

House Amendments to Senate Bill No. 2700

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

22 **SECTION 1.** Section 37-101-15, Mississippi Code of 1972, is
23 amended as follows:
24 37-101-15. (a) The Board of Trustees of State Institutions
25 of Higher Learning shall succeed to and continue to exercise
26 control of all records, books, papers, equipment, and supplies,
27 and all lands, buildings, and other real and personal property
28 belonging to or assigned to the use and benefit of the board of
29 trustees formerly supervising and controlling the institutions of
30 higher learning named in Section 37-101-1. The board shall have
31 and exercise control of the use, distribution and disbursement of
32 all funds, appropriations and taxes, now and hereafter in
33 possession, levied and collected, received, or appropriated for
34 the use, benefit, support, and maintenance or capital outlay
35 expenditures of the institutions of higher learning, including the
36 authorization of employees to sign vouchers for the disbursement
37 of funds for the various institutions, except where otherwise
38 specifically provided by law.

39 (b) The board shall have general supervision of the affairs
40 of all the institutions of higher learning, including the
41 departments and the schools thereof. The board shall have the
42 power in its discretion to determine who shall be privileged to
43 enter, to remain in, or to graduate therefrom. The board shall
44 have general supervision of the conduct of libraries and
45 laboratories, the care of dormitories, buildings, and grounds; the
46 business methods and arrangement of accounts and records; the
47 organization of the administrative plan of each institution; and
48 all other matters incident to the proper functioning of the
49 institutions. The board shall have the authority to establish
50 minimum standards of achievement as a prerequisite for entrance
51 into any of the institutions under its jurisdiction, which
52 standards need not be uniform between the various institutions and
53 which may be based upon such criteria as the board may establish.

54 (c) The board shall exercise all the powers and prerogatives
55 conferred upon it under the laws establishing and providing for
56 the operation of the several institutions herein specified. The
57 board shall adopt such bylaws and regulations from time to time as
58 it deems expedient for the proper supervision and control of the
59 several institutions of higher learning, insofar as such bylaws
60 and regulations are not repugnant to the Constitution and laws,
61 and not inconsistent with the object for which these institutions
62 were established. The board shall have power and authority to
63 prescribe rules and regulations for policing the campuses and all
64 buildings of the respective institutions, to authorize the arrest

65 of all persons violating on any campus any criminal law of the
66 state, and to have such law violators turned over to the civil
67 authorities.

68 (d) For all institutions specified herein, the board shall
69 provide a uniform system of recording and of accounting approved
70 by the State Department of Audit. The board shall annually
71 prepare, or cause to be prepared, a budget for each institution of
72 higher learning for the succeeding year which must be prepared and
73 in readiness for at least thirty (30) days before the convening of
74 the regular session of the Legislature. All relationships and
75 negotiations between the State Legislature and its various
76 committees and the institutions named herein shall be carried on
77 through the board of trustees. No official, employee or agent
78 representing any of the separate institutions shall appear before
79 the Legislature or any committee thereof except upon the written
80 order of the board or upon the request of the Legislature or a
81 committee thereof.

82 (e) For all institutions specified herein, the board shall
83 prepare an annual report to the Legislature setting forth the
84 disbursements of all monies appropriated to the respective
85 institutions. Each report to the Legislature shall show how the
86 money appropriated to the several institutions has been expended,
87 beginning and ending with the fiscal years of the institutions,
88 showing the name of each teacher, officer, and employee, and the
89 salary paid each, and an itemized statement of each and every item
90 of receipts and expenditures. Each report must be balanced, and

