

By: Representative Fleming

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 208

1 AN ACT TO PROVIDE FOR THE ABOLISHMENT OF THE BOARD OF
2 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING; TO ESTABLISH A
3 SEPARATE BOARD OF TRUSTEES FOR EACH STATE INSTITUTION OF HIGHER
4 LEARNING; TO PROVIDE FOR THE ELECTION OF MEMBERS OF SUCH BOARDS OF
5 TRUSTEES; TO TRANSFER CERTAIN POWERS AND DUTIES OF THE BOARD OF
6 TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO THE BOARDS OF
7 TRUSTEES OF THE VARIOUS INSTITUTIONS OF HIGHER LEARNING AND TO THE
8 COMMISSIONER OF HIGHER EDUCATION; TO AMEND SECTION 37-101-1,
9 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
10 37-101-5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE
11 QUALIFICATIONS FOR MEMBERSHIP TO THE BOARD OF TRUSTEES OF A STATE
12 INSTITUTION OF HIGHER LEARNING; TO AMEND SECTION 37-101-7,
13 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ORGANIZATION OF THE
14 BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS OF HIGHER
15 LEARNING AND FOR THE APPOINTMENT OF A COMMISSIONER OF HIGHER
16 EDUCATION; TO AMEND SECTIONS 37-101-9 THROUGH 37-101-13,
17 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION
18 37-101-15, MISSISSIPPI CODE OF 1972, TO PRESCRIBE THE POWERS AND
19 DUTIES OF THE BOARDS OF TRUSTEES OF THE VARIOUS STATE INSTITUTIONS
20 OF HIGHER LEARNING; TO AMEND SECTIONS 1-1-11, 11-46-17, 17-13-5,
21 19-3-47, 19-9-1, 21-25-23, 21-33-301, 25-3-41, 27-7-701,
22 27-103-127, 29-1-205, 29-17-1, 31-1-1, 31-7-10, 37-3-2, 37-4-4,
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34 37-107-7, 37-107-9, 37-108-3, 37-108-5, 37-110-1, 37-110-3,
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47 37-157-1, 37-157-3, 37-159-3, 37-159-15, 41-13-15, 41-87-5,
48 43-55-5, 43-55-23, 47-5-401, 47-5-451, 49-3-5, 49-3-7, 49-3-11,
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50 57-18-5, 57-18-7, 57-18-9, 57-19-5, 57-19-7, 57-19-11, 57-21-7,
51 57-23-5, 57-23-7, 57-23-11, 57-39-105, 57-49-11, 57-55-5, 57-55-7,
52 57-55-9, 57-55-11, 57-55-13, 57-55-15, 57-55-17, 57-67-5,



53 57-67-13, 57-75-13, 61-5-71, 61-5-73, 61-5-75, 63-11-32, 69-2-5,
54 73-15-19, 73-15-33, 75-59-1 AND 75-60-5, MISSISSIPPI CODE OF 1972,
55 IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
56 PURPOSES.

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

58 **SECTION 1.** (1) From and after the first Monday of January
59 2004, the Board of Trustees of State Institutions of Higher
60 Learning is abolished, and all powers, duties and responsibilities
61 of the Board of Trustees of State Institutions of Higher Learning
62 are transferred, as directed under this act, to the respective
63 boards of trustees of the various state institutions of higher
64 learning created under this act or to the Commissioner of Higher
65 Education. All records, property, contractual rights and
66 obligations, unexpended balances of appropriations, allocations or
67 other funds of the Board of Trustees of State Institutions of
68 Higher Learning are transferred to the respective board of
69 trustees of the involved state institution of higher learning or
70 to the Commissioner of Higher Education, as the case may be, as
71 directed under this act.

72 (2) In order to provide for an orderly transition to the
73 separate boards of trustees of the various state institutions of
74 higher learning, the members of the Board of Trustees of State
75 Institutions of Higher Learning holding office on the date that
76 House Concurrent Resolution No. ____, 2002 Regular Session, which
77 provides for the abolishment of the Board of Trustees of State
78 Institutions of Higher Learning, is ratified by the electorate
79 shall continue to hold office until the members of the separate
80 boards of trustees of the various state institutions of higher
81 learning have been elected and taken office.

82 (3) Any reference in the laws of this state to the "Board of
83 Trustees of State Institutions of Higher Learning" or to the
84 "board" when referring to the Board of Trustees of State
85 Institutions of Higher Learning shall mean the board of trustees
86 of the respective state institution of higher learning.



87 **SECTION 2.** (1) The Board of Trustees of Mississippi State
88 University of Agriculture and Applied Science shall consist of
89 five (5) members. On the first Tuesday after the first Monday in
90 November 2003, an election shall be held, at the same time and in
91 the same manner the general state election is held, for the
92 purpose of electing the members of the board of trustees
93 established under this section. All members of the board of
94 trustees as constituted under this section shall take office on
95 the first Monday of January following the date of their election
96 and shall hold office for a term of four (4) years. The members
97 of the board of trustees shall be elected from the five (5)
98 congressional districts, as such districts existed following the
99 1990 federal decennial census, and shall hold the qualifications
100 for the office of trustee established under Section 37-101-5.

101 (2) The Board of Trustees of Mississippi State University of
102 Agriculture and Applied Science shall organize in the manner
103 provided in Section 37-101-7.

104 (3) Vacancies in the membership of the Board of Trustees of
105 Mississippi State University of Agriculture and Applied Science
106 shall be filled in the manner provided by law for the filling of
107 vacancies in district offices.

108 **SECTION 3.** (1) The Board of Trustees of the University of
109 Mississippi shall consist of five (5) members. On the first
110 Tuesday after the first Monday in November 2003, an election shall
111 be held, at the same time and in the same manner the general state
112 election is held, for the purpose of electing the members of the
113 board of trustees established under this section. All members of
114 the board of trustees as constituted under this section shall take
115 office on the first Monday of January following the date of their
116 election and shall hold office for a term of four (4) years. The
117 members of the board of trustees shall be elected from the five
118 (5) congressional districts, as such districts existed following
119 the 1990 federal decennial census, and shall hold the



120 qualifications for the office of trustee established under Section
121 37-101-5.

122 (2) The Board of Trustees of the University of Mississippi
123 shall organize in the manner provided in Section 37-101-7.

124 (3) Vacancies in the membership of the Board of Trustees of
125 the University of Mississippi shall be filled in the manner
126 provided by law for the filling of vacancies in district offices.

127 **SECTION 4.** (1) The Board of Trustees of Mississippi
128 University for Women shall consist of five (5) members. On the
129 first Tuesday after the first Monday in November 2003, an election
130 shall be held, at the same time and in the same manner the general
131 state election is held, for the purpose of electing the members of
132 the board of trustees established under this section. All members
133 of the board of trustees as constituted under this section shall
134 take office on the first Monday of January following the date of
135 their election and shall hold office for a term of four (4) years.
136 The members of the board of trustees shall be elected from the
137 five (5) congressional districts, as such districts existed
138 following the 1990 federal decennial census, and shall hold the
139 qualifications for the office of trustee established under Section
140 37-101-5.

141 (2) The Board of Trustees of Mississippi University for
142 Women shall organize in the manner provided in Section 37-101-7.

143 (3) Vacancies in the membership of the Board of Trustees of
144 Mississippi University for Women shall be filled in the manner
145 provided by law for the filling of vacancies in district offices.

146 **SECTION 5.** (1) The Board of Trustees of the University of
147 Southern Mississippi shall consist of five (5) members. On the
148 first Tuesday after the first Monday in November 2003, an election
149 shall be held, at the same time and in the same manner the general
150 state election is held, for the purpose of electing the members of
151 the board of trustees established under this section. All members
152 of the board of trustees as constituted under this section shall



153 take office on the first Monday of January following the date of
154 their election and shall hold office for a term of four (4) years.
155 The members of the board of trustees shall be elected from the
156 five (5) congressional districts, as such districts existed
157 following the 1990 federal decennial census, and shall hold the
158 qualifications for the office of trustee established under Section
159 37-101-5.

160 (2) The Board of Trustees of the University of Southern
161 Mississippi shall organize in the manner provided in Section
162 37-101-7.

163 (3) Vacancies in the membership of the Board of Trustees of
164 the University of Southern Mississippi shall be filled in the
165 manner provided by law for the filling of vacancies in district
166 offices.

167 **SECTION 6.** (1) The Board of Trustees of Alcorn State
168 University shall consist of five (5) members. On the first
169 Tuesday after the first Monday in November 2003, an election shall
170 be held, at the same time and in the same manner the general state
171 election is held, for the purpose of electing the members of the
172 board of trustees established under this section. All members of
173 the board of trustees as constituted under this section shall take
174 office on the first Monday of January following the date of their
175 election and shall hold office for a term of four (4) years. The
176 members of the board of trustees shall be elected from the five
177 (5) congressional districts, as such districts existed following
178 the 1990 federal decennial census, and shall hold the
179 qualifications for the office of trustee established under Section
180 37-101-5.

181 (2) The Board of Trustees of Alcorn State University shall
182 organize in the manner provided in Section 37-101-7.

183 (3) Vacancies in the membership of the Board of Trustees of
184 Alcorn State University shall be filled in the manner provided by
185 law for the filling of vacancies in district offices.



186 **SECTION 7.** (1) The Board of Trustees of Delta State
187 University shall consist of five (5) members. On the first
188 Tuesday after the first Monday in November 2003, an election shall
189 be held, at the same time and in the same manner the general state
190 election is held, for the purpose of electing the members of the
191 board of trustees established under this section. All members of
192 the board of trustees as constituted under this section shall take
193 office on the first Monday of January following the date of their
194 election and shall hold office for a term of four (4) years. The
195 members of the board of trustees shall be elected from the five
196 (5) congressional districts, as such districts existed following
197 the 1990 federal decennial census, and shall hold the
198 qualifications for the office of trustee established under Section
199 37-101-5.

