

By: Representatives Felsher, Ford (54th)

To: Accountability,
Efficiency, TransparencyHOUSE BILL NO. 924
(As Sent to Governor)

1 AN ACT TO CREATE THE CREATING LOGIC FOR EFFICIENCY AND
2 ACCOUNTABILITY REFORM (CLEAR) ACT; TO CREATE NEW SECTION 5-3-77,
3 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PEER COMMITTEE TO
4 ESTABLISH A PROGRAM OF REVIEWING SELECTED NEWLY ADOPTED STATE
5 AGENCY ADMINISTRATIVE RULES; TO PROVIDE THAT SUCH REVIEWS SHALL
6 PRODUCE A REPORT TO THE LEGISLATURE ON NEWLY ADOPTED STATE AGENCY
7 ADMINISTRATIVE RULES AND THEIR CONFORMITY TO THE INTENT OF THE LAW
8 AUTHORIZING THEM, AS WELL AS ANY OTHER MATTER THE COMMITTEE
9 CONSIDERS APPROPRIATE; TO AMEND SECTION 47-5-579, MISSISSIPPI CODE
10 OF 1972, TO CLARIFY THAT ALL PROGRAM WITHHOLDINGS FROM
11 PARTICIPANTS OF THE PRISON INDUSTRIES CORPORATION'S WORK
12 INITIATIVE PROGRAM SHALL BE CALCULATED BASED UPON PARTICIPANT
13 WAGES AFTER MANDATORY DEDUCTIONS; TO REQUIRE ACCOUNTING OF ANY
14 DEPENDENT SUPPORT PAYMENTS, FINES, RESTITUTIONS, FEES OR COSTS, AS
15 ORDERED BY THE COURT, BE REPORTED FOR EACH WORK INITIATIVE
16 PARTICIPANT; TO REQUIRE THAT THE REMAINING SENTENCE LENGTH OF SUCH
17 PARTICIPANT BE COLLECTED, MAINTAINED AND REPORTED; AND TO REQUIRE
18 THAT A FINANCIAL ACCOUNT CREATION DATE BE COLLECTED, MAINTAINED
19 AND REPORTED FOR EACH PARTICIPANT; TO AMEND SECTION 1, CHAPTER
20 431, LAWS OF 2024, TO EXTEND THE OPERATION OF THE MISSISSIPPI K-12
21 AND POSTSECONDARY MENTAL HEALTH TASK FORCE FOR ONE ADDITIONAL
22 YEAR; TO PROVIDE THAT THE TASK FORCE SHALL DEVELOP AND REPORT ITS
23 FINDINGS AND RECOMMENDATIONS TO THE MISSISSIPPI LEGISLATURE ON OR
24 BEFORE OCTOBER 1, 2025; TO DISSOLVE THE TASK FORCE UPON
25 PRESENTATION OF THE REPORT DUE ON OR BEFORE OCTOBER 1, 2025; TO
26 ENACT THE "MISSISSIPPI K-12 AND POSTSECONDARY MENTAL HEALTH ACT OF
27 2025"; TO ESTABLISH AN EXECUTIVE COMMITTEE OF THE INTERAGENCY
28 COORDINATING COUNCIL FOR CHILDREN AND YOUTH (ICCCY); TO PROVIDE
29 FOR THE COMPOSITION OF THE EXECUTIVE COMMITTEE; TO SPECIFY THE
30 EXECUTIVE COMMITTEE'S COORDINATING RESPONSIBILITIES RELATED TO THE
31 GENERAL MENTAL HEALTH AND WELL-BEING OF CHILDREN AND ADOLESCENTS;
32 TO PROVIDE FOR THE DISSEMINATION OF RECOMMENDATIONS AND
33 INFORMATION COMPILED BY THE EXECUTIVE COMMITTEE; TO AMEND SECTION
34 43-13-1, MISSISSIPPI CODE OF 1972, TO CONFORM; TO BRING FORWARD



SECTIONS 43-14-3 AND 43-14-5, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO CREATE SECTION 5-3-70, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CIVIL ENFORCEMENT OF PEER COMMITTEE SUBPOENAS; TO AMEND SECTION 5-3-59, MISSISSIPPI CODE OF 1972, TO PROVIDE CRIMINAL PENALTIES FOR PERSONS WHO FAIL TO COMPLY WITH SUBPOENAS FROM THE PEER COMMITTEE; TO AMEND SECTIONS 5-1-23 AND 5-1-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THESE PROVISIONS ARE NOT APPLICABLE TO SUBPOENAS ISSUED BY THE PEER COMMITTEE; TO AMEND SECTION 5-1-35, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SERGEANT-AT-ARMS OF THE MISSISSIPPI STATE SENATE SHALL DELIVER TO DPS THE REQUEST TO SERVE SUBPOENAS ISSUED BY THE PEER COMMITTEE; TO AMEND SECTION 29-13-1, MISSISSIPPI CODE OF 1972, TO ALLOW FOR THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO ESTABLISH A SELF-INSURANCE FUND OR SELF-INSURANCE RESERVES, OR ANY COMBINATION THEREOF, TO INSURE STATE-OWNED BUILDINGS AND CONTENTS; TO REQUIRE THE MISSISSIPPI SELF-INSURANCE TASK FORCE TO REPORT ON THE COST BENEFITS OF SELF-INSURING BEFORE FUNDS ARE EXPENDED TO SELF-INSURE; TO CREATE THE MISSISSIPPI SELF-INSURANCE TASK FORCE TO STUDY, REPORT AND MAKE RECOMMENDATIONS REGARDING A SELF-INSURANCE PLAN; TO PROVIDE CERTAIN ITEMS FOR THE TASK FORCE TO STUDY, REPORT AND MAKE RECOMMENDATIONS ON; TO PROVIDE FOR THE MEMBERSHIP AND MEETING PROCEDURE OF THE TASK FORCE; TO REQUIRE THE TASK FORCE TO MAKE A REPORT OF ITS FINDINGS AND RECOMMENDATIONS, INCLUDING ANY RECOMMENDED LEGISLATION, TO THE LIEUTENANT GOVERNOR, SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRS OF THE INSURANCE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE ON OR BEFORE NOVEMBER 1, 2025, AT WHICH TIME THE TASK FORCE WILL BE DISSOLVED; TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO CONFORM; TO BRING FORWARD SECTIONS 37-29-67, 41-73-31, 37-7-303 AND 37-101-15, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. The provisions of this act shall be known and may be cited as the "Creating Logic for Efficiency and Accountability Reform (CLEAR) Act."

SECTION 2. The following shall be codified as Section 5-3-77, Mississippi Code of 1972:

5-3-77. (1) In addition to other duties and responsibilities set out in this chapter, the PEER Committee is authorized to establish a program of reviewing selected newly adopted state agency administrative rules. Such reviews shall



76 produce a report to the Legislature on newly adopted state agency
77 administrative rules and their conformity to the intent of the law
78 authorizing them, as well as any other matter the committee
79 considers appropriate. Such reports shall also contain a
80 recommendation for legislative action in cases where the committee
81 believes that such is appropriate.

82 (2) From and after July 1, 2025, the committee may choose to
83 select fifteen (15) rules adopted during the previous fiscal year
84 for review. Reports on those rules shall be made to the
85 Legislature no later than December 15, 2025. Thereafter, the
86 committee may review up to thirty (30) newly adopted rules per
87 year, with reports on those rules being made to the Legislature no
88 later than December 15 of each year.

89 **SECTION 3.** Section 47-5-579, Mississippi Code of 1972, is
90 amended as follows:

91 47-5-579. (1) (a) The corporation shall operate a work
92 initiative at the Central Mississippi Correctional Facility, South
93 Mississippi Correctional Institution, Mississippi State
94 Penitentiary and the Mississippi Correctional Institute for Women,
95 and is authorized, in its discretion, to create a work initiative
96 at any other correctional facility listed in Section 47-5-539(d).
97 In lieu of a work initiative created by the corporation, the
98 warden or superintendent or sheriff at any regional and private
99 facility listed in Section 47-5-539 is authorized to create a work
100 initiative at their respective facility consistent with the



provisions and requirements of this section. Each initiative shall be limited to no more than twenty-five (25) inmates in the state, regional or private facility at any given time.

(b) The department, with regard to a work initiative in an MDOC facility, shall:

(i) Have the ultimate authority for oversight of the administration of the initiative;

(ii) Delegate the administration of the initiative to the corporation; and

(iii) Oversee the selection of inmates for admission to the initiative.

(c) The sheriff, with regard to a work initiative at a regional facility, shall:

(i) Have the ultimate authority for oversight of the administration of the initiative;

(ii) Oversee the selection of inmates for admission to the initiative; and

(iii) Work with the department and the corporation to establish guidelines for the initiative and develop a report thereon.

(2) (a) An inmate is eligible for participation in the initiative if the inmate has:

(i) No more than two (2) years remaining on the inmate's sentence;



(ii) Not been convicted under Section 97-9-49 within the last five (5) years; and

(iii) Not been sentenced for a sex offense as defined in Section 45-33-23(h).

(b) Any inmate who meets the eligibility requirements of paragraph (a) may request assignment to a work initiative established under this section.

(3) (a) The commissioner, in the case of MDOC facilities, or the warden, superintendent, sheriff or similar leader in the case of regional and private facilities, shall select inmates for admission to the program.

(b) An inmate currently participating in vocational training or a soft skills training program at a facility authorized to operate a work initiative shall have priority in admission to the program.

(4) (a) The chief executive officer, in the case of MDOC facilities, or the warden, superintendent, sheriff or similar leader in the case of regional and private facilities, may authorize the inmate to participate in educational or other rehabilitative programs designed to supplement his work initiative employment or to prepare the person for successful reentry.

(b) Before accepting any participants to the program, the corporation, in consultation with the department, shall adopt and publish rules and regulations to effectuate this section no later than six (6) months after the effective date of this



section. These rules and regulations shall include all protection requirements for work release programs established pursuant to Sections 47-5-451 through 47-5-471.

