

By: Representative Currie

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 660

1 AN ACT TO REPEAL SECTIONS 27-101-1, 27-101-3 AND 27-101-5,
 2 MISSISSIPPI CODE OF 1972, WHICH REQUIRE STATE AGENCIES TO PREPARE
 3 AND PUBLISH ANNUAL REPORTS; TO AMEND SECTIONS 7-1-355, 7-1-601,
 4 7-7-3, 7-17-5, 17-17-445, 23-15-211.1, 25-1-77, 25-1-81, 25-1-83,
 5 25-9-147, 25-51-1, 25-53-5, 25-53-29, 27-104-7, 27-105-21,
 6 31-1-19, 31-3-14, 31-17-41, 33-11-18, 33-15-309, 37-1-12, 37-4-11,
 7 37-13-60.1, 37-21-51, 37-27-25, 37-28-31, 37-28-37, 37-33-161,
 8 37-33-261, 37-35-11, 37-67-1, 37-101-15, 37-101-293, 37-106-11,
 9 37-106-43, 37-106-55, 37-151-10, 37-151-97, 39-3-107, 39-5-113,
 10 39-35-1, 41-3-15, 41-4-21, 41-35-7, 41-113-7, 41-123-1, 43-1-5,
 11 43-7-57, 43-12-39, 43-13-107, 43-30-1, 43-33-747, 43-59-7,
 12 45-12-5, 47-5-6, 47-5-28, 47-5-355, 47-7-15, 49-2-13, 49-4-13,
 13 49-7-26, 49-17-44, 49-15-305, 57-1-18, 57-1-367, 57-1-701,
 14 57-10-707, 57-13-47, 57-39-19, 57-55-15, 57-67-37, 57-69-5,
 15 57-75-21, 59-7-7, 59-7-307, 59-7-413, 65-1-10, 65-1-85, 65-18-7,
 16 65-29-7, 67-1-37, 69-1-105, 69-5-3, 69-7-263, 69-9-9, 69-10-9,
 17 69-23-109, 69-44-9, 69-48-11, 71-5-115, 73-15-17, 73-29-9,
 18 73-34-9, 73-36-19, 73-63-19, 77-3-42, 81-1-71, 83-9-213, 93-21-307
 19 AND 97-3-54.9, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
 20 PRECEDING PROVISIONS; TO REPEAL SECTIONS 7-1-565, 17-18-43,
 21 25-9-148, 27-7-22.9, 27-7-22.24, 27-7-22.26, 27-104-167, 31-7-311,
 22 37-31-111, 41-73-71, 43-3-89, 43-5-11, 43-12-41, 43-13-127,
 23 47-5-559, 57-10-39, 69-1-15, 69-27-111, 77-1-49 AND 77-3-90,
 24 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PREPARATION AND
 25 PUBLICATION OF ANNUAL REPORTS BY VARIOUS PUBLIC ENTITIES; AND FOR
 26 RELATED PURPOSES.

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

28 **SECTION 1.** Sections 27-101-1, 27-101-3 and 27-101-5,
 29 Mississippi Code of 1972, which require state agencies to prepare
 30 and publish annual reports, are repealed.



31 **SECTION 2.** Section 7-1-355, Mississippi Code of 1972, is
32 amended as follows:

33 7-1-355. (1) The Mississippi Department of Employment
34 Security, Office of the Governor, is designated as the sole
35 administrator of all programs for which the state is the prime
36 sponsor under Title 1(B) of Public Law 105-220, Workforce
37 Investment Act of 1998, and the regulations promulgated
38 thereunder, and may take all necessary action to secure to this
39 state the benefits of that legislation. The Mississippi
40 Department of Employment Security, Office of the Governor, may
41 receive and disburse funds for those programs that become
42 available to it from any source.

43 (2) The Mississippi Department of Employment Security,
44 Office of the Governor, shall establish guidelines on the amount
45 and/or percentage of indirect and/or administrative expenses by
46 the local fiscal agent or the Workforce Development Center
47 operator. * * *

48 * * *

49 **SECTION 3.** Section 7-1-601, Mississippi Code of 1972, is
50 amended as follows:

51 7-1-601. (1) The Legislature finds that:

52 (a) Compassionate groups of individuals have selflessly
53 aided this state in serving our most vulnerable residents and our
54 most debilitated neighborhoods.



55 (b) Inspired by faith and civic commitment, these
56 organizations have accomplished much in changing the lives of
57 thousands and resurrecting neighborhoods torn by the strife of
58 crime and poverty.

59 (c) It is essential that this state cooperate with
60 these organizations in order to provide an opportunity to
61 participate on an equal basis, regardless of each organization's
62 orientation, whether faith-based or secular.

63 (2) It is therefore the intent of the Legislature to
64 recognize the contributions of these organizations and to
65 encourage opportunities for faith-based and community-based
66 organizations to work cooperatively with government entities in
67 order to deliver services more effectively. The Legislature
68 further intends that the purpose of the council is to advise the
69 Governor and the Legislature on policies, priorities, and
70 objectives to enlist, equip, enable, empower, and expand the work
71 of faith-based, volunteer, and other community organizations to
72 the full extent permitted by law.

73 (3) There is established within the Office of the Governor
74 the Mississippi Advisory Council on Faith-Based Initiatives.

75 (4) (a) The council shall be composed of not more than
76 twenty-five (25) members. Council members may include, but need
77 not be limited to, representatives from various faiths,
78 faith-based organizations, community-based organizations,
79 foundations, corporations, and municipalities.



80 (b) The council shall be composed of the following
81 members:

82 (i) Seventeen (17) members appointed by and
83 serving at the pleasure of the Governor.

84 (ii) Four (4) members appointed by and serving at
85 the pleasure of the Lieutenant Governor.

86 (iii) Four (4) members appointed by and serving at
87 the pleasure of the Speaker of the House of Representatives.

88 (c) Members of the council shall serve for terms of two
89 (2) years, and may continue to serve after the expiration of their
90 terms until a successor is appointed. Members shall be eligible
91 for reappointment and serve at the pleasure of the appointing
92 authority during their terms.

93 (d) The Governor shall designate a member of the
94 council to serve as chair for a term of two (2) years at the
95 pleasure of the Governor. The chair may continue to serve after
96 the expiration of the chair's term and shall be eligible for
97 redesignation by the Governor.

98 (e) (i) The heads of executive departments and
99 agencies shall, to the extent permitted by law, provide the
100 council with information it needs for purposes of carrying out its
101 mission.

102 (ii) The council may request and collect
103 information, hold hearings, establish task forces consisting of



104 members of the council or other individuals, as necessary to carry
105 out its mission.

106 (iii) The council may conduct analyses and develop
107 reports or other materials as necessary to perform its mission.

108 (iv) Members of the council shall serve without
109 compensation.

110 (f) The principal functions of the council are, to the
111 extent permitted by law:

112 (i) To develop and coordinate activities of
113 faith-based and community-based programs and initiatives, enhance
114 such efforts in communities, and seek such resources, legislation,
115 and regulatory relief as may be necessary to accomplish these
116 objectives;

117 (ii) To ensure that state policy decisions take
118 into account the capacity of faith-based and other community-based
119 initiatives to assist in the achievement of state priorities;

120 (iii) To identify and promote best practices and
121 successful modes of delivering social services through faith-based
122 and other community-based organizations;

123 (iv) To recommend changes in policies, programs,
124 and practices that affect the delivery of services by such
125 organizations and the needs of low-income and other underserved
126 persons in Mississippi communities;

127 (v) To coordinate public awareness of faith-based
128 and community nonprofit initiatives, such as demonstration pilot



129 programs or projects, public-private partnerships, volunteerism,
130 and special projects;

131 (vi) To encourage private charitable giving to
132 support faith-based and community-based initiatives;

133 (vii) To bring concerns, ideas, and policy options
134 to the Governor and Legislature for assisting, strengthening, and
135 replicating successful faith-based and other community-based
136 programs;

137 (viii) To develop and implement strategic
138 initiatives to strengthen the institutions of families and
139 communities in this state;

140 (ix) To showcase and herald innovative grassroots
141 nonprofit organizations and civic initiatives;

142 (x) To eliminate unnecessary legislative,
143 regulatory, and other bureaucratic barriers that impede effective
144 faith-based and other community-based efforts to address social
145 problems;

146 (xi) To monitor implementation of state policy
147 affecting faith-based and other community-based organizations;

148 (xii) To ensure that the efforts of faith-based
149 and other community-based organizations meet objective criteria
150 for performance and accountability.

151 (g) The council may not make any recommendation that
152 conflicts with the Establishment Clause of the First Amendment to



153 the United States Constitution or Section 18 of the Mississippi
154 Constitution.

155 * * *

156 **SECTION 4.** Section 7-7-3, Mississippi Code of 1972, is
157 amended as follows:

158 7-7-3. (1) There is hereby established a General Accounting
159 Office for the State of Mississippi, the powers and duties of said
160 office to be performed by the Bureau of Budget and Fiscal
161 Management under the administration of the State Fiscal Officer.

162 (2) The Chief of the Fiscal Management Division, under the
163 supervision of the State Fiscal Officer, shall prescribe and
164 implement in the office of each state agency an adequate accrual
165 accounting system, in conformity with generally accepted
166 accounting principles, and a system for keeping other essential
167 financial records or, in lieu thereof, may install a state
168 centralized automated accounting system which facilitates
169 reporting the financial position and operations of the state as a
170 whole, in conformity with generally accepted accounting
171 principles. All such accounting systems so prescribed or
172 installed shall be as uniform as may be practicable for agencies
173 and offices of the same class and character.

174 Each state agency shall adopt and use the system prescribed
175 and approved for it by the State Fiscal Officer, and the State
176 Fiscal Officer shall have the authority and power to impound all
177 funds of such agency until it complies with the provisions of this



178 section. Said state centralized automated accounting system shall
179 be made available to the agencies of state government through the
180 services of the State Computer Center. The State Fiscal Officer
181 shall conduct training seminars on a regular basis to ensure that
182 agencies have access to persons proficient in the correct use of
183 the statewide automated accounting system.

184 (3) The State Fiscal Officer shall establish an oversight
185 advisory committee to ensure that the state centralized automated
186 accounting system meets the needs of the agencies served thereby.
187 Said oversight advisory committee shall be composed of qualified
188 public employees proficient in the areas of fiscal management,
189 accounting, data processing and other fields affected by the
190 automated accounting and financial management system. Said
191 committee shall have the following responsibilities:

192 (a) Provide continual review of laws, rules,
193 regulations, policies and procedures which affect the continued
194 successful implementation of the state automated accounting and
195 financial management system;

196 (b) Coordination among the control agencies of state
197 and federal government to identify required modifications and/or
198 enhancements to the state centralized automated accounting system
199 as required for successful implementation;

200 (c) Ensure that agencies using the system are in
201 compliance with the requirements of the various control agencies;
202 and



203 (d) Assign persons knowledgeable in their area of
204 expertise and proper use of the state centralized automated
205 accounting system to help agencies use the system correctly.

206 (4) The State Fiscal Officer shall provide for the
207 continuing support of the state centralized automated accounting
208 system from funds appropriated therefor by the Legislature and/or
209 from user fees charged to the state agencies and institutions
210 utilizing the system.

211 The State Fiscal Officer may charge fees to agencies and
212 institutions for services rendered to them in conjunction with the
213 statewide automated accounting system. The amounts of such fees
214 shall be set by the State Fiscal Officer, and all such fees
215 collected shall be paid into the Statewide Automated Accounting
216 System Fund.

217 (5) There is hereby established within the State Treasury a
218 special fund to be designated as the Mississippi Management and
219 Reporting System Revolving Fund. This fund is established for the
220 purpose of developing and maintaining an executive information
221 system within state government. Such a system may include the
222 state centralized automated accounting system, a centralized
223 automated human resource/payroll system for state agencies and the
224 automation of performance programmatic data and other data as
225 needed by the legislative and executive branches to monitor the
226 receipt and expenditure of funds in accordance with desired
227 objectives.



228 A Steering Committee consisting of the State Fiscal Officer,
229 the Executive Director of the State Personnel Board and the
230 Executive Director of the Mississippi Department of Information
231 Technology Services shall establish policies and procedures for
232 the administration of the Mississippi Management and Reporting
233 System Revolving Fund.

234 All disbursements from this fund shall be made pursuant to
235 appropriation by the Legislature. All interest earned from the
236 investment of monies in this fund shall be credited to such fund.

237 Any expenditure of funds related to the development of a
238 Mississippi Management and Reporting System by the State Personnel
239 Board, the Department of Finance and Administration and the
240 Mississippi Department of Information Technology Services made
241 during the fiscal year ending June 30, 1993, shall be reimbursable
242 from the Mississippi Management and Reporting System Revolving
243 Fund upon its establishment.

244 The Bond Commission is hereby authorized to grant a
245 noninterest-bearing loan to the Mississippi Management and
246 Reporting System Revolving Fund from the State Treasurer's General
247 Fund/Special Fund Pool in an amount not to exceed Fifteen Million
248 Dollars (\$15,000,000.00).

249 The Mississippi Management and Reporting System Steering
250 Committee shall appoint an administrator of the Mississippi
251 Management and Reporting System Revolving Fund. The salary of the
252 administrator and all other project administrative expenses shall



253 be disbursed from the revolving fund. The administrator of the
254 fund is hereby authorized to employ or secure personnel service
255 contracts for all personnel required to carry out this project.
256 On or before January 15 of each year, the State Fiscal Officer
257 shall present a report of all expenditures made during the
258 previous fiscal year from the Mississippi Management and Reporting
259 System Revolving Fund to the State Bond Commission * * *.

260 Upon implementation of the Mississippi Management and
261 Reporting System, or any part thereof, at any state agency, a
262 repayment schedule shall be determined by the Mississippi
263 Management and Reporting System Revolving Fund administrator for
264 payment back into the Mississippi Management and Reporting System
265 Revolving Fund. This repayment schedule will include direct and
266 indirect expenses of implementing the Mississippi Management and
267 Reporting System at each agency and applied interest charges.
268 Each state agency shall be required to request the amount of its
269 yearly repayment in its annual budget request.

270 At the completion of the Mississippi Management and Reporting
271 System, the Steering Committee shall recommend to the Legislature
272 an amount to remain in the Mississippi Management and Reporting
273 System Revolving Fund to fund future upgrades and maintenance for
274 the system. The remaining amount, as repaid by the agencies,
275 shall be returned to the General Fund/Special Fund Pool.

276 Each state agency executive director shall participate in the
277 Mississippi Management and Reporting System (MMRS) project by



278 appointing an agency implementation team leader to represent them
279 on the MMRS project. All agencies will be required to implement
280 the MMRS unless exempted from such by the MMRS Steering Committee.
281 If such an exemption is granted, the MMRS Steering Committee may
282 require selected data to be electronically interfaced into the
283 MMRS.

284 (6) In addition to his other duties, the Chief of the Fiscal
285 Management Division shall perform the following services:

286 (a) Maintain a set of control accounts on a double
287 entry accrual basis for each state fund so as to analyze, classify
288 and record all resources, obligations and financial transactions
289 of all state agencies.

290 (b) Submit to the Governor and to the Legislative
291 Budget Office a monthly report containing the state's financial
292 operations and conditions.

293 (c) Approve as to form the manner in which all payrolls
294 shall be prepared; and require each state agency to furnish copies
295 of monthly payrolls as required to the State Fiscal Officer. The
296 Chief of the Fiscal Management Division shall study the
297 feasibility of a central payroll system for all state officers and
298 employees, and report his findings and recommendations to the
299 Legislature.

300 (d) Require of each state agency, through its governing
301 board or executive head, the maintaining of continuous internal
302 audit covering the activities of such agency affecting its revenue



303 and expenditures, and an adequate internal system of preauditing
304 claims, demands and accounts against such agency as to adequately
305 ensure that only valid claims, demands and accounts will be paid,
306 and to verify compliance with the regulations of the State
307 Personal Service Contract Review Board regarding the execution of
308 any personal service or professional service contracts pursuant to
309 Section 25-9-120(3). The Fiscal Management Division shall report
310 to the State Fiscal Officer any failure or refusal of the
311 governing board or executive head of any state agency to comply
312 with the provisions of this section. The State Fiscal Officer
313 shall notify the said board of trustees or executive head of such
314 violation and, upon continued failure or refusal to comply with
315 the provisions of this section, then the State Fiscal Officer may
316 require said board of trustees or executive head of such state
317 agency to furnish competent and adequate personnel to carry out
318 the provisions of this section, who shall be responsible to the
319 State Fiscal Officer for the performance of such function with
320 respect to such state agency. For failure or refusal to comply
321 with the provisions of this section or the directions of the State
322 Fiscal Officer, any such employee may be deprived of the power to
323 perform such functions on behalf of the Fiscal Management
324 Division.

325 (7) Every state agency, through the proper officials or
326 employee, shall make such periodic or special reports on forms
327 prescribed by the Chief of the Fiscal Management Division as may



328 be required or necessary to maintain the set of control accounts
329 required. If any officer or employee of any state agency whose
330 duty it is to do so shall refuse or fail to make such periodic or
331 special reports in such form and in such detail and within such
332 time as the Fiscal Management Division may require in the exercise
333 of this authority, the State Fiscal Officer shall prepare or cause
334 to be prepared and submitted such reports and the expense thereof
335 shall be personally borne by said officer or employee and he or
336 she shall be responsible on his or her official bond for the
337 payment of the expense. Provided that a negligently prepared
338 report shall be considered as a refusal or failure under the
339 provisions of this section.

340 (8) From and after July 1, 2016, the expenses of this agency
341 shall be defrayed by appropriation from the State General Fund and
342 all user charges and fees authorized under this section shall be
343 deposited into the State General Fund as authorized by law.

344 (9) From and after July 1, 2016, no state agency shall
345 charge another state agency a fee, assessment, rent or other
346 charge for services or resources received by authority of this
347 section.

348 **SECTION 5.** Section 7-17-5, Mississippi Code of 1972, is
349 amended as follows:

350 7-17-5. (1) Effective July 1, 1989, all employees of any
351 agency abolished or affected by the Mississippi Executive
352 Reorganization Act of 1989 [Chapter 544, Laws of 1989] shall be



353 transferred according to the merger of their duties by the
354 Mississippi Executive Reorganization Act of 1989. All personnel
355 actions initiated as a result of the Mississippi Executive
356 Reorganization Act of 1989 shall be subject to State Personnel
357 Board procedures.

358 (2) The executive director of any agency of state government
359 as defined in Section 25-9-107(d) shall have the authority to
360 employ staff and to expend funds authorized to the agency for the
361 performance of the duties and responsibilities accorded to the
362 agency by the laws of the State of Mississippi.

363 (3) All records, personnel, property and unexpended balances
364 of appropriations, allocations or other funds of any agency or
365 department abolished or affected by the Mississippi Executive
366 Reorganization Act of 1989 shall be transferred to the appropriate
367 agency according to the merger of their functions under the
368 Mississippi Executive Reorganization Act of 1989.

369 (4) The executive directors of agencies shall determine
370 which employees shall be bonded, set the amount of bond, which
371 shall be made by a surety company approved by the Secretary of
372 State and the premiums paid as other expenses of administering the
373 Mississippi Executive Reorganization Act of 1989.

374 (5) The executive director of any agency, where permitted by
375 the rules, regulations and policies of the board, commission or
376 authority of the agency, if any, shall also have authority to:



377 (a) Accept on behalf of the state gifts, trusts,
378 bequests, grants, endowments, or transfers of property of any kind
379 to be used for the sole benefit of the state;

380 (b) Use and expend funds coming to the agency from
381 state, federal and private sources;

382 (c) Establish such rules and regulations as may be
383 necessary in carrying out the provisions of the Mississippi
384 Executive Reorganization Act of 1989;

385 (d) Formulate and administer policies of their
386 respective agencies;

387 (e) Coordinate, supervise and direct all administrative
388 and technical activities of the agency;

389 (f) Enter into contracts, grants and cooperative
390 agreements with any federal or state agency, department or
391 subdivision thereof, or any public or private institution located
392 inside or outside the State of Mississippi, or any person,
393 corporation or association in connection with the carrying out of
394 the provisions of the Mississippi Executive Reorganization Act of
395 1989, provided the agreements do not have a financial cost in
396 excess of the amounts appropriated for such purposes by the
397 Legislature;

398 * * *

399 (* * *g) Make provisions for adoption of rules,
400 regulations and policy and provide for public inspection and
401 filing of same; and other requirements set forth in the



402 Mississippi Administrative Procedures Law in Section 25-43-1.101
403 et seq., except as otherwise provided by law.

404 **SECTION 6.** Section 17-17-445, Mississippi Code of 1972, is
405 amended as follows:

406 17-17-445. (1) The department shall have the following
407 powers and duties in the administration of the
408 Right-Way-To-Throw-Away Program established under Sections
409 17-17-439 through 17-17-445:

410 (a) To determine the types of household hazardous
411 wastes to be handled in the program;

412 (b) To approve any collection contractor or contractors
413 used in the implementation of a local household hazardous waste
414 collection and management program;

415 (c) To prepare a request for proposals, select a
416 collection contractor and facilitate the use of that contractor on
417 a statewide basis to conduct all local household hazardous waste
418 collection and management programs;

419 (d) To establish guidelines for the registration and
420 operations of household hazardous waste collection and management
421 programs;

422 (e) To inspect any collection site operated under
423 Sections 17-17-439 through 17-17-445 to insure that collection is
424 performed in a safe and environmentally sound manner;

425 (f) To develop record keeping requirements identifying
426 types and amounts of household hazardous wastes collected,



427 entities submitting household hazardous waste and the points of
428 ultimate disposition; and

429 * * *

430 (* * *g) To exercise any other powers and duties as
431 the department may require to administer the
432 Right-Way-To-Throw-Away Program.

433 (2) The commission may consolidate any grant provided under
434 this section with any grant provided under the local governments
435 solid waste assistance program or the waste tire management
436 program. Funds provided through any consolidated grant shall be
437 used in accordance with the program under which the funds are
438 provided.

439 **SECTION 7.** Section 23-15-211.1, Mississippi Code of 1972, is
440 amended as follows:

441 23-15-211.1. (1) For purposes of the National Voter
442 Registration Act of 1993, the Secretary of State is designated as
443 Mississippi's chief election officer.

444 (2) As the chief election officer of the State of
445 Mississippi, the Secretary of State shall have the power and duty
446 to gather sufficient information concerning voting in elections in
447 this state. The Secretary of State shall gather information on
448 voter participation and submit an annual report to * * * the
449 Governor, the Attorney General and the public.

450 **SECTION 8.** Section 25-1-77, Mississippi Code of 1972, is
451 amended as follows:



452 25-1-77. (1) There is created the Bureau of Fleet
453 Management within the Office of Purchasing, Travel and Fleet
454 Management, Department of Finance and Administration, for the
455 purposes of coordinating and promoting efficiency and economy in
456 the purchase, lease, rental, acquisition, use, maintenance and
457 disposal of vehicles by state agencies. The Executive Director of
458 the Department of Finance and Administration may employ a Fleet
459 Management Officer to manage the bureau and carry out its
460 purposes. The bureau may employ other suitable and competent
461 personnel as necessary. The bureau shall encourage the use of
462 fuel efficient or hybrid vehicles appropriate for the state
463 agency's intended purpose and, when feasible, the use of
464 alternative fuels or energy sources, including, but not limited
465 to, ethanol, biodiesel, natural gas or electric power. The bureau
466 shall prepare a fiscal analysis of the cost-effectiveness of using
467 alternative fuel or energy source vehicles by state agencies, and
468 submit a report of that fiscal analysis to the Legislature by
469 December 15, 2009. Not later than July 1, 2014, at least
470 seventy-five percent (75%) of all vehicles to which the bureau
471 holds title in the name of the state must have a fuel economy
472 estimate by the United States Environmental Protection Agency of
473 forty (40) miles per gallon or higher for highway driving.

474 (2) The Bureau of Fleet Management shall perform the
475 following duties:



476 (a) To hold title in the name of the State of
477 Mississippi to all vehicles currently in possession of state
478 agencies as defined in Section 25-9-107(d) and to assign vehicles
479 to such agencies for use; however, the bureau shall exempt any
480 agency or agency vehicles from the provisions of this paragraph
481 (a) if it determines that state or federal law requires that title
482 be vested only in the agency;

483 (b) To establish rules and regulations for state agency
484 use of vehicles;

485 (c) To gather information and specify proper fleet
486 management practices for state agencies;

487 (d) To acquire fleet management software and require
488 agencies to provide necessary information for the bureau to
489 properly monitor the size, use, maintenance and disposal of the
490 state's fleet of vehicles; the bureau shall communicate regularly
491 with the fleet managers of each state agency to determine
492 strengths and weaknesses of the various fleet operations; the
493 bureau shall disseminate information to the agencies so that each
494 can take advantage of any beneficial practices being incorporated
495 at other entities; the bureau shall promulgate rules and
496 regulations concerning the mileage reimbursement practices of each
497 state agency;

498 (e) To carry out responsibilities relative to budget
499 recommendations as provided in Section 27-103-129;



500 (f) To reassign vehicles in the possession of any state
501 agency if the bureau believes that another state agency can make
502 more efficient use of a vehicle; however, except as otherwise
503 provided in Section 51-11-101, the state agency receiving the
504 reassigned vehicle shall pay to the previous agency's special
505 fund, or if no special fund exists to the State General Fund, the
506 National Automobile Dealers Association (NADA) wholesale value for
507 the vehicle or the estimated amount for which the vehicle would
508 have sold at auction, as shall be determined by the bureau,
509 whichever is less;

510 (g) To investigate at any time the vehicle usage
511 practices of any state agency; and

512 (h) To require each agency to submit to the bureau a
513 vehicle acquisition/use/disposal plan on an annual basis. From
514 the plans received, the bureau shall evaluate the proposed plans
515 and shall submit a recommendation to the Legislature prior to
516 January 1 of each year.

517 (3) No state department, institution or agency shall
518 purchase, rent, lease or acquire any motor vehicle, regardless of
519 the source of funds from which the motor vehicle is to be
520 purchased, except under authority granted by the Department of
521 Finance and Administration. The Bureau of Fleet Management,
522 Department of Finance and Administration, shall promulgate rules
523 and regulations governing the purchase, rental, lease or
524 acquisition of any motor vehicle by a state department,



525 institution or agency with regard to the appropriateness of the
526 vehicle to its intended use. The Bureau of Fleet Management,
527 Department of Finance and Administration, shall only grant
528 authority to purchase, rent, lease or acquire a motor vehicle
529 which is the lowest cost vehicle to carry out its intended use.
530 Before the disposal or sale of any vehicle, the Bureau of Fleet
531 Management shall make a determination that the lifetime use and
532 mileage of the vehicle has been maximized and that it would not be
533 feasible for another state agency to use the vehicle.

534 (4) The department, institution or agency shall maintain
535 proper documentation which provides the intended use of the
536 vehicle and the basis for choosing the vehicle. Such
537 documentation shall show that the department, institution or
538 agency made diligent efforts to purchase, rent, lease or acquire a
539 vehicle that is the lowest cost vehicle for its intended use.
540 Such documentation shall be updated as needed when the intended
541 use of the vehicle or any other facts concerning the vehicle are
542 changed. All such documentation shall be approved by the State
543 Fleet Officer prior to purchase, rental, lease or acquisition or
544 change in use of any vehicle and shall be maintained and made
545 available for review by the State Auditor, any other reviewing
546 agency and the Legislature. The Bureau of Fleet Management shall
547 immediately notify the department head of any agency that has a
548 vehicle found to be in violation of the bureau's rules and
549 regulations. At the same time, the bureau shall notify the



550 Speaker of the House of Representatives and the Lieutenant
551 Governor of its findings regarding any such vehicle. If the
552 violation is not rectified within five (5) days of the notice,
553 then the bureau may seize the vehicle and dispose of it as the
554 bureau deems to be in the best interest of the State of
555 Mississippi.

556 (5) * * * [Deleted]

557 (6) The Department of Public Safety and the Department of
558 Wildlife, Fisheries and Parks may retain any vehicle seized
559 pursuant to the forfeiture laws of this state, and the total
560 number of vehicles assigned to each such agency shall not be
561 reduced by the number of seized vehicles which the agency retains.

562 (7) The Bureau of Fleet Management, upon request, shall
563 grant an exemption from the provisions of this section for only
564 any vehicle assigned to a sworn officer of the Department of
565 Public Safety or of the Agricultural and Livestock Theft Bureau of
566 the Department of Agriculture and Commerce and used in undercover
567 operations when the bureau determines that compliance could
568 jeopardize the life, health or safety of the sworn officer.

569 (8) The provisions of this section shall not apply to any
570 state institution of higher learning.

571 (9) When making requests for authority to purchase, rent,
572 lease or acquire vehicles as provided in subsection (3) of this
573 section, agencies shall submit the lowest cost vehicle possible to
574 carry out its intended use. Any such request shall be in writing



575 from the agency head, certifying the vehicle requested is the
576 lowest cost option available and acknowledging that any request
577 contrary to this provision shall subject the agency head to
578 penalties as provided in Sections 25-1-91, 31-7-55 and 31-7-57,
579 where applicable. The Bureau of Fleet Management shall only
580 approve the lowest cost vehicle, which in its estimation, will
581 carry out the intended use. No agency may purchase any vehicle
582 that the Bureau of Fleet Management has disapproved as being a
583 higher cost option.

584 (10) No requests authorized under subsections (3) and (9) of
585 this section shall be approved by the Bureau of Fleet Management
586 if the requesting agency has not properly maintained in the
587 fleet/asset reporting system all information required by the
588 Bureau of Fleet Management. Agencies shall correct any
589 inadequacies or discrepancies in the system noted by the Bureau of
590 Fleet Management before the bureau may approve any requests.

591 **SECTION 9.** Section 25-1-81, Mississippi Code of 1972, is
592 amended as follows:

593 25-1-81. The Department of Finance and Administration shall
594 refuse to issue warrants upon requisitions drawn in violation of
595 the provisions hereof, and where any expense account is allowed
596 and paid in violation of the provisions of Sections 25-1-77
597 through 25-1-93, it shall be the duty of the Department of Finance
598 and Administration to withhold the payment of any further expense
599 accounts for the department, agency or institution involved until



600 the amount of the account or accounts illegally paid shall be
601 refunded and repaid to the State of Mississippi by the person
602 receiving or approving same. It is further provided that the
603 Department of Finance and Administration shall prescribe and
604 deliver to each agency, department or institution a uniform system
605 of expense accounts herein allowed, including a uniform system of
606 depreciation allowance. All expense accounts for lodging shall be
607 supported by receipted bills showing the payment thereof by such
608 officer or employee. It is incumbent upon each agency, department
609 or institution to abide by and utilize the method of uniform
610 system of expense accounts so prescribed and delivered by the
611 Department of Finance and Administration. Each agency, department
612 or institution, in rendering its annual report to the Bureau of
613 Fleet Management * * *, shall show the number of state-owned
614 automobiles purchased and operated during the year, the number
615 purchased and operated out of funds appropriated by the
616 Legislature, the number purchased and operated out of any other
617 public funds, the miles traveled per automobile, the total miles
618 traveled, the average cost per mile, and depreciation estimate on
619 each automobile. The report shall also show the cost per mile and
620 total number of miles traveled in privately-owned automobiles for
621 which reimbursement is made out of state funds and any other
622 information requested by the Bureau of Fleet Management.

623 **SECTION 10.** Section 25-1-83, Mississippi Code of 1972, is
624 amended as follows:



625 25-1-83. It is further provided that no funds appropriated
626 by the Legislature or received by any agency, department, or
627 institution from any source whatever shall be used in defraying
628 the expenses of any state employee, other than an officer or
629 department head, in attending a convention, association, or
630 meeting, unless such employee be duly authorized by prior approval
631 in writing of the departmental head or officer in charge of such
632 department, agency, or institution in strict accord with Sections
633 25-1-79 and 25-1-81. * * *

634 **SECTION 11.** Section 25-9-147, Mississippi Code of 1972, is
635 amended as follows:

636 25-9-147. The State Personnel Board shall review on an
637 annual basis the variable compensation plan adopted by the
638 Legislature at the regular session of 1981 and subsequently
639 implemented by the State Personnel Board. Each state department
640 or agency subject to the variable compensation plan shall prepare
641 an annual written report under the direction of the head of that
642 department or agency outlining the impact which the plan has had
643 on that department or agency during the preceding fiscal year.
644 Such department or agency report shall be submitted to the State
645 Personnel Board and shall become a part of the board's annual
646 review of the variable compensation plan. * * * The plan shall be
647 named the "Colonel Guy Groff State Variable Compensation Plan."

648 **SECTION 12.** Section 25-51-1, Mississippi Code of 1972, is
649 amended as follows:



650 25-51-1. The Mississippi Library Commission, hereinafter
651 referred to as the "commission," shall be the state depository for
652 the public records issued by any government agency for public
653 distribution * * *. Each agency publication shall be made
654 available in an electronic form, and the electronic form shall
655 constitute the public record. The record shall be placed on the
656 official website of the commission. The libraries of state
657 agencies, public junior colleges, colleges, public universities
658 and public libraries located in the state may also become
659 depositories of state agency publications that are available on
660 the commission's official website, when designated as such by the
661 director of the commission upon the written request of the
662 applicable government agency.

663 **SECTION 13.** Section 25-53-5, Mississippi Code of 1972, is
664 amended as follows:

665 25-53-5. The authority shall have the following powers,
666 duties, and responsibilities:

667 (a) (i) The authority shall provide for the
668 development of plans for the efficient acquisition and utilization
669 of computer equipment and services by all agencies of state
670 government, and provide for their implementation. In so doing,
671 the authority may use the MDITS' staff, at the discretion of the
672 executive director of the authority, or the authority may contract
673 for the services of qualified consulting firms in the field of
674 information technology and utilize the service of such consultants



675 as may be necessary for such purposes. Pursuant to Section
676 25-53-1, the provisions of this section shall not apply to the
677 Department of Human Services for a period of three (3) years
678 beginning on July 1, 2017. Pursuant to Section 25-53-1, the
679 provisions of this section shall not apply to the Department of
680 Child Protection Services for a period of three (3) years
681 beginning July 1, 2017.

682 (ii) [Repealed]

683 (b) The authority shall immediately institute
684 procedures for carrying out the purposes of this chapter and
685 supervise the efficient execution of the powers and duties of the
686 office of executive director of the authority. In the execution
687 of its functions under this chapter, the authority shall maintain
688 as a paramount consideration the successful internal organization
689 and operation of the several agencies so that efficiency existing
690 therein shall not be adversely affected or impaired. In executing
691 its functions in relation to the institutions of higher learning
692 and junior colleges in the state, the authority shall take into
693 consideration the special needs of such institutions in relation
694 to the fields of teaching and scientific research.

695 (c) Title of whatever nature of all computer equipment
696 now vested in any agency of the State of Mississippi is hereby
697 vested in the authority, and no such equipment shall be disposed
698 of in any manner except in accordance with the direction of the



699 authority or under the provisions of such rules and regulations as
700 may hereafter be adopted by the authority in relation thereto.

701 (d) The authority shall adopt rules, regulations, and
702 procedures governing the acquisition of computer and
703 telecommunications equipment and services which shall, to the
704 fullest extent practicable, insure the maximum of competition
705 between all manufacturers of supplies or equipment or services.
706 In the writing of specifications, in the making of contracts
707 relating to the acquisition of such equipment and services, and in
708 the performance of its other duties the authority shall provide
709 for the maximum compatibility of all information systems hereafter
710 installed or utilized by all state agencies and may require the
711 use of common computer languages where necessary to accomplish the
712 purposes of this chapter. The authority may establish by
713 regulation and charge reasonable fees on a nondiscriminatory basis
714 for the furnishing to bidders of copies of bid specifications and
715 other documents issued by the authority.

716 (e) The authority shall adopt rules and regulations
717 governing the sharing with, or the sale or lease of information
718 technology services to any nonstate agency or person. Such
719 regulations shall provide that any such sharing, sale or lease
720 shall be restricted in that same shall be accomplished only where
721 such services are not readily available otherwise within the
722 state, and then only at a charge to the user not less than the



723 prevailing rate of charge for similar services by private
724 enterprise within this state.

725 (f) The authority may, in its discretion, establish a
726 special technical advisory committee or committees to study and
727 make recommendations on technology matters within the competence
728 of the authority as the authority may see fit. Persons serving on
729 the Information Resource Council, its task forces, or any such
730 technical advisory committees shall be entitled to receive their
731 actual and necessary expenses actually incurred in the performance
732 of such duties, together with mileage as provided by law for state
733 employees, provided the same has been authorized by a resolution
734 duly adopted by the authority and entered on its minutes prior to
735 the performance of such duties.

736 (g) The authority may provide for the development and
737 require the adoption of standardized computer programs and may
738 provide for the dissemination of information to and the
739 establishment of training programs for the personnel of the
740 various information technology centers of state agencies and
741 personnel of the agencies utilizing the services thereof.

742 (h) The authority shall adopt reasonable rules and
743 regulations requiring the reporting to the authority through the
744 office of executive director of such information as may be
745 required for carrying out the purposes of this chapter and may
746 also establish such reasonable procedures to be followed in the
747 presentation of bills for payment under the terms of all contracts



748 for the acquisition of computer equipment and services now or
749 hereafter in force as may be required by the authority or by the
750 executive director in the execution of their powers and duties.

751 (i) The authority shall require such adequate
752 documentation of information technology procedures utilized by the
753 various state agencies and may require the establishment of such
754 organizational structures within state agencies relating to
755 information technology operations as may be necessary to
756 effectuate the purposes of this chapter.

757 (j) The authority may adopt such further reasonable
758 rules and regulations as may be necessary to fully implement the
759 purposes of this chapter. All rules and regulations adopted by
760 the authority shall be published and disseminated in readily
761 accessible form to all affected state agencies, and to all current
762 suppliers of computer equipment and services to the state, and to
763 all prospective suppliers requesting the same. Such rules and
764 regulations shall be kept current, be periodically revised, and
765 copies thereof shall be available at all times for inspection by
766 the public at reasonable hours in the offices of the authority.
767 Whenever possible no rule, regulation or any proposed amendment to
768 such rules and regulations shall be finally adopted or enforced
769 until copies of the proposed rules and regulations have been
770 furnished to all interested parties for their comment and
771 suggestions.



772 (k) The authority shall establish rules and regulations
773 which shall provide for the submission of all contracts proposed
774 to be executed by the executive director for computer equipment or
775 services to the authority for approval before final execution, and
776 the authority may provide that such contracts involving the
777 expenditure of less than such specified amount as may be
778 established by the authority may be finally executed by the
779 executive director without first obtaining such approval by the
780 authority.

781 (l) The authority is authorized to purchase, lease, or
782 rent computer equipment or services and to operate that equipment
783 and use those services in providing services to one or more state
784 agencies when in its opinion such operation will provide maximum
785 efficiency and economy in the functions of any such agency or
786 agencies.

787 (m) Upon the request of the governing body of a
788 political subdivision or instrumentality, the authority shall
789 assist the political subdivision or instrumentality in its
790 development of plans for the efficient acquisition and utilization
791 of computer equipment and services. An appropriate fee shall be
792 charged the political subdivision by the authority for such
793 assistance.

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



797 connection with the solicitation or award of a contract for the
798 acquisition of computer equipment or services. Such rules and
799 regulations shall prescribe the manner, time and procedure for
800 making protests and may provide that a protest not timely filed
801 shall be summarily denied. The authority may require the
802 protesting party, at the time of filing the protest, to post a
803 bond, payable to the state, in an amount that the authority
804 determines sufficient to cover any expense or loss incurred by the
805 state, the authority or any state agency as a result of the
806 protest if the protest subsequently is determined by a court of
807 competent jurisdiction to have been filed without any substantial
808 basis or reasonable expectation to believe that the protest was
809 meritorious; however, in no event may the amount of the bond
810 required exceed a reasonable estimate of the total project cost.
811 The authority, in its discretion, also may prohibit any
812 prospective bidder, offerer or contractor who is a party to any
813 litigation involving any such contract with the state, the
814 authority or any agency of the state to participate in any other
815 such bid, offer or contract, or to be awarded any such contract,
816 during the pendency of the litigation.

817 (o) * * * [Deleted]

818 All acquisitions of computer equipment and services involving
819 the expenditure of funds in excess of the dollar amount
820 established in Section 31-7-13(c), or rentals or leases in excess
821 of the dollar amount established in Section 31-7-13(c) for the



822 term of the contract, shall be based upon competitive and open
823 specifications, and contracts therefor shall be entered into only
824 after advertisements for bids are published in one or more daily
825 newspapers having a general circulation in the state not less than
826 fourteen (14) days prior to receiving sealed bids therefor. The
827 authority may reserve the right to reject any or all bids, and if
828 all bids are rejected, the authority may negotiate a contract
829 within the limitations of the specifications so long as the terms
830 of any such negotiated contract are equal to or better than the
831 comparable terms submitted by the lowest and best bidder, and so
832 long as the total cost to the State of Mississippi does not exceed
833 the lowest bid. If the authority accepts one (1) of such bids, it
834 shall be that which is the lowest and best.

835 (p) When applicable, the authority may procure
836 equipment, systems and related services in accordance with the law
837 or regulations, or both, which govern the Bureau of Purchasing of
838 the Office of General Services or which govern the Mississippi
839 Department of Information Technology Services procurement of
840 telecommunications equipment, software and services.

841 (q) The authority is authorized to purchase, lease, or
842 rent information technology and services for the purpose of
843 establishing pilot projects to investigate emerging technologies.
844 These acquisitions shall be limited to new technologies and shall
845 be limited to an amount set by annual appropriation of the



846 Legislature. These acquisitions shall be exempt from the
847 advertising and bidding requirement.

848 (r) All fees collected by the Mississippi Department of
849 Information Technology Services shall be deposited into the
850 Mississippi Department of Information Technology Services
851 Revolving Fund unless otherwise specified by the Legislature.

852 (s) The authority shall work closely with the council
853 to bring about effective coordination of policies, standards and
854 procedures relating to procurement of remote sensing and
855 geographic information systems (GIS) resources. In addition, the
856 authority is responsible for development, operation and
857 maintenance of a delivery system infrastructure for geographic
858 information systems data. The authority shall provide a warehouse
859 for Mississippi's geographic information systems data.

860 (t) The authority shall manage one or more State Data
861 Centers to provide information technology services on a
862 cost-sharing basis. In determining the appropriate services to be
863 provided through the State Data Center, the authority should
864 consider those services that:

- 865 (i) Result in savings to the state as a whole;
- 866 (ii) Improve and enhance the security and
867 reliability of the state's information and business systems; and
- 868 (iii) Optimize the efficient use of the state's
869 information technology assets, including, but not limited to,
870 promoting partnerships with the state institutions of higher



871 learning and community colleges to capitalize on advanced
872 information technology resources.

