

By: Senator(s) DeLano

To: Universities and
Colleges

SENATE BILL NO. 2408
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 37-101-15, 45-35-11 AND 63-1-35,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN IDENTIFICATION CARDS
3 AND DRIVER'S LICENSES AND PERMITS TO HAVE 988 CRISIS LIFELINE
4 CONTACT INFORMATION; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-101-15, Mississippi Code of 1972, is
7 amended as follows:

8 37-101-15. (a) The Board of Trustees of State Institutions
9 of Higher Learning shall succeed to and continue to exercise
10 control of all records, books, papers, equipment, and supplies,
11 and all lands, buildings, and other real and personal property
12 belonging to or assigned to the use and benefit of the board of
13 trustees formerly supervising and controlling the institutions of
14 higher learning named in Section 37-101-1. The board shall have
15 and exercise control of the use, distribution and disbursement of
16 all funds, appropriations and taxes, now and hereafter in
17 possession, levied and collected, received, or appropriated for
18 the use, benefit, support, and maintenance or capital outlay
19 expenditures of the institutions of higher learning, including the



20 authorization of employees to sign vouchers for the disbursement
21 of funds for the various institutions, except where otherwise
22 specifically provided by law.

23 (b) The board shall have general supervision of the affairs
24 of all the institutions of higher learning, including the
25 departments and the schools thereof. The board shall have the
26 power in its discretion to determine who shall be privileged to
27 enter, to remain in, or to graduate therefrom. The board shall
28 have general supervision of the conduct of libraries and
29 laboratories, the care of dormitories, buildings, and grounds; the
30 business methods and arrangement of accounts and records; the
31 organization of the administrative plan of each institution; and
32 all other matters incident to the proper functioning of the
33 institutions. The board shall have the authority to establish
34 minimum standards of achievement as a prerequisite for entrance
35 into any of the institutions under its jurisdiction, which
36 standards need not be uniform between the various institutions and
37 which may be based upon such criteria as the board may establish.

38 (c) The board shall exercise all the powers and prerogatives
39 conferred upon it under the laws establishing and providing for
40 the operation of the several institutions herein specified. The
41 board shall adopt such bylaws and regulations from time to time as
42 it deems expedient for the proper supervision and control of the
43 several institutions of higher learning, insofar as such bylaws
44 and regulations are not repugnant to the Constitution and laws,



45 and not inconsistent with the object for which these institutions
46 were established. The board shall have power and authority to
47 prescribe rules and regulations for policing the campuses and all
48 buildings of the respective institutions, to authorize the arrest
49 of all persons violating on any campus any criminal law of the
50 state, and to have such law violators turned over to the civil
51 authorities.

52 (d) For all institutions specified herein, the board shall
53 provide a uniform system of recording and of accounting approved
54 by the State Department of Audit. The board shall annually
55 prepare, or cause to be prepared, a budget for each institution of
56 higher learning for the succeeding year which must be prepared and
57 in readiness for at least thirty (30) days before the convening of
58 the regular session of the Legislature. All relationships and
59 negotiations between the State Legislature and its various
60 committees and the institutions named herein shall be carried on
61 through the board of trustees. No official, employee or agent
62 representing any of the separate institutions shall appear before
63 the Legislature or any committee thereof except upon the written
64 order of the board or upon the request of the Legislature or a
65 committee thereof.

66 (e) For all institutions specified herein, the board shall
67 prepare an annual report to the Legislature setting forth the
68 disbursements of all monies appropriated to the respective
69 institutions. Each report to the Legislature shall show how the



70 money appropriated to the several institutions has been expended,
71 beginning and ending with the fiscal years of the institutions,
72 showing the name of each teacher, officer, and employee, and the
73 salary paid each, and an itemized statement of each and every item
74 of receipts and expenditures. Each report must be balanced, and
75 must begin with the former balance. If any property belonging to
76 the state or the institution is used for profit, the reports shall
77 show the expense incurred in managing the property and the amount
78 received therefrom. The reports shall also show a summary of the
79 gross receipts and gross disbursements for each year and shall
80 show the money on hand at the beginning of the fiscal period of
81 the institution next preceding each session of the Legislature and
82 the necessary amount of expense to be incurred from said date to
83 January 1 following. The board shall keep the annual expenditures
84 of each institution herein mentioned within the income derived
85 from legislative appropriations and other sources, but in case of
86 emergency arising from acts of providence, epidemics, fire or
87 storm with the written approval of the Governor and by written
88 consent of a majority of the senators and of the representatives
89 it may exceed the income. The board shall require a surety bond
90 in a surety company authorized to do business in this state of
91 every employee who is the custodian of funds belonging to one or
92 more of the institutions mentioned herein, which bond shall be in
93 a sum to be fixed by the board in an amount that will properly



94 safeguard the said funds, the premium for which shall be paid out
95 of the funds appropriated for said institutions.