91 must begin with the former balance. If any property belonging to
92 the state or the institution is used for profit, the reports shall
93 show the expense incurred in managing the property and the amount
94 received therefrom. The reports shall also show a summary of the
95 gross receipts and gross disbursements for each year and shall
96 show the money on hand at the beginning of the fiscal period of
97 the institution next preceding each session of the Legislature and
98 the necessary amount of expense to be incurred from said date to
99 January 1 following. The board shall keep the annual expenditures
100 of each institution herein mentioned within the income derived
101 from legislative appropriations and other sources, but in case of
102 emergency arising from acts of providence, epidemics, fire or
103 storm with the written approval of the Governor and by written
104 consent of a majority of the senators and of the representatives
105 it may exceed the income. The board shall require a surety bond
106 in a surety company authorized to do business in this state of
107 every employee who is the custodian of funds belonging to one or
108 more of the institutions mentioned herein, which bond shall be in
109 a sum to be fixed by the board in an amount that will properly
110 safeguard the said funds, the premium for which shall be paid out
111 of the funds appropriated for said institutions.

112 (f) The board shall have the power and authority to elect
113 the heads of the various institutions of higher learning and to
114 contract with all deans, professors, and other members of the
115 teaching staff, and all administrative employees of said
116 institutions for a term not exceeding four (4) years. The board

117 shall have the power and authority to terminate any such contract
118 at any time for malfeasance, inefficiency, or contumacious
119 conduct, but never for political reasons. It shall be the policy
120 of the board to permit the executive head of each institution to
121 nominate for election by the board all subordinate employees of
122 the institution over which he presides. It shall be the policy of
123 the board to elect all officials for a definite tenure of service
124 and to reelect during the period of satisfactory service. The
125 board shall have the power to make any adjustments it thinks
126 necessary between the various departments and schools of any
127 institution or between the different institutions.

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

131 (h) The board shall have the power to enter into an energy
132 performance contract, energy services contract, on a
133 shared-savings, lease or lease-purchase basis, for energy
134 efficiency services and/or equipment as prescribed in Section
135 31-7-14.

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

142 (j) In connection with any international contract between
143 the board or one (1) of the state's institutions of higher
144 learning and any party outside of the United States, the board or
145 institution that is the party to the international contract is
146 hereby authorized and empowered to include in the contract a
147 provision for the resolution by arbitration of any controversy
148 between the parties to the contract relating to such contract or
149 the failure or refusal to perform any part of the contract. Such
150 provision shall be valid, enforceable and irrevocable without
151 regard to the justiciable character of the controversy. Provided,
152 however, that in the event either party to such contract initiates
153 litigation against the other with respect to the contract, the
154 arbitration provision shall be deemed waived unless asserted as a
155 defense on or before the responding party is required to answer
156 such litigation.

157 (k) The Board of Trustees of State Institutions of Higher
158 Learning ("board"), on behalf of any institution under its
159 jurisdiction, shall purchase and maintain business property
160 insurance and business personal property insurance on all
161 university-owned buildings and/or contents as required by federal
162 law and regulations of the Federal Emergency Management Agency
163 (FEMA) as is necessary for receiving public assistance or
164 reimbursement for repair, reconstruction, replacement or other
165 damage to those buildings and/or contents caused by the Hurricane
166 Katrina Disaster of 2005 or subsequent disasters. The board is
167 authorized to expend funds from any available source for the

168 purpose of obtaining and maintaining that property insurance. The
169 board is authorized to enter into agreements with the Department
170 of Finance and Administration, local school districts,
171 community/junior college districts, community hospitals and/or
172 other state agencies to pool their liabilities to participate in a
173 group business property and/or business personal property
174 insurance program, subject to uniform rules and regulations as may
175 be adopted by the Department of Finance and Administration.

176 (l) The Board of Trustees of State Institutions of Higher
177 Learning, or its designee, may approve the payment or
178 reimbursement of reasonable travel expenses incurred by candidates
179 for open positions at the board's executive office or at any of
180 the state institutions of higher learning, when the job candidate
181 has incurred expenses in traveling to a job interview at the
182 request of the board, the Commissioner of Higher Education or a
183 state institution of higher learning administrator.

184 (m) (i) The Board of Trustees of State Institutions of
185 Higher Learning is authorized to administer and approve contracts
186 for the construction and maintenance of buildings and other
187 facilities of the state institutions of higher learning, including
188 related contracts for architectural and engineering services,
189 which are paid for with self-generated funds.