873 (u) The authority shall increase federal participation
874 in the cost of the State Data Center to the extent provided by law
875 and its shared technology infrastructure through providing such
876 shared services to agencies that receive federal funds. With
877 regard to state institutions of higher learning and community
878 colleges, the authority may provide shared services when mutually
879 agreeable, following a determination by both the authority and the
880 Board of Trustees of State Institutions of Higher Learning or the
881 Mississippi Community College Board, as the case may be, that the
882 sharing of services is mutually beneficial.

883 (v) The authority, in its discretion, may require new
884 or replacement agency business applications to be hosted at the
885 State Data Center. With regard to state institutions of higher
886 learning and community colleges, the authority and the Board of
887 Trustees of State Institutions of Higher Learning or the
888 Mississippi Community College Board, as the case may be, may agree
889 that institutions of higher learning or community colleges may
890 utilize business applications that are hosted at the State Data
891 Center, following a determination by both the authority and the
892 applicable board that the hosting of those applications is
893 mutually beneficial. In addition, the authority may establish
894 partnerships to capitalize on the advanced technology resources of
895 the Board of Trustees of State Institutions of Higher Learning or



896 the Mississippi Community College Board, following a determination
897 by both the authority and the applicable board that such a
898 partnership is mutually beneficial.

899 (w) The authority shall provide a periodic update
900 regarding reform-based information technology initiatives to the
901 Chairmen of the House and Senate Accountability, Efficiency and
902 Transparency Committees.

903 From and after July 1, 2018, the expenses of this agency
904 shall be defrayed by appropriation from the State General Fund.
905 In addition, in order to receive the maximum use and benefit from
906 information technology and services, expenses for the provision of
907 statewide shared services that facilitate cost-effective
908 information processing and telecommunication solutions shall be
909 defrayed by pass-through funding and shall be deposited into the
910 Mississippi Department of Information Technology Services
911 Revolving Fund unless otherwise specified by the Legislature.
912 These funds shall only be utilized to pay the actual costs
913 incurred by the Mississippi Department of Information Technology
914 Services for providing these shared services to state agencies.
915 Furthermore, state agencies shall work in full cooperation with
916 the Board of the Mississippi Department of Information Technology
917 Services to identify computer equipment or services to minimize
918 duplication, reduce costs, and improve the efficiency of providing
919 common technology services across agency boundaries.



920 **SECTION 14.** Section 25-53-29, Mississippi Code of 1972, is
921 amended as follows:

922 25-53-29. (1) For the purposes of this section the term
923 "bureau" shall mean the "Mississippi Department of Information
924 Technology Services." The authority shall have the following
925 powers and responsibilities to carry out the establishment of
926 policy and provide for long-range planning and consulting:

927 (a) Provide a high level of technical expertise for
928 agencies, institutions, political subdivisions and other
929 governmental entities as follows: planning; consulting; project
930 management; systems and performance review; system definition;
931 design; application programming; training; development and
932 documentation; implementation; maintenance; and other tasks as may
933 be required, within the resources available to the bureau.

934 (b) Publish written planning guides, policies and
935 procedures for use by agencies and institutions in planning future
936 electronic information service systems. The bureau may require
937 agencies and institutions to submit data, including periodic
938 electronic equipment inventory listings, information on agency
939 staffing, systems under study, planned applications for the
940 future, and other information needed for the purposes of preparing
941 the state master plan. The bureau may require agencies and
942 institutions to submit any additional data required for purposes
943 of preparing the state master plan.



944 (c) Inspect agency facilities and equipment, interview
945 agency employees and review records at any time deemed necessary
946 by the bureau for the purpose of identifying cost-effective
947 applications of electronic information technology. Upon
948 conclusion of any inspection, the bureau shall issue a management
949 letter containing cost estimates and recommendations to the agency
950 head and governing board concerning applications identified that
951 would result in staff reductions, other monetary savings and
952 improved delivery of public services.

953 (d) Conduct classroom and on-site training for end
954 users for applications and systems developed by the bureau.

955 (e) Provide consulting services to agencies and
956 institutions or Mississippi governmental subdivisions requesting
957 technical assistance in electronic information services technology
958 applications and systems. The bureau may submit proposals and
959 enter into contracts to provide services to agencies and
960 institutions or governmental subdivisions for such purposes.

961 (2) The bureau shall annually issue a three-year master plan
962 in writing to the Governor, available on request to any member of
963 the Legislature, including recommended statewide strategies and
964 goals for the effective and efficient use of information
965 technology and services in state government. The report shall
966 also include recommended information policy actions and other
967 recommendations for consideration by the Governor and members of
968 the Legislature.



969 * * *

970 (* * *3) The bureau may charge fees to agencies and
971 institutions for services rendered to them. The bureau may charge
972 fees to vendors to recover the cost of providing procurement
973 services and the delivery of procurement awards to public bodies.
974 The amounts of such fees shall be set by the authority upon
975 recommendation of the Executive Director of the MDITS, and all
976 such fees collected shall be paid into the fund established for
977 carrying out the purposes of this section.

978 (* * *4) It is the intention of the Legislature that the
979 employees of the bureau performing services defined by this
980 section be staffed by highly qualified persons possessing
981 technical, consulting and programming expertise. Such employees
982 shall be considered nonstate service employees as defined in
983 Section 25-9-107(c) (x) and may be compensated at a rate comparable
984 to the prevailing rate of individuals in qualified professional
985 consulting firms in the private sector. Such compensation rates
986 shall be determined by the State Personnel Director. The number
987 of such positions shall be set by annual appropriation of the
988 Legislature. Qualifications and compensation of the bureau
989 employees shall be set by the State Personnel Board upon
990 recommendation of the Executive Director of the MDITS. The total
991 number of positions and classification of positions may be
992 increased or decreased during a fiscal year depending upon work
993 load and availability of funds.



994 (* * *5) The bureau may, from time to time, at the
995 discretion of the Executive Director of the MDITS, contract with
996 firms or qualified individuals to be used to augment the bureau's
997 professional staff in order to assure timely completion and
998 implementation of assigned tasks, provided that funds are
999 available in the fund established for carrying out the purposes of
1000 this section. Such individuals may be employees of any agency,
1001 bureau or institution provided that these individuals or firms
1002 meet the requirements of other individuals or firms doing business
1003 with the state through the Mississippi Department of Information
1004 Technology Services. Individuals who are employees of an agency
1005 or institution may contract with the Mississippi Department of
1006 Information Technology Services only with the concurrence of the
1007 agency or institution for whom they are employed.

1008 From and after July 1, 2018, the expenses of this agency
1009 shall be defrayed by appropriation from the State General Fund.
1010 In addition, in order to receive the maximum use and benefit from
1011 information technology and services, expenses for the provision of
1012 statewide shared services that facilitate cost-effective
1013 information processing and telecommunication solutions shall be
1014 defrayed by pass-through funding and shall be deposited into the
1015 Mississippi Department of Information Technology Services
1016 Revolving Fund unless otherwise specified by the Legislature.
1017 These funds shall only be utilized to pay the actual costs
1018 incurred by the Mississippi Department of Information Technology



1019 Services for providing these shared services to state agencies.
1020 Furthermore, state agencies shall work in full cooperation with
1021 the Board of the Mississippi Department of Information Technology
1022 Services (MDITS) to identify computer equipment or services to
1023 minimize duplication, reduce costs, and improve the efficiency of
1024 providing common technology services across agency boundaries.

1025 **SECTION 15.** Section 27-104-7, Mississippi Code of 1972, is
1026 amended as follows:

1027 27-104-7. (1) (a) There is created the Public Procurement
1028 Review Board, which shall be reconstituted on January 1, 2018, and
1029 shall be composed of the following members:

1030 (i) Three (3) individuals appointed by the
1031 Governor with the advice and consent of the Senate;

1032 (ii) Two (2) individuals appointed by the
1033 Lieutenant Governor with the advice and consent of the Senate; and

1034 (iii) The Executive Director of the Department of
1035 Finance and Administration, serving as an ex officio and nonvoting
1036 member.

1037 (b) The initial terms of each appointee shall be as
1038 follows:

1039 (i) One (1) member appointed by the Governor to
1040 serve for a term ending on June 30, 2019;

1041 (ii) One (1) member appointed by the Governor to
1042 serve for a term ending on June 30, 2020;



1043 (iii) One (1) member appointed by the Governor to
1044 serve for a term ending on June 30, 2021;

1045 (iv) One (1) member appointed by the Lieutenant
1046 Governor to serve for a term ending on June 30, 2019; and

1047 (v) One (1) member appointed by the Lieutenant
1048 Governor to serve for a term ending on June 30, 2020.

1049 After the expiration of the initial terms, all appointed
1050 members' terms shall be for a period of four (4) years from the
1051 expiration date of the previous term, and until such time as the
1052 member's successor is duly appointed and qualified.

1053 (c) When appointing members to the Public Procurement
1054 Review Board, the Governor and Lieutenant Governor shall take into
1055 consideration persons who possess at least five (5) years of
1056 management experience in general business, health care or finance
1057 for an organization, corporation or other public or private
1058 entity. Any person, or any employee or owner of a company, who
1059 receives any grants, procurements or contracts that are subject to
1060 approval under this section shall not be appointed to the Public
1061 Procurement Review Board. Any person, or any employee or owner of
1062 a company, who is a principal of the source providing a personal
1063 or professional service shall not be appointed to the Public
1064 Procurement Review Board if the principal owns or controls a
1065 greater than five percent (5%) interest or has an ownership value
1066 of One Million Dollars (\$1,000,000.00) in the source's business,
1067 whichever is smaller. No member shall be an officer or employee



1068 of the State of Mississippi while serving as a voting member on
1069 the Public Procurement Review Board.

1070 (d) Members of the Public Procurement Review Board
1071 shall be entitled to per diem as authorized by Section 25-3-69 and
1072 travel reimbursement as authorized by Section 25-3-41.

1073 (e) The members of the Public Procurement Review Board
1074 shall elect a chair from among the membership, and he or she shall
1075 preside over the meetings of the board. The board shall annually
1076 elect a vice chair, who shall serve in the absence of the chair.
1077 No business shall be transacted, including adoption of rules of
1078 procedure, without the presence of a quorum of the board. Three
1079 (3) members shall be a quorum. No action shall be valid unless
1080 approved by a majority of the members present and voting, entered
1081 upon the minutes of the board and signed by the chair. Necessary
1082 clerical and administrative support for the board shall be
1083 provided by the Department of Finance and Administration. Minutes
1084 shall be kept of the proceedings of each meeting, copies of which
1085 shall be filed on a monthly basis with the chairs of the
1086 Accountability, Efficiency and Transparency Committees of the
1087 Senate and House of Representatives and the chairs of the
1088 Appropriations Committees of the Senate and House of
1089 Representatives.

1090 (2) The Public Procurement Review Board shall have the
1091 following powers and responsibilities:



1092 (a) Approve all purchasing regulations governing the
1093 purchase or lease by any agency, as defined in Section 31-7-1, of
1094 commodities and equipment, except computer equipment acquired
1095 pursuant to Sections 25-53-1 through 25-53-29;

1096 (b) Adopt regulations governing the approval of
1097 contracts let for the construction and maintenance of state
1098 buildings and other state facilities as well as related contracts
1099 for architectural and engineering services.

1100 The provisions of this paragraph (b) shall not apply to such
1101 contracts involving buildings and other facilities of state
1102 institutions of higher learning which are self-administered as
1103 provided under this paragraph (b) or Section 37-101-15(m);

1104 (c) Adopt regulations governing any lease or rental
1105 agreement by any state agency or department, including any state
1106 agency financed entirely by federal funds, for space outside the
1107 buildings under the jurisdiction of the Department of Finance and
1108 Administration. These regulations shall require each agency
1109 requesting to lease such space to provide the following
1110 information that shall be published by the Department of Finance
1111 and Administration on its website: the agency to lease the space;
1112 the terms of the lease; the approximate square feet to be leased;
1113 the use for the space; a description of a suitable space; the
1114 general location desired for the leased space; the contact
1115 information for a person from the agency; the deadline date for
1116 the agency to have received a lease proposal; any other specific



1117 terms or conditions of the agency; and any other information
1118 deemed appropriate by the Division of Real Property Management of
1119 the Department of Finance and Administration or the Public
1120 Procurement Review Board. The information shall be provided
1121 sufficiently in advance of the time the space is needed to allow
1122 the Division of Real Property Management of the Department of
1123 Finance and Administration to review and preapprove the lease
1124 before the time for advertisement begins;

1125 (d) Adopt, in its discretion, regulations to set aside
1126 at least five percent (5%) of anticipated annual expenditures for
1127 the purchase of commodities from minority businesses; however, all
1128 such set-aside purchases shall comply with all purchasing
1129 regulations promulgated by the department and shall be subject to
1130 all bid requirements. Set-aside purchases for which competitive
1131 bids are required shall be made from the lowest and best minority
1132 business bidder; however, if no minority bid is available or if
1133 the minority bid is more than two percent (2%) higher than the
1134 lowest bid, then bids shall be accepted and awarded to the lowest
1135 and best bidder. However, the provisions in this paragraph shall
1136 not be construed to prohibit the rejection of a bid when only one
1137 (1) bid is received. Such rejection shall be placed in the
1138 minutes. For the purposes of this paragraph, the term "minority
1139 business" means a business which is owned by a person who is a
1140 citizen or lawful permanent resident of the United States and who
1141 is:



1142 (i) Black: having origins in any of the black
1143 racial groups of Africa;

1144 (ii) Hispanic: of Mexican, Puerto Rican, Cuban,
1145 Central or South American, or other Spanish or Portuguese culture
1146 or origin regardless of race;

1147 (iii) Asian-American: having origins in any of
1148 the original people of the Far East, Southeast Asia, the Indian
1149 subcontinent, or the Pacific Islands;

1150 (iv) American Indian or Alaskan Native: having
1151 origins in any of the original people of North America; or

1152 (v) Female;

1153 (e) In consultation with and approval by the Chairs of
1154 the Senate and House Public Property Committees, approve leases,
1155 for a term not to exceed eighteen (18) months, entered into by
1156 state agencies for the purpose of providing parking arrangements
1157 for state employees who work in the Woolfolk Building, the Carroll
1158 Gartin Justice Building or the Walter Sillers Office Building;

1159 (f) Promulgate rules and regulations governing the
1160 solicitation and selection of contractual services personnel
1161 including personal and professional services contracts for any
1162 form of consulting, policy analysis, public relations, marketing,
1163 public affairs, legislative advocacy services or any other
1164 contract that the board deems appropriate for oversight, with the
1165 exception of any personal service contracts entered into by any
1166 agency that employs only nonstate service employees as defined in



1167 Section 25-9-107(c), any personal service contracts entered into
1168 for computer or information technology-related services governed
1169 by the Mississippi Department of Information Technology Services,
1170 any personal service contracts entered into by the individual
1171 state institutions of higher learning, any personal service
1172 contracts entered into by the Mississippi Department of
1173 Transportation, any personal service contracts entered into by the
1174 Department of Human Services through June 30, 2019, which the
1175 Executive Director of the Department of Human Services determines
1176 would be useful in establishing and operating the Department of
1177 Child Protection Services, any personal service contracts entered
1178 into by the Department of Child Protection Services through June
1179 30, 2019, any contracts for entertainers and/or performers at the
1180 Mississippi State Fairgrounds entered into by the Mississippi Fair
1181 Commission, any contracts entered into by the Department of
1182 Finance and Administration when procuring aircraft maintenance,
1183 parts, equipment and/or services, and any contract for attorney,
1184 accountant, actuary auditor, architect, engineer, and utility rate
1185 expert services. Any such rules and regulations shall provide for
1186 maintaining continuous internal audit covering the activities of
1187 such agency affecting its revenue and expenditures as required
1188 under Section 7-7-3(6)(d). Any rules and regulation changes
1189 related to personal and professional services contracts that the
1190 Public Procurement Review Board may propose shall be submitted to
1191 the Chairs of the Accountability, Efficiency and Transparency



1192 Committees of the Senate and House of Representatives and the
1193 Chairs of the Appropriation Committees of the Senate and House of
1194 Representatives at least fifteen (15) days before the board votes
1195 on the proposed changes, and those rules and regulation changes,
1196 if adopted, shall be promulgated in accordance with the
1197 Mississippi Administrative Procedures Act;

1198 (g) Approve all personal and professional services
1199 contracts involving the expenditures of funds in excess of
1200 Seventy-five Thousand Dollars (\$75,000.00), except as provided in
1201 paragraph (f) of this subsection (2) and in subsection (8);

1202 (h) Develop mandatory standards with respect to
1203 contractual services personnel that require invitations for public
1204 bid, requests for proposals, record keeping and financial
1205 responsibility of contractors. The Public Procurement Review
1206 Board shall, unless exempted under this paragraph (h) or under
1207 paragraph (i) or (o) of this subsection (2), require the agency
1208 involved to submit the procurement to a competitive procurement
1209 process, and may reserve the right to reject any or all resulting
1210 procurements;

1211 (i) Prescribe certain circumstances by which agency
1212 heads may enter into contracts for personal and professional
1213 services without receiving prior approval from the Public
1214 Procurement Review Board. The Public Procurement Review Board may
1215 establish a preapproved list of providers of various personal and



1216 professional services for set prices with which state agencies may
1217 contract without bidding or prior approval from the board;

1218 (i) Agency requirements may be fulfilled by
1219 procuring services performed incident to the state's own programs.
1220 The agency head shall determine in writing whether the price
1221 represents a fair market value for the services. When the
1222 procurements are made from other governmental entities, the
1223 private sector need not be solicited; however, these contracts
1224 shall still be submitted for approval to the Public Procurement
1225 Review Board.

1226 (ii) Contracts between two (2) state agencies,
1227 both under Public Procurement Review Board purview, shall not
1228 require Public Procurement Review Board approval. However, the
1229 contracts shall still be entered into the enterprise resource
1230 planning system.

1231 (j) Provide standards for the issuance of requests for
1232 proposals, the evaluation of proposals received, consideration of
1233 costs and quality of services proposed, contract negotiations, the
1234 administrative monitoring of contract performance by the agency
1235 and successful steps in terminating a contract;

1236 (k) Present recommendations for governmental
1237 privatization and to evaluate privatization proposals submitted by
1238 any state agency;

1239 (l) Authorize personal and professional service
1240 contracts to be effective for more than one (1) year provided a



1241 funding condition is included in any such multiple year contract,
1242 except the State Board of Education, which shall have the
1243 authority to enter into contractual agreements for student
1244 assessment for a period up to ten (10) years. The State Board of
1245 Education shall procure these services in accordance with the
1246 Public Procurement Review Board procurement regulations;

1247 (m) Request the State Auditor to conduct a performance
1248 audit on any personal or professional service contract;

1249 (n) * * * [Deleted]

1250 (o) Develop and implement the following standards and
1251 procedures for the approval of any sole source contract for
1252 personal and professional services regardless of the value of the
1253 procurement:

1254 (i) For the purposes of this paragraph (o), the
1255 term "sole source" means only one (1) source is available that can
1256 provide the required personal or professional service.

1257 (ii) An agency that has been issued a binding,
1258 valid court order mandating that a particular source or provider
1259 must be used for the required service must include a copy of the
1260 applicable court order in all future sole source contract reviews
1261 for the particular personal or professional service referenced in
1262 the court order.

1263 (iii) Any agency alleging to have a sole source
1264 for any personal or professional service, other than those
1265 exempted under paragraph (f) of this subsection (2) and subsection



1266 (8), shall publish on the procurement portal website established
1267 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)
1268 days, the terms of the proposed contract for those services. In
1269 addition, the publication shall include, but is not limited to,
1270 the following information:

1271 1. The personal or professional service
1272 offered in the contract;

1273 2. An explanation of why the personal or
1274 professional service is the only one that can meet the needs of
1275 the agency;

1276 3. An explanation of why the source is the
1277 only person or entity that can provide the required personal or
1278 professional service;

1279 4. An explanation of why the amount to be
1280 expended for the personal or professional service is reasonable;
1281 and

1282 5. The efforts that the agency went through
1283 to obtain the best possible price for the personal or professional
1284 service.

1285 (iv) If any person or entity objects and proposes
1286 that the personal or professional service published under
1287 subparagraph (iii) of this paragraph (o) is not a sole source
1288 service and can be provided by another person or entity, then the
1289 objecting person or entity shall notify the Public Procurement
1290 Review Board and the agency that published the proposed sole



1291 source contract with a detailed explanation of why the personal or
1292 professional service is not a sole source service.

1293 (v) 1. If the agency determines after review that
1294 the personal or professional service in the proposed sole source
1295 contract can be provided by another person or entity, then the
1296 agency must withdraw the sole source contract publication from the
1297 procurement portal website and submit the procurement of the
1298 personal or professional service to an advertised competitive bid
1299 or selection process.

1300 2. If the agency determines after review that
1301 there is only one (1) source for the required personal or
1302 professional service, then the agency may appeal to the Public
1303 Procurement Review Board. The agency has the burden of proving
1304 that the personal or professional service is only provided by one
1305 (1) source.

1306 3. If the Public Procurement Review Board has
1307 any reasonable doubt as to whether the personal or professional
1308 service can only be provided by one (1) source, then the agency
1309 must submit the procurement of the personal or professional
1310 service to an advertised competitive bid or selection process. No
1311 action taken by the Public Procurement Review Board in this appeal
1312 process shall be valid unless approved by a majority of the
1313 members of the Public Procurement Review Board present and voting.

1314 (vi) The Public Procurement Review Board shall
1315 prepare and submit a quarterly report to the House of



1316 Representatives and Senate Accountability, Efficiency and
1317 Transparency Committees that details the sole source contracts
1318 presented to the Public Procurement Review Board and the reasons
1319 that the Public Procurement Review Board approved or rejected each
1320 contract. These quarterly reports shall also include the
1321 documentation and memoranda required in subsection (4) of this
1322 section. An agency that submitted a sole source contract shall be
1323 prepared to explain the sole source contract to each committee by
1324 December 15 of each year upon request by the committee.

1325 (p) Assess any fines and administrative penalties
1326 provided for in Sections 31-7-401 through 31-7-423.

1327 (3) All submissions shall be made sufficiently in advance of
1328 each monthly meeting of the Public Procurement Review Board as
1329 prescribed by the Public Procurement Review Board. If the Public
1330 Procurement Review Board rejects any contract submitted for review
1331 or approval, the Public Procurement Review Board shall clearly set
1332 out the reasons for its action, including, but not limited to, the
1333 policy that the agency has violated in its submitted contract and
1334 any corrective actions that the agency may take to amend the
1335 contract to comply with the rules and regulations of the Public
1336 Procurement Review Board.

1337 (4) All sole source contracts for personal and professional
1338 services awarded by state agencies, other than those exempted
1339 under Section 27-104-7(2) (f) and (8), whether approved by an
1340 agency head or the Public Procurement Review Board, shall contain



1341 in the procurement file a written determination for the approval,
1342 using a request form furnished by the Public Procurement Review
1343 Board. The written determination shall document the basis for the
1344 determination, including any market analysis conducted in order to
1345 ensure that the service required was practicably available from
1346 only one (1) source. A memorandum shall accompany the request
1347 form and address the following four (4) points:

1348 (a) Explanation of why this service is the only service
1349 that can meet the needs of the purchasing agency;

1350 (b) Explanation of why this vendor is the only
1351 practicably available source from which to obtain this service;

1352 (c) Explanation of why the price is considered
1353 reasonable; and

1354 (d) Description of the efforts that were made to
1355 conduct a noncompetitive negotiation to get the best possible
1356 price for the taxpayers.

1357 (5) In conjunction with the State Personnel Board, the
1358 Public Procurement Review Board shall develop and promulgate rules
1359 and regulations to define the allowable legal relationship between
1360 contract employees and the contracting departments, agencies and
1361 institutions of state government under the jurisdiction of the
1362 State Personnel Board, in compliance with the applicable rules and
1363 regulations of the federal Internal Revenue Service (IRS) for
1364 federal employment tax purposes. Under these regulations, the
1365 usual common law rules are applicable to determine and require



1366 that such worker is an independent contractor and not an employee,
1367 requiring evidence of lawful behavioral control, lawful financial
1368 control and lawful relationship of the parties. Any state
1369 department, agency or institution shall only be authorized to
1370 contract for personnel services in compliance with those
1371 regulations.

1372 (6) No member of the Public Procurement Review Board shall
1373 use his or her official authority or influence to coerce, by
1374 threat of discharge from employment, or otherwise, the purchase of
1375 commodities, the contracting for personal or professional
1376 services, or the contracting for public construction under this
1377 chapter.

1378 (7) Notwithstanding any other laws or rules to the contrary,
1379 the provisions of subsection (2) of this section shall not be
1380 applicable to the Mississippi State Port Authority at Gulfport.

1381 (8) Nothing in this section shall impair or limit the
1382 authority of the Board of Trustees of the Public Employees'
1383 Retirement System to enter into any personal or professional
1384 services contracts directly related to their constitutional
1385 obligation to manage the trust funds, including, but not limited
1386 to, actuarial, custodial banks, cash management, investment
1387 consultant and investment management contracts.

1388 (9) Notwithstanding the exemption of personal and
1389 professional services contracts entered into by the Department of
1390 Human Services and personal and professional services contracts



1391 entered into by the Department of Child Protection Services from
1392 the provisions of this section under subsection (2)(f), before the
1393 Department of Human Services or the Department of Child Protection
1394 Services may enter into a personal or professional service
1395 contract, the department(s) shall give notice of the proposed
1396 personal or professional service contract to the Public
1397 Procurement Review Board for any recommendations by the board.
1398 Upon receipt of the notice, the board shall post the notice on its
1399 website and on the procurement portal website established by
1400 Sections 25-53-151 and 27-104-165. If the board does not respond
1401 to the department(s) within seven (7) calendar days after
1402 receiving the notice, the department(s) may enter the proposed
1403 personal or professional service contract. If the board responds
1404 to the department(s) within seven (7) calendar days, then the
1405 board has seven (7) calendar days from the date of its initial
1406 response to provide any additional recommendations. After the end
1407 of the second seven-day period, the department(s) may enter the
1408 proposed personal or professional service contract. The board is
1409 not authorized to disapprove any proposed personal or professional
1410 services contracts. This subsection shall stand repealed on July
1411 1, 2022.

1412 **SECTION 16.** Section 27-105-21, Mississippi Code of 1972, is
1413 amended as follows:

1414 27-105-21. All institutions and departments which withdraw
1415 funds from the State Treasury, all agencies and departments of the



1416 state government whose funds are not deposited in the State
1417 Treasury, and all agencies and departments of the state government
1418 which maintain imprest funds are hereby authorized, empowered and
1419 directed to deposit their funds, except and less an amount
1420 approved by the auditor which shall be sufficient to cover
1421 disbursements for current operations, at interest with any
1422 qualified depository of the state at a rate of interest
1423 numerically equal to or greater than one-half of one percent ($\frac{1}{2}$ of
1424 1%) below the bank discount rate on United States Treasury bills
1425 of comparable maturity as determined by the State Depository
1426 Commission. Such institutions and departments may, to the extent
1427 that they are unable to invest in certificates of deposit for
1428 periods of fourteen (14) days or longer at a rate numerically
1429 equal to or greater than one-half of one percent ($\frac{1}{2}$ of 1%) below
1430 the treasury bill rate, deposit funds in sums of less than One
1431 Hundred Thousand Dollars (\$100,000.00) in such other type of
1432 interest-bearing account as may be now or hereafter authorized by
1433 law. Interest earned on funds withdrawn from the General Fund
1434 shall be deposited in the General Fund; interest earned on other
1435 funds shall be deposited to the fund from which the investment was
1436 made, unless otherwise required by law. * * * A depository
1437 holding funds pursuant to this section shall be eligible to hold
1438 such funds to the extent that it is qualified as a depository for
1439 state funds.



1440 **SECTION 17.** Section 31-1-19, Mississippi Code of 1972, is
1441 amended as follows:

1442 31-1-19. The acts of the Legislature shall be labeled "Laws
1443 of Mississippi" including the year of their passage, and the label
1444 shall indicate whether the laws are "general" or "local and
1445 private"; and if enacted at an extraordinary session, the label
1446 shall so indicate. The journals of the Legislature shall be
1447 labeled "House Journal-Mississippi," and "Senate
1448 Journal-Mississippi," respectively, and the year of the session
1449 shall be indicated thereon; and if for an extraordinary session,
1450 the label shall so indicate. The bound copies of the department
1451 reports shall be labeled "Department Reports, State of
1452 Mississippi," and the label shall disclose the year covered by the
1453 reports.

1454 * * *

1455 **SECTION 18.** Section 31-3-14, Mississippi Code of 1972, is
1456 amended as follows:

1457 31-3-14. (1) In addition to the fees required for
1458 application and renewal for certification and registration of all
1459 contractors in Section 31-3-13, all holders of a certificate of
1460 responsibility shall pay a fee equal to Two Hundred Dollars
1461 (\$200.00) at the time of application or renewal of certificates of
1462 responsibility. Any residential builder licensed under the
1463 provisions of Section 73-59-1 et seq. shall be exempt from the fee
1464 imposed under this section. The revenue derived from such



1465 additional fees shall be deposited into a fund to be known as the
1466 "Construction Education Fund," a special fund created in the State
1467 Treasury, and distributed by the State Board of Contractors
1468 created in Section 31-3-3, to the Mississippi Construction
1469 Education Foundation, public high schools and community colleges
1470 that participate in the Mississippi Construction Education
1471 Foundation's "school-to-work" program, state universities that
1472 have construction technology programs, the Mississippi Housing
1473 Institute and certain construction educational trusts approved by
1474 the State Board of Contractors in the manner hereinafter provided
1475 to offer courses for construction education and construction craft
1476 training to meet the needs of the construction industry of the
1477 State of Mississippi.

1478 (2) The State Board of Contractors shall, on an annual
1479 basis, solicit from the Mississippi state institutions of higher
1480 learning, all the public community and junior colleges, the
1481 Mississippi Construction Education Foundation, public high schools
1482 that participate in the Mississippi Construction Education
1483 Foundation's "school-to-work" program and certain construction
1484 educational trusts, applications for the use of such funds in
1485 construction education and craft training programs in a manner
1486 prescribed by the board. The board may appoint a technical
1487 advisory committee to advise the board on the most needed areas of
1488 construction education and craft training, continuing education or
1489 research relating to the construction education and craft training



1490 in the state, based on significant changes in the construction
1491 industry's practices, economic development or on problems costing
1492 public or private contractors substantial waste. The board shall
1493 ensure that the monies distributed from this fund are properly
1494 spent to promote construction education and craft training in
1495 programs in the state which are approved by the board. At least
1496 seventy-five percent (75%) of the monies distributed by the board,
1497 pursuant to this section, must be used for construction craft
1498 training with the exception of the Mississippi Housing Institute.

1499 (3) Each university, junior college, community college, the
1500 Mississippi Construction Education Foundation, public high school
1501 that participates in the foundation's "school-to-work" program and
1502 construction educational trust receiving funds pursuant to this
1503 section for construction education or construction craft training
1504 programs shall utilize such funds only for construction education
1505 and craft training curricula and program development, faculty
1506 development, equipment, student scholarships, student
1507 assistantships, and for continuing education programs related to
1508 construction education and craft training. Such funds shall not
1509 be commingled with the normal operating funds of the educational
1510 institution, regardless of the source of such funds.

1511 (4) The State Board of Contractors shall ensure the
1512 distribution of reports and the availability of construction
1513 education programs established pursuant to this section to all



1514 segments of the construction industry that are subject to the fee
1515 provided under this section. * * *

1516 (5) All monies deposited into the Construction Education
1517 Fund shall be used exclusively for construction education and
1518 craft training, and any unspent funds at the end of the fiscal
1519 year shall not revert to the General Fund of the State Treasury
1520 but shall be available for construction education and craft
1521 training in subsequent fiscal years.

1522 (6) All monies deposited into the Construction Education
1523 Fund collected from residential builders licensed under the
1524 provisions of Section 73-59-1 et seq. shall be used exclusively
1525 for licensed home builders' education and professional development
1526 and any unspent funds at the end of the fiscal year shall not
1527 revert to the General Fund of the State Treasury but shall be
1528 available for construction education and craft training in
1529 subsequent fiscal years.

1530 (7) All expenditures from the Construction Education Fund
1531 shall be by requisition to the State Auditor, signed by the
1532 executive director of the board and countersigned by the chairman
1533 or vice chairman of the board, and the State Treasurer shall issue
1534 his warrants thereon.

1535 **SECTION 19.** Section 31-17-41, Mississippi Code of 1972, is
1536 amended as follows:

1537 31-17-41. The state bond retirement commission shall keep
1538 full and accurate minutes of its proceedings. Full and complete



1539 records of all transactions made under the authority of Sections
1540 31-17-27 through 31-17-43 and of all sums received into and
1541 disbursed from * * * the state bond retirement revolving fund
1542 shall be kept by the secretary * * *.

1543 **SECTION 20.** Section 33-11-18, Mississippi Code of 1972, is
1544 amended as follows:

1545 33-11-18. (1) In order to conserve and promote timber
1546 development at Camp Shelby, Mississippi, the State Forestry
1547 Commission is directed to lend its services, advice and
1548 recommendations to the Adjutant General of Mississippi in
1549 developing a sound timber management program on state-owned lands
1550 in * * * the military reservation.

1551 (2) The Adjutant General is authorized and empowered to sell
1552 such trees, timber, stumps, naval stores faces or other forest
1553 products on state-owned lands in the military reservation at Camp
1554 Shelby, Mississippi, as shall be recommended by the State Forestry
1555 Commission and to secure the services of the State Forestry
1556 Commission in the reforestation and use of planting, cutting and
1557 practices recommended by the State Forestry Commission. The
1558 Adjutant General, however, is empowered to cut timber to provide
1559 clearing for military purposes and for rights-of-way without
1560 recommendation of the State Forestry Commission, and is authorized
1561 to sell such timber at the prevailing scale without advertising
1562 for bids, when the value thereof is estimated at less than One
1563 Thousand Five Hundred Dollars (\$1,500.00) by the State Forestry



1564 Commission. Based on the recommendation and value estimate of the
1565 State Forestry Commission, the Adjutant General is authorized to
1566 sell at the prevailing price, without advertising for bids, timber
1567 which has been damaged by storm, fire, insect, disease or
1568 otherwise. Based on recommendations by the State Forestry
1569 Commission, as provided by the Timber Management Program, the
1570 Adjutant General may dispose of nonmarketable timber that is
1571 diseased or has been deadened by the State Forestry Commission,
1572 authorizing noncommercial public cutting when considered in the
1573 best interest of the state. Provided, however, that before any
1574 other sale of timber may be made as herein authorized, the
1575 Adjutant General shall advertise for bids on * * * the timber in a
1576 newspaper of general circulation in the State of Mississippi at
1577 least once each week for three (3) consecutive weeks prior to the
1578 date upon which bids are to be received.

1579 The Adjutant General is hereby authorized to pay all of the
1580 funds derived from any timber and other forest product sales on
1581 state-owned lands in * * * the reservation into a special fund in
1582 the State Treasury, which shall be a revolving fund, to be used
1583 for the maintenance, development and improvement of * * * the
1584 military reservation at Camp Shelby, Mississippi, and out of which
1585 the Adjutant General may pay the State Forestry Commission the
1586 cost incurred by the State Forestry Commission in selecting and
1587 cutting trees, tree planting, elimination of undesirable trees and
1588 shrubs, construction of fire lanes, control of insect and disease



1589 outbreaks, and other desirable aspects of forest management
1590 practices on this military reservation for the benefit of this
1591 military reservation.

1592 The Adjutant General of Mississippi, with concurrence of the
1593 Commission of Budget and Accounting, may pay from available Camp
1594 Shelby timber funds, restitution for timber and/or minerals cut
1595 and/or removed without permission, by employees or authorized
1596 agents of the State Military Department, from private property
1597 whose sales, use or damage shall have enriched and/or benefited
1598 the State Military Department.

1599 The funds derived from any timber and other forest product
1600 sales as herein provided shall be paid by the State Treasurer upon
1601 warrants issued by the State * * * Fiscal Officer, and the * * *
1602 fiscal officer shall issue his warrant upon requisitions signed by
1603 the proper person, officer or officers in the manner provided by
1604 law for funds appropriated for support of the Mississippi National
1605 Guard.

1606 * * *

1607 **SECTION 21.** Section 33-15-309, Mississippi Code of 1972, is
1608 amended as follows:

1609 33-15-309. (1) The director shall administer this article
1610 and shall have the authority to adopt reasonable rules and
1611 regulations to effectuate the purposes of this article.

1612 (2) A state agency, when requested by the director in
1613 accordance with Section 33-15-11(b) (7) or 33-15-11(c) (2) and



1614 current executive orders, shall render services and perform duties
1615 within its areas of responsibility necessary to carry out the
1616 purpose of this article.

1617 (3) Each project application executed between a local agency
1618 and the director pursuant to subsection (4) of Section 33-15-313
1619 shall contain a provision under which the local agency agrees to
1620 hold the state harmless from damages due to the work for which
1621 funds were allocated.

1622 * * *

1623 (* * *4) When certified by the director, requests for
1624 reimbursements, advances or final payments from local or state
1625 agencies shall be presented to the Department of Finance and
1626 Administration for payment out of the trust fund.

1627 **SECTION 22.** Section 37-1-12, Mississippi Code of 1972, is
1628 amended as follows:

1629 37-1-12. The State Board of Education shall develop and
1630 promulgate regulations for annual reports from school
1631 districts * * *. Such regulations shall eliminate duplication,
1632 make effective use of technology * * *. These regulations may
1633 include methods to reduce redundant reporting requirements and
1634 eliminate inadequate performance measures, and the State Board of
1635 Education may include any proposed legislative amendments to state
1636 law necessary to improve statewide reporting mandates.

1637 **SECTION 23.** Section 37-4-11, Mississippi Code of 1972, is
1638 amended as follows:



1639 37-4-11. (1) The purpose of this section is to insure the
1640 uniform management, oversight and accountability of the
1641 state-funded Industrial Training Programs, * * * postsecondary
1642 Adult Short-Term Training Programs and Workforce Education
1643 Programs administered by the Mississippi Community College Board
1644 for adults provided to the citizens of Mississippi.

1645 (2) Effective July 1, 1999, all state-funded Industrial
1646 Training Programs and postsecondary Adult Short-term Training
1647 Programs administered by and through the State Department of
1648 Education on June 30, 1999, shall be transferred to the Workforce
1649 Education Program of the Mississippi Community College Board. The
1650 Legislature shall appropriate annually to the Mississippi
1651 Community College Board funds necessary to administer these
1652 programs.

1653 (3) Effective July 1, 1999, all funds, unexpended balances,
1654 assets, liabilities and property of the State Department of
1655 Education which are used in the delivery of postsecondary Adult
1656 Short-term Training Programs and Industrial Training Programs,
1657 excluding funds, unexpended balances, assets, liabilities and
1658 property associated with the Research and Curriculum Unit at
1659 Mississippi State University, shall be transferred to the
1660 Workforce Education Program funds of the Mississippi Community
1661 College Board. The State Department of Education also shall
1662 transfer to the Mississippi Community College Board all positions
1663 and funds employed by the State Department of Education and



1664 community colleges which render industrial training, postsecondary
1665 adult short-term training or workforce education services,
1666 including the seven (7) administrative and support positions
1667 providing support to these programs. Sufficient staff positions
1668 shall be transferred from the State Department of Education, which
1669 will have a reduction in training and educational responsibilities
1670 by virtue of this section, to the Mississippi Community College
1671 Board to assure that the transferred responsibilities will be
1672 properly managed and administered. Any funds available to the
1673 State Department of Education for Industrial Training Programs and
1674 state-funded postsecondary Adult Short-term Training Programs
1675 which are subject to carryover shall be transferred to the Work
1676 Force Carryover Fund established by Chapter 498, Laws of 1995, for
1677 use by the Mississippi Community College Board, on or before
1678 August 15, 1999.

1679 (4) The Mississippi Community College Board shall develop an
1680 accountability system that shall report and describe all classes
1681 taught in the area of workforce education, the number of persons
1682 taught in these classes, and the location and cost of each class
1683 taught. To assess the impact of these programs, the Mississippi
1684 Community College Board also shall report:

1685 (a) Whether the needs of industry have been met through
1686 training program offerings;

1687 (b) Any changes in the income of trainees between the
1688 completion of training and the date of the report;



1689 (c) The number of jobs created and the number of jobs
1690 retained through the programs; and

1691 (d) Trainee success in passing proficiency tests, where
1692 applicable.

1693 * * *

1694 **SECTION 24.** Section 37-13-60.1, Mississippi Code of 1972, is
1695 amended as follows:

1696 37-13-60.1. (1) The Mississippi State Occupational
1697 Information Coordinating Committee, hereinafter "SOICC," is hereby
1698 designated as the entity responsible for the operation and
1699 management of an occupational information system to support career
1700 development in elementary schools, middle/junior high schools,
1701 high schools, postsecondary institutions and human service
1702 agencies pursuant to the Carl D. Perkins Vocational Education Act
1703 of 1984, Public Law 98-524, Section 422(b).

1704 (2) SOICC shall develop and incorporate Mississippi-specific
1705 occupational and educational information to implement a career
1706 information delivery system for this state.

1707 (3) SOICC shall train local staff in the use and operation
1708 of the career information delivery system in the career
1709 development process.

1710 (4) SOICC shall establish the criteria pursuant to which
1711 appropriated funds will be distributed to local users of the
1712 career information delivery system.

1713 * * *



1714 (* * *5) SOICC is authorized to impose reasonable fees on
1715 users of the career information delivery system in order to defray
1716 a portion of the expense incurred in the operation and management
1717 of the career information delivery system.

1718 **SECTION 25.** Section 37-21-51, Mississippi Code of 1972, is
1719 amended as follows:

1720 37-21-51. (1) As used in this section:

1721 (a) "Preschool or prekindergarten children" means any
1722 children who have not entered kindergarten but will have obtained
1723 four (4) years of age on or before September 1 of a school year.

1724 (b) An "early learning collaborative" is a district or
1725 countywide council that writes and submits an application to
1726 participate in the voluntary prekindergarten program. An early
1727 learning collaborative is comprised, at a minimum, of a public
1728 school district and/or a local Head Start affiliate if in
1729 existence, private or parochial schools, or one or more licensed
1730 child care centers. Agencies or other organizations that work
1731 with young children and their families may also participate in the
1732 collaborative to provide resources and coordination even if those
1733 agencies or organizations are not prekindergarten providers.

1734 (c) A "prekindergarten provider" is a public, private
1735 or parochial school, licensed child care center or Head Start
1736 center that serves prekindergarten children and participates in
1737 the voluntary prekindergarten program.