200 (2) The Board of Trustees of Delta State University shall
201 organize in the manner provided in Section 37-101-7.

202 (3) Vacancies in the membership of the Board of Trustees of
203 Delta State University shall be filled in the manner provided by
204 law for the filling of vacancies in district offices.

205 **SECTION 8.** (1) The Board of Trustees of Jackson State
206 University shall consist of five (5) members. On the first
207 Tuesday after the first Monday in November 2003, an election shall
208 be held, at the same time and in the same manner the general state
209 election is held, for the purpose of electing the members of the
210 board of trustees established under this section. All members of
211 the board of trustees as constituted under this section shall take
212 office on the first Monday of January following the date of their
213 election and shall hold office for a term of four (4) years. The
214 members of the board of trustees shall be elected from the five
215 (5) congressional districts, as such districts existed following
216 the 1990 federal decennial census, and shall hold the
217 qualifications for the office of trustee established under Section
218 37-101-5.



219 (2) The Board of Trustees of Jackson State University shall
220 organize in the manner provided in Section 37-101-7.

221 (3) Vacancies in the membership of the Board of Trustees of
222 Jackson State University shall be filled in the manner provided by
223 law for the filling of vacancies in district offices.

224 **SECTION 9.** (1) The Board of Trustees of Mississippi Valley
225 State University shall consist of five (5) members. On the first
226 Tuesday after the first Monday in November 2003, an election shall
227 be held, at the same time and in the same manner the general state
228 election is held, for the purpose of electing the members of the
229 board of trustees established under this section. All members of
230 the board of trustees as constituted under this section shall take
231 office on the first Monday of January following the date of their
232 election and shall hold office for a term of four (4) years. The
233 members of the board of trustees shall be elected from the five
234 (5) congressional districts, as such districts existed following
235 the 1990 federal decennial census, and shall hold the
236 qualifications for the office of trustee established under Section
237 37-101-5.

238 (2) The Board of Trustees of Mississippi Valley State
239 University shall organize in the manner provided in Section
240 37-101-7.

241 (3) Vacancies in the membership of the Board of Trustees of
242 Mississippi Valley State University shall be filled in the manner
243 provided by law for the filling of vacancies in district offices.

244 **SECTION 10.** Section 37-101-1, Mississippi Code of 1972, is
245 amended as follows:

246 37-101-1. The following state institutions of higher
247 learning, namely:

248 (a) The University of Mississippi;

249 (b) The Mississippi State University of Agriculture and
250 Applied Science;

251 (c) The Mississippi University for Women;



252 (d) The University of Southern Mississippi;
253 (e) The Delta State University;
254 (f) The Alcorn State University;
255 (g) The Jackson State University;
256 (h) The Mississippi Valley State University;
257 (i) And any other of like kind which may be hereafter
258 established by the state;
259 each shall be under the management and control of a board of
260 trustees for that state institution of higher learning elected in
261 the manner provided for by law.

262 **SECTION 11.** Section 37-101-5, Mississippi Code of 1972, is
263 amended as follows:

264 37-101-5. * * * Only men and women who are graduates of the
265 university for which they are seeking to hold the office of
266 trustee who also are qualified electors residing in the
267 congressional district from which they are seeking election and
268 who are at least twenty-five (25) years of age and of the highest
269 order of intelligence, character, learning and fitness for the
270 performance of such duties shall be eligible to hold the office of
271 trustee.

272 **SECTION 12.** Section 37-101-7, Mississippi Code of 1972, is
273 amended as follows:

274 37-101-7. (1) Within ten (10) days after the beginning of
275 the terms of office of its members, upon call of the president of
276 the university, the board of trustees of each university shall
277 meet at the main campus of the university and organize by electing
278 one (1) of its number as president, whose term of office shall be
279 for one (1) year or until a successor shall be elected, and shall
280 transact such other business as may come before the meeting. When
281 the presiding officer has voted and the result is a tie, he cannot
282 vote again to break the tie.

283 (2) The Governor shall appoint, with the advice and consent
284 of the Senate, a Commissioner of Higher Education, who shall



285 possess the highest qualifications as an administrator and
286 research worker. The Commissioner of Higher Education shall
287 maintain an office and be responsible * * * for the efficient
288 functioning of the staff of his office. It shall be the duty of
289 the Commissioner of Higher Education to make constant inquiry into
290 the problems of higher education, to survey and study carefully
291 the organization, management and all other affairs of each state
292 university, to make report of all findings and recommend such
293 changes as will increase efficiency and economy in the operation
294 of each institution, and to perform such other duties as * * *
295 may be prescribed by law. The Commissioner of Higher Education
296 shall be responsible for compiling all laws and all rules and
297 regulations of a general nature adopted by a board for the
298 governance of the various institutions of higher learning in
299 pamphlet or loose-leaf form. Current copies of such compilations
300 shall be furnished to all officials directly responsible for the
301 carrying out of such laws, rules and regulations. The expenses
302 for such compilation and publication shall be paid by the
303 respective board out of any funds available for the operation of
304 said board.

305 (3) The trustees of each university shall authorize the
306 employment of such * * * personnel as may be required from time to
307 time to carry out the functions of the board and may assign to the
308 personnel so employed such functions and duties and may delegate
309 to the * * * personnel such powers of the board as may be
310 necessary to accomplish the purposes for which the board was
311 established. All such personnel shall be employed by the * * *
312 board and shall hold office at the pleasure of the board. The
313 board shall also have the authority to employ on a fee basis such
314 technical and professional assistance as may be necessary to carry
315 out the powers, duties and purposes of the board.

316 (4) The Commissioner of Higher Education * * * shall receive
317 a reasonable salary commensurate with his duties and functions,



318 the amount of which shall be fixed by the State Personnel Board.
319 The reasonable traveling expenses and other authorized expenses
320 incurred by the commissioner and other personnel in the
321 performance of their duties, together with other expenses of the
322 operation of the executive office, shall be prorated and deducted
323 from the appropriations for the current expenses of the several
324 institutions.

325 **SECTION 13.** Section 37-101-9, Mississippi Code of 1972, is
326 amended as follows:

327 37-101-9. The board of trustees of each university shall
328 serve without salary compensation but shall receive a per diem and
329 mileage as authorized by law including time of going to and
330 returning from meetings of the board, together with actual travel
331 and hotel expenses incident to the meetings of the board, and in
332 the discharge of duties prescribed by the board.

333 Each board of trustees shall hold two (2) regular slated
334 meetings annually, one (1) in June and the other in January, and
335 as many special meetings as may be necessary on call of the
336 president or on call of three (3) members. In either case, the
337 call shall be in writing and shall be mailed by registered letter
338 with return receipt requested, or by certified mail, to each and
339 every member at least five (5) days prior to the date of meeting.
340 Three (3) members of the board shall constitute a quorum for the
341 transaction of business.

342 **SECTION 14.** Section 37-101-11, Mississippi Code of 1972, is
343 amended as follows:

344 37-101-11. The board of trustees of each state institution
345 of higher learning is hereby authorized and empowered, in its
346 discretion, to adopt and have an official seal in such form as it
347 deems appropriate for its official use.

348 **SECTION 15.** Section 37-101-13, Mississippi Code of 1972, is
349 amended as follows:



350 37-101-13. It shall be the duty of the Commissioner of
351 Higher Education to begin immediately a comprehensive study of the
352 role and scope of all of the various state institutions of higher
353 learning, including a detailed study of the programs of study,
354 degrees and courses offered. Following the completion of such
355 study, the commissioner shall recommend such adjustments as may be
356 found to be necessary in the programs of the various institutions,
357 to the end that the broadest possible educational opportunities
358 shall be offered to the citizens of this state without inefficient
359 and needless duplication. The commissioner shall give advice to
360 the boards of trustees on the establishment of new courses of
361 study, new departments and new functions and activities in each
362 institution so that the growth and development of the program of
363 higher education in the state shall proceed in an orderly and
364 rational manner, inefficient and needless duplication may be
365 avoided, and new expanded programs will be undertaken only as the
366 same may become justified, based upon objective criteria to be
367 established by the commissioner. In carrying out the purposes of
368 this section, particular attention shall be given to the extension
369 programs of the various institutions. The commissioner, in
370 conjunction with the boards of trustees, chancellor and presidents
371 of the institutions of higher learning, shall take such steps as
372 may be necessary to improve and coordinate such programs and shall
373 exercise such direct control over the establishment, organization,
374 operation and granting of credit for such programs as may be
375 necessary to accomplish such purposes.

376 **SECTION 16.** Section 37-101-15, Mississippi Code of 1972, is
377 amended as follows:

378 37-101-15. (a) The board of trustees of each state
379 institution of higher learning shall succeed to and continue to
380 exercise control of all records, books, papers, equipment, and
381 supplies, and all lands, buildings, and other real and personal
382 property belonging to or assigned to the use and benefit of the



383 state institution of higher learning under the supervision and
384 control of the respective board. Each board shall have and
385 exercise control of the use, distribution and disbursement of all
386 funds, appropriations and taxes, now and hereafter in possession,
387 levied and collected, received, or appropriated for the use,
388 benefit, support, and maintenance or capital outlay expenditures
389 of the respective institution of higher learning, including the
390 authorization of employees to sign vouchers for the disbursement
391 of funds for the institution, except where otherwise specifically
392 provided by law.