96 (f) The board shall have the power and authority to elect
97 the heads of the various institutions of higher learning and to
98 contract with all deans, professors, and other members of the
99 teaching staff, and all administrative employees of said
100 institutions for a term not exceeding four (4) years. The board
101 shall have the power and authority to terminate any such contract
102 at any time for malfeasance, inefficiency, or contumacious
103 conduct, but never for political reasons. It shall be the policy
104 of the board to permit the executive head of each institution to
105 nominate for election by the board all subordinate employees of
106 the institution over which he presides. It shall be the policy of
107 the board to elect all officials for a definite tenure of service
108 and to reelect during the period of satisfactory service. The
109 board shall have the power to make any adjustments it thinks
110 necessary between the various departments and schools of any
111 institution or between the different institutions.

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

115 (h) The board shall have the power to enter into an energy
116 performance contract, energy services contract, on a
117 shared-savings, lease or lease-purchase basis, for energy



118 efficiency services and/or equipment as prescribed in Section
119 31-7-14.

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

126 (j) In connection with any international contract between
127 the board or one (1) of the state's institutions of higher
128 learning and any party outside of the United States, the board or
129 institution that is the party to the international contract is
130 hereby authorized and empowered to include in the contract a
131 provision for the resolution by arbitration of any controversy
132 between the parties to the contract relating to such contract or
133 the failure or refusal to perform any part of the contract. Such
134 provision shall be valid, enforceable and irrevocable without
135 regard to the justiciable character of the controversy. Provided,
136 however, that in the event either party to such contract initiates
137 litigation against the other with respect to the contract, the
138 arbitration provision shall be deemed waived unless asserted as a
139 defense on or before the responding party is required to answer
140 such litigation.

141 (k) The Board of Trustees of State Institutions of Higher
142 Learning ("board"), on behalf of any institution under its



143 jurisdiction, shall purchase and maintain business property
144 insurance and business personal property insurance on all
145 university-owned buildings and/or contents as required by federal
146 law and regulations of the Federal Emergency Management Agency
147 (FEMA) as is necessary for receiving public assistance or
148 reimbursement for repair, reconstruction, replacement or other
149 damage to those buildings and/or contents caused by the Hurricane
150 Katrina Disaster of 2005 or subsequent disasters. The board is
151 authorized to expend funds from any available source for the
152 purpose of obtaining and maintaining that property insurance. The
153 board is authorized to enter into agreements with the Department
154 of Finance and Administration, local school districts,
155 community/junior college districts, community hospitals and/or
156 other state agencies to pool their liabilities to participate in a
157 group business property and/or business personal property
158 insurance program, subject to uniform rules and regulations as may
159 be adopted by the Department of Finance and Administration.

160 (1) The Board of Trustees of State Institutions of Higher
161 Learning, or its designee, may approve the payment or
162 reimbursement of reasonable travel expenses incurred by candidates
163 for open positions at the board's executive office or at any of
164 the state institutions of higher learning, when the job candidate
165 has incurred expenses in traveling to a job interview at the
166 request of the board, the Commissioner of Higher Education or a
167 state institution of higher learning administrator.



168 (m) (i) The Board of Trustees of State Institutions of
169 Higher Learning is authorized to administer and approve contracts
170 for the construction and maintenance of buildings and other
171 facilities of the state institutions of higher learning, including
172 related contracts for architectural and engineering services,
173 which are paid for with self-generated funds.

174 (ii) Additionally, the board is authorized to oversee,
175 administer and approve contracts for the construction and
176 maintenance of buildings and other facilities of the state
177 institutions of higher learning, including related contracts for
178 architectural and engineering services, which are funded in whole
179 or in part by general obligation bonds of the State of Mississippi
180 at institutions designated annually by the board as being capable
181 to procure and administer all such contracts. Prior to the
182 disbursement of funds, an agreement for each project between the
183 institution and the Department of Finance and Administration shall
184 be executed. The approval and execution of the agreement shall
185 not be withheld by either party unless the withholding party
186 provides a written, detailed explanation of the basis for
187 withholding to the other party. The agreement shall stipulate the
188 responsibilities of each party, applicable procurement
189 regulations, documentation and reporting requirements, conditions
190 prior to, and schedule of, disbursement of general obligation bond
191 funds to the institution and provisions concerning handling any
192 remaining general obligation bonds at the completion of the



193 project. Such agreement shall not include provisions that
194 constitute additional qualifications or criteria that act to
195 invalidate the designation of an institution as capable of
196 procuring and administering such project. Inclusion of any such
197 provisions may be appealed to the Public Procurement Review Board.
198 This paragraph (ii) shall stand repealed from and after July 1,
199 2025.