1738 (d) A "lead partner" is a public school district or
1739 other nonprofit entity with the instructional expertise and
1740 operational capacity to manage the early learning collaborative's
1741 prekindergarten program as described in the collaborative's
1742 approved application for funds. The lead partner serves as the
1743 fiscal agent for the collaborative and shall disburse awarded
1744 funds in accordance with the collaborative's approved application.
1745 The lead partner must facilitate a professional learning community
1746 for the teachers in the prekindergarten program and lead the
1747 collaborative. The lead partner ensures that the collaborative
1748 adopts and implements curriculum and assessments that align with
1749 the comprehensive early learning standards. The public school
1750 district shall be the lead partner if no other qualifying lead
1751 partner is selected.

1752 (e) "Comprehensive early learning standards" are
1753 standards adopted by the State Board of Education that address the
1754 highest level of fundamental domains of early learning to include,
1755 but not be limited to, physical well-being and motor development,
1756 social/emotional development, approaches toward learning, language
1757 development and cognition and general knowledge. The
1758 comprehensive early learning standards shall also include
1759 standards for emergent literacy skills, including oral
1760 communication, knowledge of print and letters, phonological and
1761 phonemic awareness, and vocabulary and comprehension development.



1762 (f) A "research-based curriculum" is an age-appropriate
1763 curriculum that is based on the findings of current research and
1764 has been found to be effective in improving student learning.

1765 (2) To ensure that all children have access to quality early
1766 childhood education and development services, the Legislature
1767 finds and declares the following:

1768 (a) Parents have the primary duty to educate their
1769 young preschool children;

1770 (b) The State of Mississippi can assist and educate
1771 parents in their role as the primary caregivers and educators of
1772 young preschool children;

1773 (c) There is a need to explore innovative approaches
1774 and strategies for aiding parents and families in the education
1775 and development of young preschool children; and

1776 (d) There exists a patchwork of prekindergarten
1777 entities but no coordination of services and there needs to be a
1778 coordination of these services.

1779 (3) (a) This subsection shall be known and may be cited as
1780 the "Early Learning Collaborative Act of 2013."

1781 (b) Effective with the 2013-2014 school year, the
1782 Mississippi State Department of Education shall establish a
1783 voluntary prekindergarten program, which shall be a collaboration
1784 among the entities providing prekindergarten programs including
1785 Head Start, licensed child care facilities and licensed public,
1786 parochial and private school prekindergarten programs. This



1787 program shall be implemented no later than the 2014-2015 school
1788 year. Enrollment in the prekindergarten program shall be
1789 coordinated with the Head Start agencies in the local areas and
1790 shall not be permitted to cause a reduction in children served by
1791 the Head Start program. Under this program, eligible entities may
1792 submit an application for funds to (i) defray the cost of
1793 additional and/or more qualified teaching staff, appropriate
1794 educational materials and equipment and to improve the quality of
1795 educational experiences offered to four-year-old children in early
1796 care and education programs, and/or to (ii) extend developmentally
1797 appropriate education services at such programs currently serving
1798 four-year-old children to include practices of high quality
1799 instruction, and to (iii) administer, implement, monitor and
1800 evaluate the programs, and to (iv) defray the cost of professional
1801 development and age-appropriate child assessment.

1802 (c) Subject to the availability of funds appropriated
1803 therefor, the State Department of Education shall administer the
1804 implementation, monitoring and evaluation of the voluntary
1805 prekindergarten program, including awards and the application
1806 process.

1807 (i) The department shall establish a rigorous and
1808 transparent application process for the awarding of funds. Lead
1809 partners shall submit the applications on behalf of their early
1810 learning collaborative.



1811 (ii) The department will establish monitoring
1812 policies and procedures that, at a minimum, will include at least
1813 one (1) site visit a year.

1814 (iii) The department will provide technical
1815 assistance to collaboratives and their providers to improve the
1816 quality of prekindergarten programs.

1817 (iv) The department will evaluate the
1818 effectiveness of each early childhood collaborative and each
1819 prekindergarten provider. If the State Department of Education
1820 adopts a statewide kindergarten screening that assesses the
1821 readiness of each student for kindergarten, the State Department
1822 of Education shall adopt a minimum rate of readiness that each
1823 prekindergarten provider must meet in order to remain eligible for
1824 prekindergarten program funds. Each parent who enrolls his or her
1825 child in the prekindergarten program must submit the child for the
1826 statewide kindergarten screening, regardless of whether the child
1827 is admitted to kindergarten in a public school.

1828 (d) Prekindergarten program funds shall be awarded to
1829 early childhood collaboratives whose proposed programs meet the
1830 program criteria. The criteria shall include:

1831 (i) Voluntary enrollment of children;

1832 (ii) Collaboration among prekindergarten providers
1833 and other early childhood programs through the establishment of an
1834 early learning collaborative;



1835 (iii) Qualifications of master teachers, teachers
1836 and assistants, which must conform to guidelines in Section
1837 37-21-3;

1838 (iv) At least fifteen (15) hours of annual
1839 professional development for program instructional staff,
1840 including professional development in early literacy;

1841 (v) The use of state-adopted comprehensive early
1842 learning standards;

1843 (vi) The use of a research-based curriculum that
1844 is designed to prepare students to be ready for kindergarten, with
1845 emphasis in early literacy, and is aligned with the comprehensive
1846 early learning standards;

1847 (vii) The use of age-appropriate assessments
1848 aligned to the comprehensive early learning standards;

1849 (viii) Teacher/child ratios of one (1) adult for
1850 every ten (10) children with a maximum of twenty (20) children per
1851 classroom and a minimum of five (5) children per classroom;

1852 (ix) The provision of at least one (1) meal
1853 meeting state and federal nutrition guidelines for young children;

1854 (x) Plans to screen and/or refer children for
1855 vision, hearing and other health issues;

1856 (xi) Parent involvement opportunities;

1857 (xii) Plans to serve children with disabilities as
1858 indicated under IDEA;



1859 (xiii) The number of instructional hours to be
1860 provided, which shall equal no less than five hundred forty (540)
1861 instructional hours per school year for half-day programs and one
1862 thousand eighty (1,080) instructional hours per school year for
1863 full-day programs; and

1864 (xiv) A budget detailing the use of funds for
1865 allowed expenses.

1866 Participating child care centers shall: (a) meet state child
1867 care facility licensure requirements unless exempted under Section
1868 43-20-5, Mississippi Code of 1972, and (b) select and utilize a
1869 nationally recognized assessment tool, approved by the State
1870 Department of Education, designed to document classroom quality,
1871 which must be in place not later than July 1, 2016, as certified
1872 by the State Department of Education.

1873 Within the prekindergarten program, a prekindergarten
1874 provider must comply with the antidiscrimination requirements
1875 applicable to public schools. A prekindergarten provider may not
1876 discriminate against a parent or child, including the refusal to
1877 admit a child for enrollment in the prekindergarten program, in
1878 violation of these antidiscrimination requirements. However, a
1879 prekindergarten provider may refuse to admit a child based on the
1880 provider's standard eligibility guidelines, provided that these
1881 guidelines do not violate the antidiscrimination requirements.
1882 Consistent with the Legislature's recognition of the primacy of a
1883 parent's role in the education of a preschool-age child and the



1884 related recognition of the state in assisting and educating
1885 parents in that role, if the State Department of Education adopts
1886 a statewide kindergarten screening that assesses the readiness of
1887 each student for kindergarten, the State Department of Education
1888 shall recognize each child's unique pattern of development when
1889 adopting a minimum rate of readiness that prekindergarten
1890 providers must meet in order to remain eligible for
1891 prekindergarten program funds. Each parent who enrolls his or her
1892 child in the prekindergarten program may submit the child for the
1893 statewide kindergarten screening, regardless of whether the child
1894 is admitted to kindergarten in a public school.

1895 The State Department of Education may add program criteria
1896 not inconsistent with these requirements and shall develop
1897 policies and procedures to implement and enforce these criteria.

1898 (e) The State Department of Education shall ensure that
1899 early learning collaboratives provide each parent enrolling a
1900 child in the voluntary prekindergarten program with a profile of
1901 every prekindergarten provider participating in the
1902 collaborative's geographic catchment area. The State Department
1903 of Education shall prescribe the information to be included in
1904 each profile as well as the format of the profiles. At a minimum,
1905 the profiles must include the prekindergarten provider's services,
1906 curriculum, instructor credentials and instructor-to-student
1907 ratio.



1908 (f) A teacher, assistant teacher or other employee
1909 whose salary and fringe benefits are paid from state funds under
1910 this act shall only be classified as a state or local school
1911 district employee eligible for state health insurance benefits or
1912 membership in the Public Employees' Retirement System, if the
1913 person's employer is already an agency or instrumentality of the
1914 state, such as a school district, and the employee would be
1915 eligible for such benefits in the normal course of business.

1916 (g) Funding shall be provided for this program
1917 beginning with the 2014 fiscal year subject to appropriation by
1918 the Legislature as provided in paragraph (h) of this subsection.

1919 * * * The PEER Committee shall review * * * program data and
1920 submit an independent evaluation of program operation and
1921 effectiveness to the Legislature and the Governor on or before
1922 October 1 of the calendar year before the beginning of the next
1923 phased-in period of funding.

1924 (h) (i) The Legislature shall appropriate funds to
1925 implement the Early Education Collaborative Act of 2013 on a
1926 phased-in basis as follows:

1927 1. The first phase shall be based on an
1928 annual state appropriation of not more than Eight Million Dollars
1929 (\$8,000,000.00) and shall serve approximately three thousand five
1930 hundred (3,500) children through five (5) to eight (8) early
1931 learning collaboratives and their prekindergarten providers;



1932 2. The second phase shall be based on an
1933 annual state appropriation of not more than Sixteen Million
1934 Dollars (\$16,000,000.00) and shall serve approximately seven
1935 thousand (7,000) children through ten (10) to fifteen (15) early
1936 learning collaboratives and their prekindergarten providers;

1937 3. The third phase shall be based on an
1938 annual state appropriation of not more than Thirty-three Million
1939 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall
1940 serve approximately fifteen thousand (15,000) children through
1941 twenty (20) to twenty-five (25) early learning collaboratives and
1942 their prekindergarten providers.

1943 (ii) Future phases shall be based on interest in
1944 the program and the effectiveness of the program as determined by
1945 the school readiness of participants. Each phase shall last for
1946 at least three (3) years but no more than five (5) years. The
1947 State Department of Education shall determine when to move to a
1948 new phase of the program, within the timeline provided herein.

1949 (iii) Funding shall be provided to early learning
1950 collaboratives on the basis of Two Thousand One Hundred Fifty
1951 Dollars (\$2,150.00) per student in a full-day program and One
1952 Thousand Seventy-five Dollars (\$1,075.00) per student in a
1953 half-day program proposed in the collaborative's approved
1954 application. Once an early learning collaborative's plan is
1955 approved and funded, the collaborative and/or its prekindergarten
1956 providers shall receive funds on an ongoing basis unless the



1957 collaborative and/or its prekindergarten providers no longer meet
1958 the criteria to participate in the program.

1959 (iv) Early learning collaboratives shall match
1960 state funds on a 1:1 basis. Local matching funds may include
1961 local tax dollars, federal dollars as allowed, parent tuition,
1962 philanthropic contributions, or in-kind donations of facilities,
1963 equipment and services required as part of the program such as
1964 food service or health screenings.

1965 (v) The State Department of Education shall
1966 reserve no more than five percent (5%) of the appropriation in any
1967 year for administrative costs. Funds remaining after awards to
1968 early learning collaboratives and the department's administrative
1969 needs are met may be carried over in the following year. In the
1970 first year of implementation of the program, the department may
1971 delay the awarding of funds until the 2014-2015 school year should
1972 time not be sufficient to establish the program's operation prior
1973 to the 2013-2014 school year.

1974 (vi) In the initial phase of implementation, the
1975 State Department of Education shall award state funds under the
1976 Early Learning Collaborative Act of 2013 based on a community's
1977 capacity, commitment and need. To determine capacity, commitment
1978 and need, the State Department of Education shall require evidence
1979 of existing strong local collaborations of early education
1980 stakeholders. Such evidence shall include, but not be limited to,
1981 collaborations resulting from any of the following:



- 1982 1. Participation in Excel By 5;
1983 2. Participation in supporting Partnerships
1984 to Assure Ready Kids (SPARK);
1985 3. Participation in the Gilmore Early
1986 Learning Initiative (GELI); or
1987 4. Participation in the Mississippi Building
1988 Blocks.

1989 In determining community need, the department shall consider
1990 low academic achievement within the public school districts
1991 participating in an applicant early learning collaborative and the
1992 number and percentage of children without quality prekindergarten
1993 options.

1994 (vii) All authority granted to the State
1995 Department of Education to establish program rules is subject to
1996 the public processes established in the provisions of the
1997 Mississippi Administrative Procedures Law, including, but not
1998 limited to, filing notice of the proposed rules, public hearings
1999 and any economic impact statement with the Office of the Secretary
2000 of State before presenting such information to the State Board of
2001 Education for final approval.

2002 **SECTION 26.** Section 37-27-25, Mississippi Code of 1972, is
2003 amended as follows:

2004 37-27-25. The board of trustees of agricultural high schools
2005 shall make detailed statements of receipts and disbursements to
2006 the board or boards of supervisors and the county superintendent



2007 or superintendents of education annually on the first Monday of
2008 July. The county superintendent of education shall transmit to
2009 the state superintendent of public education * * * a copy of * * *
2010 the detailed statement * * *.

2011 **SECTION 27.** Section 37-28-31, Mississippi Code of 1972, is
2012 amended as follows:

2013 37-28-31. (1) The authorizer shall monitor annually the
2014 performance and legal compliance of each charter school it
2015 oversees, including collecting and analyzing data to support the
2016 school's evaluation according to the charter contract. The
2017 authorizer may conduct or require oversight activities that enable
2018 the authorizer to fulfill its responsibilities under this chapter,
2019 including conducting appropriate inquiries and investigations, so
2020 long as those activities are consistent with the intent of this
2021 act, adhere to the terms of the charter contract and do not unduly
2022 inhibit the autonomy granted to charter schools.

2023 (2) * * * The authorizer shall publish and provide a
2024 performance report for each charter school it oversees in
2025 accordance with the performance framework set forth in the charter
2026 contract. The report must be made available to the public * * *.
2027 The authorizer may require each charter school it oversees to
2028 submit an annual report to assist the authorizer in gathering
2029 complete information about each school, consistent with the
2030 performance framework.



2031 (3) If a charter school's performance or legal compliance is
2032 unsatisfactory, the authorizer shall notify promptly the charter
2033 school of the problem and provide reasonable opportunity for the
2034 school to remedy the problem unless the problem warrants
2035 revocation, in which case the revocation timeframes will apply.

2036 (4) The authorizer may take appropriate corrective actions
2037 or exercise sanctions in response to apparent deficiencies in a
2038 charter school's performance or legal compliance. If warranted,
2039 the actions or sanctions may include requiring a charter school to
2040 develop and execute a corrective action plan within a specified
2041 timeframe.

2042 **SECTION 28.** Section 37-28-37, Mississippi Code of 1972, is
2043 amended as follows:

2044 37-28-37. * * * The Joint Legislative Committee on
2045 Performance Evaluation and Expenditure Review (PEER) shall prepare
2046 an annual report assessing the sufficiency of funding for charter
2047 schools, the efficacy of the state formula for authorizer funding,
2048 and any suggested changes in state law or policy necessary to
2049 strengthen the state's charter schools.

2050 **SECTION 29.** Section 37-33-161, Mississippi Code of 1972, is
2051 amended as follows:

2052 37-33-161. In carrying out his duties under this chapter,
2053 the Executive Director of the State Department of Rehabilitation
2054 Services:



2055 (a) Shall, with the approval of the board, promulgate
2056 regulations governing personnel standards, the protection of
2057 records and confidential information, the manner and form of
2058 filing applications, eligibility and investigation and
2059 determination therefor, for vocational rehabilitation and other
2060 rehabilitation services, procedures for fair hearings and such
2061 other regulations as he finds necessary to carry out the purposes
2062 of this chapter and in conformity with federal law;

2063 (b) Shall, with the approval of the board, establish
2064 appropriate subordinate administrative units within the
2065 department;

2066 (c) Shall prepare and submit to the board * * * annual
2067 reports of activities and expenditures and, before each regular
2068 session of the Legislature, coordinate budget requests required
2069 for carrying out this chapter and estimates of the amounts to be
2070 made available for this purpose from all sources;

2071 (d) Shall be empowered to exercise executive and
2072 administrative supervision over all institutions, offices,
2073 programs and services now existing or hereafter acquired or
2074 created under the jurisdiction of the department;

2075 (e) Shall make certification for disbursement, in
2076 accordance with regulations, of funds available, for implementing
2077 the purposes of this chapter;



2078 (f) Shall, with the approval of the board, take such
2079 other action as he deems necessary or appropriate to effectuate
2080 the purposes of this chapter;

2081 (g) May, with the approval of the board, delegate to
2082 any officer or employee of the department such of his powers and
2083 duties as he finds necessary to effectuate the purposes of this
2084 chapter.

2085 **SECTION 30.** Section 37-33-261, Mississippi Code of 1972, is
2086 amended as follows:

2087 37-33-261. * * * Such assessments as are collected under
2088 subsections (1) and (2) of Section 99-19-73, shall be deposited in
2089 a special fund that is created in the State Treasury and
2090 designated the Spinal Cord and Head Injury Trust Fund. Unexpended
2091 amounts remaining in the Spinal Cord and Head Injury Trust Fund at
2092 the end of a fiscal year shall not lapse into the State General
2093 Fund, and all interest received from the investment of monies in
2094 the trust fund shall be credited to the trust fund and shall not
2095 be deposited into the State General Fund. Monies deposited in the
2096 fund shall be expended beginning in fiscal year 1997 by the
2097 Department of Rehabilitation Services as authorized and
2098 appropriated by the Legislature for the following purposes:

2099 Providing the cost of care for spinal cord and traumatic
2100 brain injury as a payer of last resort to residents of the State
2101 of Mississippi for a multilevel program of rehabilitation as
2102 prescribed in Sections 37-33-251 through 37-33-259. Authorization



2103 of expenditures for spinal cord injury care and traumatic brain
2104 injury care from this trust fund shall be made only by the
2105 Department of Rehabilitation Services. Authorized expenditures
2106 shall include three (3) or more of the following forms of
2107 assistance: acute care; rehabilitation; transitional living;
2108 assistive technology services, devices and equipment; respite
2109 care; transportation; housing; home modifications; and other
2110 services and/or assistance as deemed appropriate by the advisory
2111 council for individuals with spinal cord injuries or traumatic
2112 brain injuries to accomplish a successful re-entry into the
2113 community. Such activities may also include expanding the
2114 public's awareness of how spinal cord and traumatic brain injuries
2115 occur and how they can be prevented and identifying advanced
2116 treatment and prevention techniques. Other authorized
2117 expenditures may include costs associated with salary and other
2118 support costs for personnel sufficient to carry out the program or
2119 to subcontract all or part of the authorized services, and to pay
2120 the travel and meeting expenses of the advisory council.

2121 * * *

2122 **SECTION 31.** Section 37-35-11, Mississippi Code of 1972, is
2123 amended as follows:

2124 37-35-11. The Mississippi Community College Board shall
2125 determine policies and procedures for administration of this
2126 program.



2127 Funds provided under this section and Section 37-35-9 can be
2128 used for matching federal funds if such become available.

2129 Funds provided under this section and Section 37-35-9 shall
2130 be allocated to schools and community/junior colleges on an
2131 average of twelve (12) to fifteen (15) adult students per class in
2132 average attendance, for one hundred fifty (150) hours maximum
2133 instruction per class. Funds will be allocated on a basis of
2134 target population by county for general educational development
2135 preparatory classes based on adults who have from nine (9) to
2136 eleven (11) years of schooling as indicated by the 1990 census.
2137 Schools and community/junior colleges will receive one hundred
2138 percent (100%) of the cost of general educational development
2139 preparatory classes. All classes funded under this section and
2140 Section 37-35-9 shall be considered temporary and shall be renewed
2141 only as long as participation is adequate for continued funding.

2142 * * *

2143 **SECTION 32.** Section 37-67-1, Mississippi Code of 1972, is
2144 amended as follows:

2145 37-67-1. (1) This section shall be known and may be cited
2146 as the "Distance Learning Collaborative Act of 2016."

2147 (2) As used in this section:

2148 (a) "Distance learning" means a method of delivering
2149 education and instruction on an individual basis to students who
2150 are not physically present in a traditional setting such as a
2151 classroom. Distance learning provides access to learning when the



2152 source of information and the learners are separated by time and
2153 distance, or both. Distance learning courses that require a
2154 physical on-site presence for any reason other than taking
2155 examinations may be referred to as hybrid or blended courses of
2156 study.

2157 (b) "Department" means the Mississippi Department of
2158 Education.

2159 (c) A "distance learning collaborative" means a school
2160 or schools that write and submit an application to participate in
2161 the voluntary distance learning program. A distance learning
2162 collaborative is comprised, at a minimum, of a public school
2163 district, and may include an agency or other nonprofit
2164 organization approved by the State Department of Education to
2165 provide distance learning resources.

2166 (d) A "lead partner" is a public school district or
2167 other nonprofit entity with the instructional expertise and
2168 operational capacity to manage the Distance Learning Collaborative
2169 Program as described in the approved application for funds. The
2170 lead partner serves as the fiscal agent for the collaborative and
2171 shall disburse awarded funds in accordance with the
2172 collaborative's approved application. The lead partner ensures
2173 that the collaborative adopts and implements the Distance Learning
2174 Collaborative Program consistent with the standards adopted by the
2175 State Board of Education. The public school district shall be the
2176 lead partner if no other qualifying lead partner is selected.



2177 (3) Effective with the 2016-2017 school year, the
2178 Mississippi State Department of Education shall establish a
2179 voluntary distance learning grant program which shall be a
2180 collaboration among the entities providing distance learning
2181 services for students. The Distance Learning Collaborative
2182 Program shall provide financial assistance to encourage and
2183 improve distance learning education services in rural areas
2184 through the use of telecommunications, computer networks and
2185 related advanced technologies to be used by students, teachers and
2186 rural residents. Grants are for projects where the benefit is
2187 primarily delivered to end users who are not at the same location
2188 as the source of the education service.

2189 (4) Distance Learning Collaborative Grants may be used to:

2190 (a) Acquire the following types of equipment: (i)
2191 computer hardware and software; (ii) audio and video equipment;
2192 (iii) computer network components; (iv) terminal equipment; (v)
2193 data terminal equipment; (vi) inside wiring; (vii) interactive
2194 video equipment; and (viii) other facilities that further distance
2195 learning technology services.

2196 (b) Acquire instructional programming for distance
2197 learning programs.

2198 (c) Acquire technical assistance and instruction for
2199 using eligible equipment.

2200 (d) The cost of tuition and fees for students to
2201 participate over and above the available federal Perkins Loans or



2202 Stafford Loans which are loaned directly to qualifying students to
2203 assist in covering the cost of distance learning funding.

2204 (e) Any interest charges that accumulate during a
2205 student's degree program for the utilization of distance learning
2206 services.

2207 (5) Subject to the availability of funds appropriated
2208 therefor, the State Department of Education shall administer the
2209 implementation, monitoring and evaluation of the voluntary
2210 Distance Learning Collaborative Program, including awards and the
2211 application process. The department shall establish a rigorous
2212 and transparent application process for the awarding of funds.
2213 Lead partners shall submit the application on behalf of their
2214 distance learning collaborative. The department will establish
2215 monitoring policies and procedures that shall include at least one
2216 (1) site visit per year. The department will provide technical
2217 assistance to collaboratives and their providers to improve the
2218 quality of distance learning services. The department will
2219 evaluate the effectiveness of each distance learning
2220 collaborative.

2221 (6) Distance Learning Collaborative Program funds shall be
2222 awarded to distance learning collaboratives whose proposed
2223 programs meet the program criteria established by the State Board
2224 of Education which shall include the following:



2225 (a) Distance learning programs shall be approved and
2226 registered with the State Department of Education and course
2227 content must be aligned with state standards.

2228 (b) Distance learning instructors shall complete
2229 professional development training in online methodology and
2230 technical aspects of web-based instruction, and may be
2231 credentialed by the National Board for Professional Teaching
2232 Standards (NBPTS).

2233 (c) Transcript equivalency of grades between online and
2234 traditional classes. Student enrollment and credits awarded shall
2235 be made in accordance with regulations jointly approved by the
2236 State Board of Education, the Mississippi Community College Board
2237 and the Board of Trustees of State Institutions of Higher
2238 Learning.

2239 (d) Curriculum standards for online courses.

2240 (e) Classroom "seat time" requirements for online
2241 courses.

2242 (f) Accountability for student achievement, including
2243 methods to assess online course completion rates.

2244 (7) A teacher, assistant teacher or other employee whose
2245 salary and fringe benefits are paid from state funds allocated for
2246 the Distance Learning Collaborative Program shall only be
2247 classified as a state or local school district employee eligible
2248 for state health insurance benefits or membership in the Public
2249 Employees' Retirement System, if the person's employer is already



2250 a public school district or an agency or instrumentality of the
2251 state, and the employee would be eligible for such benefits in the
2252 normal course of business.

2253 (8) Funding shall be provided for the Distance Learning
2254 Collaborative Program beginning with the 2016-2017 fiscal year
2255 subject to appropriation by the Legislature, and the Legislature
2256 may appropriate funds to implement the program on a phased-in
2257 basis. The State Department of Education may receive and expend
2258 contributions and funding from private sources for the
2259 administration and implementation of the Distance Learning
2260 Collaborative Program. In the initial phase of implementation,
2261 the State Department of Education shall award state funds based on
2262 a community's capacity, commitment and need in order to encourage
2263 and improve distance learning services in rural areas. * * * The
2264 PEER Committee shall review * * * program data and submit an
2265 independent evaluation of the program operation and effectiveness
2266 to the Legislature and the Governor on or before October 1 of the
2267 calendar year before the beginning of the next phased-in period of
2268 funding. The State Department of Education shall reserve no more
2269 than five percent (5%) of the appropriation in any year for
2270 administrative costs. Funds remaining after awards to distance
2271 learning collaboratives may be carried over in the following year.

2272 (9) The lead partner of a distance learning collaborative
2273 and the local school district shall compile information about
2274 online learning programs for high school students to earn college



2275 credit and place the information on its website. Examples of
2276 information to be compiled and placed on the website include links
2277 to providers of approved online learning programs, comparisons
2278 among various types of online programs regarding awarding of
2279 credit, advantages and disadvantages of online learning programs,
2280 and other general assistance and guidance for students, teachers
2281 and counselors in selecting and considering online learning
2282 programs. Public high schools shall ensure that teachers and
2283 counselors have information about online learning programs for
2284 high school students to earn college or university credit and are
2285 able to assist parents and students in accessing the information.
2286 Distance learning collaboratives shall ensure that parents and
2287 students have opportunities to learn about online learning
2288 programs under this section.

2289 **SECTION 33.** Section 37-101-15, Mississippi Code of 1972, is
2290 amended as follows:

2291 37-101-15. (a) The Board of Trustees of State Institutions
2292 of Higher Learning shall succeed to and continue to exercise
2293 control of all records, books, papers, equipment, and supplies,
2294 and all lands, buildings, and other real and personal property
2295 belonging to or assigned to the use and benefit of the board of
2296 trustees formerly supervising and controlling the institutions of
2297 higher learning named in Section 37-101-1. The board shall have
2298 and exercise control of the use, distribution and disbursement of
2299 all funds, appropriations and taxes, now and hereafter in



2300 possession, levied and collected, received, or appropriated for
2301 the use, benefit, support, and maintenance or capital outlay
2302 expenditures of the institutions of higher learning, including the
2303 authorization of employees to sign vouchers for the disbursement
2304 of funds for the various institutions, except where otherwise
2305 specifically provided by law.

2306 (b) The board shall have general supervision of the affairs
2307 of all the institutions of higher learning, including the
2308 departments and the schools thereof. The board shall have the
2309 power in its discretion to determine who shall be privileged to
2310 enter, to remain in, or to graduate therefrom. The board shall
2311 have general supervision of the conduct of libraries and
2312 laboratories, the care of dormitories, buildings, and grounds; the
2313 business methods and arrangement of accounts and records; the
2314 organization of the administrative plan of each institution; and
2315 all other matters incident to the proper functioning of the
2316 institutions. The board shall have the authority to establish
2317 minimum standards of achievement as a prerequisite for entrance
2318 into any of the institutions under its jurisdiction, which
2319 standards need not be uniform between the various institutions and
2320 which may be based upon such criteria as the board may establish.

2321 (c) The board shall exercise all the powers and prerogatives
2322 conferred upon it under the laws establishing and providing for
2323 the operation of the several institutions herein specified. The
2324 board shall adopt such bylaws and regulations from time to time as



2325 it deems expedient for the proper supervision and control of the
2326 several institutions of higher learning, insofar as such bylaws
2327 and regulations are not repugnant to the Constitution and laws,
2328 and not inconsistent with the object for which these institutions
2329 were established. The board shall have power and authority to
2330 prescribe rules and regulations for policing the campuses and all
2331 buildings of the respective institutions, to authorize the arrest
2332 of all persons violating on any campus any criminal law of the
2333 state, and to have such law violators turned over to the civil
2334 authorities.

2335 (d) For all institutions specified herein, the board shall
2336 provide a uniform system of recording and of accounting approved
2337 by the State Department of Audit. The board shall annually
2338 prepare, or cause to be prepared, a budget for each institution of
2339 higher learning for the succeeding year which must be prepared and
2340 in readiness for at least thirty (30) days before the convening of
2341 the regular session of the Legislature. All relationships and
2342 negotiations between the State Legislature and its various
2343 committees and the institutions named herein shall be carried on
2344 through the board of trustees. No official, employee or agent
2345 representing any of the separate institutions shall appear before
2346 the Legislature or any committee thereof except upon the written
2347 order of the board or upon the request of the Legislature or a
2348 committee thereof.



2349 (e) * * * The board shall keep the annual expenditures of
2350 each institution herein mentioned within the income derived from
2351 legislative appropriations and other sources, but in case of
2352 emergency arising from acts of providence, epidemics, fire or
2353 storm with the written approval of the Governor and by written
2354 consent of a majority of the senators and of the representatives
2355 it may exceed the income. The board shall require a surety bond
2356 in a surety company authorized to do business in this state of
2357 every employee who is the custodian of funds belonging to one or
2358 more of the institutions mentioned herein, which bond shall be in
2359 a sum to be fixed by the board in an amount that will properly
2360 safeguard the * * * those funds, the premium for which shall be
2361 paid out of the funds appropriated for * * * those institutions.

2362 (f) The board shall have the power and authority to elect
2363 the heads of the various institutions of higher learning and to
2364 contract with all deans, professors, and other members of the
2365 teaching staff, and all administrative employees of * * * those
2366 institutions for a term not exceeding four (4) years. The board
2367 shall have the power and authority to terminate any such contract
2368 at any time for malfeasance, inefficiency, or contumacious
2369 conduct, but never for political reasons. It shall be the policy
2370 of the board to permit the executive head of each institution to
2371 nominate for election by the board all subordinate employees of
2372 the institution over which he presides. It shall be the policy of
2373 the board to elect all officials for a definite tenure of service



2374 and to reelect during the period of satisfactory service. The
2375 board shall have the power to make any adjustments it thinks
2376 necessary between the various departments and schools of any
2377 institution or between the different institutions.

2378 (g) The board shall keep complete minutes and records of all
2379 proceedings which shall be open for inspection by any citizen of
2380 the state.

2381 (h) The board shall have the power to enter into an energy
2382 performance contract, energy services contract, on a
2383 shared-savings, lease or lease-purchase basis, for energy
2384 efficiency services and/or equipment as prescribed in Section
2385 31-7-14.

2386 (i) The Board of Trustees of State Institutions of Higher
2387 Learning, for and on behalf of Jackson State University, is hereby
2388 authorized to convey by donation or otherwise easements across
2389 portions of certain real estate located in the City of Jackson,
2390 Hinds County, Mississippi, for right-of-way required for the Metro
2391 Parkway Project.

2392 (j) In connection with any international contract between
2393 the board or one (1) of the state's institutions of higher
2394 learning and any party outside of the United States, the board or
2395 institution that is the party to the international contract is
2396 hereby authorized and empowered to include in the contract a
2397 provision for the resolution by arbitration of any controversy
2398 between the parties to the contract relating to such contract or



2399 the failure or refusal to perform any part of the contract. Such
2400 provision shall be valid, enforceable and irrevocable without
2401 regard to the justiciable character of the controversy. Provided,
2402 however, that in the event either party to such contract initiates
2403 litigation against the other with respect to the contract, the
2404 arbitration provision shall be deemed waived unless asserted as a
2405 defense on or before the responding party is required to answer
2406 such litigation.

2407 (k) The Board of Trustees of State Institutions of Higher
2408 Learning ("board"), on behalf of any institution under its
2409 jurisdiction, shall purchase and maintain business property
2410 insurance and business personal property insurance on all
2411 university-owned buildings and/or contents as required by federal
2412 law and regulations of the Federal Emergency Management Agency
2413 (FEMA) as is necessary for receiving public assistance or
2414 reimbursement for repair, reconstruction, replacement or other
2415 damage to those buildings and/or contents caused by the Hurricane
2416 Katrina Disaster of 2005 or subsequent disasters. The board is
2417 authorized to expend funds from any available source for the
2418 purpose of obtaining and maintaining that property insurance. The
2419 board is authorized to enter into agreements with the Department
2420 of Finance and Administration, local school districts,
2421 community/junior college districts, community hospitals and/or
2422 other state agencies to pool their liabilities to participate in a
2423 group business property and/or business personal property



2424 insurance program, subject to uniform rules and regulations as may
2425 be adopted by the Department of Finance and Administration.

2426 (l) The Board of Trustees of State Institutions of Higher
2427 Learning, or its designee, may approve the payment or
2428 reimbursement of reasonable travel expenses incurred by candidates
2429 for open positions at the board's executive office or at any of
2430 the state institutions of higher learning, when the job candidate
2431 has incurred expenses in traveling to a job interview at the
2432 request of the board, the Commissioner of Higher Education or a
2433 state institution of higher learning administrator.

2434 (m) (i) The Board of Trustees of State Institutions of
2435 Higher Learning is authorized to administer and approve contracts
2436 for the construction and maintenance of buildings and other
2437 facilities of the state institutions of higher learning, including
2438 related contracts for architectural and engineering services,
2439 which are paid for with self-generated funds.

2440 (ii) Additionally, the board is authorized to oversee,
2441 administer and approve contracts for the construction and
2442 maintenance of buildings and other facilities of the state
2443 institutions of higher learning, including related contracts for
2444 architectural and engineering services, which are funded in whole
2445 or in part by general obligation bonds of the State of Mississippi
2446 at institutions designated annually by the board as being capable
2447 to procure and administer all such contracts. Prior to the
2448 disbursement of funds, an agreement for each project between the



2449 institution and the Department of Finance and Administration shall
2450 be executed. The approval and execution of the agreement shall
2451 not be withheld by either party unless the withholding party
2452 provides a written, detailed explanation of the basis for
2453 withholding to the other party. The agreement shall stipulate the
2454 responsibilities of each party, applicable procurement
2455 regulations, documentation and reporting requirements, conditions
2456 prior to, and schedule of, disbursement of general obligation bond
2457 funds to the institution and provisions concerning handling any
2458 remaining general obligation bonds at the completion of the
2459 project. Such agreement shall not include provisions that
2460 constitute additional qualifications or criteria that act to
2461 invalidate the designation of an institution as capable of
2462 procuring and administering such project. Inclusion of any such
2463 provisions may be appealed to the Public Procurement Review Board.
2464 This subparagraph (ii) shall stand repealed from and after July 1,
2465 2022.

2466 **SECTION 34.** Section 37-101-293, Mississippi Code of 1972, is
2467 amended as follows:

2468 37-101-293. (1) Within the limits of the funds available to
2469 any state agency for such purpose, the administrative head of such
2470 state agency may grant paid educational leave on a part-time or
2471 full-time basis and reimburse employees for educational expenses
2472 such as tuition, books and related fees to pursue undergraduate or
2473 graduate level education to those applicants deemed qualified.



2474 It is the intent of the Legislature that such educational
2475 leave program shall be used as an incentive for employees to
2476 develop job-related skills and to develop employees for
2477 higher-level professional and management positions.

2478 (2) In order to be eligible for paid educational leave,
2479 reimbursement for educational expenses or both, an applicant must:

2480 (a) Be working at a state agency for at least three (3)
2481 years at the time of application or be working at a state agency
2482 at the time of application for part-time graduate level education
2483 in a particular profession deemed by the administrative head of
2484 the state agency to meet a critical need within the state agency;

2485 (b) Attend any college or school located in the State
2486 of Mississippi and approved by the administrative head of such
2487 agency, unless such course of study is not available at a
2488 Mississippi college or school, in which case the applicant may
2489 attend an out-of-state college or school;

2490 (c) Agree to work as an employee in the same state
2491 agency for at least three (3) full years after completion of the
2492 course of study or, in the case of employees on educational leave
2493 on a part-time basis or receiving reimbursement for educational
2494 expenses only, to work for a time prorated based upon the total
2495 amount of expenses, including leave, paid for by the agency.

2496 (3) (a) Before being granted paid educational leave, or
2497 being approved for reimbursement of educational expense or both,
2498 each applicant shall enter into a contract with the state agency,



2499 which shall be deemed a contract with the State of Mississippi,
2500 agreeing to the terms and conditions upon which the paid
2501 educational leave will be granted to him. The contract shall
2502 include such terms and provisions necessary to implement the
2503 purpose and intent of this section. The form of such contract
2504 shall be prepared by the Attorney General of this state and
2505 approved by the State Personnel Board, and shall be signed by the
2506 administrative head of the state agency and signed by the
2507 recipient. If the recipient is a minor, his minority disabilities
2508 shall be removed by a chancery court of competent jurisdiction
2509 before the contract is signed.

2510 (b) Educational expenses for tuition, books and
2511 associated fees shall be reimbursed to the employee only after the
2512 employee has submitted documentation that the approved course has
2513 been successfully completed.

2514 (c) If the recipient does not work as an employee in
2515 that state agency for the period of employment specified in the
2516 contract, the recipient shall be liable for repayment on demand of
2517 the remaining portion of the compensation that he or she was paid
2518 while on paid educational leave and educational expenses paid,
2519 with interest accruing at ten percent (10%) per annum from the
2520 recipient's date of graduation, or the date that the recipient
2521 last worked at that state agency, whichever is the later date. In
2522 addition, there shall be included in any contract for paid
2523 educational leave a provision for liquidated damages equal to Two



2524 Thousand Dollars (\$2,000.00) per year for each year remaining to
2525 be served under such contract.

2526 (d) If any recipient fails or withdraws from school at
2527 any time before completing his or her education, the recipient
2528 shall be liable for repayment on demand of the amount of the total
2529 compensation that he or she was paid while on paid educational
2530 leave, with interest accruing at ten percent (10%) per annum from
2531 the date the recipient failed or withdrew from school. However,
2532 if the recipient remains or returns to work in the same position
2533 he or she held in the same state agency prior to accepting
2534 educational leave, he or she shall not be liable for payment of
2535 any interest on the amount owed.

2536 (e) The state agency shall have the authority to cancel
2537 any contract made between it and any recipient for paid
2538 educational leave or educational expenses or both upon such cause
2539 being deemed sufficient by the administrative head of the agency.

2540 (f) The state agency is vested with full and complete
2541 authority and power to sue in its own name any recipient for any
2542 balance due the state on any such uncompleted contract, which suit
2543 shall be conducted and handled by the Attorney General of the
2544 state.

2545 (g) Persons who default on contracts entered into under
2546 this section shall have the default determined and lose their
2547 professional health care licenses under the procedures provided in
2548 Section 37-101-291.



2549 (4) At the discretion of the administrative head of the
2550 state agency, any recipient who is granted paid educational leave
2551 by the state agency, including nurses, shall be compensated by
2552 such agency as prescribed by the State Personnel Board during the
2553 time he or she is in school. For employees who are on educational
2554 leave on a full-time basis, the State Personnel Board shall
2555 establish a maximum salary amount at which any employee may be
2556 paid full compensation while on educational leave and shall
2557 establish a deduction ratio or reduced percentage rate of
2558 compensation to be paid to all employees compensated at a salary
2559 level above such maximum salary amount. No recipient of full-time
2560 educational leave shall accrue personal or major medical leave
2561 while he or she is on paid educational leave.

2562 * * *

2563 (* * *5) Within the limits of funds available to the
2564 Mississippi Department of Mental Health, the Executive Director of
2565 the Department of Mental Health may grant educational leave to
2566 medical residents of the University of Mississippi and pay a
2567 stipend in an amount not to exceed the salary of a medical
2568 resident. In order to be eligible for paid educational leave
2569 under this subsection, the applicant must be approved by the
2570 Department of Mental Health Educational Leave Committee and meet
2571 all obligations established under agreements between the
2572 Department of Mental Health and the University of Mississippi and
2573 regulations promulgated by the Board of Mental Health. The



2574 recipient shall fulfill his or her obligation under this program
2575 on an annual pro rata basis for each year on paid education leave.

2576 **SECTION 35.** Section 37-106-11, Mississippi Code of 1972, is
2577 amended as follows:

2578 37-106-11. (1) The members of the board shall serve without
2579 pay.

2580 (2) The board is hereby vested with full and complete
2581 authority and power to sue in its own name any person for any
2582 balance, including principal, interest and reasonable collection
2583 costs or attorney's fees, due and owing the state on any
2584 uncompleted contract.

2585 (3) The board shall promulgate rules and regulations to
2586 govern the state grant and forgivable loan programs authorized in
2587 this chapter.

2588 (4) When appropriate, the board shall administer the Nissan
2589 Scholarship Program.

2590 * * *

2591 **SECTION 36.** Section 37-106-43, Mississippi Code of 1972, is
2592 amended as follows:

2593 37-106-43. (1) There is hereby established an intern
2594 educational program to be designated as the Mississippi Public
2595 Management Graduate Intern Program to be administered by the board
2596 through a program coordinator. The program shall consist of not
2597 more than thirty-six (36) positions in the general fields of
2598 public management, program analysis and public administration.



2599 These positions shall not be included in the number of employees
2600 allowed by law within a particular state agency. Graduate intern
2601 students shall be temporarily assigned by the program coordinator
2602 to specific state or local agencies and offices, including offices
2603 of the Legislature. Each participating agency or office shall not
2604 employ more than four (4) graduate intern students per year. To
2605 qualify for the program, a student must (a) be enrolled as a
2606 graduate student in a state university masters program in public
2607 administration, public policy and administration, or criminal
2608 justice administration; and (b) have committed himself to a field
2609 of graduate study directly related to a state or local government
2610 public managerial position.