393 (b) Each board shall have general supervision of the affairs
394 of * * * the institution of higher learning under its
395 jurisdiction, including the departments and the schools thereof.
396 The board shall have the power in its discretion to determine who
397 shall be privileged to enter, to remain in, or to graduate
398 therefrom. The board shall have general supervision of the
399 conduct of libraries and laboratories, the care of dormitories,
400 buildings, and grounds; the business methods and arrangement of
401 accounts and records; the organization of the administrative plan
402 of each institution; and all other matters incident to the proper
403 functioning of the institutions. The board shall have the
404 authority to establish minimum standards of achievement as a
405 prerequisite for entrance into * * * the institution under its
406 jurisdiction, which standards need not be uniform between the
407 various institutions and which may be based upon such criteria as
408 the board may establish.

409 (c) Each board shall exercise all the powers and
410 prerogatives conferred upon it under the laws establishing and
411 providing for the operation of the several institutions herein
412 specified. The board shall adopt such bylaws and regulations from
413 time to time as it deems expedient for the proper supervision and
414 control of the institution of higher learning under its
415 jurisdiction, insofar as such bylaws and regulations are not



416 repugnant to the Constitution and laws, and not inconsistent with
417 the object for which these institutions were established. The
418 board shall have power and authority to prescribe rules and
419 regulations for policing the campuses and all buildings of the
420 institution, to authorize the arrest of all persons violating on
421 any campus any criminal law of the state, and to have such law
422 violators turned over to the civil authorities.

423 (d) For all institutions specified herein, the Commissioner
424 of Higher Education shall provide a uniform system of recording
425 and of accounting approved by the State Department of Audit. Each
426 board shall annually prepare, or cause to be prepared, a budget
427 for the institution of higher learning under its jurisdiction for
428 the succeeding year which must be prepared and in readiness for at
429 least thirty (30) days before the convening of the regular session
430 of the Legislature. All relationships and negotiations between
431 the state Legislature and its various committees and the
432 institutions named herein shall be carried on through the boards
433 of trustees. * * *

434 (e) For each institution specified herein, the respective
435 board shall prepare an annual report to the Legislature setting
436 forth the disbursements of all monies appropriated to the
437 institution. Each report to the Legislature shall show how the
438 money appropriated to the institution has been expended, beginning
439 and ending with the fiscal year of the institution, showing the
440 name of each teacher, officer, and employee, and the salary paid
441 each, and an itemized statement of each and every item of receipts
442 and expenditures. Each report must be balanced, and must begin
443 with the former balance. If any property belonging to * * * the
444 institution is used for profit, the reports shall show the expense
445 incurred in managing the property and the amount received
446 therefrom. The reports shall also show a summary of the gross
447 receipts and gross disbursements for each year and shall show the
448 money on hand at the beginning of the fiscal period of the



449 institution next preceding each session of the Legislature and the
450 necessary amount of expense to be incurred from said date to
451 January 1 following. The board shall keep the annual expenditures
452 of the institution * * * within the income derived from
453 legislative appropriations and other sources, but in case of
454 emergency arising from acts of providence, epidemics, fire or
455 storm with the written approval of the Governor and by written
456 consent of a majority of the Senators and of the Representatives
457 it may exceed the income. The board shall require a surety bond
458 in a surety company authorized to do business in this state, of
459 every employee who is the custodian of funds belonging to * * *
460 the institution * * * , which bond shall be in a sum to be fixed
461 by the board in an amount that will properly safeguard the said
462 funds, the premium for which shall be paid out of the funds
463 appropriated for said institution.

464 (f) The board of each institution shall have the power and
465 authority to elect the heads of the institution of higher learning
466 and to contract with all deans, professors, and other members of
467 the teaching staff, and all administrative employees of said
468 institution for a term of not exceeding four (4) years. The board
469 shall have the power and authority to terminate any such contract
470 at any time for malfeasance, inefficiency, or contumacious
471 conduct, but never for political reasons. It shall be the policy
472 of the board to permit the executive head of the institution to
473 nominate for election by the board all subordinate employees of
474 the institution over which he presides. It shall be the policy of
475 the board to elect all officials for a definite tenure of service
476 and to reelect during the period of satisfactory service. The
477 board shall have the power to make any adjustments it thinks
478 necessary between the various departments and schools of the
479 institution * * *.



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

483 (h) The board shall have the power to contract, on a
484 shared-savings, lease or lease-purchase basis, for energy
485 efficiency services and/or equipment as prescribed in Section
486 31-7-14, not to exceed ten (10) years.

487 (i) The Board of Trustees of * * * Jackson State University
488 is hereby authorized to convey by donation or otherwise easements
489 across portions of certain real estate located in the City of
490 Jackson, Hinds County, Mississippi, for right-of-way required for
491 the Metro Parkway Project.

492 **SECTION 17.** Section 1-1-11, Mississippi Code of 1972, is
493 amended as follows:

494 1-1-11. (1) Except as provided in subsection (2) of this
495 section, the Joint Committee on Compilation, Revision and
496 Publication of Legislation shall distribute or provide for the
497 distribution of the sets of the compilation of the Mississippi
498 Code of 1972 purchased by the state as follows:

499 Fifty-seven (57) sets to the Mississippi House of
500 Representatives and forty (40) sets to the Mississippi Senate for
501 the use of the Legislative Reference Bureau, Legislative Services
502 Offices, staffs and committees thereof.

503 Ten (10) sets to the Governor's Office; nine (9) sets to the
504 Secretary of State; and twenty (20) sets to the Auditor's Office.

505 One (1) set to each of the following: the Lieutenant
506 Governor; each member of the Legislature; the Treasurer; each
507 district attorney; each county attorney; each judge of the Court
508 of Appeals and each judge of the Supreme, circuit, chancery,
509 county, family, justice and municipal courts; each Mississippi
510 Senator and Mississippi Representative in Congress; State
511 Superintendent of Education; Director of the Department of Finance
512 and Administration; six (6) sets to the Performance Evaluation and



513 Expenditure Review (PEER) Committee, two (2) sets to the Director
514 of the Legislative Budget Office; the Commissioner of Agriculture
515 and Commerce; each Mississippi Transportation Commissioner; six
516 (6) sets to the Department of Corrections; the Insurance
517 Commissioner; the Clerk of the Supreme Court; the State Board of
518 Health; each circuit clerk; each chancery clerk in the state for
519 the use of the chancery clerk and the board of supervisors; each
520 sheriff in the state for the use of his office and the county
521 officers; and each county for the county library (and an
522 additional set shall be given to each circuit clerk, chancery
523 clerk, sheriff and county library in counties having two (2)
524 judicial districts).

525 Two (2) sets to the Department of Archives and History; two
526 (2) sets to the State Soil and Water Conservation Commission;
527 sixty-eight (68) sets to the Attorney General's Office; six (6)
528 sets to the Public Service Commission; four (4) sets to the Public
529 Utilities Staff; thirty-six (36) sets to the State Tax Commission;
530 two (2) sets to the State Personnel Board; six (6) sets to the
531 State Law Library; one (1) set to the Library of Congress; ten
532 (10) sets to the University of Mississippi Law School; one (1) set
533 each to the Mississippi School for the Deaf and the Mississippi
534 School for the Blind; two (2) sets each to the University of
535 Mississippi, Mississippi State University, Mississippi University
536 for Women, University of Southern Mississippi, Delta State
537 University, Alcorn State University, Jackson State University and
538 Mississippi Valley State University, * * * and one (1) set to the
539 Supreme Court judges' conference room. In furtherance of the
540 State Library's reciprocal program of code exchange with libraries
541 of the several states, the joint committee shall, at the direction
542 and only upon the written request of the State Librarian,
543 distribute or provide for the distribution of sets of the code to
544 such libraries.



545 One (1) set to each state junior or community college; three
546 (3) sets to the Department of Wildlife, Fisheries and Parks; two
547 (2) sets to the Department of Environmental Quality; two (2) sets
548 to the Department of Marine Resources; two (2) sets to the
549 Mississippi Ethics Commission; six (6) sets to the Mississippi
550 Workers' Compensation Commission; four (4) sets to the State
551 Department of Rehabilitation Services; and seven (7) sets to the
552 Department of Human Services. One (1) set to each of the
553 following: State Textbook Procurement Commission; University
554 Medical Center; State Library Commission; Department of
555 Agriculture and Commerce; Forestry Commission; and seventeen (17)
556 sets to the Department of Public Safety. Also, one (1) set to
557 each of the following: Adjutant General, Department of Economic
558 and Community Development, Department of Banking and Consumer
559 Finance, Bureau of Building, Grounds and Real Property Management,
560 the State Educational Finance Commission, the Mississippi Board of
561 Vocational and Technical Education, Division of Medicaid, State
562 Board of Mental Health, and Department of Youth Services.

563 The joint committee is authorized to distribute or provide
564 for the distribution of additional sets of the Mississippi Code,
565 not to exceed three (3) sets, to the office of each district
566 attorney for the use of his assistants.

567 The joint committee shall provide to the Mississippi House of
568 Representatives and the Mississippi Senate the annual supplements
569 to the Mississippi Code of 1972 for each set of the code
570 maintained by the House and Senate.

571 The set of the Mississippi Code of 1972 to be provided to
572 each member of the Legislature shall be provided unless
573 specifically waived by such legislator in writing.

574 An elected or appointed officeholder in the State of
575 Mississippi, except for a member of the Legislature, shall deliver
576 to his successor in office, or to the joint committee if there is



577 no successor, the set of the Mississippi Code of 1972 provided the
578 officeholder under this section.