190 (ii) Additionally, the board is authorized to oversee,
191 administer and approve contracts for the construction and
192 maintenance of buildings and other facilities of the state
193 institutions of higher learning, including related contracts for

194 architectural and engineering services, which are funded in whole
195 or in part by general obligation bonds of the State of Mississippi
196 at institutions designated annually by the board as being capable
197 to procure and administer all such contracts. Prior to the
198 disbursement of funds, an agreement for each project between the
199 institution and the Department of Finance and Administration shall
200 be executed. The approval and execution of the agreement shall
201 not be withheld by either party unless the withholding party
202 provides a written, detailed explanation of the basis for
203 withholding to the other party. The agreement shall stipulate the
204 responsibilities of each party, applicable procurement
205 regulations, documentation and reporting requirements, conditions
206 prior to, and schedule of, disbursement of general obligation bond
207 funds to the institution and provisions concerning handling any
208 remaining general obligation bonds at the completion of the
209 project. Such agreement shall not include provisions that
210 constitute additional qualifications or criteria that act to
211 invalidate the designation of an institution as capable of
212 procuring and administering such project. Inclusion of any such
213 provisions may be appealed to the Public Procurement Review Board.
214 This subparagraph (ii) shall stand repealed from and after July
215 1, * * * 2025.

216 **SECTION 2.** (1) This act shall be known and may be cited as
217 the "Mississippi Association of Independent Colleges and
218 Universities (MAICU) Infrastructure Grant Program Act of 2022."

219 (2) There is hereby established within the Mississippi
220 Department of Finance and Administration, the Mississippi
221 Association of Independent Colleges and Universities (MAICU)
222 Infrastructure Grant Program under which independent colleges and
223 universities may apply for reimbursable grants to make necessary
224 investments in water, wastewater, stormwater, broadband and other
225 eligible infrastructure projects to be funded by the Legislature
226 utilizing Coronavirus State Fiscal Recovery Funds made available
227 under the federal American Rescue Plan Act (ARPA). Such grants
228 shall be made available to the following institutions: Belhaven
229 University, Blue Mountain College, Millsaps College, Mississippi
230 College, Rust College, Tougaloo College and William Carey
231 University. Grant program funds shall be distributed to each
232 listed institution based on the pro rata share of full-time
233 equivalent students enrolled in the respective college or
234 university. For purposes of this distribution, a full-time
235 equivalent student shall be calculated as follows:

236 (a) One (1) full-time student shall be considered one
237 (1) full-time equivalent student;

238 (b) One (1) part-time student shall be considered
239 one-half (1/2) of a full-time equivalent student; and

240 (c) One (1) online student shall be considered
241 one-fourth (1/4) of a full-time equivalent student.

242 (3) For purposes of this act, unless the context requires
243 otherwise, the following terms shall have the meanings ascribed
244 herein:

245 (a) "MAICU Grant Program" shall mean the Mississippi
246 Association of Independent Colleges and Universities (MAICU)
247 Infrastructure Grant Program.

248 (b) "ARPA" shall mean the federal American Rescue Plan
249 Act of 2021, Public Law 117-2, which amends Title VI of the Social
250 Security Act.

251 (c) "State Recovery Funds" shall mean Coronavirus State
252 Fiscal Recovery Funds awarded through Section 602 of Title VI of
253 the Social Security Act amended by Section 9901 of the federal
254 American Rescue Plan Act of 2021, Public Law 117-2.

255 (d) "Department" shall mean the Department of Finance
256 and Administration.

257 (4) On or before July 1, 2022, the Mississippi Department of
258 Finance and Administration shall promulgate rules and regulations
259 necessary to administer the MAICU Grant Program prescribed under
260 this act, including application procedures and deadlines.