2611 (2) There is hereby created the Mississippi Intern Public
2612 Management Education Council to consist of the following members:
2613 The chairmen of the various departments of Mississippi
2614 institutions of higher learning that offer graduate programs in
2615 one of the following: public administration, public policy and
2616 administration, and criminal justice administration. The council
2617 shall elect from its membership a chairman, which shall be a
2618 rotating, one-year appointment. The council shall meet at the
2619 place and time designated by the chairman at least twice but no
2620 more than six (6) times per year.

2621 (3) The council shall adopt, amend and repeal the rules and
2622 regulations as it deems necessary to establish standards and
2623 ensure the orderly execution of the objectives of the intern



2624 educational program, not inconsistent with the provisions of this
2625 section. The regulations shall be submitted to the board for
2626 implementation by the program coordinator. The council shall
2627 review and evaluate the program on a yearly basis and submit its
2628 findings to the program coordinator.

2629 (4) There is hereby created the position of Program
2630 Coordinator who shall be the Chief Administrative Officer of the
2631 Mississippi Public Management Graduate Intern Program. The
2632 program coordinator shall be appointed by and be an employee of
2633 the agency.

2634 (5) The program coordinator shall administer the policies of
2635 the council and supervise and direct all technical activities of
2636 the program. The coordinator shall select students to participate
2637 in the program based upon the nominees of the participating state
2638 institutions of higher learning. No participating university
2639 shall be allotted less than three (3) intern students per year
2640 unless the university nominates less than three (3) students. The
2641 coordinator shall place the intern students in state or local
2642 agencies which agree in writing to participate in the program.

2643 * * *

2644 (* * *6) It shall be the duty and responsibility of
2645 universities participating in the intern program to nominate
2646 qualified graduate students to the program and to keep the program
2647 coordinator fully apprised of the academic development of the



2648 intern student, including any change in the student's educational
2649 status.

2650 (* * *7) State or local agencies participating in the
2651 intern program shall employ intern students with the expectation
2652 that they shall contribute to agency policy decisions, participate
2653 in managerial activities, and deliver agency services. Intern
2654 graduate students shall receive compensation on the basis of their
2655 professional work experience, but shall receive no less than Seven
2656 Hundred Fifty Dollars (\$750.00) per month or Four Thousand Five
2657 Hundred Dollars (\$4,500.00) for a six-month work period. In
2658 addition to the salary, students shall be reimbursed for necessary
2659 expenses and mileage authorized by law for travel to seminars,
2660 workshops and training sessions, as well as other related
2661 professional travel expenses. When the student has received his
2662 graduate degree, the agency may offer him a permanent position
2663 with the state or local agency or office, assuming funding and
2664 position openings are available.

2665 (* * *8) Intern students shall submit an evaluation of the
2666 intern program and an assessment of its educational value to the
2667 program coordinator at the end of each work period.

2668 **SECTION 37.** Section 37-106-55, Mississippi Code of 1972, is
2669 amended as follows:

2670 37-106-55. (1) There is established the "Critical Needs
2671 Teacher Forgivable Loan Program," the purpose of which is to
2672 attract qualified teachers to those geographical areas of the



2673 state and those subject areas of the curriculum where there exists
2674 a critical shortage of teachers by awarding forgivable loans to
2675 persons declaring an intention to serve in the teaching field who
2676 actually render service to the state while possessing an
2677 appropriate teaching license.

2678 (2) Individuals shall not be eligible to enroll in the
2679 Critical Needs Teacher Scholarship Program after the 2014-2015
2680 academic year, and in subsequent years individuals are encouraged
2681 to apply to the Teaching Fellows Program established in Section
2682 37-106-77. Any individual who is enrolled in or accepted for
2683 enrollment at a teacher education program approved by the State
2684 Board of Education or other program at a baccalaureate
2685 degree-granting institution of higher learning in the State of
2686 Mississippi and has a passing score on the Praxis I Basic Skills
2687 Test who expresses in writing an intention to teach in a
2688 geographical area of the state or a subject area of the public
2689 school curriculum in which there exists a critical shortage of
2690 teachers, as designated by the State Board of Education, shall be
2691 eligible for a forgivable loan to be applied toward the costs of
2692 the individual's college education. The annual amount of the
2693 award shall be equal to the total cost for tuition, room and
2694 meals, books, materials and fees at the college or university in
2695 which the student is enrolled, not to exceed an amount equal to
2696 the highest total cost of tuition, room and meals, books,
2697 materials and fees assessed by a state institution of higher



2698 learning during that school year. Awards made to nonresidents of
2699 the state shall not include any amount assessed by the college or
2700 university for out-of-state tuition.

2701 (3) Awards granted under the Critical Needs Teacher
2702 Forgivable Loan Program shall be available to both full-time and
2703 part-time students. Students enrolling on a full-time basis may
2704 receive a maximum of two (2) annual awards. The maximum number of
2705 awards that may be made to students attending school on a
2706 part-time basis, and the maximum time period for part-time
2707 students to complete the number of academic hours necessary to
2708 obtain a baccalaureate degree in education, shall be established
2709 by rules and regulations promulgated by the board. Critical Needs
2710 Teacher Forgivable Loans shall not be based upon an applicant's
2711 financial need.

2712 (4) Awards granted under the Critical Needs Teacher
2713 Forgivable Loan Program shall be made available to nontraditional
2714 licensed teachers showing a documented need for student loan
2715 repayment and employed in those school districts designated by the
2716 State Board of Education as a geographical area of the state or in
2717 a subject area of the curriculum in which there is a critical
2718 shortage of teachers. The maximum annual amount of this repayment
2719 should not exceed Three Thousand Dollars (\$3,000.00) and the
2720 maximum time period for repayment shall be no more than four (4)
2721 years.



2722 (5) Except in those cases where employment positions may not
2723 be available upon completion of licensure requirements, at the
2724 beginning of the first school year in which a recipient of a
2725 Critical Needs Teacher Forgivable Loan is eligible for employment
2726 as a licensed teacher or a nontraditional teacher intern pursuant
2727 to Section 37-3-2(6)(b), that person shall begin to render service
2728 as a licensed teacher or nontraditional teacher intern in a public
2729 school district in a geographical area of the state or a subject
2730 area of the curriculum where there is a critical shortage of
2731 teachers, as approved by the State Board of Education.

2732 (6) Failure to repay any loan and interest that becomes due
2733 shall be cause for the revocation of a person's teaching license
2734 by the State Board of Education.

2735 (7) Repayment and conversion terms shall be the same as
2736 those outlined in Section 37-106-53.

2737 (8) The board shall promulgate rules and regulations
2738 necessary for the proper administration of the Critical Needs
2739 Teacher Forgivable Loan Program.

2740 * * *

2741 (* * *9) Where local school districts exhibit financial
2742 need, the State Department of Education may, subject to the
2743 availability of funds specifically appropriated therefor by the
2744 Legislature, provide financial assistance for the recruitment of
2745 certified teachers in an amount not to exceed Seventy-five
2746 Thousand Dollars (\$75,000.00) annually.



2747 This section shall stand repealed on July 1, 2021.

2748 **SECTION 38.** Section 37-151-10, Mississippi Code of 1972, is
2749 amended as follows:

2750 37-151-10. * * * There is established a Center for Education
2751 Analysis which shall be an advisory group attached to the Public
2752 Education Forum of Mississippi. The Center for Education Analysis
2753 shall create a structure to systematically collect, compile and
2754 coordinate data that can be disseminated to business, legislative
2755 and education entities for decision-making purposes relating to
2756 public education. The Center for Education Analysis may enter
2757 into a contractual agreement with the Public Education Forum of
2758 Mississippi in order to place the center within the administrative
2759 framework of the Public Education Forum under the following
2760 conditions:

2761 (a) All new programs authorized in this section are
2762 subject to the availability of funds specifically appropriated
2763 therefor by the Legislature from the Education Enhancement Fund to
2764 the Public Education Forum for the support and maintenance of the
2765 programs of the Center for Education Analysis.

2766 (b) The Public Education Forum will provide a business
2767 framework to coordinate its recommendations and reports with the
2768 programs of the Center for Education Analysis.

2769 (c) The Public Education Forum shall employ a director
2770 for the Center for Education Analysis with appropriate



2771 qualifications. Any public funds expended pursuant to this
2772 section shall be audited by the Mississippi Department of Audit.

2773 There is created in the State Treasury a special fund to be
2774 known as the "Center for Education Analysis Fund." Monies may be
2775 expended out of such funds pursuant to appropriation by the
2776 Legislature, to implement the public education analysis program
2777 established under the provisions of this section. Disbursements
2778 from such fund shall be made only upon requisition of the Director
2779 for the Center for Education Analysis.

2780 * * *

2781 **SECTION 39.** Section 37-151-97, Mississippi Code of 1972, is
2782 amended as follows:

2783 37-151-97. The State Department of Education shall develop
2784 an annual reporting process to inform * * * local district
2785 personnel and the general public as to the ongoing and future
2786 plans for the state's educational programs. The annual reporting
2787 process will include those vital statistics that are commonly
2788 reported by schools and districts and that can provide clear
2789 demographic, strategic and educational information to
2790 constituencies such as, but not limited to, the following
2791 information:

2792 (a) Student enrollment, attendance, drop-out and
2793 graduation;

2794 (b) Overall student and district achievement;



2795 (c) Budget, administrative costs and other pertinent
2796 fiscal information, including:
2797 (i) The receipts and disbursements of all school
2798 funds handled by the board;
2799 (ii) Reports of expenditures for public schools,
2800 which, upon request must be made available on an individual
2801 district basis by the State Department of Education;
2802 1. Total Student Expenditures:
2803 a. Instruction (1000s);
2804 b. Other Student Instructional
2805 Expenditures (2100s, 2200s);
2806 2. General Administration (2300s and 2500s);
2807 3. School Administration (2400s);
2808 4. Other Expenditures (2600s, 2700s, 2800s,
2809 3100s, 3200s); and
2810 5. Nonoperational Expenditures (4000s, 5000s,
2811 6000s);
2812 (iii) The number of school districts,
2813 schoolteachers employed, school administrators employed, pupils
2814 taught and the attendance record of pupils therein;
2815 (iv) County and district levies for each school
2816 district and agricultural high school;
2817 (v) The condition of vocational education, a list
2818 of schools to which federal and state aid has been given, and a
2819 detailed statement of the expenditures of federal funds and the



2820 state funds that may be provided, and the ranking of subjects
2821 taught as compared with the state's needs.

2822 (d) Other as directed by the State Board of Education.

2823 Further, the reporting process will include an annual report
2824 developed specifically to relate the mission and goals of the
2825 State Board of Education, state superintendent and departments.
2826 This document will become the method through which the strategic
2827 planning and management process of the department is articulated
2828 to the public. It will explain and inform the public of the major
2829 initiatives of the department and clearly identify rationale for
2830 program development and/or elimination. The report will establish
2831 benchmarks, future plans and discuss the effectiveness of
2832 educational programs.

2833 In addition to the information specified herein, the State
2834 Board of Education shall have full and plenary authority and power
2835 to require the furnishing of such further, additional and
2836 supplementary information as it may deem necessary for the purpose
2837 of determining the cost of the adequate education program in such
2838 school district for the succeeding fiscal year, the amount of the
2839 adequate education program funds to be allotted to each school
2840 district for the succeeding fiscal year, and for any other purpose
2841 authorized by law or deemed necessary by * * * the State Board of
2842 Education.

2843 It shall be the duty of the State Department of Education to
2844 prescribe the forms for the reports provided for in this section.



2845 **SECTION 40.** Section 39-3-107, Mississippi Code of 1972, is
2846 amended as follows:

2847 39-3-107. The Mississippi Library Commission, upon request,
2848 shall give advice to all schools, public and other libraries, and
2849 to all communities which may propose to establish them, as to the
2850 best means of establishing and maintaining such libraries, the
2851 selection of books, cataloging and other details of library
2852 management. It may also purchase and operate traveling libraries,
2853 and circulate such traveling libraries within the state among
2854 communities, libraries, schools, colleges, universities, library
2855 associations, study clubs, charitable and penal institutions free
2856 of cost, except for transportation, and establish county and
2857 regional libraries and use any funds, separate and apart from the
2858 general library commission funds, which might come into its
2859 custody from any source, for such purpose, and for the purpose of
2860 establishing, stimulating, increasing, improving and equalizing
2861 library service in the various counties within the state, under
2862 such rules for safekeeping, preservation, care, handling of the
2863 books and allocation of the funds as may be fixed by the
2864 commission. It may publish such lists and circulars of
2865 information as it shall deem necessary, and it may also conduct a
2866 summer school of library instruction and a clearinghouse for
2867 periodicals for free gifts to local libraries. The commission
2868 shall each year obtain from all libraries in the state reports
2869 showing the condition, growth, development and manner of



2870 conducting such libraries, together with such other facts and
2871 statistics regarding the same as may be deemed of public interest
2872 by the commission * * *. The Mississippi Library Commission shall
2873 adopt rules and regulations relative to the allocation of state
2874 aid funds to public library systems.

2875 **SECTION 41.** Section 39-5-113, Mississippi Code of 1972, is
2876 amended as follows:

2877 39-5-113. The commission shall cooperate and work with the
2878 citizens and elected officials in the various counties where the
2879 trail is located and shall promote and publicize the De Soto Trail
2880 in this state and abroad. The commission will strive to reconcile
2881 local interests with the results of bona fide scholarly research.

2882 The commission shall encourage and support Mississippi's
2883 participation in the regional De Soto Trail Commission that is
2884 comprised of representatives from the states through which the De
2885 Soto Expedition traveled. The commission shall cooperate with the
2886 Regional De Soto Trail Commission and the National Park Service in
2887 their efforts to establish a National De Soto Trail as part of the
2888 National Trails System.

2889 The commission shall support and encourage scholarly research
2890 in archaeology and history related to the De Soto Expedition. The
2891 Department of Archives and History shall undertake to publish the
2892 results of such research in The Journal of Mississippi History or
2893 Mississippi Archaeology in order to make the results of the
2894 research available to the citizens of Mississippi.



2895 The commission shall plan, promote, and coordinate a
2896 statewide commemoration or festival which shall be held in May,
2897 1991 in recognition of the 450th anniversary of Hernando de Soto's
2898 Expedition in our state, and may schedule other appropriate
2899 ceremonies to commemorate the De Soto Expedition.

2900 * * * The commission's minutes and other permanent records
2901 shall be deposited in the Department of Archives and History.

2902 **SECTION 42.** Section 39-35-1, Mississippi Code of 1972, is
2903 amended as follows:

2904 39-35-1. (1) The Mississippi Sesquicentennial of the
2905 American Civil War Commission (commission) is hereby established
2906 to prepare for and commemorate the Sesquicentennial, or One
2907 Hundred and Fiftieth anniversary, of Mississippi's participation
2908 in the American Civil War (April 1861-April 1865).

2909 (2) The commission shall have a total membership of fifteen
2910 (15) members, or their designees, as follows: (a) the Executive
2911 Director of the Mississippi Development Authority; (b) the
2912 Executive Director of the Mississippi Department of Archives and
2913 History; (c) the State Superintendent of Public Education, or his
2914 designee; (d) the Manager of the Bureau of Film and Culture of the
2915 Mississippi Development Authority, Division of Tourism; (e) the
2916 President/Chairman of the Mississippi Historical Society; (f) the
2917 Chairman of the Mississippi Civil War Battlefield Commission; (g)
2918 the Director of the Brice's Crossroads Battlefield Commission; (h)
2919 the Director of the Vicksburg National Military Park; (i) the



2920 Director of the Battle of Shiloh-Battle of Corinth National
2921 Military Park; (j) the Director of the Grand Gulf Military
2922 Monument; (k) a representative of the Mississippi Tourism
2923 Association; (l) the National Park Service Administrator of Ship
2924 Island/Fort Massachusetts; (m) a citizen of Mississippi appointed
2925 by the Governor; (n) a member of the Mississippi Senate appointed
2926 by the Lieutenant Governor who shall serve in an ex officio
2927 nonvoting capacity; and (o) a member of the Mississippi House of
2928 Representatives appointed by the Speaker who shall serve in an ex
2929 officio nonvoting capacity.

2930 (3) Ex officio members and legislative members of the
2931 commission shall serve terms coincident with their terms of
2932 office. Citizen members shall serve a term of four (4) years.
2933 Appointments to fill vacancies occurring for a reason other than
2934 the expiration of a term shall be for the remainder of the
2935 unexpired terms. Vacancies shall be filled in the same manner as
2936 the original appointments, and all members may be reappointed.

2937 (4) The commission shall elect a chairman and vice chairman
2938 from among its membership. The commission may name five (5) of
2939 its members to constitute an executive committee, which shall act
2940 for the commission pursuant to its direction.

2941 (5) The commission may appoint and establish an advisory
2942 council composed of citizens at large who have knowledge of
2943 American Civil War and Mississippi history and interest in its



2944 Sesquicentennial celebration, to assist the commission in its
2945 work.

2946 (6) A majority of the members of the commission shall
2947 constitute a quorum. The meetings of the commission shall be held
2948 at the call of the chairman or whenever a majority of the members
2949 so request. No recommendation of the commission shall be adopted
2950 except by majority vote of the commission.

2951 (7) Nonlegislative members of the commission shall receive
2952 no compensation for their services but may receive expense
2953 reimbursement and mileage for all reasonable and necessary
2954 expenses incurred in the performance of their duties as provided
2955 by law. Legislative members of the commission shall receive
2956 compensation applicable to committee meetings when the Legislature
2957 is not in session.

2958 (8) The commission shall hire an executive director, and
2959 relevant support staff, to guide and support the actions of the
2960 commission. Employment shall not extend beyond the date of
2961 expiration of the commission and shall be subject to an annual
2962 review by the executive committee of the commission.

2963 (9) The commission may solicit, accept, use and dispose of
2964 public or nonpublic funds, gifts, grants, donations, bequests or
2965 other funds or real or personal property for the purpose of aiding
2966 or facilitating the work of the commission. The commission may
2967 procure services, enter into contracts, leases or other legal
2968 agreements as it may deem necessary to carry out its duties as set



2969 forth in this section, but no contract or other legal agreement
2970 shall be entered into by the commission that extends beyond the
2971 date of expiration of the commission.

2972 (10) The commission shall have the following powers and
2973 duties:

2974 (a) Plan, develop and carry out educational,
2975 informational, new media/web-based programs and activities
2976 appropriate to commemorate the Sesquicentennial of the American
2977 Civil War, with emphasis on the military operations which occurred
2978 in the State of Mississippi;

2979 (b) Encourage interdisciplinary examination of the
2980 American Civil War;

2981 (c) Facilitate activities related to the American Civil
2982 War throughout Mississippi;

2983 (d) Encourage civic, historical, educational, economic
2984 and other organizations throughout Mississippi to organize and
2985 participate in activities to expand the understanding and
2986 appreciation of the significance of the American Civil War;

2987 (e) Provide technical and financial assistance to
2988 localities and nonprofit organizations to further the
2989 commemoration of the Sesquicentennial of the American Civil War;

2990 (f) Develop programs and facilities to ensure that the
2991 Sesquicentennial commemoration of the American Civil War results
2992 in a positive legacy and long-term public benefit; and



2993 (g) Facilitate the development and conduct of programs
2994 designed to involve all citizens in activities that commemorate
2995 the American Civil War * * *.

2996 * * *

2997 (11) The commission shall direct the Mississippi Department
2998 of Archives and History to enhance and expand Civil War markers
2999 across the state, along with all relevant educational and
3000 informational documentation necessary for the creation of a Civil
3001 War Trail, in advance of the initial celebration of the
3002 Sesquicentennial in Mississippi.

3003 (12) All state agencies and universities shall provide
3004 technical assistance to the commission upon request.

3005 **SECTION 43.** Section 41-3-15, Mississippi Code of 1972, is
3006 amended as follows:

3007 41-3-15. (1) (a) There shall be a State Department of
3008 Health.

3009 (b) The State Board of Health shall have the following
3010 powers and duties:

3011 (i) To formulate the policy of the State
3012 Department of Health regarding public health matters within the
3013 jurisdiction of the department;

3014 (ii) To adopt, modify, repeal and promulgate,
3015 after due notice and hearing, and enforce rules and regulations
3016 implementing or effectuating the powers and duties of the



3017 department under any and all statutes within the department's
3018 jurisdiction, and as the board may deem necessary;

3019 (iii) To apply for, receive, accept and expend any
3020 federal or state funds or contributions, gifts, trusts, devises,
3021 bequests, grants, endowments or funds from any other source or
3022 transfers of property of any kind;

3023 (iv) To enter into, and to authorize the executive
3024 officer to execute contracts, grants and cooperative agreements
3025 with any federal or state agency or subdivision thereof, or any
3026 public or private institution located inside or outside the State
3027 of Mississippi, or any person, corporation or association in
3028 connection with carrying out the provisions of this chapter, if it
3029 finds those actions to be in the public interest and the contracts
3030 or agreements do not have a financial cost that exceeds the
3031 amounts appropriated for those purposes by the Legislature;

3032 (v) To appoint, upon recommendation of the
3033 Executive Officer of the State Department of Health, a Director of
3034 Internal Audit who shall be either a Certified Public Accountant
3035 or Certified Internal Auditor, and whose employment shall be
3036 continued at the discretion of the board, and who shall report
3037 directly to the board, or its designee; and

3038 (vi) To discharge such other duties,
3039 responsibilities and powers as are necessary to implement the
3040 provisions of this chapter.



3041 (c) The Executive Officer of the State Department of
3042 Health shall have the following powers and duties:

3043 (i) To administer the policies of the State Board
3044 of Health within the authority granted by the board;

3045 (ii) To supervise and direct all administrative
3046 and technical activities of the department, except that the
3047 department's internal auditor shall be subject to the sole
3048 supervision and direction of the board;

3049 (iii) To organize the administrative units of the
3050 department in accordance with the plan adopted by the board and,
3051 with board approval, alter the organizational plan and reassign
3052 responsibilities as he or she may deem necessary to carry out the
3053 policies of the board;

3054 (iv) To coordinate the activities of the various
3055 offices of the department;

3056 (v) To employ, subject to regulations of the State
3057 Personnel Board, qualified professional personnel in the subject
3058 matter or fields of each office, and such other technical and
3059 clerical staff as may be required for the operation of the
3060 department. The executive officer shall be the appointing
3061 authority for the department, and shall have the power to delegate
3062 the authority to appoint or dismiss employees to appropriate
3063 subordinates, subject to the rules and regulations of the State
3064 Personnel Board;



3065 (vi) To recommend to the board such studies and
3066 investigations as he or she may deem appropriate, and to carry out
3067 the approved recommendations in conjunction with the various
3068 offices; and

3069 * * *

3070 (* * * vii) To enter into contracts, grants and
3071 cooperative agreements with any federal or state agency or
3072 subdivision thereof, or any public or private institution located
3073 inside or outside the State of Mississippi, or any person,
3074 corporation or association in connection with carrying out the
3075 provisions of this chapter, if he or she finds those actions to be
3076 in the public interest and the contracts or agreements do not have
3077 a financial cost that exceeds the amounts appropriated for those
3078 purposes by the Legislature. Each contract or agreement entered
3079 into by the executive officer shall be submitted to the board
3080 before its next meeting.

3081 (2) The State Board of Health shall have the authority to
3082 establish an Office of Rural Health within the department. The
3083 duties and responsibilities of this office shall include the
3084 following:

3085 (a) To collect and evaluate data on rural health
3086 conditions and needs;

3087 (b) To engage in policy analysis, policy development
3088 and economic impact studies with regard to rural health issues;



3089 (c) To develop and implement plans and provide
3090 technical assistance to enable community health systems to respond
3091 to various changes in their circumstances;

3092 (d) To plan and assist in professional recruitment and
3093 retention of medical professionals and assistants; and

3094 (e) To establish information clearinghouses to improve
3095 access to and sharing of rural health care information.

3096 (3) The State Board of Health shall have general supervision
3097 of the health interests of the people of the state and to exercise
3098 the rights, powers and duties of those acts which it is authorized
3099 by law to enforce.

3100 (4) The State Board of Health shall have authority:

3101 (a) To make investigations and inquiries with respect
3102 to the causes of disease and death, and to investigate the effect
3103 of environment, including conditions of employment and other
3104 conditions that may affect health, and to make such other
3105 investigations as it may deem necessary for the preservation and
3106 improvement of health.

3107 (b) To make such sanitary investigations as it may,
3108 from time to time, deem necessary for the protection and
3109 improvement of health and to investigate nuisance questions that
3110 affect the security of life and health within the state.

3111 (c) To direct and control sanitary and quarantine
3112 measures for dealing with all diseases within the state possible
3113 to suppress same and prevent their spread.



3114 (d) To obtain, collect and preserve such information
3115 relative to mortality, morbidity, disease and health as may be
3116 useful in the discharge of its duties or may contribute to the
3117 prevention of disease or the promotion of health in this state.

3118 (e) To charge and collect reasonable fees for health
3119 services, including immunizations, inspections and related
3120 activities, and the board shall charge fees for those services;
3121 however, if it is determined that a person receiving services is
3122 unable to pay the total fee, the board shall collect any amount
3123 that the person is able to pay. Any increase in the fees charged
3124 by the board under this paragraph shall be in accordance with the
3125 provisions of Section 41-3-65.

3126 (f) (i) To establish standards for, issue permits and
3127 exercise control over, any cafes, restaurants, food or drink
3128 stands, sandwich manufacturing establishments, and all other
3129 establishments, other than churches, church-related and private
3130 schools, and other nonprofit or charitable organizations, where
3131 food or drink is regularly prepared, handled and served for pay;
3132 and

3133 (ii) To require that a permit be obtained from the
3134 Department of Health before those persons begin operation. If any
3135 such person fails to obtain the permit required in this
3136 subparagraph (ii), the State Board of Health, after due notice and
3137 opportunity for a hearing, may impose a monetary penalty not to
3138 exceed One Thousand Dollars (\$1,000.00) for each violation.



3139 However, the department is not authorized to impose a monetary
3140 penalty against any person whose gross annual prepared food sales
3141 are less than Five Thousand Dollars (\$5,000.00). Money collected
3142 by the board under this subparagraph (ii) shall be deposited to
3143 the credit of the State General Fund of the State Treasury.

3144 (g) To promulgate rules and regulations and exercise
3145 control over the production and sale of milk pursuant to the
3146 provisions of Sections 75-31-41 through 75-31-49.

3147 (h) On presentation of proper authority, to enter into
3148 and inspect any public place or building where the State Health
3149 Officer or his representative deems it necessary and proper to
3150 enter for the discovery and suppression of disease and for the
3151 enforcement of any health or sanitary laws and regulations in the
3152 state.

3153 (i) To conduct investigations, inquiries and hearings,
3154 and to issue subpoenas for the attendance of witnesses and the
3155 production of books and records at any hearing when authorized and
3156 required by statute to be conducted by the State Health Officer or
3157 the State Board of Health.

3158 (j) To promulgate rules and regulations, and to collect
3159 data and information, on (i) the delivery of services through the
3160 practice of telemedicine; and (ii) the use of electronic records
3161 for the delivery of telemedicine services.

3162 (k) To enforce and regulate domestic and imported fish
3163 as authorized under Section 69-7-601 et seq.



3164 (5) (a) The State Board of Health shall have the authority,
3165 in its discretion, to establish programs to promote the public
3166 health, to be administered by the State Department of Health.
3167 Specifically, those programs may include, but shall not be limited
3168 to, programs in the following areas:

3169 (i) Maternal and child health;

3170 (ii) Family planning;

3171 (iii) Pediatric services;

3172 (iv) Services to crippled and disabled children;

3173 (v) Control of communicable and noncommunicable
3174 disease;

3175 (vi) Chronic disease;

3176 (vii) Accidental deaths and injuries;

3177 (viii) Child care licensure;

3178 (ix) Radiological health;

3179 (x) Dental health;

3180 (xi) Milk sanitation;

3181 (xii) Occupational safety and health;

3182 (xiii) Food, vector control and general
3183 sanitation;

3184 (xiv) Protection of drinking water;

3185 (xv) Sanitation in food handling establishments
3186 open to the public;

3187 (xvi) Registration of births and deaths and other
3188 vital events;



3189 (xvii) Such public health programs and services as
3190 may be assigned to the State Board of Health by the Legislature or
3191 by executive order; and

3192 (xviii) Regulation of domestic and imported fish
3193 for human consumption.

3194 (b) The State Board of Health and State Department of
3195 Health shall not be authorized to sell, transfer, alienate or
3196 otherwise dispose of any of the home health agencies owned and
3197 operated by the department on January 1, 1995, and shall not be
3198 authorized to sell, transfer, assign, alienate or otherwise
3199 dispose of the license of any of those home health agencies,
3200 except upon the specific authorization of the Legislature by an
3201 amendment to this section. However, this paragraph (b) shall not
3202 prevent the board or the department from closing or terminating
3203 the operation of any home health agency owned and operated by the
3204 department, or closing or terminating any office, branch office or
3205 clinic of any such home health agency, or otherwise discontinuing
3206 the providing of home health services through any such home health
3207 agency, office, branch office or clinic, if the board first
3208 demonstrates that there are other providers of home health
3209 services in the area being served by the department's home health
3210 agency, office, branch office or clinic that will be able to
3211 provide adequate home health services to the residents of the area
3212 if the department's home health agency, office, branch office or
3213 clinic is closed or otherwise discontinues the providing of home



3214 health services. This demonstration by the board that there are
3215 other providers of adequate home health services in the area shall
3216 be spread at length upon the minutes of the board at a regular or
3217 special meeting of the board at least thirty (30) days before a
3218 home health agency, office, branch office or clinic is proposed to
3219 be closed or otherwise discontinue the providing of home health
3220 services.

3221 (c) The State Department of Health may undertake such
3222 technical programs and activities as may be required for the
3223 support and operation of those programs, including maintaining
3224 physical, chemical, bacteriological and radiological laboratories,
3225 and may make such diagnostic tests for diseases and tests for the
3226 evaluation of health hazards as may be deemed necessary for the
3227 protection of the people of the state.

3228 (6) (a) The State Board of Health shall administer the
3229 local governments and rural water systems improvements loan
3230 program in accordance with the provisions of Section 41-3-16.

3231 (b) The State Board of Health shall have authority:

3232 (i) To enter into capitalization grant agreements
3233 with the United States Environmental Protection Agency, or any
3234 successor agency thereto;

3235 (ii) To accept capitalization grant awards made
3236 under the federal Safe Drinking Water Act, as amended;



3237 (iii) To provide annual reports and audits to the
3238 United States Environmental Protection Agency, as may be required
3239 by federal capitalization grant agreements; and

3240 (iv) To establish and collect fees to defray the
3241 reasonable costs of administering the revolving fund or emergency
3242 fund if the State Board of Health determines that those costs will
3243 exceed the limitations established in the federal Safe Drinking
3244 Water Act, as amended. The administration fees may be included in
3245 loan amounts to loan recipients for the purpose of facilitating
3246 payment to the board; however, those fees may not exceed five
3247 percent (5%) of the loan amount.

3248 (7) Notwithstanding any other provision to the contrary, the
3249 State Department of Health shall have the following specific
3250 powers: The department shall issue a license to Alexander Milne
3251 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the
3252 construction, conversion, expansion and operation of not more than
3253 forty-five (45) beds for developmentally disabled adults who have
3254 been displaced from New Orleans, Louisiana, with the beds to be
3255 located in a certified ICF-MR facility in the City of Laurel,
3256 Mississippi. There shall be no prohibition or restrictions on
3257 participation in the Medicaid program for the person receiving the
3258 license under this subsection (7). The license described in this
3259 subsection shall expire five (5) years from the date of its issue.
3260 The license authorized by this subsection shall be issued upon the
3261 initial payment by the licensee of an application fee of



3262 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of
3263 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of
3264 the license, to be paid as long as the licensee continues to
3265 operate. The initial and monthly licensing fees shall be
3266 deposited by the State Department of Health into the special fund
3267 created under Section 41-7-188.

3268 (8) Notwithstanding any other provision to the contrary, the
3269 State Department of Health shall have the following specific
3270 powers: The State Department of Health is authorized to issue a
3271 license to an existing home health agency for the transfer of a
3272 county from that agency to another existing home health agency,
3273 and to charge a fee for reviewing and making a determination on
3274 the application for such transfer not to exceed one-half (1/2) of
3275 the authorized fee assessed for the original application for the
3276 home health agency, with the revenue to be deposited by the State
3277 Department of Health into the special fund created under Section
3278 41-7-188.

3279 (9) Notwithstanding any other provision to the contrary, the
3280 State Department of Health shall have the following specific
3281 powers: For the period beginning July 1, 2010, through July 1,
3282 2017, the State Department of Health is authorized and empowered
3283 to assess a fee in addition to the fee prescribed in Section
3284 41-7-188 for reviewing applications for certificates of need in an
3285 amount not to exceed twenty-five one-hundredths of one percent
3286 (.25 of 1%) of the amount of a proposed capital expenditure, but



3287 shall be not less than Two Hundred Fifty Dollars (\$250.00)
3288 regardless of the amount of the proposed capital expenditure, and
3289 the maximum additional fee permitted shall not exceed Fifty
3290 Thousand Dollars (\$50,000.00). Provided that the total
3291 assessments of fees for certificate of need applications under
3292 Section 41-7-188 and this section shall not exceed the actual cost
3293 of operating the certificate of need program.

3294 (10) Notwithstanding any other provision to the contrary,
3295 the State Department of Health shall have the following specific
3296 powers: The State Department of Health is authorized to extend
3297 and renew any certificate of need that has expired, and to charge
3298 a fee for reviewing and making a determination on the application
3299 for such action not to exceed one-half (1/2) of the authorized fee
3300 assessed for the original application for the certificate of need,
3301 with the revenue to be deposited by the State Department of Health
3302 into the special fund created under Section 41-7-188.

3303 (11) Notwithstanding any other provision to the contrary,
3304 the State Department of Health shall have the following specific
3305 powers: The State Department of Health is authorized and
3306 empowered, to revoke, immediately, the license and require closure
3307 of any institution for the aged or infirm, including any other
3308 remedy less than closure to protect the health and safety of the
3309 residents of * * * the institution or the health and safety of the
3310 general public.



3311 (12) Notwithstanding any other provision to the contrary,
3312 the State Department of Health shall have the following specific
3313 powers: The State Department of Health is authorized and
3314 empowered, to require the temporary detainment of individuals for
3315 disease control purposes based upon violation of any order of the
3316 State Health Officer, as provided in Section 41-23-5. For the
3317 purpose of enforcing such orders of the State Health Officer,
3318 persons employed by the department as investigators shall have
3319 general arrest powers. All law enforcement officers are
3320 authorized and directed to assist in the enforcement of such
3321 orders of the State Health Officer.

3322 **SECTION 44.** Section 41-4-21, Mississippi Code of 1972, is
3323 amended as follows:

3324 41-4-21. For the operations of all facilities placed under
3325 the control of the department and for all of its operations, the
3326 board shall adopt a uniform system of reporting and accounting
3327 approved by the State Department of Audit * * *. It shall prepare
3328 annually, or cause to be prepared, a budget for its total
3329 operation for the ensuing fiscal period in the manner and form as
3330 required by the Legislative Budget Office.

3331 **SECTION 45.** Section 41-35-7, Mississippi Code of 1972, is
3332 amended as follows:

3333 41-35-7. It shall be the duty of the State Board of Health:
3334 (1) To enforce the provisions of this chapter; (2) to promulgate
3335 such rules and regulations as shall, under this chapter, be



3336 necessary for the purpose under this chapter, and such as the
3337 State Board of Health may deem necessary for the further and
3338 proper guidance of local health officers, etc.; (3) to provide for
3339 the gratuitous distribution of a scientific prophylactic for
3340 inflammation of the eyes of the new born, together with proper
3341 directions for the use and administration thereof, to all
3342 physicians and midwives as may be engaged in the practice of
3343 obstetrics or assisting at childbirth; (4) to provide, if
3344 necessary, daily inspection and prompt and gratuitous treatment to
3345 any infant whose eyes are infected with inflammation of the eyes;
3346 the State Board of Health, if necessary, shall defray the expenses
3347 of such treatment from such sums as may be appropriated for its
3348 use; (5) to publish and promulgate such further advice and
3349 information concerning the dangers of inflammation of the eyes of
3350 the new born and the necessity for prompt and effective treatment;
3351 (6) to furnish copies of this chapter to all physicians and
3352 midwives as may be engaged in the practice of obstetrics or
3353 assisting at childbirth; (7) to keep a proper record of any and
3354 all such cases of inflammation of the eyes of the new born, as
3355 shall be filed in the Office of the State Board of Health, in
3356 pursuance with this chapter, and as may come to its attention in
3357 any way * * *; (8) to report any and all violations of this
3358 chapter as may come to its attention, to the local police, county
3359 prosecutor, or district attorney in the county wherein such



3360 violation may have been committed, and to assist such official in
3361 every way possible, such as securing necessary evidence, etc.

3362 **SECTION 46.** Section 41-113-7, Mississippi Code of 1972, is
3363 amended as follows:

3364 41-113-7. The Office of Tobacco Control shall perform the
3365 following duties, with the advice of the Mississippi Tobacco
3366 Control Advisory Council:

3367 (a) Develop and implement appropriate policies and
3368 procedures for the operation of the tobacco education, prevention
3369 and cessation program;

3370 (b) Develop and implement a five-year strategic plan
3371 for the tobacco education, prevention and cessation program;

3372 (c) Develop and maintain an annual operating budget and
3373 oversee fiscal management of the tobacco education, prevention and
3374 cessation program;

3375 (d) Execute any contracts, agreements or other
3376 documents with any governmental agency or any person, corporation,
3377 association, partnership or other organization or entity that are
3378 necessary to accomplish the purposes of this chapter;

3379 (e) Receive grants, bequeaths, gifts, donations or any
3380 other contributions made to the office to be used for specific
3381 purposes related to the goals of this chapter;

3382 * * *



3383 (* * *f) Submit to the State Auditor any financial
3384 records that are necessary for the Auditor to perform an annual
3385 audit of the office as required by law; and

3386 (* * *g) Take any other actions that are necessary to
3387 carry out the purposes of this chapter.

3388 **SECTION 47.** Section 41-123-1, Mississippi Code of 1972, is
3389 amended as follows:

3390 41-123-1. There is established the Office of Mississippi
3391 Physician Workforce within the University of Mississippi Medical
3392 Center (UMMC) for the purpose of overseeing the physician
3393 workforce development and needs, both in numbers and distribution,
3394 of the State of Mississippi. The office shall have a director who
3395 must be a physician licensed in the State of Mississippi. In
3396 addition, the office shall have a researcher to assist the
3397 director in collecting and analyzing data concerning the physician
3398 workforce needs of Mississippi and other necessary staff to assist
3399 in its work. The office shall have the following duties, at a
3400 minimum:

3401 (a) Assessing the current numbers, ages, types of
3402 practice, hospital affiliations, and geographic distribution of
3403 physicians in each medical specialty in Mississippi;

3404 (b) Assessing the current and future physician
3405 workforce needs of the State of Mississippi;

3406 (c) Assisting in the creation and/or support of
3407 Accreditation Council for Graduate Medical Education (ACGME)



3408 accredited GME training programs in the State of Mississippi based
3409 on needs analysis and criteria established by the office and the
3410 advisory board while maintaining a strong and continued priority
3411 focus on family medicine. This support may include the awarding
3412 of state financial assistance as available, for the creation or
3413 support of family medicine residencies and other GME programs
3414 approved by the advisory board;

3415 (d) Encouraging the development of an adequate and
3416 geographically distributed physician workforce in all specialties
3417 for the State of Mississippi with an evolving strategic plan; and

3418 (e) Providing an annual report to the Governor, * * *
3419 the State Board of Health, and the Board of Trustees of State
3420 Institutions of Higher Learning on the current status of the
3421 physician workforce and training programs in Mississippi.

3422 **SECTION 48.** Section 43-1-5, Mississippi Code of 1972, is
3423 amended as follows:

3424 43-1-5. It shall be the duty of the Department of Human
3425 Services to:

3426 (1) Establish and maintain programs not inconsistent with
3427 the terms of this chapter and the rules, regulations and policies
3428 of the Department of Human Services, and publish the rules and
3429 regulations of the department pertaining to such programs.

3430 (2) Make such reports in such form and containing such
3431 information as the federal government may, from time to time,
3432 require, and comply with such provisions as the federal government



3433 may, from time to time, find necessary to assure the correctness
3434 and verification of such reports.

3435 (3) * * * This section shall stand repealed on July 1, 2023.

3436 **SECTION 49.** Section 43-7-57, Mississippi Code of 1972, is
3437 amended as follows:

3438 43-7-57. The duties of the Office of the State Long-Term
3439 Care Facilities Ombudsman, as created under Section 43-7-53, shall
3440 be:

3441 (a) The establishment of a procedure to have regular
3442 and timely access to the services provided by the State Ombudsman
3443 Program and to receive, investigate and resolve complaints filed
3444 by residents or sponsors or organizations or long-term care
3445 facilities on behalf of residents of long-term care facilities
3446 relating to the health, safety, welfare and rights of such
3447 residents and to represent the interests of residents before
3448 governmental agencies;

3449 (b) The monitoring of the development and
3450 implementation of federal, state and local laws, regulations and
3451 policies with respect to long-term care facilities and to analyze,
3452 comment on and recommend any changes in such laws, regulations and
3453 policies as the Office of the State Long-Term Care Facilities
3454 Ombudsman deems appropriate;

3455 (c) The establishment of a training program for both
3456 the state and community ombudsmen;



3457 (d) To provide public forums, including the holding of
3458 public hearings, sponsorships of conferences and workshops, and
3459 the holding of other meetings to seek information concerning the
3460 needs and problems of residents in long-term care facilities;

3461 (e) The establishment and maintenance of a statewide
3462 uniform reporting system to collect and analyze data relating to
3463 complaints and conditions in long-term care facilities for the
3464 purpose of identifying and resolving significant problems faced by
3465 residents as a group;

3466 (f) The submission of an annual report to the State
3467 Department of Health, the United States Assistant Secretary for
3468 Aging (ACL/AOA) * * * and the Executive Director of the
3469 Council * * *, which shall include statistical information about
3470 the state and community long-term care facilities ombudsman
3471 programs, shall identify systemic problems in long-term care
3472 facilities that cannot be adequately addressed by state and local
3473 agencies, and shall include recommendations for legislative or
3474 executive action to alleviate any systemic problems;

3475 (g) The testing and designation of the representatives
3476 of the Office of the State Long-Term Care Facilities Ombudsman;

3477 (h) The development of an ongoing program of
3478 publicizing programs designated by the Office of the State
3479 Long-Term Care Facilities Ombudsman and by the community long-term
3480 care facilities ombudsman through contact with the media and civic
3481 organizations;



3482 (i) The development of policies and regulations related
3483 to the use of volunteers in the program; and

3484 (j) Other duties as mandated by the Older Americans Act
3485 of 1965, as amended.

3486 **SECTION 50.** Section 43-12-39, Mississippi Code of 1972, is
3487 amended as follows:

3488 43-12-39. **Out-of-state spending.** (1) The Department of
3489 Human Services shall post on its website * * * a report of SNAP
3490 and TANF benefit spending. * * *

3491 (2) The report required under subsection (1) of this section
3492 shall include:

3493 (a) The dollar amount and number of transactions of
3494 SNAP benefits that are accessed or spent out-of-state,
3495 disaggregated by state;

3496 (b) The dollar amount and number of transactions of
3497 TANF benefits that are accessed or spent out-of-state,
3498 disaggregated by state;

3499 (c) The dollar amount, number of transactions, and
3500 times of transactions of SNAP benefits that are accessed or spent
3501 in-state, disaggregated by retailer, institution, or location,
3502 unless expressly prohibited by federal law; and

3503 (d) The dollar amount, number of transactions, and time
3504 of transactions of TANF benefits that are accessed or spent
3505 in-state, disaggregated by retailer, institution, or location.



3506 (3) The report required under subsection (1) of this section
3507 shall be de-identified to prevent identification of individual
3508 recipients.

3509 **SECTION 51.** Section 43-13-107, Mississippi Code of 1972, is
3510 amended as follows:

3511 43-13-107. (1) The Division of Medicaid is created in the
3512 Office of the Governor and established to administer this article
3513 and perform such other duties as are prescribed by law.

3514 (2) (a) The Governor shall appoint a full-time executive
3515 director, with the advice and consent of the Senate, who shall be
3516 either (i) a physician with administrative experience in a medical
3517 care or health program, or (ii) a person holding a graduate degree
3518 in medical care administration, public health, hospital
3519 administration, or the equivalent, or (iii) a person holding a
3520 bachelor's degree with at least three (3) years' experience in
3521 management-level administration of, or policy development for,
3522 Medicaid programs. Provided, however, no one who has been a
3523 member of the Mississippi Legislature during the previous three
3524 (3) years may be executive director. The executive director shall
3525 be the official secretary and legal custodian of the records of
3526 the division; shall be the agent of the division for the purpose
3527 of receiving all service of process, summons and notices directed
3528 to the division; shall perform such other duties as the Governor
3529 may prescribe from time to time; and shall perform all other
3530 duties that are now or may be imposed upon him or her by law.



3531 (b) The executive director shall serve at the will and
3532 pleasure of the Governor.

3533 (c) The executive director shall, before entering upon
3534 the discharge of the duties of the office, take and subscribe to
3535 the oath of office prescribed by the Mississippi Constitution and
3536 shall file the same in the Office of the Secretary of State, and
3537 shall execute a bond in some surety company authorized to do
3538 business in the state in the penal sum of One Hundred Thousand
3539 Dollars (\$100,000.00), conditioned for the faithful and impartial
3540 discharge of the duties of the office. The premium on the bond
3541 shall be paid as provided by law out of funds appropriated to the
3542 Division of Medicaid for contractual services.

3543 (d) The executive director, with the approval of the
3544 Governor and subject to the rules and regulations of the State
3545 Personnel Board, shall employ such professional, administrative,
3546 stenographic, secretarial, clerical and technical assistance as
3547 may be necessary to perform the duties required in administering
3548 this article and fix the compensation for those persons, all in
3549 accordance with a state merit system meeting federal requirements.
3550 When the salary of the executive director is not set by law, that
3551 salary shall be set by the State Personnel Board. No employees of
3552 the Division of Medicaid shall be considered to be staff members
3553 of the immediate Office of the Governor; however, Section
3554 25-9-107(c) (xv) shall apply to the executive director and other
3555 administrative heads of the division.



3556 (3) (a) There is established a Medical Care Advisory
3557 Committee, which shall be the committee that is required by
3558 federal regulation to advise the Division of Medicaid about health
3559 and medical care services.

3560 (b) The advisory committee shall consist of not less
3561 than eleven (11) members, as follows:

3562 (i) The Governor shall appoint five (5) members,
3563 one (1) from each congressional district and one (1) from the
3564 state at large;

3565 (ii) The Lieutenant Governor shall appoint three
3566 (3) members, one (1) from each Supreme Court district;

3567 (iii) The Speaker of the House of Representatives
3568 shall appoint three (3) members, one (1) from each Supreme Court
3569 district.

3570 All members appointed under this paragraph shall either be
3571 health care providers or consumers of health care services. One
3572 (1) member appointed by each of the appointing authorities shall
3573 be a board-certified physician.

3574 (c) The respective Chairmen of the House Medicaid
3575 Committee, the House Public Health and Human Services Committee,
3576 the House Appropriations Committee, the Senate Medicaid Committee,
3577 the Senate Public Health and Welfare Committee and the Senate
3578 Appropriations Committee, or their designees, one (1) member of
3579 the State Senate appointed by the Lieutenant Governor and one (1)
3580 member of the House of Representatives appointed by the Speaker of



3581 the House, shall serve as ex officio nonvoting members of the
3582 advisory committee.

3583 (d) In addition to the committee members required by
3584 paragraph (b), the advisory committee shall consist of such other
3585 members as are necessary to meet the requirements of the federal
3586 regulation applicable to the advisory committee, who shall be
3587 appointed as provided in the federal regulation.

3588 (e) The chairmanship of the advisory committee shall be
3589 elected by the voting members of the committee annually and shall
3590 not serve more than two (2) consecutive years as chairman.

3591 (f) The members of the advisory committee specified in
3592 paragraph (b) shall serve for terms that are concurrent with the
3593 terms of members of the Legislature, and any member appointed
3594 under paragraph (b) may be reappointed to the advisory committee.
3595 The members of the advisory committee specified in paragraph (b)
3596 shall serve without compensation, but shall receive reimbursement
3597 to defray actual expenses incurred in the performance of committee
3598 business as authorized by law. Legislators shall receive per diem
3599 and expenses, which may be paid from the contingent expense funds
3600 of their respective houses in the same amounts as provided for
3601 committee meetings when the Legislature is not in session.

3602 (g) The advisory committee shall meet not less than
3603 quarterly, and advisory committee members shall be furnished
3604 written notice of the meetings at least ten (10) days before the
3605 date of the meeting.



3606 (h) The executive director shall submit to the advisory
3607 committee all amendments, modifications and changes to the state
3608 plan for the operation of the Medicaid program, for review by the
3609 advisory committee before the amendments, modifications or changes
3610 may be implemented by the division.

3611 (i) The advisory committee, among its duties and
3612 responsibilities, shall:

3613 (i) Advise the division with respect to
3614 amendments, modifications and changes to the state plan for the
3615 operation of the Medicaid program;

3616 (ii) Advise the division with respect to issues
3617 concerning receipt and disbursement of funds and eligibility for
3618 Medicaid;

3619 (iii) Advise the division with respect to
3620 determining the quantity, quality and extent of medical care
3621 provided under this article;

3622 (iv) Communicate the views of the medical care
3623 professions to the division and communicate the views of the
3624 division to the medical care professions;

3625 (v) Gather information on reasons that medical
3626 care providers do not participate in the Medicaid program and
3627 changes that could be made in the program to encourage more
3628 providers to participate in the Medicaid program, and advise the
3629 division with respect to encouraging physicians and other medical
3630 care providers to participate in the Medicaid program * * *.



3631 * * *

3632 (4) (a) There is established a Drug Use Review Board, which
3633 shall be the board that is required by federal law to:

3634 (i) Review and initiate retrospective drug use,
3635 review including ongoing periodic examination of claims data and
3636 other records in order to identify patterns of fraud, abuse, gross
3637 overuse, or inappropriate or medically unnecessary care, among
3638 physicians, pharmacists and individuals receiving Medicaid
3639 benefits or associated with specific drugs or groups of drugs.

3640 (ii) Review and initiate ongoing interventions for
3641 physicians and pharmacists, targeted toward therapy problems or
3642 individuals identified in the course of retrospective drug use
3643 reviews.

3644 (iii) On an ongoing basis, assess data on drug use
3645 against explicit predetermined standards using the compendia and
3646 literature set forth in federal law and regulations.

3647 (b) The board shall consist of not less than twelve
3648 (12) members appointed by the Governor, or his designee.

3649 (c) The board shall meet at least quarterly, and board
3650 members shall be furnished written notice of the meetings at least
3651 ten (10) days before the date of the meeting.

3652 (d) The board meetings shall be open to the public,
3653 members of the press, legislators and consumers. Additionally,
3654 all documents provided to board members shall be available to
3655 members of the Legislature in the same manner, and shall be made



3656 available to others for a reasonable fee for copying. However,
3657 patient confidentiality and provider confidentiality shall be
3658 protected by blinding patient names and provider names with
3659 numerical or other anonymous identifiers. The board meetings
3660 shall be subject to the Open Meetings Act (Sections 25-41-1
3661 through 25-41-17). Board meetings conducted in violation of this
3662 section shall be deemed unlawful.

3663 (5) (a) There is established a Pharmacy and Therapeutics
3664 Committee, which shall be appointed by the Governor, or his
3665 designee.

3666 (b) The committee shall meet as often as needed to
3667 fulfill its responsibilities and obligations as set forth in this
3668 section, and committee members shall be furnished written notice
3669 of the meetings at least ten (10) days before the date of the
3670 meeting.

3671 (c) The committee meetings shall be open to the public,
3672 members of the press, legislators and consumers. Additionally,
3673 all documents provided to committee members shall be available to
3674 members of the Legislature in the same manner, and shall be made
3675 available to others for a reasonable fee for copying. However,
3676 patient confidentiality and provider confidentiality shall be
3677 protected by blinding patient names and provider names with
3678 numerical or other anonymous identifiers. The committee meetings
3679 shall be subject to the Open Meetings Act (Sections 25-41-1



3680 through 25-41-17). Committee meetings conducted in violation of
3681 this section shall be deemed unlawful.

3682 (d) After a thirty-day public notice, the executive
3683 director, or his or her designee, shall present the division's
3684 recommendation regarding prior approval for a therapeutic class of
3685 drugs to the committee. However, in circumstances where the
3686 division deems it necessary for the health and safety of Medicaid
3687 beneficiaries, the division may present to the committee its
3688 recommendations regarding a particular drug without a thirty-day
3689 public notice. In making that presentation, the division shall
3690 state to the committee the circumstances that precipitate the need
3691 for the committee to review the status of a particular drug
3692 without a thirty-day public notice. The committee may determine
3693 whether or not to review the particular drug under the
3694 circumstances stated by the division without a thirty-day public
3695 notice. If the committee determines to review the status of the
3696 particular drug, it shall make its recommendations to the
3697 division, after which the division shall file those
3698 recommendations for a thirty-day public comment under Section
3699 25-43-7(1).

3700 (e) Upon reviewing the information and recommendations,
3701 the committee shall forward a written recommendation approved by a
3702 majority of the committee to the executive director, or his or her
3703 designee. The decisions of the committee regarding any
3704 limitations to be imposed on any drug or its use for a specified



3705 indication shall be based on sound clinical evidence found in
3706 labeling, drug compendia, and peer-reviewed clinical literature
3707 pertaining to use of the drug in the relevant population.

3708 (f) Upon reviewing and considering all recommendations
3709 including recommendations of the committee, comments, and data,
3710 the executive director shall make a final determination whether to
3711 require prior approval of a therapeutic class of drugs, or modify
3712 existing prior approval requirements for a therapeutic class of
3713 drugs.

3714 (g) At least thirty (30) days before the executive
3715 director implements new or amended prior authorization decisions,
3716 written notice of the executive director's decision shall be
3717 provided to all prescribing Medicaid providers, all Medicaid
3718 enrolled pharmacies, and any other party who has requested the
3719 notification. However, notice given under Section 25-43-7(1) will
3720 substitute for and meet the requirement for notice under this
3721 subsection.

3722 (h) Members of the committee shall dispose of matters
3723 before the committee in an unbiased and professional manner. If a
3724 matter being considered by the committee presents a real or
3725 apparent conflict of interest for any member of the committee,
3726 that member shall disclose the conflict in writing to the
3727 committee chair and recuse himself or herself from any discussions
3728 and/or actions on the matter.



3729 **SECTION 52.** Section 43-30-1, Mississippi Code of 1972, is
3730 amended as follows:

3731 43-30-1. (1) There is established the Mississippi
3732 Disability Resource Commission. The function of the commission is
3733 to:

3734 (a) Assimilate and provide current information to
3735 persons who need health, special education or disability
3736 information or services;

3737 (b) Refer those persons to the appropriate agencies to
3738 receive needed information or services;

3739 (c) Facilitate coordination of services provided by
3740 agencies for the maximum benefit of persons who need health,
3741 special education or disability services;

3742 (d) Be a comprehensive clearinghouse of information and
3743 single point of contact for people with disabilities related to
3744 potential service programs;

3745 (e) Otherwise assist persons who need health, special
3746 education or disability services in obtaining information and
3747 services; and

3748 (f) Monitor and provide oversight of the implementation
3749 of Sections 43-6-201 through 43-6-207 by state agencies.

3750 (2) The powers and duties of the Mississippi Disability
3751 Resource Commission shall include, but are not limited to, or
3752 provided in any priority order, the following:



3753 (a) To collect and analyze health, special education
3754 and disability-related data for use by state agencies,
3755 universities and colleges, organizations and private citizens;

3756 (b) To advise the Governor, the Legislature, the
3757 Mississippi congressional delegation, state agencies, the business
3758 community, other public and private groups and the general public
3759 on health, special education and disability issues and concerns,
3760 and to make recommendations to address those identified matters,
3761 with emphasis on increasing opportunities for independence and
3762 employment;

3763 (c) To coordinate and conduct public relations
3764 activities, including establishment of a permanent, statewide
3765 toll-free phone line for people with disabilities seeking access
3766 to services and programs, to promote the skills and capabilities
3767 of persons needing health, special education or disability
3768 services;

3769 (d) To submit an annual report to the Governor and to
3770 the Legislature with recommendations to address the needs of
3771 persons in Mississippi needing health, special education or
3772 disability services, and other pertinent data regarding health,
3773 special education or disability issues;

3774 (e) Build on the work of the Mississippi Partnerships
3775 in Employment Project, identify state agency policies and
3776 procedures that create barriers and disincentives for employment
3777 of persons with disabilities, and develop recommendations to



3778 reduce or eliminate those barriers and disincentives to better
3779 meet the needs of persons who desire employment;

3780 (f) Identify best practices, effective partnerships,
3781 sources of available state and federal funds, and opportunities
3782 for shared services among existing state agencies to increase
3783 integrated and competitive employment opportunities for
3784 Mississippians with disabilities;

3785 (g) Review and comment on proposed legislation that may
3786 affect the employment of persons with disabilities and consider
3787 recommendations of federal agencies and other organizations that
3788 promote the employment of persons with disabilities; and

3789 (h) Request that measurable goals and objectives be
3790 submitted to it by each relevant state agency to ensure
3791 implementation of Sections 43-6-201 through 43-6-107. The
3792 commission shall establish the time frames for submissions by
3793 state agencies and track their measurable progress in implementing
3794 Sections 43-6-201 through 43-6-207. All state agencies shall
3795 fully cooperate with and provide data and information to assist
3796 the commission in carrying out its duties * * *.

3797 * * *

3798 (3) The membership of the commission shall consist of
3799 fourteen (14) members as follows:

3800 (a) The Executive Director of the State Department of
3801 Rehabilitation Services, or his or her designee;



3802 (b) The Executive Director of the State Department of
3803 Mental Health, or his or her designee;

3804 (c) The Executive Officer of the State Department of
3805 Health, or his or her designee;

3806 (d) The State Superintendent of Public Education, or
3807 his or her designee;

3808 (e) The Executive Director of the Division of Medicaid,
3809 or his or her designee;

3810 (f) The Executive Director of the Department of
3811 Employment Security, or his or her designee;

3812 (g) The Executive Director of the Mississippi
3813 Industries for the Blind; and

3814 (h) Three (3) appointments by the Governor and two (2)
3815 appointments each by the Lieutenant Governor and Speaker of the
3816 House of Representatives.

3817 Each of the appointments referenced in paragraph (h) of this
3818 subsection shall be a person with a disability, a representative
3819 of a disability advocacy group, or the parent of a person with a
3820 disability. Of these appointments, there shall be no more than
3821 one (1) appointment from the same consumer organization or
3822 advocacy group during the same term of appointment.

3823 (4) Members appointed by the Governor, Lieutenant Governor
3824 and Speaker of the House shall serve for terms that run
3825 concurrently with the terms of office of the appointing officials.
3826 An appointment to fill a vacancy, other than by expiration of a



3827 term of office, shall be made for the balance of the unexpired
3828 term. All appointments required by this section shall be made no
3829 later than August 1, 2015.

3830 (5) The members of the commission shall elect from their
3831 membership the chairperson and vice chairperson of the commission.
3832 The chairperson and vice chairperson shall be a member appointed
3833 under subsection (3)(h) of this section and a member from a state
3834 agency referenced in subsection (3)(a) through (g) of this
3835 section. The chairperson and vice chairperson shall serve for
3836 terms of one (1) year beginning on July 1 of each year, except
3837 that the terms of the first chairperson and vice chairperson shall
3838 begin on the date of their election to those positions. Each year
3839 at the expiration of the terms of the chairperson and vice
3840 chairperson, the vice chairperson during the preceding year shall
3841 serve as chairperson for the next year, and a new vice chairperson
3842 shall be elected according to the terms set forth in this
3843 subsection.

3844 (6) The commission shall meet at least quarterly and hold
3845 other meetings as are necessary for the purpose of conducting
3846 required business, not exceeding six (6) meetings in any one (1)
3847 fiscal year. If funds are available for that purpose, the
3848 appointed members of the commission may be paid per diem and
3849 travel expenses in accordance with the provisions of Sections
3850 25-3-69 and 25-3-41. The commission shall convene to begin work
3851 no later than September 1, 2015.



3852 (7) The Mississippi Disability Resource Commission may
3853 receive and expend any monies appropriated by the Legislature,
3854 apply for and utilize grants, and receive gifts or any other
3855 appropriate source of funds to carry out the duties of office.

3856 **SECTION 53.** Section 43-33-747, Mississippi Code of 1972, is
3857 amended as follows:

3858 43-33-747. (1) All money of the corporation from whatever
3859 source derived, except as otherwise authorized or provided in this
3860 article, shall be deposited with one or more qualified
3861 depositories of the state as approved by the State Depository
3862 Commission and designated by the corporation or invested in
3863 accordance with Section 43-33-717(5)(e). The money in such
3864 accounts shall be withdrawn on the order of such person or persons
3865 as the corporation may authorize. All deposits of such money
3866 shall, if required by the corporation, be secured in such manner
3867 as the corporation may determine. The State Auditor and his
3868 legally authorized representatives are authorized and empowered
3869 from time to time to examine the accounts and books of the
3870 corporation, including its receipts, disbursements, contracts,
3871 leases, sinking funds, investments and any other record and papers
3872 relating to its financial standing; at a minimum an audit shall be
3873 made annually and a copy thereof shall be filed with the State
3874 Treasurer; the corporation shall pay such reasonable fee for such
3875 examination as the State Auditor shall determine.



3876 (2) The corporation shall have power to contract with
3877 holders of any of its bonds or notes as to the custody,
3878 collection, securing, investment and payment of any money of the
3879 corporation, of any money held in trust or otherwise for the
3880 payment of bonds or notes, and to carry out such contract. Money
3881 held in trust or otherwise for the payment of bonds or notes or in
3882 any way to secure bonds or notes and deposits of such money may be
3883 secured in the same manner as money of the corporation, and all
3884 banks and trust companies are authorized to give such security for
3885 such deposits.

3886 (3) Subject to the provisions of any contract with
3887 bondholders or noteholders and to the approval of the Department
3888 of Audit, the corporation shall prescribe a system of accounts in
3889 accordance with generally accepted accounting principles (GAAP).

3890 (4) The corporation shall submit to the Governor * * * and
3891 the State Auditor * * * an annual report on the activities of the
3892 corporation and, within thirty (30) days of the receipt thereof by
3893 the corporation, a copy of the report of every external
3894 examination of the books and accounts of the corporation.

3895 **SECTION 54.** Section 43-59-7, Mississippi Code of 1972, is
3896 amended as follows:

3897 43-59-7. (1) The commission shall study issues affecting
3898 the status of women in Mississippi, including, but not limited to,
3899 the following areas:



3900 (a) Women's educational and employment problems, needs
3901 and opportunities;

3902 (b) Women's health issues;

3903 (c) The socioeconomic factors that influence the status
3904 of women and the development of women's individual potential;

3905 (d) Current or proposed state laws, practices or
3906 conditions in regard to the civil, economic and political rights
3907 of women, including, but not limited to, pensions, tax
3908 requirements, property rights, marriage and dissolution of
3909 marriage provisions, domestic violence and other matters affecting
3910 the status of women; and

3911 (e) Any other conditions or practices affecting women
3912 which impose special limitations or burdens upon them or which
3913 tend to limit opportunities available to women.

3914 (2) The commission shall act as an information center on the
3915 status of women and women's educational, employment and other
3916 related needs, and on current and proposed legislation affecting
3917 women. In this capacity, the commission shall serve as a liaison
3918 and clearinghouse between government, private interest groups and
3919 the general public concerned with services for women, and in this
3920 regard, the commission may publish a periodic newsletter, maintain
3921 a website and communicate with and provide information in other
3922 ways to these constituencies.

3923 (3) The commission shall educate the business, education,
3924 state government and local government communities and the general



3925 public about the nature and scope of gender discrimination,
3926 violence against women, and other matters affecting the status of
3927 women in Mississippi.

3928 (4) The commission shall recommend policies and make
3929 recommendations to public and private groups and persons concerned
3930 with any issue related to improving the status of women. Toward
3931 this end, the commission may develop, prepare and coordinate
3932 materials, projects or other activities and give technical and
3933 consultative advice. The commission may encourage and help
3934 women's organizations, public and private offices and other groups
3935 to institute self-help activities designed to meet women's
3936 educational, employment and other needs.

3937 (5) The commission shall promote consideration of qualified
3938 women for all levels of government positions.

3939 * * *

3940 **SECTION 55.** Section 45-12-5, Mississippi Code of 1972, is
3941 amended as follows:

3942 45-12-5. (1) Except as provided in subsection (7) of this
3943 section, no cigarettes may be sold or offered for sale in this
3944 state or offered for sale or sold to persons located in this state
3945 unless the cigarettes have been tested in accordance with the test
3946 method and meet the performance standard specified in this
3947 section, a written certification has been filed by the
3948 manufacturer with the State Fire Marshal in accordance with



3949 Section 45-12-7, and the cigarettes have been marked in accordance
3950 with Section 45-12-9.

3951 (a) Testing of cigarettes shall be conducted in
3952 accordance with the American Society of Testing and Materials
3953 (ASTM) Standard E2187-04, "Standard Test Method for Measuring the
3954 Ignition Strength of Cigarettes."

3955 (b) Testing shall be conducted on ten (10) layers of
3956 filter paper.

3957 (c) No more than twenty-five percent (25%) of the
3958 cigarettes tested in a test trial in accordance with this section
3959 shall exhibit full-length burns. Forty (40) replicate tests shall
3960 comprise a complete test trial for each cigarette tested.

3961 (d) The performance standard required by this section
3962 shall only be applied to a complete test trial.

3963 (e) Written certifications shall be based upon testing
3964 conducted by a laboratory that has been accredited pursuant to
3965 Standard ISO/IEC 17025 of the International Organization for
3966 Standardization (ISO), or other comparable accreditation standard
3967 required by the State Fire Marshal.

3968 (f) Laboratories conducting testing in accordance with
3969 this section shall implement a quality control and quality
3970 assurance program that includes a procedure that will determine
3971 the repeatability of the testing results. The repeatability value
3972 shall be no greater than nineteen percent (19%).



3973 (g) This section does not require additional testing if
3974 cigarettes are tested consistent with this chapter for any other
3975 purpose.

3976 (h) Testing performed or sponsored by the State Fire
3977 Marshal to determine a cigarette's compliance with the performance
3978 standard required shall be conducted in accordance with this
3979 section.

3980 (2) Each cigarette listed in a certification submitted
3981 pursuant to Section 45-12-7 that uses lowered permeability bands
3982 in the cigarette paper to achieve compliance with the performance
3983 standard set forth in this section shall have at least two (2)
3984 nominally identical bands on the paper surrounding the tobacco
3985 column. At least one (1) complete band shall be located at least
3986 fifteen (15) millimeters from the lighting end of the cigarette.
3987 For cigarettes on which the bands are positioned by design, there
3988 shall be at least two (2) bands fully located at least fifteen
3989 (15) millimeters from the lighting end and ten (10) millimeters
3990 from the filter end of the tobacco column, or ten (10) millimeters
3991 from the labeled end of the tobacco column for nonfiltered
3992 cigarettes.

3993 (3) A manufacturer of a cigarette that the State Fire
3994 Marshal determines cannot be tested in accordance with the test
3995 method prescribed in paragraph (a) of subsection (1) shall propose
3996 a test method and performance standard for the cigarette to the
3997 State Fire Marshal. Upon approval of the proposed test method and



3998 a determination by the State Fire Marshal that the performance
3999 standard proposed by the manufacturer is equivalent to the
4000 performance standard prescribed in paragraph (c) of subsection
4001 (1), the manufacturer may employ such test method and performance
4002 standard to certify such cigarette pursuant to Section 45-12-7.
4003 If the State Fire Marshal determines that another state has
4004 enacted reduced cigarette ignition propensity standards that
4005 include a test method and performance standard that are the same
4006 as those contained in this section, and the State Fire Marshal
4007 finds that the officials responsible for implementing those
4008 requirements have approved the proposed alternative test method
4009 and performance standard for a particular cigarette proposed by a
4010 manufacturer as meeting the fire safety standards of that state's
4011 law or regulation under a legal provision comparable to this
4012 section, then the State Fire Marshal shall authorize that
4013 manufacturer to employ the alternative test method and performance
4014 standard to certify that cigarette for sale in this state, unless
4015 the State Fire Marshal demonstrates a reasonable basis why the
4016 alternative test should not be accepted under this section. All
4017 other applicable requirements of this section shall apply to the
4018 manufacturer.

4019 (4) Each manufacturer shall maintain copies of the reports
4020 of all tests conducted on all cigarettes offered for sale for a
4021 period of three (3) years, and shall make copies of these reports
4022 available to the State Fire Marshal and the Attorney General upon



4023 written request. Any manufacturer who fails to make copies of
4024 these reports available within sixty (60) days of receiving a
4025 written request shall be subject to a civil penalty not to exceed
4026 Ten Thousand Dollars (\$10,000.00) for each day after the sixtieth
4027 day that the manufacturer does not make such copies available.

4028 (5) The State Fire Marshal may promulgate a subsequent ASTM
4029 Standard Test Method for Measuring the Ignition Strength of
4030 Cigarettes upon a finding that such subsequent method does not
4031 result in a change in the percentage of full-length burns
4032 exhibited by any tested cigarette when compared to the percentage
4033 of full-length burns the same cigarette would exhibit when tested
4034 in accordance with ASTM Standard E2187-04 and the performance
4035 standard in paragraph (c) of subsection (1).

4036 * * *

4037 (* * *6) The requirements of subsection (1) shall not
4038 prohibit:

4039 (a) Wholesale or retail dealers from selling their
4040 existing inventory of cigarettes on or after July 1, 2010, if the
4041 wholesale or retail dealer can establish that state tax stamps
4042 were affixed to the cigarettes prior to July 1, 2010, and the
4043 wholesale or retail dealer can establish that the inventory was
4044 purchased prior to July 1, 2010, in comparable quantity to the
4045 inventory purchased during the same period of the prior year; or

4046 (b) The sale of cigarettes solely for the purpose of
4047 consumer testing. For purposes of this subsection, the term



4048 "consumer testing" means an assessment of cigarettes that is
4049 conducted by a manufacturer (or under the control and direction of
4050 a manufacturer), for the purpose of evaluating consumer acceptance
4051 of such cigarettes, utilizing only the quantity of cigarettes that
4052 is reasonably necessary for such assessment.

4053 (* * *7) This chapter shall be so interpreted and construed
4054 as to effectuate its general purpose to make uniform this chapter
4055 with the laws of those states that have enacted reduced cigarette
4056 ignition propensity laws as of July 1, 2010.

4057 **SECTION 56.** Section 47-5-6, Mississippi Code of 1972, is
4058 amended as follows:

4059 47-5-6. (1) There is hereby established a committee to be
4060 known as the Corrections and Criminal Justice Oversight Task
4061 Force, hereinafter called the Oversight Task Force, which must
4062 exercise the powers and fulfill the duties described in this
4063 chapter.

4064 (2) The Oversight Task Force shall be composed of the
4065 following members:

4066 (a) The Lieutenant Governor shall appoint two (2)
4067 members;

4068 (b) The Speaker of the House of Representatives shall
4069 appoint two (2) members;

4070 (c) The Commissioner of the Department of Corrections,
4071 or his designee;



4072 (d) The Chief Justice of the Mississippi Supreme Court
4073 shall appoint one (1) member of the circuit court;

4074 (e) The Governor shall appoint one (1) member from the
4075 Parole Board;

4076 (f) The Director of the Joint Legislative Committee on
4077 Performance Evaluation and Expenditure Review, or his designee;

4078 (g) The Attorney General shall appoint one (1) member
4079 representing the victims' community;

4080 (h) The Mississippi Association of Supervisors shall
4081 appoint one (1) member to represent the association;

4082 (i) The Mississippi Chief of Police Association shall
4083 appoint one (1) member to represent the association * * *;

4084 (j) The President of the Mississippi Prosecutors'
4085 Association;

4086 (k) The President of the Mississippi Sheriffs'
4087 Association, or his designee;

4088 (l) The Office of the State Public Defender shall
4089 appoint one (1) member to represent the public defender's office;
4090 and

4091 (m) The Governor shall appoint one (1) advocate for
4092 offenders and families who have been directly affected by the
4093 prison justice system. The appointment made pursuant to this
4094 paragraph (m) shall occur on July 1, 2020.

4095 (3) The task force shall meet on or before July 15, 2015, at
4096 the call of the Commissioner of the Department of Corrections and



4097 organize itself by electing one (1) of its members as chair and
4098 such other officers as the task force may consider necessary.
4099 Thereafter, the task force shall meet at least biannually and at
4100 the call of the chair or by a majority of the members. A quorum
4101 consists of seven (7) members.

4102 (4) The task force shall have the following powers and
4103 duties:

4104 (a) Track and assess outcomes from the recommendations
4105 in the Corrections and Criminal Justice Task Force report of
4106 December 2013;

4107 (b) Prepare and submit an annual report no later than
4108 the first day of the second full week of each regular session of
4109 the Legislature on the outcome and performance measures to
4110 the * * * Governor and Chief Justice. The report shall include
4111 recommendations for improvements, recommendations on transfers of
4112 funding based on the success or failure of implementation of the
4113 recommendations, and a summary of savings. The report may also
4114 present additional recommendations to the Legislature on future
4115 legislation and policy options to enhance public safety and
4116 control corrections costs;

4117 (c) Monitor compliance with sentencing standards,
4118 assess their impact on the correctional resources of the state and
4119 determine if the standards advance the adopted sentencing policy
4120 goals of the state;



4121 (d) Review the classifications of crimes and sentences
4122 and make recommendations for change when supported by information
4123 that change is advisable to further the adopted sentencing policy
4124 goals of the state;

4125 (e) Develop a research and analysis system to determine
4126 the feasibility, impact on resources, and budget consequences of
4127 any proposed or existing legislation affecting sentence length;

4128 (f) Request, review, and receive data and reports on
4129 performance outcome measures as related to Chapter 457, Laws of
4130 2014;

4131 (g) To undertake such additional studies or evaluations
4132 as the Oversight Task Force considers necessary to provide
4133 sentencing reform information and analysis;

4134 (h) Prepare and conduct annual continuing legal
4135 education seminars regarding the sentencing guidelines to be
4136 presented to judges, prosecuting attorneys and their deputies, and
4137 public defenders and their deputies, as so required;

4138 (i) The Oversight Task Force shall use clerical and
4139 professional employees of the Department of Corrections for its
4140 staff;

4141 (j) The Oversight Task Force may employ or retain other
4142 professional staff, upon the determination of the necessity for
4143 other staff;

4144 (k) The Oversight Task Force may employ consultants to
4145 assist in the evaluations and, when necessary, the implementation



4146 of the recommendations of the Corrections and Criminal Justice
4147 Task Force report of December 2013;

4148 (1) The Oversight Task Force is encouraged to apply for
4149 and may expend grants, gifts, or federal funds it receives from
4150 other sources to carry out its duties and responsibilities.

4151 **SECTION 57.** Section 47-5-28, Mississippi Code of 1972, is
4152 amended as follows:

4153 47-5-28. The commissioner shall have the following powers
4154 and duties:

4155 (a) To implement and administer laws and policy
4156 relating to corrections and coordinate the efforts of the
4157 department with those of the federal government and other state
4158 departments and agencies, county governments, municipal
4159 governments, and private agencies concerned with providing
4160 offender services;

4161 (b) To establish standards, in cooperation with other
4162 state agencies having responsibility as provided by law, provide
4163 technical assistance, and exercise the requisite supervision as it
4164 relates to correctional programs over all state-supported adult
4165 correctional facilities and community-based programs;

4166 (c) To promulgate and publish such rules, regulations
4167 and policies of the department as are needed for the efficient
4168 government and maintenance of all facilities and programs in
4169 accord insofar as possible with currently accepted standards of
4170 adult offender care and treatment;



4171 (d) To provide the Parole Board with suitable and
4172 sufficient office space and support resources and staff necessary
4173 to * * * conduct Parole Board business under the guidance of the
4174 Chairman of the Parole Board;

4175 (e) To contract for transitional reentry center beds
4176 that will be used as noncorrections housing for offenders released
4177 from the department on parole, probation or post-release
4178 supervision but do not have appropriate housing available upon
4179 release. At least one hundred (100) but no more than eight
4180 hundred (800) transitional reentry center beds contracted by the
4181 department and chosen by the Parole Board shall be available for
4182 the Parole Board to place parolees without appropriate housing;

4183 (f) To designate deputy commissioners while performing
4184 their officially assigned duties relating to the custody, control,
4185 transportation, recapture or arrest of any offender within the
4186 jurisdiction of the department or any offender of any jail,
4187 penitentiary, public workhouse or overnight lockup of the state or
4188 any political subdivision thereof not within the jurisdiction of
4189 the department, to the status of peace officers anywhere in the
4190 state in any matter relating to the custody, control,
4191 transportation or recapture of such offender, and shall have the
4192 status of law enforcement officers and peace officers as
4193 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

4194 For the purpose of administration and enforcement of this
4195 chapter, deputy commissioners of the Mississippi Department of



4196 Corrections, who are certified by the Mississippi Board on Law
4197 Enforcement Officer Standards and Training, have the powers of a
4198 law enforcement officer of this state. Such powers shall include
4199 to make arrests and to serve and execute search warrants and other
4200 valid legal process anywhere within the State of Mississippi while
4201 performing their officially assigned duties relating to the
4202 custody, control, transportation, recapture or arrest of any
4203 offender within the jurisdiction of the department or any offender
4204 of any jail, penitentiary, public workhouse or overnight lockup of
4205 the state or any political subdivision thereof not within the
4206 jurisdiction of the department in any matter relating to the
4207 custody, control, transportation or recapture of such
4208 offender * * *;

4209 * * *

4210 (* * *g) To cooperate fully with periodic independent
4211 internal investigations of the department and to file the report
4212 with the Governor and the Legislature;

4213 (* * *h) To make personnel actions for a period of one
4214 (1) year beginning July 1, 2016, that are exempt from State
4215 Personnel Board rules, regulations and procedures in order to give
4216 the commissioner flexibility in making an orderly, effective and
4217 timely reorganization and realignment of the department; and

4218 (* * *i) To perform such other duties necessary to
4219 effectively and efficiently carry out the purposes of the
4220 department as may be directed by the Governor.



4221 **SECTION 58.** Section 47-5-355, Mississippi Code of 1972, is
4222 amended as follows:

4223 47-5-355. (1) The Commissioner of Corrections shall employ
4224 a director of the prison agricultural enterprises, who shall be
4225 directly responsible to the commissioner. The director shall have
4226 the following duties and powers:

4227 (a) To implement and manage the prison agricultural
4228 enterprises;

4229 (b) To determine, with the advice of the Director of
4230 Planning, the type of agricultural, animal husbandry and
4231 aquaculture products needed to feed inmates and which may be grown
4232 profitably on department lands;

4233 (c) To use inmate labor to meet the labor needs of the
4234 programs, subject to the requirements of subsection (2);

4235 (d) To recommend rules and regulations and employ
4236 personnel necessary for the operation of the programs;

4237 (e) To determine the proper methods of canning,
4238 freezing or preserving that may be used to the best advantage of
4239 the programs;

4240 (f) With approval of the commissioner, to do those
4241 things necessary and proper to accomplish the purposes of the
4242 programs;

4243 (g) To determine and establish priorities on the most
4244 appropriate and profitable products to be grown and which
4245 department lands should be farmed, taking into consideration the



4246 available prison labor, existing equipment and funds available
4247 therefor, markets for the products, and other matters consistent
4248 with prudent agricultural practices;

4249 (h) To manage the food services of the department at
4250 the discretion of the commissioner.

4251 (2) The director shall have the right to use inmate labor to
4252 the exclusion of prison industries. The superintendents shall
4253 provide the prison agricultural enterprises with sufficient inmate
4254 labor. If a superintendent refuses to provide inmate labor
4255 because of security concerns, the commissioner shall decide if
4256 security requirements preclude use of inmate labor. Upon the
4257 request of the director, the superintendents shall provide
4258 security for prison agricultural enterprises.

4259 (3) The director shall maintain accurate and complete
4260 financial records of all receipts and expenditures of the prison
4261 agricultural enterprise programs.

4262 * * *

4263 (* * *4) The department may enter into joint ventures with
4264 private businesses related to prison agricultural enterprises.

4265 **SECTION 59.** Section 47-7-15, Mississippi Code of 1972, is
4266 amended as follows:

4267 47-7-15. The board shall adopt an official seal of which the
4268 courts shall take judicial notice. Decisions of the board shall
4269 be made by majority vote.



4270 The board shall keep a record of its acts and shall notify
4271 each institution of its decisions relating to the persons who are
4272 or have been confined therein. * * *

4273 **SECTION 60.** Section 49-2-13, Mississippi Code of 1972, is
4274 amended as follows:

4275 49-2-13. The executive director shall have the following
4276 powers and duties:

4277 (a) To administer the policies of the commission within
4278 the authority granted by the commission;

4279 (b) To supervise and direct all administrative and
4280 technical activities of the department;

4281 (c) To organize the administrative units of the
4282 department in accordance with the plan adopted by the commission
4283 and, with commission approval, alter such organizational plan and
4284 reassign responsibilities as he may deem necessary to carry out
4285 the policies of the commission;

4286 (d) To coordinate the activities of the various offices
4287 of the department;

4288 (e) To employ, subject to the approval of the
4289 commission, qualified professional personnel in the subject matter
4290 or fields of each office, and such other technical and clerical
4291 staff as may be required for the operation of the department;

4292 (f) To recommend to the commission such studies and
4293 investigations as he may deem appropriate, and to carry out the
4294 approved recommendations in conjunction with the various offices;



4295 (g) To merge and coordinate functions and duties where
4296 possible to eliminate the possibility of two (2) separate
4297 organizational entities performing the same or similar functions,
4298 including, but not limited to, functions of audit, inspection,
4299 collection, personnel, motor vehicles, accounting, data
4300 processing, payroll and any other such administrative, procedural
4301 or enforcement function;

4302 (h) To coordinate all studies in the State of
4303 Mississippi concerned with the supply, development, use and
4304 conservation of natural resources within the jurisdiction of the
4305 department;

4306 * * *

4307 (* * * i) To issue, modify or revoke any and all orders
4308 under authority granted by the commission which include, but are
4309 not limited to those which (i) prohibit, control or abate
4310 discharges of contaminants and wastes into the air and waters of
4311 the state; (ii) require the construction of new disposal systems
4312 or air-cleaning devices or any parts thereof, or the modification,
4313 extension or alteration of existing disposal systems or
4314 air-cleaning devices or any parts thereof, or the adoption of
4315 other remedial measures to prevent, control or abate air and water
4316 pollution or to cause the proper management of solid wastes; (iii)
4317 impose penalties pursuant to Section 17-17-29 and Section 49-17-43
4318 which have been agreed upon with alleged violators; and (iv)
4319 require compliance with the conditions of any permit issued by the



4320 Permit Board created in Section 49-17-28 and all regulations of
4321 the commission; and

4322 (* * *j) With the approval of the commission, to enter
4323 into contracts, grants and cooperative agreements with any federal
4324 or state agency or subdivision thereof, or any public or private
4325 institution located inside or outside the State of Mississippi, or
4326 any person, corporation or association in connection with carrying
4327 out the provisions of this chapter, provided the agreements do not
4328 have a financial cost in excess of the amounts appropriated for
4329 such purposes by the Legislature.

4330 **SECTION 61.** Section 49-4-13, Mississippi Code of 1972, is
4331 amended as follows:

4332 49-4-13. Effective July 1, 1979, the executive director of
4333 the Department of Wildlife, Fisheries and Parks shall have the
4334 following powers and duties:

4335 (a) To supervise and direct all administrative and
4336 technical activities of the department;

4337 (b) To employ, subject to the approval of the
4338 commission, qualified professional personnel in the subject matter
4339 or fields, and such other technical and clerical staff as may be
4340 required for the operation of the department;

4341 (c) To coordinate all studies in the State of
4342 Mississippi concerned with the supply, development, use and
4343 conservation of wildlife, fisheries and parks;

4344 * * *



4345 (* * *d) To enter into cooperative agreements with any
4346 federal or state agency or subdivision thereof, or any public or
4347 private institution located inside or outside the State of
4348 Mississippi, or any person, corporation or association in
4349 connection with studies and investigations pertaining to wildlife,
4350 fisheries and parks, provided the agreements do not have a
4351 financial cost in excess of the amounts appropriated for such
4352 purposes by the Legislature;

4353 (* * *e) In his discretion, to enter into an affinity
4354 relationship with a credit card issuer and to expend funds derived
4355 therefrom to improve wildlife management areas; and

4356 (* * *f) To carry out all regulations and rules
4357 adopted by the commission and enforce all licenses and permits
4358 issued by the commission.

4359 **SECTION 62.** Section 49-7-26, Mississippi Code of 1972, is
4360 amended as follows:

4361 49-7-26. (1) (a) The department may develop, implement and
4362 regulate a tagging and reporting program to collect harvest data
4363 and monitor bag limit compliance by any means as provided in this
4364 section.

4365 (b) The department may charge a fee for the tagging
4366 program.

4367 * * *

4368 (2) (a) The department may establish a tagging and
4369 reporting program for deer harvested by nonresidents.



4370 (b) A nonresident who violates any law or regulation of
4371 the nonresident deer tagging program shall be subject to the fine
4372 and forfeiture penalties provided for a nonresident hunting
4373 without a license under Section 49-7-21. In addition, a
4374 nonresident shall be assessed the administrative fee prescribed in
4375 this section.

4376 (3) (a) The department may establish a tagging and
4377 reporting program for turkey.

4378 (b) A person who violates any law or regulation of the
4379 turkey tagging program is guilty of a Class III violation and
4380 shall be subject to the fines provided in 49-7-101. In addition,
4381 a person shall be assessed the administrative fee prescribed in
4382 this section.

4383 (4) (a) A person convicted of a first violation of the
4384 tagging program shall be assessed an administrative fee of not
4385 less than One Hundred Dollars (\$100.00) nor more than Five Hundred
4386 Dollars (\$500.00), which shall be imposed and collected upon
4387 conviction. A person convicted of a second or subsequent
4388 violation shall be assessed an administrative fee of not less than
4389 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars
4390 (\$1,000.00), which shall be imposed and collected upon conviction.

4391 (b) The clerk of the court shall collect and deposit
4392 the administrative fees with the State Treasurer, in the same
4393 manner and in accordance with the same procedure, as nearly as



4394 practicable, as required for the collection and deposit of state
4395 assessments under Section 99-19-73.

4396 (c) The administrative fees shall be credited to the
4397 Department of Wildlife, Fisheries and Parks and may be expended by
4398 the department upon appropriation by the Legislature.

4399 (5) Each deer or turkey taken or possessed in violation of
4400 the tagging program is a separate offense.

4401 **SECTION 63.** Section 49-17-44, Mississippi Code of 1972, is
4402 amended as follows:

4403 49-17-44. (1) The Permit Board may require any applicant
4404 for a water pollution control permit for the discharge of effluent
4405 from any sewer system certificated or required to be certificated
4406 by the Public Service Commission to provide a bond or other
4407 acceptable financial security instrument payable to the Commission
4408 on Environmental Quality and conditioned upon full and
4409 satisfactory performance of the requirements of the Mississippi
4410 Air and Water Pollution Control Law and any water pollution
4411 control permit issued under that law. Any bond shall be executed
4412 by the permittee and a corporate surety licensed to do business in
4413 the state. The commission shall establish by regulation the
4414 acceptable forms of financial security and the amount of financial
4415 security required for the various types and sizes of facilities.
4416 The purpose of the bond or other financial security shall be the
4417 protection of the public health, welfare and the environment.



4418 (2) The commission may enter an order requiring forfeiture
4419 of the bond or other financial security, if the commission
4420 determines that:

4421 (a) The continued operation or lack of operation and
4422 maintenance of the facility covered by this section represents an
4423 imminent threat to the public health, welfare and the environment
4424 because the permittee is unable or unwilling to adequately operate
4425 and maintain the facility or the facility has been actually or
4426 effectively abandoned by the permittee;

4427 (b) Reasonable and practical efforts under the
4428 circumstances have been made to obtain corrective actions from the
4429 permittee; and

4430 (c) It does not appear that corrective actions can or
4431 will be taken within an appropriate time as determined by the
4432 commission.

4433 (3) * * * The proceeds of any forfeiture shall be deposited
4434 into a special fund created in subsection (5) of this section and
4435 shall be used by the commission or any receiver appointed by the
4436 Chancery Court of the First Judicial District of Hinds County to
4437 address or correct the noncompliance at the facility or to
4438 continue operation and maintenance of the facility. The proceeds
4439 shall be in addition to any other funds otherwise appropriated to
4440 the department and may be expended under the authority of this
4441 section without additional action of the Legislature.

4442 * * *



4443 (4) If the commission finds that a facility has been
4444 abandoned or that services of a facility have been terminated, the
4445 commission may enter any orders regarding continued operations of
4446 that facility as it deems necessary to protect the public health,
4447 welfare and the environment.

4448 (5) (a) There is created in the State Treasury a fund to be
4449 designated as the "Water Pollution Control Bond Forfeiture Fund."
4450 Monies in the fund shall be used by the commission or any receiver
4451 appointed by the court to address or correct the noncompliance at
4452 the facility or to continue operation and maintenance of the
4453 facility for which the bond or other financial security was
4454 forfeited.

4455 (b) Expenditures may be made from the fund upon
4456 requisition by the executive director of the department.

4457 (c) The fund shall be treated as a special trust fund.
4458 Interest earned on the principal shall be credited by the
4459 Treasurer to the fund.

4460 (d) The fund may receive monies from any available
4461 public or private source, including, but not limited to, proceeds
4462 from bond or other financial security forfeitures, interest, and
4463 funds from other judicial actions.

4464 (6) An appeal from any decision of the commission under this
4465 section may be taken as provided in Section 49-17-41, Mississippi
4466 Code of 1972.



4467 (7) This section shall be applicable to new applications for
4468 water pollution control permits and to existing water pollution
4469 control permits upon application for reissuance or transfer of a
4470 permit.

4471 **SECTION 64.** Section 49-15-305, Mississippi Code of 1972, is
4472 amended as follows:

4473 49-15-305. (1) The Governor shall appoint the Executive
4474 Director of the Department of Marine Resources, with the advice
4475 and consent of the Senate, who shall serve at the will and
4476 pleasure of the Governor. The executive director shall be
4477 knowledgeable and experienced in marine resources management.

4478 (2) The executive director of the department shall have the
4479 following powers and duties:

4480 (a) To supervise and direct all administrative,
4481 inspection and technical activities and personnel of the
4482 department;

4483 (b) To employ qualified professional personnel in the
4484 subject matter or fields, and any other technical and clerical
4485 staff as may be required for the operation of the department;

4486 (c) To coordinate all studies in the State of
4487 Mississippi concerned with the supply, development, use and
4488 conservation of marine resources;

4489 * * *

4490 (* * *d) To enter into cooperative agreements with any
4491 federal or state agency or subdivision thereof, or any public or



4492 private institution located inside or outside the State of
4493 Mississippi, or any person, corporation or association in
4494 connection with studies and investigations pertaining to marine
4495 resources, provided the agreements do not have a financial cost in
4496 excess of the amounts appropriated for the purposes by the
4497 Legislature; and

4498 (* * *e) To carry out all regulations and rules
4499 adopted by the department and enforce all licenses and permits
4500 issued by the department.

4501 **SECTION 65.** Section 57-1-18, Mississippi Code of 1972, is
4502 amended as follows:

4503 57-1-18. (1) For the purposes of this section, the
4504 following terms shall have the meanings ascribed in this section
4505 unless the context clearly indicates otherwise:

4506 (a) "Limited population county" means a county in the
4507 State of Mississippi with a population of thirty thousand (30,000)
4508 or less according to the most recent federal decennial census at
4509 the time the county submits its application to the MDA under this
4510 section.

4511 (b) "MDA" means the Mississippi Development Authority.

4512 (c) "Project" means highways, streets and other
4513 roadways, bridges, sidewalks, utilities, airfields, airports,
4514 acquisition of equipment, acquisition of real property,
4515 development of real property, improvements to real property, and
4516 any other project approved by the MDA.



4517 (d) "Small municipality" means a municipality in the
4518 State of Mississippi with a population of ten thousand (10,000) or
4519 less according to the most recent federal decennial census at the
4520 time the municipality submits its application to the MDA under
4521 this section. The term "small municipality" also includes a
4522 municipal historical hamlet as defined in Section 17-27-5.

4523 (2) (a) There is hereby created in the State Treasury a
4524 special fund to be designated as the "Small Municipalities and
4525 Limited Population Counties Fund," which shall consist of funds
4526 appropriated or otherwise made available by the Legislature in any
4527 manner and funds from any other source designated for deposit into
4528 such fund. Unexpended amounts remaining in the fund at the end of
4529 a fiscal year shall not lapse into the State General Fund, and any
4530 investment earnings or interest earned on amounts in the fund
4531 shall be deposited to the credit of the fund. Monies in the fund
4532 shall be used to make grants to small municipalities and limited
4533 population counties or natural gas districts created by law and
4534 contained therein to assist in completing projects under this
4535 section.

4536 (b) Monies in the fund which are derived from proceeds
4537 of bonds issued under Sections 1 through 16 of Chapter 538, Laws
4538 of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003,
4539 Sections 55 through 70 of Chapter 1, Laws of 2004 Third
4540 Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws
4541 of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of



4542 Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of
4543 2009, Section 38 of Chapter 533, Laws of 2010, Section 41 of
4544 Chapter 480, Laws of 2011, Section 30 of Chapter 569, Laws of
4545 2013, Section 4 of Chapter 530, Laws of 2014, Section 11 of
4546 Chapter 472, Laws of 2015, Section 19 of Chapter 511, Laws of
4547 2016, Section 5 of Chapter 452, Laws of 2018, Section 19 of
4548 Chapter 454, Laws of 2019, or Section 11 of Chapter 492, Laws of
4549 2020, may be used to reimburse reasonable actual and necessary
4550 costs incurred by the MDA for the administration of the various
4551 grant, loan and financial incentive programs administered by the
4552 MDA. An accounting of actual costs incurred for which
4553 reimbursement is sought shall be maintained by the MDA.
4554 Reimbursement of reasonable actual and necessary costs shall not
4555 exceed three percent (3%) of the proceeds of bonds issued.
4556 Reimbursements under this subsection shall satisfy any applicable
4557 federal tax law requirements.

4558 (3) The MDA shall establish a grant program to make grants
4559 to small municipalities and limited population counties from the
4560 Small Municipalities and Limited Population Counties Fund. Grants
4561 made under this section to a small municipality or a limited
4562 population county shall not exceed Two Hundred Fifty Thousand
4563 Dollars (\$250,000.00) during any grant period established by the
4564 MDA. A small municipality or limited population county may apply
4565 to the MDA for a grant under this section in the manner provided
4566 for in this section.



4567 (4) A small municipality or limited population county
4568 desiring assistance under this section must submit an application
4569 to the MDA. The application must include a description of the
4570 project for which assistance is requested, the cost of the project
4571 for which assistance is requested, the amount of assistance
4572 requested and any other information required by the MDA.

4573 (5) The MDA shall have all powers necessary to implement and
4574 administer the program established under this section, and the
4575 department shall promulgate rules and regulations, in accordance
4576 with the Mississippi Administrative Procedures Law, necessary for
4577 the implementation of this section.

4578 * * *

4579 **SECTION 66.** Section 57-1-367, Mississippi Code of 1972, is
4580 amended as follows:

4581 57-1-367. (1) (a) * * * MDA shall set a goal to expend not
4582 less than ten percent (10%) of the total amounts expended by * * *
4583 MDA on planning, construction, training, research, development,
4584 testing, evaluation, personal services, procurement, and for the
4585 operation and maintenance of any facilities or activities
4586 controlled by * * * MDA, with minority small business concerns
4587 owned and controlled by socially and economically disadvantaged
4588 individuals. For the purpose of determining the total amounts
4589 expended with such minority small business concerns, credit shall
4590 be given for that portion of any prime contract entered into



4591 with * * * MDA which inures to the benefit of such minority small
4592 business concern as a subcontractor thereunder.

4593 (b) For the purposes of this section, the term
4594 "socially and economically disadvantaged individuals" shall have
4595 the meaning ascribed to such term under Section 8(d) of the Small
4596 Business Act (15 USCS, Section 637(d)) and relevant subcontracting
4597 regulations promulgated pursuant thereto.

4598 (c) For the purposes of this section, the term
4599 "minority small business concern" means any small business
4600 concern:

4601 (i) Which is at least fifty-one percent (51%)
4602 owned by one or more socially and economically disadvantaged
4603 individuals; or, in the case of any publicly owned businesses, at
4604 least fifty-one percent (51%) of the stock of which is owned by
4605 one or more socially and economically disadvantaged individuals;
4606 and

4607 (ii) Whose management and daily business
4608 operations are controlled by one or more of such individuals.

4609 (d) For the purpose of this section, the term "small
4610 business concern" shall mean "small business" as the latter term
4611 is defined in Section 57-10-155, Mississippi Code of 1972.

4612 (2) In order to comply in a timely manner with its minority
4613 small business participation mandate, * * * MDA shall set an
4614 annual goal to expend not less than ten percent (10%) of its



4615 aggregate yearly expenditures with minority small business
4616 concerns.

4617 (3) * * * MDA shall:

4618 (a) Monitor the minority small business concerns
4619 assistance programs prescribed in this section.

4620 (b) Review and determine the business capabilities of
4621 minority small business concerns.

4622 (c) Establish standards for a certification procedure
4623 for minority small business concerns seeking to do business
4624 with * * * MDA.

4625 (d) Provide technical assistance services to minority
4626 small business concerns. Such technical assistance shall include
4627 but not be limited to:

4628 (i) Research;

4629 (ii) Assistance in obtaining bonds;

4630 (iii) Bid preparation;

4631 (iv) Certification of business concerns;

4632 (v) Marketing assistance; and

4633 (vi) Joint venture and capital development.

4634 (e) Develop alternative bidding and contracting
4635 procedures for minority small business concerns in conjunction
4636 with the Department of Finance and Administration.

4637 (f) Utilize such alternative bidding and contracting
4638 procedures in lieu of those prescribed in Title 31, Chapters 5 and
4639 7, Mississippi Code of 1972, when contracting with minority small



4640 business concerns that have qualified to bid for contracts and
4641 have satisfied any other disclosure provisions required by * * *
4642 MDA.

4643 (g) Be authorized to accept in lieu of any bond
4644 otherwise required from minority small business concerns or small
4645 business concerns contracting with * * * MDA, in an amount equal
4646 to one hundred percent (100%) of the total cost of the contracted
4647 project, any combination of the following:

4648 (i) Cash;

4649 (ii) Certificates of deposit from any bank or
4650 banking corporation insured by the Federal Deposit Insurance
4651 Corporation or the Federal Savings and Loan Insurance Corporation;

4652 (iii) Federal treasury bills;

4653 (iv) Letters of credit issued by a bank as that
4654 term is defined in Section 81-3-1, Mississippi Code of 1972; or

4655 (v) Surety bonds issued by an insurance company
4656 licensed and qualified to do business in the State of Mississippi.

4657 (h) Be authorized, in its discretion, to waive any bond
4658 required on any project which does not exceed a total dollar value
4659 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall
4660 be held by the authority in an amount not to exceed fifteen
4661 percent (15%) from each draw according to American Institute of
4662 Architects (AIA) standards. Upon satisfactory completion of such
4663 project, ten percent (10%) of the total cost of the contract shall
4664 be held in an interest-bearing escrow account for one (1) year.



4665 Funds deposited in such escrow account shall stand as a surety for
4666 any defects in workmanship or materials detected within twelve
4667 (12) months of completion. The balance of all monies so escrowed
4668 including accrued interest shall be paid to the contractor at the
4669 end of such twelve-month period.

4670 (i) Be empowered to provide an incentive of bimonthly
4671 payments to any prime contractors utilizing minority small
4672 business concerns as subcontractors on twenty-five percent (25%)
4673 or more of the total dollar value of any single project or
4674 contract.

4675 * * *

4676 (* * *j) Take all steps necessary to implement the
4677 provisions of this section.

4678 **SECTION 67.** Section 57-1-701, Mississippi Code of 1972, is
4679 amended as follows:

4680 57-1-701. (1) For the purposes of this section, the
4681 following words and phrases shall have the meanings ascribed in
4682 this subsection unless the context clearly indicates otherwise:

4683 (a) "Eligible entity" means any (i) county, (ii)
4684 municipality or (iii) public or private nonprofit local economic
4685 development entity including, but not limited to, local
4686 authorities, commissions, or other entities created by local and
4687 private legislation or pursuant to Section 19-5-99.

4688 (b) "Eligible expenditures" means:



4689 (i) Fees for architects, engineers, environmental
4690 consultants, attorneys, and such other advisors, consultants and
4691 agents that MDA determines are necessary to complete site due
4692 diligence associated with site development improvements located on
4693 industrial property that is publicly owned; and/or

4694 (ii) Contributions toward site development
4695 improvements, as approved by MDA, located on industrial property
4696 that is publicly owned.

4697 (c) "MDA" means the Mississippi Development Authority.

4698 (d) "Site development improvements" means site
4699 clearing, grading, and environmental mitigation; improvements to
4700 drainage systems; easement and right-of-way acquisition; sewer
4701 systems; transportation directly affecting the site, including
4702 roads, bridges or rail; bulkheads; land reclamation; water supply
4703 (storage, treatment and distribution); aesthetic improvements; the
4704 dredging of channels and basins; or other improvements as approved
4705 by MDA.

4706 (2) (a) There is hereby created in the State Treasury a
4707 special fund to be designated as the "Mississippi Site Development
4708 Grant Fund," which shall consist of funds made available by the
4709 Legislature in any manner and funds from any other source
4710 designated for deposit into such fund. Unexpended amounts
4711 remaining in the fund at the end of a fiscal year shall not lapse
4712 into the State General Fund, and any investment earnings or
4713 interest earned on amounts in the fund shall be deposited to the



4714 credit of the fund. Monies in the fund shall be used to make
4715 grants to assist eligible entities as provided in this section.

4716 (b) Monies in the fund which are derived from proceeds
4717 of bonds issued under Section 2 of Chapter 390, Laws of 2017,
4718 Section 5 of Chapter 412, Laws of 2018, Section 1 of Chapter 421,
4719 Laws of 2019, or Section 4 of Chapter 492, Laws of 2020, may be
4720 used to reimburse reasonable actual and necessary costs incurred
4721 by MDA for the administration of the various grant, loan and
4722 financial incentive programs administered by MDA. An accounting
4723 of actual costs incurred for which reimbursement is sought shall
4724 be maintained by MDA. Reimbursement of reasonable actual and
4725 necessary costs shall not exceed three percent (3%) of the
4726 proceeds of bonds issued. Reimbursements under this subsection
4727 shall satisfy any applicable federal tax law requirements.

4728 (3) (a) MDA shall establish a program to make grants to
4729 eligible entities to match local or other funds associated with
4730 improving the marketability of publicly owned industrial property
4731 for industrial economic development purposes and other property
4732 improvements as approved by MDA. An eligible entity may apply to
4733 MDA for a grant under this program in the manner provided for in
4734 this section. An eligible entity desiring assistance under this
4735 section must provide matching funds in an amount determined by
4736 MDA. Matching funds may be provided in the form of cash and/or
4737 in-kind services as determined by MDA.



4738 (b) An eligible entity desiring assistance under this
4739 section must submit an application to MDA. The application must
4740 include:

4741 (i) A description of the eligible expenditures for
4742 which assistance is requested;

4743 (ii) The amount of assistance requested;

4744 (iii) The amount and type of matching funds to be
4745 provided by the eligible entity; and

4746 (iv) Any other information required by MDA.

4747 (c) Upon request by MDA, an eligible entity shall
4748 provide MDA with access to all studies, reports, documents and/or
4749 plans developed as a result of or related to an eligible entity
4750 receiving assistance under this section.

4751 (4) MDA shall have all powers necessary to implement and
4752 administer the program established under this section, and the
4753 department shall promulgate rules and regulations, in accordance
4754 with the Mississippi Administrative Procedures Law, necessary for
4755 the implementation of this section.

4756 * * *

4757 **SECTION 68.** Section 57-10-707, Mississippi Code of 1972, is
4758 amended as follows:

4759 57-10-707. (1) To the extent funds are available, the
4760 Mississippi Development Authority, in cooperation with public and
4761 private sector partners, is authorized to establish a program
4762 modeled on comparable initiatives throughout the nation that



4763 provides grants and loans and/or promotes access to healthy food
4764 retailers that increase access to fresh fruits and vegetables, in
4765 natural and/or frozen form, and other affordable healthy food in
4766 underserved communities.

4767 (2) The agency may contract with one or more qualified
4768 nonprofit organizations or community development financial
4769 institutions to administer the program described in this article
4770 through a public-private partnership, to raise matching funds,
4771 market the program statewide, evaluate applicants, make award
4772 decisions, underwrite loans and monitor compliance and impact.
4773 The agency and its partners shall coordinate with complementary
4774 nutrition assistance and education programs.

4775 (3) Any funding provided under the program shall be provided
4776 on a competitive, one-time basis as appropriate for the eligible
4777 project. No state funds shall be directly provided as a source of
4778 funding for any food retailer under this program, but may be used
4779 by the agency for its administrative duties in carrying out the
4780 provisions of this article.

4781 (4) (a) The program may provide technical assistance and/or
4782 funding for projects such as:

4783 (i) New construction of healthy food retailers.

4784 (ii) Store renovations, expansion and

4785 infrastructure upgrades that improve the availability and quality
4786 of fresh produce.



4787 (iii) Farmers' markets and public markets, food
4788 cooperatives, mobile markets and delivery projects and
4789 distribution projects that enable food retailers in underserved
4790 communities to regularly obtain fresh produce.

4791 (iv) Other projects that create or improve healthy
4792 food retail outlets that meet the intent of this article as
4793 determined by the agency.

4794 (b) Funding made available for projects included in
4795 paragraph (a) of this subsection may be used for the following
4796 purposes:

4797 (i) Site acquisition and preparation.

4798 (ii) Construction costs.

4799 (iii) Equipment and furnishings.

4800 (iv) Workforce training.

4801 (v) Security.

4802 (vi) Certain predevelopment costs such as market
4803 studies and appraisals.

4804 (vii) Working capital for initial inventory and
4805 costs.

4806 (5) An applicant for funding may include, but not be limited
4807 to, a sole proprietorship, partnership, limited liability company,
4808 corporation or cooperative.

4809 (6) In order to be considered for funding, an applicant
4810 shall meet the following eligibility criteria:



4811 (a) The project for which the applicant seeks funding
4812 shall benefit an underserved community.

4813 (b) The applicant shall demonstrate a meaningful
4814 commitment to sell fresh fruits and vegetables, in natural and/or
4815 frozen form, according to a measurable standard established by the
4816 agency.

4817 (c) The applicant shall not locate the project in an
4818 area where it would be directly competing against an existing food
4819 retailer.

4820 (7) Applicants shall be evaluated on the following financial
4821 criteria in order to determine the funding awarded:

4822 (a) Demonstrated capacity to successfully implement the
4823 project, including the applicant's relevant experience and the
4824 likelihood that the project will be economically self-sustaining.

4825 (b) The ability of the applicant to repay debt.

4826 (c) The degree to which the project requires an
4827 investment of public funding to move forward, create impact or be
4828 competitive, and the level of need in the area to be served.
4829 Additional factors that will improve or preserve retail access for
4830 low-income residents, such as proximity to public transit lines,
4831 also may be taken into account.

4832 (d) The degree to which the project will promote sales
4833 of fresh produce, particularly Mississippi-grown fruits and
4834 vegetables.



4835 (e) The degree to which the project will have a
4836 positive economic impact on the underserved community, including,
4837 creating or retaining jobs for local residents.

4838 (f) Other criteria that the agency determines to be
4839 consistent with the purposes of this article.

4840 (8) The agency shall establish program benchmarks and
4841 reporting processes to make certain that the program benefits the
4842 communities in the program area. The agency shall likewise
4843 establish monitoring and accountability mechanisms for projects
4844 receiving grants or loans, such as tracking fruit and vegetable
4845 sales data.

4846 * * *

4847 (* * *9) The agency shall establish rules for the
4848 implementation of this article.

4849 **SECTION 69.** Section 57-13-47, Mississippi Code of 1972, is
4850 amended as follows:

4851 57-13-47. (1) For the purposes of this section the term
4852 "tax expenditure provision" means any statutory provision or state
4853 agency regulation which exempts, in whole or in part, any specific
4854 class or classes of persons, income, goods, services or property
4855 from the impact of established state taxes, including, but not
4856 limited to, those provisions known as tax deductions, tax
4857 allowances, tax exclusions, tax credits and tax exemptions.

4858 (2) (a) The University Research Center shall annually
4859 prepare a report detailing the approximate costs in foregone



4860 revenue because of all state tax expenditure provisions, including
4861 those incorporated by conformance with the Federal Internal
4862 Revenue Code, in effect at the time of the report; however, the
4863 report to be submitted by November 1, 1986, may include tax
4864 expenditures only for sales taxes, use taxes and income taxes, and
4865 subsequent reports shall include tax expenditures for all taxes.
4866 The report shall also explain the policy purposes for each such
4867 tax expenditure provision and may show any indicators of
4868 effectiveness or ineffectiveness in achieving such policy
4869 purposes. If the Director of the University Research Center
4870 determines that preparation of such report shall adversely affect
4871 in a material manner any work or projects of the center which are
4872 being performed by staff persons preparing the report required by
4873 this section, the director may request the Legislative Budget
4874 Committee to reduce the requirements of this section as to the
4875 contents of the report for one (1) year, but in no event shall the
4876 report contain less than the dollar amount of each such tax
4877 expenditure required to be included therein.

4878 (b) The report shall include the analyses required by
4879 Sections 57-13-101 through 57-13-109.

4880 * * *

4881 (* * *3) All state agencies and all political subdivisions
4882 of the State of Mississippi, and the officers and employees
4883 thereof, shall cooperate with the center in preparing such report



4884 and shall provide any and all information, documents and materials
4885 requested by the center.

4886 **SECTION 70.** Section 57-39-19, Mississippi Code of 1972, is
4887 amended as follows:

4888 57-39-19. (1) To ensure that state-owned facilities be
4889 operated in an energy-efficient manner to reduce operating costs
4890 to the General Fund and demonstrate successful energy consumption
4891 reduction strategies to other sectors of the state economy, the
4892 division shall coordinate the development and implementation of a
4893 general energy management plan for state-owned and operated
4894 facilities in conjunction with the Department of Finance and
4895 Administration, Bureau of Building, Grounds and Real Property
4896 Management. The general energy management plan shall include, but
4897 not be limited to, the following elements:

4898 (a) Gathering of energy-related data from state
4899 agencies, state institutions of higher learning, and community and
4900 junior colleges in a form and manner as required by the division;

4901 (b) Benchmarking of energy consumption and costs;

4902 (c) Use of a central system to aggregate and track
4903 energy consumption data for all state-owned facilities;

4904 (d) Model buildings and facilities energy audit
4905 procedures;

4906 (e) Model energy consumption reduction techniques;

4907 (f) Uniform data analysis procedures;

4908 (g) Model employee energy education program procedures;



4909 (h) Model training program for agency and institution
4910 personnel and energy coordinators;

4911 (i) Model guidelines for buildings and facilities
4912 managers;

4913 (j) Program monitoring and evaluation procedures.

4914 (2) The State Energy Management Plan shall also include a
4915 description of actions to reduce consumption of electricity and
4916 nonrenewable energy sources used for heating, cooling,
4917 ventilation, lighting and water heating. A designee of each of
4918 the following entities - the Board of Trustees of State
4919 Institutions of Higher Learning, the Community College Board, the
4920 Department of Education, and the Department of Finance and
4921 Administration shall assist in the preparation of the State Energy
4922 Management Plan and serve together on an advisory board; the
4923 director of the division shall serve as the head of this board and
4924 shall convene representatives of these institutions no fewer than
4925 once each year in order to review implementation of the State
4926 Energy Management Plan.

4927 (3) The State Energy Management Plan shall be developed and
4928 implemented with input and assistance from the Department of
4929 Finance and Administration, Bureau of Building, Grounds and Real
4930 Property Management, and the two (2) state agencies shall work
4931 together and pledge to use pertinent resources and programs in
4932 conjunction with one another to accomplish the goals described in
4933 this section.



4934 (4) The Department of Finance and Administration, Bureau of
4935 Building, Grounds and Real Property Management shall transmit to
4936 the division an updated state building inventory on an annual
4937 basis.

4938 (5) All state agencies having buildings on the inventory of
4939 buildings submitted to the Department of Finance and
4940 Administration as well as all institutions of higher learning and
4941 community and junior colleges (hereafter referred to as "covered
4942 entities"), shall submit energy consumption in a form and manner
4943 prescribed by the division.

4944 (6) Energy-related data may include, but shall not be
4945 limited to, the following:

- 4946 (a) Electrical consumption data;
- 4947 (b) Natural gas consumption; and
- 4948 (c) Fuel oil consumption.

4949 Any covered entity that does not enter its energy data in the
4950 form and manner prescribed by the division shall, at the
4951 discretion of the division, not be eligible to receive energy
4952 conservation funds from the Bureau of Building, Grounds and Real
4953 Property Management or be eligible to receive any state, federal
4954 or other funds from the division. The Mississippi Development
4955 Authority, in coordination with the Bureau of Building, Grounds
4956 and Real Property Management, shall promulgate rules pertaining to
4957 this section.

4958 * * *



4959 (* * *7) By November 1, 2014, and each subsequent five-year
4960 interval, each covered entity must submit a detailed energy
4961 management plan to the division. The detailed energy management
4962 plan shall describe specific measures to be taken to reduce the
4963 agency's energy consumption by energy unit measure over a
4964 five-year period. The plan shall also include a timetable to
4965 accomplish the agency's reduction goals. If the detailed energy
4966 management plan meets the criteria developed by the division, the
4967 division shall approve the plan. If the detailed energy
4968 management plan fails to meet the criteria, the division shall
4969 disapprove the detailed energy management plan and notify the
4970 submitting agency in writing, including the reasons for
4971 disapproval. Covered entities that do not submit an energy
4972 management plan by the deadline or fail to remedy changes
4973 subsequently required by the division shall, at the discretion of
4974 the division, not be eligible to receive energy conservation funds
4975 from the Bureau of Building, Grounds and Real Property Management
4976 or be eligible to receive capital improvement funds from the
4977 Bureau of Building, Grounds and Real Property Management or be
4978 eligible to receive any state, federal or other funds from the
4979 division until such time as the entity has an energy management
4980 plan approved by the division.

4981 **SECTION 71.** Section 57-55-15, Mississippi Code of 1972, is
4982 amended as follows:



4983 57-55-15. (1) The Mississippi Energy Research Center,
4984 hereinafter referred to as the MERC, is hereby established under
4985 the management and control of the Board of Trustees of State
4986 Institutions of Higher Learning. The MERC shall be a unit of
4987 Mississippi State University under the direct supervision of the
4988 president thereof or a vice president to be designated by the
4989 president.

4990 (2) It shall be the purpose of the MERC to develop,
4991 implement and coordinate energy and energy-related research
4992 programs in Mississippi. It shall be the duty of the MERC to:

4993 (a) Conduct basic and applied research related to
4994 energy needs within Mississippi;

4995 (b) Consult with state and local government agencies,
4996 utilities, industry and Legislature and other potential users of
4997 research in identifying and prioritizing energy problems for
4998 research;

4999 (c) Negotiate and administer contracts with other
5000 universities of the state for the conduct of research projects;

5001 * * *

5002 (* * *d) Facilitate the transfer and application of
5003 new technologies as they are developed; and

5004 (* * *e) Facilitate and stimulate research that:

5005 (i) Deals with policy issues facing the
5006 Legislature;



5007 (ii) Supports state agencies' missions with
5008 research on problems encountered and expected; and
5009 (iii) Provides energy planning and management
5010 organizations with tools to increase efficiency and effectiveness
5011 of energy planning and management.

5012 (3) The principal administrative officer of the MERC shall
5013 be a director, who shall be appointed by the president with the
5014 approval of the Board of Trustees of State Institutions of Higher
5015 Learning. To meet the purposes of the center, the director shall
5016 develop appropriate policies and procedures (a) for identification
5017 of priority research problems; (b) for collaborating with local
5018 and state government agencies, utilities, industry, other
5019 universities, federal government agencies and the Legislature in
5020 the formulation of its research program; (c) for selection of
5021 projects to be funded; and (d) for the transfer of technology
5022 which is produced by the research.

5023 **SECTION 72.** Section 57-67-37, Mississippi Code of 1972, is
5024 amended as follows:

5025 57-67-37. (1) (a) The authority shall expend not less than
5026 fifteen percent (15%) of the total amounts expended by the
5027 authority on planning, construction, training, research,
5028 development, testing, evaluation, personal services, procurement,
5029 and for the operation and maintenance of any facilities or
5030 activities controlled by such authority, with minority small
5031 business concerns owned and controlled by socially and



5032 economically disadvantaged individuals. For the purpose of
5033 determining the total amounts expended with such minority small
5034 business concerns, credit shall be given for that portion of any
5035 prime contract entered into with the authority which inures to the
5036 benefit of such minority small business concern as a subcontractor
5037 thereunder.

5038 (b) For the purposes of this section, the term
5039 "socially and economically disadvantaged individuals" shall have
5040 the meaning ascribed to such term under Section 8(d) of the Small
5041 Business Act (15 USCS, Section 637(d)) and relevant subcontracting
5042 regulations promulgated pursuant thereto.

5043 (c) For the purposes of this section, the term
5044 "minority small business concern" means any small business
5045 concern:

5046 (i) Which is at least fifty-one percent (51%)
5047 owned by one or more socially and economically disadvantaged
5048 individuals; or, in the case of any publicly owned businesses, at
5049 least fifty-one percent (51%) of the stock of which is owned by
5050 one or more socially and economically disadvantaged individuals;
5051 and

5052 (ii) Whose management and daily business
5053 operations are controlled by one or more of such individuals.

5054 (d) For the purposes of this section, the term "small
5055 business concern" shall mean "small business" as the latter term
5056 is defined in Section 57-10-155, Mississippi Code of 1972.



5057 (2) In order to comply in a timely manner with its minority
5058 small business participation mandate, the authority shall set an
5059 annual goal to expend not less than fifteen percent (15%) of its
5060 aggregate yearly expenditures with minority small business
5061 concerns.

5062 (3) The authority shall:

5063 (a) Monitor the minority small business concerns
5064 assistance programs prescribed in this section.

5065 (b) Review and determine the business capabilities of
5066 minority small business concerns.

5067 (c) Establish standards for a certification procedure
5068 for minority small business concerns seeking to do business with
5069 the authority.

5070 (d) Provide technical assistance services to minority
5071 small business concerns. Such technical assistance shall include
5072 but not be limited to:

5073 (i) Research;

5074 (ii) Assistance in obtaining bonds;

5075 (iii) Bid preparation;

5076 (iv) Certification of business concerns;

5077 (v) Marketing assistance; and

5078 (vi) Joint venture and capital development.

5079 (e) Develop alternative bidding and contracting
5080 procedures for minority small business concerns in conjunction



5081 with the State Fiscal Management Board and the Governor's Office
5082 of General Services.

5083 (f) Utilize such alternative bidding and contracting
5084 procedures in lieu of those prescribed in * * * Chapters 5 and 7,
5085 Title 31, Mississippi Code of 1972, when contracting with minority
5086 small business concerns that have qualified to bid for contracts
5087 and have satisfied any other disclosure provisions required by the
5088 authority.

5089 (g) Be authorized to accept in lieu of any bond
5090 otherwise required from minority small business concerns or small
5091 business concerns contracting with the authority, in an amount
5092 equal to one hundred percent (100%) of the total cost of the
5093 contracted project, any combination of the following:

5094 (i) Cash;

5095 (ii) Certificates of deposit from any bank or
5096 banking corporation insured by the Federal Deposit Insurance
5097 Corporation or the Federal Savings and Loan Insurance Corporation;

5098 (iii) Federal treasury bills;

5099 (iv) Letters of credit issued by a bank as that
5100 term is defined in Section 81-3-1, Mississippi Code of 1972; or

5101 (v) Surety bonds issued by an insurance company
5102 licensed and qualified to do business in the State of Mississippi.

5103 (h) Be authorized, in its discretion, to waive any bond
5104 required on any project which does not exceed a total dollar value
5105 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall



5106 be held by the authority in an amount not to exceed fifteen
5107 percent (15%) from each draw according to American Institute of
5108 Architects (AIA) standards. Upon satisfactory completion of such
5109 project, ten percent (10%) of the total cost of the contract shall
5110 be held in an interest-bearing escrow account for one (1) year.
5111 Funds deposited in such escrow account shall stand as a surety for
5112 any defects in workmanship or materials detected within twelve
5113 (12) months of completion. The balance of all monies so escrowed
5114 including accrued interest shall be paid to the contractor at the
5115 end of such twelve-month period.

5116 (i) Be empowered to provide an incentive of bimonthly
5117 payments to any prime contractors utilizing minority small
5118 business concerns as subcontractors on twenty-five percent (25%)
5119 or more of the total dollar value of any single project or
5120 contract.

5121 * * *

5122 (* * *j) Take all steps necessary to implement the
5123 provisions of this section.

5124 (4) The Governor shall create an Office of Minority Small
5125 Business Development within the authority. The Office of Minority
5126 Small Business Development shall be the primary provider of
5127 technical assistance to minority small business concerns. The
5128 authority may, in its discretion, contract with minority small
5129 business concerns and small business concerns to provide technical
5130 assistance under the provisions of this section. The authority



5131 may annually expend not more than one percent (1%) of the total
5132 dollar amount prescribed in subsection (2) of this section for the
5133 purpose of providing technical assistance. All funds expended for
5134 technical assistance shall be administrative funds or any funds
5135 available other than the amounts prescribed in subsection (1)(a)
5136 of this section.

5137 (5) The authority shall assist in facilitating the entry of
5138 minorities into the subject areas of engineering, high-energy
5139 physics, mathematics and computer science. An historically Black
5140 public institution of higher learning may receive funding from the
5141 authority for the enhancement of curriculum in any of these areas
5142 for minority student development on the undergraduate and graduate
5143 levels.

5144 **SECTION 73.** Section 57-69-5, Mississippi Code of 1972, is
5145 amended as follows:

5146 57-69-5. (1) There is hereby created the Office of Minority
5147 Business Enterprises of the Mississippi Development Authority
5148 under the Mississippi Development Authority. The Executive
5149 Director of the Mississippi Development Authority shall appoint an
5150 executive director for the office. The executive director may
5151 employ a staff subject to approval of the Executive Director of
5152 the Mississippi Development Authority as necessary to carry out
5153 the purposes of this office.

5154 (2) The office shall perform the following:



5155 (a) Develop, plan and implement programs to provide an
5156 opportunity for participation by qualified minority owned
5157 businesses in public works and the process by which goods and
5158 services are procured by state agencies and educational
5159 institutions from the private sector;

5160 (b) Develop a comprehensive plan encouraging that
5161 qualified minority owned businesses are provided an opportunity to
5162 participate in public contracts for public works and commodities
5163 and services;

5164 (c) Identify barriers to equal participation by
5165 qualified minority owned businesses in all state agency and
5166 educational institution contracts;

5167 (d) Develop and maintain a central minority business
5168 enterprise certification list for all state agencies and
5169 educational institutions;

5170 (e) Adopt rules for the implementation of this chapter;

5171 (f) Develop and maintain a central minority business
5172 enterprise certification program;

5173 (g) Develop and maintain a central minority business
5174 enterprise supplier certification program;

5175 (h) * * * [Deleted]

5176 (i) Increase efforts to inform minority businesses of
5177 state government procurement procedures and policies;

5178 (j) Serve as the principal advocate in the state on
5179 behalf of minority business enterprises and minority business



5180 enterprise suppliers and provide advice in the consideration of
5181 administrative requirements and legislation that affect minority
5182 business enterprises and minority business enterprise suppliers;

5183 (k) Evaluate the effectiveness of efforts of state
5184 agencies and other entities to assist minority business
5185 enterprises and minority business enterprise suppliers and make
5186 appropriate recommendations to assist the development and
5187 strengthening of minority business enterprises and minority
5188 business enterprise suppliers;

5189 (l) Determine the availability of financial and other
5190 resources to minority business enterprises and minority business
5191 enterprise suppliers and recommend methods for:

5192 (i) Increasing the availability of equity capital
5193 and other forms of financial assistance to minority business
5194 enterprises and minority business enterprise suppliers;

5195 (ii) Generating markets for the goods and services
5196 of minority business enterprises and minority business enterprise
5197 suppliers;

5198 (iii) Providing more effective education, training
5199 and management and technical assistance to minority business
5200 enterprises and minority business enterprise suppliers; and

5201 (iv) Providing assistance to minority business
5202 enterprises and minority business enterprise suppliers in
5203 complying with federal, state and local laws;



5204 (m) Serve as a focal point for receiving complaints and
5205 suggestions concerning state government policies and activities
5206 that affect minority business enterprises and minority business
5207 enterprise suppliers;

5208 (n) Develop and advocate proposals for changes in state
5209 policies and activities that adversely affect minority business
5210 enterprises and minority business enterprise suppliers;

5211 (o) Provide to legislative committees and state
5212 agencies information on the effects of proposed policies or
5213 actions that affect minority business enterprises and minority
5214 business enterprise suppliers;

5215 (p) Enlist the assistance of public and private
5216 agencies, businesses and other organizations in disseminating
5217 information about state programs and services that benefit
5218 minority business enterprises and minority business enterprise
5219 suppliers and information regarding means by which minority
5220 business enterprises and minority business enterprise suppliers
5221 can use those programs and services;

5222 (q) Identify sources of financial assistance for
5223 minority business enterprises, match minority business enterprises
5224 and minority business enterprise suppliers with sources of
5225 financial assistance, and assist minority business enterprises and
5226 minority business enterprise suppliers with the preparation of
5227 applications for loans from governmental or private sources;



5228 (r) Sponsor meetings, to the extent practicable in
5229 cooperation with public and private educational institutions, to
5230 provide training and disseminate information beneficial to
5231 minority business enterprises and minority business enterprise
5232 suppliers;

5233 (s) Assist minority business enterprises and minority
5234 business enterprise suppliers in their dealings with federal,
5235 state and local governmental agencies and provide information
5236 regarding governmental requirements affecting minority business
5237 enterprises and minority business enterprise suppliers;

5238 (t) Develop and implement programs to encourage
5239 governmental agencies, public sector business associations and
5240 other organizations to provide useful services to minority
5241 business enterprises and minority business enterprise suppliers;

5242 (u) Use available resources within the state, such as
5243 minority business enterprise development centers, educational
5244 institutions and nonprofit associations, to coordinate the
5245 provision of management and technical assistance to minority
5246 business enterprises and minority business enterprise suppliers in
5247 a systematic manner;

5248 (v) Publish newsletters, brochures and other documents
5249 containing information useful to minority business enterprises and
5250 minority business enterprise suppliers;

5251 (w) Identify successful minority business enterprise
5252 assistance programs provided by other states and determine the



5253 feasibility of adapting those programs for implementation in
5254 Mississippi;

5255 (x) Establish an outreach program to make the existence
5256 of the office known to minority business enterprises, minority
5257 business enterprise suppliers and potential clients throughout the
5258 state; and

5259 (y) Identify potential business opportunities for
5260 minority business enterprises and minority business enterprise
5261 suppliers and develop programs to maximize those opportunities.

5262 **SECTION 74.** Section 57-75-21, Mississippi Code of 1972, is
5263 amended as follows:

5264 57-75-21. (1) (a) The authority shall set a goal to expend
5265 not less than ten percent (10%) of the total amounts expended by
5266 the authority on planning, construction, training, research,
5267 development, testing, evaluation, personal services, procurement,
5268 and for the operation and maintenance of any facilities or
5269 activities controlled by such authority, with minority small
5270 business concerns owned and controlled by socially and
5271 economically disadvantaged individuals. For the purpose of
5272 determining the total amounts expended with such minority small
5273 business concerns, credit shall be given for that portion of any
5274 prime contract entered into with the authority which inures to the
5275 benefit of such minority small business concern as a subcontractor
5276 thereunder.



5277 (b) For the purposes of this section, the term
5278 "socially and economically disadvantaged individuals" shall have
5279 the meaning ascribed to such term under Section 8(d) of the Small
5280 Business Act (15 USCS, Section 637(d)) and relevant subcontracting
5281 regulations promulgated pursuant thereto.

5282 (c) For the purposes of this section, the term
5283 "minority small business concern" means any small business
5284 concern:

5285 (i) Which is at least fifty-one percent (51%)
5286 owned by one or more socially and economically disadvantaged
5287 individuals; or, in the case of any publicly owned businesses, at
5288 least fifty-one percent (51%) of the stock of which is owned by
5289 one or more socially and economically disadvantaged individuals;
5290 and

5291 (ii) Whose management and daily business
5292 operations are controlled by one or more of such individuals.

5293 (d) For the purpose of this section, the term "small
5294 business concern" shall mean "small business" as the latter term
5295 is defined in Section 57-10-155, Mississippi Code of 1972.

5296 (2) In order to comply in a timely manner with its minority
5297 small business participation mandate, the authority shall set an
5298 annual goal to expend not less than ten percent (10%) of its
5299 aggregate yearly expenditures with minority small business
5300 concerns.

5301 (3) The authority shall:



5302 (a) Monitor the minority small business concerns
5303 assistance programs prescribed in this section.

5304 (b) Review and determine the business capabilities of
5305 minority small business concerns.

5306 (c) Establish standards for a certification procedure
5307 for minority small business concerns seeking to do business with
5308 the authority.

5309 (d) Provide technical assistance services to minority
5310 small business concerns. Such technical assistance shall include
5311 but not be limited to:

5312 (i) Research;

5313 (ii) Assistance in obtaining bonds;

5314 (iii) Bid preparation;

5315 (iv) Certification of business concerns;

5316 (v) Marketing assistance; and

5317 (vi) Joint venture and capital development.

5318 (e) Develop alternative bidding and contracting
5319 procedures for minority small business concerns in conjunction
5320 with the State Fiscal Management Board and the Governor's Office
5321 of General Services.

5322 (f) Utilize such alternative bidding and contracting
5323 procedures in lieu of those prescribed in Title 31, Chapters 5 and
5324 7, Mississippi Code of 1972, when contracting with minority small
5325 business concerns that have qualified to bid for contracts and



5326 have satisfied any other disclosure provisions required by the
5327 authority.

5328 (g) Be authorized to accept in lieu of any bond
5329 otherwise required from minority small business concerns or small
5330 business concerns contracting with the authority, in an amount
5331 equal to one hundred percent (100%) of the total cost of the
5332 contracted project, any combination of the following:

5333 (i) Cash;

5334 (ii) Certificates of deposit from any bank or
5335 banking corporation insured by the Federal Deposit Insurance
5336 Corporation or the Federal Savings and Loan Insurance Corporation;

5337 (iii) Federal treasury bills;

5338 (iv) Letters of credit issued by a bank as that
5339 term is defined in Section 81-3-1, Mississippi Code of 1972; or

5340 (v) Surety bonds issued by an insurance company
5341 licensed and qualified to do business in the State of Mississippi.

5342 (h) Be authorized, in its discretion, to waive any bond
5343 required on any project which does not exceed a total dollar value
5344 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall
5345 be held by the authority in an amount not to exceed fifteen
5346 percent (15%) from each draw according to American Institute of
5347 Architects (AIA) standards. Upon satisfactory completion of such
5348 project, ten percent (10%) of the total cost of the contract shall
5349 be held in an interest-bearing escrow account for one (1) year.

5350 Funds deposited in such escrow account shall stand as a surety for



5351 any defects in workmanship or materials detected within twelve
5352 (12) months of completion. The balance of all monies so escrowed
5353 including accrued interest shall be paid to the contractor at the
5354 end of such twelve-month period.

5355 (i) Be empowered to provide an incentive of bimonthly
5356 payments to any prime contractors utilizing minority small
5357 business concerns as subcontractors on twenty-five percent (25%)
5358 or more of the total dollar value of any single project or
5359 contract.

5360 * * *

5361 (* * *j) Take all steps necessary to implement the
5362 provisions of this section.

5363 **SECTION 75.** Section 59-7-7, Mississippi Code of 1972, is
5364 amended as follows:

5365 59-7-7. All improvements, constructed by and under the
5366 provisions of this article, shall be operated under the control of
5367 a port commission as provided in Chapter 1 of this title. All
5368 revenue created or collected from the use of * * * the docks,
5369 harbors and facilities of whatsoever nature shall be paid into the
5370 city treasury of * * * the port of entry to be used exclusively
5371 for the advancement, development and advertising of * * * the port
5372 in whatsoever method or manner * * * the port commissioners shall
5373 see fit, and all revenue provided for in this article, either by
5374 levy or collection from * * * the docks and harbor facilities may
5375 be paid to the retirement of any bonds heretofore issued or



5376 hereafter issued by any such municipality for wharf construction
5377 or other port purposes, regardless of the time of issuance of such
5378 bonds. * * * The port commissioners of * * * the port of entry
5379 shall make an annual report to the Governor of the State of
5380 Mississippi, * * * to the board of supervisors, and to the
5381 municipal governing authorities.

5382 **SECTION 76.** Section 59-7-307, Mississippi Code of 1972, is
5383 amended as follows:

5384 59-7-307. All improvements and facilities constructed
5385 pursuant to Article 1 of this chapter, and/or constructed pursuant
5386 to this article, shall be maintained and operated under the
5387 control of the port commission as provided in Chapter 1 of this
5388 title. The * * * port commission shall, subject to and in
5389 accordance with any agreement or agreements as may be made by any
5390 such municipality with the purchaser or purchasers of bonds or
5391 other obligations issued pursuant to this article, prescribe, levy
5392 and collect all rents, fees, tolls, revenues, and/or other charges
5393 in connection with the use and occupancy of the aforesaid
5394 improvements and facilities, and shall pay over all net revenues
5395 derived from the operation of * * * the improvements and
5396 facilities to any trustee, or successor thereto, established as
5397 hereinafter in this article provided. Net revenues shall be deemed
5398 to be such as may be defined in any agreement or agreements
5399 entered into between any such municipality and the purchaser or
5400 purchasers of any bonds or other obligations issued pursuant to



5401 this article. The * * * port commission shall make an annual
5402 report to the Governor of the State of Mississippi * * * and to
5403 the municipality having such port of entry * * *.

5404 **SECTION 77.** Section 59-7-413, Mississippi Code of 1972, is
5405 amended as follows:

5406 59-7-413. All improvements and facilities constructed
5407 pursuant to this article shall be maintained and operated under
5408 the control of the port commission as provided by this article.
5409 The port commission shall, subject to and in accordance with any
5410 agreement or agreements as may be made by any such municipality
5411 with the purchaser or purchasers of bonds or other obligations
5412 issued pursuant to this article, prescribe, levy and collect all
5413 rents, fees, tolls, revenues and/or other charges in connection
5414 with the use and occupancy of the aforesaid improvements and
5415 facilities, and shall pay over all net revenues derived from the
5416 operation of * * * the improvements and facilities to any trustee,
5417 or successor thereto, established as hereinafter provided in
5418 Section 59-7-429. The net revenues shall be deemed to be such as
5419 may be defined in any agreement or agreements entered into between
5420 any such municipality and the purchaser or purchasers of any bonds
5421 or other obligations issued pursuant to this article. The port
5422 commission shall make an annual report to the governor of the
5423 State of Mississippi * * * and to the municipality having such
5424 port or harbor * * *.



5425 **SECTION 78.** Section 65-1-10, Mississippi Code of 1972, is
5426 amended as follows:

5427 65-1-10. Under the authority of the Mississippi
5428 Transportation Commission, and in conformity with its orders as
5429 spread on its minutes, the executive director shall:

5430 (a) Unless otherwise provided by law, appoint a
5431 director in charge of each operating office of the department who
5432 shall be responsible to the executive director for the operation
5433 of such office. Each such director shall be qualified and
5434 experienced in the functions performed by the office under his
5435 charge;

5436 (b) Administer the policies promulgated by the
5437 commission;

5438 (c) Supervise and direct all administrative and
5439 technical activities of the department;

5440 (d) Organize the offices and bureaus of the department;

5441 (e) Coordinate the activities of the various offices of
5442 the department;

5443 (f) Fix the compensation of employees of the department
5444 and require any employee to give bond to the State of Mississippi
5445 for the faithful performance of his duties in an amount the
5446 executive director deems appropriate. Premiums on all bonds so
5447 required shall be paid out of any funds available to the
5448 department;



5449 (g) Recommend such studies and investigations as he may
5450 deem appropriate and carry out the approved recommendations in
5451 conjunction with the various offices;

5452 (h) * * * [Deleted]

5453 (i) Have full and general supervision over all matters
5454 relating to the construction or maintenance of the state highways,
5455 letting of contracts therefor, and the selection of materials to
5456 be used in the construction of state highways under the authority
5457 conferred by this chapter as herein set forth and the employment,
5458 promotion, demotion, reprimand, suspension, termination,
5459 reassignment, transfer, moving or relocation of all personnel not
5460 specifically authorized by statute to be employed by the
5461 commission. The executive director may authorize the payment of
5462 expenses of any personnel reassigned, transferred, moved or
5463 relocated in accordance with such rules and regulations as are
5464 promulgated by the commission;

5465 (j) Approve all bids, sign all vouchers and
5466 requisitions, issue all orders for supplies and materials, sign
5467 all contracts and agreements in the name of the State of
5468 Mississippi, and subscribe to all other matters which may arise in
5469 the carrying out of the intent and purpose of this chapter;

5470 (k) Receive and assume control, for the benefit of the
5471 state, of any and all highways herein or hereafter fixed as roads
5472 constituting a part of the state highway system;



5473 (1) Provide for boulevard stops, restricted entrances
5474 to main highways and access driveways, neutral grounds, and
5475 roadside parks, erect all suitable direction and warning signs,
5476 and provide access roads in or to municipalities where necessary;
5477 provide limited access facilities when and where deemed necessary,
5478 such a facility being defined as a highway or street especially
5479 designed or designated for through traffic and over, from or to
5480 which owners or occupants of abutting land or other persons have
5481 only such limited right or easement of access as may be prescribed
5482 by the commission, and provide that certain highways or streets
5483 may be parkways from which trucks, buses and other commercial
5484 vehicles shall be excluded or may be freeways open to customary
5485 forms of highway and street traffic and use, and such limited
5486 access facilities or parkways may be planned, designated,
5487 established, regulated, vacated, altered, improved, constructed
5488 and maintained and rights-of-way therefor specifically obtained,
5489 either by purchase, gift, condemnation or other form of
5490 acquisition;

5491 (m) Construct bridges with or without footways, and
5492 sidewalks where deemed essential to decrease hazards;

5493 (n) Perform services for the Department of Finance and
5494 Administration on state property, including, but not limited to,
5495 engineering services, and to advance such funds to defray the cost
5496 of the expenses incurred in performing such services from out of



5497 Transportation Department funds until such department is
5498 reimbursed by the Department of Finance and Administration;

5499 (o) Perform all duties authorized by Section 27-19-136,
5500 Mississippi Code of 1972, concerning the assessment and collection
5501 of permit fees, fines and penalties.

5502 **SECTION 79.** Section 65-1-85, Mississippi Code of 1972, is
5503 amended as follows:

5504 65-1-85. (1) All contracts by or on behalf of the
5505 commission for the purchase of materials, equipment and supplies
5506 shall be made in compliance with Section 31-7-1 et seq. All
5507 contracts by or on behalf of the commission for construction,
5508 reconstruction or other public work authorized to be done under
5509 the provisions of this chapter, except maintenance, shall be made
5510 by the executive director, subject to the approval of the
5511 commission, only upon competitive bids after due advertisement as
5512 follows, to wit:

5513 (a) Advertisement for bids shall be in accordance with
5514 such rules and regulations, in addition to those herein provided,
5515 as may be adopted therefor by the commission, and the commission
5516 is authorized and empowered to make and promulgate such rules and
5517 regulations as it may deem proper, to provide and adopt standard
5518 specifications for road and bridge construction, and to amend such
5519 rules and regulations from time to time.

5520 (b) The advertisement shall be inserted twice, being
5521 once a week for two (2) successive weeks in a newspaper published



5522 at the seat of government in Jackson, Mississippi, having a
5523 general circulation throughout the state, and no letting shall be
5524 less than fourteen (14) days nor more than sixty (60) days after
5525 the publication of the first notice of such letting, and notices
5526 of such letting may be placed in a metropolitan paper or national
5527 trade publication.

5528 (c) Before advertising for such work, the executive
5529 director shall cause to be prepared and filed in the department
5530 detailed plans and specifications covering the work proposed to be
5531 done and copies of the plans and specifications shall be subject
5532 to inspection by any citizen during all office hours and made
5533 available to all prospective bidders upon such reasonable terms
5534 and conditions as may be required by the commission. A fee shall
5535 be charged equal to the cost of producing a copy of any such plans
5536 and specifications.

5537 (d) All such contracts shall be let to a responsible
5538 bidder with the lowest and best bid, and a record of all bids
5539 received for construction and reconstruction shall be preserved.

5540 (e) Each bid for such a construction and reconstruction
5541 contract must be accompanied by a cashier's check, a certified
5542 check or bidders bond executed by a surety company authorized to
5543 do business in the State of Mississippi, in the principal amount
5544 of not less than five percent (5%) of the bid, guaranteeing that
5545 the bidder will give bond and enter into a contract for the



5546 faithful performance of the contract according to plans and
5547 specifications on file.

5548 (f) Bonds shall be required of the successful bidder in
5549 an amount equal to the contract price. The contract price shall
5550 mean the entire cost of the particular contract let. In the event
5551 change orders are made after the execution of a contract which
5552 results in increasing the total contract price, additional bond in
5553 the amount of the increased cost may be required. The surety or
5554 sureties on such bonds shall be a surety company or surety
5555 companies authorized to do business in the State of Mississippi,
5556 all bonds to be payable to the State of Mississippi and to be
5557 conditioned for the prompt, faithful and efficient performance of
5558 the contract according to plans and specifications, and for the
5559 prompt payment of all persons furnishing labor, material,
5560 equipment and supplies therefor. Such bonds shall be subject to
5561 the additional obligation that the principal and surety or
5562 sureties executing the same shall be liable to the state in a
5563 civil action instituted by the state at the instance of the
5564 commission or any officer of the state authorized in such cases,
5565 for double any amount in money or property the state may lose or
5566 be overcharged or otherwise defrauded of by reason of any wrongful
5567 or criminal act, if any, of the contractor, his agent or
5568 employees.

5569 (2) With respect to equipment used in the construction,
5570 reconstruction or other public work authorized to be done under



5571 the provisions of this chapter: the word "equipment," in addition
5572 to all equipment incorporated into or fully consumed in connection
5573 with such project, shall include the reasonable value of the use
5574 of all equipment of every kind and character and all accessories
5575 and attachments thereto which are reasonably necessary to be used
5576 and which are used in carrying out the performance of the
5577 contract, and the reasonable value of the use thereof, during the
5578 period of time the same are used in carrying out the performance
5579 of the contract, shall be the amount as agreed upon by the persons
5580 furnishing the equipment and those using the same to be paid
5581 therefor, which amount, however, shall not be in excess of the
5582 maximum current rates and charges allowable for leasing or renting
5583 as specified in Section 65-7-95; the word "labor" shall include
5584 all work performed in repairing equipment used in carrying out the
5585 performance of the contract, which repair labor is reasonably
5586 necessary to the efficient operation of said equipment; and the
5587 words "materials" and "supplies" shall include all repair parts
5588 installed in or on equipment used in carrying out the performance
5589 of the contract, which repair parts are reasonably necessary to
5590 the efficient operation of said equipment.

5591 (3) The executive director, subject to the approval of the
5592 commission, shall have the right to reject any and all bids,
5593 whether such right is reserved in the notice or not.

5594 (4) The commission may require the prequalification of any
5595 and all bidders and the failure to comply with prequalification



5596 requirements may be the basis for the rejection of any bid by the
5597 commission. The commission may require the prequalification of
5598 any and all subcontractors before they are approved to participate
5599 in any contract awarded under this section.

5600 (5) The commission may adopt rules and regulations for the
5601 termination of any previously awarded contract which is not timely
5602 proceeding toward completion. The failure of a contractor to
5603 comply with such rules and regulations shall be a lawful basis for
5604 the commission to terminate the contract with such contractor. In
5605 the event of a termination under such rules and regulations, the
5606 contractor shall not be entitled to any payment, benefit or
5607 damages beyond the cost of the work actually completed.

5608 (6) Any contract for construction or paving of any highway
5609 may be entered into for any cost which does not exceed the amount
5610 of funds that may be made available therefor through bond issues
5611 or from other sources of revenue, and the letting of contracts for
5612 such construction or paving shall not necessarily be delayed until
5613 the funds are actually on hand, provided authorization for the
5614 issuance of necessary bonds has been granted by law to supplement
5615 other anticipated revenue, or when the department certifies to the
5616 Department of Finance and Administration and the Legislative
5617 Budget Office that projected receipts of funds by the department
5618 will be sufficient to pay such contracts as they become due and
5619 the Department of Finance and Administration determines that the
5620 projections are reasonable and receipts will be sufficient to pay



5621 the contracts as they become due. The Department of Finance and
5622 Administration shall spread such determination on its minutes
5623 prior to the letting of any contracts based on projected receipts.
5624 Nothing in this subsection shall prohibit the issuance of bonds,
5625 which have been authorized, at any time in the discretion of the
5626 State Bond Commission, nor to prevent investment of surplus funds
5627 in United States government bonds or State of Mississippi bonds as
5628 presently authorized by Section 12, Chapter 312, Laws of 1956.

5629 (7) All other contracts for work to be done under the
5630 provisions of this chapter and for the purchase of materials,
5631 equipment and supplies to be used as provided for in this chapter
5632 shall be made in compliance with Section 31-7-1 et seq.

5633 (8) The commission shall not empower or authorize the
5634 executive director, or any one or more of its members, or any
5635 engineer or other person to let or make contracts for the
5636 construction or repair of public roads, or building bridges, or
5637 for the purchase of material, equipment or supplies contrary to
5638 the provisions of this chapter as set forth in this section,
5639 except in cases of flood or other cases of emergency where the
5640 public interest requires that the work be done or the materials,
5641 equipment or supplies be purchased without the delay incident to
5642 advertising for competitive bids. Such emergency contracts may be
5643 made without advertisement under such rules and regulations as the
5644 commission may prescribe.



5645 (9) The executive director, subject to the approval of the
5646 commission, is authorized to negotiate and make agreements with
5647 communities and/or civic organizations for landscaping,
5648 beautification and maintenance of highway rights-of-way; however,
5649 nothing in this subsection shall be construed as authorization for
5650 the executive director or commission to participate in such a
5651 project to an extent greater than the average cost for maintenance
5652 of shoulders, backslopes and median areas with respect thereto.

5653 (10) The executive director may negotiate and enter into
5654 contracts with private parties for the mowing of grass and
5655 trimming of vegetation on the rights-of-way of state highways
5656 whenever such practice is possible and cost effective.

5657 (11) (a) As an alternative to the method of awarding
5658 contracts as otherwise provided in this section, the commission
5659 may use the design-build method of contracting for the following:

5660 (i) Projects for the Mississippi Development
5661 Authority pursuant to agreements between both governmental
5662 entities;

5663 (ii) Any project with an estimated cost of not
5664 more than Ten Million Dollars (\$10,000,000.00), not to exceed two
5665 (2) projects per fiscal year; and

5666 (iii) Any project which has an estimated cost of
5667 more than Ten Million Dollars (\$10,000,000.00), not to exceed one
5668 (1) project per fiscal year.



5669 (b) As used in this subsection, the term "design-build"
5670 method of contracting means a contract that combines the design
5671 and construction phases of a project into a single contract and
5672 the contractor is required to satisfactorily perform, at a
5673 minimum, both the design and construction of the project.

5674 (c) The commission shall establish detailed criteria
5675 for the selection of the successful design-build contractor in
5676 each request for design-build proposals. The evaluation of the
5677 selection committee is a public record and shall be maintained for
5678 a minimum of ten (10) years after project completion.

5679 (d) The commission shall maintain detailed records on
5680 projects separate and apart from its regular record keeping. The
5681 commission shall file a report to the Legislature evaluating the
5682 design-build method of contracting by comparing it to the low-bid
5683 method of contracting. At a minimum, the report must include:

5684 (i) The management goals and objectives for the
5685 design-build system of management;

5686 (ii) A complete description of the components of
5687 the design-build management system, including a description of the
5688 system the department put into place on all projects managed under
5689 the system to insure that it has the complete information on
5690 highway segment costs and to insure proper analysis of any
5691 proposal the commission receives from a highway contractor;

5692 (iii) The accountability systems the
5693 Transportation Department established to monitor any design-build



5694 project's compliance with specific goals and objectives for the
5695 project;

5696 (iv) The outcome of any project or any interim
5697 report on an ongoing project let under a design-build management
5698 system showing compliance with the goals, objectives, policies and
5699 procedures the department set for the project; and

5700 (v) The method used by the department to select
5701 projects to be let under the design-build system of management and
5702 all other systems, policies and procedures that the department
5703 considered as necessary components to a design-build management
5704 system.

5705 (e) All contracts let under the provisions of this
5706 subsection shall be subject to oversight and review by the State
5707 Auditor. * * * The actual and necessary expenses incurred by the
5708 State Auditor in complying with this paragraph (e) shall be paid
5709 for and reimbursed by the Mississippi Department of Transportation
5710 out of funds made available for the contract or contracts let and
5711 project or projects performed.

5712 (12) The provisions of this section shall not be construed
5713 to prohibit the commission from awarding or entering into
5714 contracts for the design, construction and financing of toll
5715 roads, highways and bridge projects as provided under Sections
5716 65-43-1 and 65-43-3.

5717 **SECTION 80.** Section 65-18-7, Mississippi Code of 1972, is
5718 amended as follows:



5719 65-18-7. The Local System Road Program shall be administered
5720 by the State Aid Engineer. In administering the program, the
5721 State Aid Engineer shall have the following powers and duties:

5722 (a) To supervise the use of all funds made available
5723 for the purposes of this chapter for use on local system roads in
5724 the State of Mississippi;

5725 (b) To allocate to each county that county's share of
5726 all monies made available under the provisions of this chapter but
5727 only when the county has complied with the provisions of this
5728 chapter and only when the county is eligible for the allocation of
5729 monies under the Local System Road Program;

5730 (c) To keep and compile records of all expenditures on
5731 local system roads to which money is disbursed under the
5732 provisions of this chapter, which records must be kept separate
5733 and apart from other state aid records;

5734 (d) To approve the construction of local system roads,
5735 including roadbeds, grades and drainage, before authorizing the
5736 release of funds under this chapter; and

5737 (e) To establish such rules and regulations as the
5738 State Aid Engineer determines as necessary to implement the
5739 provisions of the Local System Road Program * * *.

5740 * * *

5741 **SECTION 81.** Section 65-29-7, Mississippi Code of 1972, is
5742 amended as follows:



5743 65-29-7. * * * The county authorities or ferry commission if
5744 there be one shall, subject to and in accordance with any
5745 agreement or agreements as may be made by any such county or
5746 municipality with the purchaser or purchasers of bonds or other
5747 obligations issued pursuant to this chapter, prescribe, levy, and
5748 collect all rents, fees, tolls, revenues, and other charges in
5749 connection with the use and occupancy of the aforesaid
5750 improvements and facilities, and shall pay over all net revenues
5751 derived from the operation of * * * the improvements and
5752 facilities to any trustee, or successor thereto, established as
5753 hereinafter in this chapter provided. Net revenues shall be deemed
5754 to be such as may be defined in any agreement or agreements
5755 entered into between any such municipality and the purchaser or
5756 purchasers of any bonds or other obligations issued pursuant to
5757 this chapter. The * * * ferry commission shall make an annual
5758 report to the Governor of the State of Mississippi * * * and to
5759 the county or municipality having such ferry * * *.

5760 **SECTION 82.** Section 67-1-37, Mississippi Code of 1972, is
5761 amended as follows:

5762 67-1-37. The Department of Revenue, under its duties and
5763 powers with respect to the Alcoholic Beverage Control Division
5764 therein, shall have the following powers, functions and duties:

5765 (a) To issue or refuse to issue any permit provided for
5766 by this chapter, or to extend the permit or remit in whole or any



5767 part of the permit monies when the permit cannot be used due to a
5768 natural disaster or act of God.

5769 (b) To revoke, suspend or cancel, for violation of or
5770 noncompliance with the provisions of this chapter, or the law
5771 governing the production and sale of native wines, or any lawful
5772 rules and regulations of the department issued hereunder, or for
5773 other sufficient cause, any permit issued by it under the
5774 provisions of this chapter. The department shall also be
5775 authorized to suspend the permit of any permit holder for being
5776 out of compliance with an order for support, as defined in Section
5777 93-11-153. The procedure for suspension of a permit for being out
5778 of compliance with an order for support, and the procedure for the
5779 reissuance or reinstatement of a permit suspended for that
5780 purpose, and the payment of any fees for the reissuance or
5781 reinstatement of a permit suspended for that purpose, shall be
5782 governed by Section 93-11-157 or Section 93-11-163, as the case
5783 may be. If there is any conflict between any provision of Section
5784 93-11-157 or Section 93-11-163 and any provision of this chapter,
5785 the provisions of Section 93-11-157 or Section 93-11-163, as the
5786 case may be, shall control.

5787 (c) To prescribe forms of permits and applications for
5788 permits and of all reports which it deems necessary in
5789 administering this chapter.

5790 (d) To fix standards, not in conflict with those
5791 prescribed by any law of this state or of the United States, to



5792 secure the use of proper ingredients and methods of manufacture of
5793 alcoholic beverages.

5794 (e) To issue rules regulating the advertising of
5795 alcoholic beverages in the state in any class of media and
5796 permitting advertising of the retail price of alcoholic beverages.

5797 (f) To issue reasonable rules and regulations, not
5798 inconsistent with the federal laws or regulations, requiring
5799 informative labeling of all alcoholic beverages offered for sale
5800 within this state and providing for the standards of fill and
5801 shapes of retail containers of alcoholic beverages; however, such
5802 containers shall not contain less than fifty (50) milliliters by
5803 liquid measure.

5804 (g) Subject to the provisions of subsection (3) of
5805 Section 67-1-51, to issue rules and regulations governing the
5806 issuance of retail permits for premises located near or around
5807 schools, colleges, universities, churches and other public
5808 institutions, and specifying the distances therefrom within which
5809 no such permit shall be issued. The Alcoholic Beverage Control
5810 Division shall not issue a package retailer's or on-premises
5811 retailer's permit for the sale or consumption of alcoholic
5812 beverages in or on the campus of any public school, community or
5813 junior college, college or university.

5814 (h) To adopt and promulgate, repeal and amend, such
5815 rules, regulations, standards, requirements and orders, not
5816 inconsistent with this chapter or any law of this state or of the



5817 United States, as it deems necessary to control the manufacture,
5818 importation, transportation, distribution and sale of alcoholic
5819 liquor, whether intended for beverage or nonbeverage use in a
5820 manner not inconsistent with the provisions of this chapter or any
5821 other statute, including the native wine laws.

5822 (i) To call upon other administrative departments of
5823 the state, county and municipal governments, county and city
5824 police departments and upon prosecuting officers for such
5825 information and assistance as it may deem necessary in the
5826 performance of its duties.

5827 (j) * * * [Deleted]

5828 (k) To inspect, or cause to be inspected, any premises
5829 where alcoholic liquors intended for sale are manufactured,
5830 stored, distributed or sold, and to examine or cause to be
5831 examined all books and records pertaining to the business
5832 conducted therein.

5833 (l) To investigate the administration of laws in
5834 relation to alcoholic liquors in this and other states and any
5835 foreign countries, and to recommend from time to time to the
5836 Governor and through him to the Legislature of this state such
5837 amendments to this chapter, if any, as it may think desirable.

5838 (m) To designate hours and days when alcoholic
5839 beverages may be sold in different localities in the state which
5840 permit such sale.



5841 (n) To assign employees to posts of duty at locations
5842 where they will be most beneficial for the control of alcoholic
5843 beverages and to take any other action concerning persons employed
5844 under this chapter as authorized by law and taken in accordance
5845 with the rules, regulations and procedures of the State Personnel
5846 Board.

5847 (o) To enforce the provisions made unlawful by Chapter
5848 3, Title 67 and Section 97-5-49.

5849 (p) To delegate its authority under this chapter to the
5850 Alcoholic Beverage Control Division, its director or any other
5851 officer or employee of the department that it deems appropriate.

5852 (q) To prescribe and charge a fee to defray the costs
5853 of shipping alcoholic beverages, provided that such fee is
5854 determined in a manner provided by the department by rules and/or
5855 regulations adopted in accordance with the Mississippi
5856 Administrative Procedures Law.

5857 **SECTION 83.** Section 69-1-105, Mississippi Code of 1972, is
5858 amended as follows:

5859 69-1-105. (1) The council shall be composed of the Chairman
5860 and Vice Chairman, House of Representatives and Senate Agriculture
5861 Committees, or their designees, the Commissioner of the Department
5862 of Agriculture and Commerce, the Director of the * * * Mississippi
5863 Development Authority, and the Vice President, Division of
5864 Agriculture, Forestry and Veterinary Medicine of Mississippi State
5865 University, Alcorn State University, Divisional Director of



5866 Agriculture and Applied Sciences, who shall enter into a
5867 cooperative agreement to identify resource availability and
5868 personnel expertise in all areas directly or indirectly related to
5869 agricultural production, management and marketing as may be deemed
5870 necessary to achieve the purposes of Sections 69-1-101 through
5871 69-1-117. The cooperative agreement between the agencies shall
5872 include, but not be limited to, provisions that Mississippi State
5873 University through the Cooperative Extension Service, the
5874 Agricultural and Forestry Experiment Station, the College of
5875 Veterinary Medicine and the Forest Products Labs shall provide
5876 technical, educational and direct marketing assistance; basic and
5877 applied research, technology transfer, dissemination of research
5878 information, interdisciplinary teams, feasibility studies and
5879 networking; the Department of Agriculture and Commerce shall be
5880 primarily responsible for market development, product promotion,
5881 regulatory functions in developing market standards, monitoring
5882 standards and establishment of quality control; public relations
5883 for Mississippi agriculture, institutional marketing and data
5884 collection; the * * * Mississippi Development Authority shall be
5885 primarily responsible for agriculture business and economic
5886 development, and financial assistance value added processing. All
5887 council member agencies are hereby authorized and directed to
5888 utilize and share any and all available resources necessary to
5889 accomplish the purposes of Sections 69-1-101 through 69-1-117.



5890 In addition, the council shall be authorized to contract or
5891 enter into agreements with other agencies and/or private research
5892 centers that it may deem necessary to carry out its duties and
5893 functions.

5894 * * *

5895 (2) The council shall appoint an agricultural marketing
5896 director, herein called director, who shall be competent and
5897 qualified in the area of marketing, agriculture or a related area
5898 and receive as compensation for services an annual salary to be
5899 established by the personnel board. The director shall be the
5900 one-point information contact on agricultural production,
5901 management and marketing issues and shall be charged with the duty
5902 of knowing the role and responsible personnel in each agency on
5903 matters related to agriculture. The director shall be directly
5904 responsible to the council for tasks assigned in the
5905 administration and implementation of programs developed by the
5906 council. The director shall be located in the Department of
5907 Agriculture and Commerce and administrative support for the
5908 director shall be the shared responsibility of the members of the
5909 council.

5910 Any expenses incurred by the council agencies in providing
5911 support for the Mississippi Marketing of Agricultural Products and
5912 Industry Program shall be included pro rata in the annual budget
5913 of the respective agency.



5914 **SECTION 84.** Section 69-5-3, Mississippi Code of 1972, is
5915 amended as follows:

5916 69-5-3. (1) The Department of Agriculture and Commerce
5917 shall set up rules and regulations consistent with the law
5918 governing the distribution of state monies for premiums or awards.
5919 It will be the duty of the department, at least twice each year,
5920 to approve premium lists or awards, and give out rules governing
5921 participants in state premium money in Mississippi. The
5922 department may invite the presidents of the various district
5923 livestock shows before the department when determining policies
5924 affecting district livestock shows.

5925 (2) The Department of Agriculture and Commerce is hereby
5926 authorized to accept money or funds donated to the department,
5927 including funds to be awarded as prizes in livestock competition.

5928 (3) The Department of Agriculture and Commerce shall have
5929 charge of the State Fairgrounds located in Jackson, Mississippi,
5930 including all buildings and improvements thereon, and shall have
5931 full power and authority in perfecting plans and causing to be
5932 held thereon the Mississippi State Fair and other such events that
5933 may be authorized by the department.

5934 (4) The Department of Agriculture and Commerce is hereby
5935 authorized to employ an attorney as prescribed in Section 69-1-14.

5936 (5) The Department of Agriculture and Commerce may take any
5937 action authorized in Section 1 of Laws 2000, Chapter 306.



5938 (6) The Department of Agriculture and Commerce may allow a
5939 commercial, charitable or governmental entity to use, publish and
5940 advertise such entity's name in connection with any of the
5941 buildings, improvements, grounds or objects located on the State
5942 Fairgrounds in Jackson, except for the Kirk Fordice Equine Center,
5943 or in connection with any of the events conducted on the State
5944 Fairgrounds in return for a monetary consideration paid to the
5945 department. Furthermore, the department may lease to any public,
5946 private, commercial or charitable entity for a term not to exceed
5947 twenty (20) years naming rights to buildings, except for the Kirk
5948 Fordice Equine Center, or property, including, but not limited to,
5949 new construction, improvements to existing buildings, grounds
5950 and/or objects located on the State Fairgrounds in return for
5951 consideration benefitting the commission. The lessee shall pay
5952 the cost of erecting, maintaining and removing signage related to
5953 the property. Those funds received from an entity for allowing
5954 its name to be used, published or advertised in connection with
5955 the buildings, improvements, objects or events shall be retained
5956 by the department to be used for capital improvements to the
5957 fairgrounds or in its annual operating budget. The department
5958 shall not enter into any such agreement with any vendor whose
5959 products are illegal for participation in or use by persons
5960 eighteen (18) years of age and under.

5961 (7) The Commissioner of Agriculture and Commerce is
5962 authorized to form and establish a private foundation or nonprofit



5963 corporation to receive and disburse the funds generated by the
5964 sale of naming rights described in subsection (6) of this section
5965 and for any other donations made to the department. The funds
5966 shall be disbursed in accordance with guidelines described in this
5967 section, and the foundation or nonprofit corporation shall be
5968 subject to the reporting requirements described in subsection (10)
5969 of this section. All funds shall remain with the foundation until
5970 disbursement and shall not be transferred to the State General
5971 Fund. No public funds shall be deposited into the account of the
5972 private foundation or nonprofit corporation established by the
5973 department for the benefit of the State Fairgrounds, nor shall the
5974 Legislature appropriate any State General Fund or Special Fund
5975 monies to the foundation or nonprofit corporation for such
5976 purposes. All monies received by the foundation shall be
5977 maintained separately from funds allocated to the department for
5978 operating and administrative costs associated with the State
5979 Fairgrounds. In addition to the reporting of information to be
5980 included in the annual legislative report of the department, the
5981 private foundation or nonprofit corporation shall be subject to
5982 annual financial audits by the State Auditor and by auditors of
5983 donors in the same manner as required for state agencies.

5984 (8) The Department of Agriculture and Commerce shall have
5985 the authority to enter into a lease or right-of-way with a third
5986 party covering any land or buildings on the State Fairgrounds and
5987 any funds generated from such lease or right-of-way shall remain



5988 in a special fund managed by the department for the benefit of the
5989 State Fairgrounds. All monies in the special fund may be used for
5990 capital improvements to the State Fairgrounds or in the
5991 department's annual operating budget for operating and
5992 administrative costs associated with the State Fairgrounds. Any
5993 unexpended funds remaining in the special fund shall not lapse
5994 into the State General Fund, and any interest earned or investment
5995 earnings on amounts in the fund shall be deposited in the fund.

5996 (9) The Department of Agriculture and Commerce is hereby
5997 authorized, with the advice of the Mississippi Fair Advisory
5998 Council, to adopt such rules and regulations as may be necessary
5999 or desirable to carry out, execute or implement the provisions of
6000 this article.

6001 * * *

6002 **SECTION 85.** Section 69-7-263, Mississippi Code of 1972, is
6003 amended as follows:

6004 69-7-263. There is hereby imposed and levied an assessment
6005 at a rate not to exceed Three Cents (3¢) per case on all eggs
6006 produced in Mississippi wherever distributed or marketed and on
6007 all eggs marketed in Mississippi wherever distributed or produced.
6008 The rate of assessment shall be determined by the board. At the
6009 time of the sale, the egg producer shall provide evidence that all
6010 assessments provided herein have been paid. However, if the first
6011 sale of the eggs is made to a dealer or distributor, the producer
6012 shall pay to the dealer or the distributor the amount of the



6013 assessment owed; whereupon the dealer or distributor to whom such
6014 payment is made shall remit the assessment to the Commissioner of
6015 Agriculture and Commerce in accordance with the rules and
6016 regulations established and promulgated by the board. The board
6017 or the commissioner shall have the power to cause any duly
6018 authorized agent or representative to enter upon the premises of
6019 any dealer or handler of eggs and examine, or cause to be examined
6020 by such agent, any books, papers and records which deal in any way
6021 with respect to the payment of the assessment or enforcement of
6022 the provisions of this article.

6023 All costs incurred by the board or the commissioner in
6024 examining or causing the examination of such books, papers and
6025 records shall be taxed against the dealer or handler. Cost shall
6026 be assessed at the rate of One Hundred Dollars (\$100.00) per day
6027 or fraction thereof for each agent conducting the examination.
6028 Travel expenses shall be assessed in the manner and amount
6029 specified in Section 25-3-41, and other expenses shall be assessed
6030 at actual cost. All costs taxed against a dealer or handler for
6031 the examination of books, papers and records shall be paid within
6032 fifteen (15) days from the date such notice of cost is mailed to
6033 the dealer or handler.

6034 The proceeds of the assessment levied under this article
6035 shall be collected by the Commissioner of Agriculture and Commerce
6036 in such manner and method as shall be prescribed by him in
6037 accordance with the provisions of this article. The funds derived



6038 from the assessment shall be paid into the State Treasury on or
6039 before the fifteenth day of each month and shall be deposited in a
6040 special fund in the State Treasury, which shall be established by
6041 the State Treasurer to the credit of the Mississippi Egg Marketing
6042 Board, and such funds shall be used by the board solely for the
6043 administration of this article. All costs, expenses and
6044 obligations incurred by the board for its operation and carrying
6045 out the purposes of this article shall be paid out of the special
6046 fund herein provided for after expenditures thereof shall have
6047 been authorized by the Legislature. * * * Any egg producer may
6048 request and receive a refund of the amount of assessment paid for
6049 the previous reporting period, provided he makes a written
6050 application with the Mississippi Egg Marketing Board within sixty
6051 (60) days from date of payment supported by bona fide copy of
6052 payment voucher and copy of canceled check. The application forms
6053 shall be prepared by the board and shall be available at the
6054 request of the producer. All such applications shall be processed
6055 and refunds paid within sixty (60) days after the funds have been
6056 received by the board.

6057 **SECTION 86.** Section 69-9-9, Mississippi Code of 1972, is
6058 amended as follows:

6059 69-9-9. (1) The Mississippi Soybean Promotion Board shall
6060 plan and conduct a program of research, education and advertising
6061 designed to promote the soybean industry in Mississippi and * * *
6062 the board is authorized to use the funds derived from the



6063 assessment imposed herein for these purposes, including basic
6064 administration expenses of * * * the plan. Use of these funds may
6065 be applied, as prescribed in this section, within or without the
6066 State of Mississippi, including regional, national and
6067 international research and promotional applications.

6068 (2) The funds may be expended only for the purposes set out
6069 in this chapter and shall be spent in no manner for political
6070 purposes. A report of all expenditures shall be made annually on
6071 December 31, with four (4) copies of the report to be filed and
6072 presented during regular sessions of the Mississippi Legislature
6073 with each of the following: * * * the Mississippi Department of
6074 Agriculture and Commerce and the State Auditor.

6075 (3) If the board fails to make an annual report in violation
6076 of the provisions of subsection (2) of this section, the board
6077 shall be subject to a fine of not more than Five Hundred Dollars
6078 (\$500.00).

6079 **SECTION 87.** Section 69-10-9, Mississippi Code of 1972, is
6080 amended as follows:

6081 69-10-9. (1) The Mississippi Rice Promotion Board shall
6082 plan and conduct a program of research, education and advertising
6083 designed to promote the rice industry in Mississippi. The board
6084 is authorized to use the funds derived from the assessment imposed
6085 herein for these purposes, including basic administration expenses
6086 of the plan; provided, however, that the avails of the additional
6087 One Cent (1¢) assessment imposed from and after July 1, 1991,



6088 shall be expended solely for programs of research to promote
6089 further development of the rice industry in this state. Use of
6090 these funds may be applied, as prescribed in this section, within
6091 or without the State of Mississippi, including regional, national
6092 and international research and promotional applications.

6093 (2) (a) The Mississippi Legislature finds and declares that
6094 the factors which affect the ability of Mississippi rice farmers
6095 to market their crop are established by national and international
6096 forces in the world market. The Legislature further finds and
6097 declares that the expenditure of funds by the board for the
6098 purpose of influencing the development and implementation of
6099 national and international policy affecting the marketing of rice
6100 produced by Mississippi farmers is the expenditure of funds for a
6101 public purpose.