579 Before the joint committee delivers or provides for delivery
580 of a copy of the Mississippi Code of 1972 to an individual
581 officeholder, the joint committee shall prepare and submit a
582 written agreement to the officeholder. The agreement shall, among
583 other provisions, state that the code is the property of the State
584 of Mississippi, that it shall be transferred to the officeholder's
585 successor in office, that the officeholder has an obligation to
586 make such transfer and that the officeholder shall be responsible
587 for the failure to deliver the code and for any damage or
588 destruction to the code, normal wear and tear excepted. The joint
589 committee shall execute the agreement and forward it to the
590 officeholder for execution. The joint committee shall not deliver
591 or provide for delivery of the code to the officeholder until the
592 executed agreement is received by the committee. The joint
593 committee may include in the agreement such other provisions as it
594 may deem reasonable and necessary. In addition to damages or any
595 other remedy for not transferring a set of the code to his
596 successor, an officeholder who does not transfer his set of the
597 code shall be guilty of a misdemeanor and shall, upon conviction,
598 pay a fine of One Thousand Dollars (\$1,000.00). Upon request of
599 the joint committee, the Attorney General shall assist the joint
600 committee in taking such actions as necessary to require an
601 officeholder to transfer the set of code provided under this
602 section to his successor, or to the joint committee if there is no
603 successor, and to recover reimbursement or damages from any
604 officeholder for the loss of or damage or destruction to any
605 volumes of the set of the code provided under this section, other
606 than normal wear and tear.

607 Replacement of missing, damaged or destroyed sets or volumes
608 of the code provided by this chapter may be obtained from the code



609 publisher through the joint committee at the established state
610 cost, the cost to be borne by the recipient.

611 No more than one (1) set of the Mississippi Code of 1972
612 shall be furnished to any one (1) individual, regardless of the
613 office or offices he may hold.

614 (2) The joint committee, in its discretion, may determine
615 whether electronic access to the Mississippi Code of 1972 is
616 available and a sufficient substitute for actual bound volumes of
617 the code and, if so, may omit furnishing any one or more sets
618 otherwise required by this section.

619 **SECTION 18.** Section 11-46-17, Mississippi Code of 1972, is
620 amended as follows:

621 11-46-17. (1) There is hereby created in the State Treasury
622 a special fund to be known as the "Tort Claims Fund."

623 All such monies as the Department of Finance and
624 Administration shall receive and collect under the provisions of
625 subsection (2) of this section and all such funds as the
626 Legislature may appropriate for use by the board in administering
627 the provisions of this chapter shall be deposited in such fund.
628 All monies in the fund may be expended by the board for any and
629 all purposes for which the board is authorized to expend funds
630 under the provisions of this chapter. All interest earned from
631 the investment of monies in the fund shall be credited to the
632 fund. Monies remaining in such fund at the end of a fiscal year
633 shall not lapse into the State General Fund.

634 (2) From and after July 1, 1993, each governmental entity
635 other than political subdivisions shall participate in a
636 comprehensive plan of self-insurance and/or one or more policies
637 of liability insurance administered by the Department of Finance
638 and Administration. Such plan shall provide coverage to each of
639 such governmental entities for every risk for which the board
640 determines the respective governmental entities to be liable in
641 the event of a claim or suit for injuries under the provisions of



642 this chapter, including claims or suits for injuries from the use
643 or operation of motor vehicles; provided, however, that the board
644 may allow such plan to contain any reasonable limitations or
645 exclusions not contrary to Mississippi state statutes or case law
646 as are normally included in commercial liability insurance
647 policies generally available to governmental entities. In
648 addition to the coverage authorized in the preceding sentence, the
649 plan may provide coverage for liabilities outside the provisions
650 of this chapter, including, but not limited to, liabilities
651 arising from Sections 1983 through 1987 of Title 42 of the United
652 States Code and liabilities from actions brought in foreign
653 jurisdictions, and the board shall establish limits of coverage
654 for such liabilities. Each governmental entity participating in
655 the plan shall make payments to the board in such amounts, times
656 and manner determined by the board as the board deems necessary to
657 provide sufficient funds to be available for payment by the board
658 of such costs as it incurs in providing coverage for the
659 governmental entity. Each governmental entity of the state other
660 than the political subdivisions thereof participating in the plan
661 procured by the board shall be issued by the board a certificate
662 of coverage whose form and content shall be determined by the
663 board but which shall have the effect of certifying that in the
664 opinion of the board each of such governmental entities is
665 adequately insured.

666 Prior to July 1, 1993, the Board of Trustees of State
667 Institutions of Higher Learning may provide such liability
668 coverage for each university, department, trustee, employee,
669 volunteer, facility and activity as the board of trustees, in its
670 discretion, shall determine advisable. If liability coverage,
671 either through insurance policies or self-insurance retention is
672 in effect, immunity from suit shall be waived only to the limit of
673 liability established by such insurance or self-insurance program.
674 From and after July 1, 1993, such liability coverage established



675 by the Board of Trustees of State Institutions of Higher Learning
676 and, after the effective date of House Bill No. , 2002 Regular
677 Session, the board of trustees of each state institution of higher
678 learning, must conform to the provisions of this section and must
679 receive approval from the board. Should the board reject such
680 plan, the boards of trustees shall participate in the liability
681 program for state agencies established by the board.

682 (3) All political subdivisions shall, from and after October
683 1, 1993, obtain such policy or policies of insurance, establish
684 such self-insurance reserves, or provide a combination of such
685 insurance and reserves as necessary to cover all risks of claims
686 and suits for which political subdivisions may be liable under
687 this chapter; except any political subdivision shall not be
688 required to obtain pollution liability insurance. However, this
689 shall not limit any cause of action against such political
690 subdivision relative to limits of liability under the Tort Claims
691 Act. Such policy or policies of insurance or such self-insurance
692 may contain any reasonable limitations or exclusions not contrary
693 to Mississippi state statutes or case law as are normally included
694 in commercial liability insurance policies generally available to
695 political subdivisions. All such plans of insurance and/or
696 reserves shall be submitted for approval to the board. The board
697 shall issue a certificate of coverage to each political
698 subdivision whose plan of insurance and/or reserves it approves in
699 the same manner as provided in subsection (2) of this section.
700 Whenever any political subdivision fails to obtain the board's
701 approval of any plan of insurance and/or reserves, the political
702 subdivision shall act in accordance with the rules and regulations
703 of the board and obtain a satisfactory plan of insurance and/or
704 reserves to be approved by the board.

705 (4) Any governmental entity of the state may purchase
706 liability insurance to cover claims in excess of the amounts
707 provided for in Section 11-46-15 and may be sued by anyone in



708 excess of the amounts provided for in Section 11-46-15 to the
709 extent of such excess insurance carried; provided, however, that
710 the immunity from suit above the amounts provided for in Section
711 11-46-15 shall be waived only to the extent of such excess
712 liability insurance carried.

713 (5) Any two (2) or more political subdivisions are hereby
714 authorized to enter into agreement and to contract between and
715 among themselves for the purpose of pooling their liabilities as a
716 group under this chapter. Such pooling agreements and contracts
717 may provide for the purchase of one or more policies of liability
718 insurance and/or the establishment of self-insurance reserves and
719 shall be subject to approval by the board in the manner provided
720 in subsections (2) and (3) of this section.

721 (6) The board shall have subrogation rights against a third
722 party for amounts paid out of any plan of self-insurance
723 administered by such board pursuant to this section in behalf of a
724 governmental entity as a result of damages caused under
725 circumstances creating a cause of action in favor of such
726 governmental entity against a third party. The board shall
727 deposit in the Tort Claims Fund all monies received in connection
728 with the settlement or payment of any claim, including proceeds
729 from the sale of salvage.

730 **SECTION 19.** Section 17-13-5, Mississippi Code of 1972, is
731 amended as follows:

732 17-13-5. For the purpose of this chapter, the following
733 words shall be defined as herein provided unless the context
734 requires otherwise:

735 (a) "Local governmental unit" shall mean any county,
736 any incorporated city, town or village, any school district, any
737 utility district, any community college, any institution of higher
738 learning, or any municipal airport authority or regional airport
739 authority in the state.



740 (b) "Governing authority" shall mean the board of
741 supervisors of any county, board of trustees of any school
742 district or community college whether elective or appointive, the
743 governing board of any city, town or village, the board of
744 commissioners of a utility district, the board of trustees of each
745 state institution of higher learning, or the commissioners of a
746 municipal airport authority or regional airport authority.

747 **SECTION 20.** Section 19-3-47, Mississippi Code of 1972, is
748 amended as follows:

749 19-3-47. (1) (a) The board of supervisors shall have the
750 power, in its discretion, to employ counsel by the year at an
751 annual salary at an amount that it deems proper, not to exceed the
752 maximum annual amount authorized by law for payment to a member of
753 the board.

754 (b) The board of supervisors shall have the power, in
755 its discretion, to employ counsel in all civil cases in which the
756 county is interested, including eminent domain proceedings, the
757 examination and certification of title to property the county is
758 acquiring and in criminal cases against a county officer for
759 malfeasance or dereliction of duty in office, when by the criminal
760 conduct of the officer the county may be liable to be affected
761 pecuniarily, with the counsel to conduct the proceeding instead of
762 the district attorney, or in conjunction with him, and to pay the
763 counsel out of the county treasury or the road fund that may be
764 involved reasonable compensation, or if counsel so employed is
765 retained on an annual basis as provided in this subsection,
766 reasonable additional compensation for his services.