(5) Participating employers shall pay no less than the prevailing wage for the position and shall under no circumstance pay less than the federal minimum wage.

(6) Any inmate assigned to the initiative who, without proper authority or just cause, leaves the area to which he has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel involved in his or her going to or returning from such place, will be guilty of escape as provided in Section 97-9-49. An offender who is convicted under Section 97-9-49 shall be ineligible for further participation in the work initiative during his or her current term of confinement.

(7) (a) The inmate shall maintain an account through a local financial institution and shall provide a copy of a check stub to the chief executive officer, the warden, the superintendent or the sheriff at a regional facility, as the case may be.

(b) The inmate shall be required:

(i) To pay twenty-five percent (25%) of the inmate's wages after mandatory deductions for the following purposes:



174 1. To pay support of dependents or to the
175 Mississippi Department of Human Services on behalf of dependents
176 as may be ordered by a judge of competent jurisdiction; and

177 2. To pay any fines, restitution, or costs as
178 ordered by the court to include any fines and fees associated with
179 obtaining a valid driver's license upon release.

180 (ii) To pay fifteen percent (15%) of the inmate's
181 wages after mandatory deductions to the corporation for
182 administrative expenses to include transportation costs to be
183 remitted to the state, regional or private facility where the
184 inmate is housed. In the case of state facilities, the
185 administrative expense reimbursement shall be paid to the
186 corporation; in the case of regional facilities, the
187 administrative expense reimbursement shall be paid to the
188 sheriff's department; in the case of private facilities the
189 administrative expense reimbursement shall be paid to the
190 contractor overseeing the facility.

191 (iii) To save fifty percent (50%) of the inmate's
192 wages after mandatory reductions in the account required under
193 paragraph (a) of this subsection. Monies under this subparagraph
194 shall be made available to the inmate upon parole or release.

195 (c) The inmate shall have access to the remaining ten
196 percent (10%) of the monies in the inmate's account to purchase
197 incidental expenses.



198 (d) Any monies remaining under paragraph (a) of this
199 subsection after all mandatory deductions are paid, shall be
200 deposited in the inmate's account established under this
201 subsection. Any monies remaining upon release in paragraph (c) of
202 this subsection shall be released to the inmate.

203 (8) The chief executive officer of the corporation shall
204 collect and maintain data which shall be shared semiannually with
205 the Joint Legislative Committee on Performance Evaluation and
206 Expenditure Review (PEER) and the Corrections and Criminal Justice
207 Oversight Task Force in sortable electronic format. The first
208 report shall be made on January 15, 2023, and in six-month
209 intervals thereafter unless PEER establishes a different schedule.
210 The data shall include:

211 (a) Total number of participants at the end of each
212 month by race, gender, and offenses charged;

213 (b) Total number of participants who began the program
214 in each month by race, gender, and offenses charged;

215 (c) Total number of participants who successfully
216 completed the program in each month by race, gender, and offenses
217 charged;

218 (d) Total number of participants who left the program
219 in each month and reason for leaving by race, gender, and offenses
220 charged;



221 (e) Total number of participants who were arrested for
222 a new criminal offense while in the program in each month by race,
223 gender and offenses charged;

224 (f) Total number of participants who were convicted of
225 a new crime while in the program in each month by race, gender and
226 offenses charged;

227 (g) Total number of participants who completed the
228 program and were convicted of a new crime within three (3) years
229 of completing the program;

230 (h) Total amount earned by participants and how the
231 earnings were distributed in each month;

232 (i) Results of any initial risk and needs assessments
233 conducted on each participant by race, gender, and offenses
234 charged;

235 (j) List of participating employers;

236 (k) List of jobs acquired by participants;

237 (l) List of the hourly wage paid to each participant;

238 (m) Accounting of the manner and use of the * * *
239 fifteen percent (15%) of the wages paid to the corporation by the
240 inmate for administrative expenses;

241 (n) Total costs associated with program operations;

242 (o) List of participating financial institutions;

243 (p) * * * Participating financial institutions, which
244 must collect, maintain and report the create date for financial
245 accounts opened by work initiative participants;



(q) The average hourly wage earned in the
program; * * *

(r) The accounting of any dependent support payments,
fines, restitutions, fees or costs as ordered by the court for
each work initiative participant;

(s) The collection, maintenance and reporting of the
remaining sentence length of work initiative participants;

(* * *t) Any other data or information as requested by
the task force.

(9) The Joint Legislative Committee on Performance
Evaluation and Expenditure Review (PEER) shall conduct a review of
the initiative, including any expansion of the initiative
authorized under this section, and produce an annual report to the
Legislature on their effectiveness by January 1 of each year. The
PEER Committee shall seek the assistance of the Corrections and
Criminal Justice Task Force and may seek assistance from any other
criminal justice experts it deems necessary during its review.

SECTION 4. Section 1, Chapter 431, Laws of 2024, is amended
as follows:

Section 1. (1) There is hereby established the "Mississippi
K-12 and Postsecondary Mental Health Task Force," created to
address growing concerns related to student mental health. The
goal of the task force shall include, but not be limited to,
drawing on available data to determine challenges in Mississippi
as it relates to the mental health of students ranging from K-12



271 through the community college and university systems; assessing
272 public and private resources currently available to students who
273 need help managing mental health issues; assessing training and
274 procedures in place for teachers, school district personnel and
275 community college and university personnel; and determining where
276 gaps exist in training and resources; exploring partnerships
277 across communities to better serve students; and examining
278 successful programs in Mississippi and across the nation. The
279 task force shall develop recommendations to the Legislature on
280 changes to policy and laws in Mississippi with a goal of better
281 identifying students at all levels struggling with mental health
282 issues; training school, community college and university
283 personnel related to student mental health, and thus improving
284 health outcomes and the probability of student success.

285 (2) The members of the task force shall be as follows:

286 (a) The Chairmen of the Education Committees of the
287 Mississippi Senate and the Mississippi House of Representatives,
288 or their designees from their respective committee membership;

289 (b) The Chairmen of the Medicaid Committees of the
290 Mississippi Senate and the Mississippi House of Representatives,
291 or their designees from their respective committee membership;

292 (c) The Chairmen of the Universities and Colleges
293 Committees of the Mississippi Senate and the Mississippi House of
294 Representatives, or their designees from their respective
295 committee membership;



(d) The Superintendent of the Mississippi Department of Education, or his or her designee;

(e) The Executive Director of the Mississippi Department of Mental Health, or his or her designee;

(f) The Director of the Mississippi Division of Medicaid, or his or her designee;

(g) The State Health Officer of the Mississippi Department of Health, or his or her designee;

(h) One (1) psychiatrist with expertise in treating children to be appointed by the Governor;

(i) One (1) clinical psychologist with expertise in treating children appointed by the Lieutenant Governor;

(j) One (1) school psychologist employed or contracted by a Mississippi Public School District, to be named by the Mississippi Association of Psychologists in the Schools;

(k) One (1) public school teacher appointed by the Governor;

(l) One (1) employee of a university counseling center, or a person otherwise responsible for coordinating or providing student mental health services on campus, appointed by the Governor;

(m) One (1) public school counselor appointed by the Lieutenant Governor;

(n) One (1) employee of a community college counseling center, or a person responsible for coordinating or providing



student mental health services on campus, appointed by the
Lieutenant Governor;

(o) One (1) school nurse employed in a Mississippi
public school to be appointed by the Superintendent of Education;

(p) One (1) employee of a nonprofit provider of mental
and behavioral health services to youth, appointed by the
Lieutenant Governor;

(q) One (1) employee of a community mental health
provider that provides services to a Mississippi public
school * * *, appointed by the Governor;

(r) One (1) member of the Mississippi Youth Council,
selected by the members of the council;

(s) One (1) family advocacy representative to be
appointed by the Executive Director of the Mississippi Coalition
for Citizens with Disabilities; and

(t) The Chairmen of the Public Health Committees of the
Mississippi Senate and the Mississippi House of Representatives,
or their designees from their respective committee membership.

(3) The task force shall meet within forty-five (45) days of
the effective date of this act and shall evaluate the current
data, resources, and laws and policies of the State of
Mississippi. Specifically, the task force shall:

(a) Collect and analyze publicly available data and
statistics related to the current state of student mental health,
K-12 through the community college and university level;



(b) Explore the impact of trauma and mental health issues on student behavior, dropout and graduation rates, academic achievement, employment and related issues;

(c) Evaluate currently available resources for addressing student mental health including, but not limited to, partnerships with nonprofits or experts, telehealth opportunities, inpatient and outpatient resources;

(d) Review mental health training and professional development provided to K-12 school personnel and school personnel at community colleges and universities for classroom management, identification, referral, intervention and prevention;

(e) Evaluate successful strategies for addressing challenges in student mental health in Mississippi and across the nation;

(f) Review the current workforce landscapes as it relates to psychologists, nurses, counselors, behavior interventionists and others who work in schools, community colleges and universities, and consider strategies to recruit sufficient personnel if there are workforce strategies;

(g) Explore the effect of a multi-tiered wellness program that is conducive to growth, achievement, cultivating resilience, motivation and culturally sensitive personal development; and

(h) Review any other matters related to the above issues or student mental health in Mississippi.



(4) The task force may request the assistance of the Mississippi Department of Education, Mississippi Community College Board, Mississippi Institutions of Higher Learning, Mississippi Department of Health, the Mississippi Department of Mental Health, the University of Mississippi School of Medicine; the Mississippi Division of Medicaid or any other related agency, entity or organization with expertise in student mental health issues and services.

(5) The Chairmen of the Education Committees in the Mississippi Senate and Mississippi House of Representatives shall call the first meeting. The members of the task force shall elect a chair from among the members at its first meeting. The task force shall develop and report its findings and recommendations to the Mississippi Legislature on or before October 1, 2024, and again on or before October 1, 2025. A majority of the membership shall be required to approve any final report and recommendation. Meetings of the task force shall be held at the State Capitol; however, if it is not feasible for the task force to hold an in-person meeting, the task force may convene utilizing an online meeting platform that is accessible for viewing by the public.