261 (5) Funds under the MAICU Grant Program shall be awarded for
262 ARPA eligible projects in the following order:

263 (a) Eligible water, wastewater and stormwater projects
264 under the Environmental Protection Agency's Clean Water State
265 Revolving Fund (CWSRF) or Drinking Water State Revolving Fund
266 (DWSRF) and other eligible water projects allowable by ARPA;

267 (b) Broadband infrastructure projects;

268 (c) Capital investments for prevention, mitigation and
269 ventilation in congregate living facilities and other key
270 settings; and

271 (d) Any eligible project through ARPA guidelines,
272 guidance, rules, regulations and/or other criteria, as may be
273 amended from time to time, of the United States Department of the
274 Treasury, excluding premium pay.

275 (6) The boards of trustees of the respective members of the
276 Mississippi Association of Independent Colleges and Universities
277 (MAICU) may submit an application for grant funds under this act.
278 Applicants shall certify to the Department of Finance and
279 Administration that each expenditure of the funds awarded to them
280 by the department under this act is in compliance with the ARPA
281 guidelines, guidance, rules, regulations and/or other criteria, as
282 may be amended from time to time, by the United States Department
283 of the Treasury regarding the use of monies from the State
284 Coronavirus State Fiscal Recovery Funds. Subsequent submissions
285 will be due by the dates established by the department.

286 (7) An application for a grant under this act shall be
287 submitted at such time, be in such form, and contain such
288 information as the department prescribes. Each application shall
289 include the following at a minimum: applicant contact
290 information; project description and type of project; project map;
291 estimate of the population served by the projects; estimated
292 project cost; estimated project schedule; and readiness to
293 proceed. The Mississippi Department of Finance and Administration
294 is authorized to accept additional rounds of grant proposals for
295 application consideration as needed.

296 (8) Applications shall be reviewed, and the Mississippi
297 Department of Finance and Administration shall certify that each
298 project submitted is eligible under the American Rescue Plan Act
299 and all applicable guidance issued by the United States Department
300 of the Treasury. For water, wastewater and stormwater projects,
301 the department must also certify that it is a "necessary
302 investment" in water, wastewater or stormwater infrastructure as
303 defined in the American Rescue Plan Act and all applicable
304 guidance issued by the United States Department of the Treasury.
305 Grant agreements shall be executed between the recipient and the
306 Mississippi Department of Finance and Administration. All final
307 awards will be determined at the discretion of the executive
308 director of the department. Funds shall be made available to a
309 grantee upon the execution of a grant agreement between the
310 department and the approved applicant, and the department obtains
311 the necessary support for reimbursement.

312 (9) Grant requirements shall be used prospectively and
313 grants are not available to cover the costs of debt incurred prior
314 to the enactment of this program.

315 (10) (a) There is hereby created in the State Treasury a
316 special fund to be known as the "Mississippi Association of
317 Independent Colleges and Universities (MAICU) Grant Program Fund,"
318 which shall consist of funds appropriated by the Legislature from
319 federal American Rescue Plan Act (ARPA) monies or other available
320 federal grant funds for the purposes of awarding grants under this
321 act. Unexpended amounts remaining in the fund at the end of the

322 fiscal year shall not lapse into the Coronavirus State Fiscal
323 Recovery Fund or the State General Fund, and any interest earned
324 on amounts in the fund shall remain in the fund. The expenditure
325 of monies in the Mississippi Association of Independent Colleges
326 and Universities (MAICU) Grant Program Fund shall be under the
327 direction of the Mississippi Department of Finance and
328 Administration;

329 (b) All monies shall be disbursed from the fund created
330 in this subsection shall be in compliance with the guidelines,
331 guidance, rules, regulations or other criteria, as may be amended
332 from time to time, of the United States Department of the Treasury
333 regarding the use of monies received by or on behalf of the State
334 of Mississippi through the Coronavirus State Fiscal Recovery Fund
335 established by the American Rescue Plan Act of 2021 (Public Law
336 No. 117-2). Unexpended amounts remaining in the funds at the end
337 of a fiscal year shall not lapse into the Coronavirus State Fiscal
338 Recovery Fund or the State General Fund, and any investment
339 earnings or interest earned on amounts in the program fund shall
340 be deposited to the credit of COVID-19 Hospital Expanded Capacity
341 Program Fund;

342 (c) If there are unobligated Coronavirus State Fiscal
343 Recovery Fund monies remaining in the fund created in this act, on
344 the later of December 17, 2024, or fourteen (14) days prior to the
345 fund obligation deadline provided by the federal government, the
346 Department of Finance and Administration shall transfer these
347 unobligated balances to the Coronavirus State Fiscal Recovery

348 Fund. The Department of Finance and Administration shall then
349 transfer the unobligated balance of Coronavirus State Fiscal
350 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
351 the State and School Employees' Life and Health Insurance Fund for
352 an amount not to exceed the lesser of Sixty Million Dollars
353 (\$60,000,000.00) or the amount of allowable ARPA expenditures, by
354 no later than December 31, 2024, or on the date of the fund
355 obligation deadline provided by the federal government. The
356 Department of Finance and Administration shall then transfer all
357 remaining unobligated balances of Coronavirus State Fiscal
358 Recovery Funds from the Coronavirus State Fiscal Recovery Fund to
359 the Unemployment Compensation Fund up to the ARPA allowable
360 amount, by no later than December 31, 2024, or on the date of the
361 fund obligation deadline provided by the federal government; and

362 (d) The use of funds allocated under this program shall
363 be subject to audit by the United States Department of the
364 Treasury's Office of Inspector General and the Mississippi Office
365 of the State Auditor. Each person receiving funds under these
366 programs found to be fully or partially noncompliant with the
367 requirements in this act shall return to the state all or a
368 portion of the funds received.

369 (11) The department shall submit to the Joint Legislative
370 Budget Committee by October 1 of each year an annual report. The
371 reports shall contain the applications received, the amount of
372 grant funds awarded to each applicant, the amount of grant funds

373 expended by each applicant, and the status of each applicant's
374 project.

375 (12) Grant funds shall be available under this act through
376 December 31, 2026. Each grant recipient shall certify for any
377 project that a grant is awarded that in the event the project is
378 not completed by December 31, 2026, and the United States Congress
379 does not enact an extension of the deadline on the availability of
380 ARPA Funds, then the grant recipient will complete the project
381 through any other funds available.

382 (13) The Mississippi Finance and Administration may retain
383 an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00)
384 of the total funds allocated to the program to defray
385 administrative costs.

386 (14) This section shall stand repealed on July 1, 2026.

387 **SECTION 3.** Section 27-104-3, Mississippi Code of 1972, is
388 amended as follows:

389 27-104-3. In addition to other powers and duties prescribed
390 by statute, the Department of Finance and Administration shall
391 have the following powers and duties, with regard to fiscal
392 management:

393 (a) Provide direct technical assistance and training to
394 state agencies and departments in implementing generally accepted
395 accounting principles, in preparing financial statements as
396 required by law, and in management and executive development.

397 (b) Provide temporary administrative services in
398 financial accounting and public administration to any state

399 agency, department or institution upon request of the governing
400 board of the state agency, department or institution.

401 (c) Prepare and issue a comprehensive reference manual
402 or manuals of policies and procedures for each state agency and
403 department to use, which may include chapters on purchasing,
404 personnel, payroll, travel, chart of accounts, fund
405 classifications, receipts, warrants, expenditures, fixed assets,
406 property inventory, and maintaining financial records and
407 preparing financial reports as required and prescribed by law.
408 The manual shall be revised on a continuing basis. The manual
409 shall be prepared and revised in consultation with the State
410 Auditor's office.

411 (d) Provide assistance to any state agency, department
412 or institution in collecting a fee or other valid obligation that
413 another agency, department or institution has failed to pay to it.
414 For purposes of this paragraph, the agency, department or
415 institution seeking to collect the funds shall be referred to as
416 the "creditor agency," and the agency, department or institution
417 that has not paid the creditor agency shall be referred to as the
418 "delinquent agency." A valid obligation may be evidenced by an
419 invoice or any other documentation as may be required by the
420 Department of Finance and Administration, hereinafter referred to
421 as the department. A creditor agency may request assistance from
422 the department, and the department may require the creditor agency
423 to furnish detailed information regarding the obligation. Upon
424 determining that the delinquent agency owes the creditor agency a

425 specific amount, the State Fiscal Officer shall pay to the
426 creditor agency that amount out of any funds in the State Treasury
427 to the credit of the delinquent agency. The State Fiscal Officer
428 shall notify the creditor agency and the delinquent agency of the
429 total amount of funds transferred. Either agency may appeal the
430 transfer of funds or the failure to transfer funds, under rules
431 and regulations promulgated by the department and approved by the
432 Office of the State Auditor. The Department of Finance and
433 Administration shall report any actions taken under this paragraph
434 (d) to the Chairmen of the Appropriations Committees of the House
435 of Representatives and the Senate on a quarterly basis.

436 (e) To issue a request for an ACA-compliant health
437 insurance policy, or policies, to offer health insurance coverage
438 to the full-time equivalent employees not otherwise eligible to
439 participate in the State and School Employees' Health Insurance
440 Plan; and to issue a request for administrative support in order
441 to meet reporting requirements under Internal Revenue Code Section
442 6056 and to comply with the Patient Protection and Affordable Care
443 Act of 2010.

444 (f) The Department of Finance and Administration shall
445 have as additional responsibilities, the administration of the
446 Mississippi Association of Independent Colleges and Universities
447 (MAICU) Infrastructure Grant Program Act of 2022 and shall
448 promulgate necessary rules and regulations relating to the
449 application of eligible colleges and universities for grant funds
450 and the awarding of such grants.

451 **SECTION 4.** This act shall take effect and be in force from
452 and after July 1, 2022, and shall stand repealed on June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-101-15, MISSISSIPPI CODE OF 1972,
2 TO EXTEND THE REPEALER ON THE PROVISION OF LAW AUTHORIZING THE
3 BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO
4 ADMINISTER CERTAIN CONSTRUCTION AND MAINTENANCE PROJECTS OF THE
5 INSTITUTIONS UNDER ITS JURISDICTION; TO ESTABLISH THE "MISSISSIPPI
6 ASSOCIATION OF INDEPENDENT COLLEGES AND UNIVERSITIES (MAICU)
7 INFRASTRUCTURE GRANT PROGRAM ACT OF 2022" ADMINISTERED BY THE
8 MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION UTILIZING
9 FUNDS MADE AVAILABLE UNDER THE FEDERAL CORONAVIRUS STATE FISCAL
10 RECOVERY FUNDS AND THE FEDERAL AMERICAN RESCUE PLAN ACT (ARPA); TO
11 PROVIDE THAT SUCH GRANTS SHALL BE MADE AVAILABLE; TO PRESCRIBE
12 ELIGIBLE PROJECTS UNDER THE GRANT PROGRAM; TO AUTHORIZE THE
13 DEPARTMENT OF FINANCE AND ADMINISTRATION TO PROMULGATE GRANT
14 APPLICATION REGULATIONS; TO AUTHORIZE THE DEPARTMENT OF FINANCE
15 AND ADMINISTRATION TO ADMINISTER THE MAICU GRANT PROGRAM AND
16 RETAIN ADMINISTRATIVE COSTS; TO CREATE IN THE STATE TREASURY A
17 SPECIAL FUND DESIGNATED AS THE "MISSISSIPPI ASSOCIATION OF
18 INDEPENDENT COLLEGES AND UNIVERSITIES (MAICU) INFRASTRUCTURE GRANT
19 PROGRAM FUND"; TO AMEND SECTION 27-104-3, MISSISSIPPI CODE OF
20 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

HR26\SB2700PH.J

Andrew Ketchings
Clerk of the House of Representatives