767 (c) The board of supervisors shall have the power, in
768 its discretion, to pay reasonable compensation to attorneys who
769 may be employed by it in the matter of the issuance of bonds and
770 the drafting of orders and resolutions in connection therewith. In
771 no instance shall the attorney's fee for the services exceed the
772 following amounts, to wit:



773 One percent (1%) of the first Five Hundred Thousand Dollars
774 (\$500,000.00) of any one (1) bond issue; one-half percent (1/2%)
775 of the amount of the issue in excess of Five Hundred Thousand
776 Dollars (\$500,000.00) but not more than One Million Dollars
777 (\$1,000,000.00); and one-fourth percent (1/4%) of the amount of
778 the issue in excess of One Million Dollars (\$1,000,000.00). The
779 limitations imposed in this paragraph shall not apply to any bond
780 issue for which a declaration to issue the bonds has heretofore
781 been adopted by proper resolution.

782 (d) This subsection shall not in anyway amend or
783 repeal or otherwise affect subsection (2) of this section, but
784 this subsection shall remain in full force and effect.

785 (2) The board of supervisors of any county, in addition to
786 the authority conferred upon it in subsection (1) of this section,
787 may employ, in its discretion, a firm of attorneys to represent it
788 as its regular attorneys on the same terms, conditions and
789 compensation as provided for employment of an attorney as its
790 regular attorney. However, there shall not be both an attorney
791 and a firm of attorneys employed at the same time as the regular
792 attorney for the board.

793 (3) In any county having a 1980 federal census population
794 in excess of one hundred eighteen thousand (118,000), and in which
795 is located a major refinery for the production of petroleum
796 products and a facility for the construction of ships for the
797 United States Navy; in any county which is traversed by an
798 interstate highway and having a 1980 federal census population in
799 excess of sixty-six thousand (66,000), and in which is located a
800 comprehensive public university * * * and a National Guard
801 training base; in any county in which is located the State Capitol
802 and the state's largest municipality; in any county which is
803 traversed by Interstate Highway 55, United States Highway 51 and
804 United States Highway 98; in any county bordering the Gulf of
805 Mexico, having a 1980 federal census population in excess of one



806 hundred fifty-seven thousand (157,000), and in which is located a
807 state-owned port; and in any county which is traversed by
808 Interstate Highway 20, United States Highway 49 and United States
809 Highway 80, and in which is located the State Hospital and an
810 international airport; all of which foregoing criteria the
811 Legislature finds to be conducive to industrial development
812 requiring the issuance of industrial revenue bonds and which
813 counties would gain benefits by employment of counsel in the
814 manner authorized by this subsection, the board of supervisors, as
815 an alternative to the authority conferred upon it in subsections
816 (1) and (2) of this section, may employ annually, in its
817 discretion, an attorney as a full-time employee of the county,
818 subject to the following conditions:

819 (a) The attorney shall maintain an office in the county
820 courthouse or other county-owned building and shall represent the
821 board of supervisors and all county agencies responsible to the
822 board;

823 (b) The attorney shall be employed by the board of
824 supervisors in the matter of the issuance of all bonds of the
825 county and the drafting of resolutions in connection therewith,
826 and shall represent the board in all state and federal courts.
827 Attorney's fees for the services which otherwise would have been
828 paid to an attorney under paragraph (1)(c) of this section shall
829 be paid into the county general fund and used to defray the salary
830 of the attorney and his necessary office expenses;

831 (c) During his employment by the county, the attorney
832 shall not engage otherwise in the practice of civil or criminal
833 law and shall not be associated with any other attorney or firm of
834 attorneys;

835 (d) The board of supervisors shall have the power, in
836 its discretion, to pay the attorney an annual salary not to exceed
837 the maximum annual salary authorized by law to be paid to the
838 county judge of that county; and



839 (e) The board of supervisors may authorize, in its
840 discretion, the employment of special counsel to assist the
841 counsel employed pursuant to this subsection, provided that the
842 board shall determine and spread on its minutes that the
843 employment of the special counsel is necessary and in the best
844 interest of the county and setting forth the duties or
845 responsibilities assigned to the special counsel.

846 **SECTION 21.** Section 19-9-1, Mississippi Code of 1972, is
847 amended as follows:

848 19-9-1. The board of supervisors of any county is authorized
849 to issue negotiable bonds of the county to raise money for the
850 following purposes:

851 (a) Purchasing or erecting, equipping, repairing,
852 reconstructing, remodeling and enlarging county buildings,
853 courthouses, office buildings, jails, hospitals, nurses' homes,
854 health centers, clinics, and related facilities, and the purchase
855 of land therefor;

856 (b) Erecting, equipping, repairing, reconstructing,
857 remodeling, or acquiring county homes for indigents, and
858 purchasing land therefor;

859 (c) Purchasing or constructing, repairing, improving
860 and equipping buildings for public libraries and for purchasing
861 land, equipment and books therefor, whether the title to same be
862 vested in the county issuing such bonds or in some subdivision of
863 the state government other than the county, or jointly in such
864 county and other such subdivision;

865 (d) Establishing county farms for convicts, purchasing
866 land therefor, and erecting, remodeling, and equipping necessary
867 buildings therefor;

868 (e) Constructing, reconstructing, and repairing roads,
869 highways and bridges, and acquiring the necessary land, including
870 land for road building materials, acquiring rights-of-way
871 therefor; and the purchase of heavy construction equipment and



872 accessories thereto reasonably required to construct, repair and
873 renovate roads, highways and bridges and approaches thereto within
874 the county;

875 (f) Erecting, repairing, equipping, remodeling or
876 enlarging or assisting or cooperating with another county or other
877 counties in erecting, repairing, equipping, remodeling, or
878 enlarging buildings, and related facilities for an agricultural
879 high school, or agricultural high school-junior college, including
880 gymnasiums, auditoriums, lunchrooms, vocational training
881 buildings, libraries, teachers' homes, school barns, garages for
882 transportation vehicles, and purchasing land therefor;

883 (g) Purchasing or renting voting machines and any other
884 election equipment to be used in elections held within the county;

885 (h) Constructing, reconstructing or repairing boat
886 landing ramps and wharves fronting on the Mississippi Sound or the
887 Gulf of Mexico and on the banks or shores of the inland waters,
888 levees, bays and bayous of any county bordering on the Gulf of
889 Mexico or fronting on the Mississippi Sound, having two (2)
890 municipalities located therein, each with a population in excess
891 of twenty thousand (20,000) in accordance with the then last
892 preceding federal census;

893 (i) Assisting the board of trustees of any state
894 institution of higher learning that has a campus in that county,
895 the Office of General Services or any other state agency in
896 acquiring a site for constructing suitable buildings and runways
897 and equipping an airport for any state university or other
898 state-supported four-year college now or hereafter in existence in
899 such county;

900 (j) Aiding and cooperating in the planning,
901 undertaking, construction or operation of airports and air
902 navigation facilities, including lending or donating money,
903 pursuant to the provisions of the airport authorities law, being
904 Sections 61-3-1 through 61-3-83, Mississippi Code of 1972,



905 regardless of whether such airports or air navigation facilities
906 are located in the county or counties issuing such bonds;

907 (k) Establishing rubbish and garbage disposal systems
908 in accordance with the provisions of Sections 19-5-17 through
909 19-5-27;

910 (l) Defraying the expenses of projects of the county
911 cooperative service district in which it is a participating
912 county, regardless of whether the project is located in the county
913 issuing such bonds;

914 (m) Purchasing machinery and equipment which have an
915 expected useful life in excess of ten (10) years. The life of
916 such bonds shall not exceed the expected useful life of such
917 machinery and equipment. Machinery and equipment shall not
918 include any motor vehicle weighing less than twelve thousand
919 (12,000) pounds;

920 (n) Purchasing fire fighting equipment and apparatus,
921 and providing housing for the same and purchasing land necessary
922 therefor;

923 (o) A project for which a certificate of public
924 convenience and necessity has been obtained by the county pursuant
925 to the Regional Economic Development Act;

926 (p) Constructing dams or low-water control structures
927 on lakes or bodies of water under the provisions of Section
928 19-5-92.

929 **SECTION 22.** Section 21-25-23, Mississippi Code of 1972, is
930 amended as follows:

931 21-25-23. The governing authorities of any municipality are
932 hereby authorized, when petitioned so to do by the board of
933 trustees of any state institution of higher learning located in
934 such municipality, to create, by ordinance, a fire district
935 encompassing the area adjoining such municipality on which a part
936 or all of the state institution of higher learning is located,
937 after the creation of which such governing authorities and the



938 board of trustees * * * shall have full power to contract for
939 laying of water mains and any other pipes or connections to the
940 water mains to be used in said fire district, and for the
941 establishment and maintenance of fire service therein. However,
942 no such governing authority shall have the power either to
943 promulgate or enforce any charge, rule or regulation upon said
944 district without first having received the ratification and
945 consent of the Board of Trustees of State Institutions of Higher
946 Learning as reflected by the minutes of said trustees.

