

By: Representative Currie

To: Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 439

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30 and publish annual reports, are repealed.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, any contract entered into by the  
1184 Department of Public Safety for service on specialized equipment  
1185 and/or software required for the operation at such specialized  
1186 equipment for use by the Office of Forensics Laboratories, and any  
1187 contract for attorney, accountant, actuary auditor, architect,  
1188 engineer, anatomical pathologist, utility rate expert services,  
1189 and any personal service contracts approved by the Executive  
1190 Director of the Department of Finance and Administration and  
1191 entered into by the Coordinator of Mental Health Accessibility





1192 through June 30, 2022. Any such rules and regulations shall  
1193 provide for maintaining continuous internal audit covering the  
1194 activities of such agency affecting its revenue and expenditures  
1195 as required under Section 7-7-3(6)(d). Any rules and regulation  
1196 changes related to personal and professional services contracts  
1197 that the Public Procurement Review Board may propose shall be  
1198 submitted to the Chairs of the Accountability, Efficiency and  
1199 Transparency Committees of the Senate and House of Representatives  
1200 and the Chairs of the Appropriation Committees of the Senate and  
1201 House of Representatives at least fifteen (15) days before the  
1202 board votes on the proposed changes, and those rules and  
1203 regulation changes, if adopted, shall be promulgated in accordance  
1204 with the Mississippi Administrative Procedures Act;

1205 (g) Approve all personal and professional services  
1206 contracts involving the expenditures of funds in excess of  
1207 Seventy-five Thousand Dollars (\$75,000.00), except as provided in  
1208 paragraph (f) of this subsection (2) and in subsection (8);

1209 (h) Develop mandatory standards with respect to  
1210 contractual services personnel that require invitations for public  
1211 bid, requests for proposals, record keeping and financial  
1212 responsibility of contractors. The Public Procurement Review  
1213 Board shall, unless exempted under this paragraph (h) or under  
1214 paragraph (i) or (o) of this subsection (2), require the agency  
1215 involved to submit the procurement to a competitive procurement



1216 process, and may reserve the right to reject any or all resulting  
1217 procurements;

1218 (i) Prescribe certain circumstances by which agency  
1219 heads may enter into contracts for personal and professional  
1220 services without receiving prior approval from the Public  
1221 Procurement Review Board. The Public Procurement Review Board may  
1222 establish a preapproved list of providers of various personal and  
1223 professional services for set prices with which state agencies may  
1224 contract without bidding or prior approval from the board;

1225 (i) Agency requirements may be fulfilled by  
1226 procuring services performed incident to the state's own programs.  
1227 The agency head shall determine in writing whether the price  
1228 represents a fair market value for the services. When the  
1229 procurements are made from other governmental entities, the  
1230 private sector need not be solicited; however, these contracts  
1231 shall still be submitted for approval to the Public Procurement  
1232 Review Board.

1233 (ii) Contracts between two (2) state agencies,  
1234 both under Public Procurement Review Board purview, shall not  
1235 require Public Procurement Review Board approval. However, the  
1236 contracts shall still be entered into the enterprise resource  
1237 planning system;

1238 (j) Provide standards for the issuance of requests for  
1239 proposals, the evaluation of proposals received, consideration of  
1240 costs and quality of services proposed, contract negotiations, the



1241 administrative monitoring of contract performance by the agency  
1242 and successful steps in terminating a contract;

1243 (k) Present recommendations for governmental  
1244 privatization and to evaluate privatization proposals submitted by  
1245 any state agency;

1246 (l) Authorize personal and professional service  
1247 contracts to be effective for more than one (1) year provided a  
1248 funding condition is included in any such multiple year contract,  
1249 except the State Board of Education, which shall have the  
1250 authority to enter into contractual agreements for student  
1251 assessment for a period up to ten (10) years. The State Board of  
1252 Education shall procure these services in accordance with the  
1253 Public Procurement Review Board procurement regulations;

1254 (m) Request the State Auditor to conduct a performance  
1255 audit on any personal or professional service contract;

1256 (n) \* \* \* Develop and implement the following standards  
1257 and procedures for the approval of any sole source contract for  
1258 personal and professional services regardless of the value of the  
1259 procurement:

1260 (i) For the purposes of this paragraph (o), the  
1261 term "sole source" means only one (1) source is available that can  
1262 provide the required personal or professional service.

1263 (ii) An agency that has been issued a binding,  
1264 valid court order mandating that a particular source or provider  
1265 must be used for the required service must include a copy of the



1266 applicable court order in all future sole source contract reviews  
1267 for the particular personal or professional service referenced in  
1268 the court order.

1269 (iii) Any agency alleging to have a sole source  
1270 for any personal or professional service, other than those  
1271 exempted under paragraph (f) of this subsection (2) and subsection  
1272 (8), shall publish on the procurement portal website established  
1273 by Sections 25-53-151 and 27-104-165, for at least fourteen (14)  
1274 days, the terms of the proposed contract for those services. In  
1275 addition, the publication shall include, but is not limited to,  
1276 the following information:

1277 1. The personal or professional service  
1278 offered in the contract;

1279 2. An explanation of why the personal or  
1280 professional service is the only one that can meet the needs of  
1281 the agency;

1282 3. An explanation of why the source is the  
1283 only person or entity that can provide the required personal or  
1284 professional service;

1285 4. An explanation of why the amount to be  
1286 expended for the personal or professional service is reasonable;  
1287 and

1288 5. The efforts that the agency went through  
1289 to obtain the best possible price for the personal or professional  
1290 service.



1291 (iv) If any person or entity objects and proposes  
1292 that the personal or professional service published under  
1293 subparagraph (iii) of this paragraph (o) is not a sole source  
1294 service and can be provided by another person or entity, then the  
1295 objecting person or entity shall notify the Public Procurement  
1296 Review Board and the agency that published the proposed sole  
1297 source contract with a detailed explanation of why the personal or  
1298 professional service is not a sole source service.

1299 (v) 1. If the agency determines after review that  
1300 the personal or professional service in the proposed sole source  
1301 contract can be provided by another person or entity, then the  
1302 agency must withdraw the sole source contract publication from the  
1303 procurement portal website and submit the procurement of the  
1304 personal or professional service to an advertised competitive bid  
1305 or selection process.

1306 2. If the agency determines after review that  
1307 there is only one (1) source for the required personal or  
1308 professional service, then the agency may appeal to the Public  
1309 Procurement Review Board. The agency has the burden of proving  
1310 that the personal or professional service is only provided by one  
1311 (1) source.

1312 3. If the Public Procurement Review Board has  
1313 any reasonable doubt as to whether the personal or professional  
1314 service can only be provided by one (1) source, then the agency  
1315 must submit the procurement of the personal or professional



1316 service to an advertised competitive bid or selection process. No  
1317 action taken by the Public Procurement Review Board in this appeal  
1318 process shall be valid unless approved by a majority of the  
1319 members of the Public Procurement Review Board present and voting.

1320 (vi) The Public Procurement Review Board shall  
1321 prepare and submit a quarterly report to the House of  
1322 Representatives and Senate Accountability, Efficiency and  
1323 Transparency Committees that details the sole source contracts  
1324 presented to the Public Procurement Review Board and the reasons  
1325 that the Public Procurement Review Board approved or rejected each  
1326 contract. These quarterly reports shall also include the  
1327 documentation and memoranda required in subsection (4) of this  
1328 section. An agency that submitted a sole source contract shall be  
1329 prepared to explain the sole source contract to each committee by  
1330 December 15 of each year upon request by the committee;

1331 ( \* \* \*o) Assess any fines and administrative penalties  
1332 provided for in Sections 31-7-401 through 31-7-423.

1333 (3) All submissions shall be made sufficiently in advance of  
1334 each monthly meeting of the Public Procurement Review Board as  
1335 prescribed by the Public Procurement Review Board. If the Public  
1336 Procurement Review Board rejects any contract submitted for review  
1337 or approval, the Public Procurement Review Board shall clearly set  
1338 out the reasons for its action, including, but not limited to, the  
1339 policy that the agency has violated in its submitted contract and  
1340 any corrective actions that the agency may take to amend the



1341 contract to comply with the rules and regulations of the Public  
1342 Procurement Review Board.

1343 (4) All sole source contracts for personal and professional  
1344 services awarded by state agencies, other than those exempted  
1345 under Section 27-104-7(2) (f) and (8), whether approved by an  
1346 agency head or the Public Procurement Review Board, shall contain  
1347 in the procurement file a written determination for the approval,  
1348 using a request form furnished by the Public Procurement Review  
1349 Board. The written determination shall document the basis for the  
1350 determination, including any market analysis conducted in order to  
1351 ensure that the service required was practicably available from  
1352 only one (1) source. A memorandum shall accompany the request  
1353 form and address the following four (4) points:

1354 (a) Explanation of why this service is the only service  
1355 that can meet the needs of the purchasing agency;

1356 (b) Explanation of why this vendor is the only  
1357 practicably available source from which to obtain this service;

1358 (c) Explanation of why the price is considered  
1359 reasonable; and

1360 (d) Description of the efforts that were made to  
1361 conduct a noncompetitive negotiation to get the best possible  
1362 price for the taxpayers.

1363 (5) In conjunction with the State Personnel Board, the  
1364 Public Procurement Review Board shall develop and promulgate rules  
1365 and regulations to define the allowable legal relationship between



1366 contract employees and the contracting departments, agencies and  
1367 institutions of state government under the jurisdiction of the  
1368 State Personnel Board, in compliance with the applicable rules and  
1369 regulations of the federal Internal Revenue Service (IRS) for  
1370 federal employment tax purposes. Under these regulations, the  
1371 usual common law rules are applicable to determine and require  
1372 that such worker is an independent contractor and not an employee,  
1373 requiring evidence of lawful behavioral control, lawful financial  
1374 control and lawful relationship of the parties. Any state  
1375 department, agency or institution shall only be authorized to  
1376 contract for personnel services in compliance with those  
1377 regulations.

1378 (6) No member of the Public Procurement Review Board shall  
1379 use his or her official authority or influence to coerce, by  
1380 threat of discharge from employment, or otherwise, the purchase of  
1381 commodities, the contracting for personal or professional  
1382 services, or the contracting for public construction under this  
1383 chapter.

1384 (7) Notwithstanding any other laws or rules to the contrary,  
1385 the provisions of subsection (2) of this section shall not be  
1386 applicable to the Mississippi State Port Authority at Gulfport.

1387 (8) Nothing in this section shall impair or limit the  
1388 authority of the Board of Trustees of the Public Employees'  
1389 Retirement System to enter into any personal or professional  
1390 services contracts directly related to their constitutional





1391 obligation to manage the trust funds, including, but not limited  
1392 to, actuarial, custodial banks, cash management, investment  
1393 consultant and investment management contracts.

1394 (9) Notwithstanding the exemption of personal and  
1395 professional services contracts entered into by the Department of  
1396 Human Services and personal and professional services contracts  
1397 entered into by the Department of Child Protection Services from  
1398 the provisions of this section under subsection (2)(f), before the  
1399 Department of Human Services or the Department of Child Protection  
1400 Services may enter into a personal or professional service  
1401 contract, the department(s) shall give notice of the proposed  
1402 personal or professional service contract to the Public  
1403 Procurement Review Board for any recommendations by the board.  
1404 Upon receipt of the notice, the board shall post the notice on its  
1405 website and on the procurement portal website established by  
1406 Sections 25-53-151 and 27-104-165. If the board does not respond  
1407 to the department(s) within seven (7) calendar days after  
1408 receiving the notice, the department(s) may enter the proposed  
1409 personal or professional service contract. If the board responds  
1410 to the department(s) within seven (7) calendar days, then the  
1411 board has seven (7) calendar days from the date of its initial  
1412 response to provide any additional recommendations. After the end  
1413 of the second seven-day period, the department(s) may enter the  
1414 proposed personal or professional service contract. The board is  
1415 not authorized to disapprove any proposed personal or professional



1416 services contracts. This subsection shall stand repealed on July  
1417 1, 2022.

1418 **SECTION 16.** Section 27-105-21, Mississippi Code of 1972, is  
1419 amended as follows:

1420 27-105-21. All institutions and departments which withdraw  
1421 funds from the State Treasury, all agencies and departments of the  
1422 state government whose funds are not deposited in the State  
1423 Treasury, and all agencies and departments of the state government  
1424 which maintain imprest funds are hereby authorized, empowered and  
1425 directed to deposit their funds, except and less an amount  
1426 approved by the auditor which shall be sufficient to cover  
1427 disbursements for current operations, at interest with any  
1428 qualified depository of the state at a rate of interest  
1429 numerically equal to or greater than one-half of one percent ( $\frac{1}{2}$  of  
1430 1%) below the bank discount rate on United States Treasury bills  
1431 of comparable maturity as determined by the State Depository  
1432 Commission. Such institutions and departments may, to the extent  
1433 that they are unable to invest in certificates of deposit for  
1434 periods of fourteen (14) days or longer at a rate numerically  
1435 equal to or greater than one-half of one percent ( $\frac{1}{2}$  of 1%) below  
1436 the treasury bill rate, deposit funds in sums of less than One  
1437 Hundred Thousand Dollars (\$100,000.00) in such other type of  
1438 interest-bearing account as may be now or hereafter authorized by  
1439 law. Interest earned on funds withdrawn from the General Fund  
1440 shall be deposited in the General Fund; interest earned on other



1441 funds shall be deposited to the fund from which the investment was  
1442 made, unless otherwise required by law. \* \* \* A depository  
1443 holding funds pursuant to this section shall be eligible to hold  
1444 such funds to the extent that it is qualified as a depository for  
1445 state funds.

1446 **SECTION 17.** Section 31-1-19, Mississippi Code of 1972, is  
1447 amended as follows:

1448 31-1-19. The acts of the Legislature shall be labeled "Laws  
1449 of Mississippi" including the year of their passage, and the label  
1450 shall indicate whether the laws are "general" or "local and  
1451 private"; and if enacted at an extraordinary session, the label  
1452 shall so indicate. The journals of the Legislature shall be  
1453 labeled "House Journal-Mississippi," and "Senate  
1454 Journal-Mississippi," respectively, and the year of the session  
1455 shall be indicated thereon; and if for an extraordinary session,  
1456 the label shall so indicate. The bound copies of the department  
1457 reports shall be labeled "Department Reports, State of  
1458 Mississippi," and the label shall disclose the year covered by the  
1459 reports.

1460 \* \* \*

1461 **SECTION 18.** Section 31-3-14, Mississippi Code of 1972, is  
1462 amended as follows:

1463 31-3-14. (1) In addition to the fees required for  
1464 application and renewal for certification and registration of all  
1465 contractors in Section 31-3-13, all holders of a certificate of



1466 responsibility shall pay a fee equal to Two Hundred Dollars  
1467 (\$200.00) at the time of application or renewal of certificates of  
1468 responsibility. Any residential builder licensed under the  
1469 provisions of Section 73-59-1 et seq. shall be exempt from the fee  
1470 imposed under this section. The revenue derived from such  
1471 additional fees shall be deposited into a fund to be known as the  
1472 "Construction Education Fund," a special fund created in the State  
1473 Treasury, and distributed by the State Board of Contractors  
1474 created in Section 31-3-3, to the Mississippi Construction  
1475 Education Foundation, public high schools and community colleges  
1476 that participate in the Mississippi Construction Education  
1477 Foundation's "school-to-work" program, state universities that  
1478 have construction technology programs, the Mississippi Housing  
1479 Institute and certain construction educational trusts approved by  
1480 the State Board of Contractors in the manner hereinafter provided  
1481 to offer courses for construction education and construction craft  
1482 training to meet the needs of the construction industry of the  
1483 State of Mississippi.

1484 (2) The State Board of Contractors shall, on an annual  
1485 basis, solicit from the Mississippi state institutions of higher  
1486 learning, all the public community and junior colleges, the  
1487 Mississippi Construction Education Foundation, public high schools  
1488 that participate in the Mississippi Construction Education  
1489 Foundation's "school-to-work" program and certain construction  
1490 educational trusts, applications for the use of such funds in



1491 construction education and craft training programs in a manner  
1492 prescribed by the board. The board may appoint a technical  
1493 advisory committee to advise the board on the most needed areas of  
1494 construction education and craft training, continuing education or  
1495 research relating to the construction education and craft training  
1496 in the state, based on significant changes in the construction  
1497 industry's practices, economic development or on problems costing  
1498 public or private contractors substantial waste. The board shall  
1499 ensure that the monies distributed from this fund are properly  
1500 spent to promote construction education and craft training in  
1501 programs in the state which are approved by the board. At least  
1502 seventy-five percent (75%) of the monies distributed by the board,  
1503 pursuant to this section, must be used for construction craft  
1504 training with the exception of the Mississippi Housing Institute.

1505 (3) Each university, junior college, community college, the  
1506 Mississippi Construction Education Foundation, public high school  
1507 that participates in the foundation's "school-to-work" program and  
1508 construction educational trust receiving funds pursuant to this  
1509 section for construction education or construction craft training  
1510 programs shall utilize such funds only for construction education  
1511 and craft training curricula and program development, faculty  
1512 development, equipment, student scholarships, student  
1513 assistantships, and for continuing education programs related to  
1514 construction education and craft training. Such funds shall not



1515 be commingled with the normal operating funds of the educational  
1516 institution, regardless of the source of such funds.

1517 (4) The State Board of Contractors shall ensure the  
1518 distribution of reports and the availability of construction  
1519 education programs established pursuant to this section to all  
1520 segments of the construction industry that are subject to the fee  
1521 provided under this section. \* \* \*

1522 (5) All monies deposited into the Construction Education  
1523 Fund shall be used exclusively for construction education and  
1524 craft training, and any unspent funds at the end of the fiscal  
1525 year shall not revert to the General Fund of the State Treasury  
1526 but shall be available for construction education and craft  
1527 training in subsequent fiscal years.

1528 (6) All monies deposited into the Construction Education  
1529 Fund collected from residential builders licensed under the  
1530 provisions of Section 73-59-1 et seq. shall be used exclusively  
1531 for licensed home builders' education and professional development  
1532 and any unspent funds at the end of the fiscal year shall not  
1533 revert to the General Fund of the State Treasury but shall be  
1534 available for construction education and craft training in  
1535 subsequent fiscal years.

1536 (7) All expenditures from the Construction Education Fund  
1537 shall be by requisition to the State Auditor, signed by the  
1538 executive director of the board and countersigned by the chairman



1539 or vice chairman of the board, and the State Treasurer shall issue  
1540 his warrants thereon.

1541 **SECTION 19.** Section 31-17-41, Mississippi Code of 1972, is  
1542 amended as follows:

1543 31-17-41. The state bond retirement commission shall keep  
1544 full and accurate minutes of its proceedings. Full and complete  
1545 records of all transactions made under the authority of Sections  
1546 31-17-27 through 31-17-43 and of all sums received into and  
1547 disbursed from \* \* \* the state bond retirement revolving fund  
1548 shall be kept by the secretary \* \* \*.

1549 **SECTION 20.** Section 33-11-18, Mississippi Code of 1972, is  
1550 amended as follows:

1551 33-11-18. (1) In order to conserve and promote timber  
1552 development at Camp Shelby, Mississippi, the State Forestry  
1553 Commission is directed to lend its services, advice and  
1554 recommendations to the Adjutant General of Mississippi in  
1555 developing a sound timber management program on state-owned lands  
1556 in \* \* \* the military reservation.

1557 (2) The Adjutant General is authorized and empowered to sell  
1558 such trees, timber, stumps, naval stores faces or other forest  
1559 products on state-owned lands in the military reservation at Camp  
1560 Shelby, Mississippi, as shall be recommended by the State Forestry  
1561 Commission and to secure the services of the State Forestry  
1562 Commission in the reforestation and use of planting, cutting and  
1563 practices recommended by the State Forestry Commission. The



1564 Adjutant General, however, is empowered to cut timber to provide  
1565 clearing for military purposes and for rights-of-way without  
1566 recommendation of the State Forestry Commission, and is authorized  
1567 to sell such timber at the prevailing scale without advertising  
1568 for bids, when the value thereof is estimated at less than One  
1569 Thousand Five Hundred Dollars (\$1,500.00) by the State Forestry  
1570 Commission. Based on the recommendation and value estimate of the  
1571 State Forestry Commission, the Adjutant General is authorized to  
1572 sell at the prevailing price, without advertising for bids, timber  
1573 which has been damaged by storm, fire, insect, disease or  
1574 otherwise. Based on recommendations by the State Forestry  
1575 Commission, as provided by the Timber Management Program, the  
1576 Adjutant General may dispose of nonmarketable timber that is  
1577 diseased or has been deadened by the State Forestry Commission,  
1578 authorizing noncommercial public cutting when considered in the  
1579 best interest of the state. Provided, however, that before any  
1580 other sale of timber may be made as herein authorized, the  
1581 Adjutant General shall advertise for bids on \* \* \* the timber in a  
1582 newspaper of general circulation in the State of Mississippi at  
1583 least once each week for three (3) consecutive weeks prior to the  
1584 date upon which bids are to be received.

1585         The Adjutant General is hereby authorized to pay all of the  
1586 funds derived from any timber and other forest product sales on  
1587 state-owned lands in \* \* \* the reservation into a special fund in  
1588 the State Treasury, which shall be a revolving fund, to be used





1589 for the maintenance, development and improvement of \* \* \* the  
1590 military reservation at Camp Shelby, Mississippi, and out of which  
1591 the Adjutant General may pay the State Forestry Commission the  
1592 cost incurred by the State Forestry Commission in selecting and  
1593 cutting trees, tree planting, elimination of undesirable trees and  
1594 shrubs, construction of fire lanes, control of insect and disease  
1595 outbreaks, and other desirable aspects of forest management  
1596 practices on this military reservation for the benefit of this  
1597 military reservation.

1598         The Adjutant General of Mississippi, with concurrence of the  
1599 Commission of Budget and Accounting, may pay from available Camp  
1600 Shelby timber funds, restitution for timber and/or minerals cut  
1601 and/or removed without permission, by employees or authorized  
1602 agents of the State Military Department, from private property  
1603 whose sales, use or damage shall have enriched and/or benefited  
1604 the State Military Department.

1605         The funds derived from any timber and other forest product  
1606 sales as herein provided shall be paid by the State Treasurer upon  
1607 warrants issued by the State \* \* \* Fiscal Officer, and the \* \* \*  
1608 fiscal officer shall issue his warrant upon requisitions signed by  
1609 the proper person, officer or officers in the manner provided by  
1610 law for funds appropriated for support of the Mississippi National  
1611 Guard.

1612         \* \* \*



1613           **SECTION 21.** Section 33-15-309, Mississippi Code of 1972, is  
1614 amended as follows:

1615           33-15-309. (1) The director shall administer this article  
1616 and shall have the authority to adopt reasonable rules and  
1617 regulations to effectuate the purposes of this article.

1618           (2) A state agency, when requested by the director in  
1619 accordance with Section 33-15-11(b) (7) or 33-15-11(c) (2) and  
1620 current executive orders, shall render services and perform duties  
1621 within its areas of responsibility necessary to carry out the  
1622 purpose of this article.

1623           (3) Each project application executed between a local agency  
1624 and the director pursuant to subsection (4) of Section 33-15-313  
1625 shall contain a provision under which the local agency agrees to  
1626 hold the state harmless from damages due to the work for which  
1627 funds were allocated.

1628           \* \* \*

1629           ( \* \* \* 4) When certified by the director, requests for  
1630 reimbursements, advances or final payments from local or state  
1631 agencies shall be presented to the Department of Finance and  
1632 Administration for payment out of the trust fund.

1633           **SECTION 22.** Section 37-1-12, Mississippi Code of 1972, is  
1634 amended as follows:

1635           37-1-12. The State Board of Education shall develop and  
1636 promulgate regulations for annual reports from school  
1637 districts \* \* \*. Such regulations shall eliminate duplication,



1638 make effective use of technology \* \* \*. These regulations may  
1639 include methods to reduce redundant reporting requirements and  
1640 eliminate inadequate performance measures, and the State Board of  
1641 Education may include any proposed legislative amendments to state  
1642 law necessary to improve statewide reporting mandates.

1643 **SECTION 23.** Section 37-4-11, Mississippi Code of 1972, is  
1644 amended as follows:

1645 37-4-11. (1) The purpose of this section is to insure the  
1646 uniform management, oversight and accountability of the  
1647 state-funded Industrial Training Programs, \* \* \* postsecondary  
1648 Adult Short-Term Training Programs and Workforce Education  
1649 Programs administered by the Mississippi Community College Board  
1650 for adults provided to the citizens of Mississippi.

1651 (2) Effective July 1, 1999, all state-funded Industrial  
1652 Training Programs and postsecondary Adult Short-term Training  
1653 Programs administered by and through the State Department of  
1654 Education on June 30, 1999, shall be transferred to the Workforce  
1655 Education Program of the Mississippi Community College Board. The  
1656 Legislature shall appropriate annually to the Mississippi  
1657 Community College Board funds necessary to administer these  
1658 programs.

1659 (3) Effective July 1, 1999, all funds, unexpended balances,  
1660 assets, liabilities and property of the State Department of  
1661 Education which are used in the delivery of postsecondary Adult  
1662 Short-term Training Programs and Industrial Training Programs,



1663 excluding funds, unexpended balances, assets, liabilities and  
1664 property associated with the Research and Curriculum Unit at  
1665 Mississippi State University, shall be transferred to the  
1666 Workforce Education Program funds of the Mississippi Community  
1667 College Board. The State Department of Education also shall  
1668 transfer to the Mississippi Community College Board all positions  
1669 and funds employed by the State Department of Education and  
1670 community colleges which render industrial training, postsecondary  
1671 adult short-term training or workforce education services,  
1672 including the seven (7) administrative and support positions  
1673 providing support to these programs. Sufficient staff positions  
1674 shall be transferred from the State Department of Education, which  
1675 will have a reduction in training and educational responsibilities  
1676 by virtue of this section, to the Mississippi Community College  
1677 Board to assure that the transferred responsibilities will be  
1678 properly managed and administered. Any funds available to the  
1679 State Department of Education for Industrial Training Programs and  
1680 state-funded postsecondary Adult Short-term Training Programs  
1681 which are subject to carryover shall be transferred to the Work  
1682 Force Carryover Fund established by Chapter 498, Laws of 1995, for  
1683 use by the Mississippi Community College Board, on or before  
1684 August 15, 1999.

1685 (4) The Mississippi Community College Board shall develop an  
1686 accountability system that shall report and describe all classes  
1687 taught in the area of workforce education, the number of persons



1688 taught in these classes, and the location and cost of each class  
1689 taught. To assess the impact of these programs, the Mississippi  
1690 Community College Board also shall report:

1691 (a) Whether the needs of industry have been met through  
1692 training program offerings;

1693 (b) Any changes in the income of trainees between the  
1694 completion of training and the date of the report;

1695 (c) The number of jobs created and the number of jobs  
1696 retained through the programs; and

1697 (d) Trainee success in passing proficiency tests, where  
1698 applicable.

1699 \* \* \*

1700 **SECTION 24.** Section 37-13-60.1, Mississippi Code of 1972, is  
1701 amended as follows:

1702 37-13-60.1. (1) The Mississippi State Occupational  
1703 Information Coordinating Committee, hereinafter "SOICC," is hereby  
1704 designated as the entity responsible for the operation and  
1705 management of an occupational information system to support career  
1706 development in elementary schools, middle/junior high schools,  
1707 high schools, postsecondary institutions and human service  
1708 agencies pursuant to the Carl D. Perkins Vocational Education Act  
1709 of 1984, Public Law 98-524, Section 422(b).

1710 (2) SOICC shall develop and incorporate Mississippi-specific  
1711 occupational and educational information to implement a career  
1712 information delivery system for this state.



1713 (3) SOICC shall train local staff in the use and operation  
1714 of the career information delivery system in the career  
1715 development process.

1716 (4) SOICC shall establish the criteria pursuant to which  
1717 appropriated funds will be distributed to local users of the  
1718 career information delivery system.

1719 \* \* \*

1720 ( \* \* \*5) SOICC is authorized to impose reasonable fees on  
1721 users of the career information delivery system in order to defray  
1722 a portion of the expense incurred in the operation and management  
1723 of the career information delivery system.

1724 **SECTION 25.** Section 37-21-51, Mississippi Code of 1972, is  
1725 amended as follows:

1726 37-21-51. (1) As used in this section:

1727 (a) "Preschool or prekindergarten children" means any  
1728 children who have not entered kindergarten but will have obtained  
1729 four (4) years of age on or before September 1 of a school year.

1730 (b) An "early learning collaborative" is a district or  
1731 countywide council that writes and submits an application to  
1732 participate in the voluntary prekindergarten program. An early  
1733 learning collaborative is comprised, at a minimum, of a public  
1734 school district and/or a local Head Start affiliate if in  
1735 existence, private or parochial schools, or one or more licensed  
1736 child care centers. Agencies or other organizations that work  
1737 with young children and their families may also participate in the



1738 collaborative to provide resources and coordination even if those  
1739 agencies or organizations are not prekindergarten providers.

1740 (c) A "prekindergarten provider" is a public, private  
1741 or parochial school, licensed child care center or Head Start  
1742 center that serves prekindergarten children and participates in  
1743 the voluntary prekindergarten program.

1744 (d) A "lead partner" is a public school district or  
1745 other nonprofit entity with the instructional expertise and  
1746 operational capacity to manage the early learning collaborative's  
1747 prekindergarten program as described in the collaborative's  
1748 approved application for funds. The lead partner serves as the  
1749 fiscal agent for the collaborative and shall disburse awarded  
1750 funds in accordance with the collaborative's approved application.  
1751 The lead partner must facilitate a professional learning community  
1752 for the teachers in the prekindergarten program and lead the  
1753 collaborative. The lead partner ensures that the collaborative  
1754 adopts and implements curriculum and assessments that align with  
1755 the comprehensive early learning standards. The public school  
1756 district shall be the lead partner if no other qualifying lead  
1757 partner is selected.

1758 (e) "Comprehensive early learning standards" are  
1759 standards adopted by the State Board of Education that address the  
1760 highest level of fundamental domains of early learning to include,  
1761 but not be limited to, physical well-being and motor development,  
1762 social/emotional development, approaches toward learning, language



1763 development and cognition and general knowledge. The  
1764 comprehensive early learning standards shall also include  
1765 standards for emergent literacy skills, including oral  
1766 communication, knowledge of print and letters, phonological and  
1767 phonemic awareness, and vocabulary and comprehension development.

1768 (f) An "evidence-based curriculum" is an  
1769 age-appropriate curriculum that demonstrates a statistically  
1770 significant effect on improving student outcomes or other relevant  
1771 outcomes based on:

1772 (i) Strong evidence from at least one (1)  
1773 well-designed and well-implemented experimental study;

1774 (ii) Moderate evidence from at least one (1)  
1775 well-designed and well-implemented quasi-experimental study; or

1776 (iii) Promising evidence from at least one (1)  
1777 well-designed and well-implemented correlational study with  
1778 statistical controls for selection bias.

1779 (2) To ensure that all children have access to quality early  
1780 childhood education and development services, the Legislature  
1781 finds and declares the following:

1782 (a) Parents have the primary duty to educate their  
1783 young preschool children;

1784 (b) The State of Mississippi can assist and educate  
1785 parents in their role as the primary caregivers and educators of  
1786 young preschool children;





1787 (c) There is a need to explore innovative approaches  
1788 and strategies for aiding parents and families in the education  
1789 and development of young preschool children; and

1790 (d) There exists a patchwork of prekindergarten  
1791 entities but no coordination of services and there needs to be a  
1792 coordination of these services.

1793 (3) (a) This subsection shall be known and may be cited as  
1794 the "Early Learning Collaborative Act of 2013."

1795 (b) Effective with the 2013-2014 school year, the  
1796 Mississippi State Department of Education shall establish a  
1797 voluntary prekindergarten program, which shall be a collaboration  
1798 among the entities providing prekindergarten programs including  
1799 Head Start, licensed child care facilities and licensed public,  
1800 parochial and private school prekindergarten programs. This  
1801 program shall be implemented no later than the 2014-2015 school  
1802 year. Enrollment in the prekindergarten program shall be  
1803 coordinated with the Head Start agencies in the local areas and  
1804 shall not be permitted to cause a reduction in children served by  
1805 the Head Start program. Under this program, eligible entities may  
1806 submit an application for funds to (i) defray the cost of  
1807 additional and/or more qualified teaching staff, appropriate  
1808 educational materials and equipment and to improve the quality of  
1809 educational experiences offered to four-year-old children in early  
1810 care and education programs, and/or to (ii) extend developmentally  
1811 appropriate education services at such programs currently serving



1812 four-year-old children to include practices of high quality  
1813 instruction, and to (iii) administer, implement, monitor and  
1814 evaluate the programs, and to (iv) defray the cost of professional  
1815 development and age-appropriate child assessment.

1816 (c) Subject to the availability of funds appropriated  
1817 therefor, the State Department of Education shall administer the  
1818 implementation, monitoring and evaluation of the voluntary  
1819 prekindergarten program, including awards and the application  
1820 process.

1821 (i) The department shall establish a rigorous and  
1822 transparent application process for the awarding of funds. Lead  
1823 partners shall submit the applications on behalf of their early  
1824 learning collaborative.

1825 (ii) The department will establish monitoring  
1826 policies and procedures that, at a minimum, will include at least  
1827 one (1) site visit a year.

1828 (iii) The department will provide technical  
1829 assistance to collaboratives and their providers to improve the  
1830 quality of prekindergarten programs. Technical assistance may  
1831 include classroom-embedded support for teachers and assistant  
1832 teachers.

1833 (iv) The department will evaluate the  
1834 effectiveness of each early childhood collaborative and each  
1835 prekindergarten provider. If the State Department of Education  
1836 adopts a statewide kindergarten screening that assesses the



1837 readiness of each student for kindergarten, the State Department  
1838 of Education shall adopt a minimum rate of readiness that each  
1839 prekindergarten provider must meet in order to remain eligible for  
1840 prekindergarten program funds. Each parent who enrolls his or her  
1841 child in the prekindergarten program must submit the child for the  
1842 statewide kindergarten screening, regardless of whether the child  
1843 is admitted to kindergarten in a public school.

1844 (d) Prekindergarten program funds shall be awarded to  
1845 early childhood collaboratives whose proposed programs meet the  
1846 program criteria. The criteria shall include:

1847 (i) Voluntary enrollment of children;

1848 (ii) Collaboration among prekindergarten providers  
1849 and other early childhood programs through the establishment of an  
1850 early learning collaborative;

1851 (iii) Qualifications of master teachers, teachers  
1852 and assistants, which must conform to guidelines in Section  
1853 37-21-3;

1854 (iv) At least fifteen (15) hours of annual  
1855 professional development for program instructional staff,  
1856 including professional development in early literacy, and  
1857 individualized professional development plans for all teachers and  
1858 teaching assistants supplemented by classroom-embedded support on  
1859 an as-needed basis;

1860 (v) The use of state-adopted comprehensive early  
1861 learning standards;



1862 (vi) The use of a curriculum based on strong  
1863 evidence as defined in subsection (1)(f)(i) of this section and  
1864 aligned with the comprehensive early learning standards;

1865 (vii) The use of a curriculum based on moderate  
1866 evidence as defined in subsection (1)(f)(ii) of this section and  
1867 aligned with the comprehensive early learning standards if no  
1868 strong-evidence curriculum is available;

1869 (viii) The use of a curriculum based on promising  
1870 evidence as defined in subsection (1)(f)(iii) of this section and  
1871 aligned with the comprehensive early learning standards if no  
1872 strong-evidence curriculum or moderate-evidence curriculum is  
1873 available;

1874 (ix) The use of age-appropriate assessments  
1875 aligned to the comprehensive early learning standards;

1876 (x) Teacher/child ratios of one (1) adult for  
1877 every ten (10) children with a maximum of twenty (20) children per  
1878 classroom and a minimum of five (5) children per classroom;

1879 (xi) The provision of at least one (1) meal  
1880 meeting state and federal nutrition guidelines for young children;

1881 (xii) Plans to screen and/or refer children for  
1882 vision, hearing and other health issues;

1883 (xiii) Family engagement opportunities;

1884 (xiv) Plans to serve children with disabilities as  
1885 indicated under IDEA;



1886 (xv) The number of instructional hours to be  
1887 provided, which shall equal no less than five hundred forty (540)  
1888 instructional hours per school year for half-day programs and one  
1889 thousand eighty (1,080) instructional hours per school year for  
1890 full-day programs; and

1891 (xvi) A budget detailing the use of funds for  
1892 allowed expenses.

1893 Participating child care centers shall: (a) meet state child  
1894 care facility licensure requirements unless exempted under Section  
1895 43-20-5, Mississippi Code of 1972, and (b) select and utilize a  
1896 nationally recognized assessment tool, approved by the State  
1897 Department of Education, designed to document classroom quality,  
1898 which must be in place not later than July 1, 2016, as certified  
1899 by the State Department of Education.

1900 Within the prekindergarten program, a prekindergarten  
1901 provider must comply with the antidiscrimination requirements  
1902 applicable to public schools. A prekindergarten provider may not  
1903 discriminate against a parent or child, including the refusal to  
1904 admit a child for enrollment in the prekindergarten program, in  
1905 violation of these antidiscrimination requirements. However, a  
1906 prekindergarten provider may refuse to admit a child based on the  
1907 provider's standard eligibility guidelines, provided that these  
1908 guidelines do not violate the antidiscrimination requirements.  
1909 Consistent with the Legislature's recognition of the primacy of a  
1910 parent's role in the education of a preschool-age child and the



1911 related recognition of the state in assisting and educating  
1912 parents in that role, if the State Department of Education adopts  
1913 a statewide kindergarten screening that assesses the readiness of  
1914 each student for kindergarten, the State Department of Education  
1915 shall recognize each child's unique pattern of development when  
1916 adopting a minimum rate of readiness that prekindergarten  
1917 providers must meet in order to remain eligible for  
1918 prekindergarten program funds. Each parent who enrolls his or her  
1919 child in the prekindergarten program may submit the child for the  
1920 statewide kindergarten screening, regardless of whether the child  
1921 is admitted to kindergarten in a public school.

1922 The State Department of Education may add program criteria  
1923 not inconsistent with these requirements and shall develop  
1924 policies and procedures to implement and enforce these criteria.

1925 (e) The State Department of Education shall ensure that  
1926 early learning collaboratives provide each parent enrolling a  
1927 child in the voluntary prekindergarten program with a profile of  
1928 every prekindergarten provider participating in the  
1929 collaborative's geographic catchment area. The State Department  
1930 of Education shall prescribe the information to be included in  
1931 each profile as well as the format of the profiles. At a minimum,  
1932 the profiles must include the prekindergarten provider's services,  
1933 curriculum, instructor credentials and instructor-to-student  
1934 ratio.



1935 (f) A teacher, assistant teacher or other employee  
1936 whose salary and fringe benefits are paid from state funds under  
1937 this act shall only be classified as a state or local school  
1938 district employee eligible for state health insurance benefits or  
1939 membership in the Public Employees' Retirement System, if the  
1940 person's employer is already an agency or instrumentality of the  
1941 state, such as a school district, and the employee would be  
1942 eligible for such benefits in the normal course of business.

1943 (g) Funding shall be provided for this program  
1944 beginning with the 2014 fiscal year subject to appropriation by  
1945 the Legislature as provided in paragraph (h) of this subsection.

1946 \* \* \* The PEER Committee shall review \* \* \* program data and  
1947 submit an independent summary of its findings prior to the next  
1948 legislative session.

1949 (h) (i) The Legislature shall appropriate funds to  
1950 implement the Early Education Collaborative Act of 2013 on a  
1951 phased-in basis as follows:

1952 1. The first phase shall be based on an  
1953 annual state appropriation of not more than Eight Million Dollars  
1954 (\$8,000,000.00) and shall serve approximately three thousand five  
1955 hundred (3,500) children through five (5) to eight (8) early  
1956 learning collaboratives and their prekindergarten providers;

1957 2. The second phase shall be based on an  
1958 annual state appropriation of not more than Sixteen Million  
1959 Dollars (\$16,000,000.00) and shall serve approximately seven



1960 thousand (7,000) children through ten (10) to fifteen (15) early  
1961 learning collaboratives and their prekindergarten providers;

1962                   3. The third phase shall be based on an  
1963 annual state appropriation of not more than Thirty-three Million  
1964 Nine Hundred Fifty Thousand Dollars (\$33,950,000.00) and shall  
1965 serve approximately fifteen thousand (15,000) children through  
1966 twenty (20) to twenty-five (25) early learning collaboratives and  
1967 their prekindergarten providers.

1968                   (ii) Future phases shall be based on interest in  
1969 the program and the effectiveness of the program as determined by  
1970 the school readiness of participants. Each phase shall last for  
1971 at least three (3) years but no more than five (5) years. The  
1972 State Department of Education shall determine when to move to a  
1973 new phase of the program, within the timeline provided herein.

1974                   (iii) Funding shall be provided to early learning  
1975 collaboratives on the basis of Two Thousand One Hundred Fifty  
1976 Dollars (\$2,150.00) per student in a full-day program per student  
1977 in a full-day program and One Thousand Seventy-five Dollars  
1978 (\$1,075.00) per student in a half-day program proposed in the  
1979 collaborative's approved application. Once an early learning  
1980 collaborative's plan is approved and funded, the collaborative  
1981 and/or its prekindergarten providers shall receive funds on an  
1982 ongoing basis unless the collaborative and/or its prekindergarten  
1983 providers no longer meet the criteria to participate in the  
1984 program.





1985 (iv) Early learning collaboratives shall match  
1986 state funds on a 1:1 basis. Local matching funds may include  
1987 local tax dollars, federal dollars as allowed, parent tuition,  
1988 philanthropic contributions, or in-kind donations of facilities,  
1989 equipment and services required as part of the program such as  
1990 food service or health screenings.

1991 (v) The State Department of Education shall  
1992 reserve no more than five percent (5%) of the appropriation in any  
1993 year for administrative costs. Funds remaining after awards to  
1994 early learning collaboratives and the department's administrative  
1995 needs are met may be carried over in the following year. In the  
1996 first year of implementation of the program, the department may  
1997 delay the awarding of funds until the 2014-2015 school year should  
1998 time not be sufficient to establish the program's operation prior  
1999 to the 2013-2014 school year.

2000 (vi) In the initial phase of implementation, the  
2001 State Department of Education shall award state funds under the  
2002 Early Learning Collaborative Act of 2013 based on a community's  
2003 capacity, commitment and need. To determine capacity, commitment  
2004 and need, the State Department of Education shall require evidence  
2005 of existing strong local collaborations of early education  
2006 stakeholders. Such evidence shall include, but not be limited to,  
2007 collaborations resulting from any of the following:

2008 1. Participation in Excel By 5;



2009 2. Participation in Supporting Partnerships  
2010 to Assure Ready Kids (SPARK);

2011 3. Participation in the Gilmore Early  
2012 Learning Initiative (GELI); or

2013 4. Participation in the Mississippi Building  
2014 Blocks.

2015 In determining community need, the department shall consider  
2016 low academic achievement within the public school districts  
2017 participating in an applicant early learning collaborative and the  
2018 number and percentage of children without quality prekindergarten  
2019 options.

2020 (vii) All authority granted to the State  
2021 Department of Education to establish program rules is subject to  
2022 the public processes established in the provisions of the  
2023 Mississippi Administrative Procedures Law, including, but not  
2024 limited to, filing notice of the proposed rules, public hearings  
2025 and any economic impact statement with the Office of the Secretary  
2026 of State before presenting such information to the State Board of  
2027 Education for final approval.

2028 **SECTION 26.** Section 37-27-25, Mississippi Code of 1972, is  
2029 amended as follows:

2030 37-27-25. The board of trustees of agricultural high schools  
2031 shall make detailed statements of receipts and disbursements to  
2032 the board or boards of supervisors and the county superintendent  
2033 or superintendents of education annually on the first Monday of



2034 July. The county superintendent of education shall transmit to  
2035 the State Superintendent of Public Education \* \* \* a copy of \* \* \*  
2036 the detailed statement \* \* \*.

2037 **SECTION 27.** Section 37-28-31, Mississippi Code of 1972, is  
2038 amended as follows:

2039 37-28-31. (1) The authorizer shall monitor annually the  
2040 performance and legal compliance of each charter school it  
2041 oversees, including collecting and analyzing data to support the  
2042 school's evaluation according to the charter contract. The  
2043 authorizer may conduct or require oversight activities that enable  
2044 the authorizer to fulfill its responsibilities under this chapter,  
2045 including conducting appropriate inquiries and investigations, so  
2046 long as those activities are consistent with the intent of this  
2047 act, adhere to the terms of the charter contract and do not unduly  
2048 inhibit the autonomy granted to charter schools.

2049 (2) \* \* \* The authorizer shall publish and provide a  
2050 performance report for each charter school it oversees in  
2051 accordance with the performance framework set forth in the charter  
2052 contract. The report must be made available to the public \* \* \*.  
2053 The authorizer may require each charter school it oversees to  
2054 submit an annual report to assist the authorizer in gathering  
2055 complete information about each school, consistent with the  
2056 performance framework.

2057 (3) If a charter school's performance or legal compliance is  
2058 unsatisfactory, the authorizer shall notify promptly the charter



2059 school of the problem and provide reasonable opportunity for the  
2060 school to remedy the problem unless the problem warrants  
2061 revocation, in which case the revocation timeframes will apply.

2062 (4) The authorizer may take appropriate corrective actions  
2063 or exercise sanctions in response to apparent deficiencies in a  
2064 charter school's performance or legal compliance. If warranted,  
2065 the actions or sanctions may include requiring a charter school to  
2066 develop and execute a corrective action plan within a specified  
2067 timeframe.

2068 **SECTION 28.** Section 37-28-37, Mississippi Code of 1972, is  
2069 amended as follows:

2070 37-28-37. \* \* \* The Joint Legislative Committee on  
2071 Performance Evaluation and Expenditure Review (PEER) shall prepare  
2072 an annual report assessing the sufficiency of funding for charter  
2073 schools, the efficacy of the state formula for authorizer funding,  
2074 and any suggested changes in state law or policy necessary to  
2075 strengthen the state's charter schools.

2076 **SECTION 29.** Section 37-33-161, Mississippi Code of 1972, is  
2077 amended as follows:

2078 37-33-161. In carrying out his duties under this chapter,  
2079 the Executive Director of the State Department of Rehabilitation  
2080 Services:

2081 (a) Shall, with the approval of the board, promulgate  
2082 regulations governing personnel standards, the protection of  
2083 records and confidential information, the manner and form of



2084 filing applications, eligibility and investigation and  
2085 determination therefor, for vocational rehabilitation and other  
2086 rehabilitation services, procedures for fair hearings and such  
2087 other regulations as he finds necessary to carry out the purposes  
2088 of this chapter and in conformity with federal law;

2089 (b) Shall, with the approval of the board, establish  
2090 appropriate subordinate administrative units within the  
2091 department;

2092 (c) Shall prepare and submit to the board \* \* \* annual  
2093 reports of activities and expenditures and, before each regular  
2094 session of the Legislature, coordinate budget requests required  
2095 for carrying out this chapter and estimates of the amounts to be  
2096 made available for this purpose from all sources;

2097 (d) Shall be empowered to exercise executive and  
2098 administrative supervision over all institutions, offices,  
2099 programs and services now existing or hereafter acquired or  
2100 created under the jurisdiction of the department;

2101 (e) Shall make certification for disbursement, in  
2102 accordance with regulations, of funds available, for implementing  
2103 the purposes of this chapter;

2104 (f) Shall, with the approval of the board, take such  
2105 other action as he deems necessary or appropriate to effectuate  
2106 the purposes of this chapter;

2107 (g) May, with the approval of the board, delegate to  
2108 any officer or employee of the department such of his powers and



2109 duties as he finds necessary to effectuate the purposes of this  
2110 chapter.

2111         **SECTION 30.** Section 37-33-261, Mississippi Code of 1972, is  
2112 amended as follows:

2113         37-33-261. \* \* \* Such assessments as are collected under  
2114 subsections (1) and (2) of Section 99-19-73, shall be deposited in  
2115 a special fund that is created in the State Treasury and  
2116 designated the Spinal Cord and Head Injury Trust Fund. Unexpended  
2117 amounts remaining in the Spinal Cord and Head Injury Trust Fund at  
2118 the end of a fiscal year shall not lapse into the State General  
2119 Fund, and all interest received from the investment of monies in  
2120 the trust fund shall be credited to the trust fund and shall not  
2121 be deposited into the State General Fund. Monies deposited in the  
2122 fund shall be expended beginning in fiscal year 1997 by the  
2123 Department of Rehabilitation Services as authorized and  
2124 appropriated by the Legislature for the following purposes:

2125         Providing the cost of care for spinal cord and traumatic  
2126 brain injury as a payer of last resort to residents of the State  
2127 of Mississippi for a multilevel program of rehabilitation as  
2128 prescribed in Sections 37-33-251 through 37-33-259. Authorization  
2129 of expenditures for spinal cord injury care and traumatic brain  
2130 injury care from this trust fund shall be made only by the  
2131 Department of Rehabilitation Services. Authorized expenditures  
2132 shall include three (3) or more of the following forms of  
2133 assistance: acute care; rehabilitation; transitional living;



2134 assistive technology services, devices and equipment; respite  
2135 care; transportation; housing; home modifications; and other  
2136 services and/or assistance as deemed appropriate by the advisory  
2137 council for individuals with spinal cord injuries or traumatic  
2138 brain injuries to accomplish a successful re-entry into the  
2139 community. Such activities may also include expanding the  
2140 public's awareness of how spinal cord and traumatic brain injuries  
2141 occur and how they can be prevented and identifying advanced  
2142 treatment and prevention techniques. Other authorized  
2143 expenditures may include costs associated with salary and other  
2144 support costs for personnel sufficient to carry out the program or  
2145 to subcontract all or part of the authorized services, and to pay  
2146 the travel and meeting expenses of the advisory council.

2147 \* \* \*

2148 **SECTION 31.** Section 37-35-11, Mississippi Code of 1972, is  
2149 amended as follows:

2150 37-35-11. The Mississippi Community College Board shall  
2151 determine policies and procedures for administration of this  
2152 program.

2153 Funds provided under this section and Section 37-35-9 can be  
2154 used for matching federal funds if such become available.

2155 Funds provided under this section and Section 37-35-9 shall  
2156 be allocated to schools and community/junior colleges on an  
2157 average of twelve (12) to fifteen (15) adult students per class in  
2158 average attendance, for one hundred fifty (150) hours maximum



2159 instruction per class. Funds will be allocated on a basis of  
2160 target population by county for general educational development  
2161 preparatory classes based on adults who have from nine (9) to  
2162 eleven (11) years of schooling as indicated by the 1990 census.  
2163 Schools and community/junior colleges will receive one hundred  
2164 percent (100%) of the cost of general educational development  
2165 preparatory classes. All classes funded under this section and  
2166 Section 37-35-9 shall be considered temporary and shall be renewed  
2167 only as long as participation is adequate for continued funding.

2168 \* \* \*

2169 **SECTION 32.** Section 37-67-1, Mississippi Code of 1972, is  
2170 amended as follows:

2171 37-67-1. (1) This section shall be known and may be cited  
2172 as the "Distance Learning Collaborative Act of 2016."

2173 (2) As used in this section:

2174 (a) "Distance learning" means a method of delivering  
2175 education and instruction on an individual basis to students who  
2176 are not physically present in a traditional setting such as a  
2177 classroom. Distance learning provides access to learning when the  
2178 source of information and the learners are separated by time and  
2179 distance, or both. Distance learning courses that require a  
2180 physical on-site presence for any reason other than taking  
2181 examinations may be referred to as hybrid or blended courses of  
2182 study.





2183 (b) "Department" means the Mississippi Department of  
2184 Education.

2185 (c) A "distance learning collaborative" means a school  
2186 or schools that write and submit an application to participate in  
2187 the voluntary distance learning program. A distance learning  
2188 collaborative is comprised, at a minimum, of a public school  
2189 district, and may include an agency or other nonprofit  
2190 organization approved by the State Department of Education to  
2191 provide distance learning resources.

2192 (d) A "lead partner" is a public school district or  
2193 other nonprofit entity with the instructional expertise and  
2194 operational capacity to manage the Distance Learning Collaborative  
2195 Program as described in the approved application for funds. The  
2196 lead partner serves as the fiscal agent for the collaborative and  
2197 shall disburse awarded funds in accordance with the  
2198 collaborative's approved application. The lead partner ensures  
2199 that the collaborative adopts and implements the Distance Learning  
2200 Collaborative Program consistent with the standards adopted by the  
2201 State Board of Education. The public school district shall be the  
2202 lead partner if no other qualifying lead partner is selected.

2203 (3) Effective with the 2016-2017 school year, the  
2204 Mississippi State Department of Education shall establish a  
2205 voluntary distance learning grant program which shall be a  
2206 collaboration among the entities providing distance learning  
2207 services for students. The Distance Learning Collaborative



2208 Program shall provide financial assistance to encourage and  
2209 improve distance learning education services in rural areas  
2210 through the use of telecommunications, computer networks and  
2211 related advanced technologies to be used by students, teachers and  
2212 rural residents. Grants are for projects where the benefit is  
2213 primarily delivered to end users who are not at the same location  
2214 as the source of the education service.

2215 (4) Distance Learning Collaborative Grants may be used to:

2216 (a) Acquire the following types of equipment: (i)  
2217 computer hardware and software; (ii) audio and video equipment;  
2218 (iii) computer network components; (iv) terminal equipment; (v)  
2219 data terminal equipment; (vi) inside wiring; (vii) interactive  
2220 video equipment; and (viii) other facilities that further distance  
2221 learning technology services.

2222 (b) Acquire instructional programming for distance  
2223 learning programs.

2224 (c) Acquire technical assistance and instruction for  
2225 using eligible equipment.

2226 (d) The cost of tuition and fees for students to  
2227 participate over and above the available federal Perkins Loans or  
2228 Stafford Loans which are loaned directly to qualifying students to  
2229 assist in covering the cost of distance learning funding.

2230 (e) Any interest charges that accumulate during a  
2231 student's degree program for the utilization of distance learning  
2232 services.



2233 (5) Subject to the availability of funds appropriated  
2234 therefor, the State Department of Education shall administer the  
2235 implementation, monitoring and evaluation of the voluntary  
2236 Distance Learning Collaborative Program, including awards and the  
2237 application process. The department shall establish a rigorous  
2238 and transparent application process for the awarding of funds.  
2239 Lead partners shall submit the application on behalf of their  
2240 distance learning collaborative. The department will establish  
2241 monitoring policies and procedures that shall include at least one  
2242 (1) site visit per year. The department will provide technical  
2243 assistance to collaboratives and their providers to improve the  
2244 quality of distance learning services. The department will  
2245 evaluate the effectiveness of each distance learning  
2246 collaborative.

2247 (6) Distance Learning Collaborative Program funds shall be  
2248 awarded to distance learning collaboratives whose proposed  
2249 programs meet the program criteria established by the State Board  
2250 of Education which shall include the following:

2251 (a) Distance learning programs shall be approved and  
2252 registered with the State Department of Education and course  
2253 content must be aligned with state standards.

2254 (b) Distance learning instructors shall complete  
2255 professional development training in online methodology and  
2256 technical aspects of web-based instruction, and may be



2257 credentialed by the National Board for Professional Teaching  
2258 Standards (NBPTS).

2259 (c) Transcript equivalency of grades between online and  
2260 traditional classes. Student enrollment and credits awarded shall  
2261 be made in accordance with regulations jointly approved by the  
2262 State Board of Education, the Mississippi Community College Board  
2263 and the Board of Trustees of State Institutions of Higher  
2264 Learning.

2265 (d) Curriculum standards for online courses.

2266 (e) Classroom "seat time" requirements for online  
2267 courses.

2268 (f) Accountability for student achievement, including  
2269 methods to assess online course completion rates.

2270 (7) A teacher, assistant teacher or other employee whose  
2271 salary and fringe benefits are paid from state funds allocated for  
2272 the Distance Learning Collaborative Program shall only be  
2273 classified as a state or local school district employee eligible  
2274 for state health insurance benefits or membership in the Public  
2275 Employees' Retirement System, if the person's employer is already  
2276 a public school district or an agency or instrumentality of the  
2277 state, and the employee would be eligible for such benefits in the  
2278 normal course of business.

2279 (8) Funding shall be provided for the Distance Learning  
2280 Collaborative Program beginning with the 2016-2017 fiscal year  
2281 subject to appropriation by the Legislature, and the Legislature



2282 may appropriate funds to implement the program on a phased-in  
2283 basis. The State Department of Education may receive and expend  
2284 contributions and funding from private sources for the  
2285 administration and implementation of the Distance Learning  
2286 Collaborative Program. In the initial phase of implementation,  
2287 the State Department of Education shall award state funds based on  
2288 a community's capacity, commitment and need in order to encourage  
2289 and improve distance learning services in rural areas. \* \* \* The  
2290 PEER Committee shall review \* \* \* program data and submit an  
2291 independent evaluation of the program operation and effectiveness  
2292 to the Legislature and the Governor on or before October 1 of the  
2293 calendar year before the beginning of the next phased-in period of  
2294 funding. The State Department of Education shall reserve no more  
2295 than five percent (5%) of the appropriation in any year for  
2296 administrative costs. Funds remaining after awards to distance  
2297 learning collaboratives may be carried over in the following year.

2298 (9) The lead partner of a distance learning collaborative  
2299 and the local school district shall compile information about  
2300 online learning programs for high school students to earn college  
2301 credit and place the information on its website. Examples of  
2302 information to be compiled and placed on the website include links  
2303 to providers of approved online learning programs, comparisons  
2304 among various types of online programs regarding awarding of  
2305 credit, advantages and disadvantages of online learning programs,  
2306 and other general assistance and guidance for students, teachers



2307 and counselors in selecting and considering online learning  
2308 programs. Public high schools shall ensure that teachers and  
2309 counselors have information about online learning programs for  
2310 high school students to earn college or university credit and are  
2311 able to assist parents and students in accessing the information.  
2312 Distance learning collaboratives shall ensure that parents and  
2313 students have opportunities to learn about online learning  
2314 programs under this section.

2315         **SECTION 33.** Section 37-101-15, Mississippi Code of 1972, is  
2316 amended as follows:

2317         37-101-15. (a) The Board of Trustees of State Institutions  
2318 of Higher Learning shall succeed to and continue to exercise  
2319 control of all records, books, papers, equipment, and supplies,  
2320 and all lands, buildings, and other real and personal property  
2321 belonging to or assigned to the use and benefit of the board of  
2322 trustees formerly supervising and controlling the institutions of  
2323 higher learning named in Section 37-101-1. The board shall have  
2324 and exercise control of the use, distribution and disbursement of  
2325 all funds, appropriations and taxes, now and hereafter in  
2326 possession, levied and collected, received, or appropriated for  
2327 the use, benefit, support, and maintenance or capital outlay  
2328 expenditures of the institutions of higher learning, including the  
2329 authorization of employees to sign vouchers for the disbursement  
2330 of funds for the various institutions, except where otherwise  
2331 specifically provided by law.



2332 (b) The board shall have general supervision of the affairs  
2333 of all the institutions of higher learning, including the  
2334 departments and the schools thereof. The board shall have the  
2335 power in its discretion to determine who shall be privileged to  
2336 enter, to remain in, or to graduate therefrom. The board shall  
2337 have general supervision of the conduct of libraries and  
2338 laboratories, the care of dormitories, buildings, and grounds; the  
2339 business methods and arrangement of accounts and records; the  
2340 organization of the administrative plan of each institution; and  
2341 all other matters incident to the proper functioning of the  
2342 institutions. The board shall have the authority to establish  
2343 minimum standards of achievement as a prerequisite for entrance  
2344 into any of the institutions under its jurisdiction, which  
2345 standards need not be uniform between the various institutions and  
2346 which may be based upon such criteria as the board may establish.

2347 (c) The board shall exercise all the powers and prerogatives  
2348 conferred upon it under the laws establishing and providing for  
2349 the operation of the several institutions herein specified. The  
2350 board shall adopt such bylaws and regulations from time to time as  
2351 it deems expedient for the proper supervision and control of the  
2352 several institutions of higher learning, insofar as such bylaws  
2353 and regulations are not repugnant to the Constitution and laws,  
2354 and not inconsistent with the object for which these institutions  
2355 were established. The board shall have power and authority to  
2356 prescribe rules and regulations for policing the campuses and all



2357 buildings of the respective institutions, to authorize the arrest  
2358 of all persons violating on any campus any criminal law of the  
2359 state, and to have such law violators turned over to the civil  
2360 authorities.

2361 (d) For all institutions specified herein, the board shall  
2362 provide a uniform system of recording and of accounting approved  
2363 by the State Department of Audit. The board shall annually  
2364 prepare, or cause to be prepared, a budget for each institution of  
2365 higher learning for the succeeding year which must be prepared and  
2366 in readiness for at least thirty (30) days before the convening of  
2367 the regular session of the Legislature. All relationships and  
2368 negotiations between the State Legislature and its various  
2369 committees and the institutions named herein shall be carried on  
2370 through the board of trustees. No official, employee or agent  
2371 representing any of the separate institutions shall appear before  
2372 the Legislature or any committee thereof except upon the written  
2373 order of the board or upon the request of the Legislature or a  
2374 committee thereof.

2375 (e) \* \* \* The board shall keep the annual expenditures of  
2376 each institution herein mentioned within the income derived from  
2377 legislative appropriations and other sources, but in case of  
2378 emergency arising from acts of providence, epidemics, fire or  
2379 storm with the written approval of the Governor and by written  
2380 consent of a majority of the senators and of the representatives  
2381 it may exceed the income. The board shall require a surety bond





2382 in a surety company authorized to do business in this state of  
2383 every employee who is the custodian of funds belonging to one or  
2384 more of the institutions mentioned herein, which bond shall be in  
2385 a sum to be fixed by the board in an amount that will properly  
2386 safeguard \* \* \* those funds, the premium for which shall be paid  
2387 out of the funds appropriated for \* \* \* those institutions.

2388 (f) The board shall have the power and authority to elect  
2389 the heads of the various institutions of higher learning and to  
2390 contract with all deans, professors, and other members of the  
2391 teaching staff, and all administrative employees of \* \* \* those  
2392 institutions for a term not exceeding four (4) years. The board  
2393 shall have the power and authority to terminate any such contract  
2394 at any time for malfeasance, inefficiency, or contumacious  
2395 conduct, but never for political reasons. It shall be the policy  
2396 of the board to permit the executive head of each institution to  
2397 nominate for election by the board all subordinate employees of  
2398 the institution over which he presides. It shall be the policy of  
2399 the board to elect all officials for a definite tenure of service  
2400 and to reelect during the period of satisfactory service. The  
2401 board shall have the power to make any adjustments it thinks  
2402 necessary between the various departments and schools of any  
2403 institution or between the different institutions.

2404 (g) The board shall keep complete minutes and records of all  
2405 proceedings which shall be open for inspection by any citizen of  
2406 the state.



2407 (h) The board shall have the power to enter into an energy  
2408 performance contract, energy services contract, on a  
2409 shared-savings, lease or lease-purchase basis, for energy  
2410 efficiency services and/or equipment as prescribed in Section  
2411 31-7-14.

2412 (i) The Board of Trustees of State Institutions of Higher  
2413 Learning, for and on behalf of Jackson State University, is hereby  
2414 authorized to convey by donation or otherwise easements across  
2415 portions of certain real estate located in the City of Jackson,  
2416 Hinds County, Mississippi, for right-of-way required for the Metro  
2417 Parkway Project.

2418 (j) In connection with any international contract between  
2419 the board or one (1) of the state's institutions of higher  
2420 learning and any party outside of the United States, the board or  
2421 institution that is the party to the international contract is  
2422 hereby authorized and empowered to include in the contract a  
2423 provision for the resolution by arbitration of any controversy  
2424 between the parties to the contract relating to such contract or  
2425 the failure or refusal to perform any part of the contract. Such  
2426 provision shall be valid, enforceable and irrevocable without  
2427 regard to the justiciable character of the controversy. Provided,  
2428 however, that in the event either party to such contract initiates  
2429 litigation against the other with respect to the contract, the  
2430 arbitration provision shall be deemed waived unless asserted as a



2431 defense on or before the responding party is required to answer  
2432 such litigation.

2433 (k) The Board of Trustees of State Institutions of Higher  
2434 Learning ("board"), on behalf of any institution under its  
2435 jurisdiction, shall purchase and maintain business property  
2436 insurance and business personal property insurance on all  
2437 university-owned buildings and/or contents as required by federal  
2438 law and regulations of the Federal Emergency Management Agency  
2439 (FEMA) as is necessary for receiving public assistance or  
2440 reimbursement for repair, reconstruction, replacement or other  
2441 damage to those buildings and/or contents caused by the Hurricane  
2442 Katrina Disaster of 2005 or subsequent disasters. The board is  
2443 authorized to expend funds from any available source for the  
2444 purpose of obtaining and maintaining that property insurance. The  
2445 board is authorized to enter into agreements with the Department  
2446 of Finance and Administration, local school districts,  
2447 community/junior college districts, community hospitals and/or  
2448 other state agencies to pool their liabilities to participate in a  
2449 group business property and/or business personal property  
2450 insurance program, subject to uniform rules and regulations as may  
2451 be adopted by the Department of Finance and Administration.

2452 (l) The Board of Trustees of State Institutions of Higher  
2453 Learning, or its designee, may approve the payment or  
2454 reimbursement of reasonable travel expenses incurred by candidates  
2455 for open positions at the board's executive office or at any of



2456 the state institutions of higher learning, when the job candidate  
2457 has incurred expenses in traveling to a job interview at the  
2458 request of the board, the Commissioner of Higher Education or a  
2459 state institution of higher learning administrator.

2460 (m) (i) The Board of Trustees of State Institutions of  
2461 Higher Learning is authorized to administer and approve contracts  
2462 for the construction and maintenance of buildings and other  
2463 facilities of the state institutions of higher learning, including  
2464 related contracts for architectural and engineering services,  
2465 which are paid for with self-generated funds.

2466 (ii) Additionally, the board is authorized to oversee,  
2467 administer and approve contracts for the construction and  
2468 maintenance of buildings and other facilities of the state  
2469 institutions of higher learning, including related contracts for  
2470 architectural and engineering services, which are funded in whole  
2471 or in part by general obligation bonds of the State of Mississippi  
2472 at institutions designated annually by the board as being capable  
2473 to procure and administer all such contracts. Prior to the  
2474 disbursement of funds, an agreement for each project between the  
2475 institution and the Department of Finance and Administration shall  
2476 be executed. The approval and execution of the agreement shall  
2477 not be withheld by either party unless the withholding party  
2478 provides a written, detailed explanation of the basis for  
2479 withholding to the other party. The agreement shall stipulate the  
2480 responsibilities of each party, applicable procurement



2481 regulations, documentation and reporting requirements, conditions  
2482 prior to, and schedule of, disbursement of general obligation bond  
2483 funds to the institution and provisions concerning handling any  
2484 remaining general obligation bonds at the completion of the  
2485 project. Such agreement shall not include provisions that  
2486 constitute additional qualifications or criteria that act to  
2487 invalidate the designation of an institution as capable of  
2488 procuring and administering such project. Inclusion of any such  
2489 provisions may be appealed to the Public Procurement Review Board.  
2490 This subparagraph (ii) shall stand repealed from and after July 1,  
2491 2022.

2492         **SECTION 34.** Section 37-101-293, Mississippi Code of 1972, is  
2493 amended as follows:

2494         37-101-293. (1) Within the limits of the funds available to  
2495 any state agency for such purpose, the administrative head of such  
2496 state agency may grant paid educational leave on a part-time or  
2497 full-time basis and reimburse employees for educational expenses  
2498 such as tuition, books and related fees to pursue undergraduate or  
2499 graduate level education to those applicants deemed qualified.

2500         It is the intent of the Legislature that such educational  
2501 leave program shall be used as an incentive for employees to  
2502 develop job-related skills and to develop employees for  
2503 higher-level professional and management positions.

2504         (2) In order to be eligible for paid educational leave,  
2505 reimbursement for educational expenses or both, an applicant must:



2506 (a) Be working at a state agency for at least three (3)  
2507 years at the time of application or be working at a state agency  
2508 at the time of application for part-time graduate level education  
2509 in a particular profession deemed by the administrative head of  
2510 the state agency to meet a critical need within the state agency;

2511 (b) Attend any college or school located in the State  
2512 of Mississippi and approved by the administrative head of such  
2513 agency, unless such course of study is not available at a  
2514 Mississippi college or school, in which case the applicant may  
2515 attend an out-of-state college or school;

2516 (c) Agree to work as an employee in the same state  
2517 agency for at least three (3) full years after completion of the  
2518 course of study or, in the case of employees on educational leave  
2519 on a part-time basis or receiving reimbursement for educational  
2520 expenses only, to work for a time prorated based upon the total  
2521 amount of expenses, including leave, paid for by the agency.

2522 (3) (a) Before being granted paid educational leave, or  
2523 being approved for reimbursement of educational expense or both,  
2524 each applicant shall enter into a contract with the state agency,  
2525 which shall be deemed a contract with the State of Mississippi,  
2526 agreeing to the terms and conditions upon which the paid  
2527 educational leave will be granted to him. The contract shall  
2528 include such terms and provisions necessary to implement the  
2529 purpose and intent of this section. The form of such contract  
2530 shall be prepared by the Attorney General of this state and



2531 approved by the State Personnel Board, and shall be signed by the  
2532 administrative head of the state agency and signed by the  
2533 recipient. If the recipient is a minor, his minority disabilities  
2534 shall be removed by a chancery court of competent jurisdiction  
2535 before the contract is signed.

2536 (b) Educational expenses for tuition, books and  
2537 associated fees shall be reimbursed to the employee only after the  
2538 employee has submitted documentation that the approved course has  
2539 been successfully completed.

2540 (c) If the recipient does not work as an employee in  
2541 that state agency for the period of employment specified in the  
2542 contract, the recipient shall be liable for repayment on demand of  
2543 the remaining portion of the compensation that he or she was paid  
2544 while on paid educational leave and educational expenses paid,  
2545 with interest accruing at ten percent (10%) per annum from the  
2546 recipient's date of graduation, or the date that the recipient  
2547 last worked at that state agency, whichever is the later date. In  
2548 addition, there shall be included in any contract for paid  
2549 educational leave a provision for liquidated damages equal to Two  
2550 Thousand Dollars (\$2,000.00) per year for each year remaining to  
2551 be served under such contract.

2552 (d) If any recipient fails or withdraws from school at  
2553 any time before completing his or her education, the recipient  
2554 shall be liable for repayment on demand of the amount of the total  
2555 compensation that he or she was paid while on paid educational



2556 leave, with interest accruing at ten percent (10%) per annum from  
2557 the date the recipient failed or withdrew from school. However,  
2558 if the recipient remains or returns to work in the same position  
2559 he or she held in the same state agency prior to accepting  
2560 educational leave, he or she shall not be liable for payment of  
2561 any interest on the amount owed.

2562 (e) The state agency shall have the authority to cancel  
2563 any contract made between it and any recipient for paid  
2564 educational leave or educational expenses or both upon such cause  
2565 being deemed sufficient by the administrative head of the agency.

2566 (f) The state agency is vested with full and complete  
2567 authority and power to sue in its own name any recipient for any  
2568 balance due the state on any such uncompleted contract, which suit  
2569 shall be conducted and handled by the Attorney General of the  
2570 state.

2571 (g) Persons who default on contracts entered into under  
2572 this section shall have the default determined and lose their  
2573 professional health care licenses under the procedures provided in  
2574 Section 37-101-291.

2575 (4) At the discretion of the administrative head of the  
2576 state agency, any recipient who is granted paid educational leave  
2577 by the state agency, including nurses, shall be compensated by  
2578 such agency as prescribed by the State Personnel Board during the  
2579 time he or she is in school. For employees who are on educational  
2580 leave on a full-time basis, the State Personnel Board shall





2581 establish a maximum salary amount at which any employee may be  
2582 paid full compensation while on educational leave and shall  
2583 establish a deduction ratio or reduced percentage rate of  
2584 compensation to be paid to all employees compensated at a salary  
2585 level above such maximum salary amount. No recipient of full-time  
2586 educational leave shall accrue personal or major medical leave  
2587 while he or she is on paid educational leave.

2588 \* \* \*

2589 ( \* \* \*5) Within the limits of funds available to the  
2590 Mississippi Department of Mental Health, the Executive Director of  
2591 the Department of Mental Health may grant educational leave to  
2592 medical residents of the University of Mississippi and pay a  
2593 stipend in an amount not to exceed the salary of a medical  
2594 resident. In order to be eligible for paid educational leave  
2595 under this subsection, the applicant must be approved by the  
2596 Department of Mental Health Educational Leave Committee and meet  
2597 all obligations established under agreements between the  
2598 Department of Mental Health and the University of Mississippi and  
2599 regulations promulgated by the Board of Mental Health. The  
2600 recipient shall fulfill his or her obligation under this program  
2601 on an annual pro rata basis for each year on paid education leave.

2602 **SECTION 35.** Section 37-106-11, Mississippi Code of 1972, is  
2603 amended as follows:

2604 37-106-11. (1) The members of the board shall serve without  
2605 pay.



2606 (2) The board is hereby vested with full and complete  
2607 authority and power to sue in its own name any person for any  
2608 balance, including principal, interest and reasonable collection  
2609 costs or attorney's fees, due and owing the state on any  
2610 uncompleted contract.

2611 (3) The board shall promulgate rules and regulations to  
2612 govern the state grant and forgivable loan programs authorized in  
2613 this chapter.

2614 (4) When appropriate, the board shall administer the Nissan  
2615 Scholarship Program.

2616 \* \* \*

2617 **SECTION 36.** Section 37-106-43, Mississippi Code of 1972, is  
2618 amended as follows:

2619 37-106-43. (1) There is hereby established an intern  
2620 educational program to be designated as the Mississippi Public  
2621 Management Graduate Intern Program to be administered by the board  
2622 through a program coordinator. The program shall consist of not  
2623 more than thirty-six (36) positions in the general fields of  
2624 public management, program analysis and public administration.  
2625 These positions shall not be included in the number of employees  
2626 allowed by law within a particular state agency. Graduate intern  
2627 students shall be temporarily assigned by the program coordinator  
2628 to specific state or local agencies and offices, including offices  
2629 of the Legislature. Each participating agency or office shall not  
2630 employ more than four (4) graduate intern students per year. To



2631 qualify for the program, a student must (a) be enrolled as a  
2632 graduate student in a state university masters program in public  
2633 administration, public policy and administration, or criminal  
2634 justice administration; and (b) have committed himself to a field  
2635 of graduate study directly related to a state or local government  
2636 public managerial position.

2637 (2) There is hereby created the Mississippi Intern Public  
2638 Management Education Council to consist of the following members:  
2639 The chairmen of the various departments of Mississippi  
2640 institutions of higher learning that offer graduate programs in  
2641 one of the following: public administration, public policy and  
2642 administration, and criminal justice administration. The council  
2643 shall elect from its membership a chairman, which shall be a  
2644 rotating, one-year appointment. The council shall meet at the  
2645 place and time designated by the chairman at least twice but no  
2646 more than six (6) times per year.

2647 (3) The council shall adopt, amend and repeal the rules and  
2648 regulations as it deems necessary to establish standards and  
2649 ensure the orderly execution of the objectives of the intern  
2650 educational program, not inconsistent with the provisions of this  
2651 section. The regulations shall be submitted to the board for  
2652 implementation by the program coordinator. The council shall  
2653 review and evaluate the program on a yearly basis and submit its  
2654 findings to the program coordinator.



2655 (4) There is hereby created the position of Program  
2656 Coordinator who shall be the Chief Administrative Officer of the  
2657 Mississippi Public Management Graduate Intern Program. The  
2658 program coordinator shall be appointed by and be an employee of  
2659 the agency.

2660 (5) The program coordinator shall administer the policies of  
2661 the council and supervise and direct all technical activities of  
2662 the program. The coordinator shall select students to participate  
2663 in the program based upon the nominees of the participating state  
2664 institutions of higher learning. No participating university  
2665 shall be allotted less than three (3) intern students per year  
2666 unless the university nominates less than three (3) students. The  
2667 coordinator shall place the intern students in state or local  
2668 agencies which agree in writing to participate in the program.

2669 \* \* \*

2670 ( \* \* \*6) It shall be the duty and responsibility of  
2671 universities participating in the intern program to nominate  
2672 qualified graduate students to the program and to keep the program  
2673 coordinator fully apprised of the academic development of the  
2674 intern student, including any change in the student's educational  
2675 status.

2676 ( \* \* \*7) State or local agencies participating in the  
2677 intern program shall employ intern students with the expectation  
2678 that they shall contribute to agency policy decisions, participate  
2679 in managerial activities, and deliver agency services. Intern



2680 graduate students shall receive compensation on the basis of their  
2681 professional work experience, but shall receive no less than Seven  
2682 Hundred Fifty Dollars (\$750.00) per month or Four Thousand Five  
2683 Hundred Dollars (\$4,500.00) for a six-month work period. In  
2684 addition to the salary, students shall be reimbursed for necessary  
2685 expenses and mileage authorized by law for travel to seminars,  
2686 workshops and training sessions, as well as other related  
2687 professional travel expenses. When the student has received his  
2688 graduate degree, the agency may offer him a permanent position  
2689 with the state or local agency or office, assuming funding and  
2690 position openings are available.

2691 ( \* \* \*8) Intern students shall submit an evaluation of the  
2692 intern program and an assessment of its educational value to the  
2693 program coordinator at the end of each work period.

2694 **SECTION 37.** Section 37-106-55, Mississippi Code of 1972, is  
2695 amended as follows:

2696 37-106-55. (1) There is established the "Critical Needs  
2697 Teacher Forgivable Loan Program," the purpose of which is to  
2698 attract qualified teachers to those geographical areas of the  
2699 state and those subject areas of the curriculum where there exists  
2700 a critical shortage of teachers by awarding forgivable loans to  
2701 persons declaring an intention to serve in the teaching field who  
2702 actually render service to the state while possessing an  
2703 appropriate teaching license.



2704           (2) Individuals shall not be eligible to enroll in the  
2705 Critical Needs Teacher Scholarship Program after the 2014-2015  
2706 academic year, and in subsequent years individuals are encouraged  
2707 to apply to the Teaching Fellows Program established in Section  
2708 37-106-77. Any individual who is enrolled in or accepted for  
2709 enrollment at a teacher education program approved by the State  
2710 Board of Education or other program at a baccalaureate  
2711 degree-granting institution of higher learning in the State of  
2712 Mississippi and has a passing score on the Praxis I Basic Skills  
2713 Test who expresses in writing an intention to teach in a  
2714 geographical area of the state or a subject area of the public  
2715 school curriculum in which there exists a critical shortage of  
2716 teachers, as designated by the State Board of Education, shall be  
2717 eligible for a forgivable loan to be applied toward the costs of  
2718 the individual's college education. The annual amount of the  
2719 award shall be equal to the total cost for tuition, room and  
2720 meals, books, materials and fees at the college or university in  
2721 which the student is enrolled, not to exceed an amount equal to  
2722 the highest total cost of tuition, room and meals, books,  
2723 materials and fees assessed by a state institution of higher  
2724 learning during that school year. Awards made to nonresidents of  
2725 the state shall not include any amount assessed by the college or  
2726 university for out-of-state tuition.

2727           (3) Awards granted under the Critical Needs Teacher  
2728 Forgivable Loan Program shall be available to both full-time and



2729 part-time students. Students enrolling on a full-time basis may  
2730 receive a maximum of two (2) annual awards. The maximum number of  
2731 awards that may be made to students attending school on a  
2732 part-time basis, and the maximum time period for part-time  
2733 students to complete the number of academic hours necessary to  
2734 obtain a baccalaureate degree in education, shall be established  
2735 by rules and regulations promulgated by the board. Critical Needs  
2736 Teacher Forgivable Loans shall not be based upon an applicant's  
2737 financial need.

2738 (4) Awards granted under the Critical Needs Teacher  
2739 Forgivable Loan Program shall be made available to nontraditional  
2740 licensed teachers showing a documented need for student loan  
2741 repayment and employed in those school districts designated by the  
2742 State Board of Education as a geographical area of the state or in  
2743 a subject area of the curriculum in which there is a critical  
2744 shortage of teachers. The maximum annual amount of this repayment  
2745 should not exceed Three Thousand Dollars (\$3,000.00) and the  
2746 maximum time period for repayment shall be no more than four (4)  
2747 years.

2748 (5) Except in those cases where employment positions may not  
2749 be available upon completion of licensure requirements, at the  
2750 beginning of the first school year in which a recipient of a  
2751 Critical Needs Teacher Forgivable Loan is eligible for employment  
2752 as a licensed teacher or a nontraditional teacher intern pursuant  
2753 to Section 37-3-2(6)(b), that person shall begin to render service



2754 as a licensed teacher or nontraditional teacher intern in a public  
2755 school district in a geographical area of the state or a subject  
2756 area of the curriculum where there is a critical shortage of  
2757 teachers, as approved by the State Board of Education.

2758 (6) Failure to repay any loan and interest that becomes due  
2759 shall be cause for the revocation of a person's teaching license  
2760 by the State Board of Education.

2761 (7) Repayment and conversion terms shall be the same as  
2762 those outlined in Section 37-106-53.

2763 (8) The board shall promulgate rules and regulations  
2764 necessary for the proper administration of the Critical Needs  
2765 Teacher Forgivable Loan Program.

2766 \* \* \*

2767 ( \* \* \*9) Where local school districts exhibit financial  
2768 need, the State Department of Education may, subject to the  
2769 availability of funds specifically appropriated therefor by the  
2770 Legislature, provide financial assistance for the recruitment of  
2771 certified teachers in an amount not to exceed Seventy-five  
2772 Thousand Dollars (\$75,000.00) annually.

2773 This section shall stand repealed on July 1, 2021.

2774 **SECTION 38.** Section 37-151-10, Mississippi Code of 1972, is  
2775 amended as follows:

2776 37-151-10. \* \* \* There is established a Center for Education  
2777 Analysis which shall be an advisory group attached to the Public  
2778 Education Forum of Mississippi. The Center for Education Analysis





2779 shall create a structure to systematically collect, compile and  
2780 coordinate data that can be disseminated to business, legislative  
2781 and education entities for decision-making purposes relating to  
2782 public education. The Center for Education Analysis may enter  
2783 into a contractual agreement with the Public Education Forum of  
2784 Mississippi in order to place the center within the administrative  
2785 framework of the Public Education Forum under the following  
2786 conditions:

2787 (a) All new programs authorized in this section are  
2788 subject to the availability of funds specifically appropriated  
2789 therefor by the Legislature from the Education Enhancement Fund to  
2790 the Public Education Forum for the support and maintenance of the  
2791 programs of the Center for Education Analysis.

2792 (b) The Public Education Forum will provide a business  
2793 framework to coordinate its recommendations and reports with the  
2794 programs of the Center for Education Analysis.

2795 (c) The Public Education Forum shall employ a director  
2796 for the Center for Education Analysis with appropriate  
2797 qualifications. Any public funds expended pursuant to this  
2798 section shall be audited by the Mississippi Department of Audit.

2799 There is created in the State Treasury a special fund to be  
2800 known as the "Center for Education Analysis Fund." Monies may be  
2801 expended out of such funds pursuant to appropriation by the  
2802 Legislature, to implement the public education analysis program  
2803 established under the provisions of this section. Disbursements



2804 from such fund shall be made only upon requisition of the Director  
2805 for the Center for Education Analysis.

2806 \* \* \*

2807 **SECTION 39.** Section 37-151-97, Mississippi Code of 1972, is  
2808 amended as follows:

2809 37-151-97. The State Department of Education shall develop  
2810 an annual reporting process to inform \* \* \* local district  
2811 personnel and the general public as to the ongoing and future  
2812 plans for the state's educational programs. The annual reporting  
2813 process will include those vital statistics that are commonly  
2814 reported by schools and districts and that can provide clear  
2815 demographic, strategic and educational information to  
2816 constituencies such as, but not limited to, the following  
2817 information:

2818 (a) Student enrollment, attendance, drop-out and  
2819 graduation;

2820 (b) Overall student and district achievement;

2821 (c) Budget, administrative costs and other pertinent  
2822 fiscal information, including:

2823 (i) The receipts and disbursements of all school  
2824 funds handled by the board;

2825 (ii) Reports of expenditures for public schools,  
2826 which, upon request must be made available on an individual  
2827 district basis by the State Department of Education;

2828 1. Total Student Expenditures:



2829 a. Instruction (1000s);  
2830 b. Other Student Instructional  
2831 Expenditures (2100s, 2200s);  
2832 2. General Administration (2300s and 2500s);  
2833 3. School Administration (2400s);  
2834 4. Other Expenditures (2600s, 2700s, 2800s,  
2835 3100s, 3200s); and  
2836 5. Nonoperational Expenditures (4000s, 5000s,  
2837 6000s);

2838 (iii) The number of school districts,  
2839 schoolteachers employed, school administrators employed, pupils  
2840 taught and the attendance record of pupils therein;

2841 (iv) County and district levies for each school  
2842 district and agricultural high school;

2843 (v) The condition of vocational education, a list  
2844 of schools to which federal and state aid has been given, and a  
2845 detailed statement of the expenditures of federal funds and the  
2846 state funds that may be provided, and the ranking of subjects  
2847 taught as compared with the state's needs.

2848 (d) Other as directed by the State Board of Education.

2849 Further, the reporting process will include an annual report  
2850 developed specifically to relate the mission and goals of the  
2851 State Board of Education, state superintendent and departments.  
2852 This document will become the method through which the strategic  
2853 planning and management process of the department is articulated



2854 to the public. It will explain and inform the public of the major  
2855 initiatives of the department and clearly identify rationale for  
2856 program development and/or elimination. The report will establish  
2857 benchmarks, future plans and discuss the effectiveness of  
2858 educational programs.

2859 In addition to the information specified herein, the State  
2860 Board of Education shall have full and plenary authority and power  
2861 to require the furnishing of such further, additional and  
2862 supplementary information as it may deem necessary for the purpose  
2863 of determining the cost of the adequate education program in such  
2864 school district for the succeeding fiscal year, the amount of the  
2865 adequate education program funds to be allotted to each school  
2866 district for the succeeding fiscal year, and for any other purpose  
2867 authorized by law or deemed necessary by \* \* \* the State Board of  
2868 Education.

2869 It shall be the duty of the State Department of Education to  
2870 prescribe the forms for the reports provided for in this section.

2871 **SECTION 40.** Section 39-3-107, Mississippi Code of 1972, is  
2872 amended as follows:

2873 39-3-107. The Mississippi Library Commission, upon request,  
2874 shall give advice to all schools, public and other libraries, and  
2875 to all communities which may propose to establish them, as to the  
2876 best means of establishing and maintaining such libraries, the  
2877 selection of books, cataloging and other details of library  
2878 management. It may also purchase and operate traveling libraries,



2879 and circulate such traveling libraries within the state among  
2880 communities, libraries, schools, colleges, universities, library  
2881 associations, study clubs, charitable and penal institutions free  
2882 of cost, except for transportation, and establish county and  
2883 regional libraries and use any funds, separate and apart from the  
2884 general library commission funds, which might come into its  
2885 custody from any source, for such purpose, and for the purpose of  
2886 establishing, stimulating, increasing, improving and equalizing  
2887 library service in the various counties within the state, under  
2888 such rules for safekeeping, preservation, care, handling of the  
2889 books and allocation of the funds as may be fixed by the  
2890 commission. It may publish such lists and circulars of  
2891 information as it shall deem necessary, and it may also conduct a  
2892 summer school of library instruction and a clearinghouse for  
2893 periodicals for free gifts to local libraries. The commission  
2894 shall each year obtain from all libraries in the state reports  
2895 showing the condition, growth, development and manner of  
2896 conducting such libraries, together with such other facts and  
2897 statistics regarding the same as may be deemed of public interest  
2898 by the commission \* \* \*. The Mississippi Library Commission shall  
2899 adopt rules and regulations relative to the allocation of state  
2900 aid funds to public library systems.

2901       **SECTION 41.** Section 39-5-113, Mississippi Code of 1972, is  
2902 amended as follows:



2903           39-5-113. The commission shall cooperate and work with the  
2904 citizens and elected officials in the various counties where the  
2905 trail is located and shall promote and publicize the De Soto Trail  
2906 in this state and abroad. The commission will strive to reconcile  
2907 local interests with the results of bona fide scholarly research.

2908           The commission shall encourage and support Mississippi's  
2909 participation in the regional De Soto Trail Commission that is  
2910 comprised of representatives from the states through which the De  
2911 Soto Expedition traveled. The commission shall cooperate with the  
2912 Regional De Soto Trail Commission and the National Park Service in  
2913 their efforts to establish a National De Soto Trail as part of the  
2914 National Trails System.

2915           The commission shall support and encourage scholarly research  
2916 in archaeology and history related to the De Soto Expedition. The  
2917 Department of Archives and History shall undertake to publish the  
2918 results of such research in The Journal of Mississippi History or  
2919 Mississippi Archaeology in order to make the results of the  
2920 research available to the citizens of Mississippi.

2921           The commission shall plan, promote, and coordinate a  
2922 statewide commemoration or festival which shall be held in May,  
2923 1991 in recognition of the 450th anniversary of Hernando de Soto's  
2924 Expedition in our state, and may schedule other appropriate  
2925 ceremonies to commemorate the De Soto Expedition.

2926           \* \* \* The commission's minutes and other permanent records  
2927 shall be deposited in the Department of Archives and History.



2928           **SECTION 42.** Section 39-35-1, Mississippi Code of 1972, is  
2929 amended as follows:

2930           39-35-1. (1) The Mississippi Sesquicentennial of the  
2931 American Civil War Commission (commission) is hereby established  
2932 to prepare for and commemorate the Sesquicentennial, or One  
2933 Hundred and Fiftieth anniversary, of Mississippi's participation  
2934 in the American Civil War (April 1861-April 1865).

2935           (2) The commission shall have a total membership of fifteen  
2936 (15) members, or their designees, as follows: (a) the Executive  
2937 Director of the Mississippi Development Authority; (b) the  
2938 Executive Director of the Mississippi Department of Archives and  
2939 History; (c) the State Superintendent of Public Education, or his  
2940 designee; (d) the Manager of the Bureau of Film and Culture of the  
2941 Mississippi Development Authority, Division of Tourism; (e) the  
2942 President/Chairman of the Mississippi Historical Society; (f) the  
2943 Chairman of the Mississippi Civil War Battlefield Commission; (g)  
2944 the Director of the Brice's Crossroads Battlefield Commission; (h)  
2945 the Director of the Vicksburg National Military Park; (i) the  
2946 Director of the Battle of Shiloh-Battle of Corinth National  
2947 Military Park; (j) the Director of the Grand Gulf Military  
2948 Monument; (k) a representative of the Mississippi Tourism  
2949 Association; (l) the National Park Service Administrator of Ship  
2950 Island/Fort Massachusetts; (m) a citizen of Mississippi appointed  
2951 by the Governor; (n) a member of the Mississippi Senate appointed  
2952 by the Lieutenant Governor who shall serve in an ex officio



2953 nonvoting capacity; and (o) a member of the Mississippi House of  
2954 Representatives appointed by the Speaker who shall serve in an ex  
2955 officio nonvoting capacity.

2956 (3) Ex officio members and legislative members of the  
2957 commission shall serve terms coincident with their terms of  
2958 office. Citizen members shall serve a term of four (4) years.  
2959 Appointments to fill vacancies occurring for a reason other than  
2960 the expiration of a term shall be for the remainder of the  
2961 unexpired terms. Vacancies shall be filled in the same manner as  
2962 the original appointments, and all members may be reappointed.

2963 (4) The commission shall elect a chairman and vice chairman  
2964 from among its membership. The commission may name five (5) of  
2965 its members to constitute an executive committee, which shall act  
2966 for the commission pursuant to its direction.

2967 (5) The commission may appoint and establish an advisory  
2968 council composed of citizens at large who have knowledge of  
2969 American Civil War and Mississippi history and interest in its  
2970 Sesquicentennial celebration, to assist the commission in its  
2971 work.

2972 (6) A majority of the members of the commission shall  
2973 constitute a quorum. The meetings of the commission shall be held  
2974 at the call of the chairman or whenever a majority of the members  
2975 so request. No recommendation of the commission shall be adopted  
2976 except by majority vote of the commission.





2977           (7) Nonlegislative members of the commission shall receive  
2978 no compensation for their services but may receive expense  
2979 reimbursement and mileage for all reasonable and necessary  
2980 expenses incurred in the performance of their duties as provided  
2981 by law. Legislative members of the commission shall receive  
2982 compensation applicable to committee meetings when the Legislature  
2983 is not in session.

2984           (8) The commission shall hire an executive director, and  
2985 relevant support staff, to guide and support the actions of the  
2986 commission. Employment shall not extend beyond the date of  
2987 expiration of the commission and shall be subject to an annual  
2988 review by the executive committee of the commission.

2989           (9) The commission may solicit, accept, use and dispose of  
2990 public or nonpublic funds, gifts, grants, donations, bequests or  
2991 other funds or real or personal property for the purpose of aiding  
2992 or facilitating the work of the commission. The commission may  
2993 procure services, enter into contracts, leases or other legal  
2994 agreements as it may deem necessary to carry out its duties as set  
2995 forth in this section, but no contract or other legal agreement  
2996 shall be entered into by the commission that extends beyond the  
2997 date of expiration of the commission.

2998           (10) The commission shall have the following powers and  
2999 duties:

3000                   (a) Plan, develop and carry out educational,  
3001 informational, new media/web-based programs and activities



3002 appropriate to commemorate the Sesquicentennial of the American  
3003 Civil War, with emphasis on the military operations which occurred  
3004 in the State of Mississippi;

3005 (b) Encourage interdisciplinary examination of the  
3006 American Civil War;

3007 (c) Facilitate activities related to the American Civil  
3008 War throughout Mississippi;

3009 (d) Encourage civic, historical, educational, economic  
3010 and other organizations throughout Mississippi to organize and  
3011 participate in activities to expand the understanding and  
3012 appreciation of the significance of the American Civil War;

3013 (e) Provide technical and financial assistance to  
3014 localities and nonprofit organizations to further the  
3015 commemoration of the Sesquicentennial of the American Civil War;

3016 (f) Develop programs and facilities to ensure that the  
3017 Sesquicentennial commemoration of the American Civil War results  
3018 in a positive legacy and long-term public benefit; and

3019 (g) Facilitate the development and conduct of programs  
3020 designed to involve all citizens in activities that commemorate  
3021 the American Civil War \* \* \*.

3022 \* \* \*

3023 (11) The commission shall direct the Mississippi Department  
3024 of Archives and History to enhance and expand Civil War markers  
3025 across the state, along with all relevant educational and  
3026 informational documentation necessary for the creation of a Civil



3027 War Trail, in advance of the initial celebration of the  
3028 Sesquicentennial in Mississippi.

3029 (12) All state agencies and universities shall provide  
3030 technical assistance to the commission upon request.

3031 **SECTION 43.** Section 41-3-15, Mississippi Code of 1972, is  
3032 amended as follows:

3033 41-3-15. (1) (a) There shall be a State Department of  
3034 Health.

3035 (b) The State Board of Health shall have the following  
3036 powers and duties:

3037 (i) To formulate the policy of the State  
3038 Department of Health regarding public health matters within the  
3039 jurisdiction of the department;

3040 (ii) To adopt, modify, repeal and promulgate,  
3041 after due notice and hearing, and enforce rules and regulations  
3042 implementing or effectuating the powers and duties of the  
3043 department under any and all statutes within the department's  
3044 jurisdiction, and as the board may deem necessary;

3045 (iii) To apply for, receive, accept and expend any  
3046 federal or state funds or contributions, gifts, trusts, devises,  
3047 bequests, grants, endowments or funds from any other source or  
3048 transfers of property of any kind;

3049 (iv) To enter into, and to authorize the executive  
3050 officer to execute contracts, grants and cooperative agreements  
3051 with any federal or state agency or subdivision thereof, or any



3052 public or private institution located inside or outside the State  
3053 of Mississippi, or any person, corporation or association in  
3054 connection with carrying out the provisions of this chapter, if it  
3055 finds those actions to be in the public interest and the contracts  
3056 or agreements do not have a financial cost that exceeds the  
3057 amounts appropriated for those purposes by the Legislature;

3058 (v) To appoint, upon recommendation of the  
3059 Executive Officer of the State Department of Health, a Director of  
3060 Internal Audit who shall be either a Certified Public Accountant  
3061 or Certified Internal Auditor, and whose employment shall be  
3062 continued at the discretion of the board, and who shall report  
3063 directly to the board, or its designee; and

3064 (vi) To discharge such other duties,  
3065 responsibilities and powers as are necessary to implement the  
3066 provisions of this chapter.

3067 (c) The Executive Officer of the State Department of  
3068 Health shall have the following powers and duties:

3069 (i) To administer the policies of the State Board  
3070 of Health within the authority granted by the board;

3071 (ii) To supervise and direct all administrative  
3072 and technical activities of the department, except that the  
3073 department's internal auditor shall be subject to the sole  
3074 supervision and direction of the board;

3075 (iii) To organize the administrative units of the  
3076 department in accordance with the plan adopted by the board and,



3077 with board approval, alter the organizational plan and reassign  
3078 responsibilities as he or she may deem necessary to carry out the  
3079 policies of the board;

3080 (iv) To coordinate the activities of the various  
3081 offices of the department;

3082 (v) To employ, subject to regulations of the State  
3083 Personnel Board, qualified professional personnel in the subject  
3084 matter or fields of each office, and such other technical and  
3085 clerical staff as may be required for the operation of the  
3086 department. The executive officer shall be the appointing  
3087 authority for the department, and shall have the power to delegate  
3088 the authority to appoint or dismiss employees to appropriate  
3089 subordinates, subject to the rules and regulations of the State  
3090 Personnel Board;

3091 (vi) To recommend to the board such studies and  
3092 investigations as he or she may deem appropriate, and to carry out  
3093 the approved recommendations in conjunction with the various  
3094 offices;

3095 \* \* \*

3096 ( \* \* \* vii) To enter into contracts, grants and  
3097 cooperative agreements with any federal or state agency or  
3098 subdivision thereof, or any public or private institution located  
3099 inside or outside the State of Mississippi, or any person,  
3100 corporation or association in connection with carrying out the  
3101 provisions of this chapter, if he or she finds those actions to be



3102 in the public interest and the contracts or agreements do not have  
3103 a financial cost that exceeds the amounts appropriated for those  
3104 purposes by the Legislature. Each contract or agreement entered  
3105 into by the executive officer shall be submitted to the board  
3106 before its next meeting.

3107 (2) The State Board of Health shall have the authority to  
3108 establish an Office of Rural Health within the department. The  
3109 duties and responsibilities of this office shall include the  
3110 following:

3111 (a) To collect and evaluate data on rural health  
3112 conditions and needs;

3113 (b) To engage in policy analysis, policy development  
3114 and economic impact studies with regard to rural health issues;

3115 (c) To develop and implement plans and provide  
3116 technical assistance to enable community health systems to respond  
3117 to various changes in their circumstances;

3118 (d) To plan and assist in professional recruitment and  
3119 retention of medical professionals and assistants; and

3120 (e) To establish information clearinghouses to improve  
3121 access to and sharing of rural health care information.

3122 (3) The State Board of Health shall have general supervision  
3123 of the health interests of the people of the state and to exercise  
3124 the rights, powers and duties of those acts which it is authorized  
3125 by law to enforce.

3126 (4) The State Board of Health shall have authority:



3127 (a) To make investigations and inquiries with respect  
3128 to the causes of disease and death, and to investigate the effect  
3129 of environment, including conditions of employment and other  
3130 conditions that may affect health, and to make such other  
3131 investigations as it may deem necessary for the preservation and  
3132 improvement of health.

3133 (b) To make such sanitary investigations as it may,  
3134 from time to time, deem necessary for the protection and  
3135 improvement of health and to investigate nuisance questions that  
3136 affect the security of life and health within the state.

3137 (c) To direct and control sanitary and quarantine  
3138 measures for dealing with all diseases within the state possible  
3139 to suppress same and prevent their spread.

3140 (d) To obtain, collect and preserve such information  
3141 relative to mortality, morbidity, disease and health as may be  
3142 useful in the discharge of its duties or may contribute to the  
3143 prevention of disease or the promotion of health in this state.

3144 (e) To charge and collect reasonable fees for health  
3145 services, including immunizations, inspections and related  
3146 activities, and the board shall charge fees for those services;  
3147 however, if it is determined that a person receiving services is  
3148 unable to pay the total fee, the board shall collect any amount  
3149 that the person is able to pay. Any increase in the fees charged  
3150 by the board under this paragraph shall be in accordance with the  
3151 provisions of Section 41-3-65.



3152 (f) (i) To establish standards for, issue permits and  
3153 exercise control over, any cafes, restaurants, food or drink  
3154 stands, sandwich manufacturing establishments, and all other  
3155 establishments, other than churches, church-related and private  
3156 schools, and other nonprofit or charitable organizations, where  
3157 food or drink is regularly prepared, handled and served for pay;  
3158 and

3159 (ii) To require that a permit be obtained from the  
3160 Department of Health before those persons begin operation. If any  
3161 such person fails to obtain the permit required in this  
3162 subparagraph (ii), the State Board of Health, after due notice and  
3163 opportunity for a hearing, may impose a monetary penalty not to  
3164 exceed One Thousand Dollars (\$1,000.00) for each violation.  
3165 However, the department is not authorized to impose a monetary  
3166 penalty against any person whose gross annual prepared food sales  
3167 are less than Five Thousand Dollars (\$5,000.00). Money collected  
3168 by the board under this subparagraph (ii) shall be deposited to  
3169 the credit of the State General Fund of the State Treasury.

3170 (g) To promulgate rules and regulations and exercise  
3171 control over the production and sale of milk pursuant to the  
3172 provisions of Sections 75-31-41 through 75-31-49.

3173 (h) On presentation of proper authority, to enter into  
3174 and inspect any public place or building where the State Health  
3175 Officer or his representative deems it necessary and proper to  
3176 enter for the discovery and suppression of disease and for the





3177 enforcement of any health or sanitary laws and regulations in the  
3178 state.

3179 (i) To conduct investigations, inquiries and hearings,  
3180 and to issue subpoenas for the attendance of witnesses and the  
3181 production of books and records at any hearing when authorized and  
3182 required by statute to be conducted by the State Health Officer or  
3183 the State Board of Health.

3184 (j) To promulgate rules and regulations, and to collect  
3185 data and information, on (i) the delivery of services through the  
3186 practice of telemedicine; and (ii) the use of electronic records  
3187 for the delivery of telemedicine services.

3188 (k) To enforce and regulate domestic and imported fish  
3189 as authorized under Section 69-7-601 et seq.

3190 (5) (a) The State Board of Health shall have the authority,  
3191 in its discretion, to establish programs to promote the public  
3192 health, to be administered by the State Department of Health.  
3193 Specifically, those programs may include, but shall not be limited  
3194 to, programs in the following areas:

3195 (i) Maternal and child health;

3196 (ii) Family planning;

3197 (iii) Pediatric services;

3198 (iv) Services to crippled and disabled children;

3199 (v) Control of communicable and noncommunicable  
3200 disease;

3201 (vi) Chronic disease;



3202 (vii) Accidental deaths and injuries;  
3203 (viii) Child care licensure;  
3204 (ix) Radiological health;  
3205 (x) Dental health;  
3206 (xi) Milk sanitation;  
3207 (xii) Occupational safety and health;  
3208 (xiii) Food, vector control and general  
3209 sanitation;  
3210 (xiv) Protection of drinking water;  
3211 (xv) Sanitation in food handling establishments  
3212 open to the public;  
3213 (xvi) Registration of births and deaths and other  
3214 vital events;  
3215 (xvii) Such public health programs and services as  
3216 may be assigned to the State Board of Health by the Legislature or  
3217 by executive order; and  
3218 (xviii) Regulation of domestic and imported fish  
3219 for human consumption.  
3220 (b) The State Board of Health and State Department of  
3221 Health shall not be authorized to sell, transfer, alienate or  
3222 otherwise dispose of any of the home health agencies owned and  
3223 operated by the department on January 1, 1995, and shall not be  
3224 authorized to sell, transfer, assign, alienate or otherwise  
3225 dispose of the license of any of those home health agencies,  
3226 except upon the specific authorization of the Legislature by an



3227 amendment to this section. However, this paragraph (b) shall not  
3228 prevent the board or the department from closing or terminating  
3229 the operation of any home health agency owned and operated by the  
3230 department, or closing or terminating any office, branch office or  
3231 clinic of any such home health agency, or otherwise discontinuing  
3232 the providing of home health services through any such home health  
3233 agency, office, branch office or clinic, if the board first  
3234 demonstrates that there are other providers of home health  
3235 services in the area being served by the department's home health  
3236 agency, office, branch office or clinic that will be able to  
3237 provide adequate home health services to the residents of the area  
3238 if the department's home health agency, office, branch office or  
3239 clinic is closed or otherwise discontinues the providing of home  
3240 health services. This demonstration by the board that there are  
3241 other providers of adequate home health services in the area shall  
3242 be spread at length upon the minutes of the board at a regular or  
3243 special meeting of the board at least thirty (30) days before a  
3244 home health agency, office, branch office or clinic is proposed to  
3245 be closed or otherwise discontinue the providing of home health  
3246 services.

3247 (c) The State Department of Health may undertake such  
3248 technical programs and activities as may be required for the  
3249 support and operation of those programs, including maintaining  
3250 physical, chemical, bacteriological and radiological laboratories,  
3251 and may make such diagnostic tests for diseases and tests for the



3252 evaluation of health hazards as may be deemed necessary for the  
3253 protection of the people of the state.

3254 (6) (a) The State Board of Health shall administer the  
3255 local governments and rural water systems improvements loan  
3256 program in accordance with the provisions of Section 41-3-16.

3257 (b) The State Board of Health shall have authority:

3258 (i) To enter into capitalization grant agreements  
3259 with the United States Environmental Protection Agency, or any  
3260 successor agency thereto;

3261 (ii) To accept capitalization grant awards made  
3262 under the federal Safe Drinking Water Act, as amended;

3263 (iii) To provide annual reports and audits to the  
3264 United States Environmental Protection Agency, as may be required  
3265 by federal capitalization grant agreements; and

3266 (iv) To establish and collect fees to defray the  
3267 reasonable costs of administering the revolving fund or emergency  
3268 fund if the State Board of Health determines that those costs will  
3269 exceed the limitations established in the federal Safe Drinking  
3270 Water Act, as amended. The administration fees may be included in  
3271 loan amounts to loan recipients for the purpose of facilitating  
3272 payment to the board; however, those fees may not exceed five  
3273 percent (5%) of the loan amount.

3274 (7) Notwithstanding any other provision to the contrary, the  
3275 State Department of Health shall have the following specific  
3276 powers: The department shall issue a license to Alexander Milne



3277 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
3278 construction, conversion, expansion and operation of not more than  
3279 forty-five (45) beds for developmentally disabled adults who have  
3280 been displaced from New Orleans, Louisiana, with the beds to be  
3281 located in a certified ICF-MR facility in the City of Laurel,  
3282 Mississippi. There shall be no prohibition or restrictions on  
3283 participation in the Medicaid program for the person receiving the  
3284 license under this subsection (7). The license described in this  
3285 subsection shall expire five (5) years from the date of its issue.  
3286 The license authorized by this subsection shall be issued upon the  
3287 initial payment by the licensee of an application fee of  
3288 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
3289 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
3290 the license, to be paid as long as the licensee continues to  
3291 operate. The initial and monthly licensing fees shall be  
3292 deposited by the State Department of Health into the special fund  
3293 created under Section 41-7-188.

3294 (8) Notwithstanding any other provision to the contrary, the  
3295 State Department of Health shall have the following specific  
3296 powers: The State Department of Health is authorized to issue a  
3297 license to an existing home health agency for the transfer of a  
3298 county from that agency to another existing home health agency,  
3299 and to charge a fee for reviewing and making a determination on  
3300 the application for such transfer not to exceed one-half (1/2) of  
3301 the authorized fee assessed for the original application for the



3302 home health agency, with the revenue to be deposited by the State  
3303 Department of Health into the special fund created under Section  
3304 41-7-188.

3305 (9) Notwithstanding any other provision to the contrary, the  
3306 State Department of Health shall have the following specific  
3307 powers: For the period beginning July 1, 2010, through July 1,  
3308 2017, the State Department of Health is authorized and empowered  
3309 to assess a fee in addition to the fee prescribed in Section  
3310 41-7-188 for reviewing applications for certificates of need in an  
3311 amount not to exceed twenty-five one-hundredths of one percent  
3312 (.25 of 1%) of the amount of a proposed capital expenditure, but  
3313 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
3314 regardless of the amount of the proposed capital expenditure, and  
3315 the maximum additional fee permitted shall not exceed Fifty  
3316 Thousand Dollars (\$50,000.00). Provided that the total  
3317 assessments of fees for certificate of need applications under  
3318 Section 41-7-188 and this section shall not exceed the actual cost  
3319 of operating the certificate of need program.

3320 (10) Notwithstanding any other provision to the contrary,  
3321 the State Department of Health shall have the following specific  
3322 powers: The State Department of Health is authorized to extend  
3323 and renew any certificate of need that has expired, and to charge  
3324 a fee for reviewing and making a determination on the application  
3325 for such action not to exceed one-half (1/2) of the authorized fee  
3326 assessed for the original application for the certificate of need,



3327 with the revenue to be deposited by the State Department of Health  
3328 into the special fund created under Section 41-7-188.

3329 (11) Notwithstanding any other provision to the contrary,  
3330 the State Department of Health shall have the following specific  
3331 powers: The State Department of Health is authorized and  
3332 empowered, to revoke, immediately, the license and require closure  
3333 of any institution for the aged or infirm, including any other  
3334 remedy less than closure to protect the health and safety of the  
3335 residents of said institution or the health and safety of the  
3336 general public.

3337 (12) Notwithstanding any other provision to the contrary,  
3338 the State Department of Health shall have the following specific  
3339 powers: The State Department of Health is authorized and  
3340 empowered, to require the temporary detainment of individuals for  
3341 disease control purposes based upon violation of any order of the  
3342 State Health Officer, as provided in Section 41-23-5. For the  
3343 purpose of enforcing such orders of the State Health Officer,  
3344 persons employed by the department as investigators shall have  
3345 general arrest powers. All law enforcement officers are  
3346 authorized and directed to assist in the enforcement of such  
3347 orders of the State Health Officer.

3348 **SECTION 44.** Section 41-4-21, Mississippi Code of 1972, is  
3349 amended as follows:

3350 41-4-21. For the operations of all facilities placed under  
3351 the control of the department and for all of its operations, the



3352 board shall adopt a uniform system of reporting and accounting  
3353 approved by the State Department of Audit \* \* \*. It shall prepare  
3354 annually, or cause to be prepared, a budget for its total  
3355 operation for the ensuing fiscal period in the manner and form as  
3356 required by the Legislative Budget Office.

3357 **SECTION 45.** Section 41-35-7, Mississippi Code of 1972, is  
3358 amended as follows:

3359 41-35-7. It shall be the duty of the State Board of Health:  
3360 (1) To enforce the provisions of this chapter; (2) to promulgate  
3361 such rules and regulations as shall, under this chapter, be  
3362 necessary for the purpose under this chapter, and such as the  
3363 State Board of Health may deem necessary for the further and  
3364 proper guidance of local health officers, etc.; (3) to provide for  
3365 the gratuitous distribution of a scientific prophylactic for  
3366 inflammation of the eyes of the newborn, together with proper  
3367 directions for the use and administration thereof, to all  
3368 physicians and midwives as may be engaged in the practice of  
3369 obstetrics or assisting at childbirth; (4) to provide, if  
3370 necessary, daily inspection and prompt and gratuitous treatment to  
3371 any infant whose eyes are infected with inflammation of the eyes;  
3372 the State Board of Health, if necessary, shall defray the expenses  
3373 of such treatment from such sums as may be appropriated for its  
3374 use; (5) to publish and promulgate such further advice and  
3375 information concerning the dangers of inflammation of the eyes of  
3376 the newborn and the necessity for prompt and effective treatment;





3377 (6) to furnish copies of this chapter to all physicians and  
3378 midwives as may be engaged in the practice of obstetrics or  
3379 assisting at childbirth; (7) to keep a proper record of any and  
3380 all such cases of inflammation of the eyes of the newborn, as  
3381 shall be filed in the Office of the State Board of Health, in  
3382 pursuance with this chapter, and as may come to its attention in  
3383 any way \* \* \*; (8) to report any and all violations of this  
3384 chapter as may come to its attention, to the local police, county  
3385 prosecutor, or district attorney in the county wherein such  
3386 violation may have been committed, and to assist such official in  
3387 every way possible, such as securing necessary evidence, etc.

3388 **SECTION 46.** Section 41-113-7, Mississippi Code of 1972, is  
3389 amended as follows:

3390 41-113-7. The Office of Tobacco Control shall perform the  
3391 following duties, with the advice of the Mississippi Tobacco  
3392 Control Advisory Council:

3393 (a) Develop and implement appropriate policies and  
3394 procedures for the operation of the tobacco education, prevention  
3395 and cessation program;

3396 (b) Develop and implement a five-year strategic plan  
3397 for the tobacco education, prevention and cessation program;

3398 (c) Develop and maintain an annual operating budget and  
3399 oversee fiscal management of the tobacco education, prevention and  
3400 cessation program;



3401 (d) Execute any contracts, agreements or other  
3402 documents with any governmental agency or any person, corporation,  
3403 association, partnership or other organization or entity that are  
3404 necessary to accomplish the purposes of this chapter;

3405 (e) Receive grants, bequeaths, gifts, donations or any  
3406 other contributions made to the office to be used for specific  
3407 purposes related to the goals of this chapter;

3408 \* \* \*

3409 ( \* \* \* f) Submit to the State Auditor any financial  
3410 records that are necessary for the Auditor to perform an annual  
3411 audit of the office as required by law; and

3412 ( \* \* \* g) Take any other actions that are necessary to  
3413 carry out the purposes of this chapter.

3414 **SECTION 47.** Section 41-123-1, Mississippi Code of 1972, is  
3415 amended as follows:

3416 41-123-1. There is established the Office of Mississippi  
3417 Physician Workforce within the University of Mississippi Medical  
3418 Center (UMMC) for the purpose of overseeing the physician  
3419 workforce development and needs, both in numbers and distribution,  
3420 of the State of Mississippi. The office shall have a director who  
3421 must be a physician licensed in the State of Mississippi. In  
3422 addition, the office shall have a researcher to assist the  
3423 director in collecting and analyzing data concerning the physician  
3424 workforce needs of Mississippi and other necessary staff to assist



3425 in its work. The office shall have the following duties, at a  
3426 minimum:

3427 (a) Assessing the current numbers, ages, types of  
3428 practice, hospital affiliations, and geographic distribution of  
3429 physicians in each medical specialty in Mississippi;

3430 (b) Assessing the current and future physician  
3431 workforce needs of the State of Mississippi;

3432 (c) Assisting in the creation and/or support of  
3433 Accreditation Council for Graduate Medical Education (ACGME)  
3434 accredited GME training programs in the State of Mississippi based  
3435 on needs analysis and criteria established by the office and the  
3436 advisory board while maintaining a strong and continued priority  
3437 focus on family medicine. This support may include the awarding  
3438 of state financial assistance as available, for the creation or  
3439 support of family medicine residencies and other GME programs  
3440 approved by the advisory board;

3441 (d) Encouraging the development of an adequate and  
3442 geographically distributed physician workforce in all specialties  
3443 for the State of Mississippi with an evolving strategic plan; and

3444 (e) Providing an annual report to the Governor, \* \* \*  
3445 the State Board of Health, and the Board of Trustees of State  
3446 Institutions of Higher Learning on the current status of the  
3447 physician workforce and training programs in Mississippi.

3448 **SECTION 48.** Section 43-1-5, Mississippi Code of 1972, is  
3449 amended as follows:



3450 43-1-5. It shall be the duty of the Department of Human  
3451 Services to:

3452 (1) Establish and maintain programs not inconsistent with  
3453 the terms of this chapter and the rules, regulations and policies  
3454 of the Department of Human Services, and publish the rules and  
3455 regulations of the department pertaining to such programs.

3456 (2) Make such reports in such form and containing such  
3457 information as the federal government may, from time to time,  
3458 require, and comply with such provisions as the federal government  
3459 may, from time to time, find necessary to assure the correctness  
3460 and verification of such reports.

3461 (3) \* \* \* This section shall stand repealed on July 1, 2023.

3462 **SECTION 49.** Section 43-7-57, Mississippi Code of 1972, is  
3463 amended as follows:

3464 43-7-57. The duties of the Office of the State Long-Term  
3465 Care Facilities Ombudsman, as created under Section 43-7-53, shall  
3466 be:

3467 (a) The establishment of a procedure to have regular  
3468 and timely access to the services provided by the State Ombudsman  
3469 Program and to receive, investigate and resolve complaints filed  
3470 by residents or sponsors or organizations or long-term care  
3471 facilities on behalf of residents of long-term care facilities  
3472 relating to the health, safety, welfare and rights of such  
3473 residents and to represent the interests of residents before  
3474 governmental agencies;



3475 (b) The monitoring of the development and  
3476 implementation of federal, state and local laws, regulations and  
3477 policies with respect to long-term care facilities and to analyze,  
3478 comment on and recommend any changes in such laws, regulations and  
3479 policies as the Office of the State Long-Term Care Facilities  
3480 Ombudsman deems appropriate;

3481 (c) The establishment of a training program for both  
3482 the state and community ombudsmen;

3483 (d) To provide public forums, including the holding of  
3484 public hearings, sponsorships of conferences and workshops, and  
3485 the holding of other meetings to seek information concerning the  
3486 needs and problems of residents in long-term care facilities;

3487 (e) The establishment and maintenance of a statewide  
3488 uniform reporting system to collect and analyze data relating to  
3489 complaints and conditions in long-term care facilities for the  
3490 purpose of identifying and resolving significant problems faced by  
3491 residents as a group;

3492 (f) The submission of an annual report to the State  
3493 Department of Health, the United States Assistant Secretary for  
3494 Aging (ACL/AOA) \* \* \* and the Executive Director of the  
3495 Council \* \* \*, which shall include statistical information about  
3496 the state and community long-term care facilities ombudsman  
3497 programs, shall identify systemic problems in long-term care  
3498 facilities that cannot be adequately addressed by state and local



3499 agencies, and shall include recommendations for legislative or  
3500 executive action to alleviate any systemic problems;

3501 (g) The testing and designation of the representatives  
3502 of the Office of the State Long-Term Care Facilities Ombudsman;

3503 (h) The development of an ongoing program of  
3504 publicizing programs designated by the Office of the State  
3505 Long-Term Care Facilities Ombudsman and by the community long-term  
3506 care facilities ombudsman through contact with the media and civic  
3507 organizations;

3508 (i) The development of policies and regulations related  
3509 to the use of volunteers in the program; and

3510 (j) Other duties as mandated by the Older Americans Act  
3511 of 1965, as amended.

3512 **SECTION 50.** Section 43-12-39, Mississippi Code of 1972, is  
3513 amended as follows:

3514 43-12-39. **Out-of-state spending.** (1) The Department of  
3515 Human Services shall post on its website \* \* \* a report of SNAP  
3516 and TANF benefit spending. \* \* \*

3517 (2) The report required under subsection (1) of this section  
3518 shall include:

3519 (a) The dollar amount and number of transactions of  
3520 SNAP benefits that are accessed or spent out-of-state,  
3521 disaggregated by state;



3522 (b) The dollar amount and number of transactions of  
3523 TANF benefits that are accessed or spent out-of-state,  
3524 disaggregated by state;

3525 (c) The dollar amount, number of transactions, and  
3526 times of transactions of SNAP benefits that are accessed or spent  
3527 in-state, disaggregated by retailer, institution, or location,  
3528 unless expressly prohibited by federal law; and

3529 (d) The dollar amount, number of transactions, and time  
3530 of transactions of TANF benefits that are accessed or spent  
3531 in-state, disaggregated by retailer, institution, or location.

3532 (3) The report required under subsection (1) of this section  
3533 shall be de-identified to prevent identification of individual  
3534 recipients.

3535 **SECTION 51.** Section 43-13-107, Mississippi Code of 1972, is  
3536 amended as follows:

3537 43-13-107. (1) The Division of Medicaid is created in the  
3538 Office of the Governor and established to administer this article  
3539 and perform such other duties as are prescribed by law.

3540 (2) (a) The Governor shall appoint a full-time executive  
3541 director, with the advice and consent of the Senate, who shall be  
3542 either (i) a physician with administrative experience in a medical  
3543 care or health program, or (ii) a person holding a graduate degree  
3544 in medical care administration, public health, hospital  
3545 administration, or the equivalent, or (iii) a person holding a  
3546 bachelor's degree with at least three (3) years' experience in



3547 management-level administration of, or policy development for,  
3548 Medicaid programs. Provided, however, no one who has been a  
3549 member of the Mississippi Legislature during the previous three  
3550 (3) years may be executive director. The executive director shall  
3551 be the official secretary and legal custodian of the records of  
3552 the division; shall be the agent of the division for the purpose  
3553 of receiving all service of process, summons and notices directed  
3554 to the division; shall perform such other duties as the Governor  
3555 may prescribe from time to time; and shall perform all other  
3556 duties that are now or may be imposed upon him or her by law.

3557 (b) The executive director shall serve at the will and  
3558 pleasure of the Governor.

3559 (c) The executive director shall, before entering upon  
3560 the discharge of the duties of the office, take and subscribe to  
3561 the oath of office prescribed by the Mississippi Constitution and  
3562 shall file the same in the Office of the Secretary of State, and  
3563 shall execute a bond in some surety company authorized to do  
3564 business in the state in the penal sum of One Hundred Thousand  
3565 Dollars (\$100,000.00), conditioned for the faithful and impartial  
3566 discharge of the duties of the office. The premium on the bond  
3567 shall be paid as provided by law out of funds appropriated to the  
3568 Division of Medicaid for contractual services.

3569 (d) The executive director, with the approval of the  
3570 Governor and subject to the rules and regulations of the State  
3571 Personnel Board, shall employ such professional, administrative,





3572 stenographic, secretarial, clerical and technical assistance as  
3573 may be necessary to perform the duties required in administering  
3574 this article and fix the compensation for those persons, all in  
3575 accordance with a state merit system meeting federal requirements.  
3576 When the salary of the executive director is not set by law, that  
3577 salary shall be set by the State Personnel Board. No employees of  
3578 the Division of Medicaid shall be considered to be staff members  
3579 of the immediate Office of the Governor; however, Section  
3580 25-9-107(c) (xv) shall apply to the executive director and other  
3581 administrative heads of the division.

3582       (3) (a) There is established a Medical Care Advisory  
3583 Committee, which shall be the committee that is required by  
3584 federal regulation to advise the Division of Medicaid about health  
3585 and medical care services.

3586       (b) The advisory committee shall consist of not less  
3587 than eleven (11) members, as follows:

3588               (i) The Governor shall appoint five (5) members,  
3589 one (1) from each congressional district and one (1) from the  
3590 state at large;

3591               (ii) The Lieutenant Governor shall appoint three  
3592 (3) members, one (1) from each Supreme Court district;

3593               (iii) The Speaker of the House of Representatives  
3594 shall appoint three (3) members, one (1) from each Supreme Court  
3595 district.



3596 All members appointed under this paragraph shall either be  
3597 health care providers or consumers of health care services. One  
3598 (1) member appointed by each of the appointing authorities shall  
3599 be a board-certified physician.

3600 (c) The respective Chairmen of the House Medicaid  
3601 Committee, the House Public Health and Human Services Committee,  
3602 the House Appropriations Committee, the Senate Medicaid Committee,  
3603 the Senate Public Health and Welfare Committee and the Senate  
3604 Appropriations Committee, or their designees, one (1) member of  
3605 the State Senate appointed by the Lieutenant Governor and one (1)  
3606 member of the House of Representatives appointed by the Speaker of  
3607 the House, shall serve as ex officio nonvoting members of the  
3608 advisory committee.

3609 (d) In addition to the committee members required by  
3610 paragraph (b), the advisory committee shall consist of such other  
3611 members as are necessary to meet the requirements of the federal  
3612 regulation applicable to the advisory committee, who shall be  
3613 appointed as provided in the federal regulation.

3614 (e) The chairmanship of the advisory committee shall be  
3615 elected by the voting members of the committee annually and shall  
3616 not serve more than two (2) consecutive years as chairman.

3617 (f) The members of the advisory committee specified in  
3618 paragraph (b) shall serve for terms that are concurrent with the  
3619 terms of members of the Legislature, and any member appointed  
3620 under paragraph (b) may be reappointed to the advisory committee.



3621 The members of the advisory committee specified in paragraph (b)  
3622 shall serve without compensation, but shall receive reimbursement  
3623 to defray actual expenses incurred in the performance of committee  
3624 business as authorized by law. Legislators shall receive per diem  
3625 and expenses, which may be paid from the contingent expense funds  
3626 of their respective houses in the same amounts as provided for  
3627 committee meetings when the Legislature is not in session.

3628 (g) The advisory committee shall meet not less than  
3629 quarterly, and advisory committee members shall be furnished  
3630 written notice of the meetings at least ten (10) days before the  
3631 date of the meeting.

3632 (h) The executive director shall submit to the advisory  
3633 committee all amendments, modifications and changes to the state  
3634 plan for the operation of the Medicaid program, for review by the  
3635 advisory committee before the amendments, modifications or changes  
3636 may be implemented by the division.

3637 (i) The advisory committee, among its duties and  
3638 responsibilities, shall:

3639 (i) Advise the division with respect to  
3640 amendments, modifications and changes to the state plan for the  
3641 operation of the Medicaid program;

3642 (ii) Advise the division with respect to issues  
3643 concerning receipt and disbursement of funds and eligibility for  
3644 Medicaid;



3645 (iii) Advise the division with respect to  
3646 determining the quantity, quality and extent of medical care  
3647 provided under this article;

3648 (iv) Communicate the views of the medical care  
3649 professions to the division and communicate the views of the  
3650 division to the medical care professions;

3651 (v) Gather information on reasons that medical  
3652 care providers do not participate in the Medicaid program and  
3653 changes that could be made in the program to encourage more  
3654 providers to participate in the Medicaid program, and advise the  
3655 division with respect to encouraging physicians and other medical  
3656 care providers to participate in the Medicaid program \* \* \*.

3657 \* \* \*

3658 (4) (a) There is established a Drug Use Review Board, which  
3659 shall be the board that is required by federal law to:

3660 (i) Review and initiate retrospective drug use,  
3661 review including ongoing periodic examination of claims data and  
3662 other records in order to identify patterns of fraud, abuse, gross  
3663 overuse, or inappropriate or medically unnecessary care, among  
3664 physicians, pharmacists and individuals receiving Medicaid  
3665 benefits or associated with specific drugs or groups of drugs.

3666 (ii) Review and initiate ongoing interventions for  
3667 physicians and pharmacists, targeted toward therapy problems or  
3668 individuals identified in the course of retrospective drug use  
3669 reviews.



3670 (iii) On an ongoing basis, assess data on drug use  
3671 against explicit predetermined standards using the compendia and  
3672 literature set forth in federal law and regulations.

3673 (b) The board shall consist of not less than twelve  
3674 (12) members appointed by the Governor, or his designee.

3675 (c) The board shall meet at least quarterly, and board  
3676 members shall be furnished written notice of the meetings at least  
3677 ten (10) days before the date of the meeting.

3678 (d) The board meetings shall be open to the public,  
3679 members of the press, legislators and consumers. Additionally,  
3680 all documents provided to board members shall be available to  
3681 members of the Legislature in the same manner, and shall be made  
3682 available to others for a reasonable fee for copying. However,  
3683 patient confidentiality and provider confidentiality shall be  
3684 protected by blinding patient names and provider names with  
3685 numerical or other anonymous identifiers. The board meetings  
3686 shall be subject to the Open Meetings Act (Sections 25-41-1  
3687 through 25-41-17). Board meetings conducted in violation of this  
3688 section shall be deemed unlawful.

3689 (5) (a) There is established a Pharmacy and Therapeutics  
3690 Committee, which shall be appointed by the Governor, or his  
3691 designee.

3692 (b) The committee shall meet as often as needed to  
3693 fulfill its responsibilities and obligations as set forth in this  
3694 section, and committee members shall be furnished written notice



3695 of the meetings at least ten (10) days before the date of the  
3696 meeting.

3697 (c) The committee meetings shall be open to the public,  
3698 members of the press, legislators and consumers. Additionally,  
3699 all documents provided to committee members shall be available to  
3700 members of the Legislature in the same manner, and shall be made  
3701 available to others for a reasonable fee for copying. However,  
3702 patient confidentiality and provider confidentiality shall be  
3703 protected by blinding patient names and provider names with  
3704 numerical or other anonymous identifiers. The committee meetings  
3705 shall be subject to the Open Meetings Act (Sections 25-41-1  
3706 through 25-41-17). Committee meetings conducted in violation of  
3707 this section shall be deemed unlawful.

3708 (d) After a thirty-day public notice, the executive  
3709 director, or his or her designee, shall present the division's  
3710 recommendation regarding prior approval for a therapeutic class of  
3711 drugs to the committee. However, in circumstances where the  
3712 division deems it necessary for the health and safety of Medicaid  
3713 beneficiaries, the division may present to the committee its  
3714 recommendations regarding a particular drug without a thirty-day  
3715 public notice. In making that presentation, the division shall  
3716 state to the committee the circumstances that precipitate the need  
3717 for the committee to review the status of a particular drug  
3718 without a thirty-day public notice. The committee may determine  
3719 whether or not to review the particular drug under the



3720 circumstances stated by the division without a thirty-day public  
3721 notice. If the committee determines to review the status of the  
3722 particular drug, it shall make its recommendations to the  
3723 division, after which the division shall file those  
3724 recommendations for a thirty-day public comment under Section  
3725 25-43-7(1).

3726 (e) Upon reviewing the information and recommendations,  
3727 the committee shall forward a written recommendation approved by a  
3728 majority of the committee to the executive director, or his or her  
3729 designee. The decisions of the committee regarding any  
3730 limitations to be imposed on any drug or its use for a specified  
3731 indication shall be based on sound clinical evidence found in  
3732 labeling, drug compendia, and peer-reviewed clinical literature  
3733 pertaining to use of the drug in the relevant population.

3734 (f) Upon reviewing and considering all recommendations  
3735 including recommendations of the committee, comments, and data,  
3736 the executive director shall make a final determination whether to  
3737 require prior approval of a therapeutic class of drugs, or modify  
3738 existing prior approval requirements for a therapeutic class of  
3739 drugs.

3740 (g) At least thirty (30) days before the executive  
3741 director implements new or amended prior authorization decisions,  
3742 written notice of the executive director's decision shall be  
3743 provided to all prescribing Medicaid providers, all Medicaid  
3744 enrolled pharmacies, and any other party who has requested the



3745 notification. However, notice given under Section 25-43-7(1) will  
3746 substitute for and meet the requirement for notice under this  
3747 subsection.

3748 (h) Members of the committee shall dispose of matters  
3749 before the committee in an unbiased and professional manner. If a  
3750 matter being considered by the committee presents a real or  
3751 apparent conflict of interest for any member of the committee,  
3752 that member shall disclose the conflict in writing to the  
3753 committee chair and recuse himself or herself from any discussions  
3754 and/or actions on the matter.

3755 **SECTION 52.** Section 43-30-1, Mississippi Code of 1972, is  
3756 amended as follows:

3757 43-30-1. (1) There is established the Mississippi  
3758 Disability Resource Commission. The function of the commission is  
3759 to:

3760 (a) Assimilate and provide current information to  
3761 persons who need health, special education or disability  
3762 information or services;

3763 (b) Refer those persons to the appropriate agencies to  
3764 receive needed information or services;

3765 (c) Facilitate coordination of services provided by  
3766 agencies for the maximum benefit of persons who need health,  
3767 special education or disability services;





3768 (d) Be a comprehensive clearinghouse of information and  
3769 single point of contact for people with disabilities related to  
3770 potential service programs;

3771 (e) Otherwise assist persons who need health, special  
3772 education or disability services in obtaining information and  
3773 services; and

3774 (f) Monitor and provide oversight of the implementation  
3775 of Sections 43-6-201 through 43-6-207 by state agencies.

3776 (2) The powers and duties of the Mississippi Disability  
3777 Resource Commission shall include, but are not limited to, or  
3778 provided in any priority order, the following:

3779 (a) To collect and analyze health, special education  
3780 and disability-related data for use by state agencies,  
3781 universities and colleges, organizations and private citizens;

3782 (b) To advise the Governor, the Legislature, the  
3783 Mississippi congressional delegation, state agencies, the business  
3784 community, other public and private groups and the general public  
3785 on health, special education and disability issues and concerns,  
3786 and to make recommendations to address those identified matters,  
3787 with emphasis on increasing opportunities for independence and  
3788 employment;

3789 (c) To coordinate and conduct public relations  
3790 activities, including establishment of a permanent, statewide  
3791 toll-free phone line for people with disabilities seeking access  
3792 to services and programs, to promote the skills and capabilities



3793 of persons needing health, special education or disability  
3794 services;

3795 (d) To submit an annual report to the Governor and to  
3796 the Legislature with recommendations to address the needs of  
3797 persons in Mississippi needing health, special education or  
3798 disability services, and other pertinent data regarding health,  
3799 special education or disability issues;

3800 (e) Build on the work of the Mississippi Partnerships  
3801 in Employment Project, identify state agency policies and  
3802 procedures that create barriers and disincentives for employment  
3803 of persons with disabilities, and develop recommendations to  
3804 reduce or eliminate those barriers and disincentives to better  
3805 meet the needs of persons who desire employment;

3806 (f) Identify best practices, effective partnerships,  
3807 sources of available state and federal funds, and opportunities  
3808 for shared services among existing state agencies to increase  
3809 integrated and competitive employment opportunities for  
3810 Mississippians with disabilities;

3811 (g) Review and comment on proposed legislation that may  
3812 affect the employment of persons with disabilities and consider  
3813 recommendations of federal agencies and other organizations that  
3814 promote the employment of persons with disabilities; and

3815 (h) Request that measurable goals and objectives be  
3816 submitted to it by each relevant state agency to ensure  
3817 implementation of Sections 43-6-201 through 43-6-107. The



3818 commission shall establish the time frames for submissions by  
3819 state agencies and track their measurable progress in implementing  
3820 Sections 43-6-201 through 43-6-207. All state agencies shall  
3821 fully cooperate with and provide data and information to assist  
3822 the commission in carrying out its duties \* \* \*.

3823 \* \* \*

3824 (3) The membership of the commission shall consist of  
3825 fourteen (14) members as follows:

3826 (a) The Executive Director of the State Department of  
3827 Rehabilitation Services, or his or her designee;

3828 (b) The Executive Director of the State Department of  
3829 Mental Health, or his or her designee;

3830 (c) The Executive Officer of the State Department of  
3831 Health, or his or her designee;

3832 (d) The State Superintendent of Public Education, or  
3833 his or her designee;

3834 (e) The Executive Director of the Division of Medicaid,  
3835 or his or her designee;

3836 (f) The Executive Director of the Department of  
3837 Employment Security, or his or her designee;

3838 (g) The Executive Director of the Mississippi  
3839 Industries for the Blind; and

3840 (h) Three (3) appointments by the Governor and two (2)  
3841 appointments each by the Lieutenant Governor and Speaker of the  
3842 House of Representatives.



3843           Each of the appointments referenced in paragraph (h) of this  
3844 subsection shall be a person with a disability, a representative  
3845 of a disability advocacy group, or the parent of a person with a  
3846 disability. Of these appointments, there shall be no more than  
3847 one (1) appointment from the same consumer organization or  
3848 advocacy group during the same term of appointment.

3849           (4) Members appointed by the Governor, Lieutenant Governor  
3850 and Speaker of the House shall serve for terms that run  
3851 concurrently with the terms of office of the appointing officials.  
3852 An appointment to fill a vacancy, other than by expiration of a  
3853 term of office, shall be made for the balance of the unexpired  
3854 term. All appointments required by this section shall be made no  
3855 later than August 1, 2015.

3856           (5) The members of the commission shall elect from their  
3857 membership the chairperson and vice chairperson of the commission.  
3858 The chairperson and vice chairperson shall be a member appointed  
3859 under subsection (3)(h) of this section and a member from a state  
3860 agency referenced in subsection (3)(a) through (g) of this  
3861 section. The chairperson and vice chairperson shall serve for  
3862 terms of one (1) year beginning on July 1 of each year, except  
3863 that the terms of the first chairperson and vice chairperson shall  
3864 begin on the date of their election to those positions. Each year  
3865 at the expiration of the terms of the chairperson and vice  
3866 chairperson, the vice chairperson during the preceding year shall  
3867 serve as chairperson for the next year, and a new vice chairperson



3868 shall be elected according to the terms set forth in this  
3869 subsection.

3870 (6) The commission shall meet at least quarterly and hold  
3871 other meetings as are necessary for the purpose of conducting  
3872 required business, not exceeding six (6) meetings in any one (1)  
3873 fiscal year. If funds are available for that purpose, the  
3874 appointed members of the commission may be paid per diem and  
3875 travel expenses in accordance with the provisions of Sections  
3876 25-3-69 and 25-3-41. The commission shall convene to begin work  
3877 no later than September 1, 2015.

3878 (7) The Mississippi Disability Resource Commission may  
3879 receive and expend any monies appropriated by the Legislature,  
3880 apply for and utilize grants, and receive gifts or any other  
3881 appropriate source of funds to carry out the duties of office.

3882 **SECTION 53.** Section 43-33-747, Mississippi Code of 1972, is  
3883 amended as follows:

3884 43-33-747. (1) All money of the corporation from whatever  
3885 source derived, except as otherwise authorized or provided in this  
3886 article, shall be deposited with one or more qualified  
3887 depositories of the state as approved by the State Depository  
3888 Commission and designated by the corporation or invested in  
3889 accordance with Section 43-33-717(5)(e). The money in such  
3890 accounts shall be withdrawn on the order of such person or persons  
3891 as the corporation may authorize. All deposits of such money  
3892 shall, if required by the corporation, be secured in such manner



3893 as the corporation may determine. The State Auditor and his  
3894 legally authorized representatives are authorized and empowered  
3895 from time to time to examine the accounts and books of the  
3896 corporation, including its receipts, disbursements, contracts,  
3897 leases, sinking funds, investments and any other record and papers  
3898 relating to its financial standing; at a minimum an audit shall be  
3899 made annually and a copy thereof shall be filed with the State  
3900 Treasurer; the corporation shall pay such reasonable fee for such  
3901 examination as the State Auditor shall determine.

3902 (2) The corporation shall have power to contract with  
3903 holders of any of its bonds or notes as to the custody,  
3904 collection, securing, investment and payment of any money of the  
3905 corporation, of any money held in trust or otherwise for the  
3906 payment of bonds or notes, and to carry out such contract. Money  
3907 held in trust or otherwise for the payment of bonds or notes or in  
3908 any way to secure bonds or notes and deposits of such money may be  
3909 secured in the same manner as money of the corporation, and all  
3910 banks and trust companies are authorized to give such security for  
3911 such deposits.

3912 (3) Subject to the provisions of any contract with  
3913 bondholders or noteholders and to the approval of the Department  
3914 of Audit, the corporation shall prescribe a system of accounts in  
3915 accordance with generally accepted accounting principles (GAAP).

3916 (4) The corporation shall submit to the Governor \* \* \* and  
3917 the State Auditor \* \* \* an annual report on the activities of the



3918 corporation and, within thirty (30) days of the receipt thereof by  
3919 the corporation, a copy of the report of every external  
3920 examination of the books and accounts of the corporation.

3921 **SECTION 54.** Section 43-59-7, Mississippi Code of 1972, is  
3922 amended as follows:

3923 43-59-7. (1) The commission shall study issues affecting  
3924 the status of women in Mississippi, including, but not limited to,  
3925 the following areas:

3926 (a) Women's educational and employment problems, needs  
3927 and opportunities;

3928 (b) Women's health issues;

3929 (c) The socioeconomic factors that influence the status  
3930 of women and the development of women's individual potential;

3931 (d) Current or proposed state laws, practices or  
3932 conditions in regard to the civil, economic and political rights  
3933 of women, including, but not limited to, pensions, tax  
3934 requirements, property rights, marriage and dissolution of  
3935 marriage provisions, domestic violence and other matters affecting  
3936 the status of women; and

3937 (e) Any other conditions or practices affecting women  
3938 which impose special limitations or burdens upon them or which  
3939 tend to limit opportunities available to women.

3940 (2) The commission shall act as an information center on the  
3941 status of women and women's educational, employment and other  
3942 related needs, and on current and proposed legislation affecting



3943 women. In this capacity, the commission shall serve as a liaison  
3944 and clearinghouse between government, private interest groups and  
3945 the general public concerned with services for women, and in this  
3946 regard, the commission may publish a periodic newsletter, maintain  
3947 a website and communicate with and provide information in other  
3948 ways to these constituencies.

3949 (3) The commission shall educate the business, education,  
3950 state government and local government communities and the general  
3951 public about the nature and scope of gender discrimination,  
3952 violence against women, and other matters affecting the status of  
3953 women in Mississippi.

3954 (4) The commission shall recommend policies and make  
3955 recommendations to public and private groups and persons concerned  
3956 with any issue related to improving the status of women. Toward  
3957 this end, the commission may develop, prepare and coordinate  
3958 materials, projects or other activities and give technical and  
3959 consultative advice. The commission may encourage and help  
3960 women's organizations, public and private offices and other groups  
3961 to institute self-help activities designed to meet women's  
3962 educational, employment and other needs.

3963 (5) The commission shall promote consideration of qualified  
3964 women for all levels of government positions.

3965 \* \* \*

3966 **SECTION 55.** Section 45-12-5, Mississippi Code of 1972, is  
3967 amended as follows:





3968           45-12-5. (1) Except as provided in subsection (7) of this  
3969 section, no cigarettes may be sold or offered for sale in this  
3970 state or offered for sale or sold to persons located in this state  
3971 unless the cigarettes have been tested in accordance with the test  
3972 method and meet the performance standard specified in this  
3973 section, a written certification has been filed by the  
3974 manufacturer with the State Fire Marshal in accordance with  
3975 Section 45-12-7, and the cigarettes have been marked in accordance  
3976 with Section 45-12-9.

3977           (a) Testing of cigarettes shall be conducted in  
3978 accordance with the American Society of Testing and Materials  
3979 (ASTM) Standard E2187-04, "Standard Test Method for Measuring the  
3980 Ignition Strength of Cigarettes."

3981           (b) Testing shall be conducted on ten (10) layers of  
3982 filter paper.

3983           (c) No more than twenty-five percent (25%) of the  
3984 cigarettes tested in a test trial in accordance with this section  
3985 shall exhibit full-length burns. Forty (40) replicate tests shall  
3986 comprise a complete test trial for each cigarette tested.

3987           (d) The performance standard required by this section  
3988 shall only be applied to a complete test trial.

3989           (e) Written certifications shall be based upon testing  
3990 conducted by a laboratory that has been accredited pursuant to  
3991 Standard ISO/IEC 17025 of the International Organization for



3992 Standardization (ISO), or other comparable accreditation standard  
3993 required by the State Fire Marshal.

3994 (f) Laboratories conducting testing in accordance with  
3995 this section shall implement a quality control and quality  
3996 assurance program that includes a procedure that will determine  
3997 the repeatability of the testing results. The repeatability value  
3998 shall be no greater than nineteen percent (19%).

3999 (g) This section does not require additional testing if  
4000 cigarettes are tested consistent with this chapter for any other  
4001 purpose.

4002 (h) Testing performed or sponsored by the State Fire  
4003 Marshal to determine a cigarette's compliance with the performance  
4004 standard required shall be conducted in accordance with this  
4005 section.

4006 (2) Each cigarette listed in a certification submitted  
4007 pursuant to Section 45-12-7 that uses lowered permeability bands  
4008 in the cigarette paper to achieve compliance with the performance  
4009 standard set forth in this section shall have at least two (2)  
4010 nominally identical bands on the paper surrounding the tobacco  
4011 column. At least one (1) complete band shall be located at least  
4012 fifteen (15) millimeters from the lighting end of the cigarette.  
4013 For cigarettes on which the bands are positioned by design, there  
4014 shall be at least two (2) bands fully located at least fifteen  
4015 (15) millimeters from the lighting end and ten (10) millimeters  
4016 from the filter end of the tobacco column, or ten (10) millimeters



4017 from the labeled end of the tobacco column for nonfiltered  
4018 cigarettes.

4019 (3) A manufacturer of a cigarette that the State Fire  
4020 Marshal determines cannot be tested in accordance with the test  
4021 method prescribed in paragraph (a) of subsection (1) shall propose  
4022 a test method and performance standard for the cigarette to the  
4023 State Fire Marshal. Upon approval of the proposed test method and  
4024 a determination by the State Fire Marshal that the performance  
4025 standard proposed by the manufacturer is equivalent to the  
4026 performance standard prescribed in paragraph (c) of subsection  
4027 (1), the manufacturer may employ such test method and performance  
4028 standard to certify such cigarette pursuant to Section 45-12-7.  
4029 If the State Fire Marshal determines that another state has  
4030 enacted reduced cigarette ignition propensity standards that  
4031 include a test method and performance standard that are the same  
4032 as those contained in this section, and the State Fire Marshal  
4033 finds that the officials responsible for implementing those  
4034 requirements have approved the proposed alternative test method  
4035 and performance standard for a particular cigarette proposed by a  
4036 manufacturer as meeting the fire safety standards of that state's  
4037 law or regulation under a legal provision comparable to this  
4038 section, then the State Fire Marshal shall authorize that  
4039 manufacturer to employ the alternative test method and performance  
4040 standard to certify that cigarette for sale in this state, unless  
4041 the State Fire Marshal demonstrates a reasonable basis why the



4042 alternative test should not be accepted under this section. All  
4043 other applicable requirements of this section shall apply to the  
4044 manufacturer.

4045 (4) Each manufacturer shall maintain copies of the reports  
4046 of all tests conducted on all cigarettes offered for sale for a  
4047 period of three (3) years, and shall make copies of these reports  
4048 available to the State Fire Marshal and the Attorney General upon  
4049 written request. Any manufacturer who fails to make copies of  
4050 these reports available within sixty (60) days of receiving a  
4051 written request shall be subject to a civil penalty not to exceed  
4052 Ten Thousand Dollars (\$10,000.00) for each day after the sixtieth  
4053 day that the manufacturer does not make such copies available.

4054 (5) The State Fire Marshal may promulgate a subsequent ASTM  
4055 Standard Test Method for Measuring the Ignition Strength of  
4056 Cigarettes upon a finding that such subsequent method does not  
4057 result in a change in the percentage of full-length burns  
4058 exhibited by any tested cigarette when compared to the percentage  
4059 of full-length burns the same cigarette would exhibit when tested  
4060 in accordance with ASTM Standard E2187-04 and the performance  
4061 standard in paragraph (c) of subsection (1).

4062 \* \* \*

4063 ( \* \* \*6) The requirements of subsection (1) shall not  
4064 prohibit:

4065 (a) Wholesale or retail dealers from selling their  
4066 existing inventory of cigarettes on or after July 1, 2010, if the



4067 wholesale or retail dealer can establish that state tax stamps  
4068 were affixed to the cigarettes prior to July 1, 2010, and the  
4069 wholesale or retail dealer can establish that the inventory was  
4070 purchased prior to July 1, 2010, in comparable quantity to the  
4071 inventory purchased during the same period of the prior year; or

4072 (b) The sale of cigarettes solely for the purpose of  
4073 consumer testing. For purposes of this subsection, the term  
4074 "consumer testing" means an assessment of cigarettes that is  
4075 conducted by a manufacturer (or under the control and direction of  
4076 a manufacturer), for the purpose of evaluating consumer acceptance  
4077 of such cigarettes, utilizing only the quantity of cigarettes that  
4078 is reasonably necessary for such assessment.

4079 ( \* \* \*7) This chapter shall be so interpreted and construed  
4080 as to effectuate its general purpose to make uniform this chapter  
4081 with the laws of those states that have enacted reduced cigarette  
4082 ignition propensity laws as of July 1, 2010.

4083 **SECTION 56.** Section 47-5-6, Mississippi Code of 1972, is  
4084 amended as follows:

4085 47-5-6. (1) There is hereby established a committee to be  
4086 known as the Corrections and Criminal Justice Oversight Task  
4087 Force, hereinafter called the Oversight Task Force, which must  
4088 exercise the powers and fulfill the duties described in this  
4089 chapter.

4090 (2) The Oversight Task Force shall be composed of the  
4091 following members:



4092 (a) The Lieutenant Governor shall appoint two (2)  
4093 members;

4094 (b) The Speaker of the House of Representatives shall  
4095 appoint two (2) members;

4096 (c) The Commissioner of the Department of Corrections,  
4097 or his designee;

4098 (d) The Chief Justice of the Mississippi Supreme Court  
4099 shall appoint one (1) member of the circuit court;

4100 (e) The Governor shall appoint one (1) member from the  
4101 Parole Board;

4102 (f) The Director of the Joint Legislative Committee on  
4103 Performance Evaluation and Expenditure Review, or his designee;

4104 (g) The Attorney General shall appoint one (1) member  
4105 representing the victims' community;

4106 (h) The Mississippi Association of Supervisors shall  
4107 appoint one (1) member to represent the association;

4108 (i) The Mississippi Chief of Police Association shall  
4109 appoint one (1) member to represent the association \* \* \*;

4110 (j) The President of the Mississippi Prosecutors'  
4111 Association;

4112 (k) The President of the Mississippi Sheriffs'  
4113 Association, or his designee;

4114 (l) The Office of the State Public Defender shall  
4115 appoint one (1) member to represent the public defender's office;  
4116 and



4117 (m) The Governor shall appoint one (1) advocate for  
4118 offenders and families who have been directly affected by the  
4119 prison justice system. The appointment made pursuant to this  
4120 paragraph (m) shall occur on July 1, 2020.

4121 (3) The task force shall meet on or before July 15, 2015, at  
4122 the call of the Commissioner of the Department of Corrections and  
4123 organize itself by electing one (1) of its members as chair and  
4124 such other officers as the task force may consider necessary.  
4125 Thereafter, the task force shall meet at least biannually and at  
4126 the call of the chair or by a majority of the members. A quorum  
4127 consists of seven (7) members.

4128 (4) The task force shall have the following powers and  
4129 duties:

4130 (a) Track and assess outcomes from the recommendations  
4131 in the Corrections and Criminal Justice Task Force report of  
4132 December 2013;

4133 (b) Prepare and submit an annual report no later than  
4134 the first day of the second full week of each regular session of  
4135 the Legislature on the outcome and performance measures to  
4136 the \* \* \* Governor and Chief Justice. The report shall include  
4137 recommendations for improvements, recommendations on transfers of  
4138 funding based on the success or failure of implementation of the  
4139 recommendations, and a summary of savings. The report may also  
4140 present additional recommendations to the Legislature on future



4141 legislation and policy options to enhance public safety and  
4142 control corrections costs;

4143 (c) Monitor compliance with sentencing standards,  
4144 assess their impact on the correctional resources of the state and  
4145 determine if the standards advance the adopted sentencing policy  
4146 goals of the state;

4147 (d) Review the classifications of crimes and sentences  
4148 and make recommendations for change when supported by information  
4149 that change is advisable to further the adopted sentencing policy  
4150 goals of the state;

4151 (e) Develop a research and analysis system to determine  
4152 the feasibility, impact on resources, and budget consequences of  
4153 any proposed or existing legislation affecting sentence length;

4154 (f) Request, review, and receive data and reports on  
4155 performance outcome measures as related to Chapter 457, Laws of  
4156 2014;

4157 (g) To undertake such additional studies or evaluations  
4158 as the Oversight Task Force considers necessary to provide  
4159 sentencing reform information and analysis;

4160 (h) Prepare and conduct annual continuing legal  
4161 education seminars regarding the sentencing guidelines to be  
4162 presented to judges, prosecuting attorneys and their deputies, and  
4163 public defenders and their deputies, as so required;





4164 (i) The Oversight Task Force shall use clerical and  
4165 professional employees of the Department of Corrections for its  
4166 staff;

4167 (j) The Oversight Task Force may employ or retain other  
4168 professional staff, upon the determination of the necessity for  
4169 other staff;

4170 (k) The Oversight Task Force may employ consultants to  
4171 assist in the evaluations and, when necessary, the implementation  
4172 of the recommendations of the Corrections and Criminal Justice  
4173 Task Force report of December 2013;

4174 (l) The Oversight Task Force is encouraged to apply for  
4175 and may expend grants, gifts, or federal funds it receives from  
4176 other sources to carry out its duties and responsibilities.

4177 **SECTION 57.** Section 47-5-28, Mississippi Code of 1972, is  
4178 amended as follows:

4179 47-5-28. The commissioner shall have the following powers  
4180 and duties:

4181 (a) To implement and administer laws and policy  
4182 relating to corrections and coordinate the efforts of the  
4183 department with those of the federal government and other state  
4184 departments and agencies, county governments, municipal  
4185 governments, and private agencies concerned with providing  
4186 offender services;

4187 (b) To establish standards, in cooperation with other  
4188 state agencies having responsibility as provided by law, provide



4189 technical assistance, and exercise the requisite supervision as it  
4190 relates to correctional programs over all state-supported adult  
4191 correctional facilities and community-based programs;

4192 (c) To promulgate and publish such rules, regulations  
4193 and policies of the department as are needed for the efficient  
4194 government and maintenance of all facilities and programs in  
4195 accord insofar as possible with currently accepted standards of  
4196 adult offender care and treatment;

4197 (d) To provide the Parole Board with suitable and  
4198 sufficient office space and support resources and staff necessary  
4199 to \* \* \* conduct Parole Board business under the guidance of the  
4200 Chairman of the Parole Board;

4201 (e) To contract for transitional reentry center beds  
4202 that will be used as noncorrections housing for offenders released  
4203 from the department on parole, probation or post-release  
4204 supervision but do not have appropriate housing available upon  
4205 release. At least one hundred (100) but no more than eight  
4206 hundred (800) transitional reentry center beds contracted by the  
4207 department and chosen by the Parole Board shall be available for  
4208 the Parole Board to place parolees without appropriate housing;

4209 (f) To designate deputy commissioners while performing  
4210 their officially assigned duties relating to the custody, control,  
4211 transportation, recapture or arrest of any offender within the  
4212 jurisdiction of the department or any offender of any jail,  
4213 penitentiary, public workhouse or overnight lockup of the state or



4214 any political subdivision thereof not within the jurisdiction of  
4215 the department, to the status of peace officers anywhere in the  
4216 state in any matter relating to the custody, control,  
4217 transportation or recapture of such offender, and shall have the  
4218 status of law enforcement officers and peace officers as  
4219 contemplated by Sections 45-6-3, 97-3-7 and 97-3-19.

4220 For the purpose of administration and enforcement of this  
4221 chapter, deputy commissioners of the Mississippi Department of  
4222 Corrections, who are certified by the Mississippi Board on Law  
4223 Enforcement Officer Standards and Training, have the powers of a  
4224 law enforcement officer of this state. Such powers shall include  
4225 to make arrests and to serve and execute search warrants and other  
4226 valid legal process anywhere within the State of Mississippi while  
4227 performing their officially assigned duties relating to the  
4228 custody, control, transportation, recapture or arrest of any  
4229 offender within the jurisdiction of the department or any offender  
4230 of any jail, penitentiary, public workhouse or overnight lockup of  
4231 the state or any political subdivision thereof not within the  
4232 jurisdiction of the department in any matter relating to the  
4233 custody, control, transportation or recapture of such  
4234 offender \* \* \*;

4235 \* \* \*

4236 ( \* \* \*g) To cooperate fully with periodic independent  
4237 internal investigations of the department and to file the report  
4238 with the Governor and the Legislature;



4239 ( \* \* \*h) To make personnel actions for a period of one  
4240 (1) year beginning July 1, 2016, that are exempt from State  
4241 Personnel Board rules, regulations and procedures in order to give  
4242 the commissioner flexibility in making an orderly, effective and  
4243 timely reorganization and realignment of the department; and

4244 ( \* \* \*i) To perform such other duties necessary to  
4245 effectively and efficiently carry out the purposes of the  
4246 department as may be directed by the Governor.

4247 **SECTION 58.** Section 47-5-355, Mississippi Code of 1972, is  
4248 amended as follows:

4249 47-5-355. (1) The Commissioner of Corrections shall employ  
4250 a director of the prison agricultural enterprises, who shall be  
4251 directly responsible to the commissioner. The director shall have  
4252 the following duties and powers:

4253 (a) To implement and manage the prison agricultural  
4254 enterprises;

4255 (b) To determine, with the advice of the Director of  
4256 Planning, the type of agricultural, animal husbandry and  
4257 aquaculture products needed to feed inmates and which may be grown  
4258 profitably on department lands;

4259 (c) To use inmate labor to meet the labor needs of the  
4260 programs, subject to the requirements of subsection (2);

4261 (d) To recommend rules and regulations and employ  
4262 personnel necessary for the operation of the programs;



4263 (e) To determine the proper methods of canning,  
4264 freezing or preserving that may be used to the best advantage of  
4265 the programs;

4266 (f) With approval of the commissioner, to do those  
4267 things necessary and proper to accomplish the purposes of the  
4268 programs;

4269 (g) To determine and establish priorities on the most  
4270 appropriate and profitable products to be grown and which  
4271 department lands should be farmed, taking into consideration the  
4272 available prison labor, existing equipment and funds available  
4273 therefor, markets for the products, and other matters consistent  
4274 with prudent agricultural practices;

4275 (h) To manage the food services of the department at  
4276 the discretion of the commissioner.

4277 (2) The director shall have the right to use inmate labor to  
4278 the exclusion of prison industries. The superintendents shall  
4279 provide the prison agricultural enterprises with sufficient inmate  
4280 labor. If a superintendent refuses to provide inmate labor  
4281 because of security concerns, the commissioner shall decide if  
4282 security requirements preclude use of inmate labor. Upon the  
4283 request of the director, the superintendents shall provide  
4284 security for prison agricultural enterprises.

4285 (3) The director shall maintain accurate and complete  
4286 financial records of all receipts and expenditures of the prison  
4287 agricultural enterprise programs.



4288 \* \* \*

4289 ( \* \* \*4) The department may enter into joint ventures with  
4290 private businesses related to prison agricultural enterprises.

4291 **SECTION 59.** Section 47-7-15, Mississippi Code of 1972, is  
4292 amended as follows:

4293 47-7-15. The board shall adopt an official seal of which the  
4294 courts shall take judicial notice. Decisions of the board shall  
4295 be made by majority vote, except as provided in Section 47-7-5(9).

4296 The board shall keep a record of its acts and shall notify  
4297 each institution of its decisions relating to the persons who are  
4298 or have been confined therein. \* \* \*

4299 **SECTION 60.** Section 49-2-13, Mississippi Code of 1972, is  
4300 amended as follows:

4301 49-2-13. The executive director shall have the following  
4302 powers and duties:

4303 (a) To administer the policies of the commission within  
4304 the authority granted by the commission;

4305 (b) To supervise and direct all administrative and  
4306 technical activities of the department;

4307 (c) To organize the administrative units of the  
4308 department in accordance with the plan adopted by the commission  
4309 and, with commission approval, alter such organizational plan and  
4310 reassign responsibilities as he may deem necessary to carry out  
4311 the policies of the commission;



4312 (d) To coordinate the activities of the various offices  
4313 of the department;

4314 (e) To employ, subject to the approval of the  
4315 commission, qualified professional personnel in the subject matter  
4316 or fields of each office, and such other technical and clerical  
4317 staff as may be required for the operation of the department;

4318 (f) To recommend to the commission such studies and  
4319 investigations as he may deem appropriate, and to carry out the  
4320 approved recommendations in conjunction with the various offices;

4321 (g) To merge and coordinate functions and duties where  
4322 possible to eliminate the possibility of two (2) separate  
4323 organizational entities performing the same or similar functions,  
4324 including, but not limited to, functions of audit, inspection,  
4325 collection, personnel, motor vehicles, accounting, data  
4326 processing, payroll and any other such administrative, procedural  
4327 or enforcement function;

4328 (h) To coordinate all studies in the State of  
4329 Mississippi concerned with the supply, development, use and  
4330 conservation of natural resources within the jurisdiction of the  
4331 department;

4332 \* \* \*

4333 ( \* \* \*i) To issue, modify or revoke any and all orders  
4334 under authority granted by the commission which include, but are  
4335 not limited to those which (i) prohibit, control or abate  
4336 discharges of contaminants and wastes into the air and waters of



4337 the state; (ii) require the construction of new disposal systems  
4338 or air-cleaning devices or any parts thereof, or the modification,  
4339 extension or alteration of existing disposal systems or  
4340 air-cleaning devices or any parts thereof, or the adoption of  
4341 other remedial measures to prevent, control or abate air and water  
4342 pollution or to cause the proper management of solid wastes; (iii)  
4343 impose penalties pursuant to Section 17-17-29 and Section 49-17-43  
4344 which have been agreed upon with alleged violators; and (iv)  
4345 require compliance with the conditions of any permit issued by the  
4346 Permit Board created in Section 49-17-28 and all regulations of  
4347 the commission; and

4348 ( \* \* \*j) With the approval of the commission, to enter  
4349 into contracts, grants and cooperative agreements with any federal  
4350 or state agency or subdivision thereof, or any public or private  
4351 institution located inside or outside the State of Mississippi, or  
4352 any person, corporation or association in connection with carrying  
4353 out the provisions of this chapter, provided the agreements do not  
4354 have a financial cost in excess of the amounts appropriated for  
4355 such purposes by the Legislature.

4356 **SECTION 61.** Section 49-4-13, Mississippi Code of 1972, is  
4357 amended as follows:

4358 49-4-13. Effective July 1, 1979, the executive director of  
4359 the Department of Wildlife, Fisheries and Parks shall have the  
4360 following powers and duties:





4361 (a) To supervise and direct all administrative and  
4362 technical activities of the department;

4363 (b) To employ, subject to the approval of the  
4364 commission, qualified professional personnel in the subject matter  
4365 or fields, and such other technical and clerical staff as may be  
4366 required for the operation of the department;

4367 (c) To coordinate all studies in the State of  
4368 Mississippi concerned with the supply, development, use and  
4369 conservation of wildlife, fisheries and parks;

4370 \* \* \*

4371 ( \* \* \*d) To enter into cooperative agreements with any  
4372 federal or state agency or subdivision thereof, or any public or  
4373 private institution located inside or outside the State of  
4374 Mississippi, or any person, corporation or association in  
4375 connection with studies and investigations pertaining to wildlife,  
4376 fisheries and parks, provided the agreements do not have a  
4377 financial cost in excess of the amounts appropriated for such  
4378 purposes by the Legislature;

4379 ( \* \* \*e) In his discretion, to enter into an affinity  
4380 relationship with a credit card issuer and to expend funds derived  
4381 therefrom to improve wildlife management areas; and

4382 ( \* \* \*f) To carry out all regulations and rules  
4383 adopted by the commission and enforce all licenses and permits  
4384 issued by the commission.



4385           **SECTION 62.** Section 49-7-26, Mississippi Code of 1972, is  
4386 amended as follows:

4387           49-7-26. (1) (a) The department may develop, implement and  
4388 regulate a tagging and reporting program to collect harvest data  
4389 and monitor bag limit compliance by any means as provided in this  
4390 section.

4391                   (b) The department may charge a fee for the tagging  
4392 program.

4393           \* \* \*

4394           (2) (a) The department may establish a tagging and  
4395 reporting program for deer harvested by nonresidents.

4396                   (b) A nonresident who violates any law or regulation of  
4397 the nonresident deer tagging program shall be subject to the fine  
4398 and forfeiture penalties provided for a nonresident hunting  
4399 without a license under Section 49-7-21. In addition, a  
4400 nonresident shall be assessed the administrative fee prescribed in  
4401 this section.

4402           (3) (a) The department may establish a tagging and  
4403 reporting program for turkey.

4404                   (b) A person who violates any law or regulation of the  
4405 turkey tagging program is guilty of a Class III violation and  
4406 shall be subject to the fines provided in 49-7-101. In addition,  
4407 a person shall be assessed the administrative fee prescribed in  
4408 this section.



4409 (4) (a) A person convicted of a first violation of the  
4410 tagging program shall be assessed an administrative fee of not  
4411 less than One Hundred Dollars (\$100.00) nor more than Five Hundred  
4412 Dollars (\$500.00), which shall be imposed and collected upon  
4413 conviction. A person convicted of a second or subsequent  
4414 violation shall be assessed an administrative fee of not less than  
4415 Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars  
4416 (\$1,000.00), which shall be imposed and collected upon conviction.

4417 (b) The clerk of the court shall collect and deposit  
4418 the administrative fees with the State Treasurer, in the same  
4419 manner and in accordance with the same procedure, as nearly as  
4420 practicable, as required for the collection and deposit of state  
4421 assessments under Section 99-19-73.

4422 (c) The administrative fees shall be credited to the  
4423 Department of Wildlife, Fisheries and Parks and may be expended by  
4424 the department upon appropriation by the Legislature.

4425 (5) Each deer or turkey taken or possessed in violation of  
4426 the tagging program is a separate offense.

4427 **SECTION 63.** Section 49-17-44, Mississippi Code of 1972, is  
4428 amended as follows:

4429 49-17-44. (1) The Permit Board may require any applicant  
4430 for a water pollution control permit for the discharge of effluent  
4431 from any sewer system certificated or required to be certificated  
4432 by the Public Service Commission to provide a bond or other  
4433 acceptable financial security instrument payable to the Commission



4434 on Environmental Quality and conditioned upon full and  
4435 satisfactory performance of the requirements of the Mississippi  
4436 Air and Water Pollution Control Law and any water pollution  
4437 control permit issued under that law. Any bond shall be executed  
4438 by the permittee and a corporate surety licensed to do business in  
4439 the state. The commission shall establish by regulation the  
4440 acceptable forms of financial security and the amount of financial  
4441 security required for the various types and sizes of facilities.  
4442 The purpose of the bond or other financial security shall be the  
4443 protection of the public health, welfare and the environment.

4444 (2) The commission may enter an order requiring forfeiture  
4445 of the bond or other financial security, if the commission  
4446 determines that:

4447 (a) The continued operation or lack of operation and  
4448 maintenance of the facility covered by this section represents an  
4449 imminent threat to the public health, welfare and the environment  
4450 because the permittee is unable or unwilling to adequately operate  
4451 and maintain the facility or the facility has been actually or  
4452 effectively abandoned by the permittee;

4453 (b) Reasonable and practical efforts under the  
4454 circumstances have been made to obtain corrective actions from the  
4455 permittee; and

4456 (c) It does not appear that corrective actions can or  
4457 will be taken within an appropriate time as determined by the  
4458 commission.



4459           (3)   \* \* \* The proceeds of any forfeiture shall be deposited  
4460 into a special fund created in subsection (5) of this section and  
4461 shall be used by the commission or any receiver appointed by the  
4462 Chancery Court of the First Judicial District of Hinds County to  
4463 address or correct the noncompliance at the facility or to  
4464 continue operation and maintenance of the facility. The proceeds  
4465 shall be in addition to any other funds otherwise appropriated to  
4466 the department and may be expended under the authority of this  
4467 section without additional action of the Legislature.

4468           \* \* \*

4469           (4) If the commission finds that a facility has been  
4470 abandoned or that services of a facility have been terminated, the  
4471 commission may enter any orders regarding continued operations of  
4472 that facility as it deems necessary to protect the public health,  
4473 welfare and the environment.

4474           (5) (a) There is created in the State Treasury a fund to be  
4475 designated as the "Water Pollution Control Bond Forfeiture Fund."  
4476 Monies in the fund shall be used by the commission or any receiver  
4477 appointed by the court to address or correct the noncompliance at  
4478 the facility or to continue operation and maintenance of the  
4479 facility for which the bond or other financial security was  
4480 forfeited.

4481           (b) Expenditures may be made from the fund upon  
4482 requisition by the executive director of the department.



4483 (c) The fund shall be treated as a special trust fund.  
4484 Interest earned on the principal shall be credited by the  
4485 Treasurer to the fund.

4486 (d) The fund may receive monies from any available  
4487 public or private source, including, but not limited to, proceeds  
4488 from bond or other financial security forfeitures, interest, and  
4489 funds from other judicial actions.

4490 (6) An appeal from any decision of the commission under this  
4491 section may be taken as provided in Section 49-17-41, Mississippi  
4492 Code of 1972.

4493 (7) This section shall be applicable to new applications for  
4494 water pollution control permits and to existing water pollution  
4495 control permits upon application for reissuance or transfer of a  
4496 permit.

4497 **SECTION 64.** Section 49-15-305, Mississippi Code of 1972, is  
4498 amended as follows:

4499 49-15-305. (1) The Governor shall appoint the Executive  
4500 Director of the Department of Marine Resources, with the advice  
4501 and consent of the Senate, who shall serve at the will and  
4502 pleasure of the Governor. The executive director shall be  
4503 knowledgeable and experienced in marine resources management.

4504 (2) The executive director of the department shall have the  
4505 following powers and duties:



4506 (a) To supervise and direct all administrative,  
4507 inspection and technical activities and personnel of the  
4508 department;

4509 (b) To employ qualified professional personnel in the  
4510 subject matter or fields, and any other technical and clerical  
4511 staff as may be required for the operation of the department;

4512 (c) To coordinate all studies in the State of  
4513 Mississippi concerned with the supply, development, use and  
4514 conservation of marine resources;

4515 \* \* \*

4516 ( \* \* \*d) To enter into cooperative agreements with any  
4517 federal or state agency or subdivision thereof, or any public or  
4518 private institution located inside or outside the State of  
4519 Mississippi, or any person, corporation or association in  
4520 connection with studies and investigations pertaining to marine  
4521 resources, provided the agreements do not have a financial cost in  
4522 excess of the amounts appropriated for the purposes by the  
4523 Legislature; and

4524 ( \* \* \*e) To carry out all regulations and rules  
4525 adopted by the department and enforce all licenses and permits  
4526 issued by the department.

4527 **SECTION 65.** Section 57-1-18, Mississippi Code of 1972, is  
4528 amended as follows:



4529           57-1-18. (1) For the purposes of this section, the  
4530 following terms shall have the meanings ascribed in this section  
4531 unless the context clearly indicates otherwise:

4532           (a) "Limited population county" means a county in the  
4533 State of Mississippi with a population of thirty thousand (30,000)  
4534 or less according to the most recent federal decennial census at  
4535 the time the county submits its application to the MDA under this  
4536 section.

4537           (b) "MDA" means the Mississippi Development Authority.

4538           (c) "Project" means highways, streets and other  
4539 roadways, bridges, sidewalks, utilities, airfields, airports,  
4540 acquisition of equipment, acquisition of real property,  
4541 development of real property, improvements to real property, and  
4542 any other project approved by the MDA.

4543           (d) "Small municipality" means a municipality in the  
4544 State of Mississippi with a population of ten thousand (10,000) or  
4545 less according to the most recent federal decennial census at the  
4546 time the municipality submits its application to the MDA under  
4547 this section. The term "small municipality" also includes a  
4548 municipal historical hamlet as defined in Section 17-27-5.

4549           (2) (a) There is hereby created in the State Treasury a  
4550 special fund to be designated as the "Small Municipalities and  
4551 Limited Population Counties Fund," which shall consist of funds  
4552 appropriated or otherwise made available by the Legislature in any  
4553 manner and funds from any other source designated for deposit into





4554 such fund. Unexpended amounts remaining in the fund at the end of  
4555 a fiscal year shall not lapse into the State General Fund, and any  
4556 investment earnings or interest earned on amounts in the fund  
4557 shall be deposited to the credit of the fund. Monies in the fund  
4558 shall be used to make grants to small municipalities and limited  
4559 population counties or natural gas districts created by law and  
4560 contained therein to assist in completing projects under this  
4561 section.

4562 (b) Monies in the fund which are derived from proceeds  
4563 of bonds issued under Sections 1 through 16 of Chapter 538, Laws  
4564 of 2002, Sections 1 through 16 of Chapter 508, Laws of 2003,  
4565 Sections 55 through 70 of Chapter 1, Laws of 2004 Third  
4566 Extraordinary Session, Sections 1 through 16 of Chapter 482, Laws  
4567 of 2006, Section 15 of Chapter 580, Laws of 2007, Section 1 of  
4568 Chapter 503, Laws of 2008, Section 42 of Chapter 557, Laws of  
4569 2009, Section 38 of Chapter 533, Laws of 2010, Section 41 of  
4570 Chapter 480, Laws of 2011, Section 30 of Chapter 569, Laws of  
4571 2013, Section 4 of Chapter 530, Laws of 2014, Section 11 of  
4572 Chapter 472, Laws of 2015, Section 19 of Chapter 511, Laws of  
4573 2016, Section 5 of Chapter 452, Laws of 2018, Section 19 of  
4574 Chapter 454, Laws of 2019, or Section 11 of Chapter 492, Laws of  
4575 2020, may be used to reimburse reasonable actual and necessary  
4576 costs incurred by the MDA for the administration of the various  
4577 grant, loan and financial incentive programs administered by the  
4578 MDA. An accounting of actual costs incurred for which



4579 reimbursement is sought shall be maintained by the MDA.  
4580 Reimbursement of reasonable actual and necessary costs shall not  
4581 exceed three percent (3%) of the proceeds of bonds issued.  
4582 Reimbursements under this subsection shall satisfy any applicable  
4583 federal tax law requirements.

4584 (3) The MDA shall establish a grant program to make grants  
4585 to small municipalities and limited population counties from the  
4586 Small Municipalities and Limited Population Counties Fund. Grants  
4587 made under this section to a small municipality or a limited  
4588 population county shall not exceed Two Hundred Fifty Thousand  
4589 Dollars (\$250,000.00) during any grant period established by the  
4590 MDA. A small municipality or limited population county may apply  
4591 to the MDA for a grant under this section in the manner provided  
4592 for in this section.

4593 (4) A small municipality or limited population county  
4594 desiring assistance under this section must submit an application  
4595 to the MDA. The application must include a description of the  
4596 project for which assistance is requested, the cost of the project  
4597 for which assistance is requested, the amount of assistance  
4598 requested and any other information required by the MDA.

4599 (5) The MDA shall have all powers necessary to implement and  
4600 administer the program established under this section, and the  
4601 department shall promulgate rules and regulations, in accordance  
4602 with the Mississippi Administrative Procedures Law, necessary for  
4603 the implementation of this section.



4604 \* \* \*

4605 **SECTION 66.** Section 57-1-367, Mississippi Code of 1972, is  
4606 amended as follows:

4607 57-1-367. (1) (a) \* \* \* MDA shall set a goal to expend not  
4608 less than ten percent (10%) of the total amounts expended by \* \* \*  
4609 MDA on planning, construction, training, research, development,  
4610 testing, evaluation, personal services, procurement, and for the  
4611 operation and maintenance of any facilities or activities  
4612 controlled by \* \* \* MDA, with minority small business concerns  
4613 owned and controlled by socially and economically disadvantaged  
4614 individuals. For the purpose of determining the total amounts  
4615 expended with such minority small business concerns, credit shall  
4616 be given for that portion of any prime contract entered into  
4617 with \* \* \* MDA which inures to the benefit of such minority small  
4618 business concern as a subcontractor thereunder.

4619 (b) For the purposes of this section, the term  
4620 "socially and economically disadvantaged individuals" shall have  
4621 the meaning ascribed to such term under Section 8(d) of the Small  
4622 Business Act (15 USCS, Section 637(d)) and relevant subcontracting  
4623 regulations promulgated pursuant thereto.

4624 (c) For the purposes of this section, the term  
4625 "minority small business concern" means any small business  
4626 concern:

4627 (i) Which is at least fifty-one percent (51%)  
4628 owned by one or more socially and economically disadvantaged



4629 individuals; or, in the case of any publicly owned businesses, at  
4630 least fifty-one percent (51%) of the stock of which is owned by  
4631 one or more socially and economically disadvantaged individuals;  
4632 and

4633 (ii) Whose management and daily business  
4634 operations are controlled by one or more of such individuals.

4635 (d) For the purpose of this section, the term "small  
4636 business concern" shall mean "small business" as the latter term  
4637 is defined in Section 57-10-155, Mississippi Code of 1972.

4638 (2) In order to comply in a timely manner with its minority  
4639 small business participation mandate, \* \* \* MDA shall set an  
4640 annual goal to expend not less than ten percent (10%) of its  
4641 aggregate yearly expenditures with minority small business  
4642 concerns.

4643 (3) \* \* \* MDA shall:

4644 (a) Monitor the minority small business concerns  
4645 assistance programs prescribed in this section.

4646 (b) Review and determine the business capabilities of  
4647 minority small business concerns.

4648 (c) Establish standards for a certification procedure  
4649 for minority small business concerns seeking to do business  
4650 with \* \* \* MDA.

4651 (d) Provide technical assistance services to minority  
4652 small business concerns. Such technical assistance shall include  
4653 but not be limited to:



- 4654 (i) Research;
- 4655 (ii) Assistance in obtaining bonds;
- 4656 (iii) Bid preparation;
- 4657 (iv) Certification of business concerns;
- 4658 (v) Marketing assistance; and
- 4659 (vi) Joint venture and capital development.

4660 (e) Develop alternative bidding and contracting  
4661 procedures for minority small business concerns in conjunction  
4662 with the Department of Finance and Administration.

4663 (f) Utilize such alternative bidding and contracting  
4664 procedures in lieu of those prescribed in Title 31, Chapters 5 and  
4665 7, Mississippi Code of 1972, when contracting with minority small  
4666 business concerns that have qualified to bid for contracts and  
4667 have satisfied any other disclosure provisions required by \* \* \*  
4668 MDA.

4669 (g) Be authorized to accept in lieu of any bond  
4670 otherwise required from minority small business concerns or small  
4671 business concerns contracting with \* \* \* MDA, in an amount equal  
4672 to one hundred percent (100%) of the total cost of the contracted  
4673 project, any combination of the following:

- 4674 (i) Cash;
- 4675 (ii) Certificates of deposit from any bank or  
4676 banking corporation insured by the Federal Deposit Insurance  
4677 Corporation or the Federal Savings and Loan Insurance Corporation;
- 4678 (iii) Federal treasury bills;



4679 (iv) Letters of credit issued by a bank as that  
4680 term is defined in Section 81-3-1, Mississippi Code of 1972; or

4681 (v) Surety bonds issued by an insurance company  
4682 licensed and qualified to do business in the State of Mississippi.

4683 (h) Be authorized, in its discretion, to waive any bond  
4684 required on any project which does not exceed a total dollar value  
4685 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall  
4686 be held by the authority in an amount not to exceed fifteen  
4687 percent (15%) from each draw according to American Institute of  
4688 Architects (AIA) standards. Upon satisfactory completion of such  
4689 project, ten percent (10%) of the total cost of the contract shall  
4690 be held in an interest-bearing escrow account for one (1) year.  
4691 Funds deposited in such escrow account shall stand as a surety for  
4692 any defects in workmanship or materials detected within twelve  
4693 (12) months of completion. The balance of all monies so escrowed  
4694 including accrued interest shall be paid to the contractor at the  
4695 end of such twelve-month period.

4696 (i) Be empowered to provide an incentive of bimonthly  
4697 payments to any prime contractors utilizing minority small  
4698 business concerns as subcontractors on twenty-five percent (25%)  
4699 or more of the total dollar value of any single project or  
4700 contract.

4701 \* \* \*

4702 ( \* \* \*j) Take all steps necessary to implement the  
4703 provisions of this section.



4704           **SECTION 67.** Section 57-1-701, Mississippi Code of 1972, is  
4705 amended as follows:

4706           57-1-701. (1) For the purposes of this section, the  
4707 following words and phrases shall have the meanings ascribed in  
4708 this subsection unless the context clearly indicates otherwise:

4709                   (a) "Eligible entity" means any (i) county, (ii)  
4710 municipality or (iii) public or private nonprofit local economic  
4711 development entity including, but not limited to, local  
4712 authorities, commissions, or other entities created by local and  
4713 private legislation or pursuant to Section 19-5-99.

4714                   (b) "Eligible expenditures" means:

4715                           (i) Fees for architects, engineers, environmental  
4716 consultants, attorneys, and such other advisors, consultants and  
4717 agents that MDA determines are necessary to complete site due  
4718 diligence associated with site development improvements located on  
4719 industrial property that is publicly owned; and/or

4720                           (ii) Contributions toward site development  
4721 improvements, as approved by MDA, located on industrial property  
4722 that is publicly owned.

4723                   (c) "MDA" means the Mississippi Development Authority.

4724                   (d) "Site development improvements" means site  
4725 clearing, grading, and environmental mitigation; improvements to  
4726 drainage systems; easement and right-of-way acquisition; sewer  
4727 systems; transportation directly affecting the site, including  
4728 roads, bridges or rail; bulkheads; land reclamation; water supply



4729 (storage, treatment and distribution); aesthetic improvements; the  
4730 dredging of channels and basins; or other improvements as approved  
4731 by MDA.

4732 (2) (a) There is hereby created in the State Treasury a  
4733 special fund to be designated as the "Mississippi Site Development  
4734 Grant Fund," which shall consist of funds made available by the  
4735 Legislature in any manner and funds from any other source  
4736 designated for deposit into such fund. Unexpended amounts  
4737 remaining in the fund at the end of a fiscal year shall not lapse  
4738 into the State General Fund, and any investment earnings or  
4739 interest earned on amounts in the fund shall be deposited to the  
4740 credit of the fund. Monies in the fund shall be used to make  
4741 grants to assist eligible entities as provided in this section.

4742 (b) Monies in the fund which are derived from proceeds  
4743 of bonds issued under Section 2 of Chapter 390, Laws of 2017,  
4744 Section 5 of Chapter 412, Laws of 2018, Section 1 of Chapter 421,  
4745 Laws of 2019, Section 4 of Chapter 492, Laws of 2020, or Section 8  
4746 of Chapter 480, Laws of 2021, may be used to reimburse reasonable  
4747 actual and necessary costs incurred by MDA for the administration  
4748 of the various grant, loan and financial incentive programs  
4749 administered by MDA. An accounting of actual costs incurred for  
4750 which reimbursement is sought shall be maintained by MDA.  
4751 Reimbursement of reasonable actual and necessary costs shall not  
4752 exceed three percent (3%) of the proceeds of bonds issued.





4753 Reimbursements under this subsection shall satisfy any applicable  
4754 federal tax law requirements.

4755 (3) (a) MDA shall establish a program to make grants to  
4756 eligible entities to match local or other funds associated with  
4757 improving the marketability of publicly owned industrial property  
4758 for industrial economic development purposes and other property  
4759 improvements as approved by MDA. An eligible entity may apply to  
4760 MDA for a grant under this program in the manner provided for in  
4761 this section. An eligible entity desiring assistance under this  
4762 section must provide matching funds in an amount determined by  
4763 MDA. Matching funds may be provided in the form of cash and/or  
4764 in-kind services as determined by MDA.

4765 (b) An eligible entity desiring assistance under this  
4766 section must submit an application to MDA. The application must  
4767 include:

4768 (i) A description of the eligible expenditures for  
4769 which assistance is requested;

4770 (ii) The amount of assistance requested;

4771 (iii) The amount and type of matching funds to be  
4772 provided by the eligible entity; and

4773 (iv) Any other information required by MDA.

4774 (c) Upon request by MDA, an eligible entity shall  
4775 provide MDA with access to all studies, reports, documents and/or  
4776 plans developed as a result of or related to an eligible entity  
4777 receiving assistance under this section.



4778 (4) MDA shall have all powers necessary to implement and  
4779 administer the program established under this section, and the  
4780 department shall promulgate rules and regulations, in accordance  
4781 with the Mississippi Administrative Procedures Law, necessary for  
4782 the implementation of this section.

4783 \* \* \*

4784 **SECTION 68.** Section 57-10-707, Mississippi Code of 1972, is  
4785 amended as follows:

4786 57-10-707. (1) To the extent funds are available, the  
4787 Mississippi Development Authority, in cooperation with public and  
4788 private sector partners, is authorized to establish a program  
4789 modeled on comparable initiatives throughout the nation that  
4790 provides grants and loans and/or promotes access to healthy food  
4791 retailers that increase access to fresh fruits and vegetables, in  
4792 natural and/or frozen form, and other affordable healthy food in  
4793 underserved communities.

4794 (2) The agency may contract with one or more qualified  
4795 nonprofit organizations or community development financial  
4796 institutions to administer the program described in this article  
4797 through a public-private partnership, to raise matching funds,  
4798 market the program statewide, evaluate applicants, make award  
4799 decisions, underwrite loans and monitor compliance and impact.  
4800 The agency and its partners shall coordinate with complementary  
4801 nutrition assistance and education programs.



4802 (3) Any funding provided under the program shall be provided  
4803 on a competitive, one-time basis as appropriate for the eligible  
4804 project. No state funds shall be directly provided as a source of  
4805 funding for any food retailer under this program, but may be used  
4806 by the agency for its administrative duties in carrying out the  
4807 provisions of this article.

4808 (4) (a) The program may provide technical assistance and/or  
4809 funding for projects such as:

4810 (i) New construction of healthy food retailers.

4811 (ii) Store renovations, expansion and  
4812 infrastructure upgrades that improve the availability and quality  
4813 of fresh produce.

4814 (iii) Farmers' markets and public markets, food  
4815 cooperatives, mobile markets and delivery projects and  
4816 distribution projects that enable food retailers in underserved  
4817 communities to regularly obtain fresh produce.

4818 (iv) Other projects that create or improve healthy  
4819 food retail outlets that meet the intent of this article as  
4820 determined by the agency.

4821 (b) Funding made available for projects included in  
4822 paragraph (a) of this subsection may be used for the following  
4823 purposes:

4824 (i) Site acquisition and preparation.

4825 (ii) Construction costs.

4826 (iii) Equipment and furnishings.



- 4827 (iv) Workforce training.  
4828 (v) Security.  
4829 (vi) Certain predevelopment costs such as market  
4830 studies and appraisals.  
4831 (vii) Working capital for initial inventory and  
4832 costs.

4833 (5) An applicant for funding may include, but not be limited  
4834 to, a sole proprietorship, partnership, limited liability company,  
4835 corporation or cooperative.

4836 (6) In order to be considered for funding, an applicant  
4837 shall meet the following eligibility criteria:

4838 (a) The project for which the applicant seeks funding  
4839 shall benefit an underserved community.

4840 (b) The applicant shall demonstrate a meaningful  
4841 commitment to sell fresh fruits and vegetables, in natural and/or  
4842 frozen form, according to a measurable standard established by the  
4843 agency.

4844 (c) The applicant shall not locate the project in an  
4845 area where it would be directly competing against an existing food  
4846 retailer.

4847 (7) Applicants shall be evaluated on the following financial  
4848 criteria in order to determine the funding awarded:

4849 (a) Demonstrated capacity to successfully implement the  
4850 project, including the applicant's relevant experience and the  
4851 likelihood that the project will be economically self-sustaining.



4852 (b) The ability of the applicant to repay debt.  
4853 (c) The degree to which the project requires an  
4854 investment of public funding to move forward, create impact or be  
4855 competitive, and the level of need in the area to be served.  
4856 Additional factors that will improve or preserve retail access for  
4857 low-income residents, such as proximity to public transit lines,  
4858 also may be taken into account.

4859 (d) The degree to which the project will promote sales  
4860 of fresh produce, particularly Mississippi-grown fruits and  
4861 vegetables.

4862 (e) The degree to which the project will have a  
4863 positive economic impact on the underserved community, including,  
4864 creating or retaining jobs for local residents.

4865 (f) Other criteria that the agency determines to be  
4866 consistent with the purposes of this article.

4867 (8) The agency shall establish program benchmarks and  
4868 reporting processes to make certain that the program benefits the  
4869 communities in the program area. The agency shall likewise  
4870 establish monitoring and accountability mechanisms for projects  
4871 receiving grants or loans, such as tracking fruit and vegetable  
4872 sales data.

4873 \* \* \*

4874 ( \* \* \*9) The agency shall establish rules for the  
4875 implementation of this article.



4876           **SECTION 69.** Section 57-13-47, Mississippi Code of 1972, is  
4877 amended as follows:

4878           57-13-47. (1) For the purposes of this section the term  
4879 "tax expenditure provision" means any statutory provision or state  
4880 agency regulation which exempts, in whole or in part, any specific  
4881 class or classes of persons, income, goods, services or property  
4882 from the impact of established state taxes, including, but not  
4883 limited to, those provisions known as tax deductions, tax  
4884 allowances, tax exclusions, tax credits and tax exemptions.

4885           (2) (a) The University Research Center shall annually  
4886 prepare a report detailing the approximate costs in foregone  
4887 revenue because of all state tax expenditure provisions, including  
4888 those incorporated by conformance with the Federal Internal  
4889 Revenue Code, in effect at the time of the report; however, the  
4890 report to be submitted by November 1, 1986, may include tax  
4891 expenditures only for sales taxes, use taxes and income taxes, and  
4892 subsequent reports shall include tax expenditures for all taxes.  
4893 The report shall also explain the policy purposes for each such  
4894 tax expenditure provision and may show any indicators of  
4895 effectiveness or ineffectiveness in achieving such policy  
4896 purposes. If the Director of the University Research Center  
4897 determines that preparation of such report shall adversely affect  
4898 in a material manner any work or projects of the center which are  
4899 being performed by staff persons preparing the report required by  
4900 this section, the director may request the Legislative Budget



4901 Committee to reduce the requirements of this section as to the  
4902 contents of the report for one (1) year, but in no event shall the  
4903 report contain less than the dollar amount of each such tax  
4904 expenditure required to be included therein.

4905 (b) The report shall include the analyses required by  
4906 Sections 57-13-101 through 57-13-109.

4907 \* \* \*

4908 ( \* \* \*3) All state agencies and all political subdivisions  
4909 of the State of Mississippi, and the officers and employees  
4910 thereof, shall cooperate with the center in preparing such report  
4911 and shall provide any and all information, documents and materials  
4912 requested by the center.

4913 **SECTION 70.** Section 57-39-19, Mississippi Code of 1972, is  
4914 amended as follows:

4915 57-39-19. (1) To ensure that state-owned facilities be  
4916 operated in an energy-efficient manner to reduce operating costs  
4917 to the General Fund and demonstrate successful energy consumption  
4918 reduction strategies to other sectors of the state economy, the  
4919 division shall coordinate the development and implementation of a  
4920 general energy management plan for state-owned and operated  
4921 facilities in conjunction with the Department of Finance and  
4922 Administration, Bureau of Building, Grounds and Real Property  
4923 Management. The general energy management plan shall include, but  
4924 not be limited to, the following elements:



4925           (a) Gathering of energy-related data from state  
4926 agencies, state institutions of higher learning, and community and  
4927 junior colleges in a form and manner as required by the division;  
4928           (b) Benchmarking of energy consumption and costs;  
4929           (c) Use of a central system to aggregate and track  
4930 energy consumption data for all state-owned facilities;  
4931           (d) Model buildings and facilities energy audit  
4932 procedures;  
4933           (e) Model energy consumption reduction techniques;  
4934           (f) Uniform data analysis procedures;  
4935           (g) Model employee energy education program procedures;  
4936           (h) Model training program for agency and institution  
4937 personnel and energy coordinators;  
4938           (i) Model guidelines for buildings and facilities  
4939 managers;  
4940           (j) Program monitoring and evaluation procedures.  
4941       (2) The State Energy Management Plan shall also include a  
4942 description of actions to reduce consumption of electricity and  
4943 nonrenewable energy sources used for heating, cooling,  
4944 ventilation, lighting and water heating. A designee of each of  
4945 the following entities - the Board of Trustees of State  
4946 Institutions of Higher Learning, the Community College Board, the  
4947 Department of Education, and the Department of Finance and  
4948 Administration shall assist in the preparation of the State Energy  
4949 Management Plan and serve together on an advisory board; the





4950 director of the division shall serve as the head of this board and  
4951 shall convene representatives of these institutions no fewer than  
4952 once each year in order to review implementation of the State  
4953 Energy Management Plan.

4954 (3) The State Energy Management Plan shall be developed and  
4955 implemented with input and assistance from the Department of  
4956 Finance and Administration, Bureau of Building, Grounds and Real  
4957 Property Management, and the two (2) state agencies shall work  
4958 together and pledge to use pertinent resources and programs in  
4959 conjunction with one another to accomplish the goals described in  
4960 this section.

4961 (4) The Department of Finance and Administration, Bureau of  
4962 Building, Grounds and Real Property Management shall transmit to  
4963 the division an updated state building inventory on an annual  
4964 basis.

4965 (5) All state agencies having buildings on the inventory of  
4966 buildings submitted to the Department of Finance and  
4967 Administration as well as all institutions of higher learning and  
4968 community and junior colleges (hereafter referred to as "covered  
4969 entities"), shall submit energy consumption in a form and manner  
4970 prescribed by the division.

4971 (6) Energy-related data may include, but shall not be  
4972 limited to, the following:

- 4973 (a) Electrical consumption data;  
4974 (b) Natural gas consumption; and



4975 (c) Fuel oil consumption.

4976 Any covered entity that does not enter its energy data in the  
4977 form and manner prescribed by the division shall, at the  
4978 discretion of the division, not be eligible to receive energy  
4979 conservation funds from the Bureau of Building, Grounds and Real  
4980 Property Management or be eligible to receive any state, federal  
4981 or other funds from the division. The Mississippi Development  
4982 Authority, in coordination with the Bureau of Building, Grounds  
4983 and Real Property Management, shall promulgate rules pertaining to  
4984 this section.

4985 \* \* \*

4986 ( \* \* \*7) By November 1, 2014, and each subsequent five-year  
4987 interval, each covered entity must submit a detailed energy  
4988 management plan to the division. The detailed energy management  
4989 plan shall describe specific measures to be taken to reduce the  
4990 agency's energy consumption by energy unit measure over a  
4991 five-year period. The plan shall also include a timetable to  
4992 accomplish the agency's reduction goals. If the detailed energy  
4993 management plan meets the criteria developed by the division, the  
4994 division shall approve the plan. If the detailed energy  
4995 management plan fails to meet the criteria, the division shall  
4996 disapprove the detailed energy management plan and notify the  
4997 submitting agency in writing, including the reasons for  
4998 disapproval. Covered entities that do not submit an energy  
4999 management plan by the deadline or fail to remedy changes



5000 subsequently required by the division shall, at the discretion of  
5001 the division, not be eligible to receive energy conservation funds  
5002 from the Bureau of Building, Grounds and Real Property Management  
5003 or be eligible to receive capital improvement funds from the  
5004 Bureau of Building, Grounds and Real Property Management or be  
5005 eligible to receive any state, federal or other funds from the  
5006 division until such time as the entity has an energy management  
5007 plan approved by the division.

5008         **SECTION 71.** Section 57-55-15, Mississippi Code of 1972, is  
5009 amended as follows:

5010             57-55-15. (1) The Mississippi Energy Research Center,  
5011 hereinafter referred to as the MERC, is hereby established under  
5012 the management and control of the Board of Trustees of State  
5013 Institutions of Higher Learning. The MERC shall be a unit of  
5014 Mississippi State University under the direct supervision of the  
5015 president thereof or a vice president to be designated by the  
5016 president.

5017             (2) It shall be the purpose of the MERC to develop,  
5018 implement and coordinate energy and energy-related research  
5019 programs in Mississippi. It shall be the duty of the MERC to:

5020                 (a) Conduct basic and applied research related to  
5021 energy needs within Mississippi;

5022                 (b) Consult with state and local government agencies,  
5023 utilities, industry and Legislature and other potential users of



5024 research in identifying and prioritizing energy problems for  
5025 research;

5026 (c) Negotiate and administer contracts with other  
5027 universities of the state for the conduct of research projects;

5028 \* \* \*

5029 ( \* \* \*d) Facilitate the transfer and application of  
5030 new technologies as they are developed; and

5031 ( \* \* \*e) Facilitate and stimulate research that:

5032 (i) Deals with policy issues facing the  
5033 Legislature;

5034 (ii) Supports state agencies' missions with  
5035 research on problems encountered and expected; and

5036 (iii) Provides energy planning and management  
5037 organizations with tools to increase efficiency and effectiveness  
5038 of energy planning and management.

5039 (3) The principal administrative officer of the MERC shall  
5040 be a director, who shall be appointed by the president with the  
5041 approval of the Board of Trustees of State Institutions of Higher  
5042 Learning. To meet the purposes of the center, the director shall  
5043 develop appropriate policies and procedures (a) for identification  
5044 of priority research problems; (b) for collaborating with local  
5045 and state government agencies, utilities, industry, other  
5046 universities, federal government agencies and the Legislature in  
5047 the formulation of its research program; (c) for selection of



5048 projects to be funded; and (d) for the transfer of technology  
5049 which is produced by the research.

5050           **SECTION 72.** Section 57-67-37, Mississippi Code of 1972, is  
5051 amended as follows:

5052           57-67-37. (1) (a) The authority shall expend not less than  
5053 fifteen percent (15%) of the total amounts expended by the  
5054 authority on planning, construction, training, research,  
5055 development, testing, evaluation, personal services, procurement,  
5056 and for the operation and maintenance of any facilities or  
5057 activities controlled by such authority, with minority small  
5058 business concerns owned and controlled by socially and  
5059 economically disadvantaged individuals. For the purpose of  
5060 determining the total amounts expended with such minority small  
5061 business concerns, credit shall be given for that portion of any  
5062 prime contract entered into with the authority which inures to the  
5063 benefit of such minority small business concern as a subcontractor  
5064 thereunder.

5065           (b) For the purposes of this section, the term  
5066 "socially and economically disadvantaged individuals" shall have  
5067 the meaning ascribed to such term under Section 8(d) of the Small  
5068 Business Act (15 USCS, Section 637(d)) and relevant subcontracting  
5069 regulations promulgated pursuant thereto.

5070           (c) For the purposes of this section, the term  
5071 "minority small business concern" means any small business  
5072 concern:



5073 (i) Which is at least fifty-one percent (51%)  
5074 owned by one or more socially and economically disadvantaged  
5075 individuals; or, in the case of any publicly owned businesses, at  
5076 least fifty-one percent (51%) of the stock of which is owned by  
5077 one or more socially and economically disadvantaged individuals;  
5078 and

5079 (ii) Whose management and daily business  
5080 operations are controlled by one or more of such individuals.

5081 (d) For the purposes of this section, the term "small  
5082 business concern" shall mean "small business" as the latter term  
5083 is defined in Section 57-10-155, Mississippi Code of 1972.

5084 (2) In order to comply in a timely manner with its minority  
5085 small business participation mandate, the authority shall set an  
5086 annual goal to expend not less than fifteen percent (15%) of its  
5087 aggregate yearly expenditures with minority small business  
5088 concerns.

5089 (3) The authority shall:

5090 (a) Monitor the minority small business concerns  
5091 assistance programs prescribed in this section.

5092 (b) Review and determine the business capabilities of  
5093 minority small business concerns.

5094 (c) Establish standards for a certification procedure  
5095 for minority small business concerns seeking to do business with  
5096 the authority.



5097 (d) Provide technical assistance services to minority  
5098 small business concerns. Such technical assistance shall include  
5099 but not be limited to:

- 5100 (i) Research;
- 5101 (ii) Assistance in obtaining bonds;
- 5102 (iii) Bid preparation;
- 5103 (iv) Certification of business concerns;
- 5104 (v) Marketing assistance; and
- 5105 (vi) Joint venture and capital development.

5106 (e) Develop alternative bidding and contracting  
5107 procedures for minority small business concerns in conjunction  
5108 with the State Fiscal Management Board and the Governor's Office  
5109 of General Services.

5110 (f) Utilize such alternative bidding and contracting  
5111 procedures in lieu of those prescribed in \* \* \* Chapters 5 and 7,  
5112 Title 31, Mississippi Code of 1972, when contracting with minority  
5113 small business concerns that have qualified to bid for contracts  
5114 and have satisfied any other disclosure provisions required by the  
5115 authority.

5116 (g) Be authorized to accept in lieu of any bond  
5117 otherwise required from minority small business concerns or small  
5118 business concerns contracting with the authority, in an amount  
5119 equal to one hundred percent (100%) of the total cost of the  
5120 contracted project, any combination of the following:

- 5121 (i) Cash;



5122 (ii) Certificates of deposit from any bank or  
5123 banking corporation insured by the Federal Deposit Insurance  
5124 Corporation or the Federal Savings and Loan Insurance Corporation;

5125 (iii) Federal treasury bills;

5126 (iv) Letters of credit issued by a bank as that  
5127 term is defined in Section 81-3-1, Mississippi Code of 1972; or

5128 (v) Surety bonds issued by an insurance company  
5129 licensed and qualified to do business in the State of Mississippi.

5130 (h) Be authorized, in its discretion, to waive any bond  
5131 required on any project which does not exceed a total dollar value  
5132 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall  
5133 be held by the authority in an amount not to exceed fifteen  
5134 percent (15%) from each draw according to American Institute of  
5135 Architects (AIA) standards. Upon satisfactory completion of such  
5136 project, ten percent (10%) of the total cost of the contract shall  
5137 be held in an interest-bearing escrow account for one (1) year.  
5138 Funds deposited in such escrow account shall stand as a surety for  
5139 any defects in workmanship or materials detected within twelve  
5140 (12) months of completion. The balance of all monies so escrowed  
5141 including accrued interest shall be paid to the contractor at the  
5142 end of such twelve-month period.

5143 (i) Be empowered to provide an incentive of bimonthly  
5144 payments to any prime contractors utilizing minority small  
5145 business concerns as subcontractors on twenty-five percent (25%)





5146 or more of the total dollar value of any single project or  
5147 contract.

5148 \* \* \*

5149 ( \* \* \*j) Take all steps necessary to implement the  
5150 provisions of this section.

5151 (4) The Governor shall create an Office of Minority Small  
5152 Business Development within the authority. The Office of Minority  
5153 Small Business Development shall be the primary provider of  
5154 technical assistance to minority small business concerns. The  
5155 authority may, in its discretion, contract with minority small  
5156 business concerns and small business concerns to provide technical  
5157 assistance under the provisions of this section. The authority  
5158 may annually expend not more than one percent (1%) of the total  
5159 dollar amount prescribed in subsection (2) of this section for the  
5160 purpose of providing technical assistance. All funds expended for  
5161 technical assistance shall be administrative funds or any funds  
5162 available other than the amounts prescribed in subsection (1)(a)  
5163 of this section.

5164 (5) The authority shall assist in facilitating the entry of  
5165 minorities into the subject areas of engineering, high-energy  
5166 physics, mathematics and computer science. An historically Black  
5167 public institution of higher learning may receive funding from the  
5168 authority for the enhancement of curriculum in any of these areas  
5169 for minority student development on the undergraduate and graduate  
5170 levels.



5171           **SECTION 73.** Section 57-69-5, Mississippi Code of 1972, is  
5172 amended as follows:

5173           57-69-5. (1) There is hereby created the Office of Minority  
5174 Business Enterprises of the Mississippi Development Authority  
5175 under the Mississippi Development Authority. The Executive  
5176 Director of the Mississippi Development Authority shall appoint an  
5177 executive director for the office. The executive director may  
5178 employ a staff subject to approval of the Executive Director of  
5179 the Mississippi Development Authority as necessary to carry out  
5180 the purposes of this office.

5181           (2) The office shall perform the following:

5182                   (a) Develop, plan and implement programs to provide an  
5183 opportunity for participation by qualified minority owned  
5184 businesses in public works and the process by which goods and  
5185 services are procured by state agencies and educational  
5186 institutions from the private sector;

5187                   (b) Develop a comprehensive plan encouraging that  
5188 qualified minority owned businesses are provided an opportunity to  
5189 participate in public contracts for public works and commodities  
5190 and services;

5191                   (c) Identify barriers to equal participation by  
5192 qualified minority owned businesses in all state agency and  
5193 educational institution contracts;



5194           (d) Develop and maintain a central minority business  
5195 enterprise certification list for all state agencies and  
5196 educational institutions;

5197           (e) Adopt rules for the implementation of this chapter;

5198           (f) Develop and maintain a central minority business  
5199 enterprise certification program;

5200           (g) Develop and maintain a central minority business  
5201 enterprise supplier certification program;

5202           (h) \* \* \* [Deleted]

5203           (i) Increase efforts to inform minority businesses of  
5204 state government procurement procedures and policies;

5205           (j) Serve as the principal advocate in the state on  
5206 behalf of minority business enterprises and minority business  
5207 enterprise suppliers and provide advice in the consideration of  
5208 administrative requirements and legislation that affect minority  
5209 business enterprises and minority business enterprise suppliers;

5210           (k) Evaluate the effectiveness of efforts of state  
5211 agencies and other entities to assist minority business  
5212 enterprises and minority business enterprise suppliers and make  
5213 appropriate recommendations to assist the development and  
5214 strengthening of minority business enterprises and minority  
5215 business enterprise suppliers;

5216           (l) Determine the availability of financial and other  
5217 resources to minority business enterprises and minority business  
5218 enterprise suppliers and recommend methods for:



5219 (i) Increasing the availability of equity capital  
5220 and other forms of financial assistance to minority business  
5221 enterprises and minority business enterprise suppliers;  
5222 (ii) Generating markets for the goods and services  
5223 of minority business enterprises and minority business enterprise  
5224 suppliers;  
5225 (iii) Providing more effective education, training  
5226 and management and technical assistance to minority business  
5227 enterprises and minority business enterprise suppliers; and  
5228 (iv) Providing assistance to minority business  
5229 enterprises and minority business enterprise suppliers in  
5230 complying with federal, state and local laws;  
5231 (m) Serve as a focal point for receiving complaints and  
5232 suggestions concerning state government policies and activities  
5233 that affect minority business enterprises and minority business  
5234 enterprise suppliers;  
5235 (n) Develop and advocate proposals for changes in state  
5236 policies and activities that adversely affect minority business  
5237 enterprises and minority business enterprise suppliers;  
5238 (o) Provide to legislative committees and state  
5239 agencies information on the effects of proposed policies or  
5240 actions that affect minority business enterprises and minority  
5241 business enterprise suppliers;  
5242 (p) Enlist the assistance of public and private  
5243 agencies, businesses and other organizations in disseminating



5244 information about state programs and services that benefit  
5245 minority business enterprises and minority business enterprise  
5246 suppliers and information regarding means by which minority  
5247 business enterprises and minority business enterprise suppliers  
5248 can use those programs and services;

5249 (q) Identify sources of financial assistance for  
5250 minority business enterprises, match minority business enterprises  
5251 and minority business enterprise suppliers with sources of  
5252 financial assistance, and assist minority business enterprises and  
5253 minority business enterprise suppliers with the preparation of  
5254 applications for loans from governmental or private sources;

5255 (r) Sponsor meetings, to the extent practicable in  
5256 cooperation with public and private educational institutions, to  
5257 provide training and disseminate information beneficial to  
5258 minority business enterprises and minority business enterprise  
5259 suppliers;

5260 (s) Assist minority business enterprises and minority  
5261 business enterprise suppliers in their dealings with federal,  
5262 state and local governmental agencies and provide information  
5263 regarding governmental requirements affecting minority business  
5264 enterprises and minority business enterprise suppliers;

5265 (t) Develop and implement programs to encourage  
5266 governmental agencies, public sector business associations and  
5267 other organizations to provide useful services to minority  
5268 business enterprises and minority business enterprise suppliers;



5269 (u) Use available resources within the state, such as  
5270 minority business enterprise development centers, educational  
5271 institutions and nonprofit associations, to coordinate the  
5272 provision of management and technical assistance to minority  
5273 business enterprises and minority business enterprise suppliers in  
5274 a systematic manner;

5275 (v) Publish newsletters, brochures and other documents  
5276 containing information useful to minority business enterprises and  
5277 minority business enterprise suppliers;

5278 (w) Identify successful minority business enterprise  
5279 assistance programs provided by other states and determine the  
5280 feasibility of adapting those programs for implementation in  
5281 Mississippi;

5282 (x) Establish an outreach program to make the existence  
5283 of the office known to minority business enterprises, minority  
5284 business enterprise suppliers and potential clients throughout the  
5285 state; and

5286 (y) Identify potential business opportunities for  
5287 minority business enterprises and minority business enterprise  
5288 suppliers and develop programs to maximize those opportunities.

5289 **SECTION 74.** Section 57-75-21, Mississippi Code of 1972, is  
5290 amended as follows:

5291 57-75-21. (1) (a) The authority shall set a goal to expend  
5292 not less than ten percent (10%) of the total amounts expended by  
5293 the authority on planning, construction, training, research,



5294 development, testing, evaluation, personal services, procurement,  
5295 and for the operation and maintenance of any facilities or  
5296 activities controlled by such authority, with minority small  
5297 business concerns owned and controlled by socially and  
5298 economically disadvantaged individuals. For the purpose of  
5299 determining the total amounts expended with such minority small  
5300 business concerns, credit shall be given for that portion of any  
5301 prime contract entered into with the authority which inures to the  
5302 benefit of such minority small business concern as a subcontractor  
5303 thereunder.

5304 (b) For the purposes of this section, the term  
5305 "socially and economically disadvantaged individuals" shall have  
5306 the meaning ascribed to such term under Section 8(d) of the Small  
5307 Business Act (15 USCS, Section 637(d)) and relevant subcontracting  
5308 regulations promulgated pursuant thereto.

5309 (c) For the purposes of this section, the term  
5310 "minority small business concern" means any small business  
5311 concern:

5312 (i) Which is at least fifty-one percent (51%)  
5313 owned by one or more socially and economically disadvantaged  
5314 individuals; or, in the case of any publicly owned businesses, at  
5315 least fifty-one percent (51%) of the stock of which is owned by  
5316 one or more socially and economically disadvantaged individuals;  
5317 and



5318 (ii) Whose management and daily business  
5319 operations are controlled by one or more of such individuals.

5320 (d) For the purpose of this section, the term "small  
5321 business concern" shall mean "small business" as the latter term  
5322 is defined in Section 57-10-155, Mississippi Code of 1972.

5323 (2) In order to comply in a timely manner with its minority  
5324 small business participation mandate, the authority shall set an  
5325 annual goal to expend not less than ten percent (10%) of its  
5326 aggregate yearly expenditures with minority small business  
5327 concerns.

5328 (3) The authority shall:

5329 (a) Monitor the minority small business concerns  
5330 assistance programs prescribed in this section.

5331 (b) Review and determine the business capabilities of  
5332 minority small business concerns.

5333 (c) Establish standards for a certification procedure  
5334 for minority small business concerns seeking to do business with  
5335 the authority.

5336 (d) Provide technical assistance services to minority  
5337 small business concerns. Such technical assistance shall include  
5338 but not be limited to:

5339 (i) Research;

5340 (ii) Assistance in obtaining bonds;

5341 (iii) Bid preparation;

5342 (iv) Certification of business concerns;





5343 (v) Marketing assistance; and  
5344 (vi) Joint venture and capital development.  
5345 (e) Develop alternative bidding and contracting  
5346 procedures for minority small business concerns in conjunction  
5347 with the State Fiscal Management Board and the Governor's Office  
5348 of General Services.  
5349 (f) Utilize such alternative bidding and contracting  
5350 procedures in lieu of those prescribed in Title 31, Chapters 5 and  
5351 7, Mississippi Code of 1972, when contracting with minority small  
5352 business concerns that have qualified to bid for contracts and  
5353 have satisfied any other disclosure provisions required by the  
5354 authority.  
5355 (g) Be authorized to accept in lieu of any bond  
5356 otherwise required from minority small business concerns or small  
5357 business concerns contracting with the authority, in an amount  
5358 equal to one hundred percent (100%) of the total cost of the  
5359 contracted project, any combination of the following:  
5360 (i) Cash;  
5361 (ii) Certificates of deposit from any bank or  
5362 banking corporation insured by the Federal Deposit Insurance  
5363 Corporation or the Federal Savings and Loan Insurance Corporation;  
5364 (iii) Federal treasury bills;  
5365 (iv) Letters of credit issued by a bank as that  
5366 term is defined in Section 81-3-1, Mississippi Code of 1972; or



5367 (v) Surety bonds issued by an insurance company  
5368 licensed and qualified to do business in the State of Mississippi.

5369 (h) Be authorized, in its discretion, to waive any bond  
5370 required on any project which does not exceed a total dollar value  
5371 of One Hundred Thousand Dollars (\$100,000.00). A retainage shall  
5372 be held by the authority in an amount not to exceed fifteen  
5373 percent (15%) from each draw according to American Institute of  
5374 Architects (AIA) standards. Upon satisfactory completion of such  
5375 project, ten percent (10%) of the total cost of the contract shall  
5376 be held in an interest-bearing escrow account for one (1) year.  
5377 Funds deposited in such escrow account shall stand as a surety for  
5378 any defects in workmanship or materials detected within twelve  
5379 (12) months of completion. The balance of all monies so escrowed  
5380 including accrued interest shall be paid to the contractor at the  
5381 end of such twelve-month period.

5382 (i) Be empowered to provide an incentive of bimonthly  
5383 payments to any prime contractors utilizing minority small  
5384 business concerns as subcontractors on twenty-five percent (25%)  
5385 or more of the total dollar value of any single project or  
5386 contract.

5387 \* \* \*

5388 ( \* \* \*j) Take all steps necessary to implement the  
5389 provisions of this section.

5390 **SECTION 75.** Section 59-7-7, Mississippi Code of 1972, is  
5391 amended as follows:



5392           59-7-7. All improvements, constructed by and under the  
5393 provisions of this article, shall be operated under the control of  
5394 a port commission as provided in Chapter 1 of this title. All  
5395 revenue created or collected from the use of \* \* \* the docks,  
5396 harbors and facilities of whatsoever nature shall be paid into the  
5397 city treasury of \* \* \* the port of entry to be used exclusively  
5398 for the advancement, development and advertising of \* \* \* the port  
5399 in whatsoever method or manner \* \* \* the port commissioners shall  
5400 see fit, and all revenue provided for in this article, either by  
5401 levy or collection from \* \* \* the docks and harbor facilities may  
5402 be paid to the retirement of any bonds heretofore issued or  
5403 hereafter issued by any such municipality for wharf construction  
5404 or other port purposes, regardless of the time of issuance of such  
5405 bonds. \* \* \* The port commissioners of \* \* \* the port of entry  
5406 shall make an annual report to the Governor of the State of  
5407 Mississippi, \* \* \* to the board of supervisors, and to the  
5408 municipal governing authorities.

5409           **SECTION 76.** Section 59-7-307, Mississippi Code of 1972, is  
5410 amended as follows:

5411           59-7-307. All improvements and facilities constructed  
5412 pursuant to Article 1 of this chapter, and/or constructed pursuant  
5413 to this article, shall be maintained and operated under the  
5414 control of the port commission as provided in Chapter 1 of this  
5415 title. The \* \* \* port commission shall, subject to and in  
5416 accordance with any agreement or agreements as may be made by any



5417 such municipality with the purchaser or purchasers of bonds or  
5418 other obligations issued pursuant to this article, prescribe, levy  
5419 and collect all rents, fees, tolls, revenues, and/or other charges  
5420 in connection with the use and occupancy of the aforesaid  
5421 improvements and facilities, and shall pay over all net revenues  
5422 derived from the operation of \* \* \* the improvements and  
5423 facilities to any trustee, or successor thereto, established as  
5424 hereinafter in this article provided. Net revenues shall be  
5425 deemed to be such as may be defined in any agreement or agreements  
5426 entered into between any such municipality and the purchaser or  
5427 purchasers of any bonds or other obligations issued pursuant to  
5428 this article. The \* \* \* port commission shall make an annual  
5429 report to the Governor of the State of Mississippi \* \* \* and to  
5430 the municipality having such port of entry \* \* \*.

5431       **SECTION 77.** Section 59-7-413, Mississippi Code of 1972, is  
5432 amended as follows:

5433       59-7-413. All improvements and facilities constructed  
5434 pursuant to this article shall be maintained and operated under  
5435 the control of the port commission as provided by this article.  
5436 The port commission shall, subject to and in accordance with any  
5437 agreement or agreements as may be made by any such municipality  
5438 with the purchaser or purchasers of bonds or other obligations  
5439 issued pursuant to this article, prescribe, levy and collect all  
5440 rents, fees, tolls, revenues and/or other charges in connection  
5441 with the use and occupancy of the aforesaid improvements and



5442 facilities, and shall pay over all net revenues derived from the  
5443 operation of \* \* \* the improvements and facilities to any trustee,  
5444 or successor thereto, established as hereinafter provided in  
5445 Section 59-7-429. The net revenues shall be deemed to be such as  
5446 may be defined in any agreement or agreements entered into between  
5447 any such municipality and the purchaser or purchasers of any bonds  
5448 or other obligations issued pursuant to this article. The port  
5449 commission shall make an annual report to the Governor of the  
5450 State of Mississippi \* \* \* and to the municipality having such  
5451 port or harbor \* \* \*.

5452         **SECTION 78.** Section 65-1-10, Mississippi Code of 1972, is  
5453 amended as follows:

5454         65-1-10. Under the authority of the Mississippi  
5455 Transportation Commission, and in conformity with its orders as  
5456 spread on its minutes, the executive director shall:

5457             (a) Unless otherwise provided by law, appoint a  
5458 director in charge of each operating office of the department who  
5459 shall be responsible to the executive director for the operation  
5460 of such office. Each such director shall be qualified and  
5461 experienced in the functions performed by the office under his  
5462 charge;

5463             (b) Administer the policies promulgated by the  
5464 commission;

5465             (c) Supervise and direct all administrative and  
5466 technical activities of the department;



5467 (d) Organize the offices and bureaus of the department;  
5468 (e) Coordinate the activities of the various offices of  
5469 the department;  
5470 (f) Fix the compensation of employees of the department  
5471 and require any employee to give bond to the State of Mississippi  
5472 for the faithful performance of his duties in an amount the  
5473 executive director deems appropriate. Premiums on all bonds so  
5474 required shall be paid out of any funds available to the  
5475 department;  
5476 (g) Recommend such studies and investigations as he may  
5477 deem appropriate and carry out the approved recommendations in  
5478 conjunction with the various offices;  
5479 (h) \* \* \* [Deleted]  
5480 (i) Have full and general supervision over all matters  
5481 relating to the construction or maintenance of the state highways,  
5482 letting of contracts therefor, and the selection of materials to  
5483 be used in the construction of state highways under the authority  
5484 conferred by this chapter as herein set forth and the employment,  
5485 promotion, demotion, reprimand, suspension, termination,  
5486 reassignment, transfer, moving or relocation of all personnel not  
5487 specifically authorized by statute to be employed by the  
5488 commission. The executive director may authorize the payment of  
5489 expenses of any personnel reassigned, transferred, moved or  
5490 relocated in accordance with such rules and regulations as are  
5491 promulgated by the commission;



5492 (j) Approve all bids, sign all vouchers and  
5493 requisitions, issue all orders for supplies and materials, sign  
5494 all contracts and agreements in the name of the State of  
5495 Mississippi, and subscribe to all other matters which may arise in  
5496 the carrying out of the intent and purpose of this chapter;

5497 (k) Receive and assume control, for the benefit of the  
5498 state, of any and all highways herein or hereafter fixed as roads  
5499 constituting a part of the state highway system;

5500 (l) Provide for boulevard stops, restricted entrances  
5501 to main highways and access driveways, neutral grounds, and  
5502 roadside parks, erect all suitable direction and warning signs,  
5503 and provide access roads in or to municipalities where necessary;  
5504 provide limited access facilities when and where deemed necessary,  
5505 such a facility being defined as a highway or street especially  
5506 designed or designated for through traffic and over, from or to  
5507 which owners or occupants of abutting land or other persons have  
5508 only such limited right or easement of access as may be prescribed  
5509 by the commission, and provide that certain highways or streets  
5510 may be parkways from which trucks, buses and other commercial  
5511 vehicles shall be excluded or may be freeways open to customary  
5512 forms of highway and street traffic and use, and such limited  
5513 access facilities or parkways may be planned, designated,  
5514 established, regulated, vacated, altered, improved, constructed  
5515 and maintained and rights-of-way therefor specifically obtained,



5516 either by purchase, gift, condemnation or other form of  
5517 acquisition;

5518 (m) Construct bridges with or without footways, and  
5519 sidewalks where deemed essential to decrease hazards;

5520 (n) Perform services for the Department of Finance and  
5521 Administration on state property, including, but not limited to,  
5522 engineering services, and to advance such funds to defray the cost  
5523 of the expenses incurred in performing such services from out of  
5524 Transportation Department funds until such department is  
5525 reimbursed by the Department of Finance and Administration;

5526 (o) Perform all duties authorized by Section 27-19-136,  
5527 Mississippi Code of 1972, concerning the assessment and collection  
5528 of permit fees, fines and penalties.

5529 **SECTION 79.** Section 65-1-85, Mississippi Code of 1972, is  
5530 amended as follows:

5531 65-1-85. (1) All contracts by or on behalf of the  
5532 commission for the purchase of materials, equipment and supplies  
5533 shall be made in compliance with Section 31-7-1 et seq. All  
5534 contracts by or on behalf of the commission for construction,  
5535 reconstruction or other public work authorized to be done under  
5536 the provisions of this chapter, except maintenance, shall be made  
5537 by the executive director, subject to the approval of the  
5538 commission, only upon competitive bids after due advertisement as  
5539 follows, to wit:





5540           (a) Advertisement for bids shall be in accordance with  
5541 such rules and regulations, in addition to those herein provided,  
5542 as may be adopted therefor by the commission, and the commission  
5543 is authorized and empowered to make and promulgate such rules and  
5544 regulations as it may deem proper, to provide and adopt standard  
5545 specifications for road and bridge construction, and to amend such  
5546 rules and regulations from time to time.

5547           (b) The advertisement shall be inserted twice, being  
5548 once a week for two (2) successive weeks in a newspaper published  
5549 at the seat of government in Jackson, Mississippi, having a  
5550 general circulation throughout the state, and no letting shall be  
5551 less than fourteen (14) days nor more than sixty (60) days after  
5552 the publication of the first notice of such letting, and notices  
5553 of such letting may be placed in a metropolitan paper or national  
5554 trade publication.

5555           (c) Before advertising for such work, the executive  
5556 director shall cause to be prepared and filed in the department  
5557 detailed plans and specifications covering the work proposed to be  
5558 done and copies of the plans and specifications shall be subject  
5559 to inspection by any citizen during all office hours and made  
5560 available to all prospective bidders upon such reasonable terms  
5561 and conditions as may be required by the commission. A fee shall  
5562 be charged equal to the cost of producing a copy of any such plans  
5563 and specifications.



5564 (d) All such contracts shall be let to a responsible  
5565 bidder with the lowest and best bid, and a record of all bids  
5566 received for construction and reconstruction shall be preserved.

5567 (e) Each bid for such a construction and reconstruction  
5568 contract must be accompanied by a cashier's check, a certified  
5569 check or bidders bond executed by a surety company authorized to  
5570 do business in the State of Mississippi, in the principal amount  
5571 of not less than five percent (5%) of the bid, guaranteeing that  
5572 the bidder will give bond and enter into a contract for the  
5573 faithful performance of the contract according to plans and  
5574 specifications on file.

5575 (f) Bonds shall be required of the successful bidder in  
5576 an amount equal to the contract price. The contract price shall  
5577 mean the entire cost of the particular contract let. In the event  
5578 change orders are made after the execution of a contract which  
5579 results in increasing the total contract price, additional bond in  
5580 the amount of the increased cost may be required. The surety or  
5581 sureties on such bonds shall be a surety company or surety  
5582 companies authorized to do business in the State of Mississippi,  
5583 all bonds to be payable to the State of Mississippi and to be  
5584 conditioned for the prompt, faithful and efficient performance of  
5585 the contract according to plans and specifications, and for the  
5586 prompt payment of all persons furnishing labor, material,  
5587 equipment and supplies therefor. Such bonds shall be subject to  
5588 the additional obligation that the principal and surety or



5589 sureties executing the same shall be liable to the state in a  
5590 civil action instituted by the state at the instance of the  
5591 commission or any officer of the state authorized in such cases,  
5592 for double any amount in money or property the state may lose or  
5593 be overcharged or otherwise defrauded of by reason of any wrongful  
5594 or criminal act, if any, of the contractor, his agent or  
5595 employees.

5596 (2) With respect to equipment used in the construction,  
5597 reconstruction or other public work authorized to be done under  
5598 the provisions of this chapter: the word "equipment," in addition  
5599 to all equipment incorporated into or fully consumed in connection  
5600 with such project, shall include the reasonable value of the use  
5601 of all equipment of every kind and character and all accessories  
5602 and attachments thereto which are reasonably necessary to be used  
5603 and which are used in carrying out the performance of the  
5604 contract, and the reasonable value of the use thereof, during the  
5605 period of time the same are used in carrying out the performance  
5606 of the contract, shall be the amount as agreed upon by the persons  
5607 furnishing the equipment and those using the same to be paid  
5608 therefor, which amount, however, shall not be in excess of the  
5609 maximum current rates and charges allowable for leasing or renting  
5610 as specified in Section 65-7-95; the word "labor" shall include  
5611 all work performed in repairing equipment used in carrying out the  
5612 performance of the contract, which repair labor is reasonably  
5613 necessary to the efficient operation of said equipment; and the



5614 words "materials" and "supplies" shall include all repair parts  
5615 installed in or on equipment used in carrying out the performance  
5616 of the contract, which repair parts are reasonably necessary to  
5617 the efficient operation of said equipment.

5618 (3) The executive director, subject to the approval of the  
5619 commission, shall have the right to reject any and all bids,  
5620 whether such right is reserved in the notice or not.

5621 (4) The commission may require the prequalification of any  
5622 and all bidders and the failure to comply with prequalification  
5623 requirements may be the basis for the rejection of any bid by the  
5624 commission. The commission may require the prequalification of  
5625 any and all subcontractors before they are approved to participate  
5626 in any contract awarded under this section.

5627 (5) The commission may adopt rules and regulations for the  
5628 termination of any previously awarded contract which is not timely  
5629 proceeding toward completion. The failure of a contractor to  
5630 comply with such rules and regulations shall be a lawful basis for  
5631 the commission to terminate the contract with such contractor. In  
5632 the event of a termination under such rules and regulations, the  
5633 contractor shall not be entitled to any payment, benefit or  
5634 damages beyond the cost of the work actually completed.

5635 (6) Any contract for construction or paving of any highway  
5636 may be entered into for any cost which does not exceed the amount  
5637 of funds that may be made available therefor through bond issues  
5638 or from other sources of revenue, and the letting of contracts for



5639 such construction or paving shall not necessarily be delayed until  
5640 the funds are actually on hand, provided authorization for the  
5641 issuance of necessary bonds has been granted by law to supplement  
5642 other anticipated revenue, or when the department certifies to the  
5643 Department of Finance and Administration and the Legislative  
5644 Budget Office that projected receipts of funds by the department  
5645 will be sufficient to pay such contracts as they become due and  
5646 the Department of Finance and Administration determines that the  
5647 projections are reasonable and receipts will be sufficient to pay  
5648 the contracts as they become due. The Department of Finance and  
5649 Administration shall spread such determination on its minutes  
5650 prior to the letting of any contracts based on projected receipts.  
5651 Nothing in this subsection shall prohibit the issuance of bonds,  
5652 which have been authorized, at any time in the discretion of the  
5653 State Bond Commission, nor to prevent investment of surplus funds  
5654 in United States government bonds or State of Mississippi bonds as  
5655 presently authorized by Section 12, Chapter 312, Laws of 1956.

5656 (7) All other contracts for work to be done under the  
5657 provisions of this chapter and for the purchase of materials,  
5658 equipment and supplies to be used as provided for in this chapter  
5659 shall be made in compliance with Section 31-7-1 et seq.

5660 (8) The commission shall not empower or authorize the  
5661 executive director, or any one or more of its members, or any  
5662 engineer or other person to let or make contracts for the  
5663 construction or repair of public roads, or building bridges, or



5664 for the purchase of material, equipment or supplies contrary to  
5665 the provisions of this chapter as set forth in this section,  
5666 except in cases of flood or other cases of emergency where the  
5667 public interest requires that the work be done or the materials,  
5668 equipment or supplies be purchased without the delay incident to  
5669 advertising for competitive bids. Such emergency contracts may be  
5670 made without advertisement under such rules and regulations as the  
5671 commission may prescribe.

5672 (9) The executive director, subject to the approval of the  
5673 commission, is authorized to negotiate and make agreements with  
5674 communities and/or civic organizations for landscaping,  
5675 beautification and maintenance of highway rights-of-way; however,  
5676 nothing in this subsection shall be construed as authorization for  
5677 the executive director or commission to participate in such a  
5678 project to an extent greater than the average cost for maintenance  
5679 of shoulders, backslopes and median areas with respect thereto.

5680 (10) The executive director may negotiate and enter into  
5681 contracts with private parties for the mowing of grass and  
5682 trimming of vegetation on the rights-of-way of state highways  
5683 whenever such practice is possible and cost effective.

5684 (11) (a) As an alternative to the method of awarding  
5685 contracts as otherwise provided in this section, the commission  
5686 may use the design-build method of contracting for the following:



5687 (i) Projects for the Mississippi Development  
5688 Authority pursuant to agreements between both governmental  
5689 entities;

5690 (ii) Any project with an estimated cost of not  
5691 more than Ten Million Dollars (\$10,000,000.00), not to exceed two  
5692 (2) projects per fiscal year; and

5693 (iii) Any project which has an estimated cost of  
5694 more than Ten Million Dollars (\$10,000,000.00), not to exceed one  
5695 (1) project per fiscal year.

5696 (b) As used in this subsection, the term "design-build"  
5697 method of contracting means a contract that combines the design  
5698 and construction phases of a project into a single contract and  
5699 the contractor is required to satisfactorily perform, at a  
5700 minimum, both the design and construction of the project.

5701 (c) The commission shall establish detailed criteria  
5702 for the selection of the successful design-build contractor in  
5703 each request for design-build proposals. The evaluation of the  
5704 selection committee is a public record and shall be maintained for  
5705 a minimum of ten (10) years after project completion.

5706 (d) The commission shall maintain detailed records on  
5707 projects separate and apart from its regular record keeping. The  
5708 commission shall file a report to the Legislature evaluating the  
5709 design-build method of contracting by comparing it to the low-bid  
5710 method of contracting. At a minimum, the report must include:



5711 (i) The management goals and objectives for the  
5712 design-build system of management;

5713 (ii) A complete description of the components of  
5714 the design-build management system, including a description of the  
5715 system the department put into place on all projects managed under  
5716 the system to insure that it has the complete information on  
5717 highway segment costs and to insure proper analysis of any  
5718 proposal the commission receives from a highway contractor;

5719 (iii) The accountability systems the  
5720 Transportation Department established to monitor any design-build  
5721 project's compliance with specific goals and objectives for the  
5722 project;

5723 (iv) The outcome of any project or any interim  
5724 report on an ongoing project let under a design-build management  
5725 system showing compliance with the goals, objectives, policies and  
5726 procedures the department set for the project; and

5727 (v) The method used by the department to select  
5728 projects to be let under the design-build system of management and  
5729 all other systems, policies and procedures that the department  
5730 considered as necessary components to a design-build management  
5731 system.

5732 (e) All contracts let under the provisions of this  
5733 subsection shall be subject to oversight and review by the State  
5734 Auditor. \* \* \* The actual and necessary expenses incurred by the  
5735 State Auditor in complying with this paragraph (e) shall be paid





5736 for and reimbursed by the Mississippi Department of Transportation  
5737 out of funds made available for the contract or contracts let and  
5738 project or projects performed.

5739 (12) The provisions of this section shall not be construed  
5740 to prohibit the commission from awarding or entering into  
5741 contracts for the design, construction and financing of toll  
5742 roads, highways and bridge projects as provided under Sections  
5743 65-43-1 and 65-43-3.

5744 **SECTION 80.** Section 65-18-7, Mississippi Code of 1972, is  
5745 amended as follows:

5746 65-18-7. The Local System Road Program shall be administered  
5747 by the State Aid Engineer. In administering the program, the  
5748 State Aid Engineer shall have the following powers and duties:

5749 (a) To supervise the use of all funds made available  
5750 for the purposes of this chapter for use on local system roads in  
5751 the State of Mississippi;

5752 (b) To allocate to each county that county's share of  
5753 all monies made available under the provisions of this chapter but  
5754 only when the county has complied with the provisions of this  
5755 chapter and only when the county is eligible for the allocation of  
5756 monies under the Local System Road Program;

5757 (c) To keep and compile records of all expenditures on  
5758 local system roads to which money is disbursed under the  
5759 provisions of this chapter, which records must be kept separate  
5760 and apart from other state aid records;



5761 (d) To approve the construction of local system roads,  
5762 including roadbeds, grades and drainage, before authorizing the  
5763 release of funds under this chapter; and

5764 (e) To establish such rules and regulations as the  
5765 State Aid Engineer determines as necessary to implement the  
5766 provisions of the Local System Road Program \* \* \*.

5767 \* \* \*

5768 **SECTION 81.** Section 65-29-7, Mississippi Code of 1972, is  
5769 amended as follows:

5770 65-29-7. \* \* \* The county authorities or ferry commission if  
5771 there be one shall, subject to and in accordance with any  
5772 agreement or agreements as may be made by any such county or  
5773 municipality with the purchaser or purchasers of bonds or other  
5774 obligations issued pursuant to this chapter, prescribe, levy, and  
5775 collect all rents, fees, tolls, revenues, and other charges in  
5776 connection with the use and occupancy of the aforesaid  
5777 improvements and facilities, and shall pay over all net revenues  
5778 derived from the operation of \* \* \* the improvements and  
5779 facilities to any trustee, or successor thereto, established as  
5780 hereinafter in this chapter provided. Net revenues shall be  
5781 deemed to be such as may be defined in any agreement or agreements  
5782 entered into between any such municipality and the purchaser or  
5783 purchasers of any bonds or other obligations issued pursuant to  
5784 this chapter. The \* \* \* ferry commission shall make an annual



5785 report to the Governor of the State of Mississippi \* \* \* and to  
5786 the county or municipality having such ferry \* \* \*.

5787 **SECTION 82.** Section 67-1-37, Mississippi Code of 1972, is  
5788 amended as follows:

5789 67-1-37. The Department of Revenue, under its duties and  
5790 powers with respect to the Alcoholic Beverage Control Division  
5791 therein, shall have the following powers, functions and duties:

5792 (a) To issue or refuse to issue any permit provided for  
5793 by this chapter, or to extend the permit or remit in whole or any  
5794 part of the permit monies when the permit cannot be used due to a  
5795 natural disaster or act of God.

5796 (b) To revoke, suspend or cancel, for violation of or  
5797 noncompliance with the provisions of this chapter, or the law  
5798 governing the production and sale of native wines or native  
5799 spirits, or any lawful rules and regulations of the department  
5800 issued hereunder, or for other sufficient cause, any permit issued  
5801 by it under the provisions of this chapter. The department shall  
5802 also be authorized to suspend the permit of any permit holder for  
5803 being out of compliance with an order for support, as defined in  
5804 Section 93-11-153. The procedure for suspension of a permit for  
5805 being out of compliance with an order for support, and the  
5806 procedure for the reissuance or reinstatement of a permit  
5807 suspended for that purpose, and the payment of any fees for the  
5808 reissuance or reinstatement of a permit suspended for that  
5809 purpose, shall be governed by Section 93-11-157 or Section



5810 93-11-163, as the case may be. If there is any conflict between  
5811 any provision of Section 93-11-157 or Section 93-11-163 and any  
5812 provision of this chapter, the provisions of Section 93-11-157 or  
5813 Section 93-11-163, as the case may be, shall control.

5814 (c) To prescribe forms of permits and applications for  
5815 permits and of all reports which it deems necessary in  
5816 administering this chapter.

5817 (d) To fix standards, not in conflict with those  
5818 prescribed by any law of this state or of the United States, to  
5819 secure the use of proper ingredients and methods of manufacture of  
5820 alcoholic beverages.

5821 (e) To issue rules regulating the advertising of  
5822 alcoholic beverages in the state in any class of media and  
5823 permitting advertising of the retail price of alcoholic beverages.

5824 (f) To issue reasonable rules and regulations, not  
5825 inconsistent with the federal laws or regulations, requiring  
5826 informative labeling of all alcoholic beverages offered for sale  
5827 within this state and providing for the standards of fill and  
5828 shapes of retail containers of alcoholic beverages; however, such  
5829 containers shall not contain less than fifty (50) milliliters by  
5830 liquid measure.

5831 (g) Subject to the provisions of subsection (3) of  
5832 Section 67-1-51, to issue rules and regulations governing the  
5833 issuance of retail permits for premises located near or around  
5834 schools, colleges, universities, churches and other public



5835 institutions, and specifying the distances therefrom within which  
5836 no such permit shall be issued. The Alcoholic Beverage Control  
5837 Division shall not issue a package retailer's or on-premises  
5838 retailer's permit for the sale or consumption of alcoholic  
5839 beverages in or on the campus of any public school, community or  
5840 junior college, college or university.

5841 (h) To adopt and promulgate, repeal and amend, such  
5842 rules, regulations, standards, requirements and orders, not  
5843 inconsistent with this chapter or any law of this state or of the  
5844 United States, as it deems necessary to control the manufacture,  
5845 importation, transportation, distribution, delivery and sale of  
5846 alcoholic liquor, whether intended for beverage or nonbeverage use  
5847 in a manner not inconsistent with the provisions of this chapter  
5848 or any other statute, including the native wine and native spirit  
5849 laws.

5850 (i) To call upon other administrative departments of  
5851 the state, county and municipal governments, county and city  
5852 police departments and upon prosecuting officers for such  
5853 information and assistance as it may deem necessary in the  
5854 performance of its duties.

5855 \* \* \*

5856 ( \* \* \*j) To inspect, or cause to be inspected, any  
5857 premises where alcoholic liquors intended for sale are  
5858 manufactured, stored, distributed or sold, and to examine or cause



5859 to be examined all books and records pertaining to the business  
5860 conducted therein.

5861 ( \* \* \*k) To investigate the administration of laws in  
5862 relation to alcoholic liquors in this and other states and any  
5863 foreign countries, and to recommend from time to time to the  
5864 Governor and through him to the Legislature of this state such  
5865 amendments to this chapter, if any, as it may think desirable.

5866 ( \* \* \*l) To designate hours and days when alcoholic  
5867 beverages may be sold in different localities in the state which  
5868 permit such sale.

5869 ( \* \* \*m) To assign employees to posts of duty at  
5870 locations where they will be most beneficial for the control of  
5871 alcoholic beverages and to take any other action concerning  
5872 persons employed under this chapter as authorized by law and taken  
5873 in accordance with the rules, regulations and procedures of the  
5874 State Personnel Board.

5875 ( \* \* \*n) To enforce the provisions made unlawful by  
5876 Chapter 3, Title 67 and Section 97-5-49.

5877 ( \* \* \*o) To delegate its authority under this chapter  
5878 to the Alcoholic Beverage Control Division, its director or any  
5879 other officer or employee of the department that it deems  
5880 appropriate.

5881 ( \* \* \*p) To prescribe and charge a fee to defray the  
5882 costs of shipping alcoholic beverages, provided that such fee is  
5883 determined in a manner provided by the department by rules and/or



5884 regulations adopted in accordance with the Mississippi  
5885 Administrative Procedures Law.

5886         **SECTION 83.** Section 69-1-105, Mississippi Code of 1972, is  
5887 amended as follows:

5888         69-1-105. (1) The council shall be composed of the Chairman  
5889 and Vice Chairman, House of Representatives and Senate Agriculture  
5890 Committees, or their designees, the Commissioner of the Department  
5891 of Agriculture and Commerce, the Director of the \* \* \* Mississippi  
5892 Development Authority, and the Vice President, Division of  
5893 Agriculture, Forestry and Veterinary Medicine of Mississippi State  
5894 University, Alcorn State University, Divisional Director of  
5895 Agriculture and Applied Sciences, who shall enter into a  
5896 cooperative agreement to identify resource availability and  
5897 personnel expertise in all areas directly or indirectly related to  
5898 agricultural production, management and marketing as may be deemed  
5899 necessary to achieve the purposes of Sections 69-1-101 through  
5900 69-1-117. The cooperative agreement between the agencies shall  
5901 include, but not be limited to, provisions that Mississippi State  
5902 University through the Cooperative Extension Service, the  
5903 Agricultural and Forestry Experiment Station, the College of  
5904 Veterinary Medicine and the Forest Products Labs shall provide  
5905 technical, educational and direct marketing assistance; basic and  
5906 applied research, technology transfer, dissemination of research  
5907 information, interdisciplinary teams, feasibility studies and  
5908 networking; the Department of Agriculture and Commerce shall be



5909 primarily responsible for market development, product promotion,  
5910 regulatory functions in developing market standards, monitoring  
5911 standards and establishment of quality control; public relations  
5912 for Mississippi agriculture, institutional marketing and data  
5913 collection; the \* \* \* Mississippi Development Authority shall be  
5914 primarily responsible for agriculture business and economic  
5915 development, and financial assistance value added processing. All  
5916 council member agencies are hereby authorized and directed to  
5917 utilize and share any and all available resources necessary to  
5918 accomplish the purposes of Sections 69-1-101 through 69-1-117.

5919 In addition, the council shall be authorized to contract or  
5920 enter into agreements with other agencies and/or private research  
5921 centers that it may deem necessary to carry out its duties and  
5922 functions.

5923 \* \* \*

5924 (2) The council shall appoint an agricultural marketing  
5925 director, herein called director, who shall be competent and  
5926 qualified in the area of marketing, agriculture or a related area  
5927 and receive as compensation for services an annual salary to be  
5928 established by the personnel board. The director shall be the  
5929 one-point information contact on agricultural production,  
5930 management and marketing issues and shall be charged with the duty  
5931 of knowing the role and responsible personnel in each agency on  
5932 matters related to agriculture. The director shall be directly  
5933 responsible to the council for tasks assigned in the





5934 administration and implementation of programs developed by the  
5935 council. The director shall be located in the Department of  
5936 Agriculture and Commerce and administrative support for the  
5937 director shall be the shared responsibility of the members of the  
5938 council.

5939 Any expenses incurred by the council agencies in providing  
5940 support for the Mississippi Marketing of Agricultural Products and  
5941 Industry Program shall be included pro rata in the annual budget  
5942 of the respective agency.

5943 **SECTION 84.** Section 69-5-3, Mississippi Code of 1972, is  
5944 amended as follows:

5945 69-5-3. (1) The Department of Agriculture and Commerce  
5946 shall set up rules and regulations consistent with the law  
5947 governing the distribution of state monies for premiums or awards.  
5948 It will be the duty of the department, at least twice each year,  
5949 to approve premium lists or awards, and give out rules governing  
5950 participants in state premium money in Mississippi. The  
5951 department may invite the presidents of the various district  
5952 livestock shows before the department when determining policies  
5953 affecting district livestock shows.

5954 (2) The Department of Agriculture and Commerce is hereby  
5955 authorized to accept money or funds donated to the department,  
5956 including funds to be awarded as prizes in livestock competition.

5957 (3) The Department of Agriculture and Commerce shall have  
5958 charge of the State Fairgrounds located in Jackson, Mississippi,



5959 including all buildings and improvements thereon, and shall have  
5960 full power and authority in perfecting plans and causing to be  
5961 held thereon the Mississippi State Fair and other such events that  
5962 may be authorized by the department.

5963 (4) The Department of Agriculture and Commerce is hereby  
5964 authorized to employ an attorney as prescribed in Section 69-1-14.

5965 (5) The Department of Agriculture and Commerce may take any  
5966 action authorized in Section 1 of Chapter 306, Laws of 2000.

5967 (6) The Department of Agriculture and Commerce may allow a  
5968 commercial, charitable or governmental entity to use, publish and  
5969 advertise such entity's name in connection with any of the  
5970 buildings, improvements, grounds or objects located on the State  
5971 Fairgrounds in Jackson, except for the Kirk Fordice Equine Center,  
5972 or in connection with any of the events conducted on the State  
5973 Fairgrounds in return for a monetary consideration paid to the  
5974 department. Furthermore, the department may lease to any public,  
5975 private, commercial or charitable entity for a term not to exceed  
5976 twenty (20) years naming rights to buildings, except for the Kirk  
5977 Fordice Equine Center, or property, including, but not limited to,  
5978 new construction, improvements to existing buildings, grounds  
5979 and/or objects located on the State Fairgrounds in return for  
5980 consideration benefitting the commission. The lessee shall pay  
5981 the cost of erecting, maintaining and removing signage related to  
5982 the property. Those funds received from an entity for allowing  
5983 its name to be used, published or advertised in connection with



5984 the buildings, improvements, objects or events shall be retained  
5985 by the department to be used for capital improvements to the  
5986 fairgrounds or in its annual operating budget. The department  
5987 shall not enter into any such agreement with any vendor whose  
5988 products are illegal for participation in or use by persons  
5989 eighteen (18) years of age and under.

5990 (7) The Commissioner of Agriculture and Commerce is  
5991 authorized to form and establish a private foundation or nonprofit  
5992 corporation to receive and disburse the funds generated by the  
5993 sale of naming rights described in subsection (6) of this section  
5994 and for any other donations made to the department. The funds  
5995 shall be disbursed in accordance with guidelines described in this  
5996 section, and the foundation or nonprofit corporation shall be  
5997 subject to the reporting requirements described in subsection (10)  
5998 of this section. All funds shall remain with the foundation until  
5999 disbursement and shall not be transferred to the State General  
6000 Fund. No public funds shall be deposited into the account of the  
6001 private foundation or nonprofit corporation established by the  
6002 department for the benefit of the State Fairgrounds, nor shall the  
6003 Legislature appropriate any State General Fund or Special Fund  
6004 monies to the foundation or nonprofit corporation for such  
6005 purposes. All monies received by the foundation shall be  
6006 maintained separately from funds allocated to the department for  
6007 operating and administrative costs associated with the State  
6008 Fairgrounds. In addition to the reporting of information to be



6009 included in the annual legislative report of the department, the  
6010 private foundation or nonprofit corporation shall be subject to  
6011 annual financial audits by the State Auditor and by auditors of  
6012 donors in the same manner as required for state agencies.

6013 (8) The Department of Agriculture and Commerce shall have  
6014 the authority to enter into a lease or right-of-way with a third  
6015 party covering any land or buildings on the State Fairgrounds and  
6016 any funds generated from such lease or right-of-way shall remain  
6017 in a special fund managed by the department for the benefit of the  
6018 State Fairgrounds. All monies in the special fund may be used for  
6019 capital improvements to the State Fairgrounds or in the  
6020 department's annual operating budget for operating and  
6021 administrative costs associated with the State Fairgrounds. Any  
6022 unexpended funds remaining in the special fund shall not lapse  
6023 into the State General Fund, and any interest earned or investment  
6024 earnings on amounts in the fund shall be deposited in the fund.

6025 (9) The Department of Agriculture and Commerce is hereby  
6026 authorized, with the advice of the Mississippi Fair Advisory  
6027 Council, to adopt such rules and regulations as may be necessary  
6028 or desirable to carry out, execute or implement the provisions of  
6029 this article.

6030 \* \* \*

6031 **SECTION 85.** Section 69-7-263, Mississippi Code of 1972, is  
6032 amended as follows:



6033           69-7-263. There is hereby imposed and levied an assessment  
6034 at a rate not to exceed Three Cents (3¢) per case on all eggs  
6035 produced in Mississippi wherever distributed or marketed and on  
6036 all eggs marketed in Mississippi wherever distributed or produced.  
6037 The rate of assessment shall be determined by the board. At the  
6038 time of the sale, the egg producer shall provide evidence that all  
6039 assessments provided herein have been paid. However, if the first  
6040 sale of the eggs is made to a dealer or distributor, the producer  
6041 shall pay to the dealer or the distributor the amount of the  
6042 assessment owed; whereupon the dealer or distributor to whom such  
6043 payment is made shall remit the assessment to the Commissioner of  
6044 Agriculture and Commerce in accordance with the rules and  
6045 regulations established and promulgated by the board. The board  
6046 or the commissioner shall have the power to cause any duly  
6047 authorized agent or representative to enter upon the premises of  
6048 any dealer or handler of eggs and examine, or cause to be examined  
6049 by such agent, any books, papers and records which deal in any way  
6050 with respect to the payment of the assessment or enforcement of  
6051 the provisions of this article.

6052           All costs incurred by the board or the commissioner in  
6053 examining or causing the examination of such books, papers and  
6054 records shall be taxed against the dealer or handler. Cost shall  
6055 be assessed at the rate of One Hundred Dollars (\$100.00) per day  
6056 or fraction thereof for each agent conducting the examination.  
6057 Travel expenses shall be assessed in the manner and amount



6058 specified in Section 25-3-41, and other expenses shall be assessed  
6059 at actual cost. All costs taxed against a dealer or handler for  
6060 the examination of books, papers and records shall be paid within  
6061 fifteen (15) days from the date such notice of cost is mailed to  
6062 the dealer or handler.

6063 The proceeds of the assessment levied under this article  
6064 shall be collected by the Commissioner of Agriculture and Commerce  
6065 in such manner and method as shall be prescribed by him in  
6066 accordance with the provisions of this article. The funds derived  
6067 from the assessment shall be paid into the State Treasury on or  
6068 before the fifteenth day of each month and shall be deposited in a  
6069 special fund in the State Treasury, which shall be established by  
6070 the State Treasurer to the credit of the Mississippi Egg Marketing  
6071 Board, and such funds shall be used by the board solely for the  
6072 administration of this article. All costs, expenses and  
6073 obligations incurred by the board for its operation and carrying  
6074 out the purposes of this article shall be paid out of the special  
6075 fund herein provided for after expenditures thereof shall have  
6076 been authorized by the Legislature. \* \* \* Any egg producer may  
6077 request and receive a refund of the amount of assessment paid for  
6078 the previous reporting period, provided he makes a written  
6079 application with the Mississippi Egg Marketing Board within sixty  
6080 (60) days from date of payment supported by bona fide copy of  
6081 payment voucher and copy of canceled check. The application forms  
6082 shall be prepared by the board and shall be available at the



6083 request of the producer. All such applications shall be processed  
6084 and refunds paid within sixty (60) days after the funds have been  
6085 received by the board.

6086 **SECTION 86.** Section 69-9-9, Mississippi Code of 1972, is  
6087 amended as follows:

6088 69-9-9. (1) The Mississippi Soybean Promotion Board shall  
6089 plan and conduct a program of research, education and advertising  
6090 designed to promote the soybean industry in Mississippi and \* \* \*  
6091 the board is authorized to use the funds derived from the  
6092 assessment imposed herein for these purposes, including basic  
6093 administration expenses of \* \* \* the plan. Use of these funds may  
6094 be applied, as prescribed in this section, within or without the  
6095 State of Mississippi, including regional, national and  
6096 international research and promotional applications.

6097 (2) The funds may be expended only for the purposes set out  
6098 in this chapter and shall be spent in no manner for political  
6099 purposes. A report of all expenditures shall be made annually on  
6100 December 31, with four (4) copies of the report to be filed and  
6101 presented during regular sessions of the Mississippi Legislature  
6102 with each of the following: \* \* \* the Mississippi Department of  
6103 Agriculture and Commerce and the State Auditor.

6104 (3) If the board fails to make an annual report in violation  
6105 of the provisions of subsection (2) of this section, the board  
6106 shall be subject to a fine of not more than Five Hundred Dollars  
6107 (\$500.00).



6108           **SECTION 87.** Section 69-10-9, Mississippi Code of 1972, is  
6109 amended as follows:

6110           69-10-9. (1) The Mississippi Rice Promotion Board shall  
6111 plan and conduct a program of research, education and advertising  
6112 designed to promote the rice industry in Mississippi. The board  
6113 is authorized to use the funds derived from the assessment imposed  
6114 herein for these purposes, including basic administration expenses  
6115 of the plan; provided, however, that the avails of the additional  
6116 One Cent (1¢) assessment imposed from and after July 1, 1991,  
6117 shall be expended solely for programs of research to promote  
6118 further development of the rice industry in this state. Use of  
6119 these funds may be applied, as prescribed in this section, within  
6120 or without the State of Mississippi, including regional, national  
6121 and international research and promotional applications.

6122           (2) (a) The Mississippi Legislature finds and declares that  
6123 the factors which affect the ability of Mississippi rice farmers  
6124 to market their crop are established by national and international  
6125 forces in the world market. The Legislature further finds and  
6126 declares that the expenditure of funds by the board for the  
6127 purpose of influencing the development and implementation of  
6128 national and international policy affecting the marketing of rice  
6129 produced by Mississippi farmers is the expenditure of funds for a  
6130 public purpose.

6131           (b) The board may expend a portion of the funds  
6132 received and administered by the board for the purpose of





6133 influencing the development and implementation of national and  
6134 international policy affecting the marketing of rice produced by  
6135 Mississippi farmers.

6136 (c) The amount of funds expended by the board in each  
6137 fiscal year for the purposes authorized in this subsection shall  
6138 not exceed five percent (5%) of the budget of the board for that  
6139 fiscal year.

6140 (d) The board shall not expend any funds for the  
6141 purpose of influencing any political activity.

6142 (3) A report of all expenditures shall be made annually on  
6143 December 31, with four (4) copies of the report to be filed and  
6144 presented during regular sessions of the Mississippi Legislature  
6145 with each of the following: \* \* \* the Mississippi Department of  
6146 Agriculture and Commerce and the State Auditor.

6147 (4) If the board fails to make an annual report in violation  
6148 of the provisions of subsection (2) of this section, the board  
6149 shall be subject to a fine of not more than Five Hundred Dollars  
6150 (\$500.00).

6151 **SECTION 88.** Section 69-23-109, Mississippi Code of 1972, is  
6152 amended as follows:

6153 69-23-109. (1) The commissioner may adopt regulations to  
6154 carry out the provisions of Sections 69-23-1 through 69-23-135.

6155 (2) In adopting regulations, the commissioner shall give  
6156 consideration to pertinent research findings and recommendations  
6157 of other agencies of this state or federal government. \* \* \*



6158 (3) Regulations promulgated by the commissioner under  
6159 Sections 69-23-1 through 69-23-135 shall not be effective until  
6160 approved by the advisory board created under Section 69-25-3.

6161 (4) In order to eliminate inequitable application or  
6162 establishment of opposing regulations, the authority to regulate  
6163 any matter pertaining to the registration, sale, handling,  
6164 distribution, notification of use, application and use of  
6165 pesticides shall vest solely in the Commissioner of Agriculture  
6166 and Commerce, except where other state agencies, including the  
6167 Agricultural Aviation Board, exercise such regulatory authority  
6168 under state law.

6169 **SECTION 89.** Section 69-44-9, Mississippi Code of 1972, is  
6170 amended as follows:

6171 69-44-9. (1) The board shall plan and conduct a program of  
6172 research, education and advertising designed to promote the corn  
6173 industry in Mississippi. The board is authorized to use the funds  
6174 derived from the assessment imposed herein for these purposes,  
6175 including basic administration expenses of the plan. Use of these  
6176 funds may be applied, as prescribed in this section, within or  
6177 without the State of Mississippi, including regional, national and  
6178 international research and promotional applications.

6179 (2) (a) The Mississippi Legislature finds and declares that  
6180 the factors which affect the ability of Mississippi corn farmers  
6181 to market their crop are established by national and international  
6182 forces in the world market. The Legislature further finds and



6183 declares that the expenditure of funds by the board for the  
6184 purpose of influencing the development and implementation of  
6185 national and international policy affecting the marketing of corn  
6186 produced by Mississippi farmers is the expenditure of funds for a  
6187 public purpose.

6188 (b) The board may expend a portion of the funds  
6189 received and administered by the board for the purpose of  
6190 influencing the development and implementation of national and  
6191 international policy affecting the marketing of corn produced by  
6192 Mississippi farmers.

6193 (c) The amount of funds expended by the board in each  
6194 fiscal year for the purposes authorized in this subsection shall  
6195 not exceed fifteen percent (15%) of the budget of the board for  
6196 that fiscal year.

6197 (d) The board shall not expend any funds for the  
6198 purpose of influencing any political activity.

6199 (3) A report of all income and expenditures shall be made  
6200 annually on December 31, with four (4) copies of the report to be  
6201 filed and presented during the regular sessions of the Mississippi  
6202 Legislature with each of the following: \* \* \* the Mississippi  
6203 Department of Agriculture and Commerce and the State Auditor.

6204 (4) If the board fails to make an annual report in violation  
6205 of the provisions of subsection (3) of this section, the board  
6206 shall be subject to a fine of not more than Five Hundred Dollars  
6207 (\$500.00).



6208           **SECTION 90.** Section 69-48-11, Mississippi Code of 1972, is  
6209 amended as follows:

6210           69-48-11. (1) The board shall plan and conduct a program of  
6211 research, education and advertising designed to promote the peanut  
6212 industry in Mississippi. The board is authorized to use the funds  
6213 derived from the assessment imposed herein for these purposes,  
6214 including basic administration expenses of the plan. Use of these  
6215 funds may be applied, as prescribed in this section, within or  
6216 without the State of Mississippi, including regional, national and  
6217 international research and promotional applications.

6218           (2) (a) The Mississippi Legislature finds and declares that  
6219 the factors which affect the ability of Mississippi peanut farmers  
6220 to market their crop are established by national and international  
6221 forces in the world market. The Legislature further finds and  
6222 declares that the expenditure of funds by the board for the  
6223 purpose of influencing the development and implementation of  
6224 national and international policy affecting the marketing,  
6225 research and advertising of peanuts produced by Mississippi  
6226 farmers is the expenditure of funds for a public purpose.

6227           (b) The board may expend a portion of the funds  
6228 received and administered by the board for the purpose of  
6229 influencing the development and implementation of national and  
6230 international policy affecting peanuts produced by Mississippi  
6231 farmers.



6232 (c) The amount of funds expended by the board in each  
6233 fiscal year for the purposes authorized in this subsection shall  
6234 not exceed fifteen percent (15%) of the budget of the board for  
6235 that fiscal year.

6236 (d) The board shall not expend any funds for the  
6237 purpose of influencing any political activity.

6238 (3) A report of all income and expenditures shall be made  
6239 annually on December 31, with four (4) copies of the report to be  
6240 filed and presented during the regular sessions of the Mississippi  
6241 Legislature with each of the following: \* \* \* the Mississippi  
6242 Department of Agriculture and Commerce and the State Auditor.

6243 (4) If the board fails to make an annual report in violation  
6244 of the provisions of subsection (3) of this section, the board  
6245 shall be subject to a fine of not more than Five Hundred Dollars  
6246 (\$500.00).

6247 **SECTION 91.** Section 71-5-115, Mississippi Code of 1972, is  
6248 amended as follows:

6249 71-5-115. It shall be the duty of the executive director to  
6250 administer this chapter; and the executive director shall have the  
6251 power and authority to adopt, amend or rescind such rules and  
6252 regulations, to employ such persons, make such expenditures,  
6253 require such reports, make such investigations, and take such  
6254 other action as he deems necessary or suitable to that end. Such  
6255 rules and regulations shall be effective upon publication in the  
6256 manner, not inconsistent with the provisions of this chapter,



6257 which the executive director shall prescribe. The executive  
6258 director shall determine the department's own organization and  
6259 methods of procedure in accordance with the provisions of this  
6260 chapter, and shall have an official seal which shall be judicially  
6261 noticed. \* \* \* Whenever the executive director believes that a  
6262 change in contribution or benefit rates will become necessary to  
6263 protect the solvency of the fund, he shall promptly so inform the  
6264 Governor and the Legislature, and make recommendations with  
6265 respect thereto.

6266 **SECTION 92.** Section 73-15-17, Mississippi Code of 1972, is  
6267 amended as follows:

6268 73-15-17. The Mississippi Board of Nursing is authorized and  
6269 empowered to:

6270 (a) Adopt and from time to time revise such rules and  
6271 regulations consistent with the law as shall be necessary to  
6272 govern its proceedings and carry into effect the provisions of  
6273 this article; however, the board shall not adopt any rule or  
6274 regulation or impose any requirement regarding the licensing or  
6275 certification of advanced practice registered nurses that  
6276 conflicts with the prohibitions in Section 73-49-3.

6277 (b) Require the secretary to keep records of all  
6278 meetings of the board and keep a record of all proceedings, and to  
6279 prepare a register of registered nurses and a register of licensed  
6280 practical nurses, all nurses appearing thereon to be duly licensed



6281 under this article, and which registers shall be open for public  
6282 inspection at all reasonable times.

6283 (c) Issue subpoenas, require attendance of witnesses,  
6284 and administer oaths of persons giving testimony.

6285 (d) Cause the prosecution of all persons violating the  
6286 provisions of this article, and incur such necessary expenses  
6287 therefor.

6288 (e) Conduct hearings upon charges calling for  
6289 discipline of a licensee or revocation of a license or of the  
6290 privilege to practice.

6291 (f) \* \* \* [Deleted]

6292 (g) Maintain an office in the greater Jackson area for  
6293 the administration of this article.

6294 (h) File an annual list of all certificates of  
6295 registration issued by the board with the Secretary of State's  
6296 office for both registered nurses and licensed practical nurses.

6297 (i) File an annual list of all certificates of  
6298 registration issued by the board to registered nurses, including  
6299 addresses of the persons with the Mississippi Nurses' Association;  
6300 and file a similar list of all certificates of registration issued  
6301 to licensed practical nurses, including addresses of the persons,  
6302 with the Mississippi Federation of Licensed Practical Nurses and  
6303 the Mississippi Licensed Practical Nurses Association.

6304 (j) Adopt a seal which shall be in the form of a circle  
6305 with the image of an eagle in the center, and around the margin



6306 the words "Mississippi Board of Nursing," and under the image of  
6307 the eagle the word "Official." The seal shall be affixed to  
6308 certificates and warrants issued by the board, and to all records  
6309 sent up on appeal from its decisions.

6310 (k) Schedule dates and locations for state board  
6311 examinations for examining qualified applicants for licensure.

6312 (l) Examine, license and renew licenses of duly  
6313 qualified applicants.

6314 (m) Appoint and employ a qualified person who shall not  
6315 be a member of the board to serve as executive director, define  
6316 the duties, fix the compensation, and delegate to him or her those  
6317 activities that will expedite the functions of the board. The  
6318 executive director shall meet all the qualifications for board  
6319 members, and shall in addition:

6320 (i) Have had at least a master's degree in  
6321 nursing, eight (8) years' experience as a registered nurse, five  
6322 (5) of which shall be in teaching or in administration, or a  
6323 combination thereof; and

6324 (ii) Have been actively engaged in nursing for at  
6325 least five (5) years immediately preceding appointment.

6326 (n) Employ, discharge, define duties, and fix  
6327 compensation of such other persons as may be necessary to carry  
6328 out the provisions of this article.





6329 (o) Secure the services of research consultants as  
6330 deemed necessary who shall receive a per diem, travel and other  
6331 necessary expenses incurred while engaged by the board.

6332 (p) Enter into contracts with any other state or  
6333 federal agency or with any private person, organization or group  
6334 capable of contracting, if it finds such action to be in the  
6335 public interest and in the furtherance of its responsibilities.

6336 (q) Upon reasonable suspicion that a holder of a  
6337 license issued under this article has violated any statutory  
6338 ground for denial of licensure as set forth in Section 73-15-29 or  
6339 is guilty of any offense specified in Section 73-15-33, require  
6340 the license holder to undergo a fingerprint-based criminal history  
6341 records check of the Mississippi central criminal database and the  
6342 Federal Bureau of Investigation criminal history database, in the  
6343 same manner as required for applicants for licensure under  
6344 Sections 73-15-19(1) and 73-15-21(1).

6345 (r) Perform the duties prescribed by the Nurse  
6346 Licensure Compact in Section 73-15-201.

6347 **SECTION 93.** Section 73-29-9, Mississippi Code of 1972, is  
6348 amended as follows:

6349 73-29-9. (1) The board shall issue regulations consistent  
6350 with the provisions of this chapter for the administration and  
6351 enforcement of this chapter and shall prescribe forms which shall  
6352 be issued in connection therewith.



6353 (2) An order or a certified copy thereof, over the board  
6354 seal and purporting to be signed by the board members, shall be  
6355 prima facie proof that the signatures are the genuine signatures  
6356 of the board members, and that the board members are fully  
6357 qualified to act.

6358 (3) All fees collected under the provisions of this chapter  
6359 shall be paid to the Treasurer of the State of Mississippi. Funds  
6360 necessary for the enforcement of this chapter and the  
6361 administration of its provisions shall be appropriated by the  
6362 Legislature to the Department of Public Safety, but the funds so  
6363 appropriated for a fiscal year shall not exceed the total amount  
6364 of the fees which it is anticipated will be collected hereunder  
6365 during such fiscal year, plus the amount of funds which were  
6366 unexpended by the board for the next preceding fiscal year.

6367 \* \* \*

6368 **SECTION 94.** Section 73-34-9, Mississippi Code of 1972, is  
6369 amended as follows:

6370 73-34-9. (1) The commission shall have the following powers  
6371 and duties:

6372 (a) To receive applications for licensure as a real  
6373 estate appraiser and applications for registration as an appraisal  
6374 management company under this chapter; to establish appropriate  
6375 administrative procedures for the processing of those  
6376 applications; to issue licenses to qualified applicants under the  
6377 provisions of this chapter; and to maintain a registry of the



6378 names and addresses of individuals who are currently licensed  
6379 under this chapter.

6380 (b) To administer licensing examinations in the places  
6381 and at the times as may be required to carry out its  
6382 responsibilities under this chapter.

6383 (c) To implement recommendations made to the commission  
6384 by the Real Estate Appraiser Licensing and Certification Board  
6385 with respect to upgrading and improving the experience, education  
6386 and examination requirements that are required for an appraiser  
6387 license and each classification of licensed state certified real  
6388 estate appraiser in this state.

6389 (d) To implement recommendations made to the commission  
6390 by the board with respect to upgrading and improving the  
6391 continuing education requirements that are required for renewal of  
6392 a license.

6393 (e) To collect all licensing fees required or permitted  
6394 by this chapter.

6395 (f) To take appropriate action upon a decision and the  
6396 related findings of fact made by the board if, after an  
6397 administrative hearing, the board (i) determines that a licensed  
6398 appraiser or a licensed state certified real estate appraiser  
6399 under this chapter has violated the standards of appraisal  
6400 practice or ethical rules established under Section 73-34-37, or  
6401 has committed one or more of the acts that are prohibited by  
6402 Section 73-34-35, and (ii) recommends that the license of the



6403 appraiser be suspended or revoked, that renewal be denied, or that  
6404 some other disciplinary action be taken.

6405 (g) To solicit bids and enter into contracts with one  
6406 or more educational testing services or organizations approved by  
6407 the board for the preparation of a bank of questions and answers  
6408 for licensure examinations under this chapter.

6409 (h) To promote research and conduct studies relating to  
6410 the profession of real estate appraising and sponsor real estate  
6411 appraisal educational activities.

6412 (i) To adopt rules and regulations for the  
6413 administration of this chapter that are not inconsistent with the  
6414 provisions of this chapter or the Constitution and laws of  
6415 Mississippi or of the United States.

6416 (j) To employ an assistant to the Mississippi Real  
6417 Estate Commission Administrator who shall keep a record of all  
6418 proceedings, transactions, communications and official acts of the  
6419 commission and board and perform any other duties as the  
6420 commission and board may require.

6421 (k) To employ an appropriate staff to investigate  
6422 allegations that licensed appraisers or licensed state certified  
6423 real estate appraisers under this chapter failed to comply with  
6424 the terms or provisions of this chapter.

6425 (l) To employ any other professional, clerical and  
6426 technical assistance as may be necessary to properly administer  
6427 the work of this chapter.



6428 (2) The board shall have the following powers and duties:

6429 (a) To be responsible for matters relating to real  
6430 estate appraisal standards, real estate appraiser qualifications,  
6431 testing standards, appraisal management companies and disciplinary  
6432 functions.

6433 (b) To hold meetings; to hold public hearings and  
6434 administrative hearings; and to prepare examination specifications  
6435 for licensed appraisers and licensed state certified appraisers.

6436 (c) To enable the board to carry out its  
6437 responsibilities under this chapter with respect to licensing and  
6438 registering, the board shall have:

6439 (i) The power to compel the attendance of  
6440 witnesses;

6441 (ii) The power to require a licensed appraiser or  
6442 an applicant for licensure to produce books, appraisal documents,  
6443 records and other papers;

6444 (iii) The power to administer oaths; and

6445 (iv) The power to take testimony and receive  
6446 evidence concerning all matters within its jurisdiction.

6447 These powers may be exercised directly by the board in such  
6448 manner as the board shall determine.

6449 (d) To establish appropriate administrative procedures  
6450 for disciplinary proceedings conducted under the provisions of  
6451 this chapter.

6452 (e) To keep a record of its proceedings \* \* \*.



6453 (f) To further define by regulation, and with respect  
6454 to each of the categories of licensed appraiser, the type of  
6455 educational experience, appraisal experience and equivalent  
6456 experience that will meet the statutory requirements of this  
6457 chapter and of the Appraiser Qualifications Board.

6458 (g) To approve or disapprove applications for licensing  
6459 or registration under this chapter.

6460 (h) To suspend or revoke licenses or registrations  
6461 under the disciplinary proceedings provided for in this chapter.

6462 (i) To present an annual budget to the Mississippi  
6463 Legislature for approval. A copy of the budget shall be given to  
6464 the commission.

6465 (j) To implement all requirements directed by the  
6466 Appraiser Qualifications Board, Appraisal Subcommittee of the  
6467 Federal Financial Institutions Examination Council or their  
6468 designated agent.

6469 (k) To make rules and regulations providing for an  
6470 inactive license or registration status and for the reactivation  
6471 thereof.

6472 (l) To make rules and regulations necessary to  
6473 implement its powers and duties under this chapter.

6474 (m) To do all other things necessary to carry out the  
6475 provisions of this chapter.



6476 (n) To adopt rules consistent with the provisions of  
6477 this chapter which may be reasonably necessary to implement,  
6478 administer, and enforce the provisions of this chapter.

6479 (o) To provide for at least one (1) member of the board  
6480 to represent the appraisal management company industry.

6481 (p) To establish the standard for measuring residential  
6482 properties up to four (4) family buildings as promulgated by the  
6483 American National Standards Institute or as provided in the  
6484 American Measurement Standard Manual. The board shall require  
6485 appraisals required to use those standards to indicate on the  
6486 appraisal or separately appended document which standard was used.

6487 (q) To conduct surveys as necessary.

6488 (3) The members of the commission and board shall be immune  
6489 from any civil action or criminal prosecution for initiating or  
6490 assisting in any lawful investigation of the actions of, or  
6491 participating in any disciplinary proceeding concerning, an  
6492 appraiser licensed under this chapter, provided that the action is  
6493 taken without malicious intent and in the reasonable belief that  
6494 the action was taken in accordance with the powers and duties  
6495 vested in the members of the commission and board under this  
6496 chapter.

6497 **SECTION 95.** Section 73-36-19, Mississippi Code of 1972, is  
6498 amended as follows:

6499 73-36-19. (1) The State Board of Registration for Foresters  
6500 shall have the following powers and duties:



6501 (a) To adopt rules and regulations governing the  
6502 holding of its meetings, hearings, applications for licenses and  
6503 any and all other duties provided by this chapter.

6504 (b) To establish and promulgate standards of practice  
6505 and a code of ethics for registered foresters and provide for the  
6506 enforcement thereof.

6507 (c) To establish minimum requirements for professional  
6508 continuing education.

6509 (d) To prepare a biennial roster showing the names,  
6510 business addresses and such other information as the board may  
6511 deem necessary of all foresters registered under this chapter, and  
6512 to provide copies to the registered foresters and the public. A  
6513 copy of the roster shall be filed with the Secretary of State of  
6514 the State of Mississippi on or before April 1 in the year such  
6515 roster is prepared.

6516 (e) To issue, suspend or revoke licenses and to take  
6517 all actions necessary.

6518 (2) At any hearing before the board, any member may  
6519 administer oaths to witnesses appearing before the board. If any  
6520 person shall refuse to testify or to produce any books, papers or  
6521 documents, the board may present its petition to any court of  
6522 competent jurisdiction within the state setting forth the facts,  
6523 and then the court, in a proper case, may issue its subpoena to  
6524 the person requiring his attendance before the court and to  
6525 testify or to produce such books, papers and documents as may be





6526 deemed necessary and pertinent thereto. Any person failing or  
6527 refusing to obey the subpoena of the court may be proceeded  
6528 against in the same manner as for refusal to obey any other  
6529 subpoena of the court.

6530 (3) The board shall keep a record of its proceedings and a  
6531 register of all applications for registration. The register shall  
6532 show the name, age and residence of each applicant, the date of  
6533 the application and the board's action on the application and any  
6534 other information as may be deemed necessary by the board. The  
6535 board shall submit an annual report to the Governor \* \* \*.

6536 **SECTION 96.** Section 73-63-19, Mississippi Code of 1972, is  
6537 amended as follows:

6538 73-63-19. (1) If the board employs an executive director,  
6539 the executive director shall have the following powers and duties:

6540 (a) To administer the policies of the board within the  
6541 authority granted by the board;

6542 (b) To supervise and direct all administrative,  
6543 technical and investigative activities of the board;

6544 (c) To organize the administrative units of the board  
6545 in accordance with a plan adopted by the board and to alter that  
6546 organizational plan and reassign responsibilities with approval of  
6547 the board as deemed necessary to carry out the policies of the  
6548 board;

6549 (d) To recommend to the board appropriate studies and  
6550 investigations and to carry out the approved recommendations;



6551 (e) To issue, modify or revoke any orders under  
6552 authority granted by the board;

6553 (f) To enter into contracts, grants and cooperative  
6554 agreements as approved by the board with any federal or state  
6555 agency, any public or private institution or any other person to  
6556 carry out this chapter;

6557 (g) To receive, administer and account for any funds  
6558 received by the board; and

6559 \* \* \*

6560 ( \* \* \*h) To discharge other powers, duties and  
6561 responsibilities as directed or delegated by the board.

6562 (2) The executive director shall give a surety bond  
6563 satisfactory to the board, conditioned upon the faithful  
6564 performance of the executive director's duties. The premium on  
6565 the bond shall be regarded as a proper and necessary expense of  
6566 the board.

6567 (3) If the board does not employ an executive director, the  
6568 president of the board shall have the powers and duties provided  
6569 in subsection (1) of this section.

6570 **SECTION 97.** Section 77-3-42, Mississippi Code of 1972, is  
6571 amended as follows:

6572 77-3-42. (1) (a) No public utility, the rates of which are  
6573 subject to regulation under the provisions of this chapter, shall  
6574 increase its rate or rate schedule in addition to its base rate as  
6575 a result of what is commonly referred to as "fuel adjustment



6576 clauses" increase or "fuel adjustment riders" if the application  
6577 of such clause or rider shall result in ultimate cost recovery  
6578 exceeding the actual cost of fuel burned or consumed in its  
6579 generating facilities and the cost of purchased energy.

6580 (b) For the purpose of such fuel adjustment clause or  
6581 rider, the cost of fuel as used herein shall include only the  
6582 actual cost of the fuel and its transportation and may include  
6583 such other cost items which are as of the effective date of this  
6584 section allowed by the federal energy regulatory commission for  
6585 inclusion in wholesale fuel adjustment clauses under its  
6586 jurisdiction. In addition thereto fuel cost may include direct  
6587 costs associated with burning the fuel at the generating plant,  
6588 such as fuel-handling expenses and the cost of fuel sampling and  
6589 analysis.

6590 (2) (a) The commission is hereby directed to cause a  
6591 continuous monitoring by the public utilities staff and a complete  
6592 audit, as necessary but not less than annually, of all fuel  
6593 purchases for which fuel adjustment clauses or riders have been  
6594 placed in effect prior to and after the effective date of this  
6595 section, which shall totally verify fuel costs as might be  
6596 consumed in generating plants and all purchased energy of such  
6597 electric utilities in Mississippi with said audit being based upon  
6598 generally accepted auditing standards which would accurately  
6599 provide detailed information as to the actual monthly utility fuel



6600 costs. Such audit shall be completely independent of any audit  
6601 performed on behalf of such utility.

6602 (b) The commission is hereby directed to promulgate  
6603 rules and regulations, not inconsistent with the laws, (i) to  
6604 define allowable costs for inclusion in fuel adjustments, (ii) to  
6605 establish guidelines for defining what elements constitute a just  
6606 and reasonable fuel adjustment clause or rider, (iii) to establish  
6607 guidelines for defining what elements constitute efficient and  
6608 economical procurement and use of energy and fuel, and (iv) to  
6609 establish general guidelines for making the required review of  
6610 fuel adjustment clauses or riders as required by this section.  
6611 Such rules and regulations shall be spread upon the minutes of the  
6612 commission.

6613 (c) Such audits shall include (i) a determination if  
6614 fuel and associated costs are properly identified and recorded in  
6615 the appropriate uniform system of accounts, (ii) a determination  
6616 if purchased energy and associated costs are properly identified,  
6617 (iii) an assessment of a utility's practices for economical  
6618 purchase and use of fuel and electric energy, and (iv) an  
6619 assessment of the relevant contract terms and conditions and any  
6620 variations from contract terms.

6621 (3) The audits required by this section shall extend to the  
6622 fuel acquisition activities of any corporation which is owned in  
6623 whole or in part by any such public utility under the jurisdiction  
6624 of the commission or owned in whole or in part by a public utility



6625 holding company which is the parent company of any public utility  
6626 under the jurisdiction of the commission. Public utilities under  
6627 the jurisdiction of this commission, the rates of which are  
6628 subject to regulation under the provisions of this chapter, shall  
6629 not purchase fuel and/or energy from a company or corporation  
6630 which is owned in whole or in part by that public utility or by  
6631 the parent company of that public utility unless the selling  
6632 company or corporation assents to audits as provided for under  
6633 this section.

6634 (4) Upon receipt of each audit report, the certified public  
6635 accountant of the public utilities staff shall review the report  
6636 and furnish the commissioners with a written summary of, and his  
6637 comments on, the report. The commission shall meet within one (1)  
6638 week after receipt of the accountant's summary, and shall spread  
6639 upon the minutes of the commission that it has reviewed said  
6640 summary and further shall describe any action which it takes  
6641 regarding the audit report or the fact that no action was  
6642 required. Any costs included in a fuel adjustment clause or rider  
6643 by a public utility under the jurisdiction of the commission found  
6644 in violation of this section shall, by order of the commission, be  
6645 refunded to the appropriate person or persons. In lieu of  
6646 payment, the utility may credit the service account with the  
6647 amount due under this subsection if the consumer entitled to the  
6648 refund is, at that time, a consumer of the utility.



6649 (5) Periodically, and not less frequently than annually, the  
6650 commission shall review the audit reports, the reports of the  
6651 certified public accountant of the public utilities staff, any  
6652 reports of the public utilities staff relating to its monitoring  
6653 of fuel purchases, and all other relevant information relating to  
6654 fuel purchases, fuel adjustment clauses or riders, and purchased  
6655 energy for the purpose of determining (a) whether or not the  
6656 utility is properly and correctly employing the use of the fuel  
6657 adjustment clause or rider applicable to its operations and  
6658 billing procedures, (b) whether or not the utility has engaged in  
6659 practices in the acquisition of fuel or purchased energy which are  
6660 efficient and economical, and (c) whether or not there is reason  
6661 to question the practices, contracts, operations or procedures of  
6662 the utility in the purchase or acquisition of fuel or purchased  
6663 energy relative to efficiency, economy and the public interest.

6664 If the commission, after following the procedures described  
6665 above, has reasonable cause to believe that inefficient or  
6666 uneconomical procurement or use of fuel or purchased energy has  
6667 resulted in unreasonable or unjust charges or costs to the  
6668 consumers, then the commission shall initiate a procedure for  
6669 hearing as provided for in Section 77-3-47 for the purpose of  
6670 determining whether or not any of the costs or charges included in  
6671 the fuel adjustment charges to the consumers were unreasonable or  
6672 unjust. If the commission upon hearing shall find that any  
6673 charges for the purchase or procurement of fuel or purchased



6674 energy were unreasonable or unjust, then the commission shall  
6675 order that such costs or charges be refunded to the appropriate  
6676 person or persons together with interest at the same rate  
6677 prescribed in Section 77-3-39, Section 77-3-69 and Section  
6678 77-3-71. In lieu of payment, the utility may credit the service  
6679 account with the amount due under this subsection if the consumer  
6680 entitled to the refund is, at that time, a consumer of the  
6681 utility.

6682 (6) (a) The commission shall maintain at all times complete  
6683 and current data relating to sales and purchases of electric  
6684 capacity of all utilities, including copies of contracts and  
6685 agreements for the purchase of electric capacity, amendments to  
6686 such contracts, records of purchases and sales of electric  
6687 capacity, and all other relevant information and data deemed  
6688 appropriate by the commission for carrying out the provisions of  
6689 this section.

6690 (b) The commission is hereby directed to review, not  
6691 less frequently than annually, the information and data described  
6692 above. If, from said review the commission has reasonable cause  
6693 to believe that inefficient or uneconomical sales or purchases of  
6694 electric capacity by a utility, the rates of which are subject to  
6695 regulation by the commission, have resulted in unreasonable or  
6696 unjust charges or costs to the consumers, then the commission  
6697 shall initiate a procedure for hearing as provided for in Section  
6698 77-3-47 for the purpose of determining whether or not any of the



6699 costs or charges for sales or purchases of electric capacity  
6700 included in the charges to consumers were unreasonable or unjust.  
6701 If the commission, upon hearing, shall find that any such charges  
6702 for the sale or purchase of electric capacity were unreasonable or  
6703 unjust, then the commission shall order that such costs or charges  
6704 be refunded to the appropriate person or persons, together with  
6705 interest thereon at the same rate prescribed in Section 77-3-39,  
6706 Section 77-3-69 and Section 77-3-71. In lieu of payment, the  
6707 utility may credit the service account with the amount due under  
6708 this subsection if the consumer entitled to the refund is, at that  
6709 time, a consumer of the utility.

6710 \* \* \*

6711 ( \* \* \*7) Nothing in this section shall prohibit the  
6712 commission from entering an order in a declared emergency allowing  
6713 public utilities under such emergency circumstances to adjust  
6714 their rates for a period not to exceed sixty (60) days upon  
6715 declaration of said emergency. There shall be a full hearing and  
6716 a complete and total accounting as to total costs of \* \* \* the  
6717 commission order to public utilities customers, with detailed  
6718 accounting of such emergency fuel adjustment clause order being  
6719 made available to the public.

6720 ( \* \* \*8) This section shall not apply to a municipality,  
6721 including a joint agency organized pursuant to Section 77 5 701 et  
6722 seq., as amended.





6723           **SECTION 98.** Section 81-1-71, Mississippi Code of 1972, is  
6724 amended as follows:

6725           81-1-71. The commissioner, all examiners and any employee  
6726 required to travel shall be allowed expenses incident to the  
6727 discharge of their official duties while away from their places of  
6728 residence, and mileage for each mile necessarily traveled in the  
6729 discharge of their official duties, as provided in Section  
6730 25-3-41. Such expenses shall be paid out of the department funds  
6731 upon vouchers approved by the commissioner, and each voucher for  
6732 expenses shall be accompanied by an itemized statement of the  
6733 same.

6734           The State Department of Audit shall make an annual audit of  
6735 the books and records having to do with receipts and expenditures  
6736 of funds of the department. The chief inspector shall file a copy  
6737 of his report with the commissioner and the Governor \* \* \*.

6738           **SECTION 99.** Section 83-9-213, Mississippi Code of 1972, is  
6739 amended as follows:

6740           83-9-213. (1) The association shall:

6741                   (a) Establish administrative and accounting procedures  
6742 for the operation of the association.

6743                   (b) Establish procedures under which applicants and  
6744 participants in the plan may have grievances reviewed by an  
6745 impartial body and reported to the board.

6746                   (c) Select an administering insurer in accordance with  
6747 Section 83-9-215.



6748 (d) Collect the assessments provided in Section  
6749 83-9-217 from insurers and third-party administrators for claims  
6750 paid under the plan and for administrative expenses incurred or  
6751 estimated to be incurred during the period for which the  
6752 assessment is made. The level of payments shall be established by  
6753 the board. Assessments shall be collected pursuant to the plan of  
6754 operation approved by the board. In addition to the collection of  
6755 such assessments, the association shall collect an organizational  
6756 assessment or assessments from all insurers as necessary to  
6757 provide for expenses which have been incurred or are estimated to  
6758 be incurred prior to receipt of the first calendar year  
6759 assessments. Organizational assessments shall be equal in amount  
6760 for all insurers, but shall not exceed One Hundred Dollars  
6761 (\$100.00) per insurer for all such assessments. Assessments are  
6762 due and payable within thirty (30) days of receipt of the  
6763 assessment notice by the insurer.

6764 (e) Require that all policy forms issued by the  
6765 association conform to standard forms developed by the  
6766 association. The forms shall be approved by the State Department  
6767 of Insurance.

6768 (f) Develop and implement a program to publicize the  
6769 existence of the plan, the eligibility requirements for the plan,  
6770 and the procedures for enrollment in the plan and to maintain  
6771 public awareness of the plan.

6772 (2) The association may:



6773 (a) Exercise powers granted to insurers under the laws  
6774 of this state.

6775 (b) Take any legal actions necessary or proper for the  
6776 recovery of any monies due the association under Sections 83-9-201  
6777 through 83-9-222. There shall be no liability on the part of and  
6778 no cause of action of any nature shall arise against the  
6779 Commissioner of Insurance or any of his staff, the administrator,  
6780 the board or its directors, agents or employees, or against any  
6781 participating insurer for any actions performed in accordance with  
6782 Sections 83-9-201 through 83-9-222.

6783 (c) Enter into contracts as are necessary or proper to  
6784 carry out the provisions and purposes of Sections 83-9-201 through  
6785 83-9-222, including the authority, with the approval of the  
6786 commissioner, to enter into contracts with similar organizations  
6787 of other states for the joint performance of common administrative  
6788 functions or with persons or other organizations for the  
6789 performance of administrative functions.

6790 (d) Sue or be sued, including taking any legal actions  
6791 necessary or proper to recover or collect assessments due the  
6792 association.

6793 (e) Take any legal actions necessary to:

6794 (i) Avoid the payment of improper claims against  
6795 the association or the coverage provided by or through the  
6796 association.



6797 (ii) Recover any amounts erroneously or improperly  
6798 paid by the association.

6799 (iii) Recover any amounts paid by the association  
6800 as a result of mistake of fact or law.

6801 (iv) Recover other amounts due the association.

6802 (f) Establish, and modify from time to time as  
6803 appropriate, rates, rate schedules, rate adjustments, expense  
6804 allowances, agents' referral fees, claim reserve formulas and any  
6805 other actuarial function appropriate to the operation of the  
6806 association. Rates and rate schedules may be adjusted for  
6807 appropriate factors such as age, sex and geographic variation in  
6808 claim cost and shall take into consideration appropriate factors  
6809 in accordance with established actuarial and underwriting  
6810 practices.

6811 (g) Issue policies of insurance in accordance with the  
6812 requirements of Sections 83-9-201 through 83-9-222.

6813 (h) Appoint appropriate legal, actuarial and other  
6814 committees as necessary to provide technical assistance in the  
6815 operation of the plan, policy and other contract design, and any  
6816 other function within the authority of the association.

6817 (i) Borrow money to effect the purposes of the  
6818 association. Any notes or other evidence of indebtedness of the  
6819 association not in default shall be legal investments for insurers  
6820 and may be carried as admitted assets.



6821           (j) Establish rules, conditions and procedures for  
6822 reinsuring risks of member insurers desiring to issue plan  
6823 coverages to individuals otherwise eligible for plan coverages in  
6824 their own name. Provision of reinsurance shall not subject the  
6825 association to any of the capital or surplus requirements, if any,  
6826 otherwise applicable to reinsurers.

6827           (k) Prepare and distribute application forms and  
6828 enrollment instruction forms to insurance producers and to the  
6829 general public.

6830           (l) Provide for reinsurance of risks incurred by the  
6831 association.

6832           (m) Issue additional types of health insurance policies  
6833 to provide optional coverages, including Medicare supplemental  
6834 health insurance.

6835           (n) Provide for and employ cost containment measures  
6836 and requirements including, but not limited to, disease management  
6837 programs and incentives for participation therein, preadmission  
6838 screening, second surgical opinion, concurrent utilization review  
6839 and individual case management for the purpose of making the  
6840 benefit plan more cost-effective.

6841           (o) Design, utilize, contract or otherwise arrange for  
6842 the delivery of cost-effective health care services, including  
6843 establishing or contracting with preferred provider organizations,  
6844 health maintenance organizations and other limited network  
6845 provider arrangements.



6846 (p) Serve as a mechanism to provide health and accident  
6847 insurance coverage to citizens of this state under any state or  
6848 federal program designed to enable persons to obtain or maintain  
6849 health insurance coverage.

6850 (3) The commissioner may, by rule, establish additional  
6851 powers and duties of the board and may adopt such rules as are  
6852 necessary and proper to implement Sections 83-9-201 through  
6853 83-9-222.

6854 (4) The State Department of Insurance shall examine and  
6855 investigate the association \* \* \*. Upon such investigation, the  
6856 Commissioner of Insurance, if he deems necessary, shall require  
6857 the board: (a) to contract with an outside independent actuarial  
6858 firm to assess the solvency of the association and for  
6859 consultation as to the sufficiency and means of the funding of the  
6860 association, and the enrollment in and the eligibility, benefits  
6861 and rate structure of the benefits plan to ensure the solvency of  
6862 the association; and (b) to close enrollment in the benefits plan  
6863 at any time upon a determination by the outside independent  
6864 actuarial firm that funds of the association are insufficient to  
6865 support the enrollment of additional persons. In no case shall  
6866 the commissioner require such actuarial study any less than once  
6867 every two (2) years.

6868 **SECTION 100.** Section 93-21-307, Mississippi Code of 1972, is  
6869 amended as follows:



6870 93-21-307. The administration of the Mississippi Children's  
6871 Trust Fund shall be vested in the Division of Family and  
6872 Children's Services of the State Department of \* \* \* Human  
6873 Services. In carrying out the provisions of Sections 93-21-301  
6874 through 93-21-311, the Division of Family and Children's Services  
6875 shall have the following powers and duties:

6876 (a) To assist in developing programs aimed at  
6877 discovering and preventing the many factors causing child abuse  
6878 and neglect;

6879 (b) To prepare and disseminate, including the  
6880 presentation of, educational programs and materials on child abuse  
6881 and neglect;

6882 (c) To provide educational programs for professionals  
6883 required by law to make reports of child abuse and neglect;

6884 (d) To help coordinate child protective services at the  
6885 state, regional and local levels with the efforts of other state  
6886 and voluntary social, medical and legal agencies;

6887 (e) To provide advocacy for children in public and  
6888 private state and local agencies affecting children;

6889 (f) To encourage citizen and community awareness as to  
6890 the needs and problems of children;

6891 (g) To facilitate the exchange of information between  
6892 groups concerned with families and children;

6893 (h) To consult with state departments, agencies,  
6894 commissions and boards to help determine the probable



6895 effectiveness, fiscal soundness and need for proposed educational  
6896 and service programs for the prevention of child abuse and  
6897 neglect;

6898 (i) To adopt rules and regulations \* \* \* in accordance  
6899 with the Administrative Procedures Law to discharge its  
6900 responsibilities;

6901 (j) To report annually \* \* \* to the Governor \* \* \*  
6902 concerning the division's activities under Sections 93-21-301  
6903 through 93-21-311 and the effectiveness of those activities in  
6904 fostering the prevention of child abuse and neglect;

6905 (k) To recommend to the Governor and the Legislature  
6906 changes in state programs, statutes, policies and standards which  
6907 will reduce child abuse and neglect, improve coordination among  
6908 state agencies which provide services to prevent abuse and  
6909 neglect, improve the condition of children and assist parents and  
6910 guardians;

6911 (l) To evaluate and strengthen all local, regional and  
6912 state programs dealing with child abuse and neglect;

6913 (m) To prepare and submit annually to the  
6914 Governor \* \* \* reports evaluating the level and quality of all  
6915 programs, services and facilities provided to children by state  
6916 agencies;

6917 (n) To contract with public or private nonprofit  
6918 institutions, organizations, agencies or schools or with qualified  
6919 individuals for the establishment of community-based educational





6920 and service programs designed to reduce the occurrence of child  
6921 abuse and neglect;

6922 (o) To determine the eligibility of programs applying  
6923 for financial assistance and to make grants and loans from the  
6924 fund for the purposes set forth in Sections 93-21-301 through  
6925 93-21-311;

6926 (p) To develop, within one (1) year after July 1, 1989,  
6927 a state plan for the distribution of funds from the trust fund  
6928 which shall assure that an equal opportunity exists for  
6929 establishment of prevention programs and for receipt of trust  
6930 fund \* \* \* monies among all geographic areas in this state, and to  
6931 submit the plan to the Governor \* \* \* and annually thereafter  
6932 submit revisions thereto as needed;

6933 (q) To provide for the coordination and exchange of  
6934 information on the establishment and maintenance of local  
6935 prevention programs;

6936 (r) To develop and publicize criteria for the receipt  
6937 of trust fund \* \* \* monies by eligible local prevention programs;

6938 (s) To enter into contracts with public or private  
6939 agencies to fulfill the requirements of Sections 93-21-301 through  
6940 93-21-311; and

6941 (t) Review, monitor and approve the expenditure of  
6942 trust fund \* \* \* monies by eligible local programs.

6943 **SECTION 101.** Section 97-3-54.9, Mississippi Code of 1972, is  
6944 amended as follows:



6945 97-3-54.9. **Statewide Human Trafficking Coordinator; duties.**

6946 (1) There is created the position of statewide human trafficking  
6947 coordinator within the Mississippi Bureau of Investigation of the  
6948 Department of Public Safety office. The duties of the coordinator  
6949 shall be as follows:

6950 (a) Coordinate the implementation of this act;

6951 (b) Evaluate state efforts to combat human trafficking;

6952 (c) Collect data on human trafficking activity within  
6953 the state on an ongoing basis, including types of activities  
6954 reported, efforts to combat human trafficking, and impact on  
6955 victims and on the state;

6956 (d) Exclude from publicly released portions of the data  
6957 collected under subsection (1)(c) the identity of any victim and  
6958 the victim's family;

6959 (e) Promote public awareness about human trafficking,  
6960 remedies and services for victims, and national hotline  
6961 information;

6962 (f) Create and maintain a website to publicize the  
6963 coordinator's work;

6964 \* \* \*

6965 ( \* \* \*g) Develop and implement rules and regulations  
6966 pertaining to the use of the Relief for Victims of Human  
6967 Trafficking Fund to support services for victims of human  
6968 trafficking in Mississippi;



6969 ( \* \* \*h) Assist in the creation and operations of  
6970 local human trafficking task forces or working groups around the  
6971 state, including serving on a task force or a multidisciplinary  
6972 child protection team;

6973 ( \* \* \*i) Conduct other activities, including, but not  
6974 limited to, applying for grants to enhance investigation and  
6975 prosecution of trafficking offenses or to improve victim services  
6976 to combat human trafficking within this state which are  
6977 appropriate; and

6978 ( \* \* \*j) Perform any other duties specifically  
6979 required by law for the coordinator.

6980 (2) The coordinator shall be authorized to seek input and  
6981 assistance from state agencies, nongovernmental agencies, service  
6982 providers and other individuals in the performance of the  
6983 foregoing duties.

6984 (3) Each state agency, board and commission shall be  
6985 required to fully cooperate with the coordinator in the  
6986 performance of the duties of that position.

6987 (4) Every investigation of an offense under this chapter  
6988 shall be reported to the coordinator by the initiating law  
6989 enforcement agency pursuant to guidelines established by the  
6990 coordinator.

6991 (5) Notwithstanding the provisions of Section 43-21-261,  
6992 disclosure by any state agency, nongovernmental agency, service  
6993 provider or local or state law enforcement agency of



6994 nonidentifying information regarding a minor victim to the  
6995 coordinator for the purposes of evaluating and collecting data  
6996 regarding trafficking offenses in the state is specifically  
6997 authorized.

6998           **SECTION 102.** Sections 7-1-565, 17-18-43, 25-9-148,  
6999 27-7-22.9, 27-7-22.24, 27-7-22.26, 27-104-167, 31-7-311,  
7000 37-31-111, 41-73-71, 43-3-89, 43-5-11, 43-12-41, 43-13-127,  
7001 47-5-559, 57-10-39, 69-1-15, 69-27-111, 77-1-49 and 77-3-90,  
7002 Mississippi Code of 1972, which provide for the preparation and  
7003 publication of annual reports by various public entities, are  
7004 repealed.

7005           **SECTION 103.** This act shall take effect and be in force from  
7006 and after July 1, 2022.