200 (n) The Board of Trustees of State Institutions of Higher
201 Learning ("board") shall require all faculty employed by and all
202 students attending any of the state institutions of higher
203 learning identified in Section 37-101-1 to be issued an
204 identification badge that may be worn at all times while on campus
205 property. Any identification card issued or renewed pursuant to
206 this section, whether physical or in an electronic format, shall
207 include the words "Crisis Lifeline - Dial or Text 988, or chat
208 988lifeline.org."

209 **SECTION 2.** Section 45-35-11, Mississippi Code of 1972, is
210 amended as follows:

211 45-35-11. (1) All identification cards shall be centrally
212 issued by the department, adequately describe the registrant, bear
213 a color photograph of the registrant, and include other such
214 identifying data as required by Section 45-35-5.

215 (2) All identification cards issued or renewed under the
216 provisions of this chapter, whether physical or in an electronic



217 format, shall include the words "Crisis Lifeline - Dial or Text
218 988, or chat 988lifeline.org."

219 **SECTION 3.** Section 63-1-35, Mississippi Code of 1972, is
220 amended as follows:

221 63-1-35. (1) The Commissioner of Public Safety shall
222 prescribe the form of license issued pursuant to this article
223 which shall, among other features, include a driver's license
224 number assigned by the Department of Public Safety. A licensee
225 shall list his social security number with the department which
226 shall cross reference the social security number with the driver's
227 license number for purposes of identification. Additionally, each
228 license shall bear a full-face color photograph of the licensee in
229 such form that the license and the photograph cannot be separated.
230 The photograph shall be taken so that one (1) exposure will
231 photograph the applicant and the application simultaneously on the
232 same film. The department shall use a process in the issuance of
233 a license with a color photograph that shall prevent as nearly as
234 possible any alteration, counterfeiting, duplication,
235 reproduction, forging or modification of the license or the
236 superimposition of a photograph without ready detection. The
237 photograph shall be replaced by the department at the time of
238 renewal. Drivers' licenses, including photographs appearing
239 thereon, may be renewed by electronic means according to rules and
240 regulations promulgated by the commissioner in conformity to
241 Section 27-104-33.



242 (2) The commissioner shall prescribe the form of license
243 issued pursuant to this article to licensees who are not United
244 States citizens and who do not possess a social security number
245 issued by the United States government. The license of such
246 persons shall include a number and/or other identifying features.

247 (3) Any new, renewal or duplicate driver's license,
248 temporary driving permit or commercial driver's license issued to
249 a person required to register as a sex offender pursuant to
250 Section 45-33-25 shall bear a designation identifying the licensee
251 or permittee as a sex offender.

252 (4) The commissioner is authorized to provide the new,
253 renewal or duplicate driver's license, temporary driving permit or
254 commercial driver's license to any honorably discharged veteran as
255 defined in Title 38 of the United States Code, and such license or
256 permit shall exhibit the letters "Vet" or any other mark
257 identifying the person as a veteran. The veteran requesting the
258 "Vet" designation shall present his DD-214, Military Retiree
259 Identification Card, United States Department of Veterans Affairs
260 Medical Identification Card, United States Department of Veterans
261 Affairs Identification Card or National Guard Form NGB 22. The
262 veteran requesting the "Vet" designation may present his DD-214,
263 Military Retiree Identification Card, United States Department of
264 Veterans Affairs Medical Identification Card, United States
265 Department of Veterans Affairs Identification Card or National



266 Guard Form NGB 22 in person at the Mississippi Department of
267 Public Safety Driver's License Station.

268 (5) Not later than July 1, 2021, the commissioner shall
269 develop and implement a driver's license or driving permit in
270 electronic format as an additional option for license or permit
271 holders. Acceptable electronic formats include display of
272 electronic images on a cellular phone or any other type of
273 electronic device.

274 (6) If false documents are provided by an individual for
275 purposes of obtaining a veteran driver's license, such action
276 shall be considered fraudulent use of identity under Section
277 97-19-85, Mississippi Code of 1972, and shall be punishable, upon
278 conviction, as a felony pursuant to the provisions of that
279 section.

280 (7) All identification cards issued under the provisions of
281 this chapter, whether physical or in an electronic format, shall
282 include the words "Crisis Lifeline - Dial or Text 988, or chat
283 988lifeline.org."

284 **SECTION 4.** This act shall take effect and be in force from
285 and after July 1, 2024.