947 **SECTION 23.** Section 21-33-301, Mississippi Code of 1972, is
948 amended as follows:

949 21-33-301. The governing authorities of any municipality are
950 authorized to issue negotiable bonds of the municipality to raise
951 money for the following purposes:

952 (a) Erecting municipal buildings, armories,
953 auditoriums, community centers, gymnasiums and athletic stadiums,
954 preparing and equipping athletic fields, and purchasing buildings
955 or land therefor, and for repairing, improving, adorning and
956 equipping the same, and for erecting, equipping and furnishing of
957 buildings to be used as a municipal or civic arts center;

958 (b) Erecting or purchasing waterworks, gas, electric
959 and other public utility plants or distribution systems or
960 franchises, and repairing, improving and extending the same;

961 (c) Purchasing or constructing, repairing, improving
962 and equipping buildings for public libraries and for purchasing
963 land, equipment and books therefor, whether the title to same be
964 vested in the municipality issuing such bonds or in some
965 subdivision of the state government other than the municipality,
966 or jointly in such municipality and other such subdivision;

967 (d) Establishing sanitary, storm, drainage or sewerage
968 systems, and repairing, improving and extending the same;

969 (e) Protecting a municipality, its streets and
970 sidewalks from overflow, caving banks and other like dangers;



971 (f) Constructing, improving or paving streets,
972 sidewalks, driveways, parkways, walkways or public parking
973 facilities, and purchasing land therefor;

974 (g) Purchasing land for parks, cemeteries and public
975 playgrounds, and improving, equipping and adorning the same,
976 including the constructing, repairing and equipping of swimming
977 pools and other recreational facilities;

978 (h) Constructing bridges and culverts;

979 (i) Constructing, repairing and improving wharves,
980 docks, harbors and appurtenant facilities, and purchasing land
981 therefor;

982 (j) Constructing, repairing and improving public
983 slaughterhouses, markets, pest houses, workhouses, hospitals,
984 houses of correction, reformatories and jails in the corporate
985 limits, or within three (3) miles of the corporate limits, and
986 purchasing land therefor;

987 (k) Altering or changing the channels of streams and
988 water courses to control, deflect or guide the current thereof;

989 (l) Purchasing fire-fighting equipment and apparatus,
990 and providing housing for same, and purchasing land therefor;

991 (m) Purchasing or renting voting machines and any other
992 election equipment needed in elections held in the municipality;

993 (n) Assisting the board of trustees of any state
994 institution of higher learning situated in the municipality, the
995 Bureau of Building, Grounds and Real Property Management of the
996 Governor's Office of General Services, or any other state agency
997 in acquiring a site for, constructing suitable buildings and
998 runways and equipping an airport for the university or other
999 state-supported four-year college, now or hereafter in existence,
1000 in or near which the municipality is located, within not more than
1001 ten (10) miles of the municipality;

1002 (o) Acquiring and improving existing mass transit
1003 system; however, no municipal governing authorities shall



1004 authorize any bonds to be issued for the acquiring and improving
1005 of an existing mass transit system unless an election be conducted
1006 in said municipality in the same manner provided for general and
1007 special elections, and a majority of the qualified electors of the
1008 municipality participating in said election approve the bond
1009 issuance for the acquiring and improving of an existing mass
1010 transit system;

1011 (p) Purchasing machinery and equipment which have an
1012 expected useful life in excess of ten (10) years. The life of
1013 such bonds shall not exceed the expected useful life of such
1014 machinery and equipment. Machinery and equipment shall not
1015 include any motor vehicle weighing less than twelve thousand
1016 (12,000) pounds;

1017 (q) A project for which a certificate of public
1018 convenience and necessity has been obtained by the municipality
1019 pursuant to the Regional Economic Development Act.

1020 **SECTION 24.** Section 25-3-41, Mississippi Code of 1972, is
1021 amended as follows:

1022 25-3-41. (1) When any officer or employee of the State of
1023 Mississippi, or any department, agency or institution thereof,
1024 after first being duly authorized, is required to travel in the
1025 performance of his official duties, such officer or employee shall
1026 receive as expenses for each mile actually and necessarily
1027 traveled, when such travel is done by a privately owned automobile
1028 or other privately owned motor vehicle, the mileage reimbursement
1029 rate allowable to federal employees for the use of a privately
1030 owned vehicle while on official travel.

1031 (2) When any officer or employee of any county or
1032 municipality, or of any agency, board or commission thereof, after
1033 first being duly authorized, is required to travel in the
1034 performance of his official duties, such officer or employee shall
1035 receive as expenses Twenty Cents (20¢) for each mile actually and
1036 necessarily traveled, when such travel is done by a privately



1037 owned motor vehicle; provided, however, that the governing
1038 authorities of a county or municipality may, in their discretion,
1039 authorize an increase in the mileage reimbursement of officers and
1040 employees of such county or municipality, or of any agency, board
1041 or commission thereof, in an amount not to exceed the mileage
1042 reimbursement rate authorized for officers and employees of the
1043 State of Mississippi in subsection (1) of this section.

1044 (3) Where two (2) or more officers or employees travel in
1045 one (1) privately owned motor vehicle, only one (1) travel expense
1046 allowance at the authorized rate per mile shall be allowed for any
1047 one (1) trip. When such travel is done by means of a public
1048 carrier or other means not involving a privately owned motor
1049 vehicle, then such officer or employee shall receive as travel
1050 expense the actual fare or other expenses incurred in such travel.

1051 (4) In addition to the foregoing, a public officer or
1052 employee shall be reimbursed for other actual expenses such as
1053 meals, lodging and other necessary expenses incurred in the course
1054 of such travel, subject to limitations placed on meals for
1055 intrastate and interstate official travel by the Department of
1056 Finance and Administration, provided, that the Legislative Budget
1057 Office shall place any limitations for expenditures made on
1058 matters under the jurisdiction of the Legislature. The Department
1059 of Finance and Administration shall set a maximum daily
1060 expenditure annually for such meals and shall notify officers and
1061 employees of changes to these allowances immediately upon approval
1062 of such changes. Travel by airline shall be at the tourist rate
1063 unless such space was unavailable. The officer or employee shall
1064 certify that tourist accommodations were not available if travel
1065 is performed in first class airline accommodations. Itemized
1066 expense accounts shall be submitted by such officers or employees
1067 in such number as the department, agency or institution may
1068 require; but in any case one (1) copy shall be furnished by state
1069 departments, agencies or institutions to the Department of Finance



1070 and Administration for preaudit or postaudit. The Department of
1071 Finance and Administration shall promulgate and adopt reasonable
1072 rules and regulations which it deems necessary and requisite to
1073 effectuate economies for all expenses authorized and paid pursuant
1074 to this section. Requisitions shall be made on the State Fiscal
1075 Officer who shall issue his warrant on the State Treasurer.
1076 Provided, however, that the provisions of this section shall not
1077 include agencies financed entirely by federal funds and audited by
1078 federal auditors.

1079 (5) Any officer or employee of a county or municipality, or
1080 any department, board or commission thereof, who is required to
1081 travel in the performance of his official duties, may receive
1082 funds prior to such travel, in the discretion of the
1083 administrative head of the county or municipal department, board
1084 or commission involved, for the purpose of paying necessary
1085 expenses incurred during such travel. Upon return from such
1086 travel, the officer or employee shall provide receipts of
1087 transportation, lodging, meals, fees and any other expenses
1088 incurred during the travel. Any portion of the funds advanced
1089 which is not expended during the travel shall be returned by the
1090 officer or employee. The Department of Audit shall adopt rules
1091 and regulations regarding advance payment of travel expenses and
1092 submission of receipts to ensure proper control and strict
1093 accountability for such payments and expenses.

1094 (6) No state or federal funds received from any source by
1095 any arm or agency of the state shall be expended in traveling
1096 outside of the continental limits of the United States until the
1097 governing body or head of the agency makes a finding and
1098 determination that the travel would be extremely beneficial to the
1099 state agency and obtains a written concurrence thereof from the
1100 Governor or his designee and the Department of Finance and
1101 Administration.



1102 (7) Where any officer or employee of the State of
1103 Mississippi, or any department, agency or institution thereof, or
1104 of any county or municipality, or of any agency, board or
1105 commission thereof, is authorized to receive travel reimbursement
1106 under any other provision of law, such reimbursement may be paid
1107 under the provisions of this section or such other section, but
1108 not under both.

1109 (8) When the Governor or Lieutenant Governor appoints a
1110 person to a board, commission or other position that requires
1111 confirmation by the Senate, the person may receive reimbursement
1112 for mileage and other actual expenses incurred in the performance
1113 of official duties before such appointment is confirmed by the
1114 Senate, as reimbursement for such expenses is authorized under
1115 this section.

1116 (9) (a) The Department of Finance and Administration may
1117 contract with one or more commercial travel agencies, after
1118 receiving competitive bids or proposals therefor, for such travel
1119 agency or agencies to provide necessary travel services for state
1120 officers and employees. However, the administrative head of each
1121 state institution of higher learning may, in his discretion,
1122 contract with a commercial travel agency to provide necessary
1123 travel services for all academic officials and staff of the
1124 university in lieu of participation in the state travel agency
1125 contract. Any such decision by a university to contract with a
1126 separate travel agency shall be approved by the Commissioner of
1127 Higher Education and the Executive Director of the Department of
1128 Finance and Administration.

1129 (b) Before executing a contract with one or more travel
1130 agencies, the Department of Finance and Administration shall
1131 advertise for competitive bids or proposals once a week for two
1132 (2) consecutive weeks in a regular newspaper having a general
1133 circulation throughout the State of Mississippi. If the
1134 department determines that it should not contract with any of the



1135 bidders initially submitting proposals, the department may reject
1136 all such bids, advertise as provided herein and receive new
1137 proposals before executing the contract or contracts. The
1138 contract or contracts may be for a period not greater than three
1139 (3) years, with an option for the travel agency or agencies to
1140 renew the contract or contracts on a one-year basis on the same
1141 terms as the original contract or contracts, for a maximum of two
1142 (2) renewals. After the travel agency or agencies have renewed
1143 the contract twice or have declined to renew the contract for the
1144 maximum number of times, the Department of Finance and
1145 Administration shall advertise for bids in the manner required by
1146 this section and execute a new contract or contracts.

1147 (c) Whenever any state officer or employee travels in
1148 the performance of his official duties by airline or other public
1149 carrier, he shall have his travel arrangements handled by such
1150 travel agency or agencies.

1151 **SECTION 25.** Section 27-7-701, Mississippi Code of 1972, is
1152 amended as follows:

1153 27-7-701. For the purposes of this article, the following
1154 terms shall have the respective meanings ascribed by this section:

1155 (a) "Claimant agency" means the board of trustees of
1156 any state institution of higher learning * * *, the Mississippi
1157 Guarantee Student Loan Agency, the Mississippi Post-Secondary
1158 Education Assistance Board, or any state agency which has loaned
1159 money to an individual for educational purposes.

1160 (b) "Debtor" means any individual owing money or having
1161 a delinquent account with any claimant agency, which obligation
1162 has not been adjudicated satisfied by court order, set aside by
1163 court order, or discharged in bankruptcy.

1164 (c) "Debt" means any liquidated sum due and owing any
1165 claimant agency which has accrued through contract, subrogation,
1166 tort or operation of law, regardless of whether there is an
1167 outstanding judgment for that sum.



1168 (d) "Commission" means the State Tax Commission of the
1169 State of Mississippi.

1170 (e) "Refund" means the Mississippi income tax refund
1171 which the commission determines to be due any individual taxpayer.

1172 **SECTION 26.** Section 27-103-127, Mississippi Code of 1972, is
1173 amended as follows:

1174 27-103-127. To the end that the overall budget shall present
1175 in comparable terms a complete summary of all financial operations
1176 of all state agencies, Part 2 of the overall budget shall include
1177 therein the requested budget and the recommended budget for each
1178 special fund agency. The overall budget shall show for each
1179 special fund agency, in addition to such other information as may
1180 be prescribed by the Legislative Budget Office, the following:

1181 (a) The amount by source of all special fund receipts
1182 collected or otherwise available in the current fiscal year, and
1183 an estimate by source of all special funds which will be collected
1184 or become available by the end of the then current fiscal year;

1185 (b) The estimated amount of all expenditures to be made
1186 or obligations to be incurred payable from such special funds
1187 during the then current fiscal year;

1188 (c) The estimated aggregate amount of special funds
1189 which will be needed by the agency for the succeeding fiscal year;
1190 beginning with the 1995 fiscal year and in the event that any
1191 services proposed to be provided by the agency in the succeeding
1192 fiscal year are Medicaid reimbursable, any state general matching
1193 funds necessary for such reimbursement shall be included in the
1194 agency's proposed budget, and the appropriation to the Division of
1195 Medicaid in the 1995 fiscal year shall be adjusted accordingly;

1196 (d) The estimated amount by source of special funds
1197 which will be available under existing laws during the succeeding
1198 fiscal year, including any balances which will be on hand at the
1199 close of the then current fiscal year;



1200 (e) The estimated amount which will be needed and which
1201 will require change in existing law or laws;

1202 (f) If any new item of expense is included in the
1203 proposed budget of any special fund agency, the reason therefor
1204 shall be given; and in any case where the Legislative Budget
1205 Office shall eliminate or reduce any item or items in the proposed
1206 budget of any special fund agency, it shall note briefly the
1207 reasons therefor, together with the reasons advanced by the agency
1208 in support of the item or items eliminated or reduced;

1209 (g) The proposed budget of each special fund agency
1210 shall show the amounts required for operating expenses separately
1211 from the amounts required for permanent improvements.

1212 Proposed expenditures for any agency in Part 2 of the overall
1213 budget shall not exceed the amount of estimated revenues which
1214 will be available to it. Provided, that the Legislative Budget
1215 Office may recommend changes in existing law so as to decrease or
1216 increase the revenues available to any agency if in its judgment
1217 such changes are necessary or desirable.

1218 Provided further, that expenditures approved or authorized by
1219 the Legislature for any special fund agency or special funds
1220 approved for general fund agency shall constitute a maximum to be
1221 expended or encumbered by such agency, and shall not constitute
1222 authority to expend or encumber more than the amount of revenue
1223 actually collected or otherwise received.

1224 No special fund agency or general fund agency shall make
1225 expenditures from special funds available to such agency unless
1226 such expenditures are set forth in a budget approved by the
1227 Legislature. Such legislative approval shall be set forth in an
1228 appropriation act. Provided, however, that special funds derived
1229 from the collection of taxes for any political subdivision of the
1230 state shall be excepted from the foregoing provisions. The
1231 executive head of the state agency shall be liable on his official
1232 bond for expenditures or encumbrances which exceed the total



1233 amount of the budget or the amount received if receipts are less
1234 than the approved budget.

1235 * * * Each university and college shall submit through the
1236 board of trustees of the state institution of higher learning an
1237 annual budget to the Legislative Budget Office prior to the
1238 beginning of each fiscal year with such information and in such
1239 form, and in such detail, as may be required by the Legislative
1240 Budget Office. If the Legislative Budget Office determines that
1241 sufficient funds will be available during the fiscal year to fund
1242 the proposed budget as submitted, then and in that event the
1243 proposed budget shall be approved. However, if the Legislative
1244 Budget Office determines that, in its judgment, sufficient funds
1245 will not be available to fund the proposed budget, the affected
1246 institution * * * and its board * * * shall be promptly notified
1247 and given an opportunity to either justify the proposed budget or
1248 proposed amendments which can be mutually agreed upon. The
1249 Legislative Budget Office shall then approve the proposed budget
1250 or budgets of the several universities and colleges. The total
1251 amount approved for each institution shall constitute the maximum
1252 funds which may be expended during the fiscal year.

1253 The municipal, county or combined municipal and county port
1254 and harbor commissions, authorities or other port or harbor
1255 agencies not owned or operated by the state, shall submit annual
1256 or amended budgets of their estimated receipts and expenditures to
1257 the governing bodies of such municipality, county or municipality
1258 and county, for their approval, and a copy of such budget as
1259 approved by such governing body or bodies shall be filed with the
1260 Legislative Budget Office. Such budget shall itemize all
1261 estimated receipts and expenditures, and the Legislative Budget
1262 Office may require particularization, explanation or audit
1263 thereof, and shall report such information to the Legislature.

1264 To the end that the overall budget shall present in
1265 comparable terms a complete summary of all financial operations of



1266 all state agencies, Part 3 of such overall budget shall consist of
1267 an estimated preliminary annual budget of the Department of
1268 Transportation and the Division of State Aid Road Construction of
1269 the Department of Transportation and such information for the
1270 current fiscal year as is necessary to make presentation
1271 comparable to that specified for Part 2 special fund agencies.

1272 The annual budget request of the Department of Transportation
1273 shall be divided into the following program budgets: (a)
1274 administration and other expenses, (b) construction, (c)
1275 maintenance, and (d) debt service. In making its annual
1276 appropriation to the Department of Transportation from the State
1277 Highway Fund, the Legislature shall separate the appropriation
1278 bill into the four (4) program budget areas herein specified. For
1279 the purposes of this paragraph, "administration and other
1280 expenses" shall be construed to mean those expenses incurred due
1281 to departmental support activities which cannot be assigned to a
1282 specific construction or maintenance project, and shall be
1283 construed to include expenses incurred for office machines,
1284 furniture, fixtures, automobiles, station wagons, truck and other
1285 vehicles, road machinery, farm equipment and other working
1286 equipment, data processing and computer equipment, all other
1287 equipment, and replacements for equipment. "Construction" shall
1288 be construed to mean those expenses associated with the creation
1289 and development of the state highway system and its related
1290 facilities; "maintenance" shall be construed to mean those
1291 expenses incurred due to activities associated with preservation
1292 of safe and aesthetically acceptable highways in an attempt to
1293 maintain them in as close to the original condition as possible;
1294 and "debt service" shall be construed to mean amounts needed to
1295 pay bonds and interest coming due, bank service charges, and bond
1296 debt service.

1297 **SECTION 27.** Section 29-1-205, Mississippi Code of 1972, is
1298 amended as follows:



1299 29-1-205. (1) The Department of Finance and Administration,
1300 Bureau of Building, Grounds and Real Property Management, is
1301 hereby authorized, empowered and directed to sell and convey on
1302 behalf of the State of Mississippi to a nationally recognized
1303 organization which has as its purpose the recognition and
1304 promotion of scholarship, leadership and service among two-year
1305 college students throughout the country for the purpose of
1306 constructing a national headquarters thereon, the following
1307 described state-owned lands. The property authorized to be sold
1308 and conveyed is a certain parcel of land situated in the Northwest
1309 1/4 of the Northeast 1/4 of Section 25, T6N, R1E, Jackson, Hinds
1310 County, Mississippi, and being more particularly described as
1311 follows, to-wit:

1312 Commence at the Southwest corner of Lot 2 of Northeast
1313 Heights, a subdivision on file and of record in the
1314 office of the Chancery Clerk at Jackson, Hinds County,
1315 Mississippi, in Plat Book 10 at Page 45; run thence
1316 Southerly along the extension of the West line of said
1317 Lot 2 for a distance of 80.00 feet to a point on the
1318 South Line of Eastover Drive; turn thence right through
1319 a deflection angle of 89 degrees 13 minutes and run
1320 westerly along the South line of Eastover Drive for a
1321 distance of 43.84 feet to the POINT OF BEGINNING; thence
1322 leaving said South line of Eastover Drive, turn left
1323 through a deflection angle of 95 degrees 41 minutes 50
1324 seconds and run Southerly along a line twenty five feet
1325 from and parallel to the centerline of a 31 foot asphalt
1326 drive for a distance of 118.08 feet; turn thence right
1327 through a deflection angle of 3 degrees 07 minutes 37
1328 seconds and continue Southerly along a line twenty five
1329 feet from and parallel to the centerline of a 31 foot
1330 asphalt drive for a distance of 132.71 feet to a point
1331 on the North line of a United Gas Pipe Line Company



1332 easement; turn thence right through a deflection angle
1333 of 59 degrees 18 minutes 47 seconds and run
1334 Southwesterly along the North line of said United Gas
1335 Pipe Line Company easement for a distance of 520.00
1336 feet; turn thence right through a deflection angle of 90
1337 degrees 00 minutes 00 seconds and run Northwesterly for
1338 a distance of 410.00 feet; turn thence right through a
1339 deflection angle of 69 degrees 42 minutes 33 seconds and
1340 run Northeasterly for a distance of 238.99 feet to a
1341 point on the South line of said Eastover Drive; said
1342 point further being on a 2 degrees 27 minutes curve
1343 bearing to the right, said curve having a central angle
1344 of 8 degrees 58 minutes 45 seconds and a radius of
1345 2258.60 feet; turn thence right through a deflection
1346 angle of 53 degrees 12 minutes 08 seconds and run
1347 Easterly along the chord of said 2 degrees 27 minutes
1348 curve bearing to the right and the South line of said
1349 Eastover Drive for a distance of 27.26 feet to the Point
1350 of Tangency; turn thence right through a deflection
1351 angle of 00 degrees 20 minutes 45 seconds and run
1352 Easterly along the South line said Eastover Drive for a
1353 distance of 472.74 feet to the POINT OF BEGINNING,
1354 containing 5.44 acres more or less.

1355 (2) The Legislature recognizes that Mississippi's public
1356 two-year college system is the oldest system of its kind in the
1357 nation, and further recognizes that this system enjoys national
1358 notoriety and respect for its achievement and promotion of
1359 educational, civic, social and cultural excellence. The
1360 Legislature declares and finds that the purpose of this
1361 legislation is to promote, enhance and foster continued excellence
1362 in Mississippi's two-year college system and the overall
1363 educational development and improvement of the State of
1364 Mississippi and the educational, civic, social, cultural, moral



1365 and economic welfare thereof, and that such purposes will be
1366 accomplished by the conveyance of the above-described property to
1367 an organization within the aforesaid classification for
1368 construction of a national headquarters thereon.

1369 (3) The conveyance to be executed by the Department of
1370 Finance and Administration, acting through the Bureau of Building,
1371 Grounds and Real Property Management, shall be within the limits
1372 contained in Sections 29-1-205 and 29-1-209 and contain a
1373 provision reserving unto the state all oil, gas and mineral rights
1374 of every kind and character. The conveyance shall make provision
1375 for reasonable access to the conveyed premises over existing
1376 roadways and to existing utility lines for the benefit of the
1377 conveyed premises. The conveyance shall include terms granting to
1378 the board of trustees of each state institution of higher
1379 learning, to the State Board for Community and Junior Colleges and
1380 to the Mississippi Authority for Educational Television reasonable
1381 rights to utilize the improvements to be constructed thereon, or
1382 portions thereof, for conference or meeting purposes, specifying
1383 the architectural style of the improvements and providing a
1384 reasonable setback of wooded undeveloped property contiguous to
1385 the improvements in order to maintain the natural environment of
1386 the site.

1387 (4) The conveyance herein shall be for such consideration as
1388 determined appropriate by the Public Procurement Review Board.
1389 Such consideration may be paid or provided in installments over a
1390 period of time (not to exceed twenty-five (25) years) and may also
1391 be provided in kind. In-kind consideration may include the
1392 reasonable use of the improvements constructed on the property by
1393 the board of trustees of any state institution of higher learning
1394 and its institutions, the State Board for Community and Junior
1395 Colleges and the community and junior colleges, and the
1396 Mississippi Authority for Educational Television and other state
1397 agencies, and the provision of leadership training certification



1398 programs for community and junior college faculty and others.
1399 Such in-kind consideration may also constitute full and fair
1400 consideration for the property. In establishing consideration,
1401 the board may take into account the appraised value of the
1402 property, but shall allow reasonable credit to the purchaser for
1403 benefits accruing to the State of Mississippi, including the
1404 enhancement of the state's community and junior college program
1405 and the promotion of excellence in public education afforded by
1406 the location of such organization and its headquarters in this
1407 state, the increase in employment made possible, and that the only
1408 use which can be made of the conveyed premises is for the
1409 organization's national headquarters with reversion to the state
1410 otherwise.

1411 **SECTION 28.** Section 29-17-1, Mississippi Code of 1972, is
1412 amended as follows:

1413 29-17-1. As used in this chapter, the following words shall
1414 have the meanings ascribed herein unless the context clearly
1415 requires otherwise:

1416 (a) "Public facility" shall mean any building or other
1417 facility owned by the State of Mississippi, or by any agency,
1418 department or political subdivision of the State of Mississippi,
1419 which is occupied, used or under the control of the State of
1420 Mississippi, or any agency or department of the State of
1421 Mississippi, or any junior college district of the State of
1422 Mississippi, or the board of trustees of any state institution of
1423 higher learning of the State of Mississippi * * *.

1424 (b) "Capitol complex" shall include the following state
1425 property located in Jackson, Mississippi: the New State Capitol
1426 Building, the Woolfolk State Office Building, the Carroll Gartin
1427 Justice Building, the Walter Sillers Office Building, the War
1428 Veterans' Memorial Building, the Charlotte Capers Building, the
1429 William F. Winter Archives and History Building, the Ike Sanford
1430 Veterans Affairs Building, the Old State Capitol Building, the



1431 Governor's Mansion, the Heber Ladner Building, the Burroughs
1432 Building, the Robert E. Lee Hotel Property, the Central High
1433 Legislative Services Building, the 301 Building or any other
1434 properties which may come under the supervision of the Department
1435 of Finance and Administration and are deemed to be in the Capitol
1436 Complex.

1437 **SECTION 29.** Section 31-1-1, Mississippi Code of 1972, is
1438 amended as follows:

1439 31-1-1. The responsibility for the making of contracts for
1440 printing, binding, engraving and lithographing is hereby vested in
1441 each state agency or office which requires such printing, binding,
1442 engraving and lithographing, including but not restricted to the
1443 Secretary of State, State Department of Education, State Tax
1444 Commission, Supreme Court, Department of Insurance, State Auditor,
1445 Public Service Commission, State Treasurer, State Fiscal
1446 Management Board, State Veterans Affairs Board, Attorney General,
1447 Department of Agriculture and Commerce, State Board of Pharmacy,
1448 State Board of Dental Examiners, State Law Library, State Board of
1449 Health, Mississippi Department of Corrections, State Educational
1450 Finance Commission, Department of Archives and History,
1451 Mississippi State Hospital and board of trustees of each state
1452 institution of higher learning.

1453 All contracts referred to herein shall be submitted to and
1454 approved by the State Fiscal Management Board prior to their
1455 execution, except that those contracts under the jurisdiction of
1456 the Legislature shall be submitted to and approved by the
1457 Legislative Budget Office.

1458 All state agencies shall purchase all commodities required
1459 for their operation or for the proper fulfillment of their duties
1460 and functions in accordance with Chapter 7 of this title in order
1461 to coordinate and promote efficiency and economy in the purchase
1462 of such commodities for the state.



1463 **SECTION 30.** Section 31-7-10, Mississippi Code of 1972, is
1464 amended as follows:

1465 31-7-10. (1) For purposes of this section, the term
1466 "equipment" shall mean equipment, furniture, and if applicable,
1467 associated software and other applicable direct costs associated
1468 with the acquisition. In addition to its other powers and duties,
1469 the Department of Finance and Administration shall have the
1470 authority to develop a master lease-purchase program and, pursuant
1471 to that program, shall have the authority to execute on behalf of
1472 the state master lease-purchase agreements for equipment to be
1473 used by an agency, as herein provided. Each agency electing to
1474 acquire equipment by a lease-purchase agreement shall participate
1475 in the Department of Finance and Administration's master
1476 lease-purchase program, unless the Department of Finance and
1477 Administration makes a determination that such equipment cannot be
1478 obtained under the program or unless the equipment can be obtained
1479 elsewhere at an overall cost lower than that for which the
1480 equipment can be obtained under the program. Such lease-purchase
1481 agreements may include the refinancing and/or consolidation of any
1482 state agency lease-purchase agreements entered into after June 30,
1483 1990.

1484 (2) All funds designated by agencies for procurement of
1485 equipment and financing thereof under the master lease-purchase
1486 program shall be paid into a special fund hereby created in the
1487 State Treasury known as the "Master Lease-Purchase Program Fund"
1488 which shall be used by the Department of Finance and
1489 Administration for payment to the lessors for equipment acquired
1490 under master lease-purchase agreements.

1491 (3) Upon final approval of an appropriation bill, each
1492 agency shall submit to the Public Procurement Review Board a
1493 schedule of proposed equipment acquisitions for the master
1494 lease-purchase program. Upon approval of an equipment schedule by
1495 the Public Procurement Review Board with the advice of the



1496 Mississippi Department of Information Technology Services, the
1497 Office of Purchasing and Travel, and the Division of Energy and
1498 Transportation of the Department of Economic and Community
1499 Development as it pertains to energy efficient climate control
1500 systems, the Public Procurement Review Board shall forward a copy
1501 of the equipment schedule to the Department of Finance and
1502 Administration.

1503 (4) The level of lease-purchase debt recommended by the
1504 Department of Finance and Administration shall be subject to
1505 approval by the State Bond Commission. After such approval, the
1506 Department of Finance and Administration shall be authorized to
1507 advertise and solicit written competitive proposals for a lessor,
1508 who will purchase the equipment pursuant to bid awards made by the
1509 using agency under a given category and then transfer the
1510 equipment to the Department of Finance and Administration as
1511 lessee, pursuant to a master lease-purchase agreement.

1512 The Department of Finance and Administration shall select the
1513 successful proposer for the financing of equipment under the
1514 master lease-purchase program with the approval of the State Bond
1515 Commission.

1516 (5) