4624 architect, engineer or other representative designated by the
4625 agency or governing authority that is contracting for public
4626 construction or renovation may prepare and submit to the



4627 contractor only one (1) preliminary punch list of items that do
4628 not meet the contract requirements at the time of substantial
4629 completion and one (1) final list immediately before final
4630 completion and final payment.

4631 (u) **Procurement of construction services by state**
4632 **institutions of higher learning.** Contracts for privately financed
4633 construction of auxiliary facilities on the campus of a state
4634 institution of higher learning may be awarded by the university
4635 board of trustees * * * under whose control and supervision the
4636 construction project will be managed, to the lowest and best
4637 bidder, where sealed bids are solicited, or to the offeror whose
4638 proposal is determined to represent the best value to the citizens
4639 of the State of Mississippi, where requests for proposals are
4640 solicited.

4641 (v) **Insurability of bidders for public construction or**
4642 **other public contracts.** In any solicitation for bids to perform
4643 public construction or other public contracts to which this
4644 section applies including, but not limited to, contracts for
4645 repair and maintenance, for which the contract will require
4646 insurance coverage in an amount of not less than One Million
4647 Dollars (\$1,000,000.00), bidders shall be permitted to either
4648 submit proof of current insurance coverage in the specified amount
4649 or demonstrate ability to obtain the required coverage amount of
4650 insurance if the contract is awarded to the bidder. Proof of



4651 insurance coverage shall be submitted within five (5) business
4652 days from bid acceptance.

4653 (w) **Purchase authorization clarification.** Nothing in
4654 this section shall be construed as authorizing any purchase not
4655 authorized by law.

4656 **SECTION 74.** Section 31-11-33, Mississippi Code of 1972, is
4657 amended as follows:

4658 31-11-33. (1) For purposes of this section, the following
4659 terms shall have the meanings hereinafter ascribed:

4660 (a) "Department" means the Department of Finance and
4661 Administration, Bureau of Building, Grounds and Real Property
4662 Management.

4663 (b) "Public facility" means any building or other
4664 facility owned by the State of Mississippi, or by any agency,
4665 department of the State of Mississippi, that is occupied, used or
4666 under the control of the State of Mississippi, or any agency or
4667 department of the State of Mississippi, or any junior college
4668 district of the State of Mississippi, or * * * any public * * *
4669 state * * * institution of higher learning * * *.

4670 (2) Any public facility newly constructed from and after
4671 July 1, 2006, shall comply with and be built according to
4672 specifications not less stringent than those required by the
4673 International Code Council and such other standards as adopted by
4674 the department that provide guidelines for plumbing, electrical,



4675 gas, sanitary and other physical components of new building
4676 construction.

4677 (3) Upon the awarding of a design contract for a new public
4678 facility, the architect/engineer shall prepare drawings and
4679 specifications in conformity with the code requirements in effect
4680 at the time of agreement or, if the code requirements at the time
4681 of the agreement are amended, then the drawings and specifications
4682 shall be prepared according to the more stringent standards.

4683 (4) The department may regulate the height, number of
4684 stories and size of public facilities, the percentage of the lot
4685 that may be occupied, courts and other open spaces, and the
4686 location and use of public facilities.

4687 **SECTION 75.** Section 37-3-2, Mississippi Code of 1972, is
4688 amended as follows:

4689 37-3-2. (1) There is established within the State
4690 Department of Education the Commission on Teacher and
4691 Administrator Education, Certification and Licensure and
4692 Development. It shall be the purpose and duty of the commission
4693 to make recommendations to the State Board of Education regarding
4694 standards for the certification and licensure and continuing
4695 professional development of those who teach or perform tasks of an
4696 educational nature in the public schools of Mississippi.

4697 (2) (a) The commission shall be composed of fifteen (15)
4698 qualified members. The membership of the commission shall be
4699 composed of the following members to be appointed, three (3) from



4700 each of the four (4) congressional districts, as such districts
4701 existed on January 1, 2011, in accordance with the population
4702 calculations determined by the 2010 federal decennial census,
4703 including: four (4) classroom teachers; three (3) school
4704 administrators; one (1) representative of schools of education of
4705 public institutions of higher learning located within the
4706 state * * *; one (1) representative from the schools of education
4707 of independent institutions of higher learning to be recommended
4708 by the Board of the Mississippi Association of Independent
4709 Colleges; one (1) representative from public community and junior
4710 colleges located within the state to be recommended by the
4711 Mississippi Community College Board; one (1) local school board
4712 member; and four (4) laypersons. Three (3) members of the
4713 commission, at the sole discretion of the State Board of
4714 Education, shall be appointed from the state at large.

4715 (b) All appointments shall be made by the State Board
4716 of Education after consultation with the State Superintendent of
4717 Public Education. The first appointments by the State Board of
4718 Education shall be made as follows: five (5) members shall be
4719 appointed for a term of one (1) year; five (5) members shall be
4720 appointed for a term of two (2) years; and five (5) members shall
4721 be appointed for a term of three (3) years. Thereafter, all
4722 members shall be appointed for a term of four (4) years.

4723 (3) The State Board of Education when making appointments
4724 shall designate a chairman. The commission shall meet at least



4725 once every two (2) months or more often if needed. Members of the
4726 commission shall be compensated at a rate of per diem as
4727 authorized by Section 25-3-69 and be reimbursed for actual and
4728 necessary expenses as authorized by Section 25-3-41.

4729 (4) (a) An appropriate staff member of the State Department
4730 of Education shall be designated and assigned by the State
4731 Superintendent of Public Education to serve as executive secretary
4732 and coordinator for the commission. No less than two (2) other
4733 appropriate staff members of the State Department of Education
4734 shall be designated and assigned by the State Superintendent of
4735 Public Education to serve on the staff of the commission.

4736 (b) An Office of Educator Misconduct Evaluations shall
4737 be established within the State Department of Education to assist
4738 the commission in responding to infractions and violations, and in
4739 conducting hearings and enforcing the provisions of subsections
4740 (11), (12), (13), (14) and (15) of this section, and violations of
4741 the Mississippi Educator Code of Ethics.

4742 (5) It shall be the duty of the commission to:

4743 (a) Set standards and criteria, subject to the approval
4744 of the State Board of Education, for all educator preparation
4745 programs in the state;

4746 (b) Recommend to the State Board of Education each year
4747 approval or disapproval of each educator preparation program in
4748 the state, subject to a process and schedule determined by the
4749 State Board of Education;



4750 (c) Establish, subject to the approval of the State
4751 Board of Education, standards for initial teacher certification
4752 and licensure in all fields;

4753 (d) Establish, subject to the approval of the State
4754 Board of Education, standards for the renewal of teacher licenses
4755 in all fields;

4756 (e) Review and evaluate objective measures of teacher
4757 performance, such as test scores, which may form part of the
4758 licensure process, and to make recommendations for their use;

4759 (f) Review all existing requirements for certification
4760 and licensure;

4761 (g) Consult with groups whose work may be affected by
4762 the commission's decisions;

4763 (h) Prepare reports from time to time on current
4764 practices and issues in the general area of teacher education and
4765 certification and licensure;

4766 (i) Hold hearings concerning standards for teachers'
4767 and administrators' education and certification and licensure with
4768 approval of the State Board of Education;

4769 (j) Hire expert consultants with approval of the State
4770 Board of Education;

4771 (k) Set up ad hoc committees to advise on specific
4772 areas; and



4773 (1) Perform such other functions as may fall within
4774 their general charge and which may be delegated to them by the
4775 State Board of Education.

4776 (6) (a) **Standard License - Approved Program Route.** An
4777 educator entering the school system of Mississippi for the first
4778 time and meeting all requirements as established by the State
4779 Board of Education shall be granted a standard five-year license.
4780 Persons who possess two (2) years of classroom experience as an
4781 assistant teacher or who have taught for one (1) year in an
4782 accredited public or private school shall be allowed to fulfill
4783 student teaching requirements under the supervision of a qualified
4784 participating teacher approved by an accredited college of
4785 education. The local school district in which the assistant
4786 teacher is employed shall compensate such assistant teachers at
4787 the required salary level during the period of time such
4788 individual is completing student teaching requirements.
4789 Applicants for a standard license shall submit to the department:

- 4790 (i) An application on a department form;
4791 (ii) An official transcript of completion of a
4792 teacher education program approved by the department or a
4793 nationally accredited program, subject to the following:
4794 Licensure to teach in Mississippi prekindergarten through
4795 kindergarten classrooms shall require completion of a teacher
4796 education program or a Bachelor of Science degree with child
4797 development emphasis from a program accredited by the American



4798 Association of Family and Consumer Sciences (AAFCS) or by the
4799 National Association for Education of Young Children (NAEYC) or by
4800 the National Council for Accreditation of Teacher Education
4801 (NCATE). Licensure to teach in Mississippi kindergarten, for
4802 those applicants who have completed a teacher education program,
4803 and in Grade 1 through Grade 4 shall require the completion of an
4804 interdisciplinary program of studies. Licenses for Grades 4
4805 through 8 shall require the completion of an interdisciplinary
4806 program of studies with two (2) or more areas of concentration.
4807 Licensure to teach in Mississippi Grades 7 through 12 shall
4808 require a major in an academic field other than education, or a
4809 combination of disciplines other than education. Students
4810 preparing to teach a subject shall complete a major in the
4811 respective subject discipline. All applicants for standard
4812 licensure shall demonstrate that such person's college preparation
4813 in those fields was in accordance with the standards set forth by
4814 the National Council for Accreditation of Teacher Education
4815 (NCATE) or the National Association of State Directors of Teacher
4816 Education and Certification (NASDTEC) or, for those applicants who
4817 have a Bachelor of Science degree with child development emphasis,
4818 the American Association of Family and Consumer Sciences (AAFCS).
4819 Effective July 1, 2016, for initial elementary education
4820 licensure, a teacher candidate must earn a passing score on a
4821 rigorous test of scientifically research-based reading instruction



4822 and intervention and data-based decision-making principles as
4823 approved by the State Board of Education;

4824 (iii) A copy of test scores evidencing
4825 satisfactory completion of nationally administered examinations of
4826 achievement, such as the Educational Testing Service's teacher
4827 testing examinations;

4828 (iv) Any other document required by the State
4829 Board of Education; and

4830 (v) From and after September 30, 2015, no teacher
4831 candidate shall be licensed to teach in Mississippi who did not
4832 meet the following criteria for entrance into an approved teacher
4833 education program:

4834 1. Twenty-one (21) ACT equivalent or achieve
4835 the nationally recommended passing score on the Praxis Core
4836 Academic Skills for Educators examination; and

4837 2. No less than 2.75 GPA on pre-major
4838 coursework of the institution's approved teacher education program
4839 provided that the accepted cohort of candidates meets or exceeds a
4840 3.0 GPA on pre-major coursework.

4841 (b) **Standard License - Nontraditional Teaching Route.**
4842 From and after September 30, 2015, no teacher candidate shall be
4843 licensed to teach in Mississippi under the alternate route who did
4844 not meet the following criteria:



4845 (i) Twenty-one (21) ACT equivalent or achieve the
4846 nationally recommended passing score on the Praxis Core Academic
4847 Skills for Educators examination; and

4848 (ii) No less than 2.75 GPA on content coursework
4849 in the requested area of certification or passing Praxis II scores
4850 at or above the national recommended score provided that the
4851 accepted cohort of candidates of the institution's teacher
4852 education program meets or exceeds a 3.0 GPA on pre-major
4853 coursework.

4854 Beginning January 1, 2004, an individual who has a passing
4855 score on the Praxis I Basic Skills and Praxis II Specialty Area
4856 Test in the requested area of endorsement may apply for the Teach
4857 Mississippi Institute (TMI) program to teach students in Grades 7
4858 through 12 if the individual meets the requirements of this
4859 paragraph (b). The State Board of Education shall adopt rules
4860 requiring that teacher preparation institutions which provide the
4861 Teach Mississippi Institute (TMI) program for the preparation of
4862 nontraditional teachers shall meet the standards and comply with
4863 the provisions of this paragraph.

4864 (i) The Teach Mississippi Institute (TMI) shall
4865 include an intensive eight-week, nine-semester-hour summer program
4866 or a curriculum of study in which the student matriculates in the
4867 fall or spring semester, which shall include, but not be limited
4868 to, instruction in education, effective teaching strategies,
4869 classroom management, state curriculum requirements, planning and



4870 instruction, instructional methods and pedagogy, using test
4871 results to improve instruction, and a one (1) semester three-hour
4872 supervised internship to be completed while the teacher is
4873 employed as a full-time teacher intern in a local school district.
4874 The TMI shall be implemented on a pilot program basis, with
4875 courses to be offered at up to four (4) locations in the state,
4876 with one (1) TMI site to be located in each of the three (3)
4877 Mississippi Supreme Court districts.

4878 (ii) The school sponsoring the teacher intern
4879 shall enter into a written agreement with the institution
4880 providing the Teach Mississippi Institute (TMI) program, under
4881 terms and conditions as agreed upon by the contracting parties,
4882 providing that the school district shall provide teacher interns
4883 seeking a nontraditional provisional teaching license with a
4884 one-year classroom teaching experience. The teacher intern shall
4885 successfully complete the one (1) semester three-hour intensive
4886 internship in the school district during the semester immediately
4887 following successful completion of the TMI and prior to the end of
4888 the one-year classroom teaching experience.

4889 (iii) Upon completion of the nine-semester-hour
4890 TMI or the fall or spring semester option, the individual shall
4891 submit his transcript to the commission for provisional licensure
4892 of the intern teacher, and the intern teacher shall be issued a
4893 provisional teaching license by the commission, which will allow



4894 the individual to legally serve as a teacher while the person
4895 completes a nontraditional teacher preparation internship program.

4896 (iv) During the semester of internship in the
4897 school district, the teacher preparation institution shall monitor
4898 the performance of the intern teacher. The school district that
4899 employs the provisional teacher shall supervise the provisional
4900 teacher during the teacher's intern year of employment under a
4901 nontraditional provisional license, and shall, in consultation
4902 with the teacher intern's mentor at the school district of
4903 employment, submit to the commission a comprehensive evaluation of
4904 the teacher's performance sixty (60) days prior to the expiration
4905 of the nontraditional provisional license. If the comprehensive
4906 evaluation establishes that the provisional teacher intern's
4907 performance fails to meet the standards of the approved
4908 nontraditional teacher preparation internship program, the
4909 individual shall not be approved for a standard license.

4910 (v) An individual issued a provisional teaching
4911 license under this nontraditional route shall successfully
4912 complete, at a minimum, a one-year beginning teacher mentoring and
4913 induction program administered by the employing school district
4914 with the assistance of the State Department of Education.

4915 (vi) Upon successful completion of the TMI and the
4916 internship provisional license period, applicants for a Standard
4917 License - Nontraditional Route shall submit to the commission a
4918 transcript of successful completion of the twelve (12) semester



4919 hours required in the internship program, and the employing school
4920 district shall submit to the commission a recommendation for
4921 standard licensure of the intern. If the school district
4922 recommends licensure, the applicant shall be issued a Standard
4923 License - Nontraditional Route which shall be valid for a
4924 five-year period and be renewable.

4925 (vii) At the discretion of the teacher preparation
4926 institution, the individual shall be allowed to credit the twelve
4927 (12) semester hours earned in the nontraditional teacher
4928 internship program toward the graduate hours required for a Master
4929 of Arts in Teacher (MAT) Degree.

4930 (viii) The local school district in which the
4931 nontraditional teacher intern or provisional licensee is employed
4932 shall compensate such teacher interns at Step 1 of the required
4933 salary level during the period of time such individual is
4934 completing teacher internship requirements and shall compensate
4935 such Standard License - Nontraditional Route teachers at Step 3 of
4936 the required salary level when they complete license requirements.

4937 Implementation of the TMI program provided for under this
4938 paragraph (b) shall be contingent upon the availability of funds
4939 appropriated specifically for such purpose by the Legislature.
4940 Such implementation of the TMI program may not be deemed to
4941 prohibit the State Board of Education from developing and
4942 implementing additional alternative route teacher licensure
4943 programs, as deemed appropriate by the board. The emergency



4944 certification program in effect prior to July 1, 2002, shall
4945 remain in effect.

4946 A Standard License - Approved Program Route shall be issued
4947 for a five-year period, and may be renewed. Recognizing teaching
4948 as a profession, a hiring preference shall be granted to persons
4949 holding a Standard License - Approved Program Route or Standard
4950 License - Nontraditional Teaching Route over persons holding any
4951 other license.

4952 (c) **Special License - Expert Citizen.** In order to
4953 allow a school district to offer specialized or technical courses,
4954 the State Department of Education, in accordance with rules and
4955 regulations established by the State Board of Education, may grant
4956 a one-year expert citizen-teacher license to local business or
4957 other professional personnel to teach in a public school or
4958 nonpublic school accredited or approved by the state. Such person
4959 may begin teaching upon his employment by the local school board
4960 and licensure by the Mississippi Department of Education. The
4961 board shall adopt rules and regulations to administer the expert
4962 citizen-teacher license. A Special License - Expert Citizen may
4963 be renewed in accordance with the established rules and
4964 regulations of the State Department of Education.

4965 (d) **Special License - Nonrenewable.** The State Board of
4966 Education is authorized to establish rules and regulations to
4967 allow those educators not meeting requirements in paragraph (a),
4968 (b) or (c) of this subsection (6) to be licensed for a period of



4969 not more than three (3) years, except by special approval of the
4970 State Board of Education.

4971 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
4972 person may teach for a maximum of three (3) periods per teaching
4973 day in a public school district or a nonpublic school
4974 accredited/approved by the state. Such person shall submit to the
4975 department a transcript or record of his education and experience
4976 which substantiates his preparation for the subject to be taught
4977 and shall meet other qualifications specified by the commission
4978 and approved by the State Board of Education. In no case shall
4979 any local school board hire nonlicensed personnel as authorized
4980 under this paragraph in excess of five percent (5%) of the total
4981 number of licensed personnel in any single school.

4982 (f) **Special License - Transitional Bilingual Education.**
4983 Beginning July 1, 2003, the commission shall grant special
4984 licenses to teachers of transitional bilingual education who
4985 possess such qualifications as are prescribed in this section.
4986 Teachers of transitional bilingual education shall be compensated
4987 by local school boards at not less than one (1) step on the
4988 regular salary schedule applicable to permanent teachers licensed
4989 under this section. The commission shall grant special licenses
4990 to teachers of transitional bilingual education who present the
4991 commission with satisfactory evidence that they (i) possess a
4992 speaking and reading ability in a language, other than English, in
4993 which bilingual education is offered and communicative skills in



4994 English; (ii) are in good health and sound moral character; (iii)
4995 possess a bachelor's degree or an associate's degree in teacher
4996 education from an accredited institution of higher education; (iv)
4997 meet such requirements as to courses of study, semester hours
4998 therein, experience and training as may be required by the
4999 commission; and (v) are legally present in the United States and
5000 possess legal authorization for employment. A teacher of
5001 transitional bilingual education serving under a special license
5002 shall be under an exemption from standard licensure if he achieves
5003 the requisite qualifications therefor. Two (2) years of service
5004 by a teacher of transitional bilingual education under such an
5005 exemption shall be credited to the teacher in acquiring a Standard
5006 Educator License. Nothing in this paragraph shall be deemed to
5007 prohibit a local school board from employing a teacher licensed in
5008 an appropriate field as approved by the State Department of
5009 Education to teach in a program in transitional bilingual
5010 education.

5011 (g) In the event any school district meets the highest
5012 accreditation standards as defined by the State Board of Education
5013 in the accountability system, the State Board of Education, in its
5014 discretion, may exempt such school district from any restrictions
5015 in paragraph (e) relating to the employment of nonlicensed
5016 teaching personnel.

5017 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
5018 any teacher from any state meeting the federal definition of



5019 highly qualified, as described in the No Child Left Behind Act,
5020 must be granted a standard five-year license by the State
5021 Department of Education.

5022 (7) **Administrator License.** The State Board of Education is
5023 authorized to establish rules and regulations and to administer
5024 the licensure process of the school administrators in the State of
5025 Mississippi. There will be four (4) categories of administrator
5026 licensure with exceptions only through special approval of the
5027 State Board of Education.

5028 (a) **Administrator License - Nonpracticing.** Those
5029 educators holding administrative endorsement but having no
5030 administrative experience or not serving in an administrative
5031 position on January 15, 1997.

5032 (b) **Administrator License - Entry Level.** Those
5033 educators holding administrative endorsement and having met the
5034 department's qualifications to be eligible for employment in a
5035 Mississippi school district. Administrator License - Entry Level
5036 shall be issued for a five-year period and shall be nonrenewable.

5037 (c) **Standard Administrator License - Career Level.** An
5038 administrator who has met all the requirements of the department
5039 for standard administrator licensure.

5040 (d) **Administrator License - Nontraditional Route.** The
5041 board may establish a nontraditional route for licensing
5042 administrative personnel. Such nontraditional route for
5043 administrative licensure shall be available for persons holding,



5044 but not limited to, a master of business administration degree, a
5045 master of public administration degree, a master of public
5046 planning and policy degree or a doctor of jurisprudence degree
5047 from an accredited college or university, with five (5) years of
5048 administrative or supervisory experience. Successful completion
5049 of the requirements of alternate route licensure for
5050 administrators shall qualify the person for a standard
5051 administrator license.

5052 Individuals seeking school administrator licensure under
5053 paragraph (b), (c) or (d) shall successfully complete a training
5054 program and an assessment process prescribed by the State Board of
5055 Education. All applicants for school administrator licensure
5056 shall meet all requirements prescribed by the department under
5057 paragraph (b), (c) or (d), and the cost of the assessment process
5058 required shall be paid by the applicant.

5059 (8) **Reciprocity.** (a) The department shall grant a standard
5060 license to any individual who possesses a valid standard license
5061 from another state and meets minimum Mississippi license
5062 requirements or equivalent requirements as determined by the State
5063 Board of Education. The issuance of a license by reciprocity to a
5064 military-trained applicant or military spouse shall be subject to
5065 the provisions of Section 73-50-1.

5066 (b) The department shall grant a nonrenewable special
5067 license to any individual who possesses a credential which is less
5068 than a standard license or certification from another state. Such



5069 special license shall be valid for the current school year plus
5070 one (1) additional school year to expire on June 30 of the second
5071 year, not to exceed a total period of twenty-four (24) months,
5072 during which time the applicant shall be required to complete the
5073 requirements for a standard license in Mississippi.

5074 (9) **Renewal and Reinstatement of Licenses.** The State Board
5075 of Education is authorized to establish rules and regulations for
5076 the renewal and reinstatement of educator and administrator
5077 licenses. Effective May 15, 1997, the valid standard license held
5078 by an educator shall be extended five (5) years beyond the
5079 expiration date of the license in order to afford the educator
5080 adequate time to fulfill new renewal requirements established
5081 pursuant to this subsection. An educator completing a master of
5082 education, educational specialist or doctor of education degree in
5083 May 1997 for the purpose of upgrading the educator's license to a
5084 higher class shall be given this extension of five (5) years plus
5085 five (5) additional years for completion of a higher degree.

5086 (10) All controversies involving the issuance, revocation,
5087 suspension or any change whatsoever in the licensure of an
5088 educator required to hold a license shall be initially heard in a
5089 hearing de novo, by the commission or by a subcommittee
5090 established by the commission and composed of commission members,
5091 or by a hearing officer retained and appointed by the commission,
5092 for the purpose of holding hearings. Any complaint seeking the
5093 denial of issuance, revocation or suspension of a license shall be



5094 by sworn affidavit filed with the Commission on Teacher and
5095 Administrator Education, Certification and Licensure and
5096 Development. The decision thereon by the commission, its
5097 subcommittee or hearing officer, shall be final, unless the
5098 aggrieved party shall appeal to the State Board of Education,
5099 within ten (10) days, of the decision of the commission, its
5100 subcommittee or hearing officer. An appeal to the State Board of
5101 Education shall be perfected upon filing a notice of the appeal
5102 and by the prepayment of the costs of the preparation of the
5103 record of proceedings by the commission, its subcommittee or
5104 hearing officer. An appeal shall be on the record previously made
5105 before the commission, its subcommittee or hearing officer, unless
5106 otherwise provided by rules and regulations adopted by the board.
5107 The decision of the commission, its subcommittee or hearing
5108 officer shall not be disturbed on appeal if supported by
5109 substantial evidence, was not arbitrary or capricious, within the
5110 authority of the commission, and did not violate some statutory or
5111 constitutional right. The State Board of Education in its
5112 authority may reverse, or remand with instructions, the decision
5113 of the commission, its subcommittee or hearing officer. The
5114 decision of the State Board of Education shall be final.

5115 (11) (a) The State Board of Education, acting through the
5116 commission, may deny an application for any teacher or
5117 administrator license for one or more of the following:



5118 (i) Lack of qualifications which are prescribed by
5119 law or regulations adopted by the State Board of Education;
5120 (ii) The applicant has a physical, emotional or
5121 mental disability that renders the applicant unfit to perform the
5122 duties authorized by the license, as certified by a licensed
5123 psychologist or psychiatrist;
5124 (iii) The applicant is actively addicted to or
5125 actively dependent on alcohol or other habit-forming drugs or is a
5126 habitual user of narcotics, barbiturates, amphetamines,
5127 hallucinogens or other drugs having similar effect, at the time of
5128 application for a license;
5129 (iv) Fraud or deceit committed by the applicant in
5130 securing or attempting to secure such certification and license;
5131 (v) Failing or refusing to furnish reasonable
5132 evidence of identification;
5133 (vi) The applicant has been convicted, has pled
5134 guilty or entered a plea of nolo contendere to a felony, as
5135 defined by federal or state law. For purposes of this
5136 subparagraph (vi) of this paragraph (a), a "guilty plea" includes
5137 a plea of guilty, entry of a plea of nolo contendere, or entry of
5138 an order granting pretrial or judicial diversion;
5139 (vii) The applicant or licensee is on probation or
5140 post-release supervision for a felony or conviction, as defined by
5141 federal or state law. However, this disqualification expires upon
5142 the end of the probationary or post-release supervision period.



5143 (b) The State Board of Education, acting through the
5144 commission, shall deny an application for any teacher or
5145 administrator license, or immediately revoke the current teacher
5146 or administrator license, for one or more of the following:

5147 (i) If the applicant or licensee has been
5148 convicted, has pled guilty or entered a plea of nolo contendere to
5149 a sex offense as defined by federal or state law. For purposes of
5150 this subparagraph (i) of this paragraph (b), a "guilty plea"
5151 includes a plea of guilty, entry of a plea of nolo contendere, or
5152 entry of an order granting pretrial or judicial diversion;

5153 (ii) The applicant or licensee is on probation or
5154 post-release supervision for a sex offense conviction, as defined
5155 by federal or state law;

5156 (iii) The license holder has fondled a student as
5157 described in Section 97-5-23, or had any type of sexual
5158 involvement with a student as described in Section 97-3-95; or

5159 (iv) The license holder has failed to report
5160 sexual involvement of a school employee with a student as required
5161 by Section 97-5-24.

5162 (12) The State Board of Education, acting through the
5163 commission, may revoke, suspend or refuse to renew any teacher or
5164 administrator license for specified periods of time or may place
5165 on probation, reprimand a licensee, or take other disciplinary
5166 action with regard to any license issued under this chapter for
5167 one or more of the following:



5168 (a) Breach of contract or abandonment of employment may
5169 result in the suspension of the license for one (1) school year as
5170 provided in Section 37-9-57;

5171 (b) Obtaining a license by fraudulent means shall
5172 result in immediate suspension and continued suspension for one
5173 (1) year after correction is made;

5174 (c) Suspension or revocation of a certificate or
5175 license by another state shall result in immediate suspension or
5176 revocation and shall continue until records in the prior state
5177 have been cleared;

5178 (d) The license holder has been convicted, has pled
5179 guilty or entered a plea of nolo contendere to a felony, as
5180 defined by federal or state law. For purposes of this paragraph,
5181 a "guilty plea" includes a plea of guilty, entry of a plea of nolo
5182 contendere, or entry of an order granting pretrial or judicial
5183 diversion;

5184 (e) The license holder knowingly and willfully
5185 committing any of the acts affecting validity of mandatory uniform
5186 test results as provided in Section 37-16-4(1);

5187 (f) The license holder has engaged in unethical conduct
5188 relating to an educator/student relationship as identified by the
5189 State Board of Education in its rules;

5190 (g) The license holder served as superintendent or
5191 principal in a school district during the time preceding and/or



5192 that resulted in the Governor declaring a state of emergency and
5193 the State Board of Education appointing a conservator;

5194 (h) The license holder submitted a false certification
5195 to the State Department of Education that a statewide test was
5196 administered in strict accordance with the Requirements of the
5197 Mississippi Statewide Assessment System; or

5198 (i) The license holder has failed to comply with the
5199 Procedures for Reporting Infractions as promulgated by the
5200 commission and approved by the State Board of Education pursuant
5201 to subsection (15) of this section.

5202 For purposes of this subsection, probation shall be defined
5203 as a length of time determined by the commission, its subcommittee
5204 or hearing officer, and based on the severity of the offense in
5205 which the license holder shall meet certain requirements as
5206 prescribed by the commission, its subcommittee or hearing officer.
5207 Failure to complete the requirements in the time specified shall
5208 result in immediate suspension of the license for one (1) year.

5209 (13) (a) Dismissal or suspension of a licensed employee by
5210 a local school board pursuant to Section 37-9-59 may result in the
5211 suspension or revocation of a license for a length of time which
5212 shall be determined by the commission and based upon the severity
5213 of the offense.

5214 (b) Any offense committed or attempted in any other
5215 state shall result in the same penalty as if committed or
5216 attempted in this state.



5217 (c) A person may voluntarily surrender a license. The
5218 surrender of such license may result in the commission
5219 recommending any of the above penalties without the necessity of a
5220 hearing. However, any such license which has voluntarily been
5221 surrendered by a licensed employee may only be reinstated by a
5222 majority vote of all members of the commission present at the
5223 meeting called for such purpose.

5224 (14) (a) A person whose license has been suspended or
5225 surrendered on any grounds except criminal grounds may petition
5226 for reinstatement of the license after one (1) year from the date
5227 of suspension or surrender, or after one-half (1/2) of the
5228 suspended or surrendered time has lapsed, whichever is greater. A
5229 person whose license has been suspended or revoked on any grounds
5230 or violations under subsection (12) of this section may be
5231 reinstated automatically or approved for a reinstatement hearing,
5232 upon submission of a written request to the commission. A license
5233 suspended, revoked or surrendered on criminal grounds may be
5234 reinstated upon petition to the commission filed after expiration
5235 of the sentence and parole or probationary period imposed upon
5236 conviction. A revoked, suspended or surrendered license may be
5237 reinstated upon satisfactory showing of evidence of
5238 rehabilitation. The commission shall require all who petition for
5239 reinstatement to furnish evidence satisfactory to the commission
5240 of good character, good mental, emotional and physical health and
5241 such other evidence as the commission may deem necessary to



5242 establish the petitioner's rehabilitation and fitness to perform
5243 the duties authorized by the license.

5244 (b) A person whose license expires while under
5245 investigation by the Office of Educator Misconduct for an alleged
5246 violation may not be reinstated without a hearing before the
5247 commission if required based on the results of the investigation.

5248 (15) Reporting procedures and hearing procedures for dealing
5249 with infractions under this section shall be promulgated by the
5250 commission, subject to the approval of the State Board of
5251 Education. The revocation or suspension of a license shall be
5252 effected at the time indicated on the notice of suspension or
5253 revocation. The commission shall immediately notify the
5254 superintendent of the school district or school board where the
5255 teacher or administrator is employed of any disciplinary action
5256 and also notify the teacher or administrator of such revocation or
5257 suspension and shall maintain records of action taken. The State
5258 Board of Education may reverse or remand with instructions any
5259 decision of the commission, its subcommittee or hearing officer
5260 regarding a petition for reinstatement of a license, and any such
5261 decision of the State Board of Education shall be final.

5262 (16) An appeal from the action of the State Board of
5263 Education in denying an application, revoking or suspending a
5264 license or otherwise disciplining any person under the provisions
5265 of this section shall be filed in the Chancery Court of the First
5266 Judicial District of Hinds County, Mississippi, on the record



5267 made, including a verbatim transcript of the testimony at the
5268 hearing. The appeal shall be filed within thirty (30) days after
5269 notification of the action of the board is mailed or served and
5270 the proceedings in chancery court shall be conducted as other
5271 matters coming before the court. The appeal shall be perfected
5272 upon filing notice of the appeal and by the prepayment of all
5273 costs, including the cost of preparation of the record of the
5274 proceedings by the State Board of Education, and the filing of a
5275 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
5276 if the action of the board be affirmed by the chancery court, the
5277 applicant or license holder shall pay the costs of the appeal and
5278 the action of the chancery court.

5279 (17) All such programs, rules, regulations, standards and
5280 criteria recommended or authorized by the commission shall become
5281 effective upon approval by the State Board of Education as
5282 designated by appropriate orders entered upon the minutes thereof.

5283 (18) The granting of a license shall not be deemed a
5284 property right nor a guarantee of employment in any public school
5285 district. A license is a privilege indicating minimal eligibility
5286 for teaching in the public school districts of Mississippi. This
5287 section shall in no way alter or abridge the authority of local
5288 school districts to require greater qualifications or standards of
5289 performance as a prerequisite of initial or continued employment
5290 in such districts.



5291 (19) In addition to the reasons specified in subsections
5292 (12) and (13) of this section, the board shall be authorized to
5293 suspend the license of any licensee for being out of compliance
5294 with an order for support, as defined in Section 93-11-153. The
5295 procedure for suspension of a license for being out of compliance
5296 with an order for support, and the procedure for the reissuance or
5297 reinstatement of a license suspended for that purpose, and the
5298 payment of any fees for the reissuance or reinstatement of a
5299 license suspended for that purpose, shall be governed by Section
5300 93-11-157 or 93-11-163, as the case may be. Actions taken by the
5301 board in suspending a license when required by Section 93-11-157
5302 or 93-11-163 are not actions from which an appeal may be taken
5303 under this section. Any appeal of a license suspension that is
5304 required by Section 93-11-157 or 93-11-163 shall be taken in
5305 accordance with the appeal procedure specified in Section
5306 93-11-157 or 93-11-163, as the case may be, rather than the
5307 procedure specified in this section. If there is any conflict
5308 between any provision of Section 93-11-157 or 93-11-163 and any
5309 provision of this chapter, the provisions of Section 93-11-157 or
5310 93-11-163, as the case may be, shall control.

5311 **SECTION 76.** Section 37-4-4, Mississippi Code of 1972, is
5312 amended as follows:

5313 37-4-4. The Commissioner of Higher Education, or his
5314 designee, and one (1) member of * * * each university board of
5315 trustees * * *, shall attend all regular meetings of the



5316 Mississippi Community College Board. Said university
5317 representatives shall have no jurisdiction or vote on any matter
5318 within the jurisdiction of the board. The Commissioner of Higher
5319 Education and any designee who is a state employee shall receive
5320 no per diem for attending meetings of the board, but shall be
5321 entitled to actual and necessary expense reimbursement and mileage
5322 for attending meetings at locations other than Jackson,
5323 Mississippi. The designees of * * * university boards of
5324 trustees * * * shall receive per diem compensation as authorized
5325 by Section 25-3-69, Mississippi Code of 1972, for attending said
5326 meetings, and shall be entitled to reimbursement for all actual
5327 and necessary expense reimbursement and mileage, which shall be
5328 paid from funds appropriated to the Mississippi Community College
5329 Board.

5330 **SECTION 77.** Section 37-7-485, Mississippi Code of 1972, is
5331 amended as follows:

5332 37-7-485. (1) This section shall be referred to as the
5333 "School Property Development Act of 2005." It is the intent of
5334 the Legislature that this section shall provide school boards with
5335 an alternative optional method of disposal of surplus school
5336 property that may generate greater returns to the district than a
5337 public disposal sale, or to promote or stimulate economic
5338 development within the school district or to promote, stabilize or
5339 enhance property and tax values within the school district.



5340 (2) The school board of any school district shall be
5341 authorized and empowered, in its discretion, to sell, convey or
5342 exchange a partial interest, undivided interest or any other
5343 interest in real property (other than sixteenth section public
5344 school trust land), in whole or in part, for a nonoperational
5345 interest in any proposed development of the property, including
5346 ownership of shares of a domestic corporation or a membership
5347 interest in a limited liability company or a limited partnership
5348 interest, any of which is organized for the operation of any
5349 project, development or activity that, in the discretion of the
5350 school board, will have the potential for fostering economic
5351 development activities, increasing property values, increasing
5352 student development or enhancing public safety. The school board
5353 may contract with any other governmental entity, university or
5354 community college, corporation, person or other legal entity for
5355 the development, design, construction, financing, ownership or
5356 operation of any project, development or activity and may issue
5357 notes, leases, bonds or other written obligations to finance such
5358 activities. The school board may pledge any revenues or taxes it
5359 is to receive from such sale, conveyance or exchange, including
5360 any shares of a corporation or membership interest in a limited
5361 liability company or limited partnership interest under this
5362 subsection or under Sections 37-7-471 through 37-7-483, to secure
5363 the repayment of any notes, leases (excluding leases of sixteenth
5364 section public school trust land), bonds or other written



5365 obligations of the district issued under any provision of state
5366 law. Any such pledge of revenues or other monies shall be valid
5367 and binding from the date the pledge is made; such revenues or
5368 other monies so pledged and thereafter received by the school
5369 district shall immediately be subject to the lien of such pledge
5370 without any physical delivery thereof or further act, and the lien
5371 of any such pledge shall be valid and binding as against all
5372 parties having claims of any kind in tort, contract or otherwise
5373 against the school district irrespective of whether such parties
5374 have notice thereof. Neither the resolutions, contracts or any
5375 other instrument by which a pledge is created need be recorded.
5376 Any debt secured in whole or in part by a pledge of such revenues
5377 or other monies shall not be subject to or included in any debt
5378 limitation imposed on the issuance of such debt. This subsection
5379 (2) shall not be construed to apply to sixteenth section public
5380 school trust land.

5381 (3) The school board shall use sound business practices when
5382 executing exchanges as provided in this section. The school board
5383 may utilize the services of the Mississippi Development Authority,
5384 the local planning and development district or * * * any
5385 university board of trustees * * * when executing exchanges as
5386 provided in this section. The local school board shall require,
5387 in any project exceeding Two Hundred Thousand Dollars
5388 (\$200,000.00) that the party with whom the school board is
5389 contracting shall provide the following information, at a minimum:



5390 (a) A two-year business plan (which shall include pro
5391 forma balance sheets, income statements and monthly cash flow
5392 statements);

5393 (b) Financial statements and tax returns for the three
5394 (3) years immediately prior to the date the contract is formed;

5395 (c) Credit reports on all persons or entities with a
5396 twenty percent (20%) or greater interest in the entity;

5397 (d) Data supporting the expertise of the entity's
5398 principals;

5399 (e) A cost benefit analysis of the project performed by
5400 the Mississippi Development Authority, a state institution of
5401 higher learning or other entity selected by the local school
5402 board; and

5403 (f) Any other information required by the local school
5404 board.

5405 This subsection (3) shall not be construed to apply to
5406 sixteenth section public school trust land.

5407 (4) The local school board shall make public record any
5408 final and signed contract created under this section.

5409 (5) No person involved in any economic development project
5410 entered into by a school board under the provisions of this
5411 section shall be related by consanguinity or affinity within the
5412 third degree to any member of the school board or the
5413 superintendent or any assistant superintendent of the school
5414 district, nor shall any such person have an interest in any



5415 business or have an economic relationship with any member of the
5416 school board or the superintendent or any assistant superintendent
5417 of the school district.

5418 (6) No person, or any agent, subsidiary or parent
5419 corporation or firm owned in whole or in part by the person shall
5420 be eligible to bid or otherwise participate in the construction,
5421 contracting, or subcontracting on any project or part thereof for
5422 which the person has been hired to perform construction program
5423 management services. Any contract for public construction that
5424 violates this provision shall be void and against the public
5425 policy of the state. For purposes of this subsection, the term
5426 "construction program management services" means a set of
5427 management and technical services rendered by a person or firm to
5428 a public sector building owner during the predesign, design,
5429 construction, or post-construction phases of new construction,
5430 demolition, alteration, repair, or renovation projects. These
5431 services include any one or more of the following: project
5432 planning, budgeting, scheduling, coordination, design management,
5433 construction administration, or facility occupancy actions, but
5434 shall not include any component of the actual construction work.
5435 The term does not include the services performed by the general
5436 contractor who is engaged to perform the construction work, or
5437 services customarily performed by licensed architects or
5438 registered engineers.



5439 (7) This section shall be supplemental and additional to any
5440 powers conferred by other laws on school districts. However, this
5441 section shall not grant any authority to a school board to issue
5442 debt in any amount that is not otherwise expressly provided for by
5443 law, and shall not grant any authority to impose, levy or collect
5444 any tax that is not otherwise expressly provided for by law.

5445 (8) If a school board exercises its option to enter into a
5446 development agreement or other contract under this section or to
5447 transfer any property or interest therein to a third party for
5448 purposes of future development, the following conditions shall
5449 apply:

5450 (a) The board shall have the express authority to
5451 retain a deed of trust or such other security interest in the
5452 property in an amount equal at least to the value of the property
5453 at the time of such transfer, less any consideration paid by the
5454 developer or other parties;

5455 (b) The liability of the school board and the school
5456 district under any such development agreement shall be limited to
5457 the value of any retained property interest in the development
5458 agreement or the property that is the subject of the development
5459 agreement. Neither the school board nor the district shall be
5460 liable to any party nor shall it indemnify or hold harmless any
5461 party for any liabilities, obligations, losses, damages,
5462 penalties, settlements, claims, actions, suits, proceedings or
5463 judgments of any kind and nature, costs, expenses, or attorney's



5464 fees incurred by such party or parties for any act or action
5465 arising out of, or in connection with any development agreement
5466 entered into by the school board, other than the value of the
5467 retained ownership interest in the property that was conveyed
5468 under such development agreement.

5469 (9) Before entering into any transaction as provided in this
5470 section, the school board members shall certify that they are in
5471 compliance with Section 25-4-25 regarding filings of statements of
5472 economic interest with the Mississippi Ethics Commission and that
5473 they will receive no direct or indirect pecuniary benefit as a
5474 result of the transaction or be in violation of the provisions of
5475 Section 25-4-105 regarding the improper use of official position.

5476 (10) [Deleted]

5477 (11) Any property developed by a school district under this
5478 section shall be deemed to be for "school purposes" or for
5479 "educational purposes."

5480 **SECTION 78.** Section 37-9-77, Mississippi Code of 1972, is
5481 amended as follows:

5482 37-9-77. (1) There is established the Mississippi School
5483 Administrator Sabbatical Program which shall be available to
5484 licensed teachers employed in Mississippi school districts for not
5485 less than three (3) years, for the purpose of allowing such
5486 teachers to become local school district administrators under the
5487 conditions set forth in this section. The State Board of
5488 Education, in coordination with * * * each university board of



5489 trustees * * *, shall develop guidelines for the program.
5490 Application shall be made to the State Department of Education for
5491 the Mississippi School Administrator Sabbatical Program by
5492 qualified teachers meeting the criteria for a department-approved
5493 administration program and who have been recommended by the local
5494 school board. Administration programs that are eligible for the
5495 administrator sabbatical program shall be limited to those that
5496 have been approved by the department by the January 1 preceding
5497 the date of admission to the program. Admission into the program
5498 shall authorize the applicant to take university course work and
5499 training leading to an administrator's license.

5500 (2) The salaries of the teachers approved for participation
5501 in the administrator sabbatical program shall be paid by the
5502 employing school district from * * * funds other than adequate
5503 education program funds. However, the State Department of
5504 Education shall reimburse the employing school districts for the
5505 cost of the salaries and paid fringe benefits of teachers
5506 participating in the administrator sabbatical program for one (1)
5507 contract year. Reimbursement shall be made in accordance with the
5508 then current minimum education program salary schedule under
5509 Section 37-19-7, except that the maximum amount of the
5510 reimbursement from state funds shall not exceed the minimum
5511 education program salary for a teacher holding a Class A license
5512 and having five (5) years' experience. The local school district
5513 shall be responsible for that portion of a participating teacher's



5514 salary attributable to the local supplement and for any portion of
5515 the teacher's salary that exceeds the maximum amount allowed for
5516 reimbursement from state funds as provided in this subsection, and
5517 the school board may not reduce the local supplement payable to
5518 that teacher. Any reimbursements made by the State Department of
5519 Education to local school districts under this section shall be
5520 subject to available appropriations and may be made only to school
5521 districts determined by the State Board of Education as being in
5522 need of administrators.

5523 (3) Such teachers participating in the program on a
5524 full-time basis shall continue to receive teaching experience and
5525 shall receive the salary prescribed in Section 37-19-7, including
5526 the annual experience increments. Such participants shall be
5527 fully eligible to continue participation in the Public Employees'
5528 Retirement System and the Public School Employees Health Insurance
5529 Plan during the time they are in the program on a full-time basis.

5530 (4) As a condition for participation in the School
5531 Administrator Sabbatical Program, such teachers shall agree to
5532 employment as administrators in the sponsoring school district for
5533 not less than five (5) years following completion of administrator
5534 licensure requirements. Any person failing to comply with this
5535 employment commitment in any required school year, unless the
5536 commitment is deferred as provided in subsection (5) of this
5537 section, shall immediately be in breach of contract and become
5538 liable to the State Department of Education for that amount of his



5539 salary and paid fringe benefits paid by the state while the
5540 teacher was on sabbatical, less twenty percent (20%) of the amount
5541 of his salary and paid fringe benefits paid by the state for each
5542 year that the person was employed as an administrator following
5543 completion of the administrator licensure requirements. In
5544 addition, the person shall become liable to the local school
5545 district for any portion of his salary and paid fringe benefits
5546 paid by the local school district while the teacher was on
5547 sabbatical that is attributable to the local salary supplement or
5548 is attributable to the amount that exceeds the maximum amount
5549 allowed for reimbursement from state funds as provided in
5550 subsection (2) of this section, less twenty percent (20%) of the
5551 amount of his salary and paid fringe benefits paid by the school
5552 district for each year that the person was employed as an
5553 administrator following completion of the administrator licensure
5554 requirements. Interest on the amount due shall accrue at the
5555 current Stafford Loan rate at the time the breach occurs. If the
5556 claim for repayment of such salary and fringe benefits is placed
5557 in the hands of an attorney for collection after default, then the
5558 obligor shall be liable for an additional amount equal to a
5559 reasonable attorney's fee.

5560 (5) If there is not an administrator position immediately
5561 available in the sponsoring school district after a person has
5562 completed the administrator licensure requirements, or if the
5563 administrator position in the sponsoring school district in which



5564 the person is employed is no longer needed before the completion
5565 of the five-year employment commitment, the local school board
5566 shall defer any part of the employment commitment that has not
5567 been met until such time as an administrator position becomes
5568 available in the sponsoring school district. If such a deferral
5569 is made, the sponsoring school district shall employ the person as
5570 a teacher in the school district during the period of deferral,
5571 unless the person desires to be released from employment by the
5572 sponsoring school district and the district agrees to release the
5573 person from employment. If the sponsoring school district
5574 releases a person from employment, that person may be employed as
5575 an administrator in another school district in the state that is
5576 in need of administrators as determined by the State Board of
5577 Education, and that employment for the other school district shall
5578 be applied to any remaining portion of the five-year employment
5579 commitment required under this section. Nothing in this
5580 subsection shall prevent a school district from not renewing the
5581 person's contract before the end of the five-year employment
5582 commitment in accordance with the School Employment Procedures Law
5583 (Section 37-9-101 et seq.). However, if the person is not
5584 employed as an administrator by another school district after
5585 being released by the sponsoring school district, or after his
5586 contract was not renewed by the sponsoring school district, he
5587 shall be liable for repayment of the amount of his salary and
5588 fringe benefits as provided in subsection (4) of this section.



5589 (6) All funds received by the State Department of Education
5590 from the repayment of salary and fringe benefits paid by the state
5591 from program participants shall be deposited in the Mississippi
5592 Critical Teacher Shortage Fund.

5593 **SECTION 79.** Section 37-9-213, Mississippi Code of 1972, is
5594 amended as follows:

5595 37-9-213. The Mississippi Teacher Center shall be
5596 responsible for the regular and ongoing evaluation of the
5597 beginning teacher support program and may contract for such
5598 evaluation. The evaluation shall include, but not be limited to,
5599 assessments of the following:

5600 (a) A survey and follow-up of all eligible mentor
5601 teachers and beginning teachers and appropriate district
5602 officials, to assess satisfaction with and the effectiveness of
5603 the beginning teacher support program;

5604 (b) The amount and quality of the contact time between
5605 mentor teachers and beginning teachers;

5606 (c) The effectiveness of workshops and other training
5607 required under Sections 37-9-201 through 37-9-211;

5608 (d) The effectiveness of the mentor program in
5609 enhancing the professional development and retention of new
5610 teachers in the district;

5611 (e) The desirability of extending this assistance
5612 program to students participating in graduate level teacher



5613 preparation programs similar to those which have been proposed
5614 by * * * state institutions of higher learning; and

5615 (f) The desirability of extending this assistance
5616 program to all probationary teachers.

5617 **SECTION 80.** Section 37-11-17, Mississippi Code of 1972, is
5618 amended as follows:

5619 37-11-17. (1) The State Board of Education, the university
5620 boards of trustees * * *, the Mississippi Community College Board,
5621 the boards of trustees of the several junior colleges, the county
5622 boards of education, the governing authorities of any county,
5623 municipal or other public school districts, such other boards set
5624 up by law for any educational institution, school, college or
5625 university, or their authorized representative, or the State
5626 Health Officer or his authorized representative, may require any
5627 teacher, supervisor, janitor or other employee of the school to
5628 submit to a thorough physical examination, deemed advisable to
5629 determine whether he has any infectious or communicable disease.

5630 (2) The State Board of Education may develop a program to
5631 accomplish the identification of public school district students
5632 with abnormal spinal curvature. No state funds shall be expended
5633 for the purposes of implementing this subsection. Such program
5634 shall:

5635 (a) Provide that an adequate number of school personnel
5636 in each district be instructed by qualified medical experts in the
5637 proper examination of students for abnormal spinal curvatures;



5638 (b) Provide that all public school district students
5639 who are at least ten (10) years old be screened at least every two
5640 (2) years but at least in the fourth, sixth, eighth and tenth
5641 grades or at such other times as may be recommended by medical
5642 experts on a per case basis;

5643 (c) Provide that students identified as having abnormal
5644 spinal curvatures or potential for abnormal spinal curvatures be
5645 referred to the county health officer or to the student's personal
5646 physician or chiropractor with notice of the evaluation; and

5647 (d) Provide for notification of the parent or guardian
5648 of any student identified under this program and for the supplying
5649 to such parent or guardian information on the condition and
5650 resources available for the correction or treatment of such
5651 condition. However, the requirement for screening shall not apply
5652 to a child whose parent or guardian objects thereto on grounds
5653 that the requirement conflicts with his conscientiously held
5654 religious beliefs.

5655 **SECTION 81.** Section 37-11-29, Mississippi Code of 1972, is
5656 amended as follows:

5657 37-11-29. (1) Any principal, teacher or other school
5658 employee who has knowledge of any unlawful activity which occurred
5659 on educational property or during a school related activity or
5660 which may have occurred shall report such activity to the
5661 superintendent of the school district or his designee who shall
5662 notify the appropriate law enforcement officials as required by



5663 this section. In the event of an emergency or if the
5664 superintendent or his designee is unavailable, any principal may
5665 make a report required under this subsection.

5666 (2) Whenever any person who shall be an enrolled student in
5667 any school or educational institution in this state supported in
5668 whole or in part by public funds, or who shall be an enrolled
5669 student in any private school or educational institution, is
5670 arrested for, and lawfully charged with, the commission of any
5671 crime and convicted upon the charge for which he was arrested, or
5672 convicted of any crime charged against him after his arrest and
5673 before trial, the office or law enforcement department of which
5674 the arresting officer is a member, and the justice court judge and
5675 any circuit judge or court before whom such student is tried upon
5676 said charge or charges, shall make or cause to be made a report
5677 thereof to the superintendent or the president or chancellor, as
5678 the case may be, of the school district or other educational
5679 institution in which such student is enrolled.

5680 If the charge upon which such student was arrested, or any
5681 other charges preferred against him are dismissed or nol prossed,
5682 or if upon trial he is either convicted or acquitted of such
5683 charge or charges, same shall be reported to said respective
5684 superintendent or president, or chancellor, as the case may be. A
5685 copy of said report shall be sent to the secretary of the
5686 university board of trustees of state * * * institution of higher
5687 learning * * * where the offense occurred.



5688 Said report shall be made within one (1) week after the
5689 arrest of such student and within one (1) week after any charge
5690 placed against him is dismissed or nol prossed, and within one (1)
5691 week after he shall have pled guilty, been convicted, or have been
5692 acquitted by trial upon any charge placed against him. This
5693 section shall not apply to ordinary traffic violations involving a
5694 penalty of less than Fifty Dollars (\$50.00) and costs.

5695 The State Superintendent of Public Education shall gather
5696 annually all of the reports provided under this section and
5697 prepare a report on the number of students arrested as a result of
5698 any unlawful activity which occurred on educational property or
5699 during a school related activity. All data must be disaggregated
5700 by race, ethnicity, gender, school, offense and law enforcement
5701 agency involved. However, the report prepared by the State
5702 Superintendent of Public Education shall not include the identity
5703 of any student who was arrested.

5704 On or before January 1 of each year, the State Superintendent
5705 of Public Education shall report to the Governor, the Lieutenant
5706 Governor, the Speaker of the House of Representatives and the
5707 Joint PEER Committee on this section. The report must include
5708 data regarding arrests as a result of any unlawful activity which
5709 occurred on educational property or during a school related
5710 activity.

5711 (3) When the superintendent or his designee has a reasonable
5712 belief that an act has occurred on educational property or during



5713 a school related activity involving any of the offenses set forth
5714 in subsection (6) of this section, the superintendent or his
5715 designee shall immediately report the act to the appropriate local
5716 law enforcement agency. For purposes of this subsection, "school
5717 property" shall include any public school building, bus, public
5718 school campus, grounds, recreational area or athletic field in the
5719 charge of the superintendent. The State Board of Education shall
5720 prescribe a form for making reports required under this
5721 subsection. Any superintendent or his designee who fails to make
5722 a report required by this section shall be subject to the
5723 penalties provided in Section 37-11-35.

5724 (4) The law enforcement authority shall immediately dispatch
5725 an officer to the educational institution and with probable cause
5726 the officer is authorized to make an arrest if necessary as
5727 provided in Section 99-3-7.

5728 (5) Any superintendent, principal, teacher or other school
5729 personnel participating in the making of a required report
5730 pursuant to this section or participating in any judicial
5731 proceeding resulting therefrom shall be presumed to be acting in
5732 good faith. Any person reporting in good faith shall be immune
5733 from any civil liability that might otherwise be incurred or
5734 imposed.

5735 (6) For purposes of this section, "unlawful activity" means
5736 any of the following:



- 5737 (a) Possession or use of a deadly weapon, as defined in
5738 Section 97-37-1;
- 5739 (b) Possession, sale or use of any controlled
5740 substance;
- 5741 (c) Aggravated assault, as defined in Section 97-3-7;
- 5742 (d) Simple assault, as defined in Section 97-3-7, upon
5743 any school employee;
- 5744 (e) Rape, as defined under Mississippi law;
- 5745 (f) Sexual battery, as defined under Mississippi law;
- 5746 (g) Murder, as defined under Mississippi law;
- 5747 (h) Kidnapping, as defined under Mississippi law; or
- 5748 (i) Fondling, touching, handling, etc., a child for
5749 lustful purposes, as defined in Section 97-5-23.

5750 **SECTION 82.** Section 37-15-38, Mississippi Code of 1972, is
5751 amended as follows:

5752 37-15-38. (1) The following phrases have the meanings
5753 ascribed in this section unless the context clearly requires
5754 otherwise:

5755 (a) A dual enrolled student is a student who is
5756 enrolled in a community or junior college or state institution of
5757 higher learning while enrolled in high school.

5758 (b) A dual credit student is a student who is enrolled
5759 in a community or junior college or state institution of higher
5760 learning while enrolled in high school and who is receiving high
5761 school and college credit for postsecondary coursework.



5762 (2) A local school board, * * * university boards of
5763 trustees * * * and the Mississippi Community College Board shall
5764 establish a dual enrollment system under which students in the
5765 school district who meet the prescribed criteria of this section
5766 may be enrolled in a postsecondary institution in Mississippi
5767 while they are still in school.

5768 (3) **Dual credit eligibility.** Before credits earned by a
5769 qualified high school student from a community or junior college
5770 or state institution of higher learning may be transferred to the
5771 student's home school district, the student must be properly
5772 enrolled in a dual enrollment program.

5773 (4) **Admission criteria for dual enrollment in community and**
5774 **junior college or university programs.** The Mississippi Community
5775 College Board and * * * university boards of trustees * * * may
5776 recommend to the State Board of Education admission criteria for
5777 dual enrollment programs under which high school students may
5778 enroll at a community or junior college or university while they
5779 are still attending high school and enrolled in high school
5780 courses. Students may be admitted to enroll in community or
5781 junior college courses under the dual enrollment programs if they
5782 meet that individual institution's stated dual enrollment
5783 admission requirements.

5784 (5) **Tuition and cost responsibility.** Tuition and costs for
5785 university-level courses and community and junior college courses
5786 offered under a dual enrollment program may be paid for by the



5787 postsecondary institution, the local school district, the parents
5788 or legal guardians of the student, or by grants, foundations or
5789 other private or public sources. Payment for tuition and any
5790 other costs must be made directly to the credit-granting
5791 institution.

5792 (6) **Transportation responsibility.** Any transportation
5793 required by a student to participate in the dual enrollment
5794 program is the responsibility of the parent, custodian or legal
5795 guardian of the student. Transportation costs may be paid from
5796 any available public or private sources, including the local
5797 school district.

5798 (7) **School district average daily attendance credit.** When
5799 dually enrolled, the student may be counted, for adequate
5800 education program funding purposes, in the average daily
5801 attendance of the public school district in which the student
5802 attends high school.

5803 (8) **High school student transcript transfer requirements.**
5804 Grades and college credits earned by a student admitted to a dual
5805 credit program must be recorded on the high school student record
5806 and on the college transcript at the university or community or
5807 junior college where the student attends classes. The transcript
5808 of the university or community or junior college coursework may be
5809 released to another institution or applied toward college
5810 graduation requirements.



5811 (9) **Determining factor of prerequisites for dual enrollment**
5812 **courses.** Each university and community or junior college
5813 participating in a dual enrollment program shall determine course
5814 prerequisites. Course prerequisites shall be the same for dual
5815 enrolled students as for regularly enrolled students at that
5816 university or community or junior college.

5817 (10) **Process for determining articulation of curriculum**
5818 **between high school, university, and community and junior college**
5819 **courses.** All dual credit courses must meet the standards
5820 established at the postsecondary level. Postsecondary level
5821 developmental courses may not be considered as meeting the
5822 requirements of the dual credit program. Dual credit memorandum
5823 of understandings must be established between each postsecondary
5824 institution and the school district implementing a dual credit
5825 program.

5826 (11) [Deleted]

5827 (12) **Eligible courses for dual credit programs.** Courses
5828 eligible for dual credit include, but are not necessarily limited
5829 to, foreign languages, advanced math courses, advanced science
5830 courses, performing arts, advanced business and technology, and
5831 career and technical courses. Distance Learning Collaborative
5832 Program courses approved under Section 37-67-1 shall be fully
5833 eligible for dual credit. All courses being considered for dual
5834 credit must receive unconditional approval from the superintendent
5835 of the local school district and the chief instructional officer



5836 at the participating community or junior college or university in
5837 order for college credit to be awarded. A university or community
5838 or junior college shall make the final decision on what courses
5839 are eligible for semester hour credits.

5840 (13) **High school Carnegie unit equivalency.** One (1)
5841 three-hour university or community or junior college course is
5842 equal to one (1) high school Carnegie unit.

5843 (14) **Course alignment.** The universities, community and
5844 junior colleges and the State Department of Education shall
5845 periodically review their respective policies and assess the place
5846 of dual credit courses within the context of their traditional
5847 offerings.

5848 (15) **Maximum dual credits allowed.** It is the intent of the
5849 dual enrollment program to make it possible for every eligible
5850 student who desires to earn a semester's worth of college credit
5851 in high school to do so. A qualified dually enrolled high school
5852 student must be allowed to earn an unlimited number of college or
5853 university credits for dual credit.

5854 (16) **Dual credit program allowances.** A student may be
5855 granted credit delivered through the following means:

5856 (a) Examination preparation taught at a high school by
5857 a qualified teacher. A student may receive credit at the
5858 secondary level after completion of an approved course and passing
5859 the standard examination, such as an Advanced Placement or
5860 International Baccalaureate course through which a high school



5861 student is allowed CLEP credit by making a three (3) or higher on
5862 the end-of-course examination.

5863 (b) College or university courses taught at a high
5864 school or designated postsecondary site by a qualified teacher who
5865 is an employee of the school district and approved as an
5866 instructor by the collaborating college or university.

5867 (c) College or university courses taught at a college,
5868 university or high school by an instructor employed by the college
5869 or university and approved by the collaborating school district.

5870 (d) Online courses of any public university, community
5871 or junior college in Mississippi.

5872 (17) **Qualifications of dual credit instructors.** A dual
5873 credit academic instructor must meet the requirements set forth by
5874 the regional accrediting association (Southern Association of
5875 College and Schools). University and community and junior college
5876 personnel have the sole authority in the selection of dual credit
5877 instructors.

5878 A dual credit career and technical education instructor must
5879 meet the requirements set forth by the Mississippi Community
5880 College Board in the qualifications manual for postsecondary
5881 career and technical personnel.

5882 (18) **Guidance on local agreements.** The * * * Commissioner
5883 of Higher Education, or his designee and the Chief Instructional
5884 Officers of the Mississippi Community College Board and the State
5885 Department of Education, working collaboratively, shall develop a



5886 template to be used by the individual community and junior
5887 colleges and institutions of higher learning for consistent
5888 implementation of the dual enrollment program throughout the State
5889 of Mississippi.

5890 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

5891 A local school board and the local community colleges board shall
5892 establish a Mississippi Works Dual Enrollment-Dual Credit Option
5893 Program under which potential or recent student dropouts may
5894 dually enroll in their home school and a local community college
5895 in a dual credit program consisting of high school completion
5896 coursework and a community college credential, certificate or
5897 degree program. Students completing the dual enrollment-credit
5898 option may obtain their high school diploma while obtaining a
5899 community college credential, certificate or degree. The
5900 Mississippi Department of Employment Security shall assist
5901 students who have successfully completed the Mississippi Works
5902 Dual Enrollment-Dual Credit Option in securing a job upon the
5903 application of the student or the participating school or
5904 community college. The Mississippi Works Dual Enrollment-Dual
5905 Credit Option Program will be implemented statewide in the
5906 2012-2013 school year and thereafter. The State Board of
5907 Education, local school board and the local community college
5908 board shall establish criteria for the Dual Enrollment-Dual Credit
5909 Program. Students enrolled in the program will not be eligible to
5910 participate in interscholastic sports or other extracurricular



5911 activities at the home school district. Tuition and costs for
5912 community college courses offered under the Dual Enrollment-Dual
5913 Credit Program shall not be charged to the student, parents or
5914 legal guardians. When dually enrolled, the student shall be
5915 counted for adequate education program funding purposes, in the
5916 average daily attendance of the public school district in which
5917 the student attends high school, as provided in Section
5918 37-151-7(1)(a). Any transportation required by the student to
5919 participate in the Dual Enrollment-Dual Credit Program is the
5920 responsibility of the parent or legal guardian of the student, and
5921 transportation costs may be paid from any available public or
5922 private sources, including the local school district. Grades and
5923 college credits earned by a student admitted to this Dual
5924 Enrollment-Dual Credit Program shall be recorded on the high
5925 school student record and on the college transcript at the
5926 community college and high school where the student attends
5927 classes. The transcript of the community college coursework may
5928 be released to another institution or applied toward college
5929 graduation requirements. Any course that is required for subject
5930 area testing as a requirement for graduation from a public school
5931 in Mississippi is eligible for dual credit, and courses eligible
5932 for dual credit shall also include career, technical and degree
5933 program courses. All courses eligible for dual credit shall be
5934 approved by the superintendent of the local school district and
5935 the chief instructional officer at the participating community



5936 college in order for college credit to be awarded. A community
5937 college shall make the final decision on what courses are eligible
5938 for semester hour credits and the local school superintendent,
5939 subject to approval by the Mississippi Department of Education,
5940 shall make the final decision on the transfer of college courses
5941 credited to the student's high school transcript.

5942 **SECTION 83.** Section 37-26-9, Mississippi Code of 1972, is
5943 amended as follows:

5944 37-26-9. (1) It shall be the duty of the clerk of any court
5945 to promptly collect the costs imposed pursuant to the provisions
5946 of Section 37-26-3. In all cases the clerk shall monthly deposit
5947 all such costs so collected with the State Treasurer either
5948 directly or by other appropriate procedures. All such deposits
5949 shall be clearly marked for the State Court Education Fund and the
5950 State Prosecutor Education Fund. Upon receipt of such deposits,
5951 the State Treasurer shall credit seventy-five percent (75%) of any
5952 amounts so deposited to the State Court Education Fund created
5953 pursuant to subsection (2) of this section, and shall credit the
5954 remaining twenty-five percent (25%) of any amounts so deposited to
5955 the State Prosecutor Education Fund created pursuant to subsection
5956 (3) of this section.

5957 (2) Such assessments as are collected under Section 99-19-73
5958 shall be deposited in a special fund hereby created in the State
5959 Treasury and designated the "State Court Education Fund." Monies
5960 deposited in such fund shall be expended by the * * * Commissioner



5961 of Higher Education as authorized and appropriated by the
5962 Legislature to defray the cost of providing: (i) education and
5963 training for the courts of Mississippi and related personnel; (ii)
5964 technical assistance for the courts of Mississippi and related
5965 personnel; and (iii) current and accurate information for the
5966 Mississippi Legislature pertaining to the needs of the courts of
5967 Mississippi and related personnel.

5968 (3) Such assessments as are collected under Section 99-19-73
5969 shall be deposited in a special fund hereby created in the State
5970 Treasury and designated the "State Prosecutor Education Fund."
5971 Monies deposited in such fund shall be expended by the Attorney
5972 General of the State of Mississippi as authorized and appropriated
5973 by the Legislature to defray the cost of providing: (i) education
5974 and training for district attorneys, county prosecuting attorneys
5975 and municipal prosecuting attorneys; (ii) technical assistance for
5976 district attorneys, county prosecuting attorneys and municipal
5977 prosecuting attorneys; and (iii) current and accurate information
5978 for the Mississippi Legislature pertaining to the needs of
5979 district attorneys, county prosecuting attorneys and municipal
5980 prosecuting attorneys.

5981 (4) A supplemental fund is hereby created in the State
5982 Treasury and designated the State Court Constituents Fund. Monies
5983 deposited in such fund shall be for the education and training of
5984 judges and related court personnel other than those specified in
5985 Section 37-26-1(b). In addition to any other fees or costs now or



5986 as may hereafter be provided by law, there is hereby charged in
5987 all civil cases in the chancery, circuit, county, justice and
5988 municipal courts of this state a supplemental court education and
5989 training cost in the amount of Fifty Cents (50¢), except in
5990 justice court cases where the amount sued for is less than Fifteen
5991 Dollars (\$15.00); and in all criminal cases in the circuit,
5992 county, justice and municipal courts of this state, except in
5993 cases where the fine is less than Ten Dollars (\$10.00). Such
5994 costs shall be charged and collected as provided by Sections
5995 37-26-3 and 37-26-5.

5996 After the transfer to the State Prosecutor Education Fund of
5997 twenty-five percent (25%) of the money provided for in subsection
5998 (1) of this section, there shall then be transferred into the
5999 State Court Education Fund the money on deposit in the State Court
6000 Constituents Fund.

6001 (5) A special fund is created in the State Treasury and
6002 designated the "State Court Security Systems Fund." Monies
6003 deposited in such fund shall be expended for general courtroom
6004 security as well as the maintenance and operation of security
6005 surveillance and detection devices for the courtrooms of each
6006 court of the State of Mississippi specified in Section 37-26-1(2).
6007 The Administrative Office of Courts shall conduct a study to
6008 assess and determine the security needs of the courts and is
6009 authorized to expend monies in the fund for the purposes of the
6010 fund as authorized and appropriated by the Legislature.



6011 (6) From and after July 1, 2017, the expenses of the State
6012 Court Education Fund, the State Prosecutors Education Fund, the
6013 State Court Constituents Fund and the State Court Security Systems
6014 Fund shall be defrayed by appropriation from the State General
6015 Fund and all user charges and fees authorized under this section
6016 shall be deposited into the State General Fund as authorized by
6017 law and as determined by the State Fiscal Officer.

6018 (7) From and after July 1, 2016, no state agency shall
6019 charge another state agency a fee, assessment, rent or other
6020 charge for services or resources received by authority of this
6021 section.

6022 **SECTION 84.** Section 37-61-33, Mississippi Code of 1972, is
6023 amended as follows:

6024 37-61-33. (1) There is created within the State Treasury a
6025 special fund to be designated the "Education Enhancement Fund"
6026 into which shall be deposited all the revenues collected pursuant
6027 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

6028 (2) Of the amount deposited into the Education Enhancement
6029 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
6030 appropriated each fiscal year to the State Department of Education
6031 to be distributed to all school districts. Such money shall be
6032 distributed to all school districts in the proportion that the
6033 average daily attendance of each school district bears to the
6034 average daily attendance of all school districts within the state
6035 for the following purposes:



6036 (a) Purchasing, erecting, repairing, equipping,
6037 remodeling and enlarging school buildings and related facilities,
6038 including gymnasiums, auditoriums, lunchrooms, vocational training
6039 buildings, libraries, teachers' homes, school barns,
6040 transportation vehicles (which shall include new and used
6041 transportation vehicles) and garages for transportation vehicles,
6042 and purchasing land therefor.

6043 (b) Establishing and equipping school athletic fields
6044 and necessary facilities connected therewith, and purchasing land
6045 therefor.

6046 (c) Providing necessary water, light, heating,
6047 air-conditioning and sewerage facilities for school buildings, and
6048 purchasing land therefor.

6049 (d) As a pledge to pay all or a portion of the debt
6050 service on debt issued by the school district under Sections
6051 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
6052 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
6053 and 37-41-81, or debt issued by boards of supervisors for
6054 agricultural high schools pursuant to Section 37-27-65, if such
6055 pledge is accomplished pursuant to a written contract or
6056 resolution approved and spread upon the minutes of an official
6057 meeting of the district's school board or board of supervisors.
6058 The annual grant to such district in any subsequent year during
6059 the term of the resolution or contract shall not be reduced below
6060 an amount equal to the district's grant amount for the year in



6061 which the contract or resolution was adopted. The intent of this
6062 provision is to allow school districts to irrevocably pledge a
6063 certain, constant stream of revenue as security for long-term
6064 obligations issued under the code sections enumerated in this
6065 paragraph or as otherwise allowed by law. It is the intent of the
6066 Legislature that the provisions of this paragraph shall be
6067 cumulative and supplemental to any existing funding programs or
6068 other authority conferred upon school districts or school boards.
6069 Debt of a district secured by a pledge of sales tax revenue
6070 pursuant to this paragraph shall not be subject to any debt
6071 limitation contained in the foregoing enumerated code sections.

6072 (3) The remainder of the money deposited into the Education
6073 Enhancement Fund shall be appropriated as follows:

6074 (a) To the State Department of Education as follows:

6075 (i) Sixteen and sixty-one one-hundredths percent
6076 (16.61%) to the cost of the adequate education program determined
6077 under Section 37-151-7; of the funds generated by the percentage
6078 set forth in this section for the support of the adequate
6079 education program, one and one hundred seventy-eight
6080 one-thousandths percent (1.178%) of the funds shall be
6081 appropriated to be used by the State Department of Education for
6082 the purchase of textbooks to be loaned under Sections 37-43-1
6083 through 37-43-59 to approved nonpublic schools, as described in
6084 Section 37-43-1. The funds to be distributed to each nonpublic
6085 school shall be in the proportion that the average daily



6086 attendance of each nonpublic school bears to the total average
6087 daily attendance of all nonpublic schools;

6088 (ii) Seven and ninety-seven one-hundredths percent
6089 (7.97%) to assist the funding of transportation operations and
6090 maintenance pursuant to Section 37-19-23; and

6091 (iii) Nine and sixty-one one-hundredths percent
6092 (9.61%) for classroom supplies, instructional materials and
6093 equipment, including computers and computer software, to be
6094 distributed to all eligible teachers within the state through the
6095 use of procurement cards. Classroom supply funds shall not be
6096 expended for administrative purposes. On or before September 1 of
6097 each year, local school districts shall determine and submit to
6098 the State Department of Education the number of teachers eligible
6099 to receive an allocation for the current year. For purposes of
6100 this subparagraph, "teacher" means any employee of the school
6101 board of a school district, or the Mississippi School for the
6102 Arts, the Mississippi School for Math and Science, the Mississippi
6103 School for the Blind or the Mississippi School for the Deaf, who
6104 is required by law to obtain a teacher's license from the State
6105 Department of Education and who is assigned to an instructional
6106 area of work as defined by the department, but shall not include a
6107 federally funded teacher. It is the intent of the Legislature
6108 that all classroom teachers shall utilize these funds in a manner
6109 that addresses individual classroom needs and supports the overall
6110 goals of the school regarding supplies, instructional materials,



6111 equipment, computers or computer software under the provisions of
6112 this subparagraph, including the type, quantity and quality of
6113 such supplies, materials and equipment. Classroom supply funds
6114 allocated under this subparagraph shall supplement, not replace,
6115 other local and state funds available for the same purposes. The
6116 State Board of Education shall develop and promulgate rules and
6117 regulations for the administration of this subparagraph consistent
6118 with the above criteria, with particular emphasis on allowing the
6119 individual teachers to expend funds as they deem appropriate.
6120 Effective with the 2013-2014 school year, the local school board
6121 shall require each school to issue procurement cards provided by
6122 the Department of Finance and Administration under the provisions
6123 of Section 31-7-9(1)(c) for the use of teachers and necessary
6124 support personnel in making instructional supply fund expenditures
6125 under this section, consistent with the regulations of the
6126 Mississippi Department of Finance and Administration pursuant to
6127 Section 31-7-9. Such procurement cards shall be issued at the
6128 beginning of the school year and shall be issued in equal amounts
6129 per teacher determined by the total number of qualifying personnel
6130 and the current state appropriation for classroom supplies with
6131 the Education Enhancement Fund. Such cards will expire on a
6132 pre-determined date at the end of each school year. All
6133 unexpended amounts will be carried forward, combined with the
6134 following year's allocation of Education Enhancement Fund



6135 instructional supplies funds and reallocated for the following
6136 year;

6137 (b) Twenty-two and nine one-hundredths percent (22.09%)
6138 to the * * * state institutions of higher learning in
6139 proportionate shares based upon student enrollment for the purpose
6140 of supporting institutions of higher learning; and

6141 (c) Fourteen and forty-one one-hundredths percent
6142 (14.41%) to the Mississippi Community College Board for the
6143 purpose of providing support to community and junior colleges.

6144 (4) The amount remaining in the Education Enhancement Fund
6145 after funds are distributed as provided in subsections (2) and (3)
6146 of this section shall be disbursed as follows:

6147 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
6148 be deposited into the Working Cash-Stabilization Reserve Fund
6149 created pursuant to Section 27-103-203(1), until the balance in
6150 such fund reaches the maximum balance of seven and one-half
6151 percent (7-1/2%) of the General Fund appropriations in the
6152 appropriate fiscal year. After the maximum balance in the Working
6153 Cash-Stabilization Reserve Fund is reached, such money shall
6154 remain in the Education Enhancement Fund to be appropriated in the
6155 manner provided for in paragraph (b) of this subsection.

6156 (b) The remainder shall be appropriated for other
6157 educational needs.

6158 (5) None of the funds appropriated pursuant to subsection
6159 (3) (a) of this section shall be used to reduce the state's General



6160 Fund appropriation for the categories listed in an amount below
6161 the following amounts:

6162 (a) For subsection (3)(a)(ii) of this section,
6163 Thirty-six Million Seven Hundred Thousand Dollars
6164 (\$36,700,000.00);

6165 (b) For the aggregate of minimum program allotments in
6166 the 1997 fiscal year, formerly provided for in Chapter 19, Title
6167 37, Mississippi Code of 1972, as amended, excluding those funds
6168 for transportation as provided for in paragraph (a) of this
6169 subsection.

6170 (6) Any funds appropriated from the Education Enhancement
6171 Fund that are unexpended at the end of a fiscal year shall lapse
6172 into the Education Enhancement Fund, except as otherwise provided
6173 in subsection (3)(a)(iii) of this section.

6174 **SECTION 85.** Section 37-63-3, Mississippi Code of 1972, is
6175 amended as follows:

6176 37-63-3. The Authority for Educational Television shall
6177 consist of the State Superintendent of Public Education, or his
6178 designee, and six (6) members appointed, with the advice and
6179 consent of the Senate. The Governor shall appoint four (4)
6180 members, one (1) of whom shall be actively engaged as a teacher or
6181 principal in a secondary school system in the State of Mississippi
6182 and one (1) of whom shall be actively engaged as a teacher or
6183 principal in an elementary school system in the State of
6184 Mississippi. Beginning July 1, 1994, the appointee actively



6185 engaged as a teacher or principal in a secondary school shall be
6186 appointed for an initial term of three (3) years. The member
6187 actively engaged as a teacher or principal in an elementary school
6188 shall be appointed for an initial term of four (4) years. The
6189 remaining two (2) gubernatorial appointees shall serve until July
6190 1, 1996. Beginning July 1, 1996, the Governor shall appoint two
6191 (2) members for initial terms of three (3) and four (4) years,
6192 with the Governor specifically designating which member shall be
6193 appointed for three (3) years and which shall be appointed for
6194 four (4) years. The Mississippi Community College Board shall
6195 appoint one (1) member, and the * * * Commissioner of Higher * * *
6196 Education. After the expiration of the initial terms, all members
6197 shall serve for terms of four (4) years. An appointment to fill a
6198 vacancy among the gubernatorial appointees, other than by
6199 expiration of a term of office, shall be made by the Governor for
6200 the balance of the unexpired term.

6201 **SECTION 86.** Section 37-65-7, Mississippi Code of 1972, is
6202 amended as follows:

6203 37-65-7. The board of trustees of any such school district,
6204 agricultural high school district or agricultural high school and
6205 junior college district, and * * * university boards of
6206 trustees * * *, respectively, as the case may be, may, in their
6207 discretion, pay all or any part of the salary of all
6208 superintendents, principals, teachers and other employees during
6209 or for the period when any of the said schools, agricultural high



6210 schools, agricultural high schools and junior colleges, or
6211 institutions of higher learning are closed in accordance with the
6212 terms of this article, and funds shall be drawn from the same
6213 source or sources as such funds would be drawn to pay such items
6214 if the schools, agricultural high schools, agricultural high
6215 schools and junior colleges, or institutions of higher learning
6216 had not been closed.

6217 **SECTION 87.** Section 37-67-1, Mississippi Code of 1972, is
6218 amended as follows:

6219 37-67-1. (1) This section shall be known and may be cited
6220 as the "Distance Learning Collaborative Act of 2016."

6221 (2) As used in this section:

6222 (a) "Distance learning" means a method of delivering
6223 education and instruction on an individual basis to students who
6224 are not physically present in a traditional setting such as a
6225 classroom. Distance learning provides access to learning when the
6226 source of information and the learners are separated by time and
6227 distance, or both. Distance learning courses that require a
6228 physical on-site presence for any reason other than taking
6229 examinations may be referred to as hybrid or blended courses of
6230 study.

6231 (b) "Department" means the Mississippi Department of
6232 Education.

6233 (c) A "distance learning collaborative" means a school
6234 or schools that write and submit an application to participate in



6235 the voluntary distance learning program. A distance learning
6236 collaborative is comprised, at a minimum, of a public school
6237 district, and may include an agency or other nonprofit
6238 organization approved by the State Department of Education to
6239 provide distance learning resources.

6240 (d) A "lead partner" is a public school district or
6241 other nonprofit entity with the instructional expertise and
6242 operational capacity to manage the Distance Learning Collaborative
6243 Program as described in the approved application for funds. The
6244 lead partner serves as the fiscal agent for the collaborative and
6245 shall disburse awarded funds in accordance with the
6246 collaborative's approved application. The lead partner ensures
6247 that the collaborative adopts and implements the Distance Learning
6248 Collaborative Program consistent with the standards adopted by the
6249 State Board of Education. The public school district shall be the
6250 lead partner if no other qualifying lead partner is selected.

6251 (3) Effective with the 2016-2017 school year, the
6252 Mississippi State Department of Education shall establish a
6253 voluntary distance learning grant program which shall be a
6254 collaboration among the entities providing distance learning
6255 services for students. The Distance Learning Collaborative
6256 Program shall provide financial assistance to encourage and
6257 improve distance learning education services in rural areas
6258 through the use of telecommunications, computer networks and
6259 related advanced technologies to be used by students, teachers and



6260 rural residents. Grants are for projects where the benefit is
6261 primarily delivered to end users who are not at the same location
6262 as the source of the education service.

6263 (4) Distance Learning Collaborative Grants may be used to:

6264 (a) Acquire the following types of equipment: (i)
6265 computer hardware and software; (ii) audio and video equipment;
6266 (iii) computer network components; (iv) terminal equipment; (v)
6267 data terminal equipment; (vi) inside wiring; (vii) interactive
6268 video equipment; and (viii) other facilities that further distance
6269 learning technology services.

6270 (b) Acquire instructional programming for distance
6271 learning programs.

6272 (c) Acquire technical assistance and instruction for
6273 using eligible equipment.

6274 (d) The cost of tuition and fees for students to
6275 participate over and above the available federal Perkins Loans or
6276 Stafford Loans which are loaned directly to qualifying students to
6277 assist in covering the cost of distance learning funding.

6278 (e) Any interest charges that accumulate during a
6279 student's degree program for the utilization of distance learning
6280 services.

6281 (5) Subject to the availability of funds appropriated
6282 therefor, the State Department of Education shall administer the
6283 implementation, monitoring and evaluation of the voluntary
6284 Distance Learning Collaborative Program, including awards and the



6285 application process. The department shall establish a rigorous
6286 and transparent application process for the awarding of funds.
6287 Lead partners shall submit the application on behalf of their
6288 distance learning collaborative. The department will establish
6289 monitoring policies and procedures that shall include at least one
6290 (1) site visit per year. The department will provide technical
6291 assistance to collaboratives and their providers to improve the
6292 quality of distance learning services. The department will
6293 evaluate the effectiveness of each distance learning
6294 collaborative.

6295 (6) Distance Learning Collaborative Program funds shall be
6296 awarded to distance learning collaboratives whose proposed
6297 programs meet the program criteria established by the State Board
6298 of Education which shall include the following:

6299 (a) Distance learning programs shall be approved and
6300 registered with the State Department of Education and course
6301 content must be aligned with state standards.

6302 (b) Distance learning instructors shall complete
6303 professional development training in online methodology and
6304 technical aspects of web-based instruction, and may be
6305 credentialed by the National Board for Professional Teaching
6306 Standards (NBPTS).

6307 (c) Transcript equivalency of grades between online and
6308 traditional classes. Student enrollment and credits awarded shall
6309 be made in accordance with regulations jointly approved by the



6310 State Board of Education, the Mississippi Community College Board
6311 and the * * * Commissioner of Higher * * * Education with the
6312 advice of university boards of trustees.

6313 (d) Curriculum standards for online courses.

6314 (e) Classroom "seat time" requirements for online
6315 courses.

6316 (f) Accountability for student achievement, including
6317 methods to assess online course completion rates.

6318 (7) A teacher, assistant teacher or other employee whose
6319 salary and fringe benefits are paid from state funds allocated for
6320 the Distance Learning Collaborative Program shall only be
6321 classified as a state or local school district employee eligible
6322 for state health insurance benefits or membership in the Public
6323 Employees' Retirement System, if the person's employer is already
6324 a public school district or an agency or instrumentality of the
6325 state, and the employee would be eligible for such benefits in the
6326 normal course of business.

6327 (8) Funding shall be provided for the Distance Learning
6328 Collaborative Program beginning with the 2016-2017 fiscal year
6329 subject to appropriation by the Legislature, and the Legislature
6330 may appropriate funds to implement the program on a phased-in
6331 basis. The State Department of Education may receive and expend
6332 contributions and funding from private sources for the
6333 administration and implementation of the Distance Learning
6334 Collaborative Program. In the initial phase of implementation,



6335 the State Department of Education shall award state funds based on
6336 a community's capacity, commitment and need in order to encourage
6337 and improve distance learning services in rural areas. The
6338 department shall make an annual report to the Legislature and the
6339 Governor regarding the effectiveness of the Distance Learning
6340 Collaborative Program, and the PEER Committee shall review those
6341 reports and other program data and submit an independent
6342 evaluation of the program operation and effectiveness to the
6343 Legislature and the Governor on or before October 1 of the
6344 calendar year before the beginning of the next phased-in period of
6345 funding. The State Department of Education shall reserve no more
6346 than five percent (5%) of the appropriation in any year for
6347 administrative costs. Funds remaining after awards to distance
6348 learning collaboratives may be carried over in the following year.

6349 (9) The lead partner of a distance learning collaborative
6350 and the local school district shall compile information about
6351 online learning programs for high school students to earn college
6352 credit and place the information on its website. Examples of
6353 information to be compiled and placed on the website include links
6354 to providers of approved online learning programs, comparisons
6355 among various types of online programs regarding awarding of
6356 credit, advantages and disadvantages of online learning programs,
6357 and other general assistance and guidance for students, teachers
6358 and counselors in selecting and considering online learning
6359 programs. Public high schools shall ensure that teachers and



6360 counselors have information about online learning programs for
6361 high school students to earn college or university credit and are
6362 able to assist parents and students in accessing the information.
6363 Distance learning collaboratives shall ensure that parents and
6364 students have opportunities to learn about online learning
6365 programs under this section.

6366 **SECTION 88.** Section 37-99-1, Mississippi Code of 1972, is
6367 amended as follows:

6368 37-99-1. (1) * * * University boards of trustees * * * and
6369 the boards of trustees of the community and junior colleges shall
6370 adopt policies requiring the award of educational credits to any
6371 student who is enrolled in a public institution of higher
6372 learning, community or junior college, and is also a veteran, for
6373 courses that are part of the student's military training or
6374 service, that meet the standards of the American Council on
6375 Education or equivalent standards for awarding academic credit,
6376 and that are determined by the academic department or appropriate
6377 faculty of the awarding institution to be equivalent in content or
6378 experience to courses at that institution. Credits shall be
6379 awarded in accordance with Southern Association of Colleges and
6380 Schools Commission on Colleges standards.

6381 (2) Each board shall adopt the necessary rules, regulations
6382 and procedures to implement the provisions of this section,
6383 effective no later than the 2020-2021 academic year and continuing
6384 thereafter.



6385 **SECTION 89.** Section 37-102-1, Mississippi Code of 1972, is
6386 amended as follows:

6387 37-102-1. * * * Each university board of trustees * * * may
6388 establish off-campus instructional programs for existing
6389 universities. However, * * * said boards * * * shall not
6390 establish off-campus instructional programs if in its opinion such
6391 action is not in the best interest of quality education for the
6392 State of Mississippi and the university system.

6393 Students at any off-campus program site may, in the
6394 discretion of * * * each respective university board of
6395 trustees * * *, be permitted to register for full-time course
6396 loads.

6397 Attendance at an off-campus site shall fulfill the residency
6398 requirements as if the student had attended class on the parent
6399 campus of the university, and there shall be no difference in the
6400 standards for work nor quality weight of a degree earned in the
6401 off-campus program from that earned at the parent institution.

6402 **SECTION 90.** Section 37-102-3, Mississippi Code of 1972, is
6403 amended as follows:

6404 37-102-3. * * * A university board of trustees * * * shall
6405 not permit its * * * university to offer courses for college
6406 credit at the lower undergraduate level at an off-campus site
6407 unless approved by the Mississippi Community College Board. The
6408 university board of trustees * * *, in cooperation with the
6409 Mississippi Community College Board, shall study the need and



6410 advisability of offering (a) courses for college credit at the
6411 lower undergraduate level, and (b) advanced centers for technology
6412 partnerships for industrial training and professional development
6413 for credit and noncredit courses, at the following off-campus
6414 sites by four-year public state institutions of higher learning:
6415 the Mississippi Gulf Coast counties; Greenville, Mississippi;
6416 Columbus, Mississippi; McComb, Mississippi; Hattiesburg,
6417 Mississippi; Meridian, Mississippi; Laurel, Mississippi; and any
6418 other proposed area of the state. Any such study shall take into
6419 account the ongoing programs of the community and junior colleges
6420 in the State of Mississippi when said board authorizes off-campus
6421 programs created under this chapter. It is the intent of the
6422 Legislature to meet the educational needs of students who do not
6423 have ready access to the educational opportunities that they
6424 desire. It is the further intent of this chapter that university
6425 off-campus programs established hereunder will in no way usurp the
6426 responsibilities of the public junior colleges of the State of
6427 Mississippi. The said board shall establish such rules and
6428 regulations as it deems necessary and proper to carry out the
6429 purposes and intent of this chapter.

6430 **SECTION 91.** Section 37-102-5, Mississippi Code of 1972, is
6431 amended as follows:

6432 37-102-5. * * * Each university board of trustees * * * may
6433 designate the university facility which shall operate and be
6434 responsible for each off-campus site. However, off-campus sites



6435 shall be located in such a manner as to make the services of the
6436 institutions of higher learning available to the people of
6437 Mississippi without unnecessary program duplication in the same
6438 geographic area.

6439 **SECTION 92.** Section 37-102-7, Mississippi Code of 1972, is
6440 amended as follows:

6441 37-102-7. * * * Each university board of trustees * * *
6442 shall submit to the Legislature budget requests with off-campus
6443 programs being an identified part of the total general support
6444 budget request for universities by being a separate item within
6445 the budget request of the respective university which offers the
6446 program. Said budget request shall include a statement of all
6447 actual or estimated receipts and disbursements for such off-campus
6448 programs and such other information as may be required by the
6449 Legislative Budget Office.

6450 **SECTION 93.** Section 37-102-13, Mississippi Code of 1972, is
6451 amended as follows:

6452 37-102-13. * * * Each university board of trustees * * *
6453 shall take into account the ongoing programs of the private
6454 colleges in the State of Mississippi when said board authorizes
6455 off-campus programs created under this chapter. It is the intent
6456 of this chapter to meet the educational needs of students who do
6457 not have ready access to the educational opportunities that they
6458 desire.



6459 **SECTION 94.** Section 37-102-15, Mississippi Code of 1972, is
6460 amended as follows:

6461 37-102-15. (1) * * * A university board of trustees * * *
6462 and the Bureau of Buildings, Grounds and Real Property Management
6463 shall not make any expenditure for capital improvements for
6464 off-campus sites unless specifically authorized by the Mississippi
6465 Legislature. However, this shall not preclude such capital
6466 improvements from being made by county or municipal governments
6467 locally or regionally involved.

6468 (2) The Mississippi State University Board of Trustees * * *
6469 and the Bureau of Buildings, Grounds and Real Property Management
6470 is specifically authorized to expend any funds available to it
6471 from private sources, from the proceeds of the sale of any
6472 property and improvements currently on the site of Mississippi
6473 State University off-campus instructional program at Meridian and
6474 from the proceeds of funds designated to the Mississippi State
6475 University system for "repair, renovation and new construction" in
6476 Chapter 2, Section 2, General Laws, First Extraordinary Session of
6477 1989, for the construction, equipping and furnishing and new
6478 building, and/or for the repair, renovation, equipping and
6479 furnishing of any existing building at the Mississippi State
6480 University off-campus instructional program site at Meridian,
6481 Mississippi. The board * * * is hereby authorized to receive and
6482 expend matching funds from the local, county and municipal



6483 governments for such construction, equipping, furnishing, repair
6484 or renovation.

6485 **SECTION 95.** Section 37-103-1, Mississippi Code of 1972, is
6486 amended as follows:

6487 37-103-1. The board of trustees of each junior college in
6488 this state, * * * each university board of trustees * * *, and the
6489 administrative authorities of each institution governed by said
6490 boards, in ascertaining and determining the legal residence of and
6491 tuition to be charged any student applying for admission to such
6492 institutions shall be governed by the definitions and conditions
6493 set forth in Sections 37-103-1 through 37-103-23.

6494 **SECTION 96.** Section 37-103-9, Mississippi Code of 1972, is
6495 amended as follows:

6496 37-103-9. Children of parents who are members of the faculty
6497 or staff of any institution under the jurisdiction of the board of
6498 trustees of any junior college in this state or * * * of any state
6499 institutions of higher learning may be classified as residents for
6500 the purpose of attendance at the institution where their parents
6501 are faculty or staff members.

6502 **SECTION 97.** Section 37-103-25, Mississippi Code of 1972, is
6503 amended as follows:

6504 37-103-25. (1) The university boards of trustees * * * and
6505 the boards of trustees of the community colleges and junior
6506 colleges are authorized to prescribe the amount of tuition and
6507 fees to be paid by students attending the several state-supported



6508 institutions of higher learning and community colleges and junior
6509 colleges of the State of Mississippi.

6510 (2) Except as otherwise provided in this subsection and
6511 subsections (3) and (4) of this section, the total tuition to be
6512 paid by residents of other states shall not be less than the
6513 average cost per student from appropriated funds. However, the
6514 tuition to be paid by a resident of another state shall be equal
6515 to the tuition amount established under subsection (1) of this
6516 section if:

6517 (a) The nonresident student is either a veteran, as
6518 defined by Title 38 of the United States Code, or a person
6519 entitled to education benefits under Title 38 of the United States
6520 Code. Nonresident students enrolled in a professional school or
6521 college at a state institution of higher learning are excluded
6522 from this paragraph (2)(a) except for those nonresident students
6523 who must be charged tuition equal to the amount established under
6524 subsection (1) due to the provisions of Section 702 of the
6525 Veterans Access, Choice and Accountability Act of 2014. This
6526 paragraph (a) shall be administered and interpreted in the manner
6527 necessary to obtain or retain approval of courses of education by
6528 the Secretary of the United States Department of Veterans Affairs;

6529 (b) The nonresident student is an evacuee of an area
6530 affected by Hurricane Katrina or Hurricane Rita. This waiver
6531 shall be applicable to the 2005-2006 school year only * * * and



6532 (c) The nonresident student's out-of-state tuition was
6533 waived according to subsection (3) or (4) of this section.

6534 (3) * * * Each university board of trustees * * * may, in
6535 its discretion, consider and grant requests to approve institution
6536 specific policies permitting the waiver of out-of-state tuition
6537 when such an official request is made by the president or
6538 chancellor of the institution and when such request is determined
6539 by the board to be fiscally responsible and in accordance with the
6540 educational mission of the requesting institution.

6541 (4) The board of trustees of any community college or junior
6542 college may develop and implement a policy for waiving
6543 out-of-state tuition for the college if the policy is determined
6544 by the board to be in accordance with the educational mission of
6545 the college and if a local industry or business or a state agency
6546 agrees to reimburse the college for the entire amount of the
6547 out-of-state tuition that will be waived under the policy. State
6548 funds shall be allocated and spent only on students who reside
6549 within the State of Mississippi. However, associate degree
6550 nursing students who reside outside the State of Mississippi may
6551 be counted for pay purposes.

6552 **SECTION 98.** Section 37-103-29, Mississippi Code of 1972, is
6553 amended as follows:

6554 37-103-29. Nothing in this chapter shall be construed to
6555 provide that * * * university boards of trustees * * * or the



6556 board of trustees of any junior college is required to consider
6557 for admission the application of a nonresident.

6558 **SECTION 99.** Section 37-104-5, Mississippi Code of 1972, is
6559 amended as follows:

6560 37-104-5. As used in this chapter, the following words and
6561 terms shall have the following meanings:

6562 (a) "Authority" means the members of the State Bond
6563 Commission, which is composed of the Governor, the Attorney
6564 General, and the State Treasurer, under Section 31-17-1,
6565 Mississippi Code of 1972, acting as the Educational Facilities
6566 Authority for Private, Nonprofit Institutions of Higher Learning.

6567 (b) "Private institution of higher learning" means a
6568 nonprofit university, college or junior college within the State
6569 of Mississippi, authorized by law to provide a program of
6570 education beyond the high school level, which is not under the
6571 jurisdiction of * * * a university board of trustees * * * or the
6572 Mississippi Community College Board, and which is accredited by
6573 the Southern Association of Colleges and Schools.

6574 (c) "Educational facility" means any facility or
6575 structure, including, but not limited to, a housing or dormitory
6576 facility, academic building, library, laboratory, research
6577 facility, classroom, athletic facility, health care facility,
6578 maintenance, storage or utility facility, student union building,
6579 administration building, and parking facility, and any other
6580 facility or structure related thereto, which is essential, useful



6581 or convenient for the instruction of students, the conducting of
6582 research or the operation and conduct of a private institution of
6583 higher learning, and the land underlying said facility or
6584 structure, but shall not include any facility or structure used or
6585 to be used for sectarian instruction or as a place of religious
6586 worship nor any facility which is used or to be used primarily in
6587 connection with any part of the program of a school or department
6588 of divinity for any religious denomination or sect.

6589 (d) "Educational facility project" means the
6590 construction, enlargement, repair, improvement, alteration,
6591 remodeling, reconstruction, equipping or acquisition of an
6592 educational facility.

6593 (e) "Cost of the educational facility project" means
6594 the cost of construction, enlargement, repair, improvement,
6595 alteration, remodeling, reconstruction, equipping or acquisition
6596 of an educational facility; the cost of all lands, properties,
6597 rights-of-way, easements, franchises and interests acquired, used
6598 for or in connection with the educational facility; the cost of
6599 demolishing or removing buildings or structures on land so
6600 acquired, including the cost of acquiring any lands to which such
6601 buildings or structures may be moved; the cost of all machinery
6602 and equipment; financing charges, interest prior to and during
6603 construction, enlargement, repair, improvement, alteration,
6604 remodeling, reconstruction, or equipping of the said educational
6605 facility and for one (1) year after completion of said



6606 construction, enlargement, repair, improvement, alteration,
6607 remodeling, reconstruction, equipping or acquisition; the cost of
6608 engineering, architectural, financial and legal services; the cost
6609 of all plans, surveys and specifications; studies, estimates of
6610 cost and of revenues, and other expenses necessary or incident to
6611 determining the feasibility or practicability of the project;
6612 administrative expenses; the cost of such other expenses as may be
6613 necessary or incident to the financing herein authorized of the
6614 construction, enlargement, repair, improvement, alteration,
6615 remodeling, reconstruction, equipping or acquisition of any
6616 educational facility and the placing of said project in operation.
6617 Any obligations or expenses incurred for any of the foregoing
6618 purposes shall be regarded as a cost of the educational facility
6619 project and may be paid or reimbursed as such out of the proceeds
6620 of revenue bonds issued under the provisions of this chapter for
6621 such educational facility project.

6622 (f) "Participating private institution of higher
6623 learning" means a private institution of higher learning which,
6624 pursuant to the provisions of this chapter, undertakes an
6625 educational facility project, and the financing thereof, or
6626 undertakes the refinancing of an educational facility project.

6627 (g) "Revenue bonds" means revenue bonds issued by the
6628 authority, under the provisions of this chapter, to finance or
6629 refinance an educational facility project at a participating
6630 private institution of higher learning and payable from monies



6631 received by the authority from the participating private
6632 institution of higher learning pursuant to the bond loan agreement
6633 as defined herein.

6634 (h) "Bond loan agreement" means an agreement between
6635 the participating private institution of higher learning and the
6636 authority for the purposes of: (i) establishing the terms for the
6637 payment of the revenue bonds by the participating private
6638 institution of higher learning; (ii) establishing the collateral
6639 of the participating private institution of higher learning which
6640 the parties determine to be necessary to secure the payment of the
6641 revenue bonds; (iii) establishing the terms for the payment by the
6642 authority to the participating private institution of higher
6643 learning of the proceeds from the sale of the revenue bonds for
6644 the payment of the costs of the educational facilities project by
6645 the participating private institution of higher learning; and (iv)
6646 setting forth all other matters relating to the revenue bonds.

6647 **SECTION 100.** Section 37-105-1, Mississippi Code of 1972, is
6648 amended as follows:

6649 37-105-1. * * * A university board of trustees * * * is
6650 hereby authorized and empowered to enact traffic rules and
6651 regulations for the control, direction, parking and general
6652 regulation of traffic and automobiles on the campus and streets of
6653 any state institution of higher learning under the supervision of
6654 such board.



6655 Any rules and regulations promulgated hereunder shall become
6656 effective only after notice of the enactment of same has been
6657 published in three (3) consecutive weekly issues of the college
6658 newspaper and in a newspaper published and having general
6659 circulation in the county or municipality where the institution to
6660 which same pertain is located; such notice shall state where the
6661 full text of such rules and regulations may be found on file. In
6662 addition, such rules and regulations shall be posted on five (5)
6663 bulletin boards at each such institution for a period of four (4)
6664 weeks after their promulgation.

6665 **SECTION 101.** Section 37-105-3, Mississippi Code of 1972, is
6666 amended as follows:

6667 37-105-3. (1) The traffic officers duly appointed by the
6668 president of any state institution of higher learning, or any
6669 peace officer or highway patrolman of this state, are vested with
6670 the powers and authority to perform all duties incident to
6671 enforcing such rules and regulations as may be enacted under the
6672 authority granted in Section 37-105-1, including the arrest of
6673 violators.

6674 (2) The peace officers duly appointed by the president of
6675 any state institution of higher learning are also vested with the
6676 powers and subjected to the duties of a constable for the purpose
6677 of preventing all violations of law that occur within five hundred
6678 (500) feet of any property owned by the university, if such
6679 universities determine that they want such peace officers to



6680 exercise such powers and if reasonably determined to have a
6681 possible impact on the safety of students, faculty or staff of the
6682 university while on said property. If a university determines
6683 that it wants such peace officers to exercise such powers, the
6684 university may enter into an interlocal agreement with other law
6685 enforcement entities specifying the individual and joint duties to
6686 be exercised on property within the peace officers' jurisdiction.
6687 Provided, however, that nothing in this section shall be
6688 interpreted to require action by any such peace officer appointed
6689 by such universities to events occurring outside the boundaries of
6690 university property, nor shall any such university or its
6691 employees be liable for any failure to act to any event occurring
6692 outside the boundaries of property owned by the university.

6693 With approval from the university board of trustees * * *,
6694 the university may enter into an interlocal agreement with other
6695 law enforcement entities for the provision of equipment or traffic
6696 control duties, however, the duty to enforce traffic regulations
6697 and to enforce the laws of the state or municipality off of
6698 university property lies with the local police or sheriff's
6699 department which cannot withhold its services solely because of
6700 the lack of such an agreement.

6701 **SECTION 102.** Section 37-105-7, Mississippi Code of 1972, is
6702 amended as follows:

6703 37-105-7. * * * Each university board of trustees * * * is
6704 hereby authorized and empowered to prevent or regulate the running



6705 at large of animals of all kinds on the campus and the streets
6706 of * * * its institution of higher learning * * *, and to cause
6707 such animals as may be running at large to be impounded and a
6708 charge made against the owner to discharge the cost and expenses
6709 of keeping the same. If the owner of any such animal does not pay
6710 such cost within the time prescribed by the board * * *, such
6711 impounded animal may be sold to discharge the cost and expense of
6712 impounding and selling the same.

6713 If the owner of any such animal does not pay such cost within
6714 the time prescribed by the board * * * and if such impounded
6715 animal cannot be sold to discharge the cost and expense of
6716 impounding and selling the same, such impounded animal may be sold
6717 or donated to research organizations.

6718 **SECTION 103.** Section 37-105-9, Mississippi Code of 1972, is
6719 amended as follows:

6720 37-105-9. Any act which, if committed within the limits of a
6721 city, town or village, or in any public place, would be a
6722 violation of the general laws of this state, shall be criminal and
6723 punishable if done on the campus, grounds or roads of any of the
6724 state institutions of higher learning. The peace officers duly
6725 appointed by the * * * presidents or chancellors of state
6726 institutions of higher learning are vested with the powers and
6727 subjected to the duties of a constable for the purpose of
6728 preventing and punishing all violations of law on university or
6729 college grounds, and for preserving order and decorum thereon.



6730 **SECTION 104.** Section 37-106-5, Mississippi Code of 1972, is
6731 amended as follows:

6732 37-106-5. (1) For purposes of this chapter, the following
6733 words shall be defined as follows unless the context requires
6734 otherwise:

6735 (a) "Eligible applicant or eligible student" means an
6736 individual who completes an application by the published
6737 application deadline for a given student financial assistance
6738 program, meets all initial or continuing eligibility requirements
6739 for the program and enrolls in an approved institution for the
6740 given program.

6741 (b) "Approved institution" means an institution of
6742 higher learning, public or private, which is accredited by the
6743 Southern Association of Colleges and Secondary Schools, or its
6744 equivalent or a business, vocational, technical or other
6745 specialized school recognized and approved by the Postsecondary
6746 Education Financial Assistance Board.

6747 (c) "Board" means the Postsecondary Education Financial
6748 Assistance Board created by Section 37-106-9 authorized and
6749 empowered to administer the provisions of this chapter.

6750 (d) "Financial need" means anticipated expenses of an
6751 eligible student while attending an approved institution which
6752 cannot reasonably be met by said student or by the parents thereof
6753 as shall be determined according to the criteria established by



6754 the rules and regulations of the board. Financial need shall be
6755 reevaluated and redetermined at least annually.

6756 (e) "Agency" means * * * a of state institutions of
6757 higher learning acting through its respective board of trustees.

6758 (f) "Renewal applicant or renewal student" means a
6759 student who previously received funding for a given program.

6760 (g) "Resident," "resident status" or "residency" shall
6761 be defined and determined in the same manner as resident status
6762 for tuition purposes as set forth in Sections 37-103-1 through
6763 37-103-29, with the exception of Section 37-103-17. Unless
6764 excepted by the rules of a given program, an applicant must be a
6765 Mississippi resident to qualify for financial assistance under
6766 this chapter.

6767 (h) "Dependent" shall be defined and used in the same
6768 manner as the term "minor" in Sections 37-103-1 through 37-103-29.
6769 The board will follow the federal guidelines for classifying a
6770 student as "dependent" or "independent."

6771 **SECTION 105.** Section 37-106-9, Mississippi Code of 1972, is
6772 amended as follows:

6773 37-106-9. (1) There is hereby created the Postsecondary
6774 Education Financial Assistance Board which shall consist of the
6775 following nine (9) members and two (2) nonvoting advisory members:
6776 two (2) people to be appointed by the * * * Commissioner of
6777 Higher * * * Education, one (1) from its membership to serve for
6778 an initial period of four (4) years and one (1) institutional



6779 representative to serve for an initial period of three (3) years;
6780 two (2) people to be appointed by the Mississippi Community
6781 College Board, one (1) from its membership to serve for an initial
6782 period of three (3) years and one (1) institutional representative
6783 to serve for an initial period of two (2) years; two (2) people to
6784 be appointed by the Governor, one (1) to serve for an initial
6785 period of two (2) years and one (1) to serve for an initial period
6786 of one (1) year; two (2) people to be appointed by the Executive
6787 Director of the Mississippi Association of Independent Colleges
6788 and Universities, one (1) association representative to serve for
6789 an initial period of two (2) years and one (1) institutional
6790 representative to serve for an initial period of one (1) year; and
6791 one (1) person to be appointed by the Lieutenant Governor for an
6792 initial period of (4) years. All subsequent appointments shall be
6793 for a period of four (4) years. Vacancies shall be filled for the
6794 length of the unexpired term only. The board shall elect from its
6795 membership a chairman. Additionally, the Chairmen of the House
6796 and Senate Universities and Colleges Committees shall serve as
6797 nonvoting advisory members.

6798 (2) The agency shall designate one (1) member of its staff
6799 to serve as director, to administer the provisions of this
6800 financial assistance program. The director shall be assigned by
6801 the agency sufficient staff, professional and clerical, funds and
6802 quarters to administer this program.

6803 (3) The director:



6804 (a) Subject to the review of the board, shall have the
6805 power of final approval of any application submitted;

6806 (b) Subject to the approval of the board, shall have
6807 authority to promulgate the necessary rules and regulations for
6808 effective administration of this chapter, including the method of
6809 making application for assistance authorized by this chapter.

6810 **SECTION 106.** Section 37-106-75, Mississippi Code of 1972, is
6811 amended as follows:

6812 **[From and after July 1, 2016, this section shall read as**
6813 **follows:]**

6814 37-106-75. (1) The Legislature hereby establishes the
6815 Higher Education Legislative Plan Grant Program.

6816 (2) For purposes of this section:

6817 (a) "Institution of higher education" shall mean any
6818 state institution of higher learning or public community or junior
6819 college, or any regionally accredited, state-approved, nonprofit
6820 two-year or four-year college or university located in the State
6821 of Mississippi approved by the board.

6822 (b) "Tuition" shall mean the semester or trimester or
6823 term charges and all required fees imposed by an institution of
6824 higher education as a condition of enrollment by all students.
6825 However, for a two-year nonpublic institution of higher education
6826 defined in paragraph (a), the tuition payments shall not exceed
6827 the average charges and fees required by all of the two-year
6828 public institutions of higher education defined in paragraph (a),



6829 and for a four-year nonpublic institution of higher education
6830 defined in paragraph (a), the tuition payments shall not exceed
6831 the average charges and fees required by all of the four-year
6832 public institutions of higher education defined in paragraph (a).

6833 (3) Subject to the availability of funds, the state may pay
6834 the tuition of students who enroll at any state institution of
6835 higher education to pursue an academic undergraduate degree who
6836 apply for the assistance under the program and who meet all of the
6837 following qualifications:

6838 (a) Resident of the State of Mississippi. Resident
6839 status for the purpose of receiving assistance under this chapter
6840 shall be determined in the same manner as resident status for
6841 tuition purposes in Sections 37-103-1 through 37-103-29, with the
6842 exception of Section 37-103-17;

6843 (b) Graduate from high school within the two (2) years
6844 preceding the application with a minimum cumulative grade point
6845 average of 2.5 calculated on a 4.0 scale;

6846 (c) Successfully complete, as certified by the high
6847 school counselor or other school official, seventeen and one-half
6848 (17-1/2) units of high school course work which includes the
6849 College Preparatory Curriculum (CPC) approved by * * * all
6850 university boards of trustees * * * and required for admission
6851 into a state university, plus one (1) unit of art which may
6852 include one (1) unit or two (2) one-half (1/2) units from the
6853 approved Mississippi Department of Education Arts-Visual and



6854 Performing series, and one (1) additional advanced elective unit,
6855 which may include Foreign Language II;

6856 (d) Have a composite score on the American College Test
6857 of at least twenty (20) on the 1989 version or an equivalent
6858 concordant value on an enhanced version of such test;

6859 (e) Have no criminal record, except for misdemeanor
6860 traffic violations; and

6861 (f) Be in financial need.

6862 (4) Subject to the availability of funds, the state may pay
6863 the tuition of students who enroll at any state institution of
6864 higher education to pursue an academic undergraduate degree or
6865 associate degree who apply for assistance under the program and
6866 who meet the qualifications in paragraphs (a), (e) and (f) of
6867 subsection (3) but who fail to meet one (1) of the particular
6868 requirements established by paragraph (b), (c) or (d) of
6869 subsection (3) by an amount of ten percent (10%) or less.

6870 (5) To maintain continued state payment of tuition, once
6871 enrolled in an institution of higher education, a student shall
6872 meet all of the following requirements:

6873 (a) Make steady academic progress toward a degree,
6874 earning not less than the minimum number of hours of credit
6875 required for full-time standing in each academic period requiring
6876 such enrollment;



6877 (b) Maintain continuous enrollment for not less than
6878 two (2) semesters or three (3) quarters in each successive
6879 academic year, unless granted an exception for cause by the board;

6880 (c) Have a cumulative grade point average of at least
6881 2.5 calculated on a 4.0 scale at the end of the first academic
6882 year and thereafter maintain such a cumulative grade point average
6883 as evaluated at the end of each academic year;

6884 (d) Have no criminal record, except for misdemeanor
6885 traffic violations; and

6886 (e) Be in financial need.

6887 (6) The provisions of this section shall be administered by
6888 the board. The board may promulgate rules for all matters
6889 necessary for the implementation of this section. By rule, the
6890 board shall provide for:

6891 (a) A mechanism for informing all students of the
6892 availability of the assistance provided under this section early
6893 enough in their schooling that a salutary motivational effect is
6894 possible;

6895 (b) Applications, forms, financial audit procedures,
6896 eligibility and other program audit procedures and other matters
6897 related to efficient operation;

6898 (c) A procedure for waiver through the 1996-1997
6899 academic year of the program eligibility requirement for
6900 successful completion of a specified core curriculum upon proper
6901 documentation by the applicant that failure to comply with the



6902 requirement is due solely to the fact that the required course or
6903 courses were not available to the applicant at the school
6904 attended.

6905 (7) An applicant shall be found to be in financial need if:

6906 (a) The family has one (1) child under the age of
6907 twenty-one (21), and the annual adjusted gross income of the
6908 family is less than Forty-two Thousand Five Hundred Dollars
6909 (\$42,500.00); or

6910 (b) The family has an annual adjusted gross income of
6911 less than Forty-two Thousand Five Hundred Dollars (\$42,500.00)
6912 plus Five Thousand Dollars (\$5,000.00) for each additional child
6913 under the age of twenty-one (21).

6914 The annual adjusted gross income of the family shall be
6915 verified by completion of the Free Application for Federal Student
6916 Aid (FAFSA) and the completion of the verification process if the
6917 applicant is selected for it.

6918 As used in this subsection, the term "family" for an
6919 unemancipated applicant means the applicant, the applicant's
6920 parents and other children under age twenty-one (21) of the
6921 applicant's parents. The term "family" for an emancipated
6922 applicant means the applicant, an applicant's spouse, and any
6923 children under age twenty-one (21) of the applicant and spouse.

6924 (8) No student shall receive a grant under this section in
6925 an amount greater than the tuition charged by the school. The



6926 student must apply for a federal grant prior to receiving state
6927 funds.

6928 **SECTION 107.** Section 37-111-3, Mississippi Code of 1972, is
6929 amended as follows:

6930 37-111-3. No society of the character designated in Section
6931 37-111-1 shall be organized without first having made written
6932 application to the faculty of the institution concerned, which
6933 application shall be signed by each of the proposed membership. A
6934 majority vote of the faculty present at a regular meeting shall
6935 suffice to approve or reject such application. The university
6936 board of trustees * * * may determine who constitutes the members
6937 of the faculty having jurisdiction of student activities.

6938 **SECTION 108.** Section 37-111-7, Mississippi Code of 1972, is
6939 amended as follows:

6940 37-111-7. Organizations of the character designated in
6941 Section 37-111-1 shall be permitted to hold their regular meetings
6942 for academic, social or business purposes in such places as the
6943 authorities may agree upon. Such organizations shall not be
6944 permitted to purchase, lease, or as an organization live within a
6945 domicile especially set apart for their purpose at any time,
6946 except under such regulations as shall be prescribed by * * * each
6947 university board of trustees * * *.

6948 **SECTION 109.** Section 37-111-9, Mississippi Code of 1972, is
6949 amended as follows:



6950 37-111-9. * * * Each university board of trustees * * * is
6951 hereby authorized and empowered, in its discretion, to lease to
6952 social fraternities, sororities, or other social organizations,
6953 upon such conditions as it may prescribe, for a term not exceeding
6954 ninety-nine (99) years, any land at * * * the state-supported
6955 institution of higher learning under its control and supervision
6956 for the purpose of erecting fraternity houses, sorority houses, or
6957 other facilities for recreation thereon.

6958 **SECTION 110.** Section 37-111-11, Mississippi Code of 1972, is
6959 amended as follows:

6960 37-111-11. The members of organizations of the character
6961 designated in Section 37-111-1, shall be amenable to the same
6962 rules and regulations as any and all other students in the
6963 institution. In the event that the members of such an
6964 organization become guilty of continued violation of the rules and
6965 of infractions of discipline, the university board of
6966 trustees * * * shall have the authority to dissolve such society
6967 and prohibit further meetings or its continuation as an
6968 organization. A failure to comply with the requirements of the
6969 trustees shall be a cause for suspension or expulsion from the
6970 institution as the faculty of the same may elect.

6971 **SECTION 111.** Section 37-113-7, Mississippi Code of 1972, is
6972 amended as follows:

6973 37-113-7. (1) The Mississippi State University Board of
6974 Trustees * * * is hereby authorized, in its discretion, to acquire



6975 by purchase, gift, or otherwise, any real property required by and
6976 for the use and benefit of Mississippi State University * * * said
6977 university, and is authorized to hold, use and operate such real
6978 property in conducting its authorized and necessary program of
6979 work. This section is designed to make it possible for said
6980 university and its subdivisions to acquire, hold and operate real
6981 property needed in its program of operations without the benefit
6982 of state funds specifically appropriated for the purchase of such
6983 properties. Such properties shall be acquired or purchased on the
6984 recommendation of the Director of the Mississippi Agricultural and
6985 Forestry Experimental Station made to the president of said
6986 university and approved by the board * * *.

6987 (2) The Mississippi State University Board of Trustees * * *
6988 is hereby authorized, in its discretion, to sell any such real
6989 property purchased or otherwise acquired under the authority of
6990 subsection (1) for the use of Mississippi State University * * *
6991 or its subdivisions when such property is not needed in the
6992 university's programs of operations. Such properties shall be
6993 sold on the recommendation of the Director of the Mississippi
6994 Agricultural and Forestry Experimental Station made to the
6995 president of the university and approved by the board * * *. The
6996 proceeds from the sale of such properties may be used to purchase
6997 other real properties for the use of the university under the
6998 provisions of subsection (1), or may be retained by the university
6999 for its operations. Consideration for the sale of real property



7000 hereunder shall not be less than the fair market price thereof as
7001 determined by a professional property appraiser selected and
7002 approved by the State Building Commission. Said appraisal shall
7003 be filed with the State Building Commission * * * at least thirty
7004 (30) days prior to the proposed sale of said property. Appraisal
7005 fees shall be shared equally by the university and the purchaser.

7006 (3) The Mississippi State University Board of Trustees * * *
7007 is hereby authorized and empowered to sell the following described
7008 property owned by Mississippi State University * * * in Oktibbeha
7009 County, Mississippi, to wit:

7010 Commence at the Northeast corner of the Southeast
7011 Quarter of Section 15, Township 19 North, Range 15 East,
7012 Oktibbeha County, Mississippi and use as the point of
7013 beginning. Thence run West along the North boundary of
7014 the South Half of Section 15 a distance of 3,997 feet to
7015 the East right-of-way of Macon-Aberdeen Road; thence run
7016 South along said right-of-way a distance of 20 feet;
7017 thence run East a distance of 800 feet; thence run South
7018 78 degrees 41' East a distance of 102 feet; thence run
7019 East a distance of 410 feet; thence run South a distance
7020 of 1,107 feet; thence run East a distance of 2,687 feet
7021 to the East boundary of Section 15; thence run North
7022 along said East boundary of Section 15 a distance of
7023 1,147 feet to the point of beginning. Being 71.56 acres
7024 located in the East Three Quarter of the South Half of



7025 Section 15, Township 19 North, Range 15 East, Oktibbeha
7026 County, Mississippi.

7027 The proceeds from the sale of said property shall be used by
7028 the board * * * to purchase other real property adjacent or in
7029 close proximity to the Mississippi State University * * *, or its
7030 subdivisions, suitable for use in the university's programs of
7031 operation. Consideration for the sale and purchase of said
7032 property shall be for the fair market price thereof as determined
7033 by a professional property appraiser selected and approved by the
7034 State Building Commission. Said appraisals shall be filed with
7035 the State Building Commission at least thirty (30) days prior to
7036 the proposed sale or purchase of said property. Appraisal fees
7037 shall be shared equally by the university and the purchaser in the
7038 case of the sale herein authorized, and by the university and the
7039 seller(s) in the case of the purchase herein authorized.

7040 (4) The Mississippi State University Board of Trustees * * *
7041 is hereby authorized and empowered to sell the following described
7042 property owned by Mississippi State University * * * in George
7043 County, Mississippi, to wit:

7044 The South West Quarter of the North West Quarter of
7045 Section Twenty, in Township One South of Range Six West,
7046 of the St. Stephens Meridian, Mississippi, containing
7047 Forty and Thirty One Hundredths of an acre.

7048 The proceeds from the sale of said property shall be used by
7049 the board * * * to purchase other real property adjacent or in



7050 close proximity to the Mississippi State University * * *, or its
7051 subdivisions, suitable for use in the university's programs of
7052 operation. Consideration for the sale and purchase of said
7053 property shall be for the fair market price thereof as determined
7054 by a professional property appraiser selected and approved by the
7055 State Building Commission. Said appraisals shall be filed with
7056 the State Building Commission at least thirty (30) days prior to
7057 the proposed sale or purchase of said property. Appraisal fees
7058 shall be shared equally by the university and the purchaser in the
7059 case of the sale herein authorized, and by the university and the
7060 seller(s) in the case of the purchase herein authorized.

7061 (5) The Mississippi State University Board of Trustees of
7062 State Institutions of Higher Learning is hereby authorized and
7063 empowered to sell the following described property owned by
7064 Mississippi State University * * * in Lauderdale County,
7065 Mississippi, to wit:

7066 The Northeast Quarter of the Northeast Quarter of
7067 Section 2, in Township 6, Range 16 East, plus applicable
7068 easements and mineral rights thereto.

7069 The proceeds from the sale of said property shall be used by the
7070 board * * * to purchase other real property adjacent or in close
7071 proximity to the Mississippi State University * * *, or its
7072 subdivisions, suitable for use in the university's programs of
7073 operation. Consideration for the sale and purchase of said
7074 property shall be for the fair market price thereof as determined



7075 by a professional property appraiser selected and approved by the
7076 State Building Commission. Said appraisals shall be filed with
7077 the State Building Commission at least thirty (30) days prior to
7078 the proposed sale or purchase of said property. Appraisal fees
7079 shall be shared equally by the university and the purchaser in the
7080 case of the sale herein authorized, and by the university and the
7081 seller(s) in the case of the purchase herein authorized.

7082 (6) When any property is sold by * * * a state institutions
7083 of higher learning pursuant to this section, the university board
7084 of trustees of the selling institution shall retain for the State
7085 of Mississippi any mineral rights which the board or the
7086 university has in such land.

7087 **SECTION 112.** Section 37-113-17, Mississippi Code of 1972, is
7088 amended as follows:

7089 37-113-17. The * * * monies received by this state, under
7090 Act of Congress, entitled "An act to establish agricultural
7091 experimental stations, etc.," approved March 2, 1887, and the
7092 provisions of which were accepted by this state, by act approved
7093 January 31, 1888, and assigned to the Mississippi State
7094 University * * *, shall be expended under its direction. The
7095 agricultural and forestry experimental station for this state is
7096 established at and with said university, and the Mississippi State
7097 University Board of Trustees * * * shall have full control
7098 thereof.



7099 **SECTION 113.** Section 37-113-19, Mississippi Code of 1972, is
7100 amended as follows:

7101 37-113-19. The State of Mississippi by its Legislature
7102 assents to and accepts the provisions and requirements of an act
7103 entitled "An act to provide for the further development of
7104 agricultural extension work between the agricultural colleges in
7105 the several states receiving the benefits of the act
7106 entitled * * * 'An act donating public lands of the several
7107 counties and territories which may provide colleges for the
7108 benefit of agriculture and the mechanical arts,' approved July 2,
7109 1862, and all acts supplementary thereto, and the United States
7110 Department of Agriculture," approved by the President on the 22nd
7111 day of May 1928. The Mississippi State University Board of
7112 Trustees * * *, on behalf of the Mississippi State
7113 University * * *, is authorized and empowered to receive the
7114 grants of money appropriated under said act and to organize and
7115 conduct agricultural extension work, which shall be carried on in
7116 connection with the said university in accordance with the terms
7117 and conditions expressed in the said act of Congress.

7118 **SECTION 114.** Section 37-113-21, Mississippi Code of 1972, is
7119 amended as follows:

7120 37-113-21. (1) Agriculture is the primary industry of
7121 Mississippi and it is to the interest of said state agriculture
7122 that research in the fields of livestock products, pastures and
7123 forage crops, poultry, herd and flock management, horticulture,



7124 farm mechanization, soil conservation, forestry, disease and
7125 insect and parasite control, the testing of plants and livestock
7126 under different conditions, farm enterprises for different sized
7127 farms under different soil and climatic conditions and market
7128 locations, and other important phases of Mississippi's
7129 agricultural economy, be expanded in the manner provided for in
7130 this section.

7131 (2) There is hereby authorized a branch experiment station
7132 to be known as the Brown Loam Branch Experiment Station, which is
7133 to be located on a part of that tract of land owned by the State
7134 of Mississippi and formerly operated as the Oakley Penitentiary
7135 and known as the Oakley Youth Development Center, same to be
7136 selected in accordance with Laws, 1954, Chapter 159, Section 3,
7137 and used as an agricultural experiment station. This property is
7138 to be supplied with necessary buildings, equipment, and other
7139 facilities; and title to such Oakley Penitentiary Farm, now known
7140 as the Oakley Youth Development Center, is to be transferred to
7141 the Mississippi State University Board of Trustees * * * for the
7142 use of the Mississippi Agricultural and Forestry Experimental
7143 Station as the site of, and to be used for said Brown Loam Branch
7144 Experiment Station in accordance with Laws, 1954, Chapter 159,
7145 Section 3.

7146 There is hereby authorized a branch experiment station to be
7147 known as the Coastal Plain Branch Experiment Station to be located
7148 on a suitable tract of approximately nine hundred (900) acres to



7149 be purchased in the upper coastal plain or short leaf pine area of
7150 east central Mississippi and to be supplied with necessary
7151 buildings, equipment, and other facilities.

7152 The enlargement of the Holly Springs Branch Experiment
7153 Station, hereafter to be known as the North Mississippi Branch
7154 Experiment Station, is hereby authorized, by the purchase of
7155 approximately five hundred (500) acres of additional land adjacent
7156 to or in the vicinity of either of the two (2) farms now operated
7157 by said branch stations, and by the provision of the necessary
7158 buildings, equipment, and other facilities, and the sale as,
7159 hereinafter provided, of that farm of said branch station which is
7160 not adjacent to the additional land to be purchased.

7161 There is hereby authorized the reactivation of the former
7162 McNeil Branch Experiment Station to be operated as a part of the
7163 South Mississippi Branch Experiment Station at Poplarville, and to
7164 be supplied with necessary buildings, equipment, and other
7165 facilities.

7166 There is hereby authorized a branch experiment station to be
7167 known as the Black Belt Branch Experiment Station to be located on
7168 a suitable tract of approximately six hundred forty (640) acres of
7169 land to be purchased in Noxubee County, Mississippi, and to be
7170 supplied with the necessary buildings, equipment, and other
7171 facilities.

7172 There is hereby authorized a branch experiment station to be
7173 known as the Northeast Mississippi Branch Experiment Station to be



7174 located on a suitable tract of approximately two hundred (200)
7175 acres of land to be purchased in Lee County, Mississippi. Said
7176 station shall be primarily devoted to the development of the dairy
7177 industry and shall be supplied with necessary buildings,
7178 equipment, and other facilities.

7179 There is hereby authorized the expansion of the office and
7180 laboratory building at the Delta Branch Experiment Station at
7181 Stoneville and of the office and laboratory and dwellings for
7182 station workers at the Truck Crops Branch Experiment Station at
7183 Crystal Springs.

7184 (3) The governing authorities of any municipality, town, or
7185 county in the state may, in their discretion, donate land, money
7186 or other property to * * * a university board of trustees * * * in
7187 furtherance of the purposes of this section.

7188 For the purpose of securing funds to carry out this
7189 subsection, the governing authorities of such municipality, town,
7190 or county are hereby authorized and empowered, in their
7191 discretion, to issue bonds or negotiate notes for the purpose of
7192 acquiring by purchase, gift, or lease real estate for the purpose
7193 herein authorized. Such issuance of bonds or notes shall be
7194 issued in an amount not to exceed the limitation now or hereafter
7195 imposed by law on counties, municipalities and towns, and shall be
7196 issued in all respects including interest rate, maturities and
7197 other details as is now or may hereafter be provided by general



7198 law regulating the issuance of bonds or notes by the governing
7199 authorities of such municipality, town, or county.

7200 (4) Any person, firm or corporation may contribute or donate
7201 real or other property to * * * a university board of
7202 trustees * * * in furtherance of the purpose of this section.

7203 (5) The Mississippi State University Board of Trustees * * *
7204 is hereby authorized, upon recommendation of the Director of the
7205 Agricultural and Forestry Experimental Station at * * *
7206 Mississippi State University * * *, which recommendation is
7207 approved by and transmitted to said board by the president of said
7208 university, to carry out the provisions of this section with
7209 particular reference to the establishment, reactivation,
7210 expansion, and the discontinuance of branch stations as herein
7211 provided, to receive and accept title to any land or property or
7212 money herein authorized, to buy or sell and dispose of any real or
7213 personal property herein authorized, to make available for
7214 carrying into effect the provisions of this section all money
7215 received from such sale or sales, and to do any and all things
7216 necessary to effectuate the purposes of this section. One-half
7217 (1/2) interest in and to all oil, gas and other minerals shall be
7218 retained under any lands sold hereunder.

7219 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
7220 authorized by the general education board of the Rockefeller
7221 Foundation for the development of agricultural research, with
7222 particular reference to expanding the branch experiment stations



7223 and conditioned upon a general program of expansion substantially,
7224 as herein provided, is hereby accepted. The Director of the
7225 Agricultural and Forestry Experimental Station at the Mississippi
7226 State University * * * is authorized and instructed to control and
7227 expend such fund in the same manner as other funds appropriated to
7228 carry out the provisions of this section.

7229 (7) The experiment station in Clay County, Mississippi,
7230 shall not be affected by this section.

7231 **SECTION 115.** Section 37-113-23, Mississippi Code of 1972, is
7232 amended as follows:

7233 37-113-23. (1) There is hereby authorized a branch
7234 experiment station, to be known as the "Pontotoc Ridge-Flatwoods
7235 Soil Experiment Station," to be located on a suitable tract of
7236 approximately six hundred (600) acres of land in Pontotoc County,
7237 Mississippi, the site of which is to be selected by the director
7238 of the agricultural and forestry experimental station at the
7239 Mississippi State University * * *. Said acreage shall be divided
7240 equally, as nearly as practicable, between the Pontotoc Ridge and
7241 Flatwoods soil types, for the purpose of experimentation with said
7242 two (2) types of soil in forestry, pasture-improvement,
7243 horticulture, soil conservation, truck crops, forage crops,
7244 poultry, disease and insect control and general farm products.
7245 The said experiment station shall be supplied with the necessary
7246 buildings, equipment, and other facilities.



7247 (2) The purpose of this section is to provide for increased
7248 efficiency in agriculture research for the farmers in the Pontotoc
7249 Ridge and Flatwoods soil types, who have been denied this service
7250 for all these years. Said branch experiment station shall serve
7251 the following named counties, to-wit: The Pontotoc Ridge soil
7252 begins at the Tennessee line and traverses the counties of Alcorn,
7253 Prentiss, Union, Pontotoc, Chickasaw and Clay. The Flatwoods soil
7254 which joins the Pontotoc Ridge soil on the west, begins at the
7255 Tennessee line and traverses the counties of Tippah, Benton,
7256 Union, Pontotoc, Calhoun, Chickasaw, Webster, Clay, Choctaw,
7257 Oktibbeha, Winston, Neshoba, Kemper and Lauderdale County or other
7258 counties applicable to these conditions.

7259 (3) The governing authorities of any municipality, town, or
7260 county in the state, or any person, firm or corporation may
7261 contribute or donate land, money or other property to the
7262 Mississippi State University Board of Trustees * * * in
7263 furtherance of the purpose of this section.

7264 (4) The Mississippi State University Board of Trustees * * *
7265 is hereby authorized, upon the recommendation of the director of
7266 the agricultural and forestry experimental station at Mississippi
7267 State University * * *, which recommendation is approved by and
7268 transmitted to said board by the president of said university, to
7269 establish said Pontotoc Ridge-Flatwoods soil experiment station,
7270 to receive and accept title to any land or money or property
7271 herein authorized or to be authorized, made available or to be



7272 made available by the State Legislature, to purchase land, let
7273 contracts for the construction of necessary buildings, to equip
7274 same, and to further equip said experiment station with farm
7275 equipment and any and all other equipment, and to do all things
7276 necessary to effectuate the purposes of this section.

7277 **SECTION 116.** Section 37-113-25, Mississippi Code of 1972, is
7278 amended as follows:

7279 37-113-25. The Mississippi State University Board of
7280 Trustees * * * is hereby authorized to establish and maintain a
7281 system of retirement for the employees of the agricultural and
7282 forestry experimental station and extension service, out of any
7283 federal funds available under the provisions of the act of
7284 Congress, approved March 4, 1940, and out of contributions made by
7285 the employees of such experimental station and extension service.

7286 In the establishment of such special retirement system, the
7287 board * * * shall have full authority to make all needful rules
7288 and regulations, to carry into effect the provisions of this
7289 section.

7290 **SECTION 117.** Section 37-113-28, Mississippi Code of 1972, is
7291 amended as follows:

7292 37-113-28. Neither the Mississippi State University Board of
7293 Trustees * * *, nor any person acting on behalf thereof, shall
7294 lease or rent hunting rights on any land located in Washington
7295 County, Mississippi, under the jurisdiction, ownership or
7296 trusteeship of the Mississippi Agriculture and Forestry Experiment



7297 Station, Delta Branch at Stoneville, but shall allow the public to
7298 hunt on such lands in accordance with the rules, regulations and
7299 permits as shall be adopted by the Delta Branch Experiment
7300 Station. The Department of Wildlife, Fisheries and Parks shall
7301 assist in the enforcement of such rules, regulations and permits
7302 as adopted by the Delta Branch Experiment Station, as well as
7303 enforcing the general hunting statutes of the State of
7304 Mississippi.

7305 **SECTION 118.** Section 37-113-29, Mississippi Code of 1972, is
7306 amended as follows:

7307 37-113-29. The agricultural extension service of the
7308 Mississippi State University * * *, by and with the approval and
7309 consent of the president of said university and the university
7310 board of trustees * * *, is hereby authorized and empowered to
7311 create, establish, equip and maintain a 4-H Club demonstration
7312 camp on a designated area on Sardis Lake in Panola County,
7313 Mississippi, on lands belonging to the federal government and
7314 leased to the agricultural extension service for such purpose.

7315 It shall be the duty and responsibility of the agricultural
7316 extension service of said university to direct and supervise the
7317 utilization of this facility in carrying out the purposes of this
7318 section. When not in use by the agricultural extension service
7319 for the purpose herein provided, this facility may be rented to
7320 other organizations for educational and recreational use only.
7321 Any * * * monies derived from such rental shall be used by the



7322 agricultural extension service by and with the approval of the
7323 president of said university and the university board of
7324 trustees * * *, for maintaining and further improving such
7325 facilities for use of the 4-H Clubs in Mississippi.

7326 The purpose of this section is to authorize the agricultural
7327 extension service of said university, by and with the approval and
7328 consent of the president of said university and the university
7329 board of trustees * * *, to establish, equip and maintain this 4-H
7330 Club demonstration camp for the purpose of teaching these
7331 Mississippi boys and girls standards of better farm and home
7332 making, the importance of and the methods of conservation of our
7333 natural resources, and the development of character and leadership
7334 and training for citizenship. To accomplish such purposes, the
7335 agricultural extension service, by and with the approval and
7336 consent of the president of said university and the university
7337 board of trustees * * *, is authorized and empowered to do such
7338 things as may be necessary, and to prescribe such rules and
7339 regulations as it may deem proper to carry out and put into effect
7340 the intent and purpose of this section.

7341 **SECTION 119.** Section 37-113-31, Mississippi Code of 1972, is
7342 amended as follows:

7343 37-113-31. The agricultural extension service of the
7344 Mississippi State University * * *, by and with the approval and
7345 consent of the president of said university and the university
7346 board of trustees * * *, is hereby authorized and empowered to



7347 create, establish, equip and maintain a 4-H Club demonstration
7348 camp for * * * African-American 4-H Club members, located on a
7349 designated area in Madison County, Mississippi, on lands belonging
7350 to the State of Mississippi.

7351 It shall be the duty and responsibility of the agricultural
7352 extension service of said university to direct and supervise the
7353 utilization of this facility in carrying out the purposes of this
7354 section. When not in use by the agricultural extension service
7355 for the purpose herein provided, this facility may be rented to
7356 other * * * African-American organizations for educational and
7357 recreational use only. Any * * * monies derived from such rental
7358 shall be used by the agricultural extension service by and with
7359 the approval of the president of said university and the
7360 university board of trustees * * *, for maintaining and further
7361 improving such facilities for use of the 4-H Clubs of Mississippi.

7362 The purpose of this section is to authorize the agricultural
7363 extension service of Mississippi by and with the approval and
7364 consent of the president of said university and the university
7365 board of trustees * * *, to establish, equip and maintain this 4-H
7366 Club demonstration camp for the purpose of teaching the * * *
7367 African-American boys and girls of Mississippi standards of better
7368 farm and home making, the importance of and the methods of
7369 conservation of our natural resources, and the development of
7370 character and leadership and training for citizenship. To
7371 accomplish such purposes, the agricultural extension service, by,



7372 and with the approval and consent of the president of said
7373 university and the university board of trustees * * *, is
7374 authorized and empowered to do such things as may be necessary,
7375 and to prescribe such rules and regulations as it may deem proper,
7376 to carry out and put into effect the intent and purpose of this
7377 section.

7378 **SECTION 120.** Section 37-113-33, Mississippi Code of 1972, is
7379 amended as follows:

7380 37-113-33. The Mississippi State University Board of
7381 Trustees * * * is hereby authorized and empowered to purchase,
7382 breed, maintain, manage, show and sell foundation herds of beef
7383 cattle, sheep and hogs at the Mississippi State University * * *.
7384 The said board is further authorized to establish necessary
7385 facilities, to employ and maintain necessary personnel, and to
7386 take any other action necessary to carry out this program.

7387 The purpose of this program is to provide a means for the
7388 broadening, balancing, and rounding-out of courses in animal
7389 husbandry for the training of animal husbandry students in
7390 livestock breeding, feeding, fitting, showing, judging, buying and
7391 selling, and to establish and maintain a source of foundation seed
7392 stock.

7393 Selected animals purchased, or produced, under this program
7394 may be sold only at public auctions sponsored by breed
7395 associations, after approval of the board * * *. The proceeds
7396 accruing from the sales of such animals, from show premium money,



7397 or from any other source, shall revert to, and be used for the
7398 maintenance of the revolving fund, when established by law, to
7399 carry out this program.

7400 This is a remedial statute and shall be liberally construed
7401 to accomplish its purpose.

7402 **SECTION 121.** Section 37-113-33, Mississippi Code of 1972, is
7403 amended as follows:

7404 37-113-33. The Mississippi State University Board of
7405 Trustees * * * is hereby authorized and empowered to purchase,
7406 breed, maintain, manage, show and sell foundation herds of beef
7407 cattle, sheep and hogs at the Mississippi State University * * *.
7408 The said board is further authorized to establish necessary
7409 facilities, to employ and maintain necessary personnel, and to
7410 take any other action necessary to carry out this program.

7411 The purpose of this program is to provide a means for the
7412 broadening, balancing, and rounding-out of courses in animal
7413 husbandry for the training of animal husbandry students in
7414 livestock breeding, feeding, fitting, showing, judging, buying and
7415 selling, and to establish and maintain a source of foundation seed
7416 stock.

7417 Selected animals purchased, or produced, under this program
7418 may be sold only at public auctions sponsored by breed
7419 associations, after approval of the board * * *. The proceeds
7420 accruing from the sales of such animals, from show premium money,
7421 or from any other source, shall revert to, and be used for the



7422 maintenance of the revolving fund, when established by law, to
7423 carry out this program.

7424 This is a remedial statute and shall be liberally construed
7425 to accomplish its purpose.

7426 **SECTION 122.** Section 37-113-41, Mississippi Code of 1972, is
7427 amended as follows:

7428 37-113-41. The Mississippi State University Board of
7429 Trustees * * * is hereby authorized to establish a fund to be
7430 known as the J. C. Hardy Memorial Fund.

7431 The fund herein authorized shall be raised and supplemented
7432 by donations, gifts, legacies, and otherwise. Under the
7433 supervision of said board of trustees, said fund or the proceeds
7434 therefrom shall be used to assist sons of low-income Mississippi
7435 citizens to meet their educational expenses at the Mississippi
7436 State University * * *.

7437 **SECTION 123.** Section 37-113-43, Mississippi Code of 1972, is
7438 amended as follows:

7439 37-113-43. Any county of this state now or hereafter having
7440 a population of more than one hundred thousand (100,000) according
7441 to the latest available census, and in which there is located a
7442 municipality of one hundred thousand (100,000) or more, acting by
7443 and through its board of supervisors, is hereby authorized and
7444 empowered to contribute the sum of One Million Dollars
7445 (\$1,000,000.00) toward the construction, erection and equipping of
7446 educational facilities to be utilized by Mississippi State



7447 University * * * within such county, by the Mississippi State
7448 University Board of Trustees * * *.

7449 **SECTION 124.** Section 37-113-45, Mississippi Code of 1972, is
7450 amended as follows:

7451 37-113-45. Any such county as is provided for in Section
7452 37-113-43 is hereby authorized and empowered to issue and sell its
7453 bonds, notes or other evidences of indebtedness for the purpose of
7454 providing funds with which to make the contribution or donation
7455 authorized under the provisions of said section. Such bonds,
7456 notes or other evidences of indebtedness shall not be issued in an
7457 amount which will exceed the limit of indebtedness of said county
7458 as such limit is prescribed by Sections 19-9-1 through 19-9-31,
7459 Mississippi Code of 1972. Before issuing any such bonds, notes or
7460 other evidences of indebtedness, the board of supervisors acting
7461 for such county shall adopt a resolution declaring its intention
7462 to issue the same, stating the amount and purpose thereof and
7463 fixing the date upon which an election will be held on the
7464 proposition. Notice of such election shall be given by
7465 publication of such resolution once a week for at least three (3)
7466 consecutive weeks in at least one (1) newspaper published in said
7467 county. The first publication of such notice shall be made not
7468 less than twenty-one (21) days prior to the date fixed in such
7469 resolution for the holding of said election as aforesaid and the
7470 last publication shall be made not more than seven (7) days prior
7471 to such date. At such election all qualified electors of said



7472 county may vote and the ballots used shall have printed thereon a
7473 brief statement of the amount and purpose of the bonds, notes or
7474 other evidences of indebtedness proposed to be issued and the
7475 voter shall vote by placing a cross (x) or check (✓) opposite his
7476 choice on the proposition. The bonds, notes or other evidences of
7477 indebtedness authorized herein shall not be issued unless
7478 authorized by the affirmative vote of a majority of the qualified
7479 voters of said county who vote on the proposition at such
7480 election. Such election shall be conducted and the returns
7481 thereof made, canvassed, and declared as nearly as may be in like
7482 manner as is now or may hereafter be provided by law in the case
7483 of general elections in counties. In the event that the question
7484 of the issuance of such bonds, notes or other evidences of
7485 indebtedness be not authorized at such election, such question
7486 shall not again be submitted to a vote until the expiration of a
7487 period of six (6) months, from and after the date of such
7488 election.

7489 Such bonds, notes or other evidences of indebtedness shall
7490 bear such date or dates, shall be of such denomination or
7491 denominations, shall be payable at such place or places, shall
7492 bear such rate or rates of interest and shall mature in such
7493 amounts and at such times as may be provided and directed by the
7494 board of supervisors of said county. Such bonds shall bear
7495 interest at a rate or rates not exceeding six percent (6%) per
7496 annum and shall mature in not more than twenty-five (25) years



7497 from the date thereof and shall be sold for not less than par and
7498 accrued interest.

7499 Any bonds authorized to be issued at an election as provided
7500 for in this section shall be issued by such county, acting by and
7501 through its board of supervisors, at such times and in such
7502 amounts as shall be provided for by resolution of the Mississippi
7503 State University Board of Trustees * * *.

7504 All bonds, notes or other evidences of indebtedness issued
7505 hereunder shall be secured by a pledge of the full faith, credit
7506 and resources of such county. There shall annually be levied upon
7507 all taxable property within said county an ad valorem tax in
7508 addition to all other taxes, sufficient to provide for the payment
7509 of the principal of and the interest on said bonds, notes or other
7510 evidences of indebtedness as the same respectively mature and
7511 accrue.

7512 **SECTION 125.** Section 37-113-47, Mississippi Code of 1972, is
7513 amended as follows:

7514 37-113-47. The proceeds of any contribution made by any
7515 county under the provisions of Section 37-113-43, including the
7516 proceeds from the sale of any bonds issued for such purposes,
7517 shall be paid by the board of supervisors of such county into the
7518 State Treasury into a special fund to the credit of the
7519 Mississippi State University Board of Trustees * * *, and shall
7520 thereafter be utilized and expended by said board * * *, erection



7521 and equipping of educational facilities in such county to be
7522 utilized by the Mississippi State University * * *.

7523 **SECTION 126.** Section 37-113-51, Mississippi Code of 1972, is
7524 amended as follows:

7525 37-113-51. The Mississippi State University Board of
7526 Trustees * * * is hereby authorized and directed to establish a
7527 college of veterinary medicine at Mississippi State University at
7528 Starkville, Mississippi.

7529 **SECTION 127.** Section 37-115-33, Mississippi Code of 1972, is
7530 amended as follows:

7531 37-115-33. The State Building Commission in the development
7532 of the architectural facilities of the medical center and hospital
7533 facilities is hereby authorized, empowered and directed to erect
7534 and equip adequate facilities for the training of nurses under
7535 such rules and regulations as may be promulgated by the
7536 Mississippi State University Board of Trustees * * *.

7537 **SECTION 128.** Section 37-115-35, Mississippi Code of 1972, is
7538 amended as follows:

7539 37-115-35. The University of Mississippi Board of
7540 Trustees * * * is hereby authorized and empowered to establish a
7541 fund to be known as "The Fielding L. Wright Memorial Health Fund,"
7542 which fund shall be administered by said board.

7543 The corpus of "The Fielding L. Wright Memorial Health Fund"
7544 shall consist of any * * * monies appropriated to it by the State
7545 Legislature and any funds received by donation, gift, legacy, or



7546 otherwise, the said board of trustees being hereby specifically
7547 authorized and empowered to accept such funds. All funds received
7548 by said board of trustees shall be invested in the following
7549 classes of securities, preference being in the order listed:

7550 (a) Bonds, notes, certificates, and other valid
7551 obligations of the State of Mississippi, or any county or city of
7552 the State of Mississippi, or of any school district bonds of the
7553 State of Mississippi;

7554 (b) Bonds, notes, certificates, and other valid
7555 obligations of the United States;

7556 (c) Bonds, notes, debentures and other securities
7557 issued by any federal instrumentality and fully guaranteed by the
7558 United States; or

7559 (d) Interest-bearing bonds or notes which are general
7560 obligations of any other state in the United States or of any city
7561 or county therein, provided that any such city or county had a
7562 population as shown by the latest federal decennial census next
7563 preceding such investment of not less than twenty-five thousand
7564 (25,000) inhabitants, and provided that any such state, city or
7565 county has not defaulted for a period longer than thirty (30) days
7566 in the payment of principal or interest on any of its general
7567 obligation indebtedness during a period of ten (10) calendar years
7568 immediately preceding such investment.

7569 All interest derived from investments and any gains from the
7570 sale or exchange of investments shall be expended by the staff of



7571 the University Medical Center, under the supervision of the
7572 director of the University Medical Center, for medical research in
7573 behalf of The Fielding L. Wright Memorial Health Fund.

7574 **SECTION 129.** Section 37-115-45, Mississippi Code of 1972, is
7575 amended as follows:

7576 37-115-45. (1) The University of Mississippi Medical Center
7577 shall establish a separate unit at the medical center for the
7578 treatment of burn victims, which shall be known as the Mississippi
7579 Burn Center. The opening and operation of the Mississippi Burn
7580 Center shall be conditioned upon the University of Mississippi
7581 Board of Trustees * * * making a written determination, spread
7582 upon their minutes, that adequate funds are available from public
7583 and/or private sources for the annual operating cost of the
7584 facility.

7585 (2) The Legislature may appropriate funds for the
7586 construction of the Mississippi Burn Center, and may appropriate
7587 sufficient funds annually to the University of Mississippi Medical
7588 Center for the operation of the Mississippi Burn Center.

7589 **SECTION 130.** Section 37-115-50.1, Mississippi Code of 1972,
7590 is amended as follows:

7591 37-115-50.1. Subject to the approval of the University of
7592 Mississippi Board of Trustees * * *, the University of Mississippi
7593 Medical Center (hereafter known as the "academic medical center")
7594 is authorized to directly or indirectly enter into
7595 joint-purchasing arrangements, however structured, on terms



7596 customary in the market or required by the organization and to
7597 enter into joint ventures, joint-operating agreements, or similar
7598 arrangements with community hospitals or other public or private
7599 health-related organizations, or with for-profit or nonprofit
7600 corporations or other organizations, to establish arrangements for
7601 the academic medical center to participate in financial
7602 integration and/or clinical integration or clinically integrated
7603 networks with a joint venture, with community hospitals or other
7604 public or private health-related organizations, or with other
7605 for-profit or nonprofit corporations or other organizations, or
7606 through a joint-operating agreement, and to provide for contracts
7607 of employment or contracts for services and ownership of property
7608 on terms that will protect the public interest.

7609 **SECTION 131.** Section 37-115-51, Mississippi Code of 1972, is
7610 amended as follows:

7611 37-115-51. The Legislature hereby finds that there is great
7612 need of additional and better trained nurses in Mississippi and
7613 the purpose of this section is to meet that need to the extent
7614 herein provided.

7615 The University of Mississippi Board of Trustees * * * is
7616 hereby authorized and directed to establish a school of nursing at
7617 the University of Mississippi under the jurisdiction of the dean
7618 of the school of medicine or such other authority as said board of
7619 trustees may determine, and other regularly constituted
7620 administrative authorities of the university.



7621 Said board of trustees shall provide for such school, such
7622 buildings and equipment, and such teaching staff and other
7623 personnel as may be deemed appropriate for the establishment and
7624 operation of such school of nursing and for the performance of the
7625 other functions herein provided for, all of which shall, however,
7626 be done within the appropriations made for such purposes.

7627 Such school of nursing shall, under the direction and
7628 supervision of the dean of the school of medicine and the other
7629 regularly constituted administrative authorities of the university
7630 and of said board of trustees and under curricula to be prescribed
7631 by said board, and beginning each of its functions at such time as
7632 may be determined by said board, carry on a teaching course,
7633 looking to the conferring of bachelor's or master's degrees in
7634 nursing.

7635 Such school of nursing shall under the same direction,
7636 supervision, control and conditions as set forth in the fourth
7637 paragraph hereof, have authority, in its discretion, to arrange
7638 and contract with hospitals, hospital schools of nursing or other
7639 similar institutions, for students in the school of nursing to
7640 take clinical training and practice in such institutions. It
7641 shall have the further authority to contract with hospitals,
7642 hospital schools of nursing or other similar institutions with
7643 respect to providing to any such institution instructors or
7644 instruction services from the university school of nursing upon
7645 full or part time basis and upon such basis of compensation or



7646 reimbursement of costs as may be deemed reasonable and proper in
7647 view of the public interests involved.

7648 Under the same supervision, direction, control and conditions
7649 as are set forth in the fourth paragraph hereof, said school of
7650 nursing shall also administer such scholarship programs in nursing
7651 education and such activities with respect to recruitment of
7652 nursing students and counseling work with such students and
7653 prospective students as may be provided for by the Legislature,
7654 from time to time.

7655 **SECTION 132.** Section 37-115-69, Mississippi Code of 1972, is
7656 amended as follows:

7657 37-115-69. Any county of this state now or hereafter having
7658 a population of more than one hundred thousand (100,000) according
7659 to the latest available census, and in which there is located a
7660 municipality of one hundred thousand (100,000) or more, acting by
7661 and through its board of supervisors, is hereby authorized and
7662 empowered to contribute the sum of One Million Dollars
7663 (\$1,000,000.00) toward the construction, erection and equipping of
7664 educational facilities to be utilized by the University of
7665 Mississippi within such county, by the University of Mississippi
7666 Board of Trustees * * *.

7667 **SECTION 133.** Section 37-115-71, Mississippi Code of 1972, is
7668 amended as follows:

7669 37-115-71. Any such county as is provided for in Section
7670 37-115-69 is hereby authorized and empowered to issue and sell its



7671 bonds, notes or other evidences of indebtedness for the purpose of
7672 providing funds with which to make the contribution or donation
7673 authorized under the provisions of said section. Such bonds,
7674 notes or other evidences of indebtedness shall not be issued in an
7675 amount which will exceed the limit of indebtedness of said county
7676 as such limit is prescribed by Sections 19-9-1 through 19-9-31,
7677 Mississippi Code of 1972. Before issuing any such bonds, notes or
7678 other evidences of indebtedness, the board of supervisors acting
7679 for such county shall adopt a resolution declaring its intention
7680 to issue the same, stating the amount and purpose thereof and
7681 fixing the date upon which an election will be held on the
7682 proposition. Notice of such election shall be given by
7683 publication of such resolution once a week for at least three (3)
7684 consecutive weeks in at least one (1) newspaper published in said
7685 county. The first publication of such notice shall be made not
7686 less than twenty-one (21) days prior to the date fixed in such
7687 resolution for the holding of said election as aforesaid and the
7688 last publication shall be made not more than seven (7) days prior
7689 to such date. At such election all qualified electors of said
7690 county may vote and the ballots used shall have printed thereon a
7691 brief statement of the amount and purpose of the bonds, notes or
7692 other evidences of indebtedness proposed to be issued and the
7693 voter shall vote by placing a cross (X) or check (✓) opposite his
7694 choice on the proposition. The bonds, notes or other evidences of
7695 indebtedness authorized herein shall not be issued unless



7696 authorized by the affirmative vote of a majority of the qualified
7697 voters of said county who vote on the proposition at such
7698 election.

7699 Such election shall be conducted and the returns thereof
7700 made, canvassed, and declared as nearly as may be in like manner
7701 as is now or may hereafter be provided by law in the case of
7702 general elections in counties. In the event that the question of
7703 the issuance of such bonds, notes or other evidences of
7704 indebtedness be not authorized at such election, such question
7705 shall not again be submitted to a vote until the expiration of a
7706 period of six (6) months, from and after the date of such
7707 election.

7708 Such bonds, notes or other evidences of indebtedness shall
7709 bear such date or dates, shall be of such denomination or
7710 denominations, shall be payable at such place or places, shall
7711 bear such rate or rates of interest and shall mature in such
7712 amounts and at such times as may be provided and directed by the
7713 board of supervisors of said county. Such bonds shall bear
7714 interest at a rate or rates not exceeding six percent (6%) per
7715 annum and shall mature in not more than twenty-five (25) years
7716 from the date thereof and shall be sold for not less than par and
7717 accrued interest.

7718 Any bonds authorized to be issued at an election as provided
7719 for in this section shall be issued by such county, acting by and
7720 through its board of supervisors, at such times and in such



7721 amounts as shall be provided for by resolution of the University
7722 of Mississippi Board of Trustees * * *.

7723 All bonds, notes or other evidences of indebtedness issued
7724 hereunder shall be secured by a pledge of the full faith, credit
7725 and resources of such county. There shall annually be levied upon
7726 all taxable property within said county an ad valorem tax in
7727 addition to all other taxes, sufficient to provide for the payment
7728 of the principal of and the interest on said bonds, notes or other
7729 evidences of indebtedness as the same respectively mature and
7730 accrue.

7731 **SECTION 134.** Section 37-115-73, Mississippi Code of 1972, is
7732 amended as follows:

7733 37-115-73. The proceeds of any contribution made by any
7734 county under the provisions of Section 37-115-69, including the
7735 proceeds from the sale of any bonds issued for such purposes,
7736 shall be paid by the board of supervisors of such county into the
7737 State Treasury into a special fund to the credit of the University
7738 of Mississippi Board of Trustees * * *, and shall thereafter be
7739 utilized and expended by said board of trustees * * * in the
7740 construction, erection and equipping of educational facilities in
7741 such county to be utilized by the University of Mississippi.

7742 **SECTION 135.** Section 37-115-101, Mississippi Code of 1972,
7743 is amended as follows:



7744 37-115-101. The Board of Trustees * * * is hereby directed
7745 and authorized to establish a school of dentistry at the
7746 University of Mississippi Medical Center in Jackson.

7747 **SECTION 136.** Section 37-115-105, Mississippi Code of 1972,
7748 is amended as follows:

7749 37-115-105. The school of dentistry created and authorized
7750 by Sections 37-115-101 through 37-115-111 shall be in operation
7751 within three (3) years from the date the Legislature makes funds
7752 available for the construction of a building to house said school;
7753 provided, however, that no staff may be employed and no
7754 construction may begin until One Million Two Hundred Fifty
7755 Thousand Dollars (\$1,250,000.00) from the City of Jackson and One
7756 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from
7757 Hinds County has been deposited in the State Treasury for use by
7758 the building commission in construction and furnishing of the
7759 dental school. The University of Mississippi Board of
7760 Trustees * * * is authorized and directed to take any and all
7761 necessary and proper actions for the implementation of this
7762 section.

7763 **SECTION 137.** Section 37-115-107, Mississippi Code of 1972,
7764 is amended as follows:

7765 37-115-107. It shall be the duty of the University of
7766 Mississippi Board of Trustees * * * to elect or appoint a dean of
7767 this school; to determine and provide for an adequate faculty,
7768 staff and other employees; to fix and provide for the compensation



7769 of said faculty, staff and employees; to provide an adequate
7770 physical plant for this school; to prescribe the courses of study
7771 and research compatible with the objects and purposes hereinabove
7772 set forth; and to do and accomplish all other related functions
7773 consistent with the implementation of Sections 37-115-101 through
7774 37-115-111.

7775 **SECTION 138.** Section 37-115-109, Mississippi Code of 1972,
7776 is amended as follows:

7777 37-115-109. The University of Mississippi Board of
7778 Trustees * * * is directed, empowered and authorized to take
7779 necessary and proper actions to assure that the school of
7780 dentistry of the University of Mississippi Medical Center, as
7781 hereby established, acquires and maintains recognition and
7782 accreditation in local, regional and national accreditation
7783 associations at least at the level of its counterparts in the
7784 southeastern region of the United States and on a level with the
7785 other professional schools of this state.

7786 **SECTION 139.** Section 37-119-3, Mississippi Code of 1972, is
7787 amended as follows:

7788 37-119-3. The principal object of the University of Southern
7789 Mississippi shall be to qualify teachers for the public schools of
7790 this state, by imparting instruction in the art and practice of
7791 teaching in all branches of study which pertain to a common school
7792 education, and such other studies as the University of Southern



7793 Mississippi Board of Trustees * * * may, from time to time,
7794 prescribe.

7795 **SECTION 140.** Section 37-119-7, Mississippi Code of 1972, is
7796 amended as follows:

7797 37-119-7. The University of Southern Mississippi (herein
7798 sometimes referred to as the "university") is authorized and
7799 empowered to require the State Building Commission to issue bonds
7800 in an amount not exceeding the sum of Seven Hundred Fifty Thousand
7801 Dollars (\$750,000.00), bearing interest at a rate not exceeding
7802 six percent (6%) per annum, for the purpose of and to be expended
7803 in extending, adding to and improving the athletic stadium on its
7804 campus; to impose student athletic fees; to impose charges, in
7805 addition to and distinguished from the established price of
7806 admission, upon persons, other than students, for the privilege of
7807 attending events held in such stadium, which such charges shall be
7808 exempt from any amusement tax now levied and collected in the
7809 State of Mississippi, and to immediately commence, prior to the
7810 issuance and sale of the bonds herein authorized and to continue,
7811 the collection of such charges; and to apply to the satisfaction
7812 and retirement, as and when due, of the principal of and interest
7813 on such bonds, said athletic fees and said charges, and also,
7814 rental income from the dormitory facilities now in the stadium,
7815 and income, not otherwise appropriated or allocated, from any
7816 other sources. Such bonds shall be authorized by the University
7817 of Southern Mississippi Board of Trustees * * * in the manner now



7818 provided by Sections 37-101-91 through 37-101-103, and all of the
7819 provisions of said sections (except as herein otherwise provided
7820 and as are not in conflict with the provisions hereof) shall be
7821 applicable to the authorization and issuance of such bonds.
7822 Reference in Sections 37-101-95, 37-101-101, to "dormitories,
7823 dwellings or apartments" shall be understood to apply also to all
7824 other projects authorized to be financed under the provisions of
7825 Section 37-101-99.

7826 Upon request of the university, acting through its president
7827 and financial secretary, authorization having been first obtained
7828 from * * * said board of trustees * * *, the State Building
7829 Commission shall issue and sell bonds of the university at not
7830 less than par and accrued interest in the manner provided by
7831 Section 21-27-45, Mississippi Code of 1972, for the sale of bonds
7832 of municipalities issued thereunder and upon terms and at interest
7833 rates, not to exceed the maximum therein authorized, to be fixed
7834 by the State Building Commission. The State Building Commission
7835 is hereby authorized to supervise the contracting for, and the
7836 erection of, all buildings erected, extended, added to, or
7837 improved under the provisions of this section. The board of
7838 trustees * * * is hereby authorized and empowered to specify the
7839 nature of such extensions, additions, improvements or new
7840 construction, and shall approve the plans and specifications
7841 therefor prior to the letting of any new contract for any such
7842 work. All contracts let under the supervision of the State



7843 Building Commission shall be let as provided by law for other
7844 contracts let by said commission.

7845 The University of Southern Mississippi Board of
7846 Trustees * * *, in the resolution authorizing such bonds, may
7847 provide for the imposition of such student athletic fees, such
7848 charges for the privilege of attending events held in such stadium
7849 (as hereinabove distinguished from the price of admission), such
7850 rental charges for use of the dormitories facilities now in the
7851 stadium and for application to the retirement of such bonds of
7852 such other sources of income, not otherwise appropriated or
7853 allocated, as it may consider desirable. Said board may provide
7854 for the collection and the allocation of such fees and charges.
7855 Such fees and charges or other income shall always be in such
7856 amounts as will assure the prompt payment of principal of and
7857 interest on such bonds and the carrying out of all of the
7858 covenants and agreements contained in such resolution authorizing
7859 such bonds.

7860 All bonds so issued shall constitute negotiable instruments
7861 within the meaning of the Uniform Commercial Code of Mississippi.

7862 Any bonds authorized under authority of this section may be
7863 validated in the Chancery Court of First Judicial District, Hinds
7864 County in the manner and with the force and effect now or
7865 hereafter provided by general law for the validation of municipal
7866 bonds.



7867 This section, without reference to any other statute or law
7868 of Mississippi other than the portions of Sections 37-101-91
7869 through 37-101-103, not in conflict herewith, and Section
7870 31-19-25, shall constitute full authority for the extension,
7871 adding to and improvement of the aforesaid stadium and the
7872 authorization and issuance of bonds hereunder and no other
7873 provisions of the statutes pertinent thereto, except as herein
7874 expressly provided, shall be construed as applying to any
7875 proceedings had hereunder or any acts done pursuant hereto.

7876 **SECTION 141.** Section 37-119-9, Mississippi Code of 1972, is
7877 amended as follows:

7878 37-119-9. The University of Southern Mississippi Board of
7879 Trustees * * * is hereby granted the legal authority to borrow
7880 funds for the purpose of establishing and operating a certified
7881 registered nurse anesthetist educational and training program
7882 within the university's existing School of Nursing on its
7883 Hattiesburg campus. The purposes for which the funds from the
7884 loan may be utilized shall include, but not be limited to, any and
7885 all start-up costs, operation costs, personnel costs, equipment
7886 and educational materials.

7887 **SECTION 142.** Section 37-119-11, Mississippi Code of 1972, is
7888 amended as follows:

7889 37-119-11. There is created in the State Treasury a special
7890 fund to be known as the DuBard School for Language Disorders Fund,
7891 which shall be administered by the University of Southern



7892 Mississippi Board of Trustees * * *. The purpose of the fund
7893 shall be to support the DuBard School for Language Disorders at
7894 the University of Southern Mississippi. Monies in the fund shall
7895 be expended by * * * said board of trustees, upon appropriation by
7896 the Legislature. The fund shall be a continuing fund, not subject
7897 to fiscal-year limitations, and shall consist of:

- 7898 (a) Monies appropriated by the Legislature for the
- 7899 purposes of funding the DuBard School for Language Disorders;
- 7900 (b) The interest accruing to the fund;
- 7901 (c) Monies received under the provisions of Section
- 7902 99-19-73;
- 7903 (d) Monies received from the federal government;
- 7904 (e) Donations; and
- 7905 (f) Monies received from such other sources as may be
- 7906 provided by law.

7907 **SECTION 143.** Section 37-123-3, Mississippi Code of 1972, is
7908 amended as follows:

7909 37-123-3. The principal object of the Delta State * * *
7910 University shall be to qualify teachers for the public schools of
7911 this state, by imparting instruction in the art and practice of
7912 teaching in all branches of study which pertain to a common school
7913 education, and such other studies as the Delta State University
7914 Board of Trustees * * * may, from time to time, prescribe.

7915 **SECTION 144.** Section 37-125-3, Mississippi Code of 1972, is
7916 amended as follows:



7917 37-125-3. The object of the Jackson State * * * University
7918 shall be to qualify teachers for the public schools of this state
7919 by giving instruction in the art and practice of teaching in all
7920 branches of study which pertain to industrial training, health,
7921 and rural and elementary education, and such other studies as the
7922 Jackson State University Board of Trustees * * *, in cooperation
7923 with the state department of education, may, from time to time,
7924 prescribe.

7925 **SECTION 145.** Section 37-125-7, Mississippi Code of 1972, is
7926 amended as follows:

7927 37-125-7. The * * * president of * * * Jackson State * * *
7928 University shall be held as the professional adviser of the
7929 Jackson State University Board of Trustees * * * on all matters
7930 pertaining to the inside arrangements of buildings, selection of
7931 faculty, and course of study. He shall have the immediate
7932 supervision and management of * * * the university in all its
7933 departments, subject however, to the general supervision,
7934 management, and direction of the board of trustees * * *.

7935 **SECTION 146.** Section 37-127-3, Mississippi Code of 1972, is
7936 amended as follows:

7937 37-127-3. The object of * * * Mississippi Valley State * * *
7938 University shall be to train teachers for teaching in the public
7939 schools of this state by giving instruction in the art and
7940 practice of teaching in the elementary and high school grades and
7941 in all branches of study which pertain to industrial training,



7942 health, and rural and elementary education, and to provide
7943 instruction and training in such other subjects as the Mississippi
7944 Valley State University Board of Trustees * * *, in cooperation
7945 with the state department of education, may, from time to time,
7946 prescribe. It shall also be the object of said college to
7947 establish and conduct schools, classes or courses, for preparing,
7948 equipping and training citizens of the State of Mississippi for
7949 employment in gainful occupations, in trade, industrial and
7950 distributive pursuits whether such students are qualified by
7951 educational requirements or not.

7952 **SECTION 147.** Section 37-127-5, Mississippi Code of 1972, is
7953 amended as follows:

7954 37-127-5. The Mississippi Valley State * * * University
7955 shall be located at some appropriate place in the delta section of
7956 the state, to be determined by the university board of
7957 trustees * * *.

7958 **SECTION 148.** Section 37-129-1, Mississippi Code of 1972, is
7959 amended as follows:

7960 37-129-1. In addition to all other powers and duties now
7961 vested by law in * * * each university board of trustees * * *,
7962 said boards * * * are hereby empowered and required to:

7963 (a) Establish by rules and regulations and promulgate
7964 uniform standards for accreditation of schools of nursing in the
7965 State of Mississippi (i) insofar as concerns the eligibility of
7966 graduates of such schools to take the examination prescribed by



7967 law to become registered nurses authorized to practice the
7968 profession of nursing as registered nurses in Mississippi, and
7969 (ii) insofar as concerns student nurses attending such schools
7970 being eligible to participate in any student nurse scholarship
7971 program or other program of assistance now existing or hereafter
7972 established by legislative enactment;

7973 (b) Issue to such schools of nursing upon an annual
7974 basis certificates of accreditation as may be proper under such
7975 standards;

7976 (c) Administer any scholarship program or other program
7977 of assistance heretofore or hereafter established by legislative
7978 enactment for the benefit of students attending accredited schools
7979 of nursing in this state;

7980 (d) Administer any other funds available or which may
7981 be made available for the promotion of nursing education in the
7982 state, with the exception of nursing faculty supplement funds to
7983 the public junior colleges, which funds shall be appropriated to
7984 and administered by the Division of Junior Colleges of the State
7985 Department of Education;

7986 (e) Adopt rules and regulations to provide that a nurse
7987 in training may, during the two-year period in an approved
7988 hospital, be allowed to transfer at any time with full credit
7989 after six (6) months in training, to any other hospital of her
7990 choice at which there is a vacancy; suitable provision shall be



7991 made to protect her against coercion or intimidation concerning
7992 such a contemplated transfer.

7993 In addition to other powers now vested by law in * * * each
7994 university board of trustees * * *, said boards * * * are hereby
7995 empowered to establish and maintain a nurse-midwifery education
7996 program that meets the accreditation standards of the American
7997 College of Nurse-Midwives at * * * state institutions of higher
7998 learning * * *.

7999 In order to implement paragraph (d) above, * * * each
8000 university board of trustees * * * is hereby authorized and
8001 directed to arrange and contract with hospitals, senior colleges
8002 and hospital schools of nursing for the financial support of
8003 programs of nursing education. The * * * boards * * * are further
8004 authorized to adopt such terms for contracts, and such rules and
8005 regulations for reimbursing contracting agencies for costs of
8006 instruction in schools of nursing as may be feasible in accordance
8007 with appropriations made by the Legislature for this purpose.
8008 However, no reimbursement may be made to contracting agencies in
8009 excess of the actual cost of instruction in the schools of
8010 nursing.

8011 In addition to the powers now vested by law in * * * each
8012 university board of trustees * * * and subject to the availability
8013 of funds specifically appropriated therefor, said boards * * * are
8014 hereby empowered and directed to conduct a one-year feasibility
8015 study and comprehensive plan for nursing schools in Mississippi



8016 which addresses the concept of shared utilization of clinical
8017 simulation laboratories for all Mississippi schools of nursing in
8018 order to provide computerized interactive learning capabilities
8019 for all schools, utilizing the pooled resources or mobile
8020 capability models from other states. The completed plan shall be
8021 developed and a report made to the 2009 Regular Session on or
8022 before December 1, 2008.

8023 No provision of this section shall be construed to authorize
8024 any department, agency, officer or employee of the State of
8025 Mississippi to exercise any controls over the admissions policy of
8026 any private educational institution offering a baccalaureate
8027 degree in nursing.

8028 **SECTION 149.** Section 37-131-1, Mississippi Code of 1972, is
8029 amended as follows:

8030 37-131-1. The president or executive head of any
8031 state-supported institution of higher learning of the State of
8032 Mississippi, subject to the approval of the respective university
8033 board of trustees * * *, is hereby authorized and empowered to
8034 establish, operate, maintain, and conduct teachers demonstration
8035 and practice schools in connection with the operation of such
8036 institution of higher learning. The president or executive head
8037 of any such institution, subject to the approval of the respective
8038 university board of trustees * * *, shall have full power and
8039 authority to regulate and conduct the affairs of such schools and
8040 to establish rules and regulations for their government.



8041 **SECTION 150.** Section 37-131-3, Mississippi Code of 1972, is
8042 amended as follows:

8043 37-131-3. The president or executive head of any institution
8044 of higher learning which has established a demonstration or
8045 practice school, subject to the approval of the respective
8046 university board of trustees * * *, shall have the power and
8047 authority to enter into contracts and agreements with the board of
8048 trustees of any school district providing for the attendance of
8049 pupils, or one or more, or parts of, grades, from the educable
8050 children of such school district at such demonstration or practice
8051 school. The board of trustees of any school district is hereby
8052 authorized and empowered to enter into contracts and agreements
8053 with the president or executive head of an institution of higher
8054 learning for such purpose. All such contracts shall be upon such
8055 terms and conditions as may be agreed upon by and between the
8056 president or executive head of the institution of higher learning
8057 and the board of trustees of the school district involved.

8058 **SECTION 151.** Section 37-131-9, Mississippi Code of 1972, is
8059 amended as follows:

8060 37-131-9. In addition to the amounts paid to the
8061 demonstration or practice school from minimum education program
8062 funds, as provided in Section 37-131-7, the board of trustees of
8063 the school district involved may contract with the said
8064 demonstration or practice school for the payment of additional
8065 amounts thereto to defray expenses over and above those defrayed



8066 by minimum education program funds, which additional amounts shall
8067 be paid from any funds available to the school district other than
8068 minimum education program funds, whether produced by a
8069 supplemental district tax levy or otherwise.

8070 If the total funds paid to the demonstration or practice
8071 school by the school district are inadequate to defray the cost
8072 and expense of maintaining and operating such demonstration or
8073 practice school then the president or executive head of the
8074 institution may, subject to the approval of the respective
8075 university board of trustees * * *, require the payment of
8076 additional fees or tuition in an amount to be fixed by the
8077 president or executive head of the institution, subject to the
8078 approval of the respective university board of trustees * * *,
8079 which amount shall be paid by and collected from the student or
8080 his parents.

8081 Boards of trustees of school districts involved may designate
8082 an area within the jurisdiction of the board as an attendance
8083 center as provided by law, and may require students in such area
8084 to attend demonstration or practice schools, subject to a
8085 satisfactory contract between the school board and the president
8086 or executive head of the institution operating the demonstration
8087 or practice school. In such event, all fees and tuition must be
8088 borne by the school district and in no case shall the child or the
8089 parents of the child assigned to such demonstration or practice
8090 school be required to pay any fees or tuition.



8091 The president or executive head of the institution, subject
8092 to the approval of the respective university board of
8093 trustees * * *, may also fix the amount of fees and tuition to be
8094 paid by students desiring to attend such demonstration or practice
8095 school in cases where there is no contract with the board of
8096 trustees of the school district in which the students reside
8097 therefor.

8098 All funds received by an institution, under the provisions of
8099 this section, shall be deposited in a special fund and shall be
8100 used and expended solely for the purpose of defraying and paying
8101 the cost and expense of operating, maintaining and conducting such
8102 teachers demonstration and practice school. Such funds may be
8103 supplemented by and used in connection with any other funds
8104 available to the institutions for such purpose whether made
8105 available by legislative appropriation or otherwise.

8106 **SECTION 152.** Section 37-131-13, Mississippi Code of 1972, is
8107 amended as follows:

8108 37-131-13. In order to carry into effect the right and
8109 authority granted in Sections 37-131-1 through 37-131-11,
8110 authorizing demonstration and practice schools in connection with
8111 major state institutions of higher learning, the Mississippi State
8112 University Board of Trustees * * * is hereby authorized to accept
8113 by donations, grants, cooperative agreements or otherwise, such
8114 sums of money as may be deemed necessary for the construction and
8115 maintenance of such demonstration and practice schools from



8116 whatever sources available, including agencies of the federal,
8117 state and county governments, the city of Starkville, Mississippi,
8118 private individuals, benevolent institutions or organizations, or
8119 any other available and legal source or sources.

8120 **SECTION 153.** Section 37-131-15, Mississippi Code of 1972, is
8121 amended as follows:

8122 37-131-15. Oktibbeha County, Mississippi, the Starkville
8123 municipal separate school district, and any one or more of the
8124 consolidated or separate school districts in Oktibbeha County,
8125 Mississippi, are hereby authorized to cooperate with the
8126 Mississippi State University Board of Trustees * * * by
8127 establishing, constructing, maintaining and operating a teachers
8128 demonstration or practice school.

8129 The said board of trustees * * * is hereby authorized to act
8130 as sponsor with respect to any funds that may be secured for the
8131 construction, maintenance, and operation of such teachers
8132 demonstration or practice school from any agency or subdivision of
8133 the federal, state, Oktibbeha County, City of Starkville, or
8134 school district, or from private individuals, benevolent
8135 institutions or organizations, or any other available and legal
8136 source or sources.

8137 **SECTION 154.** Section 37-133-5, Mississippi Code of 1972, is
8138 amended as follows:

8139 37-133-5. In addition to all other powers and duties now
8140 vested by law in * * * each university board of trustees * * *,



8141 said boards * * * are hereby empowered and required to permit the
8142 establishment of technical institutes, as branches within the
8143 framework of the existing state institutions of higher learning,
8144 that have an ongoing program in the areas concerned, adequately
8145 staffed and equipped to offer a curriculum designed and intended
8146 to immediately initiate training (extending beyond the junior
8147 college level) in the field of vocational, scientific,
8148 engineering, technical, and aero-space education and the necessary
8149 supporting studies, so that the demands of heavy and aero-space
8150 industry and installations for skilled engineering technicians may
8151 be satisfied and maintained. * * * Each board shall require the
8152 curriculum of any technical institute established under the
8153 provisions of the Mississippi Technical Institute Law of 1964 to
8154 be complementary and supplementary to public junior college
8155 curriculums so that the full advantage of the educational
8156 resources of the State of Mississippi may be realized. * * * Each
8157 board shall permit the establishment of such technical institutes
8158 anywhere within the State of Mississippi, in the areas of most
8159 urgent need, on any land or facility presently, or hereafter,
8160 under the jurisdiction and control of * * * each board and on such
8161 terms and conditions as shall seem appropriate. The State
8162 Building Commission shall, at its discretion, provide new
8163 buildings, facilities, and necessary repairs, renovations and
8164 remodeling of any facility designated by the board as a technical
8165 institute from funds made available for such purposes.



8166 **SECTION 155.** Section 37-133-7, Mississippi Code of 1972, is
8167 amended as follows:

8168 37-133-7. There is hereby created in the State Treasury a
8169 special fund to be known as the "Technical Institute Fund." All
8170 sums of money received by * * * a university board of
8171 trustees * * * to carry out the provisions of the Mississippi
8172 Technical Institute Law of 1964 shall be maintained in said
8173 special fund. All expenditures therefrom shall be for the
8174 purposes of carrying out the intents and purposes of said law,
8175 including the payment of salaries for qualified instructors as
8176 well as the equipping and staffing of the institute. Such
8177 expenditures shall be paid therefrom by the State Treasurer on
8178 warrant of the Auditor of public accounts. Said Auditor shall
8179 issue his warrant upon requisition signed by the proper person,
8180 officer or officers, as authorized by law. The board is
8181 authorized to accept gifts, bequests of money, or other property,
8182 real or personal, to be used for the purpose of establishing or
8183 maintaining any technical institute which may be authorized under
8184 the provisions of said law and in accordance with the law of the
8185 State of Mississippi.

8186 **SECTION 156.** Section 37-133-9, Mississippi Code of 1972, is
8187 amended as follows:

8188 37-133-9. It shall be the duty of * * * each university
8189 board of trustees * * * to make periodic fiscal reports to the
8190 State Fiscal Management Board and the Legislative Budget Office,



8191 and to otherwise comply with the budget and accounting laws of the
8192 State of Mississippi.

8193 **SECTION 157.** Section 37-138-7, Mississippi Code of 1972, is
8194 amended as follows:

8195 37-138-7. The commission is authorized and directed to adopt
8196 regulations for certification of contractors, inspectors,
8197 management planners, project designers, air monitors, supervisors
8198 and workers. The regulations shall include an accreditation plan
8199 which shall be equivalent to paragraphs 1 through 3 of the Model
8200 Plan. The accreditation plan shall be no more stringent than the
8201 Model Plan, except as provided herein. The regulations and
8202 accreditation plan shall include the requirements for all training
8203 courses for accreditation of contractors, inspectors, management
8204 planners, project designers, air monitors, supervisors and
8205 workers. All regulations promulgated by the commission pursuant
8206 to this chapter shall not be effective until November 1, 1990.

8207 * * * The commission shall not approve any training courses
8208 offered in Mississippi other than those courses offered at the
8209 designated university and those certified abatement worker courses
8210 that have received Environmental Protection Agency approval
8211 pursuant to Section III of Appendix C to Title 40, Part 763,
8212 Subpart E, of the Code of Federal Regulations.

8213 **SECTION 158.** Section 37-139-7, Mississippi Code of 1972, is
8214 amended as follows:



8215 37-139-7. The board shall be authorized to solicit and
8216 utilize the staff of the State Department of Education, staff of
8217 the * * * Mississippi University for Women and other state
8218 agencies as required for the implementation of this chapter. In
8219 addition, the board shall be authorized to contract or enter into
8220 agreements with other agencies and/or private research centers
8221 that it may deem necessary to carry out its duties and functions.

8222 **SECTION 159.** Section 37-140-5, Mississippi Code of 1972, is
8223 amended as follows:

8224 37-140-5. (1) The school shall be governed by the State
8225 Board of Education. The board shall develop a plan relating to
8226 the opening, operation and funding of the school to be presented
8227 to the Legislature during the 2000 Regular Session. The plan
8228 shall include an equitable and reasonable plan for student
8229 recruitment without regard to race, creed or color.

8230 (2) The State Superintendent of Public Education shall
8231 appoint an advisory panel to assist the board in developing the
8232 plan relating to the school. The advisory panel shall consist of
8233 the following twelve (12) appointed or designated members:

8234 (a) Three (3) licensed school teachers or
8235 administrators, one (1) to be appointed from each of the three (3)
8236 Mississippi Supreme Court Districts;

8237 (b) Three (3) citizens or professionals representing
8238 the areas of dance, creative writing, literature, music, theater



8239 arts or visual arts, one (1) to be appointed from each of the
8240 three (3) Mississippi Supreme Court Districts;

8241 (c) Three (3) citizens knowledgeable in business,
8242 personnel management or public administration, with at least three
8243 (3) years' actual experience therein, one (1) to be appointed from
8244 each of the three (3) Mississippi Supreme Court Districts.

8245 (d) One (1) member shall be a representative of the
8246 Mississippi Arts Commission to be designated by the commission,
8247 one (1) member shall be a representative of the Mississippi
8248 Humanities Council to be designated by the council, and one (1)
8249 member shall be a representative of the state institutions of
8250 higher learning in Mississippi which offer degrees in visual, fine
8251 and performing arts, to be designated by the * * * Commissioner of
8252 Higher * * * Education.

8253 Appointments to the advisory panel shall be made within
8254 ninety (90) days of April 23, 1999. The advisory panel shall meet
8255 upon the call of the State Superintendent of Public Education and
8256 shall organize for business by selecting a chairman and vice
8257 chairman/secretary for keeping records of the panel. Members of
8258 the advisory panel shall receive no compensation but may be
8259 reimbursed for necessary expenses and mileage for attending
8260 meetings and necessary business of the panel, in the amount
8261 authorized for state employees under Section 25-3-41.

8262 (3) The board may utilize the staff of the State Department
8263 of Education and other state agencies as may be required for the



8264 implementation of this chapter. The department may employ any
8265 personnel deemed necessary by the board for assisting in the
8266 development and implementation of the plan relating to the
8267 opening, operation and funding of the school. The board also may
8268 contract or enter into agreements with other agencies or private
8269 entities which it deems necessary to carry out its duties and
8270 functions relating to the opening and operation of the school.

8271 (4) To the extent possible, the board shall enter into
8272 agreements with the Board of Trustees of the Brookhaven Municipal
8273 Separate School District for the dual enrollment of students for
8274 the purpose of teaching academic courses to students attending the
8275 school, and the local school board shall be fully authorized to
8276 offer any such courses to students attending the school. The
8277 State Board of Education may develop and issue necessary
8278 regulations for the coordination of such courses for these
8279 students, the preparation and transfer of transcripts, and the
8280 reimbursement of any costs incurred by the school district for
8281 providing such services.

8282 (5) The board may enter into agreements with public school
8283 districts to authorize students enrolled in such school districts
8284 to participate in the fine arts programs at the school to the
8285 extent that adequate space is available. The parent or guardian
8286 of any student participating in fine arts programs at the school
8287 under this subsection shall be responsible for transporting the
8288 student to and from the school.



8289 (6) From and after January 1, 2020, all administrative,
8290 instructional and noninstructional employees of the Mississippi
8291 School of the Arts shall be transferred from state service and the
8292 authority of the State Personnel Board to employment status as
8293 employees of the Mississippi School of the Arts. All
8294 administrative and instructional employees at the said school
8295 shall enter into written contracts of employment to indicate and
8296 cover the period for which they are respectively employed. All
8297 such contracts for administrative and instructional employees
8298 shall be exempt from the requirements of the Public Procurement
8299 Review Board for state agency employment contracts. The State
8300 Board of Education may set and determine qualifications necessary
8301 for such employees and may appoint a subcommittee of the board for
8302 the purpose of authorizing the execution of such employment
8303 contracts on a timely basis. Such administrators and employees
8304 shall be offered contracts by the Superintendent/Executive
8305 Director of the MSA and shall have the employment rights
8306 prescribed for administrative and certificated school district
8307 employees under Sections 37-9-17, 37-9-59, 37-9-103 and 37-7-307,
8308 Mississippi Code of 1972. The MSA may renew employment or
8309 nonrenew employment with such administrative and instructional
8310 employees in accordance with the provisions of said sections
8311 relating to school district employment. Noninstructional
8312 employees of the MSA shall be full-time employees of the MSA and
8313 shall serve at the will and pleasure of the Superintendent of the



8314 MSA. All salaries and contracts shall be subject to the approval
8315 of the State Board of Education, and the MSA may continue to use
8316 the teacher salary scale for its instructional employees which is
8317 in effect on January 1, 2019. Any unused leave accumulated at the
8318 Mississippi School of the Arts shall be transferred in accordance
8319 with the provisions of Section 37-7-307. There shall be no
8320 interruption of service with the Public Employees' Retirement
8321 System and the State and School Employees' Health Insurance Plan
8322 for administrative, instructional and noninstructional employees
8323 due to an employee's employment status under this subsection. The
8324 MSA shall not be considered a local educational agency for the
8325 same purposes and to the same extent that all other school
8326 districts in the state are deemed local educational agencies under
8327 applicable federal law. The MSA may receive donations or grants
8328 from any public or private source, including any federal funding
8329 that may be available to the schools within the MSA.

8330 **SECTION 160.** Section 37-141-3, Mississippi Code of 1972, is
8331 amended as follows:

8332 37-141-3. (1) There is hereby created the University
8333 Research Center, as an agency of the State of Mississippi,
8334 hereinafter referred to as the "center," which shall have full
8335 authority to contract and to be contracted with. The Commissioner
8336 of Higher Education shall serve as the director for the center.

8337 (2) The center shall be under the direction and management
8338 of the * * * Commissioner of Higher * * * Education * * *, who



8339 shall, in * * * his or her discretion, obtain fidelity bonds and
8340 determine who and what should be covered thereby and the amount of
8341 such bonds.

8342 (3) The Commissioner of Higher Education * * * shall appoint
8343 and employ such staff and employees as he deems necessary to carry
8344 out the objectives and purposes of this chapter and Section
8345 57-63-17 and may establish the organizational structure of the
8346 center, which shall include the creation of any divisions
8347 necessary to implement the duties assigned to the center. It is
8348 specifically provided that the commissioner establish such units
8349 within the center as he deems necessary to include but not limited
8350 to areas of economic analysis, economic forecasting, long range
8351 economic development planning, research, grants, services and
8352 university and agency coordination and reporting.

8353 (4) The Commissioner of Higher Education may consolidate the
8354 following functions of the central office * * * state institutions
8355 of higher learning and the University Research Center:

- 8356 (a) Administrative services;
- 8357 (b) Libraries;
- 8358 (c) Computer services.

8359 Consolidation of such services shall not affect the duty
8360 otherwise imposed by statute upon the University Research Center
8361 to assist state agencies with support services including, but not
8362 limited to, printing, data processing and libraries. The
8363 commissioner shall establish and maintain a branch library at the



8364 Department of Economic Development suitable for the economic
8365 development research needs of the department. The branch library
8366 shall be available for use by the public and by private
8367 development organizations.

8368 (5) The Commissioner of Higher Education shall use savings
8369 realized through personnel attrition and other economies created
8370 by the reorganization effected in Senate Bill No. 2925, 1988
8371 Regular Session [Laws, 1988, Chapter 518], to establish a special
8372 account in the University Research Center out of which funds may
8373 be expended to conduct priority research projects by contracting
8374 with universities, agencies and individuals.

8375 **SECTION 161.** Section 37-141-5, Mississippi Code of 1972, is
8376 amended as follows:

8377 37-141-5. The main office building of the University
8378 Research Center and the Department of Economic Development in the
8379 City of Jackson shall be known and designated as the Paul B.
8380 Johnson, Jr. Building. The * * * Governor's Office of General
8381 Services shall coordinate and cooperate to effect the relocation
8382 of the Department of Economic Development to the Paul B. Johnson,
8383 Jr. Building and any other related agency relocations necessary to
8384 accomplish the requirement of this section if such relocation is
8385 feasible. If such relocation of the Department of Economic
8386 Development to the Paul B. Johnson, Jr. Building is not feasible
8387 because of space limitations, the Governor's Office of General
8388 Services shall coordinate the relocation of such department to



8389 some other location and shall, if possible, secure the amount of
8390 space necessary to also place the University Research Center in
8391 the same location with the department.

8392 The Office of General Services shall provide proper signs to
8393 be placed on the building in accordance with this section.

8394 **SECTION 162.** Section 37-141-6, Mississippi Code of 1972, is
8395 amended as follows:

8396 37-141-6. The * * * Commissioner of Higher * * * Education
8397 shall be authorized to charge state agencies and other entities
8398 that occupy portions of the Paul B. Johnson, Jr. Building, the
8399 Edsel E. Thrash Universities Center and the ETV Building for
8400 utilities, maintenance and security. Entities shall be charged at
8401 a rate of One Dollar and Fifty Cents (\$1.50) per square foot for
8402 services provided by the board.

8403 **SECTION 163.** Section 37-141-13, Mississippi Code of 1972, is
8404 amended as follows:

8405 37-141-13. (1) The * * * Commissioner of Higher * * *
8406 Education shall have responsibility for the administration of the
8407 center. By so designating the * * * commissioner as administrator
8408 for the center, the Legislature hereby expresses its intent that
8409 the center shall have a relationship of close cooperation and
8410 coordination with the several universities but that the center
8411 shall not be under the control or influence of any single
8412 institution. With the approval of the * * * commissioner,
8413 academically eligible center staff may hold appointment to



8414 faculties of state universities and university faculty members may
8415 be assigned to the center.

8416 (2) The Mississippi Department of Economic Development,
8417 being the economic development agency for the state, shall advise
8418 on the programs and projects of the center focused upon economic
8419 development.

8420 (3) The center may advise the various agencies and
8421 departments of state government regarding internal research needs
8422 and programs and shall assist in the establishment of such
8423 programs where needed. These programs shall be coordinated by the
8424 center in order to minimize duplication of effort, to maximize
8425 utilization of data and equipment and to standardize procedures
8426 for the more efficient pursuit of research.

8427 (4) Communities, counties, special-purpose districts,
8428 multicounty area development groupings and other such
8429 organizations may call upon the center for informational services.
8430 Specific research projects may be undertaken by the center for
8431 such organizations on a contract basis.

8432 (5) The center may provide advice and counsel, consistent
8433 with its duties and responsibilities, to the private business
8434 community. Consultation and information may also be made
8435 available to other segments of the private business community.
8436 Advice and assistance for the establishment of research programs
8437 within business organizations may be provided by the center.
8438 Specific research projects may be undertaken by the center for



8439 private business on a contract basis. The center may solicit and
8440 accept grants and other financial aid or support from private
8441 sources.

8442 **SECTION 164.** Section 37-141-15, Mississippi Code of 1972, is
8443 amended as follows:

8444 37-141-15. With the approval of the * * * Commissioner of
8445 Higher * * * Education, the center may establish and staff branch
8446 operations at various universities within the state.

8447 **SECTION 165.** Section 37-141-17, Mississippi Code of 1972, is
8448 amended as follows:

8449 37-141-17. The center * * * shall prepare an annual report
8450 of economic development activities of those agencies and
8451 institutions subject to the Board of Trustees. The report shall
8452 describe:

8453 (a) Economic development efforts and accomplishments of
8454 the University Research Center, each university, and each
8455 institute.

8456 (b) Efforts and accomplishments of the center in
8457 coordinating economic development activities among the
8458 universities.

8459 (c) Recommendations of the center for coordination and
8460 utilization of university resources in economic development, for
8461 university-based initiatives in economic development, and for
8462 funding related to economic development and plans of the
8463 universities.



8464 (d) Assistance rendered to the Department of Economic
8465 Development by the center and each university.

8466 (e) Activities and accomplishments of staff assigned to
8467 planning and development districts pursuant to Section 37-141-19.

8468 (f) Any other information which the center wishes to
8469 present.

8470 The annual report shall be submitted to the Governor and the
8471 Joint Legislative Budget Committee not later than July 1 of each
8472 year.

8473 **SECTION 166.** Section 37-141-19, Mississippi Code of 1972, is
8474 amended as follows:

8475 37-141-19. The * * * Commissioner of Higher * * * Education
8476 shall require that the president or executive head of each
8477 university under its jurisdiction designate, at the level of vice
8478 president, a person responsible for economic development
8479 activities at the university. The person so designated shall be
8480 the primary contact at each university for the center in carrying
8481 out its responsibilities related to coordinating, assisting,
8482 monitoring and reporting on economic development activities at the
8483 universities.

8484 **SECTION 167.** Section 37-141-21, Mississippi Code of 1972, is
8485 amended as follows:

8486 37-141-21. (1) The director of the center, subject to the
8487 approval of the * * * Commissioner of Higher * * * Education,
8488 shall fix the salaries and wages of employees of the center, shall



8489 reimburse employees for actual expenses incurred in the
8490 performance of their duties, and may approve receipt by employees
8491 of additional income payments from grants, fellowships and other
8492 sources.

8493 (2) The director of the center, upon approval of the * * *
8494 commissioner, may contract with universities and colleges, with
8495 individuals and with public or private research organizations for
8496 their services and, under the same approval, may contract for
8497 performance by the center of services to governmental subdivisions
8498 of the state, to United States government departments and
8499 agencies, to area development organizations, to trade associations
8500 and other similar groups of public or private nature, and to
8501 private business enterprises, and may set fees for such services.
8502 Upon approval of the * * * commissioner, the center may establish
8503 intern programs to provide experience that supplements the
8504 education of students enrolled in state institutions of higher
8505 learning.

8506 (3) Expenditures by and for the center and its branches
8507 shall be paid by the State Treasurer out of the funds appropriated
8508 to carry out the provisions of this chapter, upon warrant issued
8509 by the State Fiscal Management Board; and such board shall issue
8510 its warrant upon requisition signed by the director of the center,
8511 in the manner provided by law. Full and complete accounting shall
8512 be kept and made by the center for all funds received and expended
8513 by it. Representatives of the office of the State Auditor



8514 annually shall audit the expenditures of funds received by the
8515 center from all sources, and the auditor shall make a complete and
8516 detailed report of such audit to the Legislature.

8517 **SECTION 168.** Section 37-144-3, Mississippi Code of 1972, is
8518 amended as follows:

8519 37-144-3. (1) The Mississippi Rural Physicians Scholarship
8520 Program shall be administered by a commission to be known as the
8521 "Mississippi Rural Physicians Scholarship Commission." The
8522 commission shall be directed by a board composed of the following
8523 members:

8524 (a) Two (2) generalist physicians appointed by and from
8525 the membership of the Mississippi State Medical Association, the
8526 term of which shall be three (3) years and may be reappointed for
8527 one (1) additional term;

8528 (b) One (1) generalist physician appointed by and from
8529 the membership of each of the following organizations, the term of
8530 which shall be three (3) years and may be reappointed for one (1)
8531 additional term:

8532 (i) Mississippi Academy of Family Physicians;

8533 (ii) Mississippi Chapter, American College of
8534 Physicians;

8535 (iii) Mississippi Chapter, American Academy of
8536 Pediatrics;

8537 (iv) Mississippi Chapter, American College of

8538 OB-GYN;



8539 (v) Mississippi Medical and Surgical Association;
8540 (vi) Mississippi Osteopathic Association;
8541 (c) Two (2) designees of the Dean of the University of
8542 Mississippi School of Medicine whose terms are at the discretion
8543 of the dean, at least one (1) of whom is a member of the
8544 University of Mississippi School of Medicine Admissions Committee;
8545 (d) Two (2) medical students, one (1) of whom shall be
8546 selected yearly through a process developed by the Dean of the
8547 School of Medicine in consultation with the Chairs of the
8548 Departments of Family Medicine, Internal Medicine, OB-GYN and
8549 Pediatrics, and one (1) of whom shall be nominated for a one-year
8550 term by the Mississippi Chapter of the Student National Medical
8551 Association and approved by the Dean of the University of
8552 Mississippi School of Medicine;
8553 (e) * * * The Commissioner of Higher * * * Education,
8554 or his or her designee;
8555 (f) The Chair of the Department of Family Medicine at
8556 the University of Mississippi School of Medicine; and
8557 (g) A licensed psychiatrist appointed by the
8558 Mississippi Chapter of the American Psychiatric Association.
8559 (2) The premedical advisors from the accredited four-year
8560 colleges and universities in the state and the directors or
8561 designees of the primary care generalist training programs in the
8562 State of Mississippi shall comprise an advisory committee to the



8563 commission to assist the commission in its administration of the
8564 Mississippi Rural Physicians Scholarship Program.

8565 (3) Vacancies on the commission must be filled in a manner
8566 consistent with the original appointments.

8567 (4) All appointments to the commission must be made no later
8568 than September 1, 2019. After the members are appointed, the
8569 Chair of the Department of Family Medicine shall set a date for
8570 the organizational meeting that is mutually acceptable to the
8571 majority of the commission members. The organizational meeting
8572 shall be for the purposes of organizing the commission and
8573 establishing rules for transacting its business. A majority of
8574 the members of the commission shall constitute a quorum at all
8575 commission meetings. An affirmative vote of a majority of the
8576 members present and voting shall be required in the adoption of
8577 rules, reports and in any other actions taken by the commission.
8578 At the organizational meeting, the commission shall elect a chair
8579 and vice chair from the members appointed according to paragraphs
8580 (a) through (d) of subsection (1). The chair shall serve for a
8581 term of two (2) years, upon the expiration of which the vice chair
8582 shall assume the office of chair.

8583 (5) After the organizational meeting, the commission shall
8584 hold no less than two (2) meetings annually.

8585 (6) The commission may form an executive committee for the
8586 purpose of transacting business that must be conducted before the
8587 next regularly scheduled meeting of the commission. All actions



8588 taken by the executive committee must be ratified by the
8589 commission at its next regularly scheduled meeting.

8590 (7) Members of the commission shall serve without
8591 compensation but may be reimbursed, subject to the availability of
8592 funding, for mileage and actual and necessary expenses incurred in
8593 attending meetings of the commission.

8594 (8) Funding for the establishment and continued operation of
8595 the program and commission shall be appropriated out of any money
8596 in the General Fund not already appropriated to the University of
8597 Mississippi Medical Center.

8598 **SECTION 169.** Section 37-145-3, Mississippi Code of 1972, is
8599 amended as follows:

8600 37-145-3. As used in this chapter:

8601 (a) "Company" means the Mississippi Business Finance
8602 Corporation established pursuant to Section 57-10-167.

8603 (b) "Board of trustees" means * * * a university board
8604 of trustees * * *.

8605 (c) "Guaranty Agency" means the Mississippi Guarantee
8606 Student Loan Agency * * *.

8607 **SECTION 170.** Section 37-147-5, Mississippi Code of 1972, is
8608 amended as follows:

8609 37-147-5. The following words shall have the meaning
8610 ascribed herein unless the context clearly requires otherwise:

8611 (a) "Act" means the Mississippi University Research
8612 Authority Act;



8613 (b) "Authority" means the entity created pursuant to
8614 this act;

8615 (c) "Board" means * * * a university board of
8616 trustees * * *;

8617 (d) "Technological innovations" means research,
8618 development, prototype assembly, manufacture, patenting,
8619 licensing, marketing and sale of inventions, ideas, practices,
8620 applications, processes, machines, technology and related property
8621 rights of all kinds; * * *

8622 (e) "University" means a Mississippi educational
8623 institution established pursuant to the provisions of Section 213A
8624 of the 1890 Constitution of the State of Mississippi * * *; and

8625 (f) "Intellectual property" means any formula, pattern,
8626 compilation, program, device, method, technique or process created
8627 primarily as a result of the research effort of an employee or
8628 employees of an institution of higher learning of the State of
8629 Mississippi.

8630 **SECTION 171.** Section 37-147-15, Mississippi Code of 1972, is
8631 amended as follows:

8632 37-147-15. (1) With the approval of * * * its university
8633 board of trustees * * *, any university may form, pursuant to the
8634 provisions of the Mississippi Nonprofit Corporation Act or the
8635 Mississippi Business Corporation Act, one or more research
8636 corporations, separate and apart from the state and the
8637 university, to promote, develop and administer enterprises arising



8638 from research or technological innovations in order to take
8639 advantage of opportunities of scientific, educational and economic
8640 development.

8641 (2) Each such corporation shall be governed by, and all of
8642 the functions, powers and duties of it shall be exercised by, a
8643 board of directors appointed by the president of the university.
8644 Members of the board of directors may include the president of the
8645 university, officers and employees of the university, and other
8646 persons selected by the president of the university. Officers and
8647 employees of the university may have ownership or financial
8648 interests in such corporations.

8649 (3) The board of directors of each such corporation shall
8650 adopt bylaws, in accordance with the provisions of the Mississippi
8651 Nonprofit Corporation Act or the Mississippi Business Corporation
8652 Act, as appropriate, governing the conduct of the corporation in
8653 the performance of its duties under its charter and this act.

8654 **SECTION 172.** Section 37-148-3, Mississippi Code of 1972, is
8655 amended as follows:

8656 37-148-3. As used in this act, the following words and
8657 phrases have the meanings ascribed in this section unless the
8658 context clearly indicates otherwise:

8659 (a) "College" means the state institutions of higher
8660 learning in Mississippi which are accredited by the Southern
8661 Association of Colleges and Schools.



8662 (b) "Investor" means a natural person, partnership,
8663 limited liability company, association, corporation, business
8664 trust or other business entity, not formed for the specific
8665 purpose of acquiring the rebate offered, which is subject to
8666 Mississippi income tax or franchise tax.

8667 (c) "Qualified research" means the systematic
8668 investigative process that is undertaken for the purpose of
8669 discovering information. The term "qualified research" does not
8670 include research conducted outside the State of Mississippi or
8671 research to the extent funded by any grant, contract or otherwise
8672 by another person or governmental entity.

8673 (d) "Research agreement" means a written contract,
8674 grant or cooperative agreement entered into between a person and a
8675 college or research corporation for the performance of qualified
8676 research; however, all qualified research costs generating a
8677 rebate must be spent by the college or research corporation on
8678 qualified research undertaken according to a research agreement.

8679 (e) "Research corporation" means any research
8680 corporation formed under Section 37-147-15 if the corporation is
8681 wholly owned by a college and all income and profits of the
8682 corporation inure to the benefit of the college.

8683 (f) "Qualified research costs" means costs paid or
8684 incurred by an investor to a college or research corporation for
8685 qualified research undertaken according to a research agreement.



8686 (g) "State" means the State of Mississippi or a
8687 governmental entity of the State of Mississippi.

8688 (h) "IHL" means a public state institution of higher
8689 learning under the control and supervision of an independent
8690 university * * * board of trustees * * *.

8691 (i) "SMART Business" means Strengthening Mississippi
8692 Academic Research Through Business.

8693 **SECTION 173.** Section 37-149-1, Mississippi Code of 1972, is
8694 amended as follows:

8695 37-149-1. (1) There is established within the State
8696 Department of Education, the Mississippi Teacher Center for the
8697 purpose of insuring that the children of our state are taught by
8698 quality professionals. The center shall serve as an interagency
8699 center focused on teacher recruitment, enhanced training and
8700 initial instructional support.

8701 (2) The center shall have a staff which shall consist of one
8702 (1) director, one (1) administrative assistant and professional
8703 teacher recruiters. A steering committee shall be established
8704 which shall consist of one (1) member from each of the following:
8705 the * * * each state institutions of higher learning, the
8706 Mississippi Community College Board, the State Board of Education,
8707 the Board of the Mississippi Association of Independent Colleges,
8708 the Board of the Mississippi Association of Colleges of Teacher
8709 Education, trustees of the local school boards, teachers and the
8710 private sector. The members of the steering committee shall be



8711 appointed by the state superintendent with the approval of the
8712 board. The steering committee shall direct the work and establish
8713 policies for the purpose of operating the center.

8714 (3) The center shall provide leadership for the following
8715 initiatives:

8716 (a) The initiation and monitoring of high school
8717 programs for teacher recruitment;

8718 (b) The initiation and monitoring of college level
8719 programs for teacher recruitment;

8720 (c) The establishment of a Beginning Teacher/Mentoring
8721 program, as authorized in Sections 37-9-201 through 37-9-213;

8722 (d) The sponsorship of a teacher renewal institute;

8723 (e) The continuation of the Teacher Corps program;

8724 (f) The enhancement of the William Winter Scholarship
8725 program;

8726 (g) Research for the development of professional
8727 teaching standards;

8728 (h) Provide additional scholarships for any targeted
8729 populations needing potential teachers; and

8730 (i) Provide assistance to local school districts in
8731 identifying and locating specific teacher needs.

8732 (4) (a) The Legislature recognizes that a highly qualified
8733 teacher in every public classroom in this state is fundamental to
8734 a quality education. The Legislature also recognizes that
8735 Mississippi has a serious shortage of qualified teachers to serve



8736 in the public schools of this state and that it has a
8737 responsibility to enact public policy in an effort to remedy that
8738 shortage of qualified teachers.

8739 (b) There is hereby established a Mississippi "Troops
8740 to Teachers" pilot program in the State Department of Education to
8741 assist in the recruitment, licensure, referral, placement and
8742 compensation of military personnel interested in beginning a
8743 second career in public education as a teacher. The Teacher
8744 Center in the State Department of Education shall collaborate with
8745 the national "Troops to Teachers" program to establish the
8746 criteria and procedures for allocation of funds provided by the
8747 federal government to administer the pilot program to ensure the
8748 most effective placement of such teachers around the state taking
8749 into consideration the degree of teacher shortage in each school
8750 district.

8751 (c) The Legislature shall appropriate funds necessary
8752 for the support of this pilot program which will not supplant
8753 federal funds provided for that purpose. The Office of the
8754 Governor shall transfer any federal funds provided for the
8755 Mississippi "Troops to Teachers" program to the State Department
8756 of Education for the administration of this program.

8757 (d) The Department of Education shall report to the
8758 Legislature no later than January 1, 2009, on the status of the
8759 implementation of the Mississippi "Troops to Teachers" program and
8760 the need for its continuation.



8761 **SECTION 174.** Section 37-154-1, Mississippi Code of 1972, is
8762 amended as follows:

8763 37-154-1. (1) To improve quality of life, education and
8764 employment opportunities for all citizens, the appropriate
8765 agencies of the State of Mississippi listed in subsection (2) of
8766 this section shall develop and maintain a State Longitudinal Data
8767 System (SLDS). The system will allow stakeholders and
8768 policymakers access data on state residents from birth to the
8769 workforce to drive accountability and investment decisions. The
8770 system will include data from multiple state agencies and
8771 entities. The system will provide decision makers a tool to
8772 develop policies to support objectives, including, but not limited
8773 to:

8774 (a) Enabling Mississippians to secure and retain
8775 employment and receive better pay after completing training or
8776 postsecondary degrees;

8777 (b) Enabling Mississippi to meet the education and job
8778 skill demands of business and industry;

8779 (c) Developing an early warning system, which allows
8780 the state to intervene early, improving the graduation rates in
8781 high school and college;

8782 (d) Identifying teachers, teaching methods and programs
8783 that lead to positive student outcomes; and

8784 (e) Encouraging the sharing of electronic data across
8785 educational and other entities.



8786 (2) Individual state agencies and state entities will send
8787 data from their internal system to the Statewide Longitudinal Data
8788 System. These initial agencies and entities shall provide data to
8789 the SLDS under the provisions developed by the SLDS Governing
8790 Board established in Section 37-154-3:

- 8791 (a) Mississippi Department of Education (MDE);
- 8792 (b) Mississippi Community College Board;
- 8793 (c) * * * State Institutions of Higher Learning (IHL);
- 8794 (d) State Workforce Investment Board (SWIB);
- 8795 (e) Mississippi Department of Employment Security
8796 (MDES);
- 8797 (f) Mississippi Department of Human Services (MDHS);
- 8798 and
- 8799 (g) State Early Childhood Advisory Council (SECAC).

8800 Any agencies or entities added to SLDS shall provide a
8801 representative to the SLDS Governing Board and be governed in the
8802 same manner as the initial agencies and entities.

8803 (3) The system will be based on an existing system currently
8804 housed, developed and maintained by the National Strategic
8805 Planning and Analysis Research Center (nSPARC) at Mississippi
8806 State University. The initial agencies participating in the SLDS
8807 Governing Board and nSPARC have worked collaboratively to secure
8808 funding through the United States Department of Education to
8809 expand and enhance the capacity of the state's existing technology
8810 infrastructure for the purposes of developing the SLDS. The State



8811 Data Center, operated by the Mississippi Department of Information
8812 Technology Services (ITS), will provide application hosting
8813 services for the SLDS until such time the SLDS Governing Board
8814 approves that another entity should perform these services.

8815 **SECTION 175.** Section 37-155-9, Mississippi Code of 1972, is
8816 amended as follows:

8817 37-155-9. In addition to the powers granted by any other
8818 provision of this article, the board of directors shall have the
8819 powers necessary or convenient to carry out the purposes and
8820 provisions of this article, the purposes and objectives of the
8821 trust fund and the powers delegated by any other law of the state
8822 or any executive order thereof, including, but not limited to, the
8823 following express powers:

8824 (a) To adopt and amend bylaws;

8825 (b) To adopt such rules and regulations as are
8826 necessary to implement the provisions of this article;

8827 (c) To invest any funds of the trust fund in any
8828 instrument, obligation, security or property that constitutes
8829 legal investments for public funds in the state and to name and
8830 use depositories for its investments and holdings;

8831 (d) To execute contracts and other necessary
8832 instruments;

8833 (e) To impose reasonable requirements for residency for
8834 beneficiaries at the time of purchase of the contract and to
8835 establish rules to govern purchase of contracts for beneficiaries



8836 who are nonresidents at the time the purchaser enters into the
8837 prepaid tuition contract;

8838 (f) To impose reasonable limits on the number of
8839 contract participants in the trust fund at any given period of
8840 time;

8841 (g) To contract for necessary goods and services, to
8842 employ necessary personnel, and to engage the services of
8843 consultants for administrative and technical assistance in
8844 carrying out the responsibilities of the trust fund;

8845 (h) To solicit and accept gifts, including
8846 bequeathments or other testamentary gifts made by will, trust or
8847 other disposition, grants, loans and other aids from any personal
8848 source or to participate in any other way in any federal, state or
8849 local governmental programs in carrying out the purposes of this
8850 article. Any gifts made to the board under this subsection shall
8851 be deductible from taxable income of the state in the tax year;

8852 (i) To define the terms and conditions under which
8853 payments may be withdrawn or refunded from the trust fund,
8854 including, but not limited to, the amount paid in and an
8855 additional amount in the nature of interest at a rate that
8856 corresponds, at a minimum, to the prevailing interest rates for
8857 savings accounts provided by banks and savings and loan
8858 associations and impose reasonable charges for such withdrawal or
8859 refund;



8860 (j) To ensure applicability to private and out-of-state
8861 tuitions:

8862 (i) Under the program, a state purchaser may enter
8863 into a prepaid tuition contract with the board under which the
8864 purchaser agrees to attend a public institution of higher
8865 education in Mississippi;

8866 (ii) If the beneficiary of a plan described by
8867 Section 37-155-11 enrolls in any in-state or out-of-state
8868 regionally accredited private four- or two-year college or an
8869 out-of-state regionally accredited, state-supported, nonprofit
8870 four- or two-year college or university, or any in-state or
8871 out-of-state regionally accredited graduate institution, the board
8872 shall pay to the institution an amount up to, but not greater
8873 than, the undergraduate tuition and required fees that the board
8874 would have paid had the beneficiary enrolled in an institution of
8875 higher education covered by the plan selected in the prepaid
8876 tuition contract. The beneficiary is responsible for paying a
8877 private undergraduate or graduate institution or an out-of-state
8878 public undergraduate or graduate institution the amount by which
8879 the tuition and required fees of the institution exceed the
8880 tuition and required fees paid by the board;

8881 (k) To impose reasonable time limits on the use of the
8882 tuition benefits provided by the program;

8883 (l) To provide for the receipt of contributions to the
8884 trust fund in lump sums or installment payments;



8885 (m) To adopt an official seal and rules;
8886 (n) To sue and be sued;
8887 (o) To establish agreements or other transactions with
8888 federal, state and local agencies, including state universities
8889 and community colleges;
8890 (p) To appear in its own behalf before boards,
8891 commissions or other governmental agencies;
8892 (q) To segregate contributions and payments to the fund
8893 into various accounts and funds;
8894 (r) To require and collect administrative fees and
8895 charges in connection with any transaction and impose reasonable
8896 penalties, including default, for delinquent payments or for
8897 entering into an advance payment contract on a fraudulent basis;
8898 (s) To procure insurance against any loss in connection
8899 with the property, assets and activities of the fund or the board;
8900 (t) To require that purchasers of advance payment
8901 contracts verify, under oath, any requests for contract
8902 conversions, substitutions, transfers, cancellations, refund
8903 requests or contract changes of any nature;
8904 (u) To administer the fund in a manner that is
8905 sufficiently actuarially sound to meet the obligations of the
8906 program. The board shall annually evaluate or cause to be
8907 evaluated the actuarial soundness of the fund. If the board
8908 perceives a need for additional assets in order to preserve



8909 actuarial soundness, the board may adjust the terms of subsequent
8910 advance payment contracts to ensure such soundness;

8911 (v) To establish a comprehensive investment plan for
8912 the purposes of this section. The comprehensive investment plan
8913 shall specify the investment policies to be utilized by the board
8914 in its administration of the fund. The board may authorize
8915 investments in:

8916 (i) Bonds, notes, certificates and other valid
8917 general obligations of the State of Mississippi, or of any county,
8918 or of any city, or of any supervisors district of any county of
8919 the State of Mississippi, or of any school district bonds of the
8920 State of Mississippi; notes or certificates of indebtedness issued
8921 by the Veterans' Home Purchase Board of Mississippi, provided such
8922 notes or certificates of indebtedness are secured by the pledge of
8923 collateral equal to two hundred percent (200%) of the amount of
8924 the loan, which collateral is also guaranteed at least for fifty
8925 percent (50%) of the face value by the United States government,
8926 and provided that not more than five percent (5%) of the total
8927 investment holdings of the system shall be in Veterans' Home
8928 Purchase Board notes or certificates at any time; real estate
8929 mortgage loans one hundred percent (100%) insured by the Federal
8930 Housing Administration on single family homes located in the State
8931 of Mississippi, where monthly collections and all servicing
8932 matters are handled by Federal Housing Administration approved



8933 mortgagees authorized to make such loans in the State of
8934 Mississippi;

8935 (ii) State of Mississippi highway bonds;

8936 (iii) Funds may be deposited in federally insured
8937 institutions domiciled in the State of Mississippi or a custodial
8938 bank which appears on the State of Mississippi Treasury
8939 Department's approved depository list and/or safekeeper list;

8940 (iv) Corporate bonds of investment grade as rated
8941 by Standard & Poor's or by Moody's Investment Service, with bonds
8942 rated BAA/BBB not to exceed five percent (5%) of the book value of
8943 the total fixed income investments; or corporate short-term
8944 obligations of corporations or of wholly owned subsidiaries of
8945 corporations, whose short-term obligations are rated A-3 or better
8946 by Standard and Poor's or rated P-3 or better by Moody's
8947 Investment Service;

8948 (v) Bonds of the Tennessee Valley Authority;

8949 (vi) Bonds, notes, certificates and other valid
8950 obligations of the United States, and other valid obligations of
8951 any federal instrumentality that issues securities under authority
8952 of an act of Congress and are exempt from registration with the
8953 Securities and Exchange Commission;

8954 (vii) Bonds, notes, debentures and other
8955 securities issued by any federal instrumentality and fully
8956 guaranteed by the United States. Direct obligations issued by the
8957 United States of America shall be deemed to include securities of,



8958 or other interests in, any open-end or closed-end management type
8959 investment company or investment trust registered under the
8960 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
8961 portfolio of such investment company or investment trust is
8962 limited to direct obligations issued by the United States of
8963 America, United States government agencies, United States
8964 government instrumentalities or United States government sponsored
8965 enterprises, and to repurchase agreements fully collateralized by
8966 direct obligations of the United States of America, United States
8967 government agencies, United States government instrumentalities or
8968 United States government sponsored enterprises, and the investment
8969 company or investment trust takes delivery of such collateral for
8970 the repurchase agreement, either directly or through an authorized
8971 custodian. The State Treasurer and the Executive Director of the
8972 Department of Finance and Administration shall review and approve
8973 the investment companies and investment trusts in which funds may
8974 be invested;

8975 (viii) Interest-bearing bonds or notes which are
8976 general obligations of any other state in the United States or of
8977 any city or county therein, provided such city or county had a
8978 population as shown by the federal census next preceding such
8979 investment of not less than twenty-five thousand (25,000)
8980 inhabitants and provided that such state, city or county has not
8981 defaulted for a period longer than thirty (30) days in the payment
8982 of principal or interest on any of its general obligation



8983 indebtedness during a period of ten (10) calendar years
8984 immediately preceding such investment;

8985 (ix) Shares of stocks, common and/or preferred, of
8986 corporations created by or existing under the laws of the United
8987 States or any state, district or territory thereof; provided:

8988 (A) The maximum investments in stocks shall
8989 not exceed fifty percent (50%) of the book value of the total
8990 investment fund of the system;

8991 (B) The stock of such corporation shall:

8992 1. Be listed on a national stock
8993 exchange; or

8994 2. Be traded in the over-the-counter
8995 market, provided price quotations for such over-the-counter stocks
8996 are quoted by the National Association of Securities Dealers
8997 Automated Quotation System (NASDAQ);

8998 (C) The outstanding shares of such
8999 corporation shall have a total market value of not less than Fifty
9000 Million Dollars (\$50,000,000.00);

9001 (D) The amount of investment in any one (1)
9002 corporation shall not exceed three percent (3%) of the book value
9003 of the assets of the system; and

9004 (E) The shares of any one (1) corporation
9005 owned by the system shall not exceed five percent (5%) of that
9006 corporation's outstanding stock;



9007 (x) Bonds rated Single A or better, stocks and
9008 convertible securities of established non-United States companies,
9009 which companies are listed on only primary national stock
9010 exchanges of foreign nations; and in foreign government securities
9011 rated Single A or better by a recognized rating agency; provided
9012 that the total book value of investments under this paragraph
9013 shall at no time exceed twenty percent (20%) of the total book
9014 value of all investments of the system. The board may take
9015 requisite action to effectuate or hedge such transactions through
9016 foreign banks, including the purchase and sale, transfer, exchange
9017 or otherwise disposal of, and generally deal in foreign exchange
9018 through the use of foreign currency, interbank forward contracts,
9019 futures contracts, options contracts, swaps and other related
9020 derivative instruments, notwithstanding any other provisions of
9021 this article to the contrary;

9022 (xi) Covered call and put options on securities
9023 traded on one or more of the regulated exchanges;

9024 (xii) Institutional investment trusts managed by a
9025 corporate trustee or by a Securities and Exchange Commission
9026 registered investment advisory firm retained as an investment
9027 manager by the board of directors, and institutional class shares
9028 of investment companies and unit investment trusts registered
9029 under the Investment Company Act of 1940 where such funds or
9030 shares are comprised of common or preferred stocks, bonds, money
9031 market instruments or other investments authorized under this



9032 section. Any investment manager or managers approved by the board
9033 of directors shall invest such funds or shares as a fiduciary;

9034 (xiii) Pooled or commingled real estate funds or
9035 real estate securities managed by a corporate trustee or by a
9036 Securities and Exchange Commission registered investment advisory
9037 firm retained as an investment manager by the board of directors.

9038 Such investment in commingled funds or shares shall be held in
9039 trust; provided that the total book value of investments under
9040 this paragraph shall at no time exceed five percent (5%) of the
9041 total book value of all investments of the system. Any investment
9042 manager approved by the board of directors shall invest such
9043 commingled funds or shares as a fiduciary;

9044 (w) All investments shall be acquired by the board at
9045 prices not exceeding the prevailing market values for such
9046 securities;

9047 (x) Any limitations herein set forth shall be
9048 applicable only at the time of purchase and shall not require the
9049 liquidation of any investment at any time. All investments shall
9050 be clearly marked to indicate ownership by the system and to the
9051 extent possible shall be registered in the name of the system;

9052 (y) Subject to the above terms, conditions, limitations
9053 and restrictions, the board shall have power to sell, assign,
9054 transfer and dispose of any of the securities and investments of
9055 the system, provided that the sale, assignment or transfer has the
9056 majority approval of the entire board. The board may employ or



9057 contract with investment managers, evaluation services or other
9058 such services as determined by the board to be necessary for the
9059 effective and efficient operation of the system;

9060 (z) Except as otherwise provided herein, no trustee and
9061 no employee of the board shall have any direct or indirect
9062 interest in the income, gains or profits of any investment made by
9063 the board, nor shall any such person receive any pay or emolument
9064 for his services in connection with any investment made by the
9065 board. No trustee or employee of the board shall become an
9066 endorser or surety, or in any manner an obligor for money loaned
9067 by or borrowed from the system;

9068 (aa) All interest derived from investments and any
9069 gains from the sale or exchange of investments shall be credited
9070 by the board to the account of the system;

9071 (bb) To delegate responsibility for administration of
9072 the comprehensive investment plan to a consultant the board
9073 determines to be qualified. Such consultant shall be compensated
9074 by the board. Directly or through such consultant, the board may
9075 contract to provide such services as may be a part of the
9076 comprehensive investment plan or as may be deemed necessary or
9077 proper by the board or such consultant, including, but not limited
9078 to, providing consolidated billing, individual and collective
9079 record keeping and accounting, and asset purchase, control and
9080 safekeeping;



9081 (cc) To annually prepare or cause to be prepared a
9082 report setting forth in appropriate detail an accounting of the
9083 fund and a description of the financial condition of the program
9084 at the close of each fiscal year. Such report shall be submitted
9085 to the Governor, the Lieutenant Governor, the President of the
9086 Senate, the Speaker of the House of Representatives, the
9087 Commissioner of Higher Education and members of * * * each
9088 university board of trustees * * *, the Mississippi Community
9089 College Board and the State Board of Education on or before March
9090 31 each year. In addition, the board shall make the report
9091 available to purchasers of advance payment contracts. The board
9092 shall provide to the * * * Commissioner of Higher * * * Education
9093 and the Mississippi Community College Board by March 31 each year
9094 complete advance payment contract sales information including
9095 projected postsecondary enrollments of beneficiaries. The
9096 accounts of the fund shall be subject to annual audits by the
9097 State Auditor or his designee;

9098 (dd) To solicit proposals for the marketing of the
9099 Mississippi Prepaid Affordable College Tuition Program. The
9100 entity designated pursuant to this paragraph shall serve as a
9101 centralized marketing agent for the program and shall solely be
9102 responsible for the marketing of the program. Any materials
9103 produced for the purpose of marketing the programs shall be
9104 submitted to the board for review. No such materials shall be
9105 made available to the public before the materials are approved by



9106 the board. Any educational institution may distribute marketing
9107 materials produced for the program; however, all such materials
9108 shall have been approved by the board prior to distribution.

9109 Neither the state nor the board shall be liable for
9110 misrepresentation of the program by a marketing agent; and

9111 (ee) To establish other policies, procedures and
9112 criteria necessary to implement and administer the provisions of
9113 this article.

9114 For efficient and effective administration of the program and
9115 trust fund, the board may authorize the State of Mississippi
9116 Treasury Department and/or the State Treasurer to carry out any or
9117 all of the powers and duties enumerated above.

9118 **SECTION 176.** Section 37-155-117, Mississippi Code of 1972,
9119 is amended as follows:

9120 37-155-117. (1) The board shall furnish, without charge, to
9121 each account owner an annual statement of the following:

9122 (a) The amount contributed by the account owner under
9123 the savings trust agreement;

9124 (b) The annual earnings and accumulated earnings on the
9125 savings trust account; and

9126 (c) Any other terms and conditions that the board deems
9127 by rule is necessary or appropriate, including those necessary to
9128 conform the savings trust account with the requirements of Section
9129 529 of the Internal Revenue Code of 1986, as amended, or other
9130 applicable federal law or regulations.



9131 (2) The board shall furnish an additional statement
9132 complying with subsection (1) to an account owner or beneficiary
9133 on written request. The board may charge a reasonable fee for
9134 each statement furnished under this subsection.

9135 (3) The board shall prepare or cause to be prepared an
9136 annual report setting forth in appropriate detail an accounting of
9137 the funds and a description of the financial condition of the
9138 program at the close of each fiscal year. Such report shall be
9139 submitted to the Governor, the Lieutenant Governor, the Speaker of
9140 the House of Representatives, the Commissioner of Higher Education
9141 and members of * * * each university board of trustees * * *, the
9142 Mississippi Community College Board and the State Board of
9143 Education. In addition, the board shall make the report available
9144 to account owners of savings trust agreements. The accounts of
9145 the fund shall be subject to annual audits by the State Auditor or
9146 his designee.

9147 **SECTION 177.** Section 37-163-1, Mississippi Code of 1972, is
9148 amended as follows:

9149 37-163-1. (1) There is created an Education Achievement
9150 Council whose purpose is to sustain attention to the state's goal
9151 of increasing the educational attainment and skill levels of the
9152 state's working-age population benchmark to the national average
9153 by 2025.

9154 (2) The Education Achievement Council shall consist of * * *
9155 twenty-three (23) members:



9156 (a) The Chairmen of the House and Senate Universities
9157 and Colleges Committees;

9158 (b) The Chairmen of the House and Senate Education
9159 Committees;

9160 (c) A representative of the Governor's office appointed
9161 by the Governor;

9162 * * *

9163 (* * *d) The Chairman of the State Board of Education,
9164 or his designee;

9165 (* * *e) The Chairman and one (1) member of the
9166 Mississippi Community College Board, or his designee;

9167 (* * *f) The State Superintendent of Public Education,
9168 or his designee;

9169 (* * *g) The Commissioner of Higher Education, or his
9170 designee;

9171 (* * *h) The Executive Director of the Mississippi
9172 Community College Board, or his designee;

9173 (* * *i) Three (3) presidents of state institutions of
9174 higher learning appointed by the Board of Trustees of State
9175 Institutions of Higher Learning, one (1) of which must be from a
9176 historically black institution of higher learning;

9177 (* * *j) Three (3) community and junior college
9178 presidents appointed by the Mississippi Community College Board;

9179 (* * *k) The Executive Director of the Mississippi
9180 Department of Mental Health, or his designee;



9181 (* * *l) The President and Chief Executive Officer of
9182 the Mississippi Economic Council;

9183 (* * *m) The Chairmen of the House and Senate
9184 Appropriations Committees, or their designees;

9185 (* * *n) The Executive Director of the Mississippi
9186 Association of Independent Colleges and Universities; and

9187 (* * *o) The President of the Mississippi Association
9188 for Proprietary Schools.

9189 (3) The Education Achievement Council shall work
9190 collaboratively with the * * * state institutions of higher
9191 learning and the Mississippi Community College Board to achieve
9192 the state's goal, and shall not displace any governing or
9193 coordinating responsibilities.

9194 (4) The Education Achievement Council shall:

9195 (a) Establish the education achievement goals for the
9196 state;

9197 (b) Develop and prescribe appropriate planning
9198 processes;

9199 (c) Establish appropriate benchmarks to measure
9200 progress, including degrees awarded per one hundred (100)
9201 full-time equivalent (FTE) students calculated using completed
9202 credit hours; conduct the necessary studies and analysis;

9203 (d) Research and develop a new funding mechanism for
9204 public community colleges and state institutions of higher
9205 learning based upon productivity goals and accomplishments as well



9206 as enrollment, and submit a report thereon with necessary
9207 legislation to the Governor and the appropriate committees of the
9208 Legislature on or before November 1, 2012, for consideration at
9209 the 2013 Regular Session; and

9210 (e) Contract for any professional services that it
9211 deems necessary to complete its work.

9212 (5) The Education Achievement Council shall monitor and
9213 report on the state's progress toward these education achievement
9214 goals by preparing an annual state report card compiled from the
9215 annual reports prepared and submitted by each state institution of
9216 higher learning and community and junior college in the state.
9217 The state's annual report shall be made available on the Education
9218 Achievement Council website, as well as the websites of * * *
9219 state institutions of higher learning and the Mississippi
9220 Community College Board.

9221 (6) Each state institution of higher learning and community
9222 and junior college shall be required to develop and publish an
9223 annual report as prescribed by the Education Achievement Council.
9224 By November 1 of each year, as prescribed by the Education
9225 Achievement Council, each institution's annual report shall be
9226 published in a newspaper having general circulation in the county
9227 and posted on the institution's website in printable form. The
9228 public notice shall include information on the report's
9229 availability on the institution's website, with the website



9230 address, and the locations where a copy of the report may be
9231 obtained.

9232 (7) Within sixty (60) days of March 24, 2010, the Education
9233 Achievement Council shall meet and organize by selecting from its
9234 membership a chairman, vice chairman and secretary each for a
9235 one-year term of office. A majority of the membership will
9236 constitute a quorum. In the selection of its officers and the
9237 adoption of rules, resolutions and reports, an affirmative
9238 majority vote shall be required. All members must be notified in
9239 writing of all meetings at least five (5) days before the date on
9240 which a meeting is scheduled.

9241 (8) The Legislature may appropriate funds to the * * *
9242 Commissioner of Higher * * * Education for the administrative,
9243 contractual costs, travel and other expenses of the Education
9244 Achievement Council.

9245 (9) Members of the Education Achievement Council who are not
9246 legislators, state officials or state employees may be compensated
9247 at the per diem rate authorized by Section 25-3-41 for mileage and
9248 actual expense incurred in the performance of their duties.
9249 Legislative members of the Education Achievement Council may be
9250 paid from the contingent expense funds of their respective houses,
9251 but only with the specific approval of the Senate Rules Committee
9252 or House Management Committee; however, no per diem or expense is
9253 authorized for attending meetings of the Education Achievement
9254 Council when the Legislature is in session. Nonlegislative



9255 members may be paid from any funds made available for that
9256 purpose.

9257 (10) The Commissioner of Higher Education, or his designee,
9258 shall serve as the principal staff to support the Education
9259 Achievement Council. The Commissioner of Higher Education and the
9260 Executive Director of the Mississippi Community College Board
9261 shall provide appropriate staff to support the work of the
9262 Education Achievement Council.

9263 **SECTION 178.** Section 39-33-1, Mississippi Code of 1972, is
9264 amended as follows:

9265 39-33-1. The Division of Tourism of the Mississippi
9266 Development Authority is authorized and directed to do the
9267 following:

9268 (a) To make an inventory of country music "assets" that
9269 make up the country music culture that could be developed into a
9270 program for domestic and international tourism, and opportunities
9271 for investment.

9272 (b) To establish a statewide Mississippi "Country Music
9273 Trail" infrastructure to offer to tourists and target groups a
9274 structured tour of Mississippi country music historical sites and
9275 performance venues.

9276 (c) To designate specific sites for the erection of
9277 appropriate "Mississippi Country Music Trail" markers to offer to
9278 tourists and targeted groups a structured tour of Mississippi
9279 country music historical sites and performance venues. The



9280 division shall be authorized to purchase appropriate Mississippi
9281 Country Music Trail markers from any of its available funds. The
9282 texts for the Mississippi Country Music Trail markers shall be
9283 approved by the division. The Mississippi Department of
9284 Transportation shall cooperate with the division by erecting and
9285 maintaining the markers that have been approved by the division.

9286 (d) To coordinate the Mississippi Country Music Trail
9287 program with the Mississippi Department of Archives and History,
9288 the Mississippi Department of Transportation, the Mississippi
9289 Educational Television Authority, * * * state institutions of
9290 higher learning, the Jimmie Rogers Museum, the Center for the
9291 Study of Southern Culture at the University of Mississippi, the
9292 Delta Center for Culture and Learning at Delta State University,
9293 the Mississippi Arts Commission and similar organizations to share
9294 resources and information in order to ensure a comprehensive
9295 approach to marketing the country music and country music culture
9296 in Mississippi.

9297 (e) To coordinate the Mississippi Country Music Trail
9298 marketing plan with any existing state historic preservation
9299 program, in order to identify and preserve country music historic
9300 properties, and determine the eligibility of such properties for
9301 listing on the National Register of Historic Places, and prepare
9302 nominations of such sites.

9303 **SECTION 179.** Section 39-37-1, Mississippi Code of 1972, is
9304 amended as follows:



9305 39-37-1. The Division of Tourism Development of the
9306 Mississippi Development Authority is authorized and directed to do
9307 the following:

9308 (a) To develop a marketing plan designed to attract
9309 tourists, conferences, music and theatrical performances,
9310 filmmakers and others for the purpose of the economic development
9311 of all geographic areas of the state through the promotion of
9312 projects related to Mississippi's heritage, history and culture.

9313 (b) To make an inventory of assets related to
9314 Mississippi's heritage, history and culture.

9315 (c) To establish a statewide infrastructure to offer
9316 tourists and targeted audiences a structured tour of sites and
9317 venues related to Mississippi's heritage, history and culture.

9318 (d) To designate specific sites for the erection of
9319 trail markers for the sites and venues related to Mississippi's
9320 heritage, history and culture. The division is authorized to
9321 approve the texts for the markers and to purchase appropriate
9322 markers from any available funds. The Mississippi Department of
9323 Transportation shall cooperate with the division by erecting and
9324 maintaining the markers that have been approved by the division.

9325 (e) To coordinate the trail program described in
9326 paragraph (d) of this section with the Mississippi Department of
9327 Archives and History, the Mississippi Authority for Educational
9328 Television, and * * * state institutions of higher learning, and
9329 similar organizations to share resources and information in order



9330 to ensure a comprehensive approach to marketing the story of
9331 Mississippi's heritage, history and culture.

9332 (f) To coordinate the trail program described in
9333 paragraph (d) of this section with any existing state historic
9334 preservation program, in order to identify and preserve historic
9335 properties, and determine the eligibility of those properties for
9336 listing on the National Register of Historic Places, and prepare
9337 nominations of those sites.

9338 **SECTION 180.** Section 41-7-191, Mississippi Code of 1972, is
9339 amended as follows:

9340 41-7-191. (1) No person shall engage in any of the
9341 following activities without obtaining the required certificate of
9342 need:

9343 (a) The construction, development or other
9344 establishment of a new health care facility, which establishment
9345 shall include the reopening of a health care facility that has
9346 ceased to operate for a period of sixty (60) months or more;

9347 (b) The relocation of a health care facility or portion
9348 thereof, or major medical equipment, unless such relocation of a
9349 health care facility or portion thereof, or major medical
9350 equipment, which does not involve a capital expenditure by or on
9351 behalf of a health care facility, is within five thousand two
9352 hundred eighty (5,280) feet from the main entrance of the health
9353 care facility;



9354 (c) Any change in the existing bed complement of any
9355 health care facility through the addition or conversion of any
9356 beds or the alteration, modernizing or refurbishing of any unit or
9357 department in which the beds may be located; however, if a health
9358 care facility has voluntarily delicensed some of its existing bed
9359 complement, it may later relicense some or all of its delicensed
9360 beds without the necessity of having to acquire a certificate of
9361 need. The State Department of Health shall maintain a record of
9362 the delicensing health care facility and its voluntarily
9363 delicensed beds and continue counting those beds as part of the
9364 state's total bed count for health care planning purposes. If a
9365 health care facility that has voluntarily delicensed some of its
9366 beds later desires to relicense some or all of its voluntarily
9367 delicensed beds, it shall notify the State Department of Health of
9368 its intent to increase the number of its licensed beds. The State
9369 Department of Health shall survey the health care facility within
9370 thirty (30) days of that notice and, if appropriate, issue the
9371 health care facility a new license reflecting the new contingent
9372 of beds. However, in no event may a health care facility that has
9373 voluntarily delicensed some of its beds be reissued a license to
9374 operate beds in excess of its bed count before the voluntary
9375 delicensure of some of its beds without seeking certificate of
9376 need approval;

9377 (d) Offering of the following health services if those
9378 services have not been provided on a regular basis by the proposed



9379 provider of such services within the period of twelve (12) months
9380 prior to the time such services would be offered:

9381 (i) Open-heart surgery services;
9382 (ii) Cardiac catheterization services;
9383 (iii) Comprehensive inpatient rehabilitation

9384 services;

9385 (iv) Licensed psychiatric services;

9386 (v) Licensed chemical dependency services;

9387 (vi) Radiation therapy services;

9388 (vii) Diagnostic imaging services of an invasive
9389 nature, i.e. invasive digital angiography;

9390 (viii) Nursing home care as defined in
9391 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);

9392 (ix) Home health services;

9393 (x) Swing-bed services;

9394 (xi) Ambulatory surgical services;

9395 (xii) Magnetic resonance imaging services;

9396 (xiii) [Deleted]

9397 (xiv) Long-term care hospital services;

9398 (xv) Positron emission tomography (PET) services;

9399 (e) The relocation of one or more health services from
9400 one physical facility or site to another physical facility or
9401 site, unless such relocation, which does not involve a capital
9402 expenditure by or on behalf of a health care facility, (i) is to a
9403 physical facility or site within five thousand two hundred eighty



9404 (5,280) feet from the main entrance of the health care facility
9405 where the health care service is located, or (ii) is the result of
9406 an order of a court of appropriate jurisdiction or a result of
9407 pending litigation in such court, or by order of the State
9408 Department of Health, or by order of any other agency or legal
9409 entity of the state, the federal government, or any political
9410 subdivision of either, whose order is also approved by the State
9411 Department of Health;

9412 (f) The acquisition or otherwise control of any major
9413 medical equipment for the provision of medical services; however,
9414 (i) the acquisition of any major medical equipment used only for
9415 research purposes, and (ii) the acquisition of major medical
9416 equipment to replace medical equipment for which a facility is
9417 already providing medical services and for which the State
9418 Department of Health has been notified before the date of such
9419 acquisition shall be exempt from this paragraph; an acquisition
9420 for less than fair market value must be reviewed, if the
9421 acquisition at fair market value would be subject to review;

9422 (g) Changes of ownership of existing health care
9423 facilities in which a notice of intent is not filed with the State
9424 Department of Health at least thirty (30) days prior to the date
9425 such change of ownership occurs, or a change in services or bed
9426 capacity as prescribed in paragraph (c) or (d) of this subsection
9427 as a result of the change of ownership; an acquisition for less



9428 than fair market value must be reviewed, if the acquisition at
9429 fair market value would be subject to review;

9430 (h) The change of ownership of any health care facility
9431 defined in subparagraphs (iv), (vi) and (viii) of Section
9432 41-7-173(h), in which a notice of intent as described in paragraph
9433 (g) has not been filed and if the Executive Director, Division of
9434 Medicaid, Office of the Governor, has not certified in writing
9435 that there will be no increase in allowable costs to Medicaid from
9436 revaluation of the assets or from increased interest and
9437 depreciation as a result of the proposed change of ownership;

9438 (i) Any activity described in paragraphs (a) through
9439 (h) if undertaken by any person if that same activity would
9440 require certificate of need approval if undertaken by a health
9441 care facility;

9442 (j) Any capital expenditure or deferred capital
9443 expenditure by or on behalf of a health care facility not covered
9444 by paragraphs (a) through (h);

9445 (k) The contracting of a health care facility as
9446 defined in subparagraphs (i) through (viii) of Section 41-7-173(h)
9447 to establish a home office, subunit, or branch office in the space
9448 operated as a health care facility through a formal arrangement
9449 with an existing health care facility as defined in subparagraph
9450 (ix) of Section 41-7-173(h);

9451 (l) The replacement or relocation of a health care
9452 facility designated as a critical access hospital shall be exempt



9453 from subsection (1) of this section so long as the critical access
9454 hospital complies with all applicable federal law and regulations
9455 regarding such replacement or relocation;

9456 (m) Reopening a health care facility that has ceased to
9457 operate for a period of sixty (60) months or more, which reopening
9458 requires a certificate of need for the establishment of a new
9459 health care facility.

9460 (2) The State Department of Health shall not grant approval
9461 for or issue a certificate of need to any person proposing the new
9462 construction of, addition to, or expansion of any health care
9463 facility defined in subparagraphs (iv) (skilled nursing facility)
9464 and (vi) (intermediate care facility) of Section 41-7-173(h) or
9465 the conversion of vacant hospital beds to provide skilled or
9466 intermediate nursing home care, except as hereinafter authorized:

9467 (a) The department may issue a certificate of need to
9468 any person proposing the new construction of any health care
9469 facility defined in subparagraphs (iv) and (vi) of Section
9470 41-7-173(h) as part of a life care retirement facility, in any
9471 county bordering on the Gulf of Mexico in which is located a
9472 National Aeronautics and Space Administration facility, not to
9473 exceed forty (40) beds. From and after July 1, 1999, there shall
9474 be no prohibition or restrictions on participation in the Medicaid
9475 program (Section 43-13-101 et seq.) for the beds in the health
9476 care facility that were authorized under this paragraph (a).



9477 (b) The department may issue certificates of need in
9478 Harrison County to provide skilled nursing home care for
9479 Alzheimer's disease patients and other patients, not to exceed one
9480 hundred fifty (150) beds. From and after July 1, 1999, there
9481 shall be no prohibition or restrictions on participation in the
9482 Medicaid program (Section 43-13-101 et seq.) for the beds in the
9483 nursing facilities that were authorized under this paragraph (b).

9484 (c) The department may issue a certificate of need for
9485 the addition to or expansion of any skilled nursing facility that
9486 is part of an existing continuing care retirement community
9487 located in Madison County, provided that the recipient of the
9488 certificate of need agrees in writing that the skilled nursing
9489 facility will not at any time participate in the Medicaid program
9490 (Section 43-13-101 et seq.) or admit or keep any patients in the
9491 skilled nursing facility who are participating in the Medicaid
9492 program. This written agreement by the recipient of the
9493 certificate of need shall be fully binding on any subsequent owner
9494 of the skilled nursing facility, if the ownership of the facility
9495 is transferred at any time after the issuance of the certificate
9496 of need. Agreement that the skilled nursing facility will not
9497 participate in the Medicaid program shall be a condition of the
9498 issuance of a certificate of need to any person under this
9499 paragraph (c), and if such skilled nursing facility at any time
9500 after the issuance of the certificate of need, regardless of the
9501 ownership of the facility, participates in the Medicaid program or



9502 admits or keeps any patients in the facility who are participating
9503 in the Medicaid program, the State Department of Health shall
9504 revoke the certificate of need, if it is still outstanding, and
9505 shall deny or revoke the license of the skilled nursing facility,
9506 at the time that the department determines, after a hearing
9507 complying with due process, that the facility has failed to comply
9508 with any of the conditions upon which the certificate of need was
9509 issued, as provided in this paragraph and in the written agreement
9510 by the recipient of the certificate of need. The total number of
9511 beds that may be authorized under the authority of this paragraph
9512 (c) shall not exceed sixty (60) beds.

9513 (d) The State Department of Health may issue a
9514 certificate of need to any hospital located in DeSoto County for
9515 the new construction of a skilled nursing facility, not to exceed
9516 one hundred twenty (120) beds, in DeSoto County. From and after
9517 July 1, 1999, there shall be no prohibition or restrictions on
9518 participation in the Medicaid program (Section 43-13-101 et seq.)
9519 for the beds in the nursing facility that were authorized under
9520 this paragraph (d).

9521 (e) The State Department of Health may issue a
9522 certificate of need for the construction of a nursing facility or
9523 the conversion of beds to nursing facility beds at a personal care
9524 facility for the elderly in Lowndes County that is owned and
9525 operated by a Mississippi nonprofit corporation, not to exceed
9526 sixty (60) beds. From and after July 1, 1999, there shall be no



9527 prohibition or restrictions on participation in the Medicaid
9528 program (Section 43-13-101 et seq.) for the beds in the nursing
9529 facility that were authorized under this paragraph (e).

9530 (f) The State Department of Health may issue a
9531 certificate of need for conversion of a county hospital facility
9532 in Itawamba County to a nursing facility, not to exceed sixty (60)
9533 beds, including any necessary construction, renovation or
9534 expansion. From and after July 1, 1999, there shall be no
9535 prohibition or restrictions on participation in the Medicaid
9536 program (Section 43-13-101 et seq.) for the beds in the nursing
9537 facility that were authorized under this paragraph (f).

9538 (g) The State Department of Health may issue a
9539 certificate of need for the construction or expansion of nursing
9540 facility beds or the conversion of other beds to nursing facility
9541 beds in either Hinds, Madison or Rankin County, not to exceed
9542 sixty (60) beds. From and after July 1, 1999, there shall be no
9543 prohibition or restrictions on participation in the Medicaid
9544 program (Section 43-13-101 et seq.) for the beds in the nursing
9545 facility that were authorized under this paragraph (g).

9546 (h) The State Department of Health may issue a
9547 certificate of need for the construction or expansion of nursing
9548 facility beds or the conversion of other beds to nursing facility
9549 beds in either Hancock, Harrison or Jackson County, not to exceed
9550 sixty (60) beds. From and after July 1, 1999, there shall be no
9551 prohibition or restrictions on participation in the Medicaid



9552 program (Section 43-13-101 et seq.) for the beds in the facility
9553 that were authorized under this paragraph (h).

9554 (i) The department may issue a certificate of need for
9555 the new construction of a skilled nursing facility in Leake
9556 County, provided that the recipient of the certificate of need
9557 agrees in writing that the skilled nursing facility will not at
9558 any time participate in the Medicaid program (Section 43-13-101 et
9559 seq.) or admit or keep any patients in the skilled nursing
9560 facility who are participating in the Medicaid program. This
9561 written agreement by the recipient of the certificate of need
9562 shall be fully binding on any subsequent owner of the skilled
9563 nursing facility, if the ownership of the facility is transferred
9564 at any time after the issuance of the certificate of need.
9565 Agreement that the skilled nursing facility will not participate
9566 in the Medicaid program shall be a condition of the issuance of a
9567 certificate of need to any person under this paragraph (i), and if
9568 such skilled nursing facility at any time after the issuance of
9569 the certificate of need, regardless of the ownership of the
9570 facility, participates in the Medicaid program or admits or keeps
9571 any patients in the facility who are participating in the Medicaid
9572 program, the State Department of Health shall revoke the
9573 certificate of need, if it is still outstanding, and shall deny or
9574 revoke the license of the skilled nursing facility, at the time
9575 that the department determines, after a hearing complying with due
9576 process, that the facility has failed to comply with any of the



9577 conditions upon which the certificate of need was issued, as
9578 provided in this paragraph and in the written agreement by the
9579 recipient of the certificate of need. The provision of Section
9580 41-7-193(1) regarding substantial compliance of the projection of
9581 need as reported in the current State Health Plan is waived for
9582 the purposes of this paragraph. The total number of nursing
9583 facility beds that may be authorized by any certificate of need
9584 issued under this paragraph (i) shall not exceed sixty (60) beds.
9585 If the skilled nursing facility authorized by the certificate of
9586 need issued under this paragraph is not constructed and fully
9587 operational within eighteen (18) months after July 1, 1994, the
9588 State Department of Health, after a hearing complying with due
9589 process, shall revoke the certificate of need, if it is still
9590 outstanding, and shall not issue a license for the skilled nursing
9591 facility at any time after the expiration of the eighteen-month
9592 period.

9593 (j) The department may issue certificates of need to
9594 allow any existing freestanding long-term care facility in
9595 Tishomingo County and Hancock County that on July 1, 1995, is
9596 licensed with fewer than sixty (60) beds. For the purposes of
9597 this paragraph (j), the provisions of Section 41-7-193(1)
9598 requiring substantial compliance with the projection of need as
9599 reported in the current State Health Plan are waived. From and
9600 after July 1, 1999, there shall be no prohibition or restrictions
9601 on participation in the Medicaid program (Section 43-13-101 et



9602 seq.) for the beds in the long-term care facilities that were
9603 authorized under this paragraph (j).

9604 (k) The department may issue a certificate of need for
9605 the construction of a nursing facility at a continuing care
9606 retirement community in Lowndes County. The total number of beds
9607 that may be authorized under the authority of this paragraph (k)
9608 shall not exceed sixty (60) beds. From and after July 1, 2001,
9609 the prohibition on the facility participating in the Medicaid
9610 program (Section 43-13-101 et seq.) that was a condition of
9611 issuance of the certificate of need under this paragraph (k) shall
9612 be revised as follows: The nursing facility may participate in
9613 the Medicaid program from and after July 1, 2001, if the owner of
9614 the facility on July 1, 2001, agrees in writing that no more than
9615 thirty (30) of the beds at the facility will be certified for
9616 participation in the Medicaid program, and that no claim will be
9617 submitted for Medicaid reimbursement for more than thirty (30)
9618 patients in the facility in any month or for any patient in the
9619 facility who is in a bed that is not Medicaid-certified. This
9620 written agreement by the owner of the facility shall be a
9621 condition of licensure of the facility, and the agreement shall be
9622 fully binding on any subsequent owner of the facility if the
9623 ownership of the facility is transferred at any time after July 1,
9624 2001. After this written agreement is executed, the Division of
9625 Medicaid and the State Department of Health shall not certify more
9626 than thirty (30) of the beds in the facility for participation in



9627 the Medicaid program. If the facility violates the terms of the
9628 written agreement by admitting or keeping in the facility on a
9629 regular or continuing basis more than thirty (30) patients who are
9630 participating in the Medicaid program, the State Department of
9631 Health shall revoke the license of the facility, at the time that
9632 the department determines, after a hearing complying with due
9633 process, that the facility has violated the written agreement.

9634 (l) Provided that funds are specifically appropriated
9635 therefor by the Legislature, the department may issue a
9636 certificate of need to a rehabilitation hospital in Hinds County
9637 for the construction of a sixty-bed long-term care nursing
9638 facility dedicated to the care and treatment of persons with
9639 severe disabilities including persons with spinal cord and
9640 closed-head injuries and ventilator dependent patients. The
9641 provisions of Section 41-7-193(1) regarding substantial compliance
9642 with projection of need as reported in the current State Health
9643 Plan are waived for the purpose of this paragraph.

9644 (m) The State Department of Health may issue a
9645 certificate of need to a county-owned hospital in the Second
9646 Judicial District of Panola County for the conversion of not more
9647 than seventy-two (72) hospital beds to nursing facility beds,
9648 provided that the recipient of the certificate of need agrees in
9649 writing that none of the beds at the nursing facility will be
9650 certified for participation in the Medicaid program (Section
9651 43-13-101 et seq.), and that no claim will be submitted for



9652 Medicaid reimbursement in the nursing facility in any day or for
9653 any patient in the nursing facility. This written agreement by
9654 the recipient of the certificate of need shall be a condition of
9655 the issuance of the certificate of need under this paragraph, and
9656 the agreement shall be fully binding on any subsequent owner of
9657 the nursing facility if the ownership of the nursing facility is
9658 transferred at any time after the issuance of the certificate of
9659 need. After this written agreement is executed, the Division of
9660 Medicaid and the State Department of Health shall not certify any
9661 of the beds in the nursing facility for participation in the
9662 Medicaid program. If the nursing facility violates the terms of
9663 the written agreement by admitting or keeping in the nursing
9664 facility on a regular or continuing basis any patients who are
9665 participating in the Medicaid program, the State Department of
9666 Health shall revoke the license of the nursing facility, at the
9667 time that the department determines, after a hearing complying
9668 with due process, that the nursing facility has violated the
9669 condition upon which the certificate of need was issued, as
9670 provided in this paragraph and in the written agreement. If the
9671 certificate of need authorized under this paragraph is not issued
9672 within twelve (12) months after July 1, 2001, the department shall
9673 deny the application for the certificate of need and shall not
9674 issue the certificate of need at any time after the twelve-month
9675 period, unless the issuance is contested. If the certificate of
9676 need is issued and substantial construction of the nursing



9677 facility beds has not commenced within eighteen (18) months after
9678 July 1, 2001, the State Department of Health, after a hearing
9679 complying with due process, shall revoke the certificate of need
9680 if it is still outstanding, and the department shall not issue a
9681 license for the nursing facility at any time after the
9682 eighteen-month period. However, if the issuance of the
9683 certificate of need is contested, the department shall require
9684 substantial construction of the nursing facility beds within six
9685 (6) months after final adjudication on the issuance of the
9686 certificate of need.

9687 (n) The department may issue a certificate of need for
9688 the new construction, addition or conversion of skilled nursing
9689 facility beds in Madison County, provided that the recipient of
9690 the certificate of need agrees in writing that the skilled nursing
9691 facility will not at any time participate in the Medicaid program
9692 (Section 43-13-101 et seq.) or admit or keep any patients in the
9693 skilled nursing facility who are participating in the Medicaid
9694 program. This written agreement by the recipient of the
9695 certificate of need shall be fully binding on any subsequent owner
9696 of the skilled nursing facility, if the ownership of the facility
9697 is transferred at any time after the issuance of the certificate
9698 of need. Agreement that the skilled nursing facility will not
9699 participate in the Medicaid program shall be a condition of the
9700 issuance of a certificate of need to any person under this
9701 paragraph (n), and if such skilled nursing facility at any time



9702 after the issuance of the certificate of need, regardless of the
9703 ownership of the facility, participates in the Medicaid program or
9704 admits or keeps any patients in the facility who are participating
9705 in the Medicaid program, the State Department of Health shall
9706 revoke the certificate of need, if it is still outstanding, and
9707 shall deny or revoke the license of the skilled nursing facility,
9708 at the time that the department determines, after a hearing
9709 complying with due process, that the facility has failed to comply
9710 with any of the conditions upon which the certificate of need was
9711 issued, as provided in this paragraph and in the written agreement
9712 by the recipient of the certificate of need. The total number of
9713 nursing facility beds that may be authorized by any certificate of
9714 need issued under this paragraph (n) shall not exceed sixty (60)
9715 beds. If the certificate of need authorized under this paragraph
9716 is not issued within twelve (12) months after July 1, 1998, the
9717 department shall deny the application for the certificate of need
9718 and shall not issue the certificate of need at any time after the
9719 twelve-month period, unless the issuance is contested. If the
9720 certificate of need is issued and substantial construction of the
9721 nursing facility beds has not commenced within eighteen (18)
9722 months after July 1, 1998, the State Department of Health, after a
9723 hearing complying with due process, shall revoke the certificate
9724 of need if it is still outstanding, and the department shall not
9725 issue a license for the nursing facility at any time after the
9726 eighteen-month period. However, if the issuance of the



9727 certificate of need is contested, the department shall require
9728 substantial construction of the nursing facility beds within six
9729 (6) months after final adjudication on the issuance of the
9730 certificate of need.

9731 (o) The department may issue a certificate of need for
9732 the new construction, addition or conversion of skilled nursing
9733 facility beds in Leake County, provided that the recipient of the
9734 certificate of need agrees in writing that the skilled nursing
9735 facility will not at any time participate in the Medicaid program
9736 (Section 43-13-101 et seq.) or admit or keep any patients in the
9737 skilled nursing facility who are participating in the Medicaid
9738 program. This written agreement by the recipient of the
9739 certificate of need shall be fully binding on any subsequent owner
9740 of the skilled nursing facility, if the ownership of the facility
9741 is transferred at any time after the issuance of the certificate
9742 of need. Agreement that the skilled nursing facility will not
9743 participate in the Medicaid program shall be a condition of the
9744 issuance of a certificate of need to any person under this
9745 paragraph (o), and if such skilled nursing facility at any time
9746 after the issuance of the certificate of need, regardless of the
9747 ownership of the facility, participates in the Medicaid program or
9748 admits or keeps any patients in the facility who are participating
9749 in the Medicaid program, the State Department of Health shall
9750 revoke the certificate of need, if it is still outstanding, and
9751 shall deny or revoke the license of the skilled nursing facility,



9752 at the time that the department determines, after a hearing
9753 complying with due process, that the facility has failed to comply
9754 with any of the conditions upon which the certificate of need was
9755 issued, as provided in this paragraph and in the written agreement
9756 by the recipient of the certificate of need. The total number of
9757 nursing facility beds that may be authorized by any certificate of
9758 need issued under this paragraph (o) shall not exceed sixty (60)
9759 beds. If the certificate of need authorized under this paragraph
9760 is not issued within twelve (12) months after July 1, 2001, the
9761 department shall deny the application for the certificate of need
9762 and shall not issue the certificate of need at any time after the
9763 twelve-month period, unless the issuance is contested. If the
9764 certificate of need is issued and substantial construction of the
9765 nursing facility beds has not commenced within eighteen (18)
9766 months after July 1, 2001, the State Department of Health, after a
9767 hearing complying with due process, shall revoke the certificate
9768 of need if it is still outstanding, and the department shall not
9769 issue a license for the nursing facility at any time after the
9770 eighteen-month period. However, if the issuance of the
9771 certificate of need is contested, the department shall require
9772 substantial construction of the nursing facility beds within six
9773 (6) months after final adjudication on the issuance of the
9774 certificate of need.

9775 (p) The department may issue a certificate of need for
9776 the construction of a municipally owned nursing facility within



9777 the Town of Belmont in Tishomingo County, not to exceed sixty (60)
9778 beds, provided that the recipient of the certificate of need
9779 agrees in writing that the skilled nursing facility will not at
9780 any time participate in the Medicaid program (Section 43-13-101 et
9781 seq.) or admit or keep any patients in the skilled nursing
9782 facility who are participating in the Medicaid program. This
9783 written agreement by the recipient of the certificate of need
9784 shall be fully binding on any subsequent owner of the skilled
9785 nursing facility, if the ownership of the facility is transferred
9786 at any time after the issuance of the certificate of need.
9787 Agreement that the skilled nursing facility will not participate
9788 in the Medicaid program shall be a condition of the issuance of a
9789 certificate of need to any person under this paragraph (p), and if
9790 such skilled nursing facility at any time after the issuance of
9791 the certificate of need, regardless of the ownership of the
9792 facility, participates in the Medicaid program or admits or keeps
9793 any patients in the facility who are participating in the Medicaid
9794 program, the State Department of Health shall revoke the
9795 certificate of need, if it is still outstanding, and shall deny or
9796 revoke the license of the skilled nursing facility, at the time
9797 that the department determines, after a hearing complying with due
9798 process, that the facility has failed to comply with any of the
9799 conditions upon which the certificate of need was issued, as
9800 provided in this paragraph and in the written agreement by the
9801 recipient of the certificate of need. The provision of Section



9802 41-7-193(1) regarding substantial compliance of the projection of
9803 need as reported in the current State Health Plan is waived for
9804 the purposes of this paragraph. If the certificate of need
9805 authorized under this paragraph is not issued within twelve (12)
9806 months after July 1, 1998, the department shall deny the
9807 application for the certificate of need and shall not issue the
9808 certificate of need at any time after the twelve-month period,
9809 unless the issuance is contested. If the certificate of need is
9810 issued and substantial construction of the nursing facility beds
9811 has not commenced within eighteen (18) months after July 1, 1998,
9812 the State Department of Health, after a hearing complying with due
9813 process, shall revoke the certificate of need if it is still
9814 outstanding, and the department shall not issue a license for the
9815 nursing facility at any time after the eighteen-month period.
9816 However, if the issuance of the certificate of need is contested,
9817 the department shall require substantial construction of the
9818 nursing facility beds within six (6) months after final
9819 adjudication on the issuance of the certificate of need.

9820 (q) (i) Beginning on July 1, 1999, the State
9821 Department of Health shall issue certificates of need during each
9822 of the next four (4) fiscal years for the construction or
9823 expansion of nursing facility beds or the conversion of other beds
9824 to nursing facility beds in each county in the state having a need
9825 for fifty (50) or more additional nursing facility beds, as shown
9826 in the fiscal year 1999 State Health Plan, in the manner provided



9827 in this paragraph (q). The total number of nursing facility beds
9828 that may be authorized by any certificate of need authorized under
9829 this paragraph (q) shall not exceed sixty (60) beds.

9830 (ii) Subject to the provisions of subparagraph
9831 (v), during each of the next four (4) fiscal years, the department
9832 shall issue six (6) certificates of need for new nursing facility
9833 beds, as follows: During fiscal years 2000, 2001 and 2002, one
9834 (1) certificate of need shall be issued for new nursing facility
9835 beds in the county in each of the four (4) Long-Term Care Planning
9836 Districts designated in the fiscal year 1999 State Health Plan
9837 that has the highest need in the district for those beds; and two
9838 (2) certificates of need shall be issued for new nursing facility
9839 beds in the two (2) counties from the state at large that have the
9840 highest need in the state for those beds, when considering the
9841 need on a statewide basis and without regard to the Long-Term Care
9842 Planning Districts in which the counties are located. During
9843 fiscal year 2003, one (1) certificate of need shall be issued for
9844 new nursing facility beds in any county having a need for fifty
9845 (50) or more additional nursing facility beds, as shown in the
9846 fiscal year 1999 State Health Plan, that has not received a
9847 certificate of need under this paragraph (q) during the three (3)
9848 previous fiscal years. During fiscal year 2000, in addition to
9849 the six (6) certificates of need authorized in this subparagraph,
9850 the department also shall issue a certificate of need for new



9851 nursing facility beds in Amite County and a certificate of need
9852 for new nursing facility beds in Carroll County.

9853 (iii) Subject to the provisions of subparagraph
9854 (v), the certificate of need issued under subparagraph (ii) for
9855 nursing facility beds in each Long-Term Care Planning District
9856 during each fiscal year shall first be available for nursing
9857 facility beds in the county in the district having the highest
9858 need for those beds, as shown in the fiscal year 1999 State Health
9859 Plan. If there are no applications for a certificate of need for
9860 nursing facility beds in the county having the highest need for
9861 those beds by the date specified by the department, then the
9862 certificate of need shall be available for nursing facility beds
9863 in other counties in the district in descending order of the need
9864 for those beds, from the county with the second highest need to
9865 the county with the lowest need, until an application is received
9866 for nursing facility beds in an eligible county in the district.

9867 (iv) Subject to the provisions of subparagraph
9868 (v), the certificate of need issued under subparagraph (ii) for
9869 nursing facility beds in the two (2) counties from the state at
9870 large during each fiscal year shall first be available for nursing
9871 facility beds in the two (2) counties that have the highest need
9872 in the state for those beds, as shown in the fiscal year 1999
9873 State Health Plan, when considering the need on a statewide basis
9874 and without regard to the Long-Term Care Planning Districts in
9875 which the counties are located. If there are no applications for



9876 a certificate of need for nursing facility beds in either of the
9877 two (2) counties having the highest need for those beds on a
9878 statewide basis by the date specified by the department, then the
9879 certificate of need shall be available for nursing facility beds
9880 in other counties from the state at large in descending order of
9881 the need for those beds on a statewide basis, from the county with
9882 the second highest need to the county with the lowest need, until
9883 an application is received for nursing facility beds in an
9884 eligible county from the state at large.

9885 (v) If a certificate of need is authorized to be
9886 issued under this paragraph (q) for nursing facility beds in a
9887 county on the basis of the need in the Long-Term Care Planning
9888 District during any fiscal year of the four-year period, a
9889 certificate of need shall not also be available under this
9890 paragraph (q) for additional nursing facility beds in that county
9891 on the basis of the need in the state at large, and that county
9892 shall be excluded in determining which counties have the highest
9893 need for nursing facility beds in the state at large for that
9894 fiscal year. After a certificate of need has been issued under
9895 this paragraph (q) for nursing facility beds in a county during
9896 any fiscal year of the four-year period, a certificate of need
9897 shall not be available again under this paragraph (q) for
9898 additional nursing facility beds in that county during the
9899 four-year period, and that county shall be excluded in determining



9900 which counties have the highest need for nursing facility beds in
9901 succeeding fiscal years.

9902 (vi) If more than one (1) application is made for
9903 a certificate of need for nursing home facility beds available
9904 under this paragraph (q), in Yalobusha, Newton or Tallahatchie
9905 County, and one (1) of the applicants is a county-owned hospital
9906 located in the county where the nursing facility beds are
9907 available, the department shall give priority to the county-owned
9908 hospital in granting the certificate of need if the following
9909 conditions are met:

9910 1. The county-owned hospital fully meets all
9911 applicable criteria and standards required to obtain a certificate
9912 of need for the nursing facility beds; and

9913 2. The county-owned hospital's qualifications
9914 for the certificate of need, as shown in its application and as
9915 determined by the department, are at least equal to the
9916 qualifications of the other applicants for the certificate of
9917 need.

9918 (r) (i) Beginning on July 1, 1999, the State
9919 Department of Health shall issue certificates of need during each
9920 of the next two (2) fiscal years for the construction or expansion
9921 of nursing facility beds or the conversion of other beds to
9922 nursing facility beds in each of the four (4) Long-Term Care
9923 Planning Districts designated in the fiscal year 1999 State Health



9924 Plan, to provide care exclusively to patients with Alzheimer's
9925 disease.

9926 (ii) Not more than twenty (20) beds may be
9927 authorized by any certificate of need issued under this paragraph
9928 (r), and not more than a total of sixty (60) beds may be
9929 authorized in any Long-Term Care Planning District by all
9930 certificates of need issued under this paragraph (r). However,
9931 the total number of beds that may be authorized by all
9932 certificates of need issued under this paragraph (r) during any
9933 fiscal year shall not exceed one hundred twenty (120) beds, and
9934 the total number of beds that may be authorized in any Long-Term
9935 Care Planning District during any fiscal year shall not exceed
9936 forty (40) beds. Of the certificates of need that are issued for
9937 each Long-Term Care Planning District during the next two (2)
9938 fiscal years, at least one (1) shall be issued for beds in the
9939 northern part of the district, at least one (1) shall be issued
9940 for beds in the central part of the district, and at least one (1)
9941 shall be issued for beds in the southern part of the district.

9942 (iii) The State Department of Health, in
9943 consultation with the Department of Mental Health and the Division
9944 of Medicaid, shall develop and prescribe the staffing levels,
9945 space requirements and other standards and requirements that must
9946 be met with regard to the nursing facility beds authorized under
9947 this paragraph (r) to provide care exclusively to patients with
9948 Alzheimer's disease.



9949 (s) The State Department of Health may issue a
9950 certificate of need to a nonprofit skilled nursing facility using
9951 the Green House model of skilled nursing care and located in Yazoo
9952 City, Yazoo County, Mississippi, for the construction, expansion
9953 or conversion of not more than nineteen (19) nursing facility
9954 beds. For purposes of this paragraph (s), the provisions of
9955 Section 41-7-193(1) requiring substantial compliance with the
9956 projection of need as reported in the current State Health Plan
9957 and the provisions of Section 41-7-197 requiring a formal
9958 certificate of need hearing process are waived. There shall be no
9959 prohibition or restrictions on participation in the Medicaid
9960 program for the person receiving the certificate of need
9961 authorized under this paragraph (s).

9962 (t) The State Department of Health shall issue
9963 certificates of need to the owner of a nursing facility in
9964 operation at the time of Hurricane Katrina in Hancock County that
9965 was not operational on December 31, 2005, because of damage
9966 sustained from Hurricane Katrina to authorize the following: (i)
9967 the construction of a new nursing facility in Harrison County;
9968 (ii) the relocation of forty-nine (49) nursing facility beds from
9969 the Hancock County facility to the new Harrison County facility;
9970 (iii) the establishment of not more than twenty (20) non-Medicaid
9971 nursing facility beds at the Hancock County facility; and (iv) the
9972 establishment of not more than twenty (20) non-Medicaid beds at
9973 the new Harrison County facility. The certificates of need that



9974 authorize the non-Medicaid nursing facility beds under
9975 subparagraphs (iii) and (iv) of this paragraph (t) shall be
9976 subject to the following conditions: The owner of the Hancock
9977 County facility and the new Harrison County facility must agree in
9978 writing that no more than fifty (50) of the beds at the Hancock
9979 County facility and no more than forty-nine (49) of the beds at
9980 the Harrison County facility will be certified for participation
9981 in the Medicaid program, and that no claim will be submitted for
9982 Medicaid reimbursement for more than fifty (50) patients in the
9983 Hancock County facility in any month, or for more than forty-nine
9984 (49) patients in the Harrison County facility in any month, or for
9985 any patient in either facility who is in a bed that is not
9986 Medicaid-certified. This written agreement by the owner of the
9987 nursing facilities shall be a condition of the issuance of the
9988 certificates of need under this paragraph (t), and the agreement
9989 shall be fully binding on any later owner or owners of either
9990 facility if the ownership of either facility is transferred at any
9991 time after the certificates of need are issued. After this
9992 written agreement is executed, the Division of Medicaid and the
9993 State Department of Health shall not certify more than fifty (50)
9994 of the beds at the Hancock County facility or more than forty-nine
9995 (49) of the beds at the Harrison County facility for participation
9996 in the Medicaid program. If the Hancock County facility violates
9997 the terms of the written agreement by admitting or keeping in the
9998 facility on a regular or continuing basis more than fifty (50)



9999 patients who are participating in the Medicaid program, or if the
10000 Harrison County facility violates the terms of the written
10001 agreement by admitting or keeping in the facility on a regular or
10002 continuing basis more than forty-nine (49) patients who are
10003 participating in the Medicaid program, the State Department of
10004 Health shall revoke the license of the facility that is in
10005 violation of the agreement, at the time that the department
10006 determines, after a hearing complying with due process, that the
10007 facility has violated the agreement.

10008 (u) The State Department of Health shall issue a
10009 certificate of need to a nonprofit venture for the establishment,
10010 construction and operation of a skilled nursing facility of not
10011 more than sixty (60) beds to provide skilled nursing care for
10012 ventilator dependent or otherwise medically dependent pediatric
10013 patients who require medical and nursing care or rehabilitation
10014 services to be located in a county in which an academic medical
10015 center and a children's hospital are located, and for any
10016 construction and for the acquisition of equipment related to those
10017 beds. The facility shall be authorized to keep such ventilator
10018 dependent or otherwise medically dependent pediatric patients
10019 beyond age twenty-one (21) in accordance with regulations of the
10020 State Board of Health. For purposes of this paragraph (u), the
10021 provisions of Section 41-7-193(1) requiring substantial compliance
10022 with the projection of need as reported in the current State
10023 Health Plan are waived, and the provisions of Section 41-7-197



10024 requiring a formal certificate of need hearing process are waived.
10025 The beds authorized by this paragraph shall be counted as
10026 pediatric skilled nursing facility beds for health planning
10027 purposes under Section 41-7-171 et seq. There shall be no
10028 prohibition of or restrictions on participation in the Medicaid
10029 program for the person receiving the certificate of need
10030 authorized by this paragraph.

10031 (3) The State Department of Health may grant approval for
10032 and issue certificates of need to any person proposing the new
10033 construction of, addition to, conversion of beds of or expansion
10034 of any health care facility defined in subparagraph (x)
10035 (psychiatric residential treatment facility) of Section
10036 41-7-173(h). The total number of beds which may be authorized by
10037 such certificates of need shall not exceed three hundred
10038 thirty-four (334) beds for the entire state.

10039 (a) Of the total number of beds authorized under this
10040 subsection, the department shall issue a certificate of need to a
10041 privately owned psychiatric residential treatment facility in
10042 Simpson County for the conversion of sixteen (16) intermediate
10043 care facility for the mentally retarded (ICF-MR) beds to
10044 psychiatric residential treatment facility beds, provided that
10045 facility agrees in writing that the facility shall give priority
10046 for the use of those sixteen (16) beds to Mississippi residents
10047 who are presently being treated in out-of-state facilities.



10048 (b) Of the total number of beds authorized under this
10049 subsection, the department may issue a certificate or certificates
10050 of need for the construction or expansion of psychiatric
10051 residential treatment facility beds or the conversion of other
10052 beds to psychiatric residential treatment facility beds in Warren
10053 County, not to exceed sixty (60) psychiatric residential treatment
10054 facility beds, provided that the facility agrees in writing that
10055 no more than thirty (30) of the beds at the psychiatric
10056 residential treatment facility will be certified for participation
10057 in the Medicaid program (Section 43-13-101 et seq.) for the use of
10058 any patients other than those who are participating only in the
10059 Medicaid program of another state, and that no claim will be
10060 submitted to the Division of Medicaid for Medicaid reimbursement
10061 for more than thirty (30) patients in the psychiatric residential
10062 treatment facility in any day or for any patient in the
10063 psychiatric residential treatment facility who is in a bed that is
10064 not Medicaid-certified. This written agreement by the recipient
10065 of the certificate of need shall be a condition of the issuance of
10066 the certificate of need under this paragraph, and the agreement
10067 shall be fully binding on any subsequent owner of the psychiatric
10068 residential treatment facility if the ownership of the facility is
10069 transferred at any time after the issuance of the certificate of
10070 need. After this written agreement is executed, the Division of
10071 Medicaid and the State Department of Health shall not certify more
10072 than thirty (30) of the beds in the psychiatric residential



10073 treatment facility for participation in the Medicaid program for
10074 the use of any patients other than those who are participating
10075 only in the Medicaid program of another state. If the psychiatric
10076 residential treatment facility violates the terms of the written
10077 agreement by admitting or keeping in the facility on a regular or
10078 continuing basis more than thirty (30) patients who are
10079 participating in the Mississippi Medicaid program, the State
10080 Department of Health shall revoke the license of the facility, at
10081 the time that the department determines, after a hearing complying
10082 with due process, that the facility has violated the condition
10083 upon which the certificate of need was issued, as provided in this
10084 paragraph and in the written agreement.

10085 The State Department of Health, on or before July 1, 2002,
10086 shall transfer the certificate of need authorized under the
10087 authority of this paragraph (b), or reissue the certificate of
10088 need if it has expired, to River Region Health System.

10089 (c) Of the total number of beds authorized under this
10090 subsection, the department shall issue a certificate of need to a
10091 hospital currently operating Medicaid-certified acute psychiatric
10092 beds for adolescents in DeSoto County, for the establishment of a
10093 forty-bed psychiatric residential treatment facility in DeSoto
10094 County, provided that the hospital agrees in writing (i) that the
10095 hospital shall give priority for the use of those forty (40) beds
10096 to Mississippi residents who are presently being treated in
10097 out-of-state facilities, and (ii) that no more than fifteen (15)



10098 of the beds at the psychiatric residential treatment facility will
10099 be certified for participation in the Medicaid program (Section
10100 43-13-101 et seq.), and that no claim will be submitted for
10101 Medicaid reimbursement for more than fifteen (15) patients in the
10102 psychiatric residential treatment facility in any day or for any
10103 patient in the psychiatric residential treatment facility who is
10104 in a bed that is not Medicaid-certified. This written agreement
10105 by the recipient of the certificate of need shall be a condition
10106 of the issuance of the certificate of need under this paragraph,
10107 and the agreement shall be fully binding on any subsequent owner
10108 of the psychiatric residential treatment facility if the ownership
10109 of the facility is transferred at any time after the issuance of
10110 the certificate of need. After this written agreement is
10111 executed, the Division of Medicaid and the State Department of
10112 Health shall not certify more than fifteen (15) of the beds in the
10113 psychiatric residential treatment facility for participation in
10114 the Medicaid program. If the psychiatric residential treatment
10115 facility violates the terms of the written agreement by admitting
10116 or keeping in the facility on a regular or continuing basis more
10117 than fifteen (15) patients who are participating in the Medicaid
10118 program, the State Department of Health shall revoke the license
10119 of the facility, at the time that the department determines, after
10120 a hearing complying with due process, that the facility has
10121 violated the condition upon which the certificate of need was



10122 issued, as provided in this paragraph and in the written
10123 agreement.

10124 (d) Of the total number of beds authorized under this
10125 subsection, the department may issue a certificate or certificates
10126 of need for the construction or expansion of psychiatric
10127 residential treatment facility beds or the conversion of other
10128 beds to psychiatric treatment facility beds, not to exceed thirty
10129 (30) psychiatric residential treatment facility beds, in either
10130 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,
10131 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

10132 (e) Of the total number of beds authorized under this
10133 subsection (3) the department shall issue a certificate of need to
10134 a privately owned, nonprofit psychiatric residential treatment
10135 facility in Hinds County for an eight-bed expansion of the
10136 facility, provided that the facility agrees in writing that the
10137 facility shall give priority for the use of those eight (8) beds
10138 to Mississippi residents who are presently being treated in
10139 out-of-state facilities.

10140 (f) The department shall issue a certificate of need to
10141 a one-hundred-thirty-four-bed specialty hospital located on
10142 twenty-nine and forty-four one-hundredths (29.44) commercial acres
10143 at 5900 Highway 39 North in Meridian (Lauderdale County),
10144 Mississippi, for the addition, construction or expansion of
10145 child/adolescent psychiatric residential treatment facility beds
10146 in Lauderdale County. As a condition of issuance of the



10147 certificate of need under this paragraph, the facility shall give
10148 priority in admissions to the child/adolescent psychiatric
10149 residential treatment facility beds authorized under this
10150 paragraph to patients who otherwise would require out-of-state
10151 placement. The Division of Medicaid, in conjunction with the
10152 Department of Human Services, shall furnish the facility a list of
10153 all out-of-state patients on a quarterly basis. Furthermore,
10154 notice shall also be provided to the parent, custodial parent or
10155 guardian of each out-of-state patient notifying them of the
10156 priority status granted by this paragraph. For purposes of this
10157 paragraph, the provisions of Section 41-7-193(1) requiring
10158 substantial compliance with the projection of need as reported in
10159 the current State Health Plan are waived. The total number of
10160 child/adolescent psychiatric residential treatment facility beds
10161 that may be authorized under the authority of this paragraph shall
10162 be sixty (60) beds. There shall be no prohibition or restrictions
10163 on participation in the Medicaid program (Section 43-13-101 et
10164 seq.) for the person receiving the certificate of need authorized
10165 under this paragraph or for the beds converted pursuant to the
10166 authority of that certificate of need.

10167 (4) (a) From and after July 1, 1993, the department shall
10168 not issue a certificate of need to any person for the new
10169 construction of any hospital, psychiatric hospital or chemical
10170 dependency hospital that will contain any child/adolescent
10171 psychiatric or child/adolescent chemical dependency beds, or for



10172 the conversion of any other health care facility to a hospital,
10173 psychiatric hospital or chemical dependency hospital that will
10174 contain any child/adolescent psychiatric or child/adolescent
10175 chemical dependency beds, or for the addition of any
10176 child/adolescent psychiatric or child/adolescent chemical
10177 dependency beds in any hospital, psychiatric hospital or chemical
10178 dependency hospital, or for the conversion of any beds of another
10179 category in any hospital, psychiatric hospital or chemical
10180 dependency hospital to child/adolescent psychiatric or
10181 child/adolescent chemical dependency beds, except as hereinafter
10182 authorized:

10183 (i) The department may issue certificates of need
10184 to any person for any purpose described in this subsection,
10185 provided that the hospital, psychiatric hospital or chemical
10186 dependency hospital does not participate in the Medicaid program
10187 (Section 43-13-101 et seq.) at the time of the application for the
10188 certificate of need and the owner of the hospital, psychiatric
10189 hospital or chemical dependency hospital agrees in writing that
10190 the hospital, psychiatric hospital or chemical dependency hospital
10191 will not at any time participate in the Medicaid program or admit
10192 or keep any patients who are participating in the Medicaid program
10193 in the hospital, psychiatric hospital or chemical dependency
10194 hospital. This written agreement by the recipient of the
10195 certificate of need shall be fully binding on any subsequent owner
10196 of the hospital, psychiatric hospital or chemical dependency



10197 hospital, if the ownership of the facility is transferred at any
10198 time after the issuance of the certificate of need. Agreement
10199 that the hospital, psychiatric hospital or chemical dependency
10200 hospital will not participate in the Medicaid program shall be a
10201 condition of the issuance of a certificate of need to any person
10202 under this subparagraph (i), and if such hospital, psychiatric
10203 hospital or chemical dependency hospital at any time after the
10204 issuance of the certificate of need, regardless of the ownership
10205 of the facility, participates in the Medicaid program or admits or
10206 keeps any patients in the hospital, psychiatric hospital or
10207 chemical dependency hospital who are participating in the Medicaid
10208 program, the State Department of Health shall revoke the
10209 certificate of need, if it is still outstanding, and shall deny or
10210 revoke the license of the hospital, psychiatric hospital or
10211 chemical dependency hospital, at the time that the department
10212 determines, after a hearing complying with due process, that the
10213 hospital, psychiatric hospital or chemical dependency hospital has
10214 failed to comply with any of the conditions upon which the
10215 certificate of need was issued, as provided in this subparagraph
10216 (i) and in the written agreement by the recipient of the
10217 certificate of need.

10218 (ii) The department may issue a certificate of
10219 need for the conversion of existing beds in a county hospital in
10220 Choctaw County from acute care beds to child/adolescent chemical
10221 dependency beds. For purposes of this subparagraph (ii), the



10222 provisions of Section 41-7-193(1) requiring substantial compliance
10223 with the projection of need as reported in the current State
10224 Health Plan are waived. The total number of beds that may be
10225 authorized under authority of this subparagraph shall not exceed
10226 twenty (20) beds. There shall be no prohibition or restrictions
10227 on participation in the Medicaid program (Section 43-13-101 et
10228 seq.) for the hospital receiving the certificate of need
10229 authorized under this subparagraph or for the beds converted
10230 pursuant to the authority of that certificate of need.

10231 (iii) The department may issue a certificate or
10232 certificates of need for the construction or expansion of
10233 child/adolescent psychiatric beds or the conversion of other beds
10234 to child/adolescent psychiatric beds in Warren County. For
10235 purposes of this subparagraph (iii), the provisions of Section
10236 41-7-193(1) requiring substantial compliance with the projection
10237 of need as reported in the current State Health Plan are waived.
10238 The total number of beds that may be authorized under the
10239 authority of this subparagraph shall not exceed twenty (20) beds.
10240 There shall be no prohibition or restrictions on participation in
10241 the Medicaid program (Section 43-13-101 et seq.) for the person
10242 receiving the certificate of need authorized under this
10243 subparagraph or for the beds converted pursuant to the authority
10244 of that certificate of need.

10245 If by January 1, 2002, there has been no significant
10246 commencement of construction of the beds authorized under this



10247 subparagraph (iii), or no significant action taken to convert
10248 existing beds to the beds authorized under this subparagraph, then
10249 the certificate of need that was previously issued under this
10250 subparagraph shall expire. If the previously issued certificate
10251 of need expires, the department may accept applications for
10252 issuance of another certificate of need for the beds authorized
10253 under this subparagraph, and may issue a certificate of need to
10254 authorize the construction, expansion or conversion of the beds
10255 authorized under this subparagraph.

10256 (iv) The department shall issue a certificate of
10257 need to the Region 7 Mental Health/Retardation Commission for the
10258 construction or expansion of child/adolescent psychiatric beds or
10259 the conversion of other beds to child/adolescent psychiatric beds
10260 in any of the counties served by the commission. For purposes of
10261 this subparagraph (iv), the provisions of Section 41-7-193(1)
10262 requiring substantial compliance with the projection of need as
10263 reported in the current State Health Plan are waived. The total
10264 number of beds that may be authorized under the authority of this
10265 subparagraph shall not exceed twenty (20) beds. There shall be no
10266 prohibition or restrictions on participation in the Medicaid
10267 program (Section 43-13-101 et seq.) for the person receiving the
10268 certificate of need authorized under this subparagraph or for the
10269 beds converted pursuant to the authority of that certificate of
10270 need.



10271 (v) The department may issue a certificate of need
10272 to any county hospital located in Leflore County for the
10273 construction or expansion of adult psychiatric beds or the
10274 conversion of other beds to adult psychiatric beds, not to exceed
10275 twenty (20) beds, provided that the recipient of the certificate
10276 of need agrees in writing that the adult psychiatric beds will not
10277 at any time be certified for participation in the Medicaid program
10278 and that the hospital will not admit or keep any patients who are
10279 participating in the Medicaid program in any of such adult
10280 psychiatric beds. This written agreement by the recipient of the
10281 certificate of need shall be fully binding on any subsequent owner
10282 of the hospital if the ownership of the hospital is transferred at
10283 any time after the issuance of the certificate of need. Agreement
10284 that the adult psychiatric beds will not be certified for
10285 participation in the Medicaid program shall be a condition of the
10286 issuance of a certificate of need to any person under this
10287 subparagraph (v), and if such hospital at any time after the
10288 issuance of the certificate of need, regardless of the ownership
10289 of the hospital, has any of such adult psychiatric beds certified
10290 for participation in the Medicaid program or admits or keeps any
10291 Medicaid patients in such adult psychiatric beds, the State
10292 Department of Health shall revoke the certificate of need, if it
10293 is still outstanding, and shall deny or revoke the license of the
10294 hospital at the time that the department determines, after a
10295 hearing complying with due process, that the hospital has failed



10296 to comply with any of the conditions upon which the certificate of
10297 need was issued, as provided in this subparagraph and in the
10298 written agreement by the recipient of the certificate of need.

10299 (vi) The department may issue a certificate or
10300 certificates of need for the expansion of child psychiatric beds
10301 or the conversion of other beds to child psychiatric beds at the
10302 University of Mississippi Medical Center. For purposes of this
10303 subparagraph (vi), the provisions of Section 41-7-193(1) requiring
10304 substantial compliance with the projection of need as reported in
10305 the current State Health Plan are waived. The total number of
10306 beds that may be authorized under the authority of this
10307 subparagraph shall not exceed fifteen (15) beds. There shall be
10308 no prohibition or restrictions on participation in the Medicaid
10309 program (Section 43-13-101 et seq.) for the hospital receiving the
10310 certificate of need authorized under this subparagraph or for the
10311 beds converted pursuant to the authority of that certificate of
10312 need.

10313 (b) From and after July 1, 1990, no hospital,
10314 psychiatric hospital or chemical dependency hospital shall be
10315 authorized to add any child/adolescent psychiatric or
10316 child/adolescent chemical dependency beds or convert any beds of
10317 another category to child/adolescent psychiatric or
10318 child/adolescent chemical dependency beds without a certificate of
10319 need under the authority of subsection (1)(c) of this section.



10320 (5) The department may issue a certificate of need to a
10321 county hospital in Winston County for the conversion of fifteen
10322 (15) acute care beds to geriatric psychiatric care beds.

10323 (6) The State Department of Health shall issue a certificate
10324 of need to a Mississippi corporation qualified to manage a
10325 long-term care hospital as defined in Section 41-7-173(h)(xii) in
10326 Harrison County, not to exceed eighty (80) beds, including any
10327 necessary renovation or construction required for licensure and
10328 certification, provided that the recipient of the certificate of
10329 need agrees in writing that the long-term care hospital will not
10330 at any time participate in the Medicaid program (Section 43-13-101
10331 et seq.) or admit or keep any patients in the long-term care
10332 hospital who are participating in the Medicaid program. This
10333 written agreement by the recipient of the certificate of need
10334 shall be fully binding on any subsequent owner of the long-term
10335 care hospital, if the ownership of the facility is transferred at
10336 any time after the issuance of the certificate of need. Agreement
10337 that the long-term care hospital will not participate in the
10338 Medicaid program shall be a condition of the issuance of a
10339 certificate of need to any person under this subsection (6), and
10340 if such long-term care hospital at any time after the issuance of
10341 the certificate of need, regardless of the ownership of the
10342 facility, participates in the Medicaid program or admits or keeps
10343 any patients in the facility who are participating in the Medicaid
10344 program, the State Department of Health shall revoke the



10345 certificate of need, if it is still outstanding, and shall deny or
10346 revoke the license of the long-term care hospital, at the time
10347 that the department determines, after a hearing complying with due
10348 process, that the facility has failed to comply with any of the
10349 conditions upon which the certificate of need was issued, as
10350 provided in this subsection and in the written agreement by the
10351 recipient of the certificate of need. For purposes of this
10352 subsection, the provisions of Section 41-7-193(1) requiring
10353 substantial compliance with the projection of need as reported in
10354 the current State Health Plan are waived.

10355 (7) The State Department of Health may issue a certificate
10356 of need to any hospital in the state to utilize a portion of its
10357 beds for the "swing-bed" concept. Any such hospital must be in
10358 conformance with the federal regulations regarding such swing-bed
10359 concept at the time it submits its application for a certificate
10360 of need to the State Department of Health, except that such
10361 hospital may have more licensed beds or a higher average daily
10362 census (ADC) than the maximum number specified in federal
10363 regulations for participation in the swing-bed program. Any
10364 hospital meeting all federal requirements for participation in the
10365 swing-bed program which receives such certificate of need shall
10366 render services provided under the swing-bed concept to any
10367 patient eligible for Medicare (Title XVIII of the Social Security
10368 Act) who is certified by a physician to be in need of such
10369 services, and no such hospital shall permit any patient who is



10370 eligible for both Medicaid and Medicare or eligible only for
10371 Medicaid to stay in the swing beds of the hospital for more than
10372 thirty (30) days per admission unless the hospital receives prior
10373 approval for such patient from the Division of Medicaid, Office of
10374 the Governor. Any hospital having more licensed beds or a higher
10375 average daily census (ADC) than the maximum number specified in
10376 federal regulations for participation in the swing-bed program
10377 which receives such certificate of need shall develop a procedure
10378 to insure that before a patient is allowed to stay in the swing
10379 beds of the hospital, there are no vacant nursing home beds
10380 available for that patient located within a fifty-mile radius of
10381 the hospital. When any such hospital has a patient staying in the
10382 swing beds of the hospital and the hospital receives notice from a
10383 nursing home located within such radius that there is a vacant bed
10384 available for that patient, the hospital shall transfer the
10385 patient to the nursing home within a reasonable time after receipt
10386 of the notice. Any hospital which is subject to the requirements
10387 of the two (2) preceding sentences of this subsection may be
10388 suspended from participation in the swing-bed program for a
10389 reasonable period of time by the State Department of Health if the
10390 department, after a hearing complying with due process, determines
10391 that the hospital has failed to comply with any of those
10392 requirements.

10393 (8) The Department of Health shall not grant approval for or
10394 issue a certificate of need to any person proposing the new



10395 construction of, addition to or expansion of a health care
10396 facility as defined in subparagraph (viii) of Section 41-7-173(h),
10397 except as hereinafter provided: The department may issue a
10398 certificate of need to a nonprofit corporation located in Madison
10399 County, Mississippi, for the construction, expansion or conversion
10400 of not more than twenty (20) beds in a community living program
10401 for developmentally disabled adults in a facility as defined in
10402 subparagraph (viii) of Section 41-7-173(h). For purposes of this
10403 subsection (8), the provisions of Section 41-7-193(1) requiring
10404 substantial compliance with the projection of need as reported in
10405 the current State Health Plan and the provisions of Section
10406 41-7-197 requiring a formal certificate of need hearing process
10407 are waived. There shall be no prohibition or restrictions on
10408 participation in the Medicaid program for the person receiving the
10409 certificate of need authorized under this subsection (8).

10410 (9) The Department of Health shall not grant approval for or
10411 issue a certificate of need to any person proposing the
10412 establishment of, or expansion of the currently approved territory
10413 of, or the contracting to establish a home office, subunit or
10414 branch office within the space operated as a health care facility
10415 as defined in Section 41-7-173(h) (i) through (viii) by a health
10416 care facility as defined in subparagraph (ix) of Section
10417 41-7-173(h).

10418 (10) Health care facilities owned and/or operated by the
10419 state or its agencies are exempt from the restraints in this



10420 section against issuance of a certificate of need if such addition
10421 or expansion consists of repairing or renovation necessary to
10422 comply with the state licensure law. This exception shall not
10423 apply to the new construction of any building by such state
10424 facility. This exception shall not apply to any health care
10425 facilities owned and/or operated by counties, municipalities,
10426 districts, unincorporated areas, other defined persons, or any
10427 combination thereof.

10428 (11) The new construction, renovation or expansion of or
10429 addition to any health care facility defined in subparagraph (ii)
10430 (psychiatric hospital), subparagraph (iv) (skilled nursing
10431 facility), subparagraph (vi) (intermediate care facility),
10432 subparagraph (viii) (intermediate care facility for the mentally
10433 retarded) and subparagraph (x) (psychiatric residential treatment
10434 facility) of Section 41-7-173(h) which is owned by the State of
10435 Mississippi and under the direction and control of the State
10436 Department of Mental Health, and the addition of new beds or the
10437 conversion of beds from one category to another in any such
10438 defined health care facility which is owned by the State of
10439 Mississippi and under the direction and control of the State
10440 Department of Mental Health, shall not require the issuance of a
10441 certificate of need under Section 41-7-171 et seq.,
10442 notwithstanding any provision in Section 41-7-171 et seq. to the
10443 contrary.



10444 (12) The new construction, renovation or expansion of or
10445 addition to any veterans homes or domiciliaries for eligible
10446 veterans of the State of Mississippi as authorized under Section
10447 35-1-19 shall not require the issuance of a certificate of need,
10448 notwithstanding any provision in Section 41-7-171 et seq. to the
10449 contrary.

10450 (13) The repair or the rebuilding of an existing, operating
10451 health care facility that sustained significant damage from a
10452 natural disaster that occurred after April 15, 2014, in an area
10453 that is proclaimed a disaster area or subject to a state of
10454 emergency by the Governor or by the President of the United States
10455 shall be exempt from all of the requirements of the Mississippi
10456 Certificate of Need Law (Section 41-7-171 et seq.) and any and all
10457 rules and regulations promulgated under that law, subject to the
10458 following conditions:

10459 (a) The repair or the rebuilding of any such damaged
10460 health care facility must be within one (1) mile of the
10461 pre-disaster location of the campus of the damaged health care
10462 facility, except that any temporary post-disaster health care
10463 facility operating location may be within five (5) miles of the
10464 pre-disaster location of the damaged health care facility;

10465 (b) The repair or the rebuilding of the damaged health
10466 care facility (i) does not increase or change the complement of
10467 its bed capacity that it had before the Governor's or the
10468 President's proclamation, (ii) does not increase or change its



10469 levels and types of health care services that it provided before
10470 the Governor's or the President's proclamation, and (iii) does not
10471 rebuild in a different county; however, this paragraph does not
10472 restrict or prevent a health care facility from decreasing its bed
10473 capacity that it had before the Governor's or the President's
10474 proclamation, or from decreasing the levels of or decreasing or
10475 eliminating the types of health care services that it provided
10476 before the Governor's or the President's proclamation, when the
10477 damaged health care facility is repaired or rebuilt;

10478 (c) The exemption from Certificate of Need Law provided
10479 under this subsection (13) is valid for only five (5) years from
10480 the date of the Governor's or the President's proclamation. If
10481 actual construction has not begun within that five-year period,
10482 the exemption provided under this subsection is inapplicable; and

10483 (d) The Division of Health Facilities Licensure and
10484 Certification of the State Department of Health shall provide the
10485 same oversight for the repair or the rebuilding of the damaged
10486 health care facility that it provides to all health care facility
10487 construction projects in the state.

10488 For the purposes of this subsection (13), "significant
10489 damage" to a health care facility means damage to the health care
10490 facility requiring an expenditure of at least One Million Dollars
10491 (\$1,000,000.00).

10492 (14) The State Department of Health shall issue a
10493 certificate of need to any hospital which is currently licensed



10494 for two hundred fifty (250) or more acute care beds and is located
10495 in any general hospital service area not having a comprehensive
10496 cancer center, for the establishment and equipping of such a
10497 center which provides facilities and services for outpatient
10498 radiation oncology therapy, outpatient medical oncology therapy,
10499 and appropriate support services including the provision of
10500 radiation therapy services. The provisions of Section 41-7-193(1)
10501 regarding substantial compliance with the projection of need as
10502 reported in the current State Health Plan are waived for the
10503 purpose of this subsection.

10504 (15) The State Department of Health may authorize the
10505 transfer of hospital beds, not to exceed sixty (60) beds, from the
10506 North Panola Community Hospital to the South Panola Community
10507 Hospital. The authorization for the transfer of those beds shall
10508 be exempt from the certificate of need review process.

10509 (16) The State Department of Health shall issue any
10510 certificates of need necessary for Mississippi State University
10511 and a public or private health care provider to jointly acquire
10512 and operate a linear accelerator and a magnetic resonance imaging
10513 unit. Those certificates of need shall cover all capital
10514 expenditures related to the project between Mississippi State
10515 University and the health care provider, including, but not
10516 limited to, the acquisition of the linear accelerator, the
10517 magnetic resonance imaging unit and other radiological modalities;
10518 the offering of linear accelerator and magnetic resonance imaging



10519 services; and the cost of construction of facilities in which to
10520 locate these services. The linear accelerator and the magnetic
10521 resonance imaging unit shall be (a) located in the City of
10522 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by
10523 Mississippi State University and the public or private health care
10524 provider selected by Mississippi State University through a
10525 request for proposals (RFP) process in which Mississippi State
10526 University selects, and * * * its university board of
10527 trustees * * * approves, the health care provider that makes the
10528 best overall proposal; (c) available to Mississippi State
10529 University for research purposes two-thirds (2/3) of the time that
10530 the linear accelerator and magnetic resonance imaging unit are
10531 operational; and (d) available to the public or private health
10532 care provider selected by Mississippi State University and
10533 approved by * * * its university board of trustees * * * one-third
10534 (1/3) of the time for clinical, diagnostic and treatment purposes.
10535 For purposes of this subsection, the provisions of Section
10536 41-7-193(1) requiring substantial compliance with the projection
10537 of need as reported in the current State Health Plan are waived.

10538 (17) The State Department of Health shall issue a
10539 certificate of need for the construction of an acute care hospital
10540 in Kemper County, not to exceed twenty-five (25) beds, which shall
10541 be named the "John C. Stennis Memorial Hospital." In issuing the
10542 certificate of need under this subsection, the department shall
10543 give priority to a hospital located in Lauderdale County that has



10544 two hundred fifteen (215) beds. For purposes of this subsection,
10545 the provisions of Section 41-7-193(1) requiring substantial
10546 compliance with the projection of need as reported in the current
10547 State Health Plan and the provisions of Section 41-7-197 requiring
10548 a formal certificate of need hearing process are waived. There
10549 shall be no prohibition or restrictions on participation in the
10550 Medicaid program (Section 43-13-101 et seq.) for the person or
10551 entity receiving the certificate of need authorized under this
10552 subsection or for the beds constructed under the authority of that
10553 certificate of need.

10554 (18) The planning, design, construction, renovation,
10555 addition, furnishing and equipping of a clinical research unit at
10556 any health care facility defined in Section 41-7-173(h) that is
10557 under the direction and control of the University of Mississippi
10558 Medical Center and located in Jackson, Mississippi, and the
10559 addition of new beds or the conversion of beds from one (1)
10560 category to another in any such clinical research unit, shall not
10561 require the issuance of a certificate of need under Section
10562 41-7-171 et seq., notwithstanding any provision in Section
10563 41-7-171 et seq. to the contrary.

10564 (19) [Repealed]

10565 (20) Nothing in this section or in any other provision of
10566 Section 41-7-171 et seq. shall prevent any nursing facility from
10567 designating an appropriate number of existing beds in the facility



10568 as beds for providing care exclusively to patients with
10569 Alzheimer's disease.

10570 **SECTION 181.** Section 41-13-15, Mississippi Code of 1972, is
10571 amended as follows:

10572 41-13-15. (1) Any county and/or any political or judicial
10573 subdivision of a county and/or any municipality of the State of
10574 Mississippi, acting individually or jointly, may acquire and hold
10575 real estate for a community hospital either recognized and/or
10576 licensed as such by either the State of Mississippi or the United
10577 States Government, and may, after complying with applicable health
10578 planning and licensure statutes, construct a community hospital
10579 thereon and/or appropriate funds according to the provisions of
10580 this chapter for the construction, remodeling, maintaining,
10581 equipping, furnishing and expansion of such facilities by the
10582 board of trustees upon such real estate.

10583 (2) Where joint ownership of a community hospital is
10584 involved, the owners are hereby authorized to contract with each
10585 other for determining the pro rata ownership of such community
10586 hospital, the proportionate cost of maintenance and operation, and
10587 the proportionate financing that each will contribute to the
10588 community hospital.

10589 (3) The owners may likewise contract with each other, or on
10590 behalf of any subordinate political or judicial subdivision, or
10591 with the board of trustees of a community hospital, and/or any
10592 agency of the State of Mississippi or the United States



10593 Government, for necessary purposes related to the establishment,
10594 operation or maintenance of community hospitals and related
10595 programs wherever located, and may either accept from, sell or
10596 contribute to the other entities, monies, personal property or
10597 existing health facilities. The owners or the board of trustees
10598 may also receive monies, property or any other valuables of any
10599 kind through gifts, donations, devises or other recognized means
10600 from any source for the purpose of hospital use.

10601 (4) Owners and boards of trustees, acting jointly or
10602 severally, may acquire and hold real estate for offices for
10603 physicians and other health care practitioners and related health
10604 care or support facilities, provided that any contract for the
10605 purchase of real property must be ratified by the owner, and may
10606 thereon construct and equip, maintain and remodel or expand such
10607 offices and related facilities, and the board of trustees may
10608 lease same to members of the hospital staff or others at a rate
10609 deemed to be in the best interest of the community hospital.

10610 (5) If any political or judicial subdivision of a county is
10611 obligated hereunder, the boundaries of such district shall not be
10612 altered in such a manner as to relieve any portion thereof of its
10613 obligation hereunder.

10614 (6) Owners may convey to any other owner any or all
10615 property, real or personal, comprising any existing community
10616 hospital, including related facilities, wherever located, owned by
10617 such conveying owner. Such conveyance shall be upon such terms



10618 and conditions as may be agreed upon and may make such provisions
10619 for transfers of operating funds and/or for the assumption of
10620 liabilities of the community hospital as may be deemed appropriate
10621 by the respective owners.

10622 (7) (a) Except as provided for in subsection (11) of this
10623 section, owners may lease all or part of the property, real or
10624 personal, comprising a community hospital, including any related
10625 facilities, wherever located, and/or assets of such community
10626 hospital, to any individual, partnership or corporation, whether
10627 operating on a nonprofit basis or on a profit basis, or to the
10628 board of trustees of such community hospital or any other owner or
10629 board of trustees, subject to the applicable provisions of
10630 subsections (8), (9) and (10) of this section. The term of such
10631 lease shall not exceed fifty (50) years. Such lease shall be
10632 conditioned upon (i) the leased facility continuing to operate in
10633 a manner safeguarding community health interests; (ii) the
10634 proceeds from the lease being first applied against such bonds,
10635 notes or other evidence of indebtedness as are issued pursuant to
10636 Section 41-13-19 as and when they are due, provided that the terms
10637 of the lease shall cover any indebtedness pursuant to Section
10638 41-13-19; and (iii) any surplus proceeds from the lease being
10639 deposited in the general fund of the owner, which proceeds may be
10640 used for any lawful purpose. Such lease shall be subject to the
10641 express approval of the board of trustees of the community
10642 hospital, except in the case where the board of trustees of the



10643 community hospital will be the lessee. However, owners may not
10644 lease any community hospital to the University of Mississippi
10645 Medical Center unless first the University of Mississippi Medical
10646 Center has obtained authority to lease such hospital under
10647 specific terms and conditions from the University of Mississippi
10648 Board of Trustees * * *.

10649 If the owner wishes to lease a community hospital without an
10650 option to sell it and the approval of the board of trustees of the
10651 community hospital is required but is not given within thirty (30)
10652 days of the request for its approval by the owner, then the owner
10653 may enter such lease as described herein on the following
10654 conditions: A resolution by the owner describing its intention to
10655 enter such lease shall be published once a week for at least three
10656 (3) consecutive weeks in at least one (1) newspaper published in
10657 the county or city, as the case may be, or if none be so
10658 published, in a newspaper having a general circulation therein.
10659 The first publication of such notice shall be made not less than
10660 twenty-one (21) days prior to the date fixed in such resolution
10661 for the lease of the community hospital and the last publication
10662 shall be made not more than seven (7) days prior to such date.
10663 If, on or prior to the date fixed in such resolution for the lease
10664 of the community hospital, there shall be filed with the clerk of
10665 the owner a petition signed by twenty percent (20%) or fifteen
10666 hundred (1500), whichever is less, of the qualified voters of such
10667 owner, requesting that an election be called and held on the



10668 question of the lease of the community hospital, then it shall be
10669 the duty of the owner to call and provide for the holding of an
10670 election as petitioned for. In such case, no such lease shall be
10671 entered into unless authorized by the affirmative vote of the
10672 majority of the qualified voters of such owner who vote on the
10673 proposition at such election. Notice of such election shall be
10674 given by publication in like manner as hereinabove provided for
10675 the publication of the initial resolution. Such election shall be
10676 conducted and the return thereof made, canvassed and declared as
10677 nearly as may be in like manner as is now or may hereafter be
10678 provided by law in the case of general elections in such owner.
10679 If, on or prior to the date fixed in the owner's resolution for
10680 the lease of the community hospital, no such petition as described
10681 above is filed with the clerk of the owner, then the owner may
10682 proceed with the lease subject to the other requirements of this
10683 section. Subject to the above conditions, the lease agreement
10684 shall be upon such terms and conditions as may be agreed upon and
10685 may make such provision for transfers of tangible and intangible
10686 personal property and operating funds and/or for the assumption of
10687 liabilities of the community hospital and for such lease payments,
10688 all as may be deemed appropriate by the owners.

10689 (b) Owners may sell and convey all or part of the
10690 property, real or personal, comprising a community hospital,
10691 including any related facilities, wherever located, and/or assets
10692 of such community hospital, to any individual, partnership or



10693 corporation, whether operating on a nonprofit basis or on a profit
10694 basis, or to the board of trustees of such community hospital or
10695 any other owner or board of trustees, subject to the applicable
10696 provisions of subsections (8) and (10) of this section. Such sale
10697 and conveyance shall be upon such terms and conditions as may be
10698 agreed upon by the owner and the purchaser that are consistent
10699 with the requirements of this section, and the parties may make
10700 such provisions for the transfer of operating funds or for the
10701 assumption of liabilities of the facility, or both, as they deem
10702 appropriate. However, such sale and conveyance shall be
10703 conditioned upon (i) the facility continuing to operate in a
10704 manner safeguarding community health interests; (ii) the proceeds
10705 from such sale being first applied against such bonds, notes or
10706 other evidence of indebtedness as are issued pursuant to Section
10707 41-13-19 as and when they are due, provided that the terms of the
10708 sale shall cover any indebtedness pursuant to Section 41-13-19;
10709 and (iii) any surplus proceeds from the sale being deposited in
10710 the general fund of the owner, which proceeds may be used for any
10711 lawful purpose. However, owners may not sell or convey any
10712 community hospital to the University of Mississippi Medical Center
10713 unless first the University of Mississippi Medical Center has
10714 obtained authority to purchase such hospital under specific terms
10715 and conditions from the University of Mississippi Board of
10716 Trustees * * *.



10717 (8) Whenever any owner decides that it may be in its best
10718 interests to sell or lease a community hospital as provided for
10719 under subsection (7) of this section, the owner shall first
10720 contract with a certified public accounting firm, a law firm or
10721 competent professional health care or management consultants to
10722 review the current operating condition of the community hospital.
10723 The review shall consist of, at minimum, the following:

10724 (a) A review of the community's inpatient facility
10725 needs based on current workload, historical trends and
10726 projections, based on demographic data, of future needs.

10727 (b) A review of the competitive market for services,
10728 including other hospitals which serve the same area, the services
10729 provided and the market perception of the competitive hospitals.

10730 (c) A review of the hospital's strengths relative to
10731 the competition and its capacity to compete in light of projected
10732 trends and competition.

10733 (d) An analysis of the hospital's options, including
10734 service mix and pricing strategies. If the study concludes that a
10735 sale or lease should occur, the study shall include an analysis of
10736 which option would be best for the community and how much revenues
10737 should be derived from the lease or sale.

10738 (9) After the review and analysis under subsection (8) of
10739 this section, an owner may choose to sell or lease the community
10740 hospital. If an owner chooses to sell such hospital or lease the
10741 hospital with an option to sell it, the owner shall follow the



10742 procedure specified in subsection (10) of this section. If an
10743 owner chooses to lease the hospital without an option to sell it,
10744 it shall first spread upon its minutes why such a lease is in the
10745 best interests of the persons living in the area served by the
10746 facility to be leased, and it shall make public any and all
10747 findings and recommendations made in the review required under
10748 proposals for the lease, which shall state clearly the minimum
10749 required terms of all respondents and the evaluation process that
10750 will be used when the owner reviews the proposals. The owner
10751 shall lease to the respondent submitting the highest and best
10752 proposal. In no case may the owner deviate from the process
10753 provided for in the request for proposals.

10754 (10) If an owner wishes to sell such community hospital or
10755 lease the hospital with an option to sell it, the owner first
10756 shall conduct a public hearing on the issue of the proposed sale
10757 or lease with an option to sell the hospital. Notice of the date,
10758 time, location and purpose of the public hearing shall be
10759 published once a week for at least three (3) consecutive weeks in
10760 at least one (1) newspaper published in the county or city, as the
10761 case may be, or if none be so published, in a newspaper having a
10762 general circulation therein. The first publication of the notice
10763 shall be made not less than twenty-one (21) days before the date
10764 of the public hearing and the last publication shall be made not
10765 more than seven (7) days before that date. If there is filed with
10766 the clerk of the owner not more than twenty-one (21) days after



10767 the date of the public hearing, a petition signed by twenty
10768 percent (20%) or fifteen hundred (1500), whichever is less, of the
10769 qualified voters of the owner, requesting that an election be
10770 called and held on the question of whether the owner should
10771 proceed with the process of seeking proposals for the sale or
10772 lease with an option to sell the hospital, then it shall be the
10773 duty of the owner to call and provide for the holding of an
10774 election as petitioned for. Notice of the election shall be given
10775 by publication in the same manner as provided for the publication
10776 of the notice of the public hearing. The election shall be
10777 conducted and the return thereof made, canvassed and declared in
10778 the same manner as provided by law in the case of general
10779 elections in the owner. If less than a majority of the qualified
10780 voters of the owner who vote on the proposition at such election
10781 vote in favor of the owner proceeding with the process of seeking
10782 proposals for the sale or lease with an option to sell the
10783 hospital, then the owner is not authorized to sell or lease the
10784 hospital. If a majority of the qualified voters of the owner who
10785 vote on the proposition at such election vote in favor of the
10786 owner proceeding with the process of seeking proposals for the
10787 sale or lease with an option to sell the hospital, then the owner
10788 may seek proposals for the sale or lease of the hospital. If no
10789 such petition is timely filed with the clerk of the owner, then
10790 the owner may proceed with the process of seeking proposals for
10791 the sale or lease with an option to sell the hospital. The owner



10792 shall adopt a resolution describing its intention to sell or lease
10793 with an option to sell the hospital, which shall include the
10794 owner's reasons why such a sale or lease is in the best interests
10795 of the persons living in the area served by the facility to be
10796 sold or leased. The owner then shall publish a copy of the
10797 resolution; the requirements for proposals for the sale or lease
10798 with an option to sell the hospital, which shall state clearly the
10799 minimum required terms of all respondents and the evaluation
10800 process that will be used when the owner reviews the proposals;
10801 and the date proposed by the owner for the sale or lease with an
10802 option to sell the hospital. Such publication shall be made once
10803 a week for at least three (3) consecutive weeks in at least one
10804 (1) newspaper published in the county or city, as the case may be,
10805 or if none be so published, in a newspaper having a general
10806 circulation therein. The first publication of the notice shall be
10807 made not less than twenty-one (21) days before the date proposed
10808 for the sale or lease with an option to sell the hospital and the
10809 last publication shall be made not more than seven (7) days before
10810 that date. After receiving proposals, such sale or lease shall be
10811 made to the respondent submitting the highest and best proposal.
10812 In no case may the owner deviate from the process provided for in
10813 the request for proposals.

10814 (11) A lessee of a community hospital, under a lease entered
10815 into under the authority of Section 41-13-15, in effect prior to
10816 July 15, 1993, or an affiliate thereof, may extend or renew such



10817 lease whether or not an option to renew or extend the lease is
10818 contained in the lease, for a term not to exceed fifteen (15)
10819 years, conditioned upon (a) the leased facility continuing to
10820 operate in a manner safeguarding community health interest; (b)
10821 proceeds from the lease being first applied against such bonds,
10822 notes or other evidence of indebtedness as are issued pursuant to
10823 Section 41-13-19; (c) surplus proceeds from the lease being used
10824 for health related purposes; (d) subject to the express approval
10825 of the board of trustees of the community hospital; and (e)
10826 subject to the express approval of the owner. If no board of
10827 trustees is then existing, the owner shall have the right to enter
10828 into a lease upon such terms and conditions as agreed upon by the
10829 parties. Any lease entered into under this subsection (11) may
10830 contain an option to purchase the hospital, on such terms as the
10831 parties shall agree.

10832 **SECTION 182.** Section 41-23-45, Mississippi Code of 1972, is
10833 amended as follows:

10834 41-23-45. The State Department of Health shall prepare
10835 written educational information on the risks associated with
10836 meningitis and hepatitis A and B and the availability and
10837 effectiveness of available vaccines for these diseases. The
10838 department shall provide this written educational information to
10839 the * * * state institutions of higher learning and the
10840 Mississippi Community College Board to be used to inform students
10841 about meningitis and hepatitis A and B. This information shall be



10842 sent to students with their letters of acceptance for admission or
10843 included in the students' admission packets.

10844 **SECTION 183.** Section 41-63-4, Mississippi Code of 1972, is
10845 amended as follows:

10846 41-63-4. (1) In order to improve the quality and efficiency
10847 of medical care, the State Department of Health shall design and
10848 establish a registry program of the condition and treatment of
10849 persons seeking medical care that will provide the following:

10850 (a) Information in a central data bank system of
10851 accurate, precise and current information regarding the diagnostic
10852 services and therapeutic services for medical diagnosis, treatment
10853 and care of injured, disabled or sick persons, or rehabilitation
10854 services for the rehabilitation of injured, disabled or sick
10855 persons provided by licensed health care providers designated by
10856 the State Board of Health;

10857 (b) Collection of that data;

10858 (c) Dissemination of that data; and

10859 (d) Analysis of that data for the purposes of the
10860 evaluation and improvement of the quality and efficiency of
10861 medical care provided in a health care facility.

10862 (2) The State Board of Health shall adopt rules, regulations
10863 and procedures to govern the operation of the registry program and
10864 to carry out the intent of this section.

10865 (3) At a minimum, the board shall require that each
10866 hospital, free-standing ambulatory surgical facility and



10867 outpatient diagnostic imaging center shall submit patient data as
10868 defined by the board to the Mississippi Hospital Association or
10869 the department within sixty (60) days after the close of each
10870 calendar quarter for all patients that were discharged or died
10871 during that quarter.

10872 (4) (a) There is created a State Health Data Advisory
10873 Committee to advise and make recommendations to the board
10874 regarding rules and regulations promulgated under this section.
10875 The committee shall consist of the following members:

10876 (i) A representative of the Mississippi Hospital
10877 Association appointed by the association;

10878 (ii) A representative of the Mississippi State
10879 Medical Association appointed by the association;

10880 (iii) A representative of the Mississippi Nurses
10881 Association appointed by the association;

10882 (iv) A representative of the Mississippi Health
10883 Care Association appointed by the association;

10884 (v) A health researcher appointed by the * * *
10885 Commissioner of Higher * * * Education;

10886 (vi) A representative of the State Department of
10887 Health appointed by the State Health Officer;

10888 (vii) A consumer representative who is not
10889 professionally involved in the purchase, provision,
10890 administration, or utilization review of health care or insurance
10891 appointed by the Governor;



10892 (viii) A representative of a third-party payer
10893 appointed by the Governor;

10894 (ix) A member who is not professionally involved
10895 in the purchase, provision, administration, or utilization review
10896 of health care or insurance and who has expertise in health
10897 planning, health economics, health policy, or health information
10898 systems appointed by the Governor; and

10899 (x) A member of the business community appointed
10900 by the Governor.

10901 (b) Committee members shall serve until a successor is
10902 appointed.

10903 (c) Committee members shall elect a chairman and vice
10904 chairman and adopt bylaws.

10905 (d) The department shall provide staff assistance as
10906 needed to the committee.

10907 (5) (a) The department shall specify the types of
10908 information to be provided to the registry. The State Health Data
10909 Advisory Committee shall advise the department on the content,
10910 format, frequency and transmission of the data to be provided.

10911 (b) Data elements required to be submitted must comply
10912 with current national standards recommended by the National
10913 Uniform Billing Committee, the National Committee on Vital Health
10914 Statistics, or similar national standards setting body.

10915 (6) The department shall accept data submitted by the
10916 Mississippi Hospital Association on behalf of hospitals by



10917 entering into a binding agreement negotiated with the association
10918 to obtain data required under this section. A health care
10919 provider shall submit the required information to the department:

10920 (a) If the provider does not submit the required data
10921 through the Mississippi Hospital Association;

10922 (b) If no binding agreement has been reached within
10923 ninety (90) days from July 1, 2008, between the department and the
10924 Mississippi Hospital Association; or

10925 (c) If a binding agreement has expired for more than
10926 ninety (90) days.

10927 (7) The information, data and records shall not divulge the
10928 identity of any patient.

10929 (8) Submission of information to and use of information by
10930 the department in accordance with this section shall be considered
10931 a permitted disclosure for uses and disclosures required by law
10932 and for public health activities under the Health Insurance
10933 Portability and Accountability Act and the Privacy Rules
10934 promulgated thereunder at 45 CFR Sections 164.512(a) and (b).

10935 (9) Notwithstanding any conflicting statute, court rule or
10936 other law, the data maintained in the registry shall be
10937 confidential and shall not be subject to discovery or introduction
10938 into evidence in any civil action. However, information and data
10939 otherwise discoverable or admissible from original sources are not
10940 to be construed as immune from discovery or use in any civil
10941 action merely because they were provided to the registry.



10942 (10) The department shall assure that public use data are
10943 made available and accessible to interested persons in accordance
10944 with the rules and regulations promulgated by the board.

10945 (11) Notwithstanding other actions or remedies afforded to
10946 persons about whom data is released, a person who knowingly or
10947 negligently releases data in violation of this section is liable
10948 for a civil penalty of not more than Ten Thousand Dollars
10949 (\$10,000.00).

10950 (12) A person or organization who fails to supply data
10951 required under this section is liable for a civil penalty of Five
10952 Cents (5¢) for each record for each day the submission is
10953 delinquent. A submission is delinquent if the department does not
10954 receive it within thirty (30) days after the date the submission
10955 was due. If the department receives the submission in incomplete
10956 form, the department shall notify the provider and allow fifteen
10957 (15) additional days to correct the error. The notice shall
10958 provide the provider an additional fifteen (15) days to submit the
10959 data before the imposition of any civil penalty. The maximum
10960 civil penalty for a delinquent submission is Ten Dollars (\$10.00)
10961 for each record. The department shall issue an assessment of the
10962 civil penalty to the provider. The provider has a right to an
10963 informal conference with the department, if the provider requests
10964 the conference within thirty (30) days of receipt of the
10965 assessment. After the informal conference or, if no conference is
10966 requested, after the time for requesting the informal conference



10967 has expired, the department may proceed to collect the penalty.
10968 In its request for an informal conference, the provider may
10969 request the department to waive the penalty. The department may
10970 waive the penalty in cases of an act of God or other acts beyond
10971 the control of the provider. Waiver of the penalty is in the sole
10972 discretion of the department.

10973 (13) The board shall have the authority to set fees and
10974 charges with regard to the collection and compilation of data
10975 requested for special reports and for the dissemination of data.
10976 The revenue derived from the fees imposed in this section shall be
10977 deposited by the Department of Health in a special fund that is
10978 created in the State Treasury, which is earmarked for use by the
10979 department in conducting its activities under this section.

10980 **SECTION 184.** Section 41-87-5, Mississippi Code of 1972, is
10981 amended as follows:

10982 41-87-5. Unless the context requires otherwise, the
10983 following definitions in this section apply throughout this
10984 chapter:

10985 (a) "Eligible infants and toddlers" or "eligible
10986 children" means children from birth through thirty-six (36) months
10987 of age who need early intervention services because they:

10988 (i) Are experiencing developmental delays as
10989 measured by appropriate diagnostic instruments and procedures in
10990 one or more of the following areas:

10991 (A) Cognitive development;



10992 (B) Physical development, including vision or
10993 hearing;
10994 (C) Communication development;
10995 (D) Social or emotional development;
10996 (E) Adaptive development;
10997 (ii) Have a diagnosed physical or mental
10998 condition, as defined in state policy, that has a high probability
10999 of resulting in developmental delay;
11000 (iii) Are at risk of having substantial
11001 developmental delays if early intervention services are not
11002 provided due to conditions as defined in state policy. (This
11003 category may be served at the discretion of the lead agency
11004 contingent upon available resources.)
11005 (b) "Early intervention services" are developmental
11006 services that:
11007 (i) Are provided under public supervision;
11008 (ii) Are provided at no cost except where federal
11009 or state law provides for a system of payments by families,
11010 including a schedule of sliding fees;
11011 (iii) Are designed to meet the developmental needs
11012 of an infant or toddler with a disability in any one or more of
11013 the following areas:
11014 (A) Physical development;
11015 (B) Cognitive development;
11016 (C) Communication development;



11017 (D) Social or emotional development; or
11018 (E) Adaptive development;
11019 (iv) Meet the requirements of Part C of the
11020 Individuals with Disabilities Education Act (IDEA) and the early
11021 intervention standards of the State of Mississippi;
11022 (v) Include, but are not limited to, the following
11023 services:
11024 (A) Assistive technology devices and
11025 assistive technology services;
11026 (B) Audiology;
11027 (C) Family training, counseling and home
11028 visits;
11029 (D) Health services necessary to enable a
11030 child to benefit from other early intervention services;
11031 (E) Medical services only for diagnostic or
11032 evaluation purposes;
11033 (F) Nutrition services;
11034 (G) Occupational therapy;
11035 (H) Physical therapy;
11036 (I) Psychological services;
11037 (J) Service coordination (case management);
11038 (K) Social work services;
11039 (L) Special instruction;
11040 (M) Speech-language pathology;



11041 (N) Transportation and related costs that are
11042 necessary to enable an infant or toddler and her/his family to
11043 receive early intervention services; and
11044 (O) Vision services;
11045 (vi) Are provided by qualified personnel as
11046 determined by the state's personnel standards, including:
11047 (A) Audiologists;
11048 (B) Family therapists;
11049 (C) Nurses;
11050 (D) Nutritionists;
11051 (E) Occupational therapists;
11052 (F) Orientation and mobility specialists;
11053 (G) Pediatricians and other physicians;
11054 (H) Physical therapists;
11055 (I) Psychologists;
11056 (J) Social workers;
11057 (K) Special educators;
11058 (L) Speech and language pathologists;
11059 (vii) Are provided, to the maximum extent
11060 appropriate, in natural environments, including the home, and
11061 community settings in which children without disabilities would
11062 participate;
11063 (viii) Are provided in conformity with an
11064 individualized family service plan.



11065 (c) "Council" means the State Interagency Coordinating
11066 Council established under Section 41-87-7.

11067 (d) "Lead agency" means the State Department of Health.

11068 (e) "Participating agencies" includes, but is not
11069 limited to, the State Department of Education, the Department of
11070 Human Services, the State Department of Health, the Division of
11071 Medicaid, the State Department of Mental Health, the University
11072 Medical Center, * * * state institutions of higher learning and
11073 the Mississippi Community College Board.

11074 (f) "Local community" means a county either jointly,
11075 severally, or a portion thereof, participating in the provision of
11076 early intervention services.

11077 (g) "Primary service agency" means the agency, whether
11078 a state agency, local agency, local interagency council or service
11079 provider which is designated by the lead agency to serve as the
11080 fiscal and contracting agent for a local community.

11081 (h) "Multidisciplinary team" means a group comprised of
11082 the parent(s) or legal guardian and the service providers, as
11083 appropriate, described in paragraph (b) of this section, who are
11084 assembled for the purposes of:

11085 (i) Assessing the developmental needs of an infant
11086 or toddler;

11087 (ii) Developing the individualized family service
11088 plan; and



11089 (iii) Providing the infant or toddler and his or
11090 her family with the appropriate early intervention services as
11091 detailed in the individualized family service plan.

11092 (i) "Individualized family service plan" means a
11093 written plan designed to address the needs of the infant or
11094 toddler and his or her family as specified under Section 41-87-13.

11095 (j) "Early intervention standards" means those
11096 standards established by any agency or agencies statutorily
11097 designated the responsibility to establish standards for infants
11098 and toddlers with disabilities, in coordination with the council
11099 and in accordance with Part C of IDEA.

11100 (k) "Early intervention system" means the total
11101 collaborative effort in the state that is directed at meeting the
11102 needs of eligible children and their families.

11103 (l) "Parent," for the purpose of early intervention
11104 services, means a parent, a guardian, a person acting as a parent
11105 of a child, foster parent, or an appointed surrogate parent. The
11106 term does not include the state if the child is a ward of the
11107 state where the child has not been placed with individuals to
11108 serve in a parenting capacity, such as foster parents, or when a
11109 surrogate parent has not been appointed. When a child is the ward
11110 of the state, a Department of Human Services representative will
11111 act as parent for purposes of service authorization.

11112 (m) "Policies" means the state statutes, regulations,
11113 Governor's orders, directives by the lead agency, or other written



11114 documents that represent the state's position concerning any
11115 matter covered under this chapter.

11116 (n) "Regulations" means the United States Department of
11117 Education's regulations concerning the governance and
11118 implementation of Part C of IDEA, the Early Intervention Program
11119 for Infants and Toddlers with Disabilities.

11120 **SECTION 185.** Section 41-123-1, Mississippi Code of 1972, is
11121 amended as follows:

11122 41-123-1. There is established the Office of Mississippi
11123 Physician Workforce within the University of Mississippi Medical
11124 Center (UMMC) for the purpose of overseeing the physician
11125 workforce development and needs, both in numbers and distribution,
11126 of the State of Mississippi. The office shall have a director who
11127 must be a physician licensed in the State of Mississippi. In
11128 addition, the office shall have a researcher to assist the
11129 director in collecting and analyzing data concerning the physician
11130 workforce needs of Mississippi and other necessary staff to assist
11131 in its work. The office shall have the following duties, at a
11132 minimum:

11133 (a) Assessing the current numbers, ages, types of
11134 practice, hospital affiliations, and geographic distribution of
11135 physicians in each medical specialty in Mississippi;

11136 (b) Assessing the current and future physician
11137 workforce needs of the State of Mississippi;



11138 (c) Assisting in the creation and/or support of
11139 Accreditation Council for Graduate Medical Education (ACGME)
11140 accredited GME training programs in the State of Mississippi based
11141 on needs analysis and criteria established by the office and the
11142 advisory board while maintaining a strong and continued priority
11143 focus on family medicine. This support may include the awarding
11144 of state financial assistance as available, for the creation or
11145 support of family medicine residencies and other GME programs
11146 approved by the advisory board;

11147 (d) Encouraging the development of an adequate and
11148 geographically distributed physician workforce in all specialties
11149 for the State of Mississippi with an evolving strategic plan; and

11150 (e) Providing an annual report to the Governor, the
11151 Legislature, the State Board of Health, and the * * * state
11152 institutions of higher learning on the current status of the
11153 physician workforce and training programs in Mississippi.

11154 **SECTION 186.** Section 43-14-1, Mississippi Code of 1972, is
11155 amended as follows:

11156 43-14-1. (1) The purpose of this chapter is to provide for
11157 the development, implementation and oversight of a coordinated
11158 interagency system of necessary services and care for children and
11159 youth, called the Mississippi Statewide System of Care, up to age
11160 twenty-one (21) with serious emotional/behavioral disorders
11161 including, but not limited to, conduct disorders, or mental
11162 illness who require services from a multiple services and multiple



11163 programs system, and who can be successfully diverted from
11164 inappropriate institutional placement. The Mississippi Statewide
11165 System of Care is to be conducted in the most fiscally responsible
11166 (cost-efficient) manner possible, based on an individualized plan
11167 of care which takes into account other available interagency
11168 programs, including, but not limited to, Early Intervention Act of
11169 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
11170 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
11171 waived program for home- and community-based services for
11172 developmentally disabled people, Section 43-13-117(A) (29), and
11173 waived program for targeted case management services for
11174 children with special needs, Section 43-13-117(A) (31), those
11175 children identified through the federal Individuals with
11176 Disabilities Education Act of 1997 as having a serious emotional
11177 disorder (EMD), the Mississippi Children's Health Insurance
11178 Program and waived programs for children with serious emotional
11179 disturbances, Section 43-13-117(A) (46), and is tied to clinically
11180 and functionally appropriate outcomes. Some of the outcomes are
11181 to reduce the number of inappropriate out-of-home placements
11182 inclusive of those out-of-state and to reduce the number of
11183 inappropriate school suspensions and expulsions for this
11184 population of children. This coordinated interagency system of
11185 necessary services and care shall be named the Mississippi
11186 Statewide System of Care. Children to be served by this chapter
11187 who are eligible for Medicaid shall be screened through the



11188 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
11189 and their needs for medically necessary services shall be
11190 certified through the EPSDT process. For purposes of this
11191 chapter, the Mississippi Statewide System of Care is defined as a
11192 coordinated network of agencies and providers working as a team to
11193 make a full range of mental health and other necessary services
11194 available as needed by children with mental health problems and
11195 their families. The Mississippi Statewide System of Care shall
11196 be:

11197 (a) Child centered, family focused, family driven and
11198 youth guided;

11199 (b) Community based;

11200 (c) Culturally competent and responsive; and shall
11201 provide for:

11202 (i) Service coordination or case management;

11203 (ii) Prevention and early identification and
11204 intervention;

11205 (iii) Smooth transitions among agencies and
11206 providers, and to the transition-age and adult service systems;

11207 (iv) Human rights protection and advocacy;

11208 (v) Nondiscrimination in access to services;

11209 (vi) A comprehensive array of services composed of
11210 treatment and informal supports that are identified as best
11211 practices and/or evidence-based practices;



- 11212 (vii) Individualized service planning that uses a
11213 strengths-based, wraparound process;
- 11214 (viii) Services in the least restrictive
11215 environment;
- 11216 (ix) Family participation in all aspects of
11217 planning, service delivery and evaluation; and
- 11218 (x) Integrated services with coordinated planning
11219 across child-serving agencies.

11220 Mississippi Statewide System of Care services shall be
11221 timely, intensive, coordinated and delivered in the community.
11222 Mississippi Statewide System of Care services shall include, but
11223 not be limited to, the following:

- 11224 (a) Comprehensive crisis and emergency response
11225 services;
- 11226 (b) Intensive case management;
- 11227 (c) Day treatment;
- 11228 (d) Alcohol and drug abuse group services for youth;
- 11229 (e) Individual, group and family therapy;
- 11230 (f) Respite services;
- 11231 (g) Supported employment services for youth;
- 11232 (h) Family education and support and family partners;
- 11233 (i) Youth development and support and youth partners;
- 11234 (j) Positive behavioral supports (PBIS) in schools;
- 11235 (k) Transition-age supported and independent living
11236 services; and



11237 (1) Vocational/technical education services for youth.
11238 (2) There is established the Interagency Coordinating
11239 Council for Children and Youth (hereinafter referred to as the
11240 "ICCCY"). The ICCCY shall consist of the following membership:
11241 (a) The State Superintendent of Public Education;
11242 (b) The Executive Director of the Mississippi
11243 Department of Mental Health;
11244 (c) The Executive Director of the State Department of
11245 Health;
11246 (d) The Executive Director of the Department of Human
11247 Services;
11248 (e) The Executive Director of the Division of Medicaid,
11249 Office of the Governor;
11250 (f) The Executive Director of the State Department of
11251 Rehabilitation Services;
11252 (g) The Executive Director of Mississippi Families as
11253 Allies for Children's Mental Health, Inc.;;
11254 (h) The Attorney General;
11255 (i) A family member of a child or youth in the
11256 population named in this chapter designated by Mississippi
11257 Families as Allies;
11258 (j) A youth or young adult in the population named in
11259 this chapter designated by Mississippi Families as Allies;
11260 (k) A local MAP team coordinator designated by the
11261 Department of Mental Health;



11262 (l) A child psychiatrist experienced in the public
11263 mental health system designated by the Mississippi Psychiatric
11264 Association;

11265 (m) An individual with expertise and experience in
11266 early childhood education designated jointly by the Department of
11267 Mental Health and Mississippi Families as Allies;

11268 (n) A representative of an organization that advocates
11269 on behalf of disabled citizens in Mississippi designated by the
11270 Department of Mental Health; and

11271 (o) A faculty member or dean from a Mississippi
11272 university specializing in training professionals who work in the
11273 Mississippi Statewide System of Care designated by the * * *
11274 Commissioner of Higher * * * Education.

11275 If a member of the council designates a representative to
11276 attend council meetings, the designee shall bring full
11277 decision-making authority of the member to the meeting. The
11278 council shall select a chairman, who shall serve for a one-year
11279 term and may not serve consecutive terms. The council shall adopt
11280 internal organizational procedures necessary for efficient
11281 operation of the council. Each member of the council shall
11282 designate necessary staff of their departments to assist the ICCCY
11283 in performing its duties and responsibilities. The ICCCY shall
11284 meet and conduct business at least twice annually. The chairman
11285 of the ICCCY shall notify all ICCCY members and all other persons



11286 who request such notice as to the date, time, place and draft
11287 agenda items for each meeting.

11288 (3) The Interagency System of Care Council (ISCC) is created
11289 to serve as the state management team for the ICCCY, with the
11290 responsibility of collecting and analyzing data and funding
11291 strategies necessary to improve the operation of the Mississippi
11292 Statewide System of Care, and to make recommendations to the ICCCY
11293 and to the Legislature concerning such strategies on, at a
11294 minimum, an annual basis. The System of Care Council also has the
11295 responsibility of coordinating the local Multidisciplinary
11296 Assessment and Planning (MAP) teams and "A" teams and may apply
11297 for grants from public and private sources necessary to carry out
11298 its responsibilities. The Interagency System of Care Council
11299 shall be comprised of one (1) member from each of the appropriate
11300 child-serving divisions or sections of the State Department of
11301 Health, the Department of Human Services (Division of Family and
11302 Children Services and Division of Youth Services), the State
11303 Department of Mental Health (Division of Children and Youth,
11304 Bureau of Alcohol and Drug Abuse, and Bureau of Intellectual and
11305 Developmental Disabilities), the State Department of Education
11306 (Office of Special Education and Office of Healthy Schools), the
11307 Division of Medicaid of the Governor's Office, the Department of
11308 Rehabilitation Services, and the Attorney General's office.
11309 Additional members shall include a family member of a child, youth
11310 or transition-age youth representing a family education and



11311 support 501(c)3 organization, working with the population named in
11312 this chapter designated by Mississippi Families as Allies, an
11313 individual with expertise and experience in early childhood
11314 education designated jointly by the Department of Mental Health
11315 and Mississippi Families as Allies, a local MAP team
11316 representative and a local "A" team representative designated by
11317 the Department of Mental Health, a probation officer designated by
11318 the Department of Corrections, a family member and youth or young
11319 adult designated by Mississippi Families as Allies for Children's
11320 Mental Health, Inc., (MSFAA), and a family member other than a
11321 MSFAA representative to be designated by the Department of Mental
11322 Health and the Director of the Compulsory School Attendance
11323 Enforcement of the State Department of Education. Appointments to
11324 the Interagency System of Care Council shall be made within sixty
11325 (60) days after June 30, 2010. The council shall organize by
11326 selecting a chairman from its membership to serve on an annual
11327 basis, and the chairman may not serve consecutive terms.

11328 (4) (a) As part of the Mississippi Statewide System of
11329 Care, there is established a statewide system of local
11330 Multidisciplinary Assessment, Planning and Resource (MAP) teams.
11331 The MAP teams shall be comprised of one (1) representative each at
11332 the county level from the major child-serving public agencies for
11333 education, human services, health, mental health and
11334 rehabilitative services approved by respective state agencies of
11335 the Department of Education, the Department of Human Services, the



11336 Department of Health, the Department of Mental Health and the
11337 Department of Rehabilitation Services. These agencies shall, by
11338 policy, contract or regulation require participation on MAP teams
11339 and "A" teams at the county level by the appropriate staff. Three
11340 (3) additional members may be added to each team, one (1) of which
11341 may be a representative of a family education/support 501(c)3
11342 organization with statewide recognition and specifically
11343 established for the population of children defined in Section
11344 43-14-1. The remaining members will be representatives of
11345 significant community-level stakeholders with resources that can
11346 benefit the population of children defined in Section 43-14-1.
11347 The Department of Education shall assist in recruiting and
11348 identifying parents to participate on MAP teams and "A" teams.

11349 (b) For each local existing MAP team that is
11350 established pursuant to paragraph (a) of this subsection, there
11351 shall also be established an "A" (Adolescent) team which shall
11352 work with a MAP team. The "A" teams shall provide System of Care
11353 services for youthful offenders who have serious behavioral or
11354 emotional disorders. Each "A" team shall be comprised of, at a
11355 minimum, the following five (5) members:

- 11356 (i) A school counselor, mental health therapist or
11357 social worker;
- 11358 (ii) A community mental health professional;
- 11359 (iii) A social services/child welfare
11360 professional;



11361 (iv) A youth court counselor; and
11362 (v) A parent who had a child in the juvenile
11363 justice system.

11364 (c) The Interagency Coordinating Council for Children
11365 and Youth and the Interagency System of Care Council shall work to
11366 develop MAP teams statewide that will serve to become the single
11367 point of entry for children and youth about to be placed in
11368 out-of-home care for reasons other than parental abuse/neglect.

11369 (5) The Interagency Coordinating Council for Children and
11370 Youth may provide input to one another and to the ISCC relative to
11371 how each agency utilizes its federal and state statutes, policy
11372 requirements and funding streams to identify and/or serve children
11373 and youth in the population defined in this section. The ICCCY
11374 shall support the implementation of the plans of the respective
11375 state agencies for comprehensive, community-based,
11376 multidisciplinary care, treatment and placement of these children.

11377 (6) The ICCCY shall oversee a pool of state funds that may
11378 be contributed by each participating state agency and additional
11379 funds from the Mississippi Tobacco Health Care Expenditure Fund,
11380 subject to specific appropriation therefor by the Legislature.
11381 Part of this pool of funds shall be available for increasing the
11382 present funding levels by matching Medicaid funds in order to
11383 increase the existing resources available for necessary
11384 community-based services for Medicaid beneficiaries.



11385 (7) The local interagency coordinating care MAP team or "A"
11386 team will facilitate the development of the individualized System
11387 of Care programs for the population targeted in this section.

11388 (8) Each local MAP team and "A" team shall serve as the
11389 single point of entry and re-entry to ensure that comprehensive
11390 diagnosis and assessment occur and shall coordinate needed
11391 services through the local MAP team and "A" team members and local
11392 service providers for the children named in subsection (1). Local
11393 children in crisis shall have first priority for access to the MAP
11394 team and "A" team processes and local System of Care services.

11395 (9) The Interagency Coordinating Council for Children and
11396 Youth shall facilitate monitoring of the performance of local MAP
11397 teams.

11398 (10) Each ICCCY member named in subsection (2) of this
11399 section shall enter into a binding memorandum of understanding to
11400 participate in the further development and oversight of the
11401 Mississippi Statewide System of Care for the children and youth
11402 described in this section. The agreement shall outline the system
11403 responsibilities in all operational areas, including ensuring
11404 representation on MAP teams, funding, data collection, referral of
11405 children to MAP teams and "A" teams, and training. The agreement
11406 shall be signed and in effect by July 1 of each year.

11407 **SECTION 187.** Section 43-55-5, Mississippi Code of 1972, is
11408 amended as follows:



11409 43-55-5. (1) Members of the Commission for Volunteer
11410 Service shall be appointed by the Governor. The commission shall
11411 consist of no fewer than fifteen (15) and no more than twenty-five
11412 (25) members.

11413 (2) The commission members shall include as voting members,
11414 except as otherwise indicated, at least one (1) of each of the
11415 following:

11416 (a) An individual with expertise in the educational,
11417 training, and developmental needs of youth, particularly
11418 disadvantaged youth.

11419 (b) An individual with experience in promoting service
11420 and volunteerism among older adults.

11421 (c) A representative of a community-based agency.

11422 (d) The superintendent of the State Department of
11423 Education, or his or her designee.

11424 (e) A representative of local government.

11425 (f) A representative of local labor organizations.

11426 (g) A representative of business.

11427 (h) An individual between the ages of sixteen (16) and
11428 twenty-five (25) who is a participant or supervisor in a program
11429 as defined in Section 101 of Title I, 42 USCS 12511.

11430 (i) A representative of a national service program
11431 described in Section 122(a) of Title I, 42 USCS 12572.



11432 (j) The employee of the corporation designated under
11433 Section 195 of Title I, 42 USCS 12651f, as the representative of
11434 the corporation in this state, as a nonvoting member.

11435 (3) In addition to the members described in subsection (2),
11436 the commission may include as voting members any of the following:

11437 (a) Local educators.

11438 (b) Experts in the delivery of human, educational,
11439 environmental, or public safety services to communities and
11440 persons.

11441 (c) Representative of Native American tribes.

11442 (d) Out-of-school youth or other at-risk youth.

11443 (e) Representatives of entities that receive assistance
11444 under the Domestic Volunteer Service Act of 1973, Public Law
11445 93-113, 87 Stat. 394.

11446 (f) A member * * * appointed by the * * * Commissioner
11447 of Higher * * * Education.

11448 (4) Not more than twenty-five percent (25%) of the voting
11449 commission members shall be officers or employees of this state.
11450 The Governor may appoint additional officers or employees of state
11451 agencies operating community service, youth service, education,
11452 social service, senior service, and job training programs, as
11453 nonvoting, ex officio members of the commission.

11454 (5) The Governor shall ensure, to the maximum extent
11455 possible, that the commission membership is diverse with respect
11456 to race, ethnicity, age, gender, and disability characteristics.



11457 (6) Except as provided in this subsection, members of the
11458 commission shall serve for staggered three-year terms expiring on
11459 October 1. The members constituting the Mississippi Commission
11460 for Volunteer Service under Executive Order No. 1994-742 on March
11461 28, 1996, shall serve on the commission for the remainder of the
11462 terms for which they were appointed. Of the additional members,
11463 the Governor shall appoint one-third (1/3) of the initial members
11464 for a term of one (1) year; one-third (1/3) for a term of two (2)
11465 years; and one-third (1/3) for a term of three (3) years.
11466 Following expiration of these initial terms, all appointments
11467 shall be for three-year renewable terms. Members of the
11468 commission may not serve more than two (2) consecutive terms.

11469 (7) A vacancy on the commission shall be filled in the same
11470 manner as the original appointments, and any member so appointed
11471 shall serve during the remainder of the term for which the vacancy
11472 occurred. The vacancy shall not affect the power of the remaining
11473 commission members to execute the duties of the commission.

11474 **SECTION 188.** Section 43-55-23, Mississippi Code of 1972, is
11475 amended as follows:

11476 43-55-23. (1) The institutions of higher learning and the
11477 Office of the Governor shall provide necessary administrative and
11478 staff support services to the State Commission for Volunteer
11479 Service. Additional support services may be provided, including,
11480 but not limited to, the use of office space, furniture and
11481 equipment, motor vehicles, travel and other related services. The



11482 commission shall employ an executive director, who shall be
11483 initially designated by the Governor. The executive director
11484 shall employ such staff as is necessary to carry out the
11485 provisions of this chapter. Future executive directors shall be
11486 selected by the commission.

11487 (2) The commission may procure information and assistance
11488 from the state or any subdivision, municipal corporation, public
11489 officer, or governmental department or agency thereof. All
11490 agencies, officers, and political subdivisions of the state or
11491 municipal corporations shall provide the office with all relevant
11492 information and reasonable assistance on any matters of research
11493 within their knowledge or control.

11494 (3) The commission may apply for, receive, and expend funds,
11495 grants, and services from local, state, or federal government, or
11496 any of their agencies, or any other public or private sources and
11497 is authorized to use funds derived from these sources for purposes
11498 reasonable and necessary to carry out the purposes of this
11499 chapter. The commission also may expend monies, upon
11500 appropriation by the Legislature, from the Mississippi Commission
11501 for Volunteer Service Fund created in Section 43-55-29.

11502 (4) The commission shall submit its budget request through
11503 the * * * Commissioner of Higher * * * Education. Such request
11504 shall be submitted by the * * * Commission of Higher Education as
11505 a separate and distinct request made on behalf of the commission.



11506 **SECTION 189.** Section 47-5-401, Mississippi Code of 1972, is
11507 amended as follows:

11508 47-5-401. (1) There is hereby authorized, in each county of
11509 the state, a public service work program for state inmates in
11510 custody of the county. Such a program may be established at the
11511 option of the county in accordance with the provisions of Sections
11512 47-5-401 through 47-5-421. The department shall also recommend
11513 rules and regulations concerning the participation of state
11514 inmates in the program.

11515 (2) An inmate shall not be eligible to participate in a work
11516 program established in accordance with the provisions of Sections
11517 47-5-401 through 47-5-421 if he has been convicted of any crime of
11518 violence, including but not limited to murder, aggravated assault,
11519 rape, robbery or armed robbery.

11520 (3) The inmates participating in the work program
11521 established in accordance with the provisions of Sections 47-5-401
11522 through 47-5-421 are restricted to the performance of public
11523 service work for counties, municipalities, the state or nonprofit
11524 charitable organizations, as defined by Section 501(c)(3) of the
11525 Internal Revenue Code of 1986, except that the Department of
11526 Corrections must approve all requests by nonprofit charitable
11527 organizations to use offenders to perform any public service work.
11528 Upon request of * * * university boards of trustees * * *, or the
11529 board of trustees of a county school district, municipal school



11530 district or junior college district, the inmates may be permitted
11531 to perform work for such boards.

11532 **SECTION 190.** Section 47-5-451, Mississippi Code of 1972, is
11533 amended as follows:

11534 47-5-451. (1) There is hereby authorized, in each county of
11535 the state, a public service work program for state inmates in
11536 custody of the county. Such a program may be established at the
11537 option of the county in accordance with the provisions of Sections
11538 47-5-401 through 47-5-421. The department shall also recommend
11539 rules and regulations concerning the participation of state
11540 inmates in the program.

11541 (2) An inmate shall not be eligible to participate in a work
11542 program established in accordance with the provisions of Sections
11543 47-5-401 through 47-5-421, if he has been convicted of any crime
11544 of violence, including, but not limited to, murder, aggravated
11545 assault, rape, robbery or armed robbery.

11546 (3) The inmates participating in the work program
11547 established in accordance with the provisions of Sections 47-5-401
11548 through 47-5-421, are restricted to the performance of public
11549 service work for counties, municipalities, the state, nonprofit
11550 charitable organizations or churches, as defined by Section
11551 501(c) (3) of the Internal Revenue Code of 1986, except that the
11552 Department of Corrections must approve all requests by nonprofit
11553 charitable organizations or churches to use offenders to perform
11554 any public service work. Upon request of * * * university boards



11555 of trustees * * *, or the board of trustees of a county school
11556 district, municipal school district or junior college district,
11557 the inmates may be permitted to perform work for such boards.

11558 **SECTION 191.** Section 49-3-5, Mississippi Code of 1972, is
11559 amended as follows:

11560 49-3-5. The Mississippi State University Board of
11561 Trustees * * * is hereby authorized and directed to establish a
11562 fisheries and wildlife laboratory at Mississippi State University
11563 under the direction of the president and such other administrative
11564 authorities within the university as such board of trustees may
11565 determine.

11566 **SECTION 192.** Section 49-3-7, Mississippi Code of 1972, is
11567 amended as follows:

11568 49-3-7. The Mississippi State University Board of
11569 Trustees * * * shall provide for such laboratory such buildings,
11570 equipment, personnel, supplies and service as it shall determine
11571 to be necessary for the proper operation and maintenance of such
11572 laboratory, having due regard for the contributory facilities and
11573 programs already existing at Mississippi State University.

11574 **SECTION 193.** Section 49-3-11, Mississippi Code of 1972, is
11575 amended as follows:

11576 49-3-11. In addition to the appropriations made by the
11577 Mississippi Legislature for the operation and support of the
11578 laboratory, the Mississippi State University Board of Trustees of
11579 state institutions of higher learning is authorized and empowered



11580 to receive contributions, donations, gifts and grants of money
11581 and/or property, equipment, materials or manpower from persons,
11582 foundations, trust funds, corporations, organizations, the federal
11583 government or any subdivision thereof, the state government or any
11584 subdivision thereof, to be expended by the board in carrying out
11585 the purposes and objectives of this chapter.

11586 **SECTION 194.** Section 55-23-5, Mississippi Code of 1972, is
11587 amended as follows:

11588 55-23-5. There is hereby created a commission to be known as
11589 "The Mississippi Veterans Memorial Stadium Commission,"
11590 hereinafter sometimes referred to as the commission, which shall
11591 consist of six (6) members as follows:

11592 (a) One (1) member shall be appointed by the Mayor of
11593 the City of Jackson, Mississippi;

11594 (b) One (1) member shall be selected by the * * *
11595 Commissioner of Higher * * * Education from among the membership
11596 of * * * a university board of trustees * * *;

11597 (c) Two (2) members shall be appointed by the Governor
11598 from the state at large outside of Hinds County, Mississippi, and
11599 one (1) member shall be appointed by the Governor from Hinds
11600 County, Mississippi. The appointee from Hinds County may be
11601 selected from a list of three (3) persons submitted by the Hinds
11602 County Board of Supervisors to the Governor;

11603 (d) One (1) member shall be the President of Jackson
11604 State University, or his designee.



11605 Terms of members shall begin on May 1, 1987, as follows: Of
11606 the members appointed by the Governor, one (1) shall serve for a
11607 term of one (1) year, one (1) for a term of two (2) years and one
11608 (1) for a term of three (3) years; the member appointed by the
11609 Mayor of the City of Jackson shall serve for a term of four (4)
11610 years; and the member * * * appointed by the Commissioner of
11611 Higher * * * Education shall serve for a term of five (5) years.
11612 Upon the expiration of the foregoing terms, members shall serve
11613 for terms of five (5) years each. The appointing authority shall
11614 fill any vacancy in the above terms by appointment of a member for
11615 the unexpired term. Members shall be eligible for reappointment.
11616 An appointed member serving on the commission on April 30, 1987,
11617 shall be eligible for appointment to the commission for a term
11618 beginning May 1, 1987, of either one (1), two (2), three (3), four
11619 (4) or five (5) years, if such member is otherwise qualified. One
11620 (1) member of the commission appointed by the Governor shall be a
11621 person knowledgeable in marketing with at least three (3) years
11622 actual experience therein and one (1) member appointed by the
11623 Governor shall be a person of recognized ability in a trade or
11624 business with at least five (5) years actual experience therein.
11625 From and after May 1, 1987, the name of the commission shall be
11626 the "Mississippi Veterans Memorial Stadium Commission" and any
11627 references in Sections 55-23-3 through 55-23-11 to the Mississippi
11628 Memorial Stadium Commission or commission shall mean the
11629 Mississippi Veterans Memorial Stadium Commission unless the



11630 context clearly indicates a different meaning. From and after May
11631 1, 1987, the stadium shall be known as the "Mississippi Veterans
11632 Memorial Stadium." The commission is authorized to accept
11633 donations of money, property or services from any public or
11634 private source to accomplish any physical replacement or
11635 alterations of stadium property necessary to accomplish the
11636 renaming of the stadium.

11637 The members of the commission shall serve without
11638 compensation except that members shall be paid their actual and
11639 necessary expenses in connection with the performance of their
11640 duties as members of the commission, including mileage, as
11641 authorized in Section 25-3-41, Mississippi Code of 1972, plus a
11642 per diem as is authorized by Section 25-3-69, Mississippi Code of
11643 1972, while engaged in the performance of their duties. The
11644 expenses, mileage and per diem allowance shall be paid out of the
11645 Mississippi Veterans Memorial Stadium Fund.

11646 The commission shall elect from its membership a chairman who
11647 shall preside over meetings and a vice chairman who shall preside
11648 in the absence of the chairman. Three (3) members of the
11649 commission shall constitute a quorum for the transaction of any
11650 and all business of the commission.

11651 The powers of the commission shall be exercised by a majority
11652 of the members thereof, but it may delegate to one or more of its
11653 members, or to its agents and employees, such powers and duties as
11654 it may deem proper, and may adopt rules and regulations for the



11655 conduct of its business and affairs. The commission shall
11656 contract with a certified public accounting firm to conduct audits
11657 of concession and novelty sales by vendors at the stadium. The
11658 commission shall, as far as is practicable, provide that the cost
11659 of such audits shall be paid by the vendor of such concessions or
11660 novelties, or both.

11661 The commission shall appoint a director who shall have at
11662 least a bachelor's degree from an accredited university or
11663 college. The director shall have the responsibility for insuring
11664 the marketing of tickets to events conducted in the stadium, in
11665 addition to such other duties as the commission may designate.
11666 Before entering upon the duties of his office, the director shall
11667 give bond to the State of Mississippi in the sum of Fifty Thousand
11668 Dollars (\$50,000.00), and said bond shall be conditioned upon the
11669 faithful discharge and performance of his official duty. The
11670 principal and surety on said bond shall be liable thereunder to
11671 the state for double the amount of value of any money or property
11672 which the state may lose, if any, by reason of any wrongful or
11673 criminal act of said director. Said bond, when approved by the
11674 commission, shall be filed with the Secretary of State, and the
11675 premium thereon shall be paid from the Mississippi Veterans
11676 Memorial Stadium Fund.

11677 **SECTION 195.** Section 55-23-8, Mississippi Code of 1972, is
11678 amended as follows:



11679 55-23-8. (1) Jackson State University and the University of
11680 Mississippi Medical Center shall comply fully with the terms of
11681 any lease agreement entered into by the Department of Finance and
11682 Administration with any public or private entity for that portion
11683 of the Mississippi Veterans Memorial Stadium Property transferred
11684 to and under its jurisdiction as provided in Section 55-23-6,
11685 including the existing lease agreement between the Department of
11686 Finance and Administration and the University of Mississippi
11687 Medical Center entered into on February 23, 2009, as amended from
11688 time to time, unless and except that public or private entity
11689 breaches the terms of the lease agreement or defaults on lease
11690 payments or upon an agreement of the parties to terminate.

11691 (2) The University of Mississippi Medical Center may enter
11692 into agreements with any developer for the property conveyed to
11693 the University of Mississippi Medical Center under Section
11694 55-23-6, or any lessee or lessees (or any designee of any such
11695 lessee or lessees), which agreements may extend over any period of
11696 time not exceeding the term of such lease (including renewals and
11697 extensions), pursuant to which the state shall be obligated to
11698 purchase contractual rights and/or improvements constructed on
11699 such property and/or any residual rights in connection with such
11700 improvements upon terms and for a purchase price, not to exceed
11701 Ten Million Dollars (\$10,000,000.00).

11702 (3) The University of Mississippi Medical Center, in its
11703 discretion, is authorized to enter into all other agreements as



11704 may be necessary or appropriate in connection with any financing
11705 by any lessee or lessees (or any designee of any such lessee or
11706 lessees) of any improvements to be constructed on property leased
11707 from the University of Mississippi Medical Center.

11708 (4) Any lease, renewal thereof, or other agreement entered
11709 into by the University of Mississippi Medical Center under this
11710 section shall not be valid unless approved by the University of
11711 Mississippi Board of Trustees * * *.

11712 (5) Any lessee or lessees (or any designee of any such
11713 lessee or lessees) of property leased from the University of
11714 Mississippi Medical Center under this section shall not be
11715 considered as being the state, any political subdivision of the
11716 state or any officer or servant of the state for the purposes of
11717 any liability that may be waived under Section 11-46-1 et seq.

11718 (6) The University of Mississippi Medical Center, or the
11719 Department of Finance and Administration, acting on behalf of the
11720 state or any state agency, is authorized to perform any additional
11721 steps and necessary duties to fully implement the provisions of
11722 this section and Sections 55-23-6 and 55-23-9, as the exercise of
11723 such authority relates to the negotiation or renegotiation of
11724 certain leases or acquiring rights in any property under any
11725 existing lease with the Department of Finance and Administration.

11726 (7) In addition to the requirement imposed upon the
11727 University of Mississippi Medical Center and Jackson State
11728 University to fully comply with the terms of all lease agreements



11729 entered into concerning the "Mississippi Veterans Memorial Stadium
11730 Property," the process of eminent domain shall not be used to
11731 acquire possession of any property interest leased under the
11732 provision of any existing development lease entered into on the
11733 property at any time before the expiration of the term of the
11734 original lease or any amendment made thereto.

11735 **SECTION 196.** Section 55-23-53, Mississippi Code of 1972,
11736 which required the Board of Trustees of State Institutions of
11737 Higher Learning to develop a football schedule proposal for the
11738 Mississippi Veterans Memorial Stadium, is repealed.

11739 **SECTION 197.** Section 57-1-357, Mississippi Code of 1972, is
11740 amended as follows:

11741 57-1-357. * * * Each university board of trustees * * * is
11742 hereby authorized to support the project by creating institutes
11743 and developing curricula of direct benefit to the enterprise.
11744 Upon notification to * * * MDA by the enterprise that the state
11745 has been selected as the site of the project, * * * each
11746 university board of trustees * * * may establish and create
11747 programs to enhance the project's success.

11748 **SECTION 198.** Section 57-13-22, Mississippi Code of 1972, is
11749 amended as follows:

11750 57-13-22. (1) The Mississippi Research and Development
11751 Center is hereby abolished from and after July 1, 1988. All of
11752 the functions of the center shall be transferred on that date to



11753 the Mississippi * * * Development Authority or to the University
11754 Research Center which is created in Section 37-141-3.

11755 (2) (a) From and after July 1, 1988, the duties and
11756 responsibilities of the Research and Development Center which are
11757 depicted organizationally in the 1989 fiscal year budget request
11758 of the Research and Development Center and which are performed by
11759 the Forecast and Analysis Division, the Administration Division,
11760 the Government Services Division and the Data Services Division
11761 except as provided in subsection 3(b) shall be transferred to the
11762 University Research Center.

11763 (b) From and after July 1, 1988, the duties and
11764 responsibilities of the Research and Development Center not
11765 included in the transfer described in paragraph (a) except as
11766 provided in subsection (3)(c) of this section shall be transferred
11767 to the Mississippi * * * Development Authority.

11768 (3) (a) All personnel of the Mississippi Research and
11769 Development Center shall be transferred to the * * * Mississippi
11770 Development Authority or to the University Research Center
11771 according to the transfer of their duties pursuant to this
11772 section.

11773 (b) It is specifically provided that the positions
11774 identified in items (i), (ii) and (iii) below be transferred to
11775 the * * * Mississippi Development Authority unless the Director of
11776 the Research and Development Center and the Executive Director of



11777 the * * * Mississippi Development Authority make mutually
11778 agreeable substitutions:

11779 (i) Position identification numbers 60, 174, 244,
11780 98 and 177 of the Administration Unit shall be transferred June 1,
11781 1988.

11782 (ii) Position identification numbers 156, 27, 194,
11783 23, 307 and 308 of the Data Services Unit shall be transferred
11784 July 1, 1988.

11785 (iii) Position identification numbers 71, 104 and
11786 148 of the Government Services Division shall be transferred July
11787 1, 1988.

11788 (c) It is specifically provided that position
11789 identification numbers 30 and 76 of the Office of the Director of
11790 the Research and Development Center be transferred to the
11791 University Research Center on July 1, 1988.

11792 (d) It is the intention of the Legislature that there
11793 be a reduction in personnel where there is a duplication of effort
11794 as a result of the transfers required by this subsection.

11795 The * * * Mississippi Development Authority in its reorganization
11796 pursuant to this act [Laws, 1988, Chapter 518] may utilize savings
11797 realized from personnel attrition and other economies to
11798 reallocate and reclassify positions within the department, subject
11799 to the approval of the State Personnel Board.

11800 (e) All personnel transferred to the University
11801 Research Center shall become subject to all personnel and



11802 compensation policies of the * * * Commissioner of Higher * * *
11803 Education; however, anyone so transferred shall retain all of the
11804 protection and benefits to which they have been entitled under the
11805 state personnel system.

11806 (4) All records, property, unexpended balances of
11807 appropriations or other funds, and all other resources of the
11808 Mississippi Research and Development Center shall be transferred
11809 to the * * * Mississippi Development Authority or to the
11810 University Research Center, as appropriate, pursuant to the
11811 transfer of duties and responsibilities in subsection (2) of this
11812 section.

11813 (5) (a) Each officer or agency subject to the provisions of
11814 this act [Laws, 1988, Chapter 518] shall assist with the fullest
11815 degree of reasonable cooperation any other officer or agency in
11816 carrying out the intent and purpose of this act [Laws, 1988,
11817 Chapter 518].

11818 (b) Each officer or agency subject to the provisions of
11819 this act [Laws, 1988, Chapter 518] is hereby authorized and
11820 empowered to promulgate all necessary rules and regulations not in
11821 conflict with this act [Laws, 1988, Chapter 518] necessary to
11822 accomplish an orderly transition pursuant to this act [Laws, 1988,
11823 Chapter 518].

11824 **SECTION 199.** Section 57-15-3, Mississippi Code of 1972, is
11825 amended as follows:



11826 57-15-3. (1) The Mississippi Commission on Marine
11827 Resources, hereinafter referred to as the "council," shall be the
11828 Mississippi Marine Resources Council, and shall function insofar
11829 as practicable under the provisions of Chapter 15 of Title 49,
11830 Mississippi Code of 1972, in cooperation with the
11831 Mississippi * * * Development Authority and the University of
11832 Southern Mississippi Board of Trustees * * *, with particular
11833 reference to the Gulf Coast Research Laboratory, the Universities
11834 Marine Center, and the universities and colleges which are
11835 conducting oceanographic research. The offices of the commission
11836 shall be located in Hancock, Harrison or Jackson Counties.

11837 (2) The words "Mississippi Marine Resources Council,"
11838 wherever they may appear in the laws of the State of Mississippi,
11839 shall be construed to mean the Mississippi Commission on Marine
11840 Resources.

11841 **SECTION 200.** Section 57-15-9, Mississippi Code of 1972, is
11842 amended as follows:

11843 57-15-9. The council, exercising its duties and
11844 responsibilities, shall also act in an advisory capacity to the
11845 Governor and all related state agencies, including the University
11846 of Southern Mississippi Board of Trustees * * *, the Gulf Coast
11847 Research Laboratory and the Universities Marine Center which are
11848 conducting oceanographic research. All state boards and agencies
11849 engaged in activities in the field of marine resources and
11850 technology shall utilize this commission as a clearinghouse on all



11851 present and future joint federal-state programs whether presently
11852 administered by an existing agency or not; to advise on the best
11853 programs available to the State of Mississippi for the development
11854 of its marine resources, and how to apply for, receive or hold any
11855 and all such authorizations, licenses and grants necessary and
11856 proper therefor; to advise on the utilization of all facilities in
11857 the State of Mississippi for marine research and development, such
11858 as the future maximum utilization of the NASA-Mississippi Test
11859 Facility, but not limiting the provisions of this chapter
11860 exclusively thereto; and to advise on all in-depth studies
11861 necessary to carry out the provisions of this chapter. This
11862 chapter shall not, however, abrogate the authority of the
11863 Mississippi Commission on Marine Resources, the University of
11864 Southern Mississippi Board of Trustees * * * or the Gulf Coast
11865 Research Laboratory, the Universities Marine Center, or of the
11866 individual institutions under the board's control to apply for
11867 grants, and to carry out oceanographic research. Said council is
11868 hereby authorized to receive services, gifts, contributions,
11869 property and equipment from public and private sources to be
11870 utilized in the discharge of the council's functions, all to be
11871 done within the purview of this chapter.

11872 **SECTION 201.** Section 57-18-5, Mississippi Code of 1972, is
11873 amended as follows:

11874 57-18-5. (1) The Mississippi State University Board of
11875 Trustees * * * is authorized and directed to establish a Forest



11876 and Wildlife Research Center at Mississippi State University. The
11877 center will be an administrative unit within the Division of
11878 Agriculture, Forestry and Veterinary Medicine. The Dean of the
11879 School of Forest Resources shall serve as the director of the
11880 center.

11881 (2) The center shall conduct a program of research relevant
11882 to the efficient management and utilization of the forest,
11883 wildlife and fisheries resources of this state and to the
11884 protection and enhancement of the natural environment associated
11885 with those resources. The center shall disseminate results of
11886 such research programs to the public and to individuals and
11887 organizations for whom such information will be useful. The
11888 center shall conduct research that will encourage the growth and
11889 development of the furniture manufacturing industry and allied
11890 industries in this state and shall work closely with the
11891 Mississippi Cooperative Extension Service, the University Research
11892 Center, the Mississippi * * * Development Authority and other
11893 agencies, both public and private, in the dissemination of its
11894 research findings.

11895 (3) From and after the creation of the Forest and Wildlife
11896 Research Center, the center shall assume all research functions
11897 which are being exercised within the Division of Agriculture,
11898 Forestry and Veterinary Medicine by the Forest Products
11899 Utilization Laboratory, by the Department of Forestry, by the
11900 Department of Wildlife and Fisheries, by the Furniture Research



11901 Unit and, upon the recommendation of the President of Mississippi
11902 State University to the university board of trustees * * *, by
11903 other departments and units of the university.

11904 (4) All records, personnel, property and unexpended balances
11905 of appropriations, allocations or other funds relating to those
11906 research functions which are being assumed by the center shall be
11907 transferred to the center. The transfer of segregated or special
11908 funds shall be made in such a manner that the relation between
11909 program and revenue source is retained.

11910 **SECTION 202.** Section 57-18-7, Mississippi Code of 1972, is
11911 amended as follows:

11912 57-18-7. The Mississippi State University Board of
11913 Trustees * * * shall provide for the Forest and Wildlife Research
11914 Center such buildings, equipment, personnel, supplies and services
11915 as it shall determine to be necessary for the proper operation and
11916 maintenance of the center, having due regard for the contributory
11917 facilities and programs already existing at Mississippi State
11918 University.

11919 **SECTION 203.** Section 57-18-9, Mississippi Code of 1972, is
11920 amended as follows:

11921 57-18-9. In addition to appropriations made by the
11922 Legislature from the State General Fund, the Forest and Wildlife
11923 Research Center is authorized and empowered, subject to the
11924 approval of the Mississippi State University Board of
11925 Trustees * * * upon recommendation by the President of Mississippi



11926 State University, to receive contributions, donations, gifts and
11927 grants of money and/or property, equipment, materials and manpower
11928 from persons, foundations, trust funds, corporations,
11929 organizations, and state and federal agencies for use in carrying
11930 out the purposes and objectives of this chapter.

11931 **SECTION 204.** Section 57-19-5, Mississippi Code of 1972, is
11932 amended as follows:

11933 57-19-5. The Mississippi State University Board of
11934 Trustees * * * is hereby authorized and directed to establish a
11935 food technology program at Mississippi State University * * *
11936 under the direction of the president and such other administrative
11937 authorities within the university as said board of trustees may
11938 determine.

11939 **SECTION 205.** Section 57-19-7, Mississippi Code of 1972, is
11940 amended as follows:

11941 57-19-7. The Mississippi State University Board of
11942 Trustees * * * shall provide for such food technology laboratory,
11943 such building, pilot processing facilities, personnel, supplies,
11944 and services as it shall determine to be necessary for the proper
11945 operation and maintenance of the food technology program, having
11946 due regard for the contributory facilities and programs already
11947 existing at Mississippi State University * * *.

11948 **SECTION 206.** Section 57-19-11, Mississippi Code of 1972, is
11949 amended as follows:



11950 57-19-11. In addition to appropriations made by the
11951 Mississippi Legislature for the operation and support of the
11952 laboratory, the Mississippi State University Board of
11953 Trustees * * * is authorized and empowered to receive
11954 contributions, donations, gifts and grants of money and/or
11955 property, equipment, materials or manpower from persons,
11956 foundations, trust funds, corporations, organizations, the federal
11957 government or any subdivision thereof, the state government or any
11958 subdivision thereof, to be expended by said board in carrying out
11959 the purposes and objectives of this chapter.

11960 **SECTION 207.** Section 57-21-7, Mississippi Code of 1972, is
11961 amended as follows:

11962 57-21-7. The chief executive officer of the laboratory shall
11963 be the State Chemist.

11964 (a) **Qualifications:** The State Chemist shall be an
11965 individual who has earned the Doctor of Philosophy degree or its
11966 equivalent at a recognized university or college qualified to
11967 grant such degrees. The major field of his or her training should
11968 be preferably in traditional or applied fields of chemistry or
11969 biochemistry, but other disciplines may be acceptable if the
11970 individual has experience qualifying him or her otherwise. He or
11971 she should also have knowledge by training or experience of
11972 agricultural, industrial or health-related fields. The candidate
11973 for State Chemist must be acceptable as a faculty member in a



11974 department of the university appropriate to his or her earned
11975 doctorate degree.

11976 (b) **Appointment:** The State Chemist shall be appointed
11977 by the president of the university, with the advice and consent of
11978 the Senate, for a term of six (6) years; and the said State
11979 Chemist shall serve for said six-year term and until his successor
11980 shall have been appointed and qualified. However, it is provided
11981 that the said State Chemist may be removed from office by the
11982 president with the approval of the Mississippi State University
11983 Board of Trustees * * * upon the demonstration of his inability to
11984 serve due to illness, incompetence, malfeasance in office,
11985 dereliction of duty or moral turpitude. The university board of
11986 trustees * * * shall fix the annual salary of the State Chemist,
11987 who shall be paid from the budget of the Mississippi State
11988 Chemical Laboratory or from the budget of the university, or from
11989 both, whichever is deemed desirable by the university board of
11990 trustees * * *.

11991 (c) **Status:** The State Chemist shall simultaneously
11992 hold an appointment as professor in a department of the university
11993 appropriate to the discipline of their doctorate degree. He or
11994 she may be granted tenure as a faculty member in accordance with
11995 the rules current at the university upon his or her appointment.
11996 As a state regulatory official, the duties of the State Chemist
11997 are service in nature. However, as time permits, the State
11998 Chemist may teach or direct research as part of his or her



11999 professional duties, and may serve in other administrative
12000 positions as deemed desirable with the consent and approval of the
12001 president of the university and the board of trustees. He or she
12002 shall receive appropriate reimbursement for such services.

12003 (d) **Responsibility:** The State Chemist shall be
12004 responsible to and shall report to the president of the university
12005 or a designee of the president.

12006 (e) **Duties:** The State Chemist shall:

12007 1. Serve as the chief executive officer and
12008 director of the State Chemical Laboratory.

12009 2. Recommend the appointment, discharge, annual
12010 salaries, duties, and titles of administrative, technical and
12011 support personnel and staff of the laboratory to assist him or her
12012 in carrying out its authorized functions.

12013 3. Prepare and submit budget requests for the
12014 laboratory to the appropriate agency, subject to approval by the
12015 president of the university and the board of trustees. The State
12016 Chemist shall present such requests before the Legislative Budget
12017 Office and legislative committees. He or she shall prepare an
12018 annual budget for operation of the laboratory from appropriated or
12019 special funds or other income available, and shall make monthly,
12020 quarterly and other reports of such income and expenditures to the
12021 appropriate agencies as required by law.



12022 4. Maintain an inventory of laboratory equipment
12023 and report it appropriately to the proper agencies as required by
12024 law.

12025 5. Prepare annual or biennial reports and special
12026 reports as needed of laboratory activities, programs and
12027 recommendations. Such reports shall be submitted to governmental
12028 heads and agencies as required by statutes, to the president of
12029 the university, the university board of trustees * * *, and to the
12030 chief executive officer of each agency with which it cooperates.

12031 6. Serve on such state or national agencies,
12032 commissions, boards, organizations or committees as required by
12033 law.

12034 7. Conduct other business necessary and desirable
12035 for proper discharge of his or her responsibilities to the state
12036 or as may be stipulated here or elsewhere in the laws of
12037 Mississippi.

12038 **SECTION 208.** Section 57-23-5, Mississippi Code of 1972, is
12039 amended as follows:

12040 57-23-5. The University of Mississippi Board of
12041 Trustees * * * is hereby authorized and directed to establish a
12042 research institute of pharmaceutical sciences at the University of
12043 Mississippi under the direction of the chancellor and such other
12044 administrative authorities within the university as said board of
12045 trustees may determine.



12046 **SECTION 209.** Section 57-23-7, Mississippi Code of 1972, is
12047 amended as follows:

12048 57-23-7. The University of Mississippi Board of
12049 Trustees * * * shall provide for such equipment, personnel,
12050 supplies and services as it shall determine to be necessary for
12051 the proper operation and maintenance of said institute, having due
12052 regard for the contributory facilities and programs already
12053 existing at the University of Mississippi.

12054 **SECTION 210.** Section 57-23-11, Mississippi Code of 1972, is
12055 amended as follows:

12056 57-23-11. In addition to appropriations made by the
12057 Mississippi Legislature for the operation and support of the
12058 institute, the University of Mississippi Board of Trustees * * *
12059 is authorized and empowered to receive contributions, donations,
12060 gifts, and grants of money and/or property, equipment, materials
12061 or manpower from persons, foundations, trust funds, corporations,
12062 organizations, and other sources, to be expended by said board in
12063 carrying out the objectives of this chapter.

12064 **SECTION 211.** Section 57-39-19, Mississippi Code of 1972, is
12065 amended as follows:

12066 57-39-19. (1) To ensure that state-owned facilities be
12067 operated in an energy-efficient manner to reduce operating costs
12068 to the General Fund and demonstrate successful energy consumption
12069 reduction strategies to other sectors of the state economy, the
12070 division shall coordinate the development and implementation of a



12071 general energy management plan for state-owned and operated
12072 facilities in conjunction with the Department of Finance and
12073 Administration, Bureau of Building, Grounds and Real Property
12074 Management. The general energy management plan shall include, but
12075 not be limited to, the following elements:

12076 (a) Gathering of energy-related data from state
12077 agencies, state institutions of higher learning, and community and
12078 junior colleges in a form and manner as required by the division;

12079 (b) Benchmarking of energy consumption and costs;

12080 (c) Use of a central system to aggregate and track
12081 energy consumption data for all state-owned facilities;

12082 (d) Model buildings and facilities energy audit
12083 procedures;

12084 (e) Model energy consumption reduction techniques;

12085 (f) Uniform data analysis procedures;

12086 (g) Model employee energy education program procedures;

12087 (h) Model training program for agency and institution
12088 personnel and energy coordinators;

12089 (i) Model guidelines for buildings and facilities
12090 managers;

12091 (j) Program monitoring and evaluation procedures.

12092 (2) The State Energy Management Plan shall also include a
12093 description of actions to reduce consumption of electricity and
12094 nonrenewable energy sources used for heating, cooling,
12095 ventilation, lighting and water heating. A designee of each of



12096 the following entities - * * * each university board of
12097 trustees * * *, the Community College Board, the Department of
12098 Education, and the Department of Finance and Administration shall
12099 assist in the preparation of the State Energy Management Plan and
12100 serve together on an advisory board; the director of the division
12101 shall serve as the head of this board and shall convene
12102 representatives of these institutions no fewer than once each year
12103 in order to review implementation of the State Energy Management
12104 Plan.

12105 (3) The State Energy Management Plan shall be developed and
12106 implemented with input and assistance from the Department of
12107 Finance and Administration, Bureau of Building, Grounds and Real
12108 Property Management, and the two (2) state agencies shall work
12109 together and pledge to use pertinent resources and programs in
12110 conjunction with one another to accomplish the goals described in
12111 this section.

12112 (4) The Department of Finance and Administration, Bureau of
12113 Building, Grounds and Real Property Management shall transmit to
12114 the division an updated state building inventory on an annual
12115 basis.

12116 (5) All state agencies having buildings on the inventory of
12117 buildings submitted to the Department of Finance and
12118 Administration as well as all institutions of higher learning and
12119 community and junior colleges (hereafter referred to as "covered



12120 entities"), shall submit energy consumption in a form and manner
12121 prescribed by the division.

12122 (6) Energy-related data may include, but shall not be
12123 limited to, the following:

- 12124 (a) Electrical consumption data;
- 12125 (b) Natural gas consumption; and
- 12126 (c) Fuel oil consumption.

12127 Any covered entity that does not enter its energy data in the
12128 form and manner prescribed by the division shall, at the
12129 discretion of the division, not be eligible to receive energy
12130 conservation funds from the Bureau of Building, Grounds and Real
12131 Property Management or be eligible to receive any state, federal
12132 or other funds from the division. The Mississippi Development
12133 Authority, in coordination with the Bureau of Building, Grounds
12134 and Real Property Management, shall promulgate rules pertaining to
12135 this section.

12136 (7) By September 1 of each year, the division shall provide
12137 to the Legislature and the Governor a report on the energy
12138 consumption of covered entities. This report shall include, but
12139 shall not be limited to, total energy consumption for the state,
12140 total costs related to the energy metrics being tracked, increases
12141 or decreases from year-to-year by the state and by each covered
12142 entity, and forecast models for the coming fiscal year. The
12143 Bureau of Building, Grounds and Real Property Management shall
12144 provide assistance in the development of this report, as needed.



12145 The division will also provide a list of covered entities that
12146 have not reported data in accordance with this section.

12147 (8) By November 1, 2014, and each subsequent five-year
12148 interval, each covered entity must submit a detailed energy
12149 management plan to the division. The detailed energy management
12150 plan shall describe specific measures to be taken to reduce the
12151 agency's energy consumption by energy unit measure over a
12152 five-year period. The plan shall also include a timetable to
12153 accomplish the agency's reduction goals. If the detailed energy
12154 management plan meets the criteria developed by the division, the
12155 division shall approve the plan. If the detailed energy
12156 management plan fails to meet the criteria, the division shall
12157 disapprove the detailed energy management plan and notify the
12158 submitting agency in writing, including the reasons for
12159 disapproval. Covered entities that do not submit an energy
12160 management plan by the deadline or fail to remedy changes
12161 subsequently required by the division shall, at the discretion of
12162 the division, not be eligible to receive energy conservation funds
12163 from the Bureau of Building, Grounds and Real Property Management
12164 or be eligible to receive capital improvement funds from the
12165 Bureau of Building, Grounds and Real Property Management or be
12166 eligible to receive any state, federal or other funds from the
12167 division until such time as the entity has an energy management
12168 plan approved by the division.



12169 **SECTION 212.** Section 57-49-11, Mississippi Code of 1972, is
12170 amended as follows:

12171 57-49-11. The Nuclear Waste Technical Review Committee
12172 hereby created and hereinafter referred to as the "committee"
12173 shall exercise the powers and duties and discharge the
12174 responsibilities enumerated herein.

12175 The committee shall originally consist of eight (8) members,
12176 one (1) of whom shall be the Executive Director of the Department
12177 of Wildlife, Fisheries and Parks, one (1) of whom shall be
12178 Director of the Emergency Management Agency, one (1) of whom shall
12179 be the State Health Officer, one (1) of whom shall be the
12180 Commissioner of Higher Education, one (1) of whom shall be
12181 the * * * Commissioner of Higher * * * Education, one (1) of whom
12182 shall be the Executive Director of the Department of Environmental
12183 Quality, one (1) of whom shall be the staff member responsible for
12184 the Nuclear Waste Program within the Department of Environmental
12185 Quality who shall serve as secretary in a nonvoting capacity, and
12186 one (1) of whom shall be the Executive Director of the * * *
12187 Mississippi Development Authority. The chairman shall be elected
12188 from among the membership of the committee.

12189 Committee members shall be permitted to designate substitute
12190 or alternate members to act in their stead, should they be unable
12191 to assume the responsibility of serving on the committee. The
12192 committee, by a majority vote of its membership, may recommend to
12193 the chairman that additional appointments should be made to the



12194 committee from other state agencies and the chairman shall make
12195 such appointments.

12196 The members of the committee shall receive reimbursement for
12197 mileage and actual expenses incurred in the performance of their
12198 duties at the rate authorized by Section 25-3-41. Members of the
12199 committee who are state employees shall be reimbursed for those
12200 expenses incurred which are authorized by Section 25-3-41.

12201 Provided that funding is available under Section 57-49-39,
12202 the members of the committee shall receive per diem compensation
12203 at the rate authorized by Section 25-3-69 for each day spent in
12204 the actual discharge of their duties when attending a meeting of
12205 the committee.

12206 **SECTION 213.** Section 57-55-5, Mississippi Code of 1972, is
12207 amended as follows:

12208 57-55-5. (1) In order to promote the orderly modernization
12209 and simplification of the law of the state and more complete
12210 utilization of the law resources of this state, the Mississippi
12211 Law Research Institute, hereafter referred to as MLRI, is hereby
12212 established as an official advisory law revision, research and
12213 reform agency of the State of Mississippi under the management and
12214 control of the University of Mississippi Board of Trustees * * *
12215 as an academic department of the University of Mississippi Law
12216 Center.

12217 (2) The general purpose of the MLRI shall be to promote and
12218 encourage the clarification and simplification of the law of



12219 Mississippi, to improve the administration of justice, and to
12220 carry on scholarly legal research in anticipation of legal
12221 requirements for the efficient utilization and conservation of the
12222 natural resources of the state and the promotion of social,
12223 agricultural, industrial and commercial development. To that end
12224 it shall be the duty of said institute (a) to consider needed
12225 improvements in both substantive and adjective law and to make
12226 recommendations concerning same to the Legislature; (b) to examine
12227 and study the law of Mississippi and Mississippi jurisprudence
12228 with the object of discovering defects and inequities and of
12229 recommending needed reforms; (c) to receive and consider
12230 suggestions from judges, justices, public officials, lawyers and
12231 the public generally as to defects and anachronisms in the law;
12232 (d) to recommend from time to time such changes in the law as it
12233 deems necessary to reform or eliminate antiquated and inequitable
12234 rules of law and to bring the law of the state, both civil and
12235 criminal, into harmony with modern conditions; (e) to perform
12236 research and prepare reports on matters of law in support of the
12237 Legislature; (f) to advise and assist local governments, state
12238 agencies and associations by performing law research and
12239 preparation of related material, such as statutes and ordinances,
12240 reports, manuals, handbooks, codes, and conducting courses of
12241 instruction for the more efficient application of law and
12242 utilization of governmental resources; and (g) to prepare and
12243 publish texts and other scholarly works on law and procedure to



12244 aid in the administration of government within the state. In
12245 addition, the MLRI in cooperation with the Legislature and its
12246 staff shall devise and carry out a plan for continuous and
12247 comprehensive improvement in the utility and quality of the
12248 Mississippi Code. The MLRI shall coordinate its efforts with the
12249 work of the American Law Institute, National Conference of
12250 Commissioners on Uniform State Laws, the law and government
12251 institutes of the several states, and other such organizations in
12252 aid of the mission of said institute.

12253 **SECTION 214.** Section 57-55-7, Mississippi Code of 1972, is
12254 amended as follows:

12255 57-55-7. (1) The Mississippi State University Board of
12256 Trustees * * * is hereby authorized and directed to establish a
12257 Mississippi Water Resources Research Institute, hereinafter
12258 referred to as the WRRRI, at Mississippi State University under the
12259 direct supervision of the president of the university or a vice
12260 president to be designated by the president.

12261 (2) It shall be the function and duty of the WRRRI to:

12262 (a) Assist state agencies in the development and
12263 maintenance of a state water management plan;

12264 (b) Consult with state and local governmental agencies,
12265 water management districts, water user associations, the
12266 Legislature of the State of Mississippi, and other potential users
12267 in identifying and establishing research, planning, policy, and
12268 management priorities regarding water problems * * *;



12269 (c) Negotiate and administer contracts with local,
12270 regional, state and federal agencies and other universities of the
12271 state for mitigation of priority water and related problems;

12272 (d) Report to the appropriate state agencies each year
12273 on the progress and findings of research projects;

12274 (e) Disseminate new information and facilitate transfer
12275 and application of new technologies as they are developed;

12276 (f) Provide for liaison between Mississippi and funding
12277 agencies as an advocate for Mississippi water research, planning,
12278 policy, and management needs; and

12279 (g) Facilitate and stimulate planning and management
12280 that:

12281 (i) Deals with water policy issues facing the
12282 State of Mississippi;

12283 (ii) Supports state water agencies' missions with
12284 research on problems encountered and expected;

12285 (iii) Provides water planning and management
12286 organizations with tools to increase efficiency and effectiveness
12287 of water planning and management.

12288 (3) The principal administrative officer of the WRI shall
12289 be a director, who shall be appointed by the President of
12290 Mississippi State University, with the approval of the university
12291 board of trustees * * *. To meet the purposes of the WRI, the
12292 director shall develop appropriate policies and procedures (a) for
12293 identification of priority research problems; (b) for



12294 collaborating with local and state governmental agencies, water
12295 user associations, other universities, federal government
12296 agencies, and the Legislature in the formulation of its research
12297 program; (c) for selection of projects to be funded; and (d) for
12298 the dissemination and transfer of information and technology
12299 produced by research.

12300 **SECTION 215.** Section 57-55-9, Mississippi Code of 1972, is
12301 amended as follows:

12302 57-55-9. (1) The Mississippi Mineral Resources Institute,
12303 hereinafter referred to as MMRI, is hereby established. The MMRI
12304 shall be under the management and control of the University of
12305 Mississippi Board of Trustees * * *. The principal offices of the
12306 MMRI shall be located at the University of Mississippi. The MMRI
12307 shall be organized to coordinate mining and mineral research,
12308 planning and development with the appropriate disciplines in other
12309 institutions of higher learning and other state, federal and
12310 private agencies concerned with the development and conservation
12311 of the mineral resources of the state.

12312 (2) It shall be the function and duties of the MMRI to:

12313 (a) Conduct basic and applied research for the
12314 development and conservation of mineral resources, including, but
12315 not limited to, mining, land reclamation and disposal of waste
12316 material;

12317 (b) Assist and support mining and mineral related
12318 research programs at the various institutions of higher learning;



12319 (c) Assist and consult with state and local agencies in
12320 planning the development and conservation of mineral resources;

12321 (d) Maintain liaison with private industry and
12322 appropriate state and local agencies to promote industrial
12323 development and conservation of mineral resources and plan,
12324 initiate and maintain a program of cooperative training between
12325 private industry and the academic and technical institutions of
12326 the state;

12327 (e) Disseminate new information and facilitate transfer
12328 and application of new technologies as they are developed; and

12329 (f) Negotiate and administer contracts with private,
12330 local, regional, state and federal agencies.

12331 **SECTION 216.** Section 57-55-11, Mississippi Code of 1972, is
12332 amended as follows:

12333 57-55-11. (1) The Mississippi Small Business Development
12334 Center, hereinafter referred to as SBDC, is hereby established.
12335 The University of Mississippi Board of Trustees * * * is hereby
12336 authorized to establish the Mississippi Small Business Development
12337 Center at the University of Mississippi under the direct
12338 supervision of the chancellor of the university and the dean of
12339 the business school.

12340 (2) It shall be the function and duty of the SBDC to:

12341 (a) Develop a system to deliver management assistance
12342 to the small business community utilizing the resources of local,
12343 state and federal government programs, various segments of the



12344 private sector, and universities and colleges throughout the
12345 state;

12346 (b) Make management and technical assistance available
12347 to small businesses in Mississippi by linking together the above
12348 resources;

12349 (c) Develop small business opportunities for new
12350 start-ups and the expansion of existing businesses;

12351 (d) Develop the economic area served by the SBDC by
12352 providing opportunities for increased productivity through
12353 utilization of modern technology as developed by government, the
12354 university and the private sector;

12355 (e) Develop a clearinghouse for the collection and
12356 dissemination of economic and business data;

12357 (f) Assist businesses in developing more efficient
12358 marketing and distribution channels, including foreign trade
12359 marketing;

12360 (g) Increase opportunities for socially and/or
12361 economically disadvantaged entrepreneurs to enter the mainstream
12362 of our economy through an organized outreach program; and

12363 (h) Increase small business viability so that the small
12364 business client "graduates" from the SBDC.

12365 (3) The principal officer of the SBDC shall be an executive
12366 director who shall be appointed by the Chancellor of the
12367 University of Mississippi, with the approval of the university
12368 board of trustees * * *.



12369 **SECTION 217.** Section 57-55-13, Mississippi Code of 1972, is
12370 amended as follows:

12371 57-55-13. (1) The Mississippi Polymer Institute,
12372 hereinafter referred to as the MPI, is hereby established under
12373 the management and control of the University of Southern
12374 Mississippi Board of Trustees * * *. The principal offices of the
12375 MPI shall be located at the University of Southern Mississippi and
12376 shall be under the direction of the president and such other
12377 administrative authorities within the university as the board of
12378 trustees may determine.

12379 (2) It shall be the function of the MPI to conduct and
12380 sponsor research of interest to the polymer industries of the
12381 state, and to disseminate research results and other information
12382 of interest to appropriate individuals and research agencies for
12383 whom such knowledge will be helpful, and to the Mississippi
12384 polymer industries by conducting and sponsoring short courses,
12385 seminars and symposia. Said research shall be designed to
12386 increase the utilization of Mississippi raw materials in polymers
12387 and to support the rapidly growing polymer industry. Data from
12388 applications research will be released to appropriate Mississippi
12389 research agencies and industries for appropriate utilization. The
12390 MPI shall be organized to coordinate polymer research, planning
12391 and development with the appropriate disciplines in other
12392 institutions of higher learning and other state, federal and



12393 private agencies concerned with the development of Mississippi's
12394 polymer industry.

12395 **SECTION 218.** Section 57-55-15, Mississippi Code of 1972, is
12396 amended as follows:

12397 57-55-15. (1) The Mississippi Energy Research Center,
12398 hereinafter referred to as the MERC, is hereby established under
12399 the management and control of the Mississippi State University
12400 Board of Trustees * * *. The MERC shall be a unit of Mississippi
12401 State University under the direct supervision of the president
12402 thereof or a vice president to be designated by the president.

12403 (2) It shall be the purpose of the MERC to develop,
12404 implement and coordinate energy and energy-related research
12405 programs in Mississippi. It shall be the duty of the MERC to:

12406 (a) Conduct basic and applied research related to
12407 energy needs within Mississippi;

12408 (b) Consult with state and local government agencies,
12409 utilities, industry and Legislature and other potential users of
12410 research in identifying and prioritizing energy problems for
12411 research;

12412 (c) Negotiate and administer contracts with other
12413 universities of the state for the conduct of research projects;

12414 (d) Report to the Governor and to the Legislature each
12415 year on the progress and findings of research projects;

12416 (e) Facilitate the transfer and application of new
12417 technologies as they are developed; and



12418 (f) Facilitate and stimulate research that:
12419 (i) Deals with policy issues facing the
12420 Legislature;
12421 (ii) Supports state agencies' missions with
12422 research on problems encountered and expected; and
12423 (iii) Provides energy planning and management
12424 organizations with tools to increase efficiency and effectiveness
12425 of energy planning and management.

12426 (3) The principal administrative officer of the MERC shall
12427 be a director, who shall be appointed by the president with the
12428 approval of the university board of trustees * * *. To meet the
12429 purposes of the center, the director shall develop appropriate
12430 policies and procedures (a) for identification of priority
12431 research problems; (b) for collaborating with local and state
12432 government agencies, utilities, industry, other universities,
12433 federal government agencies and the Legislature in the formulation
12434 of its research program; (c) for selection of projects to be
12435 funded; and (d) for the transfer of technology which is produced
12436 by the research.

12437 **SECTION 219.** Section 57-55-17, Mississippi Code of 1972, is
12438 amended as follows:

12439 57-55-17. (1) The Mississippi Urban Research Center,
12440 hereinafter referred to as the MURC, is hereby established under
12441 the management and control of the Jackson State University Board
12442 of Trustees * * *. The principal officers of the MURC shall be



12443 located at Jackson State University and shall be under the
12444 direction of the president of the university subject to the
12445 governance of the board of trustees. The president shall appoint
12446 a director of the MURC who shall recommend to the president
12447 necessary professional and administrative staff of the center, all
12448 subject to the approval of the board of trustees.

12449 (2) It shall be the function of the Urban Research Center to
12450 conduct basic and applied research into urban problems and public
12451 policy and to make available the results of this research to
12452 private groups, public bodies and public officials. They may
12453 offer consultations and general advisory services concerning urban
12454 problems and their solutions. According to the policies of the
12455 university board of trustees * * * and with its approval, they may
12456 conduct instructional and training programs for those who are
12457 working in or expect to make careers in urban public service.
12458 Such training programs may be conducted by Jackson State
12459 University either in its own name or by agreement and cooperation
12460 with other public and private organizations. The MURC personnel
12461 shall cooperate fully with the various departments of the state
12462 government, with the colleges and universities of the state, with
12463 the University Research Center, with the Mississippi * * *
12464 Development Authority, and with other research and development
12465 agencies in an effort to fully effectuate the purpose of this
12466 section. All state agencies and departments are hereby authorized



12467 and directed to give the MURC and its personnel their full
12468 cooperation in every possible manner.

12469 **SECTION 220.** Section 57-64-7, Mississippi Code of 1972, is
12470 amended as follows:

12471 57-64-7. For the purposes of this chapter, the following
12472 words shall be defined as herein provided unless the context
12473 requires otherwise:

12474 (a) "Alliance" means a regional economic development
12475 alliance created under this chapter.

12476 (b) "Bond" or "bonds" means bonds, notes or other evidence
12477 of indebtedness of the local government unit issued pursuant to
12478 this chapter.

12479 (c) "Cost of project" means all costs of site preparation
12480 and other start-up costs; all costs of construction; all costs of
12481 fixtures and of real and personal property required for the
12482 purposes of the project and facilities related thereto, whether
12483 publicly or privately owned, including land and any rights or
12484 undivided interest therein, easements, franchises, fees, permits,
12485 approvals, licenses, and certificates and the securing of such
12486 permits, approvals, licenses, and certificates and all machinery
12487 and equipment, including motor vehicles which are used for project
12488 functions; and including any cost associated with the closure,
12489 post-closure maintenance or corrective action on environmental
12490 matters, financing charges and interest prior to and during
12491 construction and during such additional period as the alliance may



12492 reasonably determine to be necessary for the placing of the
12493 project in operation; costs of engineering, surveying,
12494 environmental geotechnical, architectural and legal services;
12495 costs of plans and specifications and all expenses necessary or
12496 incident to determining the feasibility or practicability of the
12497 project; administrative expenses; and such other expenses as may
12498 be necessary or incidental to the financing authorized in this
12499 chapter. The costs of any project may also include funds for the
12500 creation of a debt service reserve, a renewal and replacement
12501 reserve, bond insurance and credit enhancement, and such other
12502 reserves as may be reasonably required by the alliance for the
12503 operation of its projects and as may be authorized by any bond
12504 resolution or trust agreement or indenture pursuant to the
12505 provisions of which the issuance of any such bonds may be
12506 authorized. Any obligation or expense incurred for any of the
12507 foregoing purposes shall be regarded as a part of the costs of the
12508 project and may be paid or reimbursed as such out of the proceeds
12509 of user fees, of revenue bonds or notes issued under this chapter
12510 for such project, or from other revenues obtained by the alliance.

12511 (d) "County" means any county of this state.

12512 (e) "Foreign governmental unit" means any county, parish,
12513 city, town, village, utility district, school district, any
12514 community college, any institution of higher learning, any
12515 municipal airport authority, regional airport authority, port
12516 authority or any other political subdivision of another state.



12517 (f) "Governing body" means the board of supervisors of any
12518 county or the governing board of any city, town or village, the
12519 governing body of any utility district, the governing body of any
12520 school district or community college, the university board of
12521 trustees of any state institutions of higher learning, the
12522 governing body of any municipal or regional airport authority, the
12523 governing body of any port authority, or the governing body of any
12524 other political subdivision of the state. As to the state, the
12525 term governing body means the State Bond Commission.

12526 (g) "Holder of bonds" or "bondholder" or any similar term
12527 means any person who shall be the registered owner of any such
12528 bond or bonds which shall at the time be registered.

12529 (h) "Law" means any act or statute, general, special or
12530 local, of this state.

12531 (i) "Local government unit" means any county or incorporated
12532 city, town or village in the state, any school district, any
12533 utility district, any community college, any institution of higher
12534 learning, any municipal airport authority, any regional airport
12535 authority, any port authority or any other political subdivision
12536 of the state acting jointly or severally.

12537 (j) "MDA" means the Mississippi Development Authority.

12538 (k) "Municipality" means any incorporated municipality in
12539 the state.

12540 (l) "Person" means a natural person, partnership,
12541 association, corporation, business trust or other business entity.



12542 (m) "Project" means and includes any of the following which
12543 promotes economic development or which assists in the creation of
12544 jobs, whether publicly or privately owned:

12545 (i) Acquisition, construction, repair, renovation,
12546 demolition or removal of:

- 12547 1. Buildings and site improvements (including
12548 fixtures);
- 12549 2. Potable and nonpotable water supply
12550 systems;
- 12551 3. Sewage and waste disposal systems;
- 12552 4. Storm water drainage and other drainage
12553 systems;
- 12554 5. Airport facilities;
- 12555 6. Rail lines and rail spurs;
- 12556 7. Port facilities;
- 12557 8. Highways, streets and other roadways;
- 12558 9. Fire suppression and prevention systems;
- 12559 10. Utility distribution systems, including,
12560 but not limited to, water, electricity, natural gas, telephone and
12561 other information and telecommunications facilities, whether by
12562 wire, fiber or wireless means; provided, however, that electrical,
12563 natural gas, telephone and telecommunication systems shall be
12564 constructed, repaired or renovated only for the purpose of
12565 completing the project and connecting to existing utility systems
12566 (this provision shall not be construed to prevent a city, county



12567 or natural gas district from supplying utility service that it is
12568 authorized to supply in the service area that it is authorized to
12569 serve);

12570 11. Business, industrial and technology parks
12571 and the acquisition of land and acquisition or construction of
12572 improvements to land connected with any of the preceding purposes;

12573 (ii) County purposes authorized by or defined in
12574 Sections 17-5-3 and 19-9-1, (except Section 19-9-1(f));

12575 (iii) Municipal purposes authorized by or defined
12576 in Sections 17-5-3, 17-17-301 et seq., 21-27-23 and 21-33-301;

12577 (iv) Refunding of bonds as authorized in Section
12578 21-27-1 et seq.; and

12579 (v) A project as defined in Section 57-75-5(f) (i)
12580 or a facility related to the project as defined in Section
12581 57-75-5(d), or both.

12582 (n) "Resolution" means a resolution, ordinance, act,
12583 record of minutes or other appropriate enactment of a governing
12584 body.

12585 (o) "Revenues" mean any and all taxes, fees, rates,
12586 rentals, profits and receipts collected by, payable to, or
12587 otherwise derived by, the local government units and foreign
12588 governmental units, and all other monies and income of whatsoever
12589 kind or character collected by, payable to, or otherwise derived
12590 by, the local government unit and foreign governmental units in



12591 connection with the economic development projects provided through
12592 this chapter.

12593 (p) "Security" means a bond, note or other evidence of
12594 indebtedness issued by a local government unit pursuant to the
12595 provisions of this chapter.

12596 (q) "State" means the State of Mississippi.

12597 **SECTION 221.** Section 57-67-5, Mississippi Code of 1972, is
12598 amended as follows:

12599 57-67-5. Words and phrases used in this chapter shall have
12600 meanings as follows, unless the context clearly indicates a
12601 different meaning:

12602 (a) "Act" means the Mississippi Superconducting Super
12603 Collider Act as originally enacted or as hereafter amended.

12604 (b) "Authority" means the Mississippi Superconducting
12605 Super Collider Authority created pursuant to the chapter.

12606 (c) "Bonds" means bonds, interim notes and other
12607 certificates of indebtedness of the authority issued pursuant to
12608 the provisions of Sections 57-67-19 through 57-67-31.

12609 (d) "Facility related to the project" means and
12610 includes any of the following, as the same may pertain to the
12611 project:

12612 (i) Facilities to provide potable and industrial
12613 water supply systems (including cooling lakes) and sewage and
12614 waste disposal systems to the site of the project;

12615 (ii) Airports, airfields and air terminals;



12616 (iii) Rail lines;
12617 (iv) Port facilities on the Tennessee-Tombigbee
12618 Waterway;
12619 (v) Highways, streets and other roadways;
12620 (vi) Public school buildings, classrooms and
12621 instructional facilities, including any functionally related
12622 facilities;
12623 (vii) Parks, outdoor recreation facilities and
12624 athletic facilities; and
12625 (viii) Auditoriums, pavilions, campgrounds, art
12626 centers, cultural centers, folklore centers and other public
12627 facilities.

12628 (e) "Person" means any natural person, corporation,
12629 association, partnership, receiver, trustee, guardian, executor,
12630 administrator, fiduciary, governmental unit, public agency,
12631 political subdivision, or any other group acting as a unit, and
12632 the plural as well as the singular.

12633 (f) "Project" means the superconducting super colliding
12634 particle beam accelerator, known as the Superconducting Super
12635 Collider, proposed to be constructed by the United States
12636 Department of Energy, as described in the Invitation for Proposals
12637 issued by said department, as now or hereafter supplemented or
12638 amended, together with all real property required for
12639 construction, maintenance and operation of the Superconducting
12640 Super Collider, and all buildings, tunneling and other supporting



12641 land and facilities required or useful for construction,
12642 maintenance and operation of the Superconducting Super Collider.

12643 (g) "Project area" means the project site, together
12644 with any area or territory within the state lying within fifty
12645 (50) air miles from any portion of the project site to be conveyed
12646 to the Department of Energy, whether or not such area or territory
12647 be contiguous. "Project site" means the real property to be
12648 conveyed to the United States Department of Energy as set forth in
12649 the application to be filed with the Department of Energy by the
12650 authority.

12651 (h) "Public agency" means and includes:

12652 (i) The state and any department, board,
12653 commission, institution or other agency or instrumentality of the
12654 state, including, but not limited to, the university boards of
12655 trustees * * * and the State Board of Education;

12656 (ii) Any city, town, county, political
12657 subdivision, school district or other district created or existing
12658 under the laws of the state or any public agency of any such city,
12659 town, county, political subdivision or district;

12660 (iii) Any department, commission, agency or
12661 instrumentality of the United States of America; and

12662 (iv) Any other state of the United States of
12663 America which may be cooperating with respect to location of the
12664 project within the state, or any agency thereof.

12665 (i) "State" means State of Mississippi.



12666 (j) "State bonds" means general obligation bonds, notes
12667 or other evidences of the State of Mississippi issued under
12668 Section 57-67-15.

12669 **SECTION 222.** Section 57-67-13, Mississippi Code of 1972, is
12670 amended as follows:

12671 57-67-13. (1) The * * * Commissioner of Higher * * *
12672 Education, in consultation with the state institutions of higher
12673 learning, is hereby directed to develop plans for the creation of
12674 an Institute of High Energy Physics. Upon notification to the
12675 authority by the Department of Energy that the state has been
12676 selected as the site of the project, the * * * Commissioner of
12677 Higher * * * Education not later than one (1) year thereafter
12678 shall establish and create the institute. Such institute shall
12679 include at least twenty (20) funded faculty positions and shall
12680 include facilities to accommodate faculty and graduate students.

12681 (2) The * * * Commissioner of Higher * * * Education, in
12682 consultation with the state institutions of higher learning, is
12683 hereby directed to develop plans for the creation of an Institute
12684 for Mathematics and Computing Sciences. Upon notification to the
12685 authority by the Department of Energy that the state has been
12686 selected as the site of the project, the * * * Commissioner of
12687 Higher * * * Education not later than one (1) year thereafter
12688 shall establish and create the institute.

12689 (3) The authority is hereby directed to develop plans for
12690 technology transfer activities to ensure private sector conduits



12691 for exchange of information, technology and expertise related to
12692 the project to generate opportunities for commercial development
12693 within the state.

12694 **SECTION 223.** Section 57-75-13, Mississippi Code of 1972, is
12695 amended as follows:

12696 57-75-13. The * * * state institutions of higher
12697 learning * * * are hereby authorized to support the project by
12698 creating institutes and developing curricula of direct benefit to
12699 the enterprise. Upon notification to the authority by the
12700 enterprise that the state has been selected as the site of the
12701 project, the * * * Commissioner of Higher * * * Education may
12702 establish and create programs to enhance the project's success.

12703 **SECTION 224.** Section 61-5-71, Mississippi Code of 1972, is
12704 amended as follows:

12705 61-5-71. It shall be the public policy of this state to
12706 encourage the construction, equipping, maintenance and operation
12707 of adequate transportation facilities, including airports, if
12708 needed, for use of the state university and the state supported
12709 four-year colleges now or hereafter located in the state, as
12710 necessary in the operation and training program of such university
12711 and colleges and desirable for the use of the municipalities and
12712 areas in or near which such airports may be located as well as
12713 being helpful in the economic, industrial and business development
12714 of said counties. It is the intent of Sections 61-5-71 through
12715 61-5-77 to provide means whereby * * * university boards of



12716 trustees * * *, the State Building Commission and any and all
12717 other state agencies which have either constructed such airport
12718 facilities, or contemplate so doing, may obtain assistance and
12719 contributions of funds from any municipality in or near which any
12720 such college may be located and from the county in which any such
12721 airport facilities may be located. It is also the intent of said
12722 sections to authorize such municipalities and counties to borrow
12723 money and issue bonds, under their respective bond laws, to
12724 provide funds for the purpose of aiding and assisting in the
12725 acquisition of sites for such airports, construction of buildings,
12726 construction of runways and extension of runways and in
12727 constructing and equipping all facilities needed or desirable for
12728 such airports.

12729 **SECTION 225.** Section 61-5-73, Mississippi Code of 1972, is
12730 amended as follows:

12731 61-5-73. The boards of supervisors of the several counties
12732 of the state are authorized, in their discretion, to acquire by
12733 condemnation, donation, lease or purchase land to be used as an
12734 airport or landing place for airplanes. They may erect such
12735 buildings thereon as they may deem necessary for such purpose, and
12736 equip and maintain such airport.

12737 The boards of supervisors of the several counties of the
12738 state, wherein the university or other state supported four-year
12739 colleges now or hereafter in existence, are or shall be located,
12740 are authorized, in their discretion, to assist the university



12741 boards of trustees * * *, the State Building Commission or any
12742 other state agency by contributing county funds to be used in the
12743 acquisition of a site for an airport, erecting suitable buildings,
12744 building or extending runways and equipping, maintaining and
12745 operating an airport, which shall be available for the use of said
12746 university or colleges, as the case may be, and for the general
12747 public.

12748 **SECTION 226.** Section 61-5-75, Mississippi Code of 1972, is
12749 amended as follows:

12750 61-5-75. The governing authorities of any municipality are
12751 authorized, in their discretion, to exercise all the powers
12752 conferred on boards of supervisors with reference to acquiring
12753 land to be used as an airport or landing place for airplanes, and
12754 erect suitable buildings thereon, and equip and maintain such
12755 airport. They may acquire airports or landing places already
12756 established. Such airport or landing place may be situated beyond
12757 the limits of such municipality. The governing authorities of a
12758 municipality may lease, or sublease, or contract the maintenance
12759 and operation of, any airport or landing place for airplanes to
12760 the United States of America, or any department or agency thereof,
12761 or to any person, firm, association, or corporation, for the
12762 purpose of training aviators and for other legal purposes. The
12763 county wherein such airport may be situated is hereby authorized
12764 to make such contribution to the cost of acquiring the necessary
12765 land for such airport, the placing of same in suitable condition,



12766 and the equipping and maintenance thereof, as the board of
12767 supervisors of such county and the governing body of such
12768 municipality may mutually agree upon.

12769 The governing authorities of the several municipalities of
12770 the state in or near which the state university or a state
12771 supported four-year college, now or hereafter in existence, are or
12772 shall be located, are authorized, in their discretion, to assist
12773 the university boards of trustees * * *, the State Building
12774 Commission or any other state agency by contributing municipal
12775 funds to be used in the acquisition of a site for an airport,
12776 erecting suitable buildings and building or extending runways,
12777 equipping, maintaining and operating an airport, which shall be
12778 available for the use of said university or colleges, as the case
12779 may be, and for the general public.

12780 Any such municipality which offers assistance in the
12781 acquisition of a site for constructing suitable buildings,
12782 building or extending runways or maintaining and operating such
12783 airports for the university or other state supported colleges, as
12784 the case may be, may or may not be in the county in which the
12785 university or the state supported four-year college is located,
12786 provided the airport is not more than ten (10) miles from said
12787 municipality.

12788 **SECTION 227.** Section 63-3-210, Mississippi Code of 1972, is
12789 amended as follows:



12790 63-3-210. (1) * * * Each university board of trustees * * *
12791 may, in accordance with Section 37-105-1, enact rules and
12792 regulations that prohibit the operation of motor scooters, which
12793 are rented in accordance with Section 63-1-6.1, on certain roads
12794 or highways located on property owned or under the control and
12795 supervision of the university, if the board deems the prohibition
12796 to be in the interest of public safety.

12797 (2) The governing board of any municipality may enact rules
12798 and regulations that prohibit the operation of motor scooters,
12799 which are rented in accordance with Section 63-1-6.1, on certain
12800 roads or highways, if the board deems the prohibition to be in the
12801 interest of public safety.

12802 **SECTION 228.** Section 63-11-32, Mississippi Code of 1972, is
12803 amended as follows:

12804 63-11-32. (1) The State Department of Public Safety in
12805 conjunction with the Governor's Highway Safety Program, the State
12806 Board of Health, or any other state agency or institution shall
12807 develop and implement a driver improvement program for persons
12808 identified as first offenders convicted of driving while under the
12809 influence of intoxicating liquor or another substance which had
12810 impaired such person's ability to operate a motor vehicle,
12811 including provision for referral to rehabilitation facilities.

12812 (2) The program shall consist of a minimum of ten (10) hours
12813 of instruction. Each person who participates shall pay a nominal
12814 fee to defray a portion of the cost of the program.



12815 (3) Such assessments as are collected under subsection (2)
12816 of Section 99-19-73 shall be deposited in a special fund hereby
12817 created in the State Treasury and designated the "Mississippi
12818 Alcohol Safety Education Program Fund." Monies deposited in such
12819 fund shall be expended by the * * * state institutions of higher
12820 learning as authorized and appropriated by the Legislature to
12821 defray the costs of the Mississippi Alcohol Safety Education
12822 Program operated pursuant to the provisions of this section. Any
12823 revenue in the fund which is not encumbered at the end of the
12824 fiscal year shall lapse to the General Fund.

12825 (4) Such assessments as are collected under subsection (2)
12826 of Section 99-19-73 shall be deposited in a special fund hereby
12827 created in the State Treasury and designated the "Federal-State
12828 Alcohol Program Fund." Monies deposited in such fund shall be
12829 expended by the Department of Public Safety as authorized and
12830 appropriated by the Legislature to defray the costs of alcohol and
12831 traffic safety programs. Any revenue in the fund which is not
12832 encumbered at the end of the fiscal year shall lapse to the
12833 General Fund.

12834 (5) Such assessments as are collected under subsection (2)
12835 of Section 99-19-73 shall be deposited in a special fund hereby
12836 created in the State Treasury and designated the "Mississippi
12837 Forensics Laboratory Implied Consent Law Fund." Monies deposited
12838 in such fund shall be expended by the Department of Public Safety
12839 as authorized and appropriated by the Legislature to defray the



12840 costs of equipment replacement and operational support of the
12841 Mississippi Forensics Laboratory relating to enforcement of the
12842 Implied Consent Law. Any revenue in the fund which is not
12843 encumbered at the end of the fiscal year shall not lapse to the
12844 General Fund but shall remain in the fund.

12845 **SECTION 229.** Section 69-2-5, Mississippi Code of 1972, is
12846 amended as follows:

12847 69-2-5. (1) The Mississippi Cooperative Extension Service
12848 shall act as a clearinghouse for the dissemination of information
12849 regarding programs and services which may be available to help
12850 those persons and businesses which have been adversely affected by
12851 the present emergency in the agricultural community. The
12852 Cooperative Extension Service shall develop a plan of assistance
12853 which shall identify all programs and services available within
12854 the state which can be of assistance to those affected by the
12855 present emergency. The Department of Agriculture and Commerce,
12856 Department of Finance and Administration, Department of Human
12857 Services, Department of Mental Health, State Department of Health,
12858 the Mississippi State University Board of Trustees, Mississippi
12859 Community College Board, Research and Development Center,
12860 Mississippi Development Authority, Department of Employment
12861 Security, Office of the Governor, Board of Vocational and
12862 Technical Education, Mississippi Authority for Educational
12863 Television, and other agencies of the state which have programs
12864 and services that can be of assistance to those affected by the



12865 present emergency, shall provide information regarding their
12866 programs and services to the Cooperative Extension Service for use
12867 in the clearinghouse. The types of programs and services shall
12868 include, but not be limited to, financial counseling, farm and
12869 small business management, employment services, labor market
12870 information, job retraining, vocational and technical training,
12871 food stamp programs, personal counseling, health services, and
12872 free or low cost legal services. The clearinghouse shall provide
12873 a single contact point to provide program information and referral
12874 services to individuals interested or needing services from
12875 state-funded assistance programs affecting agriculture,
12876 horticulture, aquaculture and other agribusinesses or related
12877 industries. Such assistance information shall identify all monies
12878 available under the Small Business Financing Act, the Business
12879 Investment Act, the Emerging Crops Fund legislation and any other
12880 sources which may be used singularly or combined, to provide a
12881 comprehensive financing package. The provisions of this section
12882 in establishing a single contact point for information and
12883 referral services shall not be construed to authorize the hiring
12884 of additional personnel.

12885 (2) The Cooperative Extension Service may accept monetary or
12886 in-kind contributions, gifts and grants for the establishment or
12887 operation of the clearinghouse.



12888 (3) The Cooperative Extension Service shall establish a
12889 method for the dissemination of information to those who can be
12890 benefited by the existing programs and services of the state.

12891 (4) The Cooperative Extension Service shall file an annual
12892 report with the Governor, Lieutenant Governor and Speaker of the
12893 House of Representatives regarding the efforts which have been
12894 made in the clearinghouse operation. The report shall also
12895 recommend any additional measures, including legislation, which
12896 may be needed or desired in providing programs and benefits to
12897 those affected by the agricultural emergency.

12898 **SECTION 230.** Section 73-15-19, Mississippi Code of 1972, is
12899 amended as follows:

12900 73-15-19. (1) **Registered nurse applicant qualifications.**
12901 Any applicant for a license to practice as a registered nurse
12902 shall submit to the board:

12903 (a) An attested written application on a Board of
12904 Nursing form;

12905 (b) Written official evidence of completion of a
12906 nursing program approved by the proper university board of
12907 trustees * * *, or one (1) approved by a legal accrediting agency
12908 of another state, territory or possession of the United States,
12909 the District of Columbia, or a foreign country which is
12910 satisfactory to this board;

12911 (c) Evidence of competence in English related to
12912 nursing, provided the first language is not English;



12913 (d) Any other official records required by the board.
12914 In addition to the requirements specified in paragraphs (a)
12915 through (d) of this subsection, in order to qualify for a license
12916 to practice as a registered nurse, an applicant must have
12917 successfully been cleared for licensure through an investigation
12918 that shall consist of a determination as to good moral character
12919 and verification that the prospective licensee is not guilty of or
12920 in violation of any statutory ground for denial of licensure as
12921 set forth in Section 73-15-29 or guilty of any offense specified
12922 in Section 73-15-33. To assist the board in conducting its
12923 licensure investigation, all applicants shall undergo a
12924 fingerprint-based criminal history records check of the
12925 Mississippi central criminal database and the Federal Bureau of
12926 Investigation criminal history database. Each applicant shall
12927 submit a full set of his or her fingerprints in a form and manner
12928 prescribed by the board, which shall be forwarded to the
12929 Mississippi Department of Public Safety (department) and the
12930 Federal Bureau of Investigation Identification Division for this
12931 purpose.

12932 Any and all state or national criminal history records
12933 information obtained by the board that is not already a matter of
12934 public record shall be deemed nonpublic and confidential
12935 information restricted to the exclusive use of the board, its
12936 members, officers, investigators, agents and attorneys in
12937 evaluating the applicant's eligibility or disqualification for



12938 licensure, and shall be exempt from the Mississippi Public Records
12939 Act of 1983. Except when introduced into evidence in a hearing
12940 before the board to determine licensure, no such information or
12941 records related thereto shall, except with the written consent of
12942 the applicant or by order of a court of competent jurisdiction, be
12943 released or otherwise disclosed by the board to any other person
12944 or agency.

12945 The board shall provide to the department the fingerprints of
12946 the applicant, any additional information that may be required by
12947 the department, and a form signed by the applicant consenting to
12948 the check of the criminal records and to the use of the
12949 fingerprints and other identifying information required by the
12950 state or national repositories.

12951 The board shall charge and collect from the applicant, in
12952 addition to all other applicable fees and costs, such amount as
12953 may be incurred by the board in requesting and obtaining state and
12954 national criminal history records information on the applicant.

12955 The board may, in its discretion, refuse to accept the
12956 application of any person who has been convicted of a criminal
12957 offense under any provision of Title 97 of the Mississippi Code of
12958 1972, as now or hereafter amended, or any provision of this
12959 article.

12960 (2) **Licensure by examination.** (a) Upon the board being
12961 satisfied that an applicant for a license as a registered nurse
12962 has met the qualifications set forth in subsection (1) of this



12963 section, the board shall proceed to examine such applicant in such
12964 subjects as the board shall, in its discretion, determine. The
12965 subjects in which applicants shall be examined shall be in
12966 conformity with curricula in schools of nursing approved by * * *
12967 each university board of trustees * * *, or one (1) approved by a
12968 legal accrediting agency of another state, territory or possession
12969 of the United States, the District of Columbia, or a foreign
12970 country which is satisfactory to the board.

12971 (b) The applicant shall be required to pass the written
12972 examination as selected by the board.

12973 (c) Upon successful completion of such examination, the
12974 board shall issue to the applicant a license to practice as a
12975 registered nurse.

12976 (d) The board may use any part or all of the state
12977 board test pool examination for registered nurse licensure, its
12978 successor examination, or any other nationally standardized
12979 examination identified by the board in its rules. The passing
12980 score shall be established by the board in its rules.

12981 (3) **Licensure by endorsement.** The board may issue a license
12982 to practice nursing as a registered nurse without examination to
12983 an applicant who has been duly licensed as a registered nurse
12984 under the laws of another state, territory or possession of the
12985 United States, the District of Columbia, or a foreign country if,
12986 in the opinion of the board, the applicant meets the
12987 qualifications required of licensed registered nurses in this



12988 state and has previously achieved the passing score or scores on
12989 the licensing examination required by this state, at the time of
12990 his or her graduation. The issuance of a license by endorsement
12991 to a military-trained applicant or military spouse shall be
12992 subject to the provisions of Section 73-50-1.

12993 (4) **Requirements for rewriting the examination.** The board
12994 shall establish in its rules the requirements for rewriting the
12995 examination for those persons failing the examination on the first
12996 writing or subsequent rewriting.

12997 (5) **Fee.** The applicant applying for a license by
12998 examination or by endorsement to practice as a registered nurse
12999 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
13000 board.

13001 (6) **Temporary permit.** (a) The board may issue a temporary
13002 permit to practice nursing to a graduate of an approved school of
13003 nursing pending the results of the examination in Mississippi, and
13004 to a qualified applicant from another state, territory or
13005 possession of the United States, or District of Columbia, or
13006 pending licensure procedures as provided for elsewhere in this
13007 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

13008 (b) The board may issue a temporary permit for a period
13009 of ninety (90) days to a registered nurse who is currently
13010 licensed in another state, territory or possession of the United
13011 States or the District of Columbia and who is an applicant for
13012 licensure by endorsement. Such permit is not renewable except by



13013 board action. The issuance of a temporary permit to a
13014 military-trained applicant or military spouse shall be subject to
13015 the provisions of Section 73-50-1.

13016 (c) The board may issue a temporary permit to a
13017 graduate of an approved school of nursing pending the results of
13018 the first licensing examination scheduled after application. Such
13019 permit is not renewable except by board action.

13020 (d) The board may issue a temporary permit for a period
13021 of thirty (30) days to any registered nurse during the time
13022 enrolled in a nursing reorientation program. This time period may
13023 be extended by board action. The fee shall not exceed Twenty-five
13024 Dollars (\$25.00).

13025 (e) The board may adopt such regulations as are
13026 necessary to limit the practice of persons to whom temporary
13027 permits are issued.

13028 (7) **Temporary license.** The board may issue a temporary
13029 license to practice nursing at a youth camp licensed by the State
13030 Board of Health to nonresident registered nurses and retired
13031 resident registered nurses under the provisions of Section
13032 75-74-8.

13033 (8) **Title and abbreviation.** Any person who holds a license
13034 or holds the privilege to practice as a registered nurse in this
13035 state shall have the right to use the title "registered nurse" and
13036 the abbreviation "R.N." No other person shall assume such title



13037 or use such abbreviation, or any words, letters, signs or devices
13038 to indicate that the person using the same is a registered nurse.

13039 (9) **Registered nurses licensed under a previous law.** Any
13040 person holding a license to practice nursing as a registered nurse
13041 issued by this board which is valid on July 1, 1981, shall
13042 thereafter be deemed to be licensed as a registered nurse under
13043 the provisions of this article upon payment of the fee provided in
13044 Section 73-15-27.

13045 (10) Each application or filing made under this section
13046 shall include the social security number(s) of the applicant in
13047 accordance with Section 93-11-64.

13048 **SECTION 231.** Section 73-15-33, Mississippi Code of 1972, is
13049 amended as follows:

13050 73-15-33. It is unlawful for any person, including a
13051 corporation or association, to:

13052 (a) Sell, fraudulently obtain or furnish any nursing
13053 diploma, license, renewal of license, or record, or to aid or abet
13054 therein;

13055 (b) Practice nursing as defined by this article under
13056 cover of any diploma, license, renewal of license, or record
13057 illegally or fraudulently obtained or signed or issued unlawfully
13058 or under fraudulent representation;

13059 (c) Practice or offer to practice nursing as defined by
13060 this article unless duly licensed or privileged to practice under
13061 the provisions of this article;



13062 (d) Use any title, designation or abbreviation by which
13063 a person presents to the public that he or she is a registered
13064 nurse, a licensed practical nurse or any other type of nurse,
13065 unless the person is duly licensed or privileged to practice under
13066 the provisions of this article; however, this paragraph does not
13067 prohibit a certified nurse assistant or certified nursing
13068 assistant from using the word "nurse" or "nursing" as part of his
13069 or her job title;

13070 (e) Practice as a registered nurse or a licensed
13071 practical nurse during the time his or her license or privilege to
13072 practice issued under the provisions of this article is under
13073 suspension or revocation;

13074 (f) Conduct a nursing education program for the
13075 preparation of registered nurses, unless the program has been
13076 accredited a state, regional or national accrediting agency
13077 approved by the university board of trustees * * *, or conduct a
13078 nursing education program for the preparation of licensed
13079 practical nurses unless the program has been accredited by the
13080 Department of Education through the Division of Vocational
13081 Education;

13082 (g) Willfully employ unlicensed persons or persons not
13083 holding the privilege to practice, to practice as registered
13084 nurses or licensed practical nurses; or

13085 (h) Willfully aid or abet any person who violates any
13086 provisions of this article.



13087 Any person, firm or corporation who violates any provisions
13088 of this article shall be guilty of a misdemeanor and, upon
13089 conviction thereof, shall be punished by a fine not less than One
13090 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
13091 (\$1,000.00) or by imprisonment in the county jail for not less
13092 than twelve (12) months, or by both such fine and imprisonment.
13093 It shall be necessary to prove, in any prosecution under this
13094 article, only a single act prohibited by law, or a single holding
13095 out or an attempt without proving a general course of conduct in
13096 order to constitute a violation. Each violation may constitute a
13097 separate offense. Except as otherwise authorized in Section
13098 7-5-39, it shall be the duty of the Attorney General to advise
13099 with the board in preparing charges, to assist in conducting board
13100 disciplinary hearings, to provide assistance with appropriate
13101 affidavits and other charges for filing in the appropriate court,
13102 and to assist the county or district attorney in prosecution, if
13103 any.

13104 **SECTION 232.** Section 75-59-1, Mississippi Code of 1972, is
13105 amended as follows:

13106 75-59-1. No person, firm or corporation shall contract to
13107 furnish correspondence courses to persons within the state unless
13108 such person, firm or corporation shall have obtained a permit from
13109 the Office of the Secretary of State, either (a) the State
13110 Department of Education, (b) the Mississippi Community College
13111 Board, or (c) the * * * Commissioner of Higher * * * Education,



13112 whichever is appropriate, and the Office of the Attorney General.
13113 An application for a permit shall be made on forms furnished by
13114 the Secretary of State, the State Department of Education, the
13115 Mississippi Community College Board or the * * * Commissioner of
13116 Higher * * * Education, as the case may be, and the Attorney
13117 General and such application shall designate an agent for the
13118 service of summons within the state; shall contain the name and
13119 address of the applicant; the type of courses offered with a brief
13120 summary of the course of studies offered; and one (1) copy of all
13121 textbooks or other teaching aids and training materials which are
13122 incorporated in the course of study shall be filed with said
13123 application. The applicant shall pay the Secretary of State a fee
13124 of Two Hundred Fifty Dollars (\$250.00). The applicant shall file
13125 a bond with his application in the sum of Fifty Thousand Dollars
13126 (\$50,000.00) conditioned to satisfy any judgment rendered by a
13127 court of competent jurisdiction, in favor of any person who has
13128 sustained damages as a result of the breach of a contract of
13129 instruction by the permittee. Such bond shall be executed by the
13130 permittee and a resident surety company qualified to transact
13131 business within the state. Such permit shall be valid for one (1)
13132 year from the date thereof. Suits against the permittee and his
13133 surety may be brought in the county where the plaintiff resides,
13134 or the county where the defendant has his principal place of
13135 business, or where his resident agent resides. This chapter shall
13136 not apply to any business school or business college holding a



13137 current certificate or license issued under the applicable law of
13138 this state. In addition, this chapter shall not apply to
13139 religious instructions offered by a recognized church
13140 denomination; provided, however, that no fee or charge of any kind
13141 whatever may be levied or collected directly or indirectly for
13142 such instructions or certificates issued in connection therewith
13143 or incidental thereto. No person shall be granted a permit unless
13144 he is an individual of good moral character.

13145 **SECTION 233.** Section 75-60-5, Mississippi Code of 1972, is
13146 amended as follows:

13147 75-60-5. The provisions of this chapter do not apply to the
13148 following categories of courses, schools or colleges:

13149 (a) Tuition-free courses or schools conducted by
13150 employers exclusively for their own employees;

13151 (b) Schools, colleges, technical institutes, community
13152 colleges, junior colleges or universities under the jurisdiction
13153 of * * * a university board of trustees * * * or the Mississippi
13154 Community College Board;

13155 (c) Schools or courses of instruction under the
13156 jurisdiction of the State Board of Cosmetology, State Board of
13157 Barber Examiners, the State Board of Massage Therapy or the State
13158 Board of Nursing;

13159 (d) Courses of instruction required by law to be
13160 approved or licensed, or given by institutions approved or
13161 licensed, by a state board or agency other than the Commission on



13162 Proprietary School and College Registration; however, a school so
13163 approved or licensed may apply to the Commission on Proprietary
13164 School and College Registration for a certificate of registration
13165 to be issued in accordance with the provisions of this chapter;

13166 (e) Correspondence education;

13167 (f) Nonprofit private schools offering academic credits
13168 at primary or secondary levels, or conducting classes for
13169 exceptional education as defined by regulations of the State
13170 Department of Education;

13171 (g) Private nonprofit colleges and universities or any
13172 private school offering academic credits at primary, secondary or
13173 postsecondary levels;

13174 (h) Courses of instruction conducted by a public school
13175 district or a combination of public school districts;

13176 (i) Courses of instruction conducted outside the United
13177 States;

13178 (j) A school that offers only instruction in subjects
13179 that the Commission on Proprietary School and College Registration
13180 determines are primarily for a vocational, personal improvement or
13181 cultural * * * purpose and that does not represent to the public
13182 that its course of study or instruction will or may produce income
13183 for those who take that study or instruction;

13184 (k) Courses conducted primarily on an individual
13185 tutorial basis, where not more than one (1) student is involved at
13186 any one time, except in those instances where the Commission on



13187 Proprietary School and College Registration determines that the
13188 course is for the purpose of preparing for a vocational objective;
13189 (1) Kindergartens or similar programs for preschool-age
13190 children.

13191 **SECTION 234.** Section 75-76-34, Mississippi Code of 1972, is
13192 amended as follows:

13193 75-76-34. (1) Except as otherwise provided in this section,
13194 the Mississippi Gaming Commission is authorized to regulate all
13195 schools or training institutions that teach or train gaming
13196 employees. No such school shall be located on publicly owned
13197 property, other than property under the jurisdiction of * * * a
13198 state institutions of higher learning or a public community
13199 college. Except as authorized under this section, no public
13200 school shall teach or train persons to be gaming employees. The
13201 gaming educational activities of schools or training institutions
13202 regulated by the commission and of state institutions of higher
13203 learning and public community colleges shall be deemed to be legal
13204 under the laws of the State of Mississippi. Any person desiring
13205 to operate a school or training institution other than a state
13206 institution of higher learning or public community college must
13207 file a license application with the executive director to be
13208 licensed by the commission.

13209 (2) The commission may adopt regulations it deems necessary
13210 to regulate schools and training institutions other than state
13211 institutions of higher learning and public community colleges.



13212 These regulations shall, without limiting the general powers of
13213 the commission, include the following:

13214 (a) Prescribing the method and form of application
13215 which any applicant for a school or training institution must
13216 follow and complete before consideration of his application by the
13217 executive director or commission.

13218 (b) Prescribing the information to be furnished by the
13219 applicant relating to his employees.

13220 (c) Requiring fingerprinting of the applicant,
13221 employees and students of the school or institution or other
13222 methods of identification and the forwarding of all fingerprints
13223 taken pursuant to regulation of the Federal Bureau of
13224 Investigation.

13225 (d) Requiring any applicant to pay all or part of the
13226 fees and costs of investigation of the applicant as may be
13227 determined by the commission.

13228 (e) Prescribing the manner and method of collection and
13229 payment of fees and costs and issuance of licenses to schools or
13230 training institutions.

13231 (f) Prescribing under what conditions a licensee
13232 authorized by this section may be deemed subject to revocation or
13233 suspension of his license.

13234 (g) Defining the curriculum of the school or training
13235 institution, the games and devices permitted, the use of tokens



13236 only for instruction purposes, and the method of operation of
13237 games and devices.

13238 (h) Requiring the applicant to submit its location of
13239 the school or training institution, which shall be at least four
13240 hundred (400) feet from any church, school, kindergarten or
13241 funeral home. However, within an area zoned commercial or
13242 business, the minimum distance shall not be less than one hundred
13243 (100) feet.

13244 (i) Requiring that all employees and students of the
13245 school or training institution be at least twenty-one (21) years
13246 of age.

13247 (j) Requiring all employees and students of the school
13248 or training institution to wear identification cards issued by the
13249 commission while on the premises of the school or training
13250 institution.

13251 (k) Requiring the commission to investigate each
13252 applicant, employee and student and determine that the individual
13253 does not fall within any one (1) of the following categories:

13254 (i) Is under indictment for, or has been convicted
13255 in any court of, a felony;

13256 (ii) Is a fugitive from justice;

13257 (iii) Is an unlawful user of any controlled
13258 substance, is addicted to any controlled substance or alcoholic
13259 beverage, or is an habitual drunkard;



13260 (iv) Is a mental defective, has been committed to
13261 a mental institution, or has been voluntarily committed to a
13262 mental institution on more than one (1) occasion;

13263 (v) Has been discharged from the Armed Forces
13264 under dishonorable conditions; or

13265 (vi) Has been found at any time by the executive
13266 director or commission to have falsified any information.

13267 (3) State institutions of higher learning and community
13268 colleges may offer credited courses specifically relating to
13269 gaming management, including, but not limited to, courses that
13270 provide instruction in accounting, hospitality, marketing,
13271 auditing, finance, procurement, security and regulatory
13272 requirements in fulfillment of a degree in general business
13273 management, hotel and motel management, food and beverage
13274 management, gaming management, accounting or criminal justice.
13275 State institutions of higher learning and community colleges are
13276 not subject to regulation by the commission for the purposes of
13277 this subsection. The courses authorized by this subsection may be
13278 offered only in those counties where gaming is legally being
13279 conducted and where the institution is located.

13280 (4) State institutions of higher learning and public
13281 community colleges may offer courses related to casino hospitality
13282 services, cage and count operations, and slot machine maintenance.
13283 Slot machine maintenance training may be performed only on
13284 equipment approved by the commission for training purposes only.



13285 State institutions of higher learning and public community
13286 colleges are not subject to regulation by the commission for the
13287 purposes of this subsection. The courses authorized by this
13288 subsection may be offered only in those counties where gaming is
13289 legally being conducted and where the institution or community
13290 college is located.

13291 **SECTION 235.** This act shall take effect and be in force from
13292 and after July 1, 2020.