6102 (b) The board may expend a portion of the funds
6103 received and administered by the board for the purpose of
6104 influencing the development and implementation of national and
6105 international policy affecting the marketing of rice produced by
6106 Mississippi farmers.

6107 (c) The amount of funds expended by the board in each
6108 fiscal year for the purposes authorized in this subsection shall
6109 not exceed five percent (5%) of the budget of the board for that
6110 fiscal year.

6111 (d) The board shall not expend any funds for the
6112 purpose of influencing any political activity.



6113 (3) A report of all expenditures shall be made annually on
6114 December 31, with four (4) copies of the report to be filed and
6115 presented during regular sessions of the Mississippi Legislature
6116 with each of the following: * * * the Mississippi Department of
6117 Agriculture and Commerce and the State Auditor.

6118 (4) If the board fails to make an annual report in violation
6119 of the provisions of subsection (2) of this section, the board
6120 shall be subject to a fine of not more than Five Hundred Dollars
6121 (\$500.00).

6122 **SECTION 88.** Section 69-23-109, Mississippi Code of 1972, is
6123 amended as follows:

6124 69-23-109. (1) The commissioner may adopt regulations to
6125 carry out the provisions of Sections 69-23-1 through 69-23-135.

6126 (2) In adopting regulations, the commissioner shall give
6127 consideration to pertinent research findings and recommendations
6128 of other agencies of this state or federal government. * * *

6129 (3) Regulations promulgated by the commissioner under
6130 Sections 69-23-1 through 69-23-135 shall not be effective until
6131 approved by the advisory board created under Section 69-25-3.

6132 (4) In order to eliminate inequitable application or
6133 establishment of opposing regulations, the authority to regulate
6134 any matter pertaining to the registration, sale, handling,
6135 distribution, notification of use, application and use of
6136 pesticides shall vest solely in the Commissioner of Agriculture
6137 and Commerce, except where other state agencies, including the



6138 Agricultural Aviation Board, exercise such regulatory authority
6139 under state law.

6140 **SECTION 89.** Section 69-44-9, Mississippi Code of 1972, is
6141 amended as follows:

6142 69-44-9. (1) The board shall plan and conduct a program of
6143 research, education and advertising designed to promote the corn
6144 industry in Mississippi. The board is authorized to use the funds
6145 derived from the assessment imposed herein for these purposes,
6146 including basic administration expenses of the plan. Use of these
6147 funds may be applied, as prescribed in this section, within or
6148 without the State of Mississippi, including regional, national and
6149 international research and promotional applications.

6150 (2) (a) The Mississippi Legislature finds and declares that
6151 the factors which affect the ability of Mississippi corn farmers
6152 to market their crop are established by national and international
6153 forces in the world market. The Legislature further finds and
6154 declares that the expenditure of funds by the board for the
6155 purpose of influencing the development and implementation of
6156 national and international policy affecting the marketing of corn
6157 produced by Mississippi farmers is the expenditure of funds for a
6158 public purpose.

6159 (b) The board may expend a portion of the funds
6160 received and administered by the board for the purpose of
6161 influencing the development and implementation of national and



6162 international policy affecting the marketing of corn produced by
6163 Mississippi farmers.

6164 (c) The amount of funds expended by the board in each
6165 fiscal year for the purposes authorized in this subsection shall
6166 not exceed fifteen percent (15%) of the budget of the board for
6167 that fiscal year.

6168 (d) The board shall not expend any funds for the
6169 purpose of influencing any political activity.

6170 (3) A report of all income and expenditures shall be made
6171 annually on December 31, with four (4) copies of the report to be
6172 filed and presented during the regular sessions of the Mississippi
6173 Legislature with each of the following: * * * the Mississippi
6174 Department of Agriculture and Commerce and the State Auditor.

6175 (4) If the board fails to make an annual report in violation
6176 of the provisions of subsection (3) of this section, the board
6177 shall be subject to a fine of not more than Five Hundred Dollars
6178 (\$500.00).

6179 **SECTION 90.** Section 69-48-11, Mississippi Code of 1972, is
6180 amended as follows:

6181 69-48-11. (1) The board shall plan and conduct a program of
6182 research, education and advertising designed to promote the peanut
6183 industry in Mississippi. The board is authorized to use the funds
6184 derived from the assessment imposed herein for these purposes,
6185 including basic administration expenses of the plan. Use of these
6186 funds may be applied, as prescribed in this section, within or



6187 without the State of Mississippi, including regional, national and
6188 international research and promotional applications.

6189 (2) (a) The Mississippi Legislature finds and declares that
6190 the factors which affect the ability of Mississippi peanut farmers
6191 to market their crop are established by national and international
6192 forces in the world market. The Legislature further finds and
6193 declares that the expenditure of funds by the board for the
6194 purpose of influencing the development and implementation of
6195 national and international policy affecting the marketing,
6196 research and advertising of peanuts produced by Mississippi
6197 farmers is the expenditure of funds for a public purpose.

6198 (b) The board may expend a portion of the funds
6199 received and administered by the board for the purpose of
6200 influencing the development and implementation of national and
6201 international policy affecting peanuts produced by Mississippi
6202 farmers.

6203 (c) The amount of funds expended by the board in each
6204 fiscal year for the purposes authorized in this subsection shall
6205 not exceed fifteen percent (15%) of the budget of the board for
6206 that fiscal year.

6207 (d) The board shall not expend any funds for the
6208 purpose of influencing any political activity.

6209 (3) A report of all income and expenditures shall be made
6210 annually on December 31, with four (4) copies of the report to be
6211 filed and presented during the regular sessions of the Mississippi



6212 Legislature with each of the following: * * * the Mississippi
6213 Department of Agriculture and Commerce and the State Auditor.

6214 (4) If the board fails to make an annual report in violation
6215 of the provisions of subsection (3) of this section, the board
6216 shall be subject to a fine of not more than Five Hundred Dollars
6217 (\$500.00).

6218 **SECTION 91.** Section 71-5-115, Mississippi Code of 1972, is
6219 amended as follows:

6220 71-5-115. It shall be the duty of the executive director to
6221 administer this chapter; and the executive director shall have the
6222 power and authority to adopt, amend or rescind such rules and
6223 regulations, to employ such persons, make such expenditures,
6224 require such reports, make such investigations, and take such
6225 other action as he deems necessary or suitable to that end. Such
6226 rules and regulations shall be effective upon publication in the
6227 manner, not inconsistent with the provisions of this chapter,
6228 which the executive director shall prescribe. The executive
6229 director shall determine the department's own organization and
6230 methods of procedure in accordance with the provisions of this
6231 chapter, and shall have an official seal which shall be judicially
6232 noticed. * * * Whenever the executive director believes that a
6233 change in contribution or benefit rates will become necessary to
6234 protect the solvency of the fund, he shall promptly so inform the
6235 Governor and the Legislature, and make recommendations with
6236 respect thereto.



6237 **SECTION 92.** Section 73-15-17, Mississippi Code of 1972, is
6238 amended as follows:

6239 73-15-17. The Mississippi Board of Nursing is authorized and
6240 empowered to:

6241 (a) Adopt and from time to time revise such rules and
6242 regulations consistent with the law as shall be necessary to
6243 govern its proceedings and carry into effect the provisions of
6244 this article; however, the board shall not adopt any rule or
6245 regulation or impose any requirement regarding the licensing or
6246 certification of advanced practice registered nurses that
6247 conflicts with the prohibitions in Section 73-49-3.

6248 (b) Require the secretary to keep records of all
6249 meetings of the board and keep a record of all proceedings, and to
6250 prepare a register of registered nurses and a register of licensed
6251 practical nurses, all nurses appearing thereon to be duly licensed
6252 under this article, and which registers shall be open for public
6253 inspection at all reasonable times.

6254 (c) Issue subpoenas, require attendance of witnesses,
6255 and administer oaths of persons giving testimony.

6256 (d) Cause the prosecution of all persons violating the
6257 provisions of this article, and incur such necessary expenses
6258 therefor.

6259 (e) Conduct hearings upon charges calling for
6260 discipline of a licensee or revocation of a license or of the
6261 privilege to practice.



6262 (f) * * * [Deleted]

6263 (g) Maintain an office in the greater Jackson area for
6264 the administration of this article.

6265 (h) File an annual list of all certificates of
6266 registration issued by the board with the Secretary of State's
6267 office for both registered nurses and licensed practical nurses.

6268 (i) File an annual list of all certificates of
6269 registration issued by the board to registered nurses, including
6270 addresses of the persons with the Mississippi Nurses' Association;
6271 and file a similar list of all certificates of registration issued
6272 to licensed practical nurses, including addresses of the persons,
6273 with the Mississippi Federation of Licensed Practical Nurses and
6274 the Mississippi Licensed Practical Nurses Association.

6275 (j) Adopt a seal which shall be in the form of a circle
6276 with the image of an eagle in the center, and around the margin
6277 the words "Mississippi Board of Nursing," and under the image of
6278 the eagle the word "Official." The seal shall be affixed to
6279 certificates and warrants issued by the board, and to all records
6280 sent up on appeal from its decisions.

6281 (k) Schedule dates and locations for state board
6282 examinations for examining qualified applicants for licensure.

6283 (l) Examine, license and renew licenses of duly
6284 qualified applicants.

6285 (m) Appoint and employ a qualified person who shall not
6286 be a member of the board to serve as executive director, define



6287 the duties, fix the compensation, and delegate to him or her those
6288 activities that will expedite the functions of the board. The
6289 executive director shall meet all the qualifications for board
6290 members, and shall in addition:

6291 (i) Have had at least a master's degree in
6292 nursing, eight (8) years' experience as a registered nurse, five
6293 (5) of which shall be in teaching or in administration, or a
6294 combination thereof; and

6295 (ii) Have been actively engaged in nursing for at
6296 least five (5) years immediately preceding appointment.

6297 (n) Employ, discharge, define duties, and fix
6298 compensation of such other persons as may be necessary to carry
6299 out the provisions of this article.

6300 (o) Secure the services of research consultants as
6301 deemed necessary who shall receive a per diem, travel and other
6302 necessary expenses incurred while engaged by the board.

6303 (p) Enter into contracts with any other state or
6304 federal agency or with any private person, organization or group
6305 capable of contracting, if it finds such action to be in the
6306 public interest and in the furtherance of its responsibilities.

6307 (q) Upon reasonable suspicion that a holder of a
6308 license issued under this article has violated any statutory
6309 ground for denial of licensure as set forth in Section 73-15-29 or
6310 is guilty of any offense specified in Section 73-15-33, require
6311 the license holder to undergo a fingerprint-based criminal history



6312 records check of the Mississippi central criminal database and the
6313 Federal Bureau of Investigation criminal history database, in the
6314 same manner as required for applicants for licensure under
6315 Sections 73-15-19(1) and 73-15-21(1).

6316 (r) Perform the duties prescribed by the Nurse
6317 Licensure Compact in Section 73-15-201.

6318 **SECTION 93.** Section 73-29-9, Mississippi Code of 1972, is
6319 amended as follows:

6320 73-29-9. (1) The board shall issue regulations consistent
6321 with the provisions of this chapter for the administration and
6322 enforcement of this chapter and shall prescribe forms which shall
6323 be issued in connection therewith.

6324 (2) An order or a certified copy thereof, over the board
6325 seal and purporting to be signed by the board members, shall be
6326 prima facie proof that the signatures are the genuine signatures
6327 of the board members, and that the board members are fully
6328 qualified to act.

6329 (3) All fees collected under the provisions of this chapter
6330 shall be paid to the Treasurer of the State of Mississippi. Funds
6331 necessary for the enforcement of this chapter and the
6332 administration of its provisions shall be appropriated by the
6333 Legislature to the Department of Public Safety, but the funds so
6334 appropriated for a fiscal year shall not exceed the total amount
6335 of the fees which it is anticipated will be collected hereunder



6336 during such fiscal year, plus the amount of funds which were
6337 unexpended by the board for the next preceding fiscal year.

6338 * * *

6339 **SECTION 94.** Section 73-34-9, Mississippi Code of 1972, is
6340 amended as follows:

6341 73-34-9. (1) The commission shall have the following powers
6342 and duties:

6343 (a) To receive applications for licensure as a real
6344 estate appraiser and applications for registration as an appraisal
6345 management company under this chapter; to establish appropriate
6346 administrative procedures for the processing of those
6347 applications; to issue licenses to qualified applicants under the
6348 provisions of this chapter; and to maintain a registry of the
6349 names and addresses of individuals who are currently licensed
6350 under this chapter.

6351 (b) To administer licensing examinations in the places
6352 and at the times as may be required to carry out its
6353 responsibilities under this chapter.

6354 (c) To implement recommendations made to the commission
6355 by the Real Estate Appraiser Licensing and Certification Board
6356 with respect to upgrading and improving the experience, education
6357 and examination requirements that are required for an appraiser
6358 license and each classification of licensed state certified real
6359 estate appraiser in this state.



6360 (d) To implement recommendations made to the commission
6361 by the board with respect to upgrading and improving the
6362 continuing education requirements that are required for renewal of
6363 a license.

6364 (e) To collect all licensing fees required or permitted
6365 by this chapter.

6366 (f) To take appropriate action upon a decision and the
6367 related findings of fact made by the board if, after an
6368 administrative hearing, the board (i) determines that a licensed
6369 appraiser or a licensed state certified real estate appraiser
6370 under this chapter has violated the standards of appraisal
6371 practice or ethical rules established under Section 73-34-37, or
6372 has committed one or more of the acts that are prohibited by
6373 Section 73-34-35, and (ii) recommends that the license of the
6374 appraiser be suspended or revoked, that renewal be denied, or that
6375 some other disciplinary action be taken.

6376 (g) To solicit bids and enter into contracts with one
6377 or more educational testing services or organizations approved by
6378 the board for the preparation of a bank of questions and answers
6379 for licensure examinations under this chapter.

6380 (h) To promote research and conduct studies relating to
6381 the profession of real estate appraising and sponsor real estate
6382 appraisal educational activities.

6383 (i) To adopt rules and regulations for the
6384 administration of this chapter that are not inconsistent with the



6385 provisions of this chapter or the Constitution and laws of
6386 Mississippi or of the United States.

6387 (j) To employ an assistant to the Mississippi Real
6388 Estate Commission Administrator who shall keep a record of all
6389 proceedings, transactions, communications and official acts of the
6390 commission and board and perform any other duties as the
6391 commission and board may require.

6392 (k) To employ an appropriate staff to investigate
6393 allegations that licensed appraisers or licensed state certified
6394 real estate appraisers under this chapter failed to comply with
6395 the terms or provisions of this chapter.

6396 (l) To employ any other professional, clerical and
6397 technical assistance as may be necessary to properly administer
6398 the work of this chapter.

6399 (2) The board shall have the following powers and duties:

6400 (a) To be responsible for matters relating to real
6401 estate appraisal standards, real estate appraiser qualifications,
6402 testing standards, appraisal management companies and disciplinary
6403 functions.

6404 (b) To hold meetings; to hold public hearings and
6405 administrative hearings; and to prepare examination specifications
6406 for licensed appraisers and licensed state certified appraisers.

6407 (c) To enable the board to carry out its
6408 responsibilities under this chapter with respect to licensing and
6409 registering, the board shall have:



- 6410 (i) The power to compel the attendance of
6411 witnesses;
- 6412 (ii) The power to require a licensed appraiser or
6413 an applicant for licensure to produce books, appraisal documents,
6414 records and other papers;
- 6415 (iii) The power to administer oaths; and
6416 (iv) The power to take testimony and receive
6417 evidence concerning all matters within its jurisdiction.

6418 These powers may be exercised directly by the board in such
6419 manner as the board shall determine.

6420 (d) To establish appropriate administrative procedures
6421 for disciplinary proceedings conducted under the provisions of
6422 this chapter.

6423 (e) To keep a record of its proceedings * * *.

6424 (f) To further define by regulation, and with respect
6425 to each of the categories of licensed appraiser, the type of
6426 educational experience, appraisal experience and equivalent
6427 experience that will meet the statutory requirements of this
6428 chapter and of the Appraiser Qualifications Board.

6429 (g) To approve or disapprove applications for licensing
6430 or registration under this chapter.

6431 (h) To suspend or revoke licenses or registrations
6432 under the disciplinary proceedings provided for in this chapter.



6433 (i) To present an annual budget to the Mississippi
6434 Legislature for approval. A copy of the budget shall be given to
6435 the commission.

6436 (j) To implement all requirements directed by the
6437 Appraiser Qualifications Board, Appraisal Subcommittee of the
6438 Federal Financial Institutions Examination Council or their
6439 designated agent.

6440 (k) To make rules and regulations providing for an
6441 inactive license or registration status and for the reactivation
6442 thereof.

6443 (l) To make rules and regulations necessary to
6444 implement its powers and duties under this chapter.

6445 (m) To do all other things necessary to carry out the
6446 provisions of this chapter.

6447 (n) To adopt rules consistent with the provisions of
6448 this chapter which may be reasonably necessary to implement,
6449 administer, and enforce the provisions of this chapter.

6450 (o) To provide for at least one (1) member of the board
6451 to represent the appraisal management company industry.

6452 (p) To establish the standard for measuring residential
6453 properties up to four (4) family buildings as promulgated by the
6454 American National Standards Institute or as provided in the
6455 American Measurement Standard Manual. The board shall require
6456 appraisals required to use those standards to indicate on the
6457 appraisal or separately appended document which standard was used.



6458 (q) To conduct surveys as necessary.

6459 (3) The members of the commission and board shall be immune
6460 from any civil action or criminal prosecution for initiating or
6461 assisting in any lawful investigation of the actions of, or
6462 participating in any disciplinary proceeding concerning, an
6463 appraiser licensed under this chapter, provided that the action is
6464 taken without malicious intent and in the reasonable belief that
6465 the action was taken in accordance with the powers and duties
6466 vested in the members of the commission and board under this
6467 chapter.

6468 **SECTION 95.** Section 73-36-19, Mississippi Code of 1972, is
6469 amended as follows:

6470 73-36-19. (1) The State Board of Registration for Foresters
6471 shall have the following powers and duties:

6472 (a) To adopt rules and regulations governing the
6473 holding of its meetings, hearings, applications for licenses and
6474 any and all other duties provided by this chapter.

6475 (b) To establish and promulgate standards of practice
6476 and a code of ethics for registered foresters and provide for the
6477 enforcement thereof.

6478 (c) To establish minimum requirements for professional
6479 continuing education.

6480 (d) To prepare a biennial roster showing the names,
6481 business addresses and such other information as the board may
6482 deem necessary of all foresters registered under this chapter, and



6483 to provide copies to the registered foresters and the public. A
6484 copy of the roster shall be filed with the Secretary of State of
6485 the State of Mississippi on or before April 1 in the year such
6486 roster is prepared.

6487 (e) To issue, suspend or revoke licenses and to take
6488 all actions necessary.

6489 (2) At any hearing before the board, any member may
6490 administer oaths to witnesses appearing before the board. If any
6491 person shall refuse to testify or to produce any books, papers or
6492 documents, the board may present its petition to any court of
6493 competent jurisdiction within the state setting forth the facts,
6494 and then the court, in a proper case, may issue its subpoena to
6495 the person requiring his attendance before the court and to
6496 testify or to produce such books, papers and documents as may be
6497 deemed necessary and pertinent thereto. Any person failing or
6498 refusing to obey the subpoena of the court may be proceeded
6499 against in the same manner as for refusal to obey any other
6500 subpoena of the court.

6501 (3) The board shall keep a record of its proceedings and a
6502 register of all applications for registration. The register shall
6503 show the name, age and residence of each applicant, the date of
6504 the application and the board's action on the application and any
6505 other information as may be deemed necessary by the board. The
6506 board shall submit an annual report to the Governor * * *.



6507 **SECTION 96.** Section 73-63-19, Mississippi Code of 1972, is
6508 amended as follows:

6509 73-63-19. (1) If the board employs an executive director,
6510 the executive director shall have the following powers and duties:

6511 (a) To administer the policies of the board within the
6512 authority granted by the board;

6513 (b) To supervise and direct all administrative,
6514 technical and investigative activities of the board;

6515 (c) To organize the administrative units of the board
6516 in accordance with a plan adopted by the board and to alter that
6517 organizational plan and reassign responsibilities with approval of
6518 the board as deemed necessary to carry out the policies of the
6519 board;

6520 (d) To recommend to the board appropriate studies and
6521 investigations and to carry out the approved recommendations;

6522 (e) To issue, modify or revoke any orders under
6523 authority granted by the board;

6524 (f) To enter into contracts, grants and cooperative
6525 agreements as approved by the board with any federal or state
6526 agency, any public or private institution or any other person to
6527 carry out this chapter;

6528 (g) To receive, administer and account for any funds
6529 received by the board; and

6530 * * *



6531 (* * *h) To discharge other powers, duties and
6532 responsibilities as directed or delegated by the board.

6533 (2) The executive director shall give a surety bond
6534 satisfactory to the board, conditioned upon the faithful
6535 performance of the executive director's duties. The premium on the
6536 bond shall be regarded as a proper and necessary expense of the
6537 board.

6538 (3) If the board does not employ an executive director, the
6539 president of the board shall have the powers and duties provided
6540 in subsection (1) of this section.

6541 **SECTION 97.** Section 77-3-42, Mississippi Code of 1972, is
6542 amended as follows:

6543 77-3-42. (1) (a) No public utility, the rates of which are
6544 subject to regulation under the provisions of this chapter, shall
6545 increase its rate or rate schedule in addition to its base rate as
6546 a result of what is commonly referred to as "fuel adjustment
6547 clauses" increase or "fuel adjustment riders" if the application
6548 of such clause or rider shall result in ultimate cost recovery
6549 exceeding the actual cost of fuel burned or consumed in its
6550 generating facilities and the cost of purchased energy.

6551 (b) For the purpose of such fuel adjustment clause or
6552 rider, the cost of fuel as used herein shall include only the
6553 actual cost of the fuel and its transportation and may include
6554 such other cost items which are as of the effective date of this
6555 section allowed by the federal energy regulatory commission for



6556 inclusion in wholesale fuel adjustment clauses under its
6557 jurisdiction. In addition thereto fuel cost may include direct
6558 costs associated with burning the fuel at the generating plant,
6559 such as fuel-handling expenses and the cost of fuel sampling and
6560 analysis.

6561 (2) (a) The commission is hereby directed to cause a
6562 continuous monitoring by the public utilities staff and a complete
6563 audit, as necessary but not less than annually, of all fuel
6564 purchases for which fuel adjustment clauses or riders have been
6565 placed in effect prior to and after the effective date of this
6566 section, which shall totally verify fuel costs as might be
6567 consumed in generating plants and all purchased energy of such
6568 electric utilities in Mississippi with said audit being based upon
6569 generally accepted auditing standards which would accurately
6570 provide detailed information as to the actual monthly utility fuel
6571 costs. Such audit shall be completely independent of any audit
6572 performed on behalf of such utility.

6573 (b) The commission is hereby directed to promulgate
6574 rules and regulations, not inconsistent with the laws, (i) to
6575 define allowable costs for inclusion in fuel adjustments, (ii) to
6576 establish guidelines for defining what elements constitute a just
6577 and reasonable fuel adjustment clause or rider, (iii) to establish
6578 guidelines for defining what elements constitute efficient and
6579 economical procurement and use of energy and fuel, and (iv) to
6580 establish general guidelines for making the required review of



6581 fuel adjustment clauses or riders as required by this section.
6582 Such rules and regulations shall be spread upon the minutes of the
6583 commission.

6584 (c) Such audits shall include (i) a determination if
6585 fuel and associated costs are properly identified and recorded in
6586 the appropriate uniform system of accounts, (ii) a determination
6587 if purchased energy and associated costs are properly identified,
6588 (iii) an assessment of a utility's practices for economical
6589 purchase and use of fuel and electric energy, and (iv) an
6590 assessment of the relevant contract terms and conditions and any
6591 variations from contract terms.

6592 (3) The audits required by this section shall extend to the
6593 fuel acquisition activities of any corporation which is owned in
6594 whole or in part by any such public utility under the jurisdiction
6595 of the commission or owned in whole or in part by a public utility
6596 holding company which is the parent company of any public utility
6597 under the jurisdiction of the commission. Public utilities under
6598 the jurisdiction of this commission, the rates of which are
6599 subject to regulation under the provisions of this chapter, shall
6600 not purchase fuel and/or energy from a company or corporation
6601 which is owned in whole or in part by that public utility or by
6602 the parent company of that public utility unless the selling
6603 company or corporation assents to audits as provided for under
6604 this section.



6605 (4) Upon receipt of each audit report, the certified public
6606 accountant of the public utilities staff shall review the report
6607 and furnish the commissioners with a written summary of, and his
6608 comments on, the report. The commission shall meet within one (1)
6609 week after receipt of the accountant's summary, and shall spread
6610 upon the minutes of the commission that it has reviewed said
6611 summary and further shall describe any action which it takes
6612 regarding the audit report or the fact that no action was
6613 required. Any costs included in a fuel adjustment clause or rider
6614 by a public utility under the jurisdiction of the commission found
6615 in violation of this section shall, by order of the commission, be
6616 refunded to the appropriate person or persons. In lieu of
6617 payment, the utility may credit the service account with the
6618 amount due under this subsection if the consumer entitled to the
6619 refund is, at that time, a consumer of the utility.

6620 (5) Periodically, and not less frequently than annually, the
6621 commission shall review the audit reports, the reports of the
6622 certified public accountant of the public utilities staff, any
6623 reports of the public utilities staff relating to its monitoring
6624 of fuel purchases, and all other relevant information relating to
6625 fuel purchases, fuel adjustment clauses or riders, and purchased
6626 energy for the purpose of determining (a) whether or not the
6627 utility is properly and correctly employing the use of the fuel
6628 adjustment clause or rider applicable to its operations and
6629 billing procedures, (b) whether or not the utility has engaged in



6630 practices in the acquisition of fuel or purchased energy which are
6631 efficient and economical, and (c) whether or not there is reason
6632 to question the practices, contracts, operations or procedures of
6633 the utility in the purchase or acquisition of fuel or purchased
6634 energy relative to efficiency, economy and the public interest.

6635 If the commission, after following the procedures described
6636 above, has reasonable cause to believe that inefficient or
6637 uneconomical procurement or use of fuel or purchased energy has
6638 resulted in unreasonable or unjust charges or costs to the
6639 consumers, then the commission shall initiate a procedure for
6640 hearing as provided for in Section 77-3-47 for the purpose of
6641 determining whether or not any of the costs or charges included in
6642 the fuel adjustment charges to the consumers were unreasonable or
6643 unjust. If the commission upon hearing shall find that any
6644 charges for the purchase or procurement of fuel or purchased
6645 energy were unreasonable or unjust, then the commission shall
6646 order that such costs or charges be refunded to the appropriate
6647 person or persons together with interest at the same rate
6648 prescribed in Section 77-3-39, Section 77-3-69 and Section
6649 77-3-71. In lieu of payment, the utility may credit the service
6650 account with the amount due under this subsection if the consumer
6651 entitled to the refund is, at that time, a consumer of the
6652 utility.

6653 (6) (a) The commission shall maintain at all times complete
6654 and current data relating to sales and purchases of electric



6655 capacity of all utilities, including copies of contracts and
6656 agreements for the purchase of electric capacity, amendments to
6657 such contracts, records of purchases and sales of electric
6658 capacity, and all other relevant information and data deemed
6659 appropriate by the commission for carrying out the provisions of
6660 this section.

6661 (b) The commission is hereby directed to review, not
6662 less frequently than annually, the information and data described
6663 above. If, from said review the commission has reasonable cause
6664 to believe that inefficient or uneconomical sales or purchases of
6665 electric capacity by a utility, the rates of which are subject to
6666 regulation by the commission, have resulted in unreasonable or
6667 unjust charges or costs to the consumers, then the commission
6668 shall initiate a procedure for hearing as provided for in Section
6669 77-3-47 for the purpose of determining whether or not any of the
6670 costs or charges for sales or purchases of electric capacity
6671 included in the charges to consumers were unreasonable or unjust.
6672 If the commission, upon hearing, shall find that any such charges
6673 for the sale or purchase of electric capacity were unreasonable or
6674 unjust, then the commission shall order that such costs or charges
6675 be refunded to the appropriate person or persons, together with
6676 interest thereon at the same rate prescribed in Section 77-3-39,
6677 Section 77-3-69 and Section 77-3-71. In lieu of payment, the
6678 utility may credit the service account with the amount due under



6679 this subsection if the consumer entitled to the refund is, at that
6680 time, a consumer of the utility.

6681 * * *

6682 (* * *7) Nothing in this section shall prohibit the
6683 commission from entering an order in a declared emergency allowing
6684 public utilities under such emergency circumstances to adjust
6685 their rates for a period not to exceed sixty (60) days upon
6686 declaration of said emergency. There shall be a full hearing and
6687 a complete and total accounting as to total costs of * * * the
6688 commission order to public utilities customers, with detailed
6689 accounting of such emergency fuel adjustment clause order being
6690 made available to the public.

6691 (* * *8) This section shall not apply to a municipality,
6692 including a joint agency organized pursuant to Section 77 5 701 et
6693 seq., as amended.

6694 **SECTION 98.** Section 81-1-71, Mississippi Code of 1972, is
6695 amended as follows:

6696 81-1-71. The commissioner, all examiners and any employee
6697 required to travel shall be allowed expenses incident to the
6698 discharge of their official duties while away from their places of
6699 residence, and mileage for each mile necessarily traveled in the
6700 discharge of their official duties, as provided in Section
6701 25-3-41. Such expenses shall be paid out of the department funds
6702 upon vouchers approved by the commissioner, and each voucher for



6703 expenses shall be accompanied by an itemized statement of the
6704 same.

6705 The State Department of Audit shall make an annual audit of
6706 the books and records having to do with receipts and expenditures
6707 of funds of the department. The chief inspector shall file a copy
6708 of his report with the commissioner and the Governor * * *.

6709 **SECTION 99.** Section 83-9-213, Mississippi Code of 1972, is
6710 amended as follows:

6711 83-9-213. (1) The association shall:

6712 (a) Establish administrative and accounting procedures
6713 for the operation of the association.

6714 (b) Establish procedures under which applicants and
6715 participants in the plan may have grievances reviewed by an
6716 impartial body and reported to the board.

6717 (c) Select an administering insurer in accordance with
6718 Section 83-9-215.

6719 (d) Collect the assessments provided in Section
6720 83-9-217 from insurers and third-party administrators for claims
6721 paid under the plan and for administrative expenses incurred or
6722 estimated to be incurred during the period for which the
6723 assessment is made. The level of payments shall be established by
6724 the board. Assessments shall be collected pursuant to the plan of
6725 operation approved by the board. In addition to the collection of
6726 such assessments, the association shall collect an organizational
6727 assessment or assessments from all insurers as necessary to



6728 provide for expenses which have been incurred or are estimated to
6729 be incurred prior to receipt of the first calendar year
6730 assessments. Organizational assessments shall be equal in amount
6731 for all insurers, but shall not exceed One Hundred Dollars
6732 (\$100.00) per insurer for all such assessments. Assessments are
6733 due and payable within thirty (30) days of receipt of the
6734 assessment notice by the insurer.

6735 (e) Require that all policy forms issued by the
6736 association conform to standard forms developed by the
6737 association. The forms shall be approved by the State Department
6738 of Insurance.

6739 (f) Develop and implement a program to publicize the
6740 existence of the plan, the eligibility requirements for the plan,
6741 and the procedures for enrollment in the plan and to maintain
6742 public awareness of the plan.

6743 (2) The association may:

6744 (a) Exercise powers granted to insurers under the laws
6745 of this state.

6746 (b) Take any legal actions necessary or proper for the
6747 recovery of any monies due the association under Sections 83-9-201
6748 through 83-9-222. There shall be no liability on the part of and
6749 no cause of action of any nature shall arise against the
6750 Commissioner of Insurance or any of his staff, the administrator,
6751 the board or its directors, agents or employees, or against any



6752 participating insurer for any actions performed in accordance with
6753 Sections 83-9-201 through 83-9-222.

6754 (c) Enter into contracts as are necessary or proper to
6755 carry out the provisions and purposes of Sections 83-9-201 through
6756 83-9-222, including the authority, with the approval of the
6757 commissioner, to enter into contracts with similar organizations
6758 of other states for the joint performance of common administrative
6759 functions or with persons or other organizations for the
6760 performance of administrative functions.

6761 (d) Sue or be sued, including taking any legal actions
6762 necessary or proper to recover or collect assessments due the
6763 association.

6764 (e) Take any legal actions necessary to:

6765 (i) Avoid the payment of improper claims against
6766 the association or the coverage provided by or through the
6767 association.

6768 (ii) Recover any amounts erroneously or improperly
6769 paid by the association.

6770 (iii) Recover any amounts paid by the association
6771 as a result of mistake of fact or law.

6772 (iv) Recover other amounts due the association.

6773 (f) Establish, and modify from time to time as
6774 appropriate, rates, rate schedules, rate adjustments, expense
6775 allowances, agents' referral fees, claim reserve formulas and any
6776 other actuarial function appropriate to the operation of the



6777 association. Rates and rate schedules may be adjusted for
6778 appropriate factors such as age, sex and geographic variation in
6779 claim cost and shall take into consideration appropriate factors
6780 in accordance with established actuarial and underwriting
6781 practices.

6782 (g) Issue policies of insurance in accordance with the
6783 requirements of Sections 83-9-201 through 83-9-222.

6784 (h) Appoint appropriate legal, actuarial and other
6785 committees as necessary to provide technical assistance in the
6786 operation of the plan, policy and other contract design, and any
6787 other function within the authority of the association.

6788 (i) Borrow money to effect the purposes of the
6789 association. Any notes or other evidence of indebtedness of the
6790 association not in default shall be legal investments for insurers
6791 and may be carried as admitted assets.

6792 (j) Establish rules, conditions and procedures for
6793 reinsuring risks of member insurers desiring to issue plan
6794 coverages to individuals otherwise eligible for plan coverages in
6795 their own name. Provision of reinsurance shall not subject the
6796 association to any of the capital or surplus requirements, if any,
6797 otherwise applicable to reinsurers.

6798 (k) Prepare and distribute application forms and
6799 enrollment instruction forms to insurance producers and to the
6800 general public.



6801 (1) Provide for reinsurance of risks incurred by the
6802 association.

6803 (m) Issue additional types of health insurance policies
6804 to provide optional coverages, including Medicare supplemental
6805 health insurance.

6806 (n) Provide for and employ cost containment measures
6807 and requirements including, but not limited to, disease management
6808 programs and incentives for participation therein, preadmission
6809 screening, second surgical opinion, concurrent utilization review
6810 and individual case management for the purpose of making the
6811 benefit plan more cost-effective.

6812 (o) Design, utilize, contract or otherwise arrange for
6813 the delivery of cost-effective health care services, including
6814 establishing or contracting with preferred provider organizations,
6815 health maintenance organizations and other limited network
6816 provider arrangements.

6817 (p) Serve as a mechanism to provide health and accident
6818 insurance coverage to citizens of this state under any state or
6819 federal program designed to enable persons to obtain or maintain
6820 health insurance coverage.

6821 (3) The commissioner may, by rule, establish additional
6822 powers and duties of the board and may adopt such rules as are
6823 necessary and proper to implement Sections 83-9-201 through
6824 83-9-222.



6825 (4) The State Department of Insurance shall examine and
6826 investigate the association * * *. Upon such investigation, the
6827 Commissioner of Insurance, if he deems necessary, shall require
6828 the board: (a) to contract with an outside independent actuarial
6829 firm to assess the solvency of the association and for
6830 consultation as to the sufficiency and means of the funding of the
6831 association, and the enrollment in and the eligibility, benefits
6832 and rate structure of the benefits plan to ensure the solvency of
6833 the association; and (b) to close enrollment in the benefits plan
6834 at any time upon a determination by the outside independent
6835 actuarial firm that funds of the association are insufficient to
6836 support the enrollment of additional persons. In no case shall
6837 the commissioner require such actuarial study any less than once
6838 every two (2) years.

6839 **SECTION 100.** Section 93-21-307, Mississippi Code of 1972, is
6840 amended as follows:

6841 93-21-307. The administration of the Mississippi Children's
6842 Trust Fund shall be vested in the Division of Family and
6843 Children's Services of the State Department of * * * Human
6844 Services. In carrying out the provisions of Sections 93-21-301
6845 through 93-21-311, the Division of Family and Children's Services
6846 shall have the following powers and duties:

6847 (a) To assist in developing programs aimed at
6848 discovering and preventing the many factors causing child abuse
6849 and neglect;



6850 (b) To prepare and disseminate, including the
6851 presentation of, educational programs and materials on child abuse
6852 and neglect;

6853 (c) To provide educational programs for professionals
6854 required by law to make reports of child abuse and neglect;

6855 (d) To help coordinate child protective services at the
6856 state, regional and local levels with the efforts of other state
6857 and voluntary social, medical and legal agencies;

6858 (e) To provide advocacy for children in public and
6859 private state and local agencies affecting children;

6860 (f) To encourage citizen and community awareness as to
6861 the needs and problems of children;

6862 (g) To facilitate the exchange of information between
6863 groups concerned with families and children;

6864 (h) To consult with state departments, agencies,
6865 commissions and boards to help determine the probable
6866 effectiveness, fiscal soundness and need for proposed educational
6867 and service programs for the prevention of child abuse and
6868 neglect;

6869 (i) To adopt rules and regulations * * * in accordance
6870 with the Administrative Procedures Law to discharge its
6871 responsibilities;

6872 (j) To report annually * * * to the Governor * * *
6873 concerning the division's activities under Sections 93-21-301



6874 through 93-21-311 and the effectiveness of those activities in
6875 fostering the prevention of child abuse and neglect;

6876 (k) To recommend to the Governor and the Legislature
6877 changes in state programs, statutes, policies and standards which
6878 will reduce child abuse and neglect, improve coordination among
6879 state agencies which provide services to prevent abuse and
6880 neglect, improve the condition of children and assist parents and
6881 guardians;

6882 (l) To evaluate and strengthen all local, regional and
6883 state programs dealing with child abuse and neglect;

6884 (m) To prepare and submit annually to the
6885 Governor * * * reports evaluating the level and quality of all
6886 programs, services and facilities provided to children by state
6887 agencies;

6888 (n) To contract with public or private nonprofit
6889 institutions, organizations, agencies or schools or with qualified
6890 individuals for the establishment of community-based educational
6891 and service programs designed to reduce the occurrence of child
6892 abuse and neglect;

6893 (o) To determine the eligibility of programs applying
6894 for financial assistance and to make grants and loans from the
6895 fund for the purposes set forth in Sections 93-21-301 through
6896 93-21-311;

6897 (p) To develop, within one (1) year after July 1, 1989,
6898 a state plan for the distribution of funds from the trust fund



6899 which shall assure that an equal opportunity exists for
6900 establishment of prevention programs and for receipt of trust
6901 fund * * * monies among all geographic areas in this state, and to
6902 submit the plan to the Governor * * * and annually thereafter
6903 submit revisions thereto as needed;

6904 (q) To provide for the coordination and exchange of
6905 information on the establishment and maintenance of local
6906 prevention programs;

6907 (r) To develop and publicize criteria for the receipt
6908 of trust fund * * * monies by eligible local prevention programs;

6909 (s) To enter into contracts with public or private
6910 agencies to fulfill the requirements of Sections 93-21-301 through
6911 93-21-311; and

6912 (t) Review, monitor and approve the expenditure of
6913 trust fund * * * monies by eligible local programs.

6914 **SECTION 101.** Section 97-3-54.9, Mississippi Code of 1972, is
6915 amended as follows:

6916 97-3-54.9. **Statewide Human Trafficking Coordinator; duties.**

6917 (1) There is created the position of statewide human trafficking
6918 coordinator within the Mississippi Bureau of Investigation of the
6919 Department of Public Safety office. The duties of the coordinator
6920 shall be as follows:

6921 (a) Coordinate the implementation of this act;

6922 (b) Evaluate state efforts to combat human trafficking;



6923 (c) Collect data on human trafficking activity within
6924 the state on an ongoing basis, including types of activities
6925 reported, efforts to combat human trafficking, and impact on
6926 victims and on the state;

6927 (d) Exclude from publicly released portions of the data
6928 collected under subsection (1)(c) the identity of any victim and
6929 the victim's family;

6930 (e) Promote public awareness about human trafficking,
6931 remedies and services for victims, and national hotline
6932 information;

6933 (f) Create and maintain a website to publicize the
6934 coordinator's work;

6935 * * *

6936 (* * *g) Develop and implement rules and regulations
6937 pertaining to the use of the Relief for Victims of Human
6938 Trafficking Fund to support services for victims of human
6939 trafficking in Mississippi;

6940 (* * *h) Assist in the creation and operations of
6941 local human trafficking task forces or working groups around the
6942 state, including serving on a task force or a multidisciplinary
6943 child protection team;

6944 (* * *i) Conduct other activities, including, but not
6945 limited to, applying for grants to enhance investigation and
6946 prosecution of trafficking offenses or to improve victim services



6947 to combat human trafficking within this state which are
6948 appropriate; and

6949 (* * *j) Perform any other duties specifically
6950 required by law for the coordinator.

6951 (2) The coordinator shall be authorized to seek input and
6952 assistance from state agencies, nongovernmental agencies, service
6953 providers and other individuals in the performance of the
6954 foregoing duties.

6955 (3) Each state agency, board and commission shall be
6956 required to fully cooperate with the coordinator in the
6957 performance of the duties of that position.

6958 (4) Every investigation of an offense under this chapter
6959 shall be reported to the coordinator by the initiating law
6960 enforcement agency pursuant to guidelines established by the
6961 coordinator.

6962 (5) Notwithstanding the provisions of Section 43-21-261,
6963 disclosure by any state agency, nongovernmental agency, service
6964 provider or local or state law enforcement agency of
6965 nonidentifying information regarding a minor victim to the
6966 coordinator for the purposes of evaluating and collecting data
6967 regarding trafficking offenses in the state is specifically
6968 authorized.

6969 **SECTION 102.** Sections 7-1-565, 17-18-43, 25-9-148,
6970 27-7-22.9, 27-7-22.24, 27-7-22.26, 27-104-167, 31-7-311,
6971 37-31-111, 41-73-71, 43-3-89, 43-5-11, 43-12-41, 43-13-127,



6972 47-5-559, 57-10-39, 69-1-15, 69-27-111, 77-1-49 and 77-3-90,
6973 Mississippi Code of 1972, which provide for the preparation and
6974 publication of annual reports by various public entities, are
6975 repealed.

6976 **SECTION 103.** This act shall take effect and be in force from
6977 and after July 1, 2021.