(6) The Joint Legislative Committee on Performance Evaluation and Expenditure Review shall provide necessary clerical support for the meetings of the task force and the preparation of the report.



(7) The task force shall be dissolved upon presentation of its report due on or before October 1, 2025.

SECTION 5. (1) This section shall be known and may be cited as the "Mississippi K-12 and Postsecondary Mental Health Act of 2025."

(2) There is hereby established an Executive Committee of the Interagency Coordinating Council for Children and Youth (ICCCY), which shall include the following executive directors or administrators, or their designees, with experience in mental health, student performance or other relevant areas, from the ICCCY as provided in Section 43-14-1:

(a) The State Superintendent of Public Education;

(b) The Commissioner of the State Institutions of Higher Learning;

(c) The Executive Director of the Mississippi Community College Board;

(d) The Executive Director of the Mississippi Department of Mental Health; and

(e) An employee of the Mississippi Department of Health, appointed by the State Health Officer, with relevant mental health experience.

(3) The ICCCY Executive Committee shall have the following coordinating responsibilities related to the general mental health and well-being of children and adolescents:



419 (a) Evaluating relevant personnel, including, but not
420 limited to, school nurses, counselors and school psychologists,
421 and examining the school's or district's relationship with its
422 community mental health center or other private providers to
423 recommend best practices for mental health resources and
424 infrastructure for underperforming public schools or districts, as
425 identified by the State Superintendent of Public Education;

426 (b) Identifying key public school and district
427 personnel and community college and university personnel,
428 including, but not limited to, teachers, healthcare providers,
429 counselors and resident assistants, to receive mental health first
430 aid training that is evidence-based and approved by the Department
431 of Mental Health;

432 (c) Identifying and developing age-appropriate
433 information and materials to distribute information regarding
434 mental health and well-being at student orientations at public
435 schools, universities and community colleges, or assemblies for
436 parents and caretakers of students and other relevant members of
437 the community who may interact with students;

438 (d) Developing guidance for public schools and
439 districts, universities and community colleges regarding
440 age-appropriate mental health screening resources and other
441 information for students, including 988 suicide and crisis hotline
442 information;



443 (e) Developing guidelines to help public schools and
444 districts, universities and community colleges partner with
445 community mental health centers, including crisis intervention
446 teams, or private providers to provide services to students;

447 (f) Compiling a master report by October 1, 2025, of
448 all partially or fully state-funded programs related to improving
449 the mental health and well-being of children and adolescents. The
450 ICCCY Executive Committee, working together with other relevant
451 agencies and organizations, shall be responsible for updating the
452 report annually by October 1 of each year. The report shall be
453 transmitted to the Lieutenant Governor, the Speaker of the House,
454 the Chair of the Senate Public Health and Welfare Committee, the
455 Chair of the House Public Health and Human Services Committee, the
456 Chair of the Senate Appropriations Committee, and the Chair of the
457 House Appropriations "A" Committee by November 1 each year;

458 (g) Developing an Internet-based mental health resource
459 guide for public schools by August 1, 2025. Beginning in the
460 2025-2026 school year, public school districts shall include a
461 visible mental health resource navigation link on the home page of
462 their website to include the resource guide developed by the ICCCY
463 Executive Committee; and

464 (h) Engaging in other coordinated efforts from time to
465 time in an effort to update resources and information related to
466 mental health and well-being for students at public schools,
467 universities and community colleges.



(4) (a) All recommendations and information compiled by the executive committee shall be provided to the State Board of Education, State Institutions of Higher Learning and Mississippi Community College Board, as appropriate, which shall disseminate such information to relevant employees in public school districts, universities and community colleges.

(b) All recommendations and information compiled by the executive committee shall also be provided to the ICCCY, Mississippi State Early Childhood Advisory Council, and any other agency, board, commission or council created by statute which the ICCCY Executive Committee identifies as relevant.

SECTION 6. Section 43-14-1, Mississippi Code of 1972, is amended as follows:

43-14-1. (1) The purpose of this chapter is to provide for the development, implementation and oversight of a coordinated interagency system of necessary services and care for children and youth, called the Mississippi Statewide System of Care, up to age twenty-one (21) with serious emotional/behavioral disorders including, but not limited to, conduct disorders, or mental illness who require services from a multiple services and multiple programs system, and who can be successfully diverted from inappropriate institutional placement. The Mississippi Statewide System of Care is to be conducted in the most fiscally responsible (cost-efficient) manner possible, based on an individualized plan of care which takes into account other available interagency



493 programs, including, but not limited to, Early Intervention Act of
494 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
495 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
496 waived program for home- and community-based services for
497 developmentally disabled people, Section 43-13-117(A) (29), and
498 waived program for targeted case management services for
499 children with special needs, Section 43-13-117(A) (31), those
500 children identified through the federal Individuals with
501 Disabilities Education Act of 1997 as having a serious emotional
502 disorder (EMD), the Mississippi Children's Health Insurance
503 Program and waived programs for children with serious emotional
504 disturbances, Section 43-13-117(A) (46), and is tied to clinically
505 and functionally appropriate outcomes. Some of the outcomes are
506 to reduce the number of inappropriate out-of-home placements
507 inclusive of those out-of-state and to reduce the number of
508 inappropriate school suspensions and expulsions for this
509 population of children. This coordinated interagency system of
510 necessary services and care shall be named the Mississippi
511 Statewide System of Care. Children to be served by this chapter
512 who are eligible for Medicaid shall be screened through the
513 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
514 and their needs for medically necessary services shall be
515 certified through the EPSDT process. For purposes of this
516 chapter, the Mississippi Statewide System of Care is defined as a
517 coordinated network of agencies and providers working as a team to



make a full range of mental health and other necessary services available as needed by children with mental health problems and their families. The Mississippi Statewide System of Care shall be:

(a) Child centered, family focused, family driven and youth guided;

(b) Community based;

(c) Culturally competent and responsive; and shall provide for:

(i) Service coordination or case management;

(ii) Prevention and early identification and intervention;

(iii) Smooth transitions among agencies and providers, and to the transition-age and adult service systems;

(iv) Human rights protection and advocacy;

(v) Nondiscrimination in access to services;

(vi) A comprehensive array of services composed of treatment and informal supports that are identified as best practices and/or evidence-based practices;

(vii) Individualized service planning that uses a strengths-based, wraparound process;

(viii) Services in the least restrictive environment;

(ix) Family participation in all aspects of planning, service delivery and evaluation; and



(x) Integrated services with coordinated planning across child-serving agencies.

Mississippi Statewide System of Care services shall be timely, intensive, coordinated and delivered in the community. Mississippi Statewide System of Care services shall include, but not be limited to, the following:

- (a) Comprehensive crisis and emergency response services;
- (b) Intensive case management;
- (c) Day treatment;
- (d) Alcohol and drug abuse group services for youth;
- (e) Individual, group and family therapy;
- (f) Respite services;
- (g) Supported employment services for youth;
- (h) Family education and support and family partners;
- (i) Youth development and support and youth partners;
- (j) Positive behavioral supports (PBIS) in schools;
- (k) Transition-age supported and independent living services; and
- (l) Vocational/technical education services for youth.

(2) There is established the Interagency Coordinating Council for Children and Youth (hereinafter referred to as the "ICCCY"). The ICCCY shall consist of the following membership:

- (a) The State Superintendent of Public Education;



567 (b) The Executive Director of the Mississippi
568 Department of Mental Health;
569 (c) The Executive Director of the State Department of
570 Health;
571 (d) The Executive Director of the Department of Human
572 Services;
573 (e) The Executive Director of the Division of Medicaid,
574 Office of the Governor;
575 (f) The Executive Director of the State Department of
576 Rehabilitation Services;
577 (g) The Executive Director of Mississippi Families as
578 Allies for Children's Mental Health, Inc.;
579 (h) The Commissioner of Child Protection Services;
580 (i) The Attorney General;
581 (j) A family member of a child or youth in the
582 population named in this chapter designated by Mississippi
583 Families as Allies;
584 (k) A youth or young adult in the population named in
585 this chapter designated by Mississippi Families as Allies;
586 (l) A local MAP team coordinator designated by the
587 Department of Mental Health;
588 (m) A child psychiatrist experienced in the public
589 mental health system designated by the Mississippi Psychiatric
590 Association;



591 (n) An individual with expertise and experience in
592 early childhood education designated jointly by the Department of
593 Mental Health and Mississippi Families as Allies;

594 (o) A representative of an organization that advocates
595 on behalf of disabled citizens in Mississippi designated by the
596 Department of Mental Health; * * *

597 (p) A faculty member or dean from a Mississippi
598 university specializing in training professionals who work in the
599 Mississippi Statewide System of Care designated by the Board of
600 Trustees of State Institutions of Higher Learning * * *;

601 (q) The Commissioner of the State Institutions of
602 Higher Learning;

603 (r) The Executive Director of the Mississippi Community
604 College Board; and

605 (s) An employee of the Mississippi Department of
606 Health, appointed by the State Health Officer, with relevant
607 mental health experience.

608 If a member of the council designates a representative to
609 attend council meetings, the designee shall bring full
610 decision-making authority of the member to the meeting. The
611 council shall select a chairman, who shall serve for a one-year
612 term and may not serve consecutive terms. The council shall adopt
613 internal organizational procedures necessary for efficient
614 operation of the council. Each member of the council shall
615 designate necessary staff of their departments to assist the ICCCY



616 in performing its duties and responsibilities. The ICCCY shall
617 meet and conduct business at least twice annually. The chairman
618 of the ICCCY shall notify all ICCCY members and all other persons
619 who request such notice as to the date, time, place and draft
620 agenda items for each meeting.

621 (3) The Interagency System of Care Council (ISCC) is created
622 to serve as the state management team for the ICCCY, with the
623 responsibility of collecting and analyzing data and funding
624 strategies necessary to improve the operation of the Mississippi
625 Statewide System of Care, and to make recommendations to the ICCCY
626 and to the Legislature concerning such strategies on, at a
627 minimum, an annual basis. The System of Care Council also has the
628 responsibility of coordinating the local Multidisciplinary
629 Assessment and Planning (MAP) teams and "A" teams and may apply
630 for grants from public and private sources necessary to carry out
631 its responsibilities. The Interagency System of Care Council
632 shall be comprised of one (1) member from each of the appropriate
633 child-serving divisions or sections of the State Department of
634 Health, the Department of Human Services (Division of Youth
635 Services), the Department of Child Protection Services, the State
636 Department of Mental Health (Division of Children and Youth,
637 Bureau of Alcohol and Drug Abuse, and Bureau of Intellectual and
638 Developmental Disabilities), the State Department of Education
639 (Office of Special Education and Office of Healthy Schools), the
640 Division of Medicaid of the Governor's Office, the Department of



Rehabilitation Services, and the Attorney General's office.
Additional members shall include a family member of a child, youth
or transition-age youth representing a family education and
support 501(c)(3) organization, working with the population named
in this chapter designated by Mississippi Families as Allies, an
individual with expertise and experience in early childhood
education designated jointly by the Department of Mental Health
and Mississippi Families as Allies, a local MAP team
representative and a local "A" team representative designated by
the Department of Mental Health, a probation officer designated by
the Department of Corrections, a family member and youth or young
adult designated by Mississippi Families as Allies for Children's
Mental Health, Inc., (MSFAA), and a family member other than a
MSFAA representative to be designated by the Department of Mental
Health and the Director of the Compulsory School Attendance
Enforcement of the State Department of Education. Appointments to
the Interagency System of Care Council shall be made within sixty
(60) days after June 30, 2010. The council shall organize by
selecting a chairman from its membership to serve on an annual
basis, and the chairman may not serve consecutive terms.

(4) (a) As part of the Mississippi Statewide System of
Care, there is established a statewide system of local
Multidisciplinary Assessment, Planning and Resource (MAP) teams.
The MAP teams shall be comprised of one (1) representative each at
the county level from the major child-serving public agencies for



666 education, human services, health, mental health and
667 rehabilitative services approved by respective state agencies of
668 the Department of Education, the Department of Human Services, the
669 Department of Child Protection Services, the Department of Health,
670 the Department of Mental Health and the Department of
671 Rehabilitation Services. These agencies shall, by policy,
672 contract or regulation require participation on MAP teams and "A"
673 teams at the county level by the appropriate staff. Three (3)
674 additional members may be added to each team, one (1) of which may
675 be a representative of a family education/support 501(c)(3)
676 organization with statewide recognition and specifically
677 established for the population of children defined in Section
678 43-14-1. The remaining members will be representatives of
679 significant community-level stakeholders with resources that can
680 benefit the population of children defined in Section 43-14-1.
681 The Department of Education shall assist in recruiting and
682 identifying parents to participate on MAP teams and "A" teams.

683 (b) For each local existing MAP team that is
684 established pursuant to paragraph (a) of this subsection, there
685 shall also be established an "A" (Adolescent) team which shall
686 work with a MAP team. The "A" teams shall provide System of Care
687 services for youthful offenders who have serious behavioral or
688 emotional disorders. Each "A" team shall be comprised of, at a
689 minimum, the following five (5) members:



690 (i) A school counselor, mental health therapist or
691 social worker;
692 (ii) A community mental health professional;
693 (iii) A social services/child welfare
694 professional;
695 (iv) A youth court counselor; and
696 (v) A parent who had a child in the juvenile
697 justice system.

698 (c) The Interagency Coordinating Council for Children
699 and Youth and the Interagency System of Care Council shall work to
700 develop MAP teams statewide that will serve to become the single
701 point of entry for children and youth about to be placed in
702 out-of-home care for reasons other than parental abuse/neglect.

703 (5) The Interagency Coordinating Council for Children and
704 Youth may provide input to one another and to the ISCC relative to
705 how each agency utilizes its federal and state statutes, policy
706 requirements and funding streams to identify and/or serve children
707 and youth in the population defined in this section. The ICCCY
708 shall support the implementation of the plans of the respective
709 state agencies for comprehensive, community-based,
710 multidisciplinary care, treatment and placement of these children.

711 (6) The ICCCY shall oversee a pool of state funds that may
712 be contributed by each participating state agency and additional
713 funds from the Mississippi Tobacco Health Care Expenditure Fund,
714 subject to specific appropriation therefor by the Legislature.



Part of this pool of funds shall be available for increasing the present funding levels by matching Medicaid funds in order to increase the existing resources available for necessary community-based services for Medicaid beneficiaries.

(7) The local interagency coordinating care MAP team or "A" team will facilitate the development of the individualized System of Care programs for the population targeted in this section.

(8) Each local MAP team and "A" team shall serve as the single point of entry and re-entry to ensure that comprehensive diagnosis and assessment occur and shall coordinate needed services through the local MAP team and "A" team members and local service providers for the children named in subsection (1). Local children in crisis shall have first priority for access to the MAP team and "A" team processes and local System of Care services.

(9) The Interagency Coordinating Council for Children and Youth shall facilitate monitoring of the performance of local MAP teams.

(10) Each ICCCY member named in subsection (2) of this section shall enter into a binding memorandum of understanding to participate in the further development and oversight of the Mississippi Statewide System of Care for the children and youth described in this section. The agreement shall outline the system responsibilities in all operational areas, including ensuring representation on MAP teams, funding, data collection, referral of



children to MAP teams and "A" teams, and training. The agreement shall be signed and in effect by July 1 of each year.

SECTION 7. Section 43-14-3, Mississippi Code of 1972, is brought forward as follows:

43-14-3. In addition to the specific authority provided in Section 43-14-1, the powers and responsibilities of the Interagency Coordinating Council for Children and Youth shall be as follows:

(a) To serve in an advisory capacity and to provide state level leadership and oversight to the development of the Mississippi Statewide System of Care; and

(b) To insure the creation and availability of an annual pool of funds from each participating agency member of the ICCCY that includes the amount to be contributed by each agency and a process for utilization of those funds.

SECTION 8. Section 43-14-5, Mississippi Code of 1972, is brought forward as follows:

43-14-5. There is created in the State Treasury a special fund into which shall be deposited all funds contributed by the Department of Human Services, Department of Child Protection Services, State Department of Health, Department of Mental Health and State Department of Rehabilitation Services insofar as recipients are otherwise eligible under the Rehabilitation Act of 1973, as amended, and State Department of Education for the operation of a statewide System of Care by MAP teams and "A" teams



utilizing such funds as may be made available to those MAP teams through a Request for Proposal (RFP) approved by the ICCCY.

SECTION 9. Section 25 of this act shall be codified in Chapter 14, Title 43, Mississippi Code of 1972.

SECTION 10. The following shall be codified as Section 5-3-70, Mississippi Code of 1972:

5-3-70. (1) (a) As an alternative to a criminal proceeding as provided in Section 5-3-59, in any instance wherein a witness fails to respond to the lawful subpoena of the PEER Committee at any time or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the committee may seek judicial enforcement of the process as provided in paragraph (b) of this subsection.

(b) The chairman, in the name of the committee, may file a complaint before any chancery court of the state setting up such failure on the part of the witness. On the filing of such a complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of a witness to comply with the order of the court constitutes contempt of court and the court shall punish the witness as provided in Section 9-1-17.

(c) The PEER Committee may utilize the Office of the Attorney General to bring a civil enforcement action or may



utilize contract counsel to commence an enforcement action
authorized in this subsection.

(2) The provisions of this section are hereby declared to be
supplemental to the powers of the Legislature and of the Senate
and House of Representatives to punish for contempt, and the
Legislature hereby reserves to itself and to the Senate and the
House of Representatives all inherent and all constitutional
powers to punish for contempt.

SECTION 11. Section 5-3-59, Mississippi Code of 1972, is
amended as follows:

5-3-59. (1) The committee, while in the discharge of
official duties, shall have the following additional powers:

(a) To subpoena and examine witnesses; to require the
appearance of any person and the production of any paper or
document; to order the appearance of any person for the purpose of
producing any paper or document; and to issue all process
necessary to compel such appearance or production. When such
process has been served, the committee may compel obedience
thereto by the attachment of the person, papers or records
subpoenaed; and if any person shall willfully refuse to appear
before such committee or to produce any paper or record in
obedience to any process issued by the committee and served on
that person, he or she shall be guilty of contempt of the * * *
committee, and shall be punished by a fine of not more than One



Thousand Dollars (\$1,000.00), by imprisonment in the county jail for not more than six (6) months, or both.

(b) To administer oaths to witnesses appearing before the committee when, by a majority vote, the committee deems the administration of an oath necessary and advisable as provided by law.

(c) To determine that a witness has perjured himself or herself by testifying falsely before the committee, and to institute penal proceedings as provided by law.

(2) (a) Whenever facts alleged to constitute contempt under subsection (1)(a) of this section arise, the chairman of the committee shall certify a statement to this effect to the Attorney General or to the appropriate county prosecuting attorney who shall institute and prosecute a criminal proceeding against the accused for contempt under the provisions of this section.

(b) Any offense defined in subsection (1)(a) of this section shall be deemed to have been committed in any of the following counties, and the trial for the offense may take place in any of such counties:

(i) In the county where the subpoena was issued;

(ii) In the county where the offender was served with the subpoena; or

(iii) In the county where the subpoena ordered the offender to give testimony or to produce papers or other evidence.



837 **SECTION 12.** Section 5-1-23, Mississippi Code of 1972, is
838 amended as follows:

839 5-1-23. (1) If any witness neglects or refuses to obey a
840 subpoena, or, appearing, refuses to testify, the senate or house
841 may, by a resolution entered on its journal, commit him or her for
842 contempt, the commitment not to extend beyond the final
843 adjournment of the session; and any witness neglecting and
844 refusing to attend in obedience to a subpoena may be arrested by
845 the sergeant-at-arms and brought before the senate or house; and a
846 copy of the resolution of the senate or house, signed by the
847 presiding officer thereof, and attested by the secretary or clerk,
848 shall be sufficient authority to authorize such arrest.

849 (2) The provisions of this section shall not apply to any
850 subpoena or other process issued by the Joint Legislative
851 Committee on Performance Evaluation and Expenditure Review (PEER)
852 as provided for in Sections 1 and 2 of this act.

853 **SECTION 13.** Section 5-1-25, Mississippi Code of 1972, is
854 amended as follows:

855 5-1-25. (1) A person sworn and examined as a witness before
856 either house, without procurement or contrivance, on his or her
857 part, shall not be held to answer criminally, or be subject to any
858 penalty or forfeiture for any fact or act touching which he or she
859 is required to testify; nor shall any statement made, or book,
860 document, or paper produced by any such witness be competent
861 evidence in any criminal proceeding against such witness other



than for perjury in delivering his or her evidence; nor shall such witness refuse to testify to any fact or to produce any book, document, or paper touching which he or she is examined, on the ground that he or she thereby will criminate himself or herself, or that it will tend to disgrace him or her or render him or her infamous.

(2) The immunity conferred by subsection (1) of this section shall not apply to any person who testifies or produces any book, document, or paper required to comply with a subpoena of the Joint Legislative Committee on Performance Evaluation and Expenditure Review. The committee may, by a majority vote of the members of both houses, offer a person or persons such immunity.

SECTION 14. Section 5-1-35, Mississippi Code of 1972, is amended as follows:

5-1-35. (1) The Sergeant-at-Arms of the Senate shall give a general supervision, under the direction of the presiding officer. He or she shall attend the sittings thereof, preserve order, execute its commands and all process issued by its authority, and shall have control of the doorkeeper. He or she shall see that the hall of the senate and the committee rooms and the room of its presiding officer, the anterooms, lobbies and galleries thereof, are clean, comfortable and lighted at night during the sitting of the senate, and that all necessary conveniences are supplied to the members, officers and committees.



(2) The sergeant-at-arms shall, upon request of the Joint Legislative Committee on Performance Evaluation and Expenditure Review, deliver to the Department of Public Safety the request to serve any committee process provided for by this act.

SECTION 15. Section 29-13-1, Mississippi Code of 1972, is amended as follows:

29-13-1. (1) The Department of Finance and Administration ("department") shall purchase and maintain business property insurance and business personal property insurance, or allow for the establishment of a self-insurance fund or self-insurance reserves, or any combination thereof, on all state-owned buildings and/or contents as required by federal law and regulations of the Federal Emergency Management Agency (FEMA) as is necessary for receiving public assistance or reimbursement for repair, reconstruction, replacement or other damage to those buildings and/or contents caused by the Hurricane Katrina Disaster of 2005 or subsequent disasters. The department is authorized to expend funds from any available source for the purpose of obtaining and maintaining that property insurance. No funds shall be expended for the establishment of any such self-insurance program until such time the Mississippi Self-Insurance Task Force has completed a report and the report reflects a cost benefit to the State of Mississippi. The administration and service of any such self-insurance program may be contracted to a third party and approved by the Commissioner of Insurance. The department is



911 authorized to enter into agreements with other state agencies,
912 local school districts, community/junior college districts, state
913 institutions of higher learning and community hospitals to pool
914 their liabilities to participate in a group business property
915 and/or business personal property insurance program, subject to
916 uniform rules and regulations as may be adopted by the Department
917 of Finance and Administration.

918 (2) The Department of Finance and Administration is required
919 to purchase and maintain flood insurance under the National Flood
920 Insurance Program (42 USCS, Section 4001 et seq.) as required by
921 federal law on state-owned buildings and/or contents. To meet the
922 requirements of participation in such program, the department is
923 further required to adopt floodplain management criteria and
924 procedures in accordance with the rules and regulations of 24 CFR,
925 Chapter X, Subchapter B (National Flood Insurance Program),
926 established by the United States Department of Housing and Urban
927 Development pursuant to the National Flood Insurance Act of 1968
928 (Public Law 90-448) as amended and by the Flood Disaster
929 Protection Act of 1973 (Public Law 93-234) as amended, and any
930 supplemental changes to such rules and regulations. The
931 department shall adopt the floodplain management criteria set
932 forth in 24 CFR, Chapter X, Section 1910.3, on an emergency basis
933 immediately upon May 3, 1979, and until such time as final
934 regulations and criteria are developed by the department. Final
935 regulations, criteria and procedures shall be implemented by the



department within ninety (90) days after May 3, 1979. Such criteria and procedures shall apply to any new construction or substantial improvement of state-owned buildings and other state-owned development located in floodplain areas as identified in conjunction with the National Flood Insurance Program. The department shall enforce the floodplain management criteria and procedures adopted by the department pursuant to this section.

(3) No state agency shall be authorized to expend any state, federal or special funds for the construction, renovation, repair or placement of any structure in a designated floodplain, floodway or coastal high hazard area, or to allow for the construction, renovation, repair or placement of any privately owned structure onto state-owned land in a designated floodplain, floodway or coastal high hazard area unless such agency has previously obtained the necessary permits required by the Department of Finance and Administration to comply with the regulations of the Federal Emergency Management Agency (FEMA), National Flood Insurance Program and the state's floodplain management regulations.

SECTION 16. (1) There is hereby created the "Mississippi Self-Insurance Task Force" to study, report and make recommendations on:

(a) The management of state facilities, including rental and owned facilities, and building construction for state facilities;



961 (b) The property and liability coverage for state
962 facilities, building construction for state facilities, including
963 reserves and solvency;

964 (c) The financial state of the State Tort Claims Plan,
965 including current reserves and solvency;

966 (d) A comparison of the State property and liability
967 insurance plans and State Tort Claims Plan in other southeastern
968 states, including, but not limited to, their governance
969 structures, benefits or services offered, solvency, reserves and
970 rate structures and increases over time; and

971 (e) Any other information or recommendations related
972 which may be relevant to achieving the goal of ensuring all state
973 facilities and any state liabilities have sufficient levels of
974 coverage at the best rates.

975 (2) The task force shall be composed of the following
976 members:

977 (a) The Chairs of the Insurance Committees in the
978 Mississippi House of Representatives and Mississippi Senate;

979 (b) The Chairs of the Public Property Committees in the
980 Mississippi House of Representatives and Mississippi Senate;

981 (c) The Commissioner of Insurance, or his or her
982 designee;

983 (d) The Commissioner of Higher Education, or his or her
984 designee;



(e) The Executive Director of the Department of Finance and Administration, or his or her designee;

(f) An actuary appointed by the Governor;

(g) A reinsurance broker appointed by the Lieutenant Governor; and

(h) A property and casualty insurance agent appointed by the Speaker of the House of Representatives.

(3) Appointments shall be made no later than thirty (30) days after the effective date of this act. The Chairs of the Insurance Committees in the Senate and House of Representatives shall convene the members of the task force for an organizational meeting within thirty (30) days after the deadline for appointing members, at which time the members of the task force shall select a chairman and a vice chairman from its membership. The vice chairman shall also serve as secretary and be responsible for keeping all records of the task force. A majority of the members of the task force constitutes a quorum. In the selection of its officers and the adoption of rules, resolutions and reports, an affirmative vote of a majority of the task force shall be required to be recorded in the official minutes of the meeting in which the vote occurred. Meetings of the task force shall be held at the State Capitol; however, if it is not feasible for the task force to hold an in-person meeting, the task force may convene using an online meeting platform that is accessible for viewing by the public.



1010 (4) The Department of Finance and Administration shall
1011 provide, using existing resources, administrative and clerical
1012 support to the task force. The Executive Director of the
1013 Department of Finance and Administration shall designate
1014 appropriate staff to assist the task force in carrying out its
1015 duties.

1016 (5) Subject to appropriation, members of the task force who
1017 are not state employees may be compensated at the per diem rate
1018 authorized by Section 25-3-69 and reimbursed in accordance with
1019 Section 25-3-41 for mileage and actual expenses incurred in the
1020 performance of their duties. However, task force members may not
1021 incur per diem, travel or other expenses unless previously
1022 authorized by vote, at a meeting of the task force, which action
1023 must be recorded in the official minutes of the meeting. Per diem
1024 and expense payments made pursuant to this subsection may be paid
1025 from any funds made available to the task force for that purpose.

1026 (6) The task force shall make a report of its findings and
1027 recommendations, including any recommended legislation, to the
1028 Lieutenant Governor, Speaker of the House of Representatives and
1029 the Chairs of the Insurance Committees of the House of
1030 Representatives and Senate on or before November 1, 2025, at which
1031 time the task force will be dissolved.

1032 **SECTION 17.** Section 31-11-3, Mississippi Code of 1972, is
1033 amended as follows:



1034 31-11-3. (1) The Department of Finance and Administration,
1035 for the purposes of carrying out the provisions of this chapter,
1036 in addition to all other rights and powers granted by law, shall
1037 have full power and authority to employ and compensate architects
1038 or other employees necessary for the purpose of making
1039 inspections, preparing plans and specifications, supervising the
1040 erection of any buildings, and making any repairs or additions as
1041 may be determined by the Department of Finance and Administration
1042 to be necessary, pursuant to the rules and regulations of the
1043 State Personnel Board. The department shall have entire control
1044 and supervision of, and determine what, if any, buildings,
1045 additions, repairs, demolitions or improvements are to be made
1046 under the provisions of this chapter, subject to the regulations
1047 adopted by the Public Procurement Review Board.

1048 (2) The department shall have full power to erect buildings,
1049 make repairs, additions or improvements, demolitions, to grant or
1050 acquire easements or rights-of-way, and to buy materials, supplies
1051 and equipment for any of the institutions or departments of the
1052 state subject to the regulations adopted by the Public Procurement
1053 Review Board. In addition to other powers conferred, the
1054 department shall have full power and authority, as directed by the
1055 Legislature, or when funds have been appropriated for its use for
1056 these purposes, to:

1057 (a) Build a state office building;



1058 (b) Build suitable plants or buildings for the use and
1059 housing of any state schools or institutions, including the
1060 building of plants or buildings for new state schools or
1061 institutions, as provided for by the Legislature;

1062 (c) Provide state aid for the construction of school
1063 buildings;

1064 (d) Promote and develop the training of returned
1065 veterans of the United States in all sorts of educational and
1066 vocational learning to be supplied by the proper educational
1067 institution of the State of Mississippi, and in so doing allocate
1068 monies appropriated to it for these purposes to the Governor for
1069 use by him in setting up, maintaining and operating an office and
1070 employing a state director of on-the-job training for veterans and
1071 the personnel necessary in carrying out Public Law No. 346 of the
1072 United States;

1073 (e) Build and equip a hospital and administration
1074 building at the Mississippi State Penitentiary;

1075 (f) Build and equip additional buildings and wards at
1076 the Boswell Retardation Center;

1077 (g) Construct a sewage disposal and treatment plant at
1078 the Mississippi State Hospital, and in so doing acquire additional
1079 land as may be necessary, and to exercise the right of eminent
1080 domain in the acquisition of this land;



1081 (h) Build and equip the Mississippi central market and
1082 purchase or acquire by eminent domain, if necessary, any lands
1083 needed for this purpose;

1084 (i) Build and equip suitable facilities for a training
1085 and employing center for the blind;

1086 (j) Build and equip a gymnasium at Columbia Training
1087 School;

1088 (k) Approve or disapprove the expenditure of any money
1089 appropriated by the Legislature when authorized by the bill making
1090 the appropriation;

1091 (l) Expend monies appropriated to it in paying the
1092 state's part of the cost of any street paving;

1093 (m) Sell and convey state lands when authorized by the
1094 Legislature, cause said lands to be properly surveyed and platted,
1095 execute all deeds or other legal instruments, and do any and all
1096 other things required to effectively carry out the purpose and
1097 intent of the Legislature. Any transaction which involves state
1098 lands under the provisions of this paragraph shall be done in a
1099 manner consistent with the provisions of Section 29-1-1;

1100 (n) Collect and receive from educational institutions
1101 of the State of Mississippi monies required to be paid by these
1102 institutions to the state in carrying out any veterans'
1103 educational programs;

1104 (o) Purchase lands for building sites, or as additions
1105 to building sites, for the erection of buildings and other



1106 facilities which the department is authorized to erect, and
1107 demolish and dispose of old buildings, when necessary for the
1108 proper construction of new buildings. Any transaction which
1109 involves state lands under the provisions of this paragraph shall
1110 be done in a manner consistent with the provisions of Section
1111 29-1-1;

1112 (p) Obtain business property insurance, or allow for
1113 the establishment of a self-insurance fund or self-insurance
1114 reserves, or any combination thereof, with a deductible of not
1115 less than One Hundred Thousand Dollars (\$100,000.00) on
1116 state-owned buildings under the management and control of the
1117 department; * * *

1118 (q) In consultation with and approval by the Chairmen
1119 of the Public Property Committees of the Senate and the House of
1120 Representatives, enter into contracts for the purpose of providing
1121 parking spaces for state employees who work in the Woolfolk
1122 Building, the Carroll Gartin Justice Building or the Walter
1123 Sillers Office Building * * *; and

1124 (r) The department is hereby authorized to transfer up
1125 to One Million Dollars (\$1,000,000.00) of available bond funds to
1126 each community college requesting to be exempt from department
1127 control and supervision relating to the repair, renovation and
1128 improvement of existing facilities owned by the community
1129 colleges, including utility infrastructure projects; heating and
1130 air conditioning systems; and the replacement of furniture and



1131 equipment. The community colleges shall abide by all applicable
1132 statutes related to the purchase of the repair, renovation and
1133 improvement of such existing facilities.

1134 (3) The department shall survey state-owned and
1135 state-utilized buildings to establish an estimate of the costs of
1136 architectural alterations, pursuant to the Americans With
1137 Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The
1138 department shall establish priorities for making the identified
1139 architectural alterations and shall make known to the Legislative
1140 Budget Office and to the Legislature the required cost to
1141 effectuate such alterations. To meet the requirements of this
1142 section, the department shall use standards of accessibility that
1143 are at least as stringent as any applicable federal requirements
1144 and may consider:

1145 (a) Federal minimum guidelines and requirements issued
1146 by the United States Architectural and Transportation Barriers
1147 Compliance Board and standards issued by other federal agencies;

1148 (b) The criteria contained in the American Standard
1149 Specifications for Making Buildings Accessible and Usable by the
1150 Physically Handicapped and any amendments thereto as approved by
1151 the American Standards Association, Incorporated (ANSI Standards);

1152 (c) Design manuals;

1153 (d) Applicable federal guidelines;

1154 (e) Current literature in the field;

1155 (f) Applicable safety standards; and



1156 (g) Any applicable environmental impact statements.

1157 (4) The department shall observe the provisions of Section
1158 31-5-23 in letting contracts and shall use Mississippi products,
1159 including paint, varnish and lacquer which contain as vehicles
1160 tung oil and either ester gum or modified resin (with rosin as the
1161 principal base of constituents), and turpentine shall be used as a
1162 solvent or thinner, where these products are available at a cost
1163 not to exceed the cost of products grown, produced, prepared, made
1164 or manufactured outside of the State of Mississippi.

1165 (5) The department shall have authority to accept grants,
1166 loans or donations from the United States government or from any
1167 other sources for the purpose of matching funds in carrying out
1168 the provisions of this chapter.

1169 (6) The department shall build a wheelchair ramp at the War
1170 Memorial Building which complies with all applicable federal laws,
1171 regulations and specifications regarding wheelchair ramps.

1172 (7) The department shall review and preapprove all
1173 architectural or engineering service contracts entered into by any
1174 state agency, institution, commission, board or authority,
1175 regardless of the source of funding used to defray the costs of
1176 the construction or renovation project, for which services are to
1177 be obtained to ensure compliance with purchasing regulations and
1178 to confirm that the contracts are procured by a competitive
1179 qualification-based selection process except where such
1180 appointment is for an emergency project or for a continuation of a



1181 previous appointment for a directly related project. The
1182 provisions of this subsection (7) shall not apply to:

1183 (a) Any architectural or engineering contract fully
1184 paid for by self-generated funds of any of the state institutions
1185 of higher learning;

1186 (b) Any architectural or engineering contract that is
1187 self-administered at a state institution of higher learning as
1188 provided under Section 27-104-7(2) (b) or 37-101-15(m);

1189 (c) Community college projects that are fully funded
1190 from local funds or other nonstate sources which are outside the
1191 Department of Finance and Administration's appropriations or as
1192 directed by the Legislature;

1193 (d) Any construction or design projects of the State
1194 Military Department that are fully or partially funded from
1195 federal funds or other nonstate sources; and

1196 (e) Any project of the State Department of
1197 Transportation.

1198 (8) (a) The department shall have the authority to obtain
1199 annually from the state institutions of higher learning, the state
1200 community colleges and junior colleges, the Department of Mental
1201 Health, the Department of Corrections and the Department of
1202 Wildlife, Fisheries and Parks information on all renovation and
1203 repair expenditures for buildings under their operation and
1204 control, including duties, responsibilities and costs of any
1205 architect or engineer hired by any such institutions, and shall



1206 annually report the same to the Legislative Budget Office, the
1207 Chairman of the House Public Property Committee and the Chairman
1208 of the Senate Public Property Committee before September 1.

1209 (b) All state agencies, departments and institutions
1210 are required to cooperate with the Department of Finance and
1211 Administration in carrying out the provisions of this subsection.

1212 (c) Expenditures shall not include those amounts
1213 expended for janitorial, landscaping or administrative support,
1214 but shall include expenditures from both state and nonstate
1215 sources.

1216 (d) Expenditures shall not include amounts expended by
1217 the department on behalf of state agencies, departments and
1218 institutions through the Department of Finance and Administration
1219 administered contracts, but shall include amounts transferred to
1220 the Department of Finance and Administration for support of such
1221 contracts.

1222 (9) As an alternative to other methods of awarding contracts
1223 as prescribed by law, the department may elect to use the method
1224 of contracting for construction projects set out in Sections
1225 31-7-13.1 and 31-7-13.2; however, the design-build method of
1226 construction contracting authorized under Section 31-7-13.1 may be
1227 used only when the Legislature has specifically required or
1228 authorized the use of this method in the legislation authorizing a
1229 project.



1230 (10) The department shall have the authority, for the
1231 purposes of carrying out the provisions of this chapter, and in
1232 addition to all other rights and powers granted by law, to create
1233 and maintain a list of suspended and debarred contractors and
1234 subcontractors. Consistent with this authority, the department
1235 may adopt regulations governing the suspension or debarment of
1236 contractors and subcontractors, which regulations shall be subject
1237 to the approval of the Public Procurement Review Board. A
1238 suspended or debarred contractor or subcontractor shall be
1239 disqualified from consideration for contracts with the department
1240 during the suspension or debarment period in accordance with the
1241 department's regulations.

1242 (11) This section shall not apply to the Mississippi State
1243 Port Authority.

1244 **SECTION 18.** Section 37-29-67, Mississippi Code of 1972, is
1245 brought forward as follows:

1246 37-29-67. (1) The duties of the board of trustees shall be
1247 the general government of the community/junior college and
1248 directive of the administration thereof. Subject to the
1249 provisions of Sections 37-29-1 through 37-29-273, the board shall
1250 have full power to do all things necessary to the successful
1251 operation of the district and the college or colleges or
1252 attendance centers located therein to insure educational
1253 advantages and opportunities to all the enrollees within the
1254 district.



1255 (2) The board of trustees shall be authorized to designate a
1256 personnel supervisor or other person employed by the district to
1257 recommend teachers and to transmit such recommendations to the
1258 board of trustees; however, this authorization shall be restricted
1259 to no more than two (2) positions for each employment period in
1260 the district.

1261 (3) The delineation and enumeration of the powers and
1262 purposes set out in Sections 37-29-1 through 37-29-273 shall be
1263 deemed to be supplemental and additional, and shall not be
1264 construed to restrict the powers of the board of trustees of the
1265 district or of any college located therein so as to deny to the
1266 said district and the college or colleges therein the rights,
1267 privileges and powers previously authorized by statute.

1268 (4) The board of trustees shall have the power to enter into
1269 an energy performance contract, energy services contract, a
1270 shared-savings, lease or lease-purchase basis, for energy
1271 efficiency services and/or equipment as prescribed in Section
1272 31-7-14.

1273 (5) The board of trustees shall be authorized, with the
1274 approval of the Mississippi Community College Board, to change the
1275 name of the junior college to community college. The Mississippi
1276 Community College Board shall establish guidelines for the
1277 implementation of any junior college name change. Any reference
1278 to junior college district in this chapter shall hereinafter refer



1279 to the junior college district or its successor in name as changed
1280 by the board of trustees.

1281 (6) The boards of trustees shall purchase and maintain
1282 business property insurance and business personal property
1283 insurance on all college-owned buildings and/or contents as
1284 required by federal law and regulations of the Federal Emergency
1285 Management Agency (FEMA) as is necessary for receiving public
1286 assistance or reimbursement for repair, reconstruction,
1287 replacement or other damage to such buildings and/or contents
1288 caused by the Hurricane Katrina Disaster of 2005 or subsequent
1289 disasters. The boards of trustees are authorized to expend funds
1290 from any available source for the purpose of obtaining and
1291 maintaining that property insurance. The boards of trustees are
1292 authorized to enter into agreements with the Department of Finance
1293 and Administration, local school districts, other community/junior
1294 college districts, state institutions of higher learning,
1295 community hospitals and/or other state agencies to pool their
1296 liabilities to participate in a group business property and/or
1297 business personal property insurance program, subject to uniform
1298 rules and regulations as may be adopted by the Department of
1299 Finance and Administration.

1300 **SECTION 19.** Section 41-73-31, Mississippi Code of 1972, is
1301 brought forward as follows:

1302 41-73-31. In addition to the other powers and duties of the
1303 authority specified elsewhere in this act, the authority is



1304 specifically authorized to initiate a program of providing
1305 hospital equipment or hospital facilities located within the state
1306 to be operated by participating hospital institutions. In this
1307 regard, the authority shall be authorized to exercise the
1308 following powers:

1309 (1) To establish eligibility standards for participating
1310 hospital institutions;

1311 (2) To enter into an agreement with any entity securing the
1312 payment of bonds pursuant to Section 41-73-27(j) or (k)
1313 authorizing said entity to approve the participating hospital
1314 institutions that can finance or refinance hospital equipment or
1315 hospital facilities with proceeds from the bond issue secured by
1316 said entity;

1317 (3) To lease to a participating hospital institution
1318 specific hospital facilities or items of hospital equipment upon
1319 such terms and conditions as the authority may deem proper, to
1320 charge and collect rents therefor, to terminate any such lease
1321 upon the failure of the lessee to comply with any of its
1322 obligations thereunder or otherwise as such lease may provide, to
1323 include in any such lease provisions that the lessee shall have
1324 the option to renew the term of the lease for such period or
1325 periods and at such rents as may be determined by the authority or
1326 to purchase any or all of the hospital facilities or hospital
1327 equipment to which such lease shall apply;



1328 (4) To loan to a participating hospital institution under an
1329 installment purchase contract or loan agreement monies to finance
1330 or refinance the cost of specific items of hospital facilities or
1331 hospital equipment and to take back a secured or unsecured
1332 promissory note evidencing such loan and a mortgage or security
1333 interest in the hospital facilities or hospital equipment financed
1334 or refinanced with such loan, upon such terms and conditions as
1335 the authority may deem proper;

1336 (5) To sell or otherwise dispose of any or all unneeded or
1337 obsolete hospital facilities or hospital equipment under terms and
1338 conditions as determined by the authority;

1339 (6) To maintain, repair, replace and otherwise improve or
1340 cause to be maintained, repaired, replaced and otherwise improved
1341 any hospital facilities or hospital equipment owned by the
1342 authority;

1343 (7) To obtain or aid in obtaining property insurance on all
1344 hospital facilities or hospital equipment owned or financed by the
1345 authority and to enter into any agreement, contract or other
1346 instrument with respect to any such insurance to accept payment in
1347 the event of damage to or destruction of any hospital equipment;

1348 (8) To enter into any agreement, contract or other
1349 instrument with respect to any insurance or guarantee or letter of
1350 credit, accepting payment in such manner and form as provided
1351 therein in the event of default by a participating hospital
1352 institution, and to assign any such insurance or guarantee or



1353 letter of credit as security for bonds issued by the authority;
1354 and

1355 (9) To purchase and maintain business property insurance and
1356 business personal property insurance on all hospital-owned
1357 buildings and/or contents as required by federal law and
1358 regulations of the Federal Emergency Management Agency (FEMA) as
1359 is necessary for receiving public assistance or reimbursement for
1360 repair, reconstruction, replacement or other damage to those
1361 buildings and/or contents caused by the Hurricane Katrina Disaster
1362 of 2005 or subsequent disasters. The authority is authorized to
1363 expend funds from any available source for the purpose of
1364 obtaining and maintaining that property insurance. The authority
1365 is authorized to enter into agreements with the Department of
1366 Finance and Administration, local school districts,
1367 community/junior college districts, state institutions of higher
1368 learning, other community hospitals and/or other state agencies to
1369 pool their liabilities to participate in a group business property
1370 and/or business personal property insurance program, subject to
1371 uniform rules and regulations as may be adopted by the Department
1372 of Finance and Administration.

1373 **SECTION 20.** Section 37-7-303, Mississippi Code of 1972, is
1374 brought forward as follows:

1375 37-7-303. (1) The school board of any school district may
1376 insure motor vehicles for any hazard that the board may choose,
1377 and shall insure the school buildings, equipment and other school



1378 property of the district against any and all hazards that the
1379 board may deem necessary to provide insurance against. In
1380 addition, the local school board of any school district shall
1381 purchase and maintain business property insurance and business
1382 personal property insurance on all school district-owned buildings
1383 and/or contents as required by federal law and regulations of the
1384 Federal Emergency Management Agency (FEMA) as is necessary for
1385 receiving public assistance or reimbursement for repair,
1386 reconstruction, replacement or other damage to those buildings
1387 and/or contents caused by the Hurricane Katrina Disaster of 2005
1388 or subsequent disasters. The school district is authorized to
1389 expend funds from any available source for the purpose of
1390 obtaining and maintaining that property insurance. The school
1391 district is authorized to enter into agreements with the
1392 Department of Finance and Administration, other local school
1393 districts, community or junior college districts, state
1394 institutions of higher learning, community hospitals and/or other
1395 state agencies to pool their liabilities to participate in a group
1396 business property and/or business personal property insurance
1397 program, subject to uniform rules and regulations as may be
1398 adopted by the Department of Finance and Administration. Such
1399 school board shall be authorized to contract for such insurance
1400 for a term of not exceeding five (5) years and to obligate the
1401 district for the payment of the premiums thereon. When necessary,
1402 the school board is authorized and empowered, in its discretion,



1403 to borrow money payable in annual installments for a period of not
1404 exceeding five (5) years at a rate of interest not exceeding eight
1405 percent (8%) per annum to provide funds to pay such insurance
1406 premiums. The money so borrowed and the interest thereon shall be
1407 payable from any school funds of the district other than the total
1408 funding formula funds provided for in Sections 37-151-200 through
1409 37-151-215. The school boards of school districts are further
1410 authorized and empowered, in all cases where same may be
1411 necessary, to bring and maintain suits and other actions in any
1412 court of competent jurisdiction for the purpose of collecting the
1413 proceeds of insurance policies issued upon the property of such
1414 school district.

1415 (2) Two (2) or more school districts, together with other
1416 educational entities or agencies, may agree to pool their
1417 liabilities to participate in a group workers' compensation
1418 program. The governing authorities of any school board or other
1419 educational entity or agency may authorize the organization and
1420 operation of, or the participation in such a group self-insurance
1421 program with other school boards and educational entities or
1422 agencies, subject to the requirements of Section 71-3-5. The
1423 Workers' Compensation Commission shall approve such group
1424 self-insurance programs subject to uniform rules and regulations
1425 as may be adopted by the commission applicable to all groups.

1426 (3) The governing board of any county, municipality,
1427 municipal separate school district, other school district or



1428 community/junior college district, and the governing board or head
1429 of any other political subdivision or entity may negotiate for,
1430 secure and pool their risks under this section and may provide for
1431 the purchase of any one or more policies of property insurance, or
1432 the establishment of a self-insurance fund or self-insurance
1433 reserves, or any combination thereof. The governing board of any
1434 political subdivision or other entity set forth in this section is
1435 authorized to expend funds from any available source for the
1436 purpose of obtaining and maintaining that property insurance. The
1437 administration and service of any such self-insurance program
1438 shall be contracted to a third party and approved by the
1439 Commissioner of Insurance.

1440 **SECTION 21.** Section 37-101-15, Mississippi Code of 1972, is
1441 brought forward as follows:

1442 37-101-15. (a) The Board of Trustees of State Institutions
1443 of Higher Learning shall succeed to and continue to exercise
1444 control of all records, books, papers, equipment, and supplies,
1445 and all lands, buildings, and other real and personal property
1446 belonging to or assigned to the use and benefit of the board of
1447 trustees formerly supervising and controlling the institutions of
1448 higher learning named in Section 37-101-1. The board shall have
1449 and exercise control of the use, distribution and disbursement of
1450 all funds, appropriations and taxes, now and hereafter in
1451 possession, levied and collected, received, or appropriated for
1452 the use, benefit, support, and maintenance or capital outlay



1453 expenditures of the institutions of higher learning, including the
1454 authorization of employees to sign vouchers for the disbursement
1455 of funds for the various institutions, except where otherwise
1456 specifically provided by law.

1457 (b) The board shall have general supervision of the affairs
1458 of all the institutions of higher learning, including the
1459 departments and the schools thereof. The board shall have the
1460 power in its discretion to determine who shall be privileged to
1461 enter, to remain in, or to graduate therefrom. The board shall
1462 have general supervision of the conduct of libraries and
1463 laboratories, the care of dormitories, buildings, and grounds; the
1464 business methods and arrangement of accounts and records; the
1465 organization of the administrative plan of each institution; and
1466 all other matters incident to the proper functioning of the
1467 institutions. The board shall have the authority to establish
1468 minimum standards of achievement as a prerequisite for entrance
1469 into any of the institutions under its jurisdiction, which
1470 standards need not be uniform between the various institutions and
1471 which may be based upon such criteria as the board may establish.

1472 (c) The board shall exercise all the powers and prerogatives
1473 conferred upon it under the laws establishing and providing for
1474 the operation of the several institutions herein specified. The
1475 board shall adopt such bylaws and regulations from time to time as
1476 it deems expedient for the proper supervision and control of the
1477 several institutions of higher learning, insofar as such bylaws



1478 and regulations are not repugnant to the Constitution and laws,
1479 and not inconsistent with the object for which these institutions
1480 were established. The board shall have power and authority to
1481 prescribe rules and regulations for policing the campuses and all
1482 buildings of the respective institutions, to authorize the arrest
1483 of all persons violating on any campus any criminal law of the
1484 state, and to have such law violators turned over to the civil
1485 authorities.

1486 (d) For all institutions specified herein, the board shall
1487 provide a uniform system of recording and of accounting approved
1488 by the State Department of Audit. The board shall annually
1489 prepare, or cause to be prepared, a budget for each institution of
1490 higher learning for the succeeding year which must be prepared and
1491 in readiness for at least thirty (30) days before the convening of
1492 the regular session of the Legislature. All relationships and
1493 negotiations between the State Legislature and its various
1494 committees and the institutions named herein shall be carried on
1495 through the board of trustees. No official, employee or agent
1496 representing any of the separate institutions shall appear before
1497 the Legislature or any committee thereof except upon the written
1498 order of the board or upon the request of the Legislature or a
1499 committee thereof.

1500 (e) For all institutions specified herein, the board shall
1501 prepare an annual report to the Legislature setting forth the
1502 disbursements of all monies appropriated to the respective



1503 institutions. Each report to the Legislature shall show how the
1504 money appropriated to the several institutions has been expended,
1505 beginning and ending with the fiscal years of the institutions,
1506 showing the name of each teacher, officer, and employee, and the
1507 salary paid each, and an itemized statement of each and every item
1508 of receipts and expenditures. Each report must be balanced, and
1509 must begin with the former balance. If any property belonging to
1510 the state or the institution is used for profit, the reports shall
1511 show the expense incurred in managing the property and the amount
1512 received therefrom. The reports shall also show a summary of the
1513 gross receipts and gross disbursements for each year and shall
1514 show the money on hand at the beginning of the fiscal period of
1515 the institution next preceding each session of the Legislature and
1516 the necessary amount of expense to be incurred from said date to
1517 January 1 following. The board shall keep the annual expenditures
1518 of each institution herein mentioned within the income derived
1519 from legislative appropriations and other sources, but in case of
1520 emergency arising from acts of providence, epidemics, fire or
1521 storm with the written approval of the Governor and by written
1522 consent of a majority of the senators and of the representatives
1523 it may exceed the income. The board shall require a surety bond
1524 in a surety company authorized to do business in this state of
1525 every employee who is the custodian of funds belonging to one or
1526 more of the institutions mentioned herein, which bond shall be in
1527 a sum to be fixed by the board in an amount that will properly



1528 safeguard the said funds, the premium for which shall be paid out
1529 of the funds appropriated for said institutions.

1530 (f) The board shall have the power and authority to elect
1531 the heads of the various institutions of higher learning and to
1532 contract with all deans, professors, and other members of the
1533 teaching staff, and all administrative employees of said
1534 institutions for a term not exceeding four (4) years. The board
1535 shall have the power and authority to terminate any such contract
1536 at any time for malfeasance, inefficiency, or contumacious
1537 conduct, but never for political reasons. It shall be the policy
1538 of the board to permit the executive head of each institution to
1539 nominate for election by the board all subordinate employees of
1540 the institution over which he presides. It shall be the policy of
1541 the board to elect all officials for a definite tenure of service
1542 and to reelect during the period of satisfactory service. The
1543 board shall have the power to make any adjustments it thinks
1544 necessary between the various departments and schools of any
1545 institution or between the different institutions.

1546 (g) The board shall keep complete minutes and records of all
1547 proceedings which shall be open for inspection by any citizen of
1548 the state.

1549 (h) The board shall have the power to enter into an energy
1550 performance contract, energy services contract, on a
1551 shared-savings, lease or lease-purchase basis, for energy



1552 efficiency services and/or equipment as prescribed in Section
1553 31-7-14.

1554 (i) The Board of Trustees of State Institutions of Higher
1555 Learning, for and on behalf of Jackson State University, is hereby
1556 authorized to convey by donation or otherwise easements across
1557 portions of certain real estate located in the City of Jackson,
1558 Hinds County, Mississippi, for right-of-way required for the Metro
1559 Parkway Project.

1560 (j) In connection with any international contract between
1561 the board or one (1) of the state's institutions of higher
1562 learning and any party outside of the United States, the board or
1563 institution that is the party to the international contract is
1564 hereby authorized and empowered to include in the contract a
1565 provision for the resolution by arbitration of any controversy
1566 between the parties to the contract relating to such contract or
1567 the failure or refusal to perform any part of the contract. Such
1568 provision shall be valid, enforceable and irrevocable without
1569 regard to the justiciable character of the controversy. Provided,
1570 however, that in the event either party to such contract initiates
1571 litigation against the other with respect to the contract, the
1572 arbitration provision shall be deemed waived unless asserted as a
1573 defense on or before the responding party is required to answer
1574 such litigation.

1575 (k) The Board of Trustees of State Institutions of Higher
1576 Learning ("board"), on behalf of any institution under its



1577 jurisdiction, shall purchase and maintain business property
1578 insurance and business personal property insurance on all
1579 university-owned buildings and/or contents as required by federal
1580 law and regulations of the Federal Emergency Management Agency
1581 (FEMA) as is necessary for receiving public assistance or
1582 reimbursement for repair, reconstruction, replacement or other
1583 damage to those buildings and/or contents caused by the Hurricane
1584 Katrina Disaster of 2005 or subsequent disasters. The board is
1585 authorized to expend funds from any available source for the
1586 purpose of obtaining and maintaining that property insurance. The
1587 board is authorized to enter into agreements with the Department
1588 of Finance and Administration, local school districts,
1589 community/junior college districts, community hospitals and/or
1590 other state agencies to pool their liabilities to participate in a
1591 group business property and/or business personal property
1592 insurance program, subject to uniform rules and regulations as may
1593 be adopted by the Department of Finance and Administration.

1594 (1) The Board of Trustees of State Institutions of Higher
1595 Learning, or its designee, may approve the payment or
1596 reimbursement of reasonable travel expenses incurred by candidates
1597 for open positions at the board's executive office or at any of
1598 the state institutions of higher learning, when the job candidate
1599 has incurred expenses in traveling to a job interview at the
1600 request of the board, the Commissioner of Higher Education or a
1601 state institution of higher learning administrator.



1602 (m) (i) The Board of Trustees of State Institutions of
1603 Higher Learning is authorized to administer and approve contracts
1604 for the construction and maintenance of buildings and other
1605 facilities of the state institutions of higher learning, including
1606 related contracts for architectural and engineering services,
1607 which are paid for with self-generated funds.

1608 (ii) Additionally, the board is authorized to oversee,
1609 administer and approve contracts for the construction and
1610 maintenance of buildings and other facilities of the state
1611 institutions of higher learning, including related contracts for
1612 architectural and engineering services, which are funded in whole
1613 or in part by general obligation bonds of the State of Mississippi
1614 at institutions designated annually by the board as being capable
1615 to procure and administer all such contracts. Prior to the
1616 disbursement of funds, an agreement for each project between the
1617 institution and the Department of Finance and Administration shall
1618 be executed. The approval and execution of the agreement shall
1619 not be withheld by either party unless the withholding party
1620 provides a written, detailed explanation of the basis for
1621 withholding to the other party. The agreement shall stipulate the
1622 responsibilities of each party, applicable procurement
1623 regulations, documentation and reporting requirements, conditions
1624 prior to, and schedule of, disbursement of general obligation bond
1625 funds to the institution and provisions concerning handling any
1626 remaining general obligation bonds at the completion of the



1627 project. Such agreement shall not include provisions that
1628 constitute additional qualifications or criteria that act to
1629 invalidate the designation of an institution as capable of
1630 procuring and administering such project. Inclusion of any such
1631 provisions may be appealed to the Public Procurement Review Board.
1632 This paragraph (ii) shall stand repealed from and after July 1,
1633 2025.

1634 (n) The Board of Trustees of State Institutions of Higher
1635 Learning ("board") shall require all on-campus faculty and staff
1636 employed by, and all students attending, any of the state
1637 institutions of higher learning identified in Section 37-101-1 to
1638 be issued an identification badge in physical or electronic
1639 format. Any identification card issued or renewed pursuant to
1640 this section, whether physical or in an electronic format, shall
1641 include the words "Crisis Lifeline - Dial or Text 988, or chat
1642 988lifeline.org" or like language for formatting purposes.

1643 **SECTION 22.** This act shall take effect and be in force from
1644 and after July 1, 2025.

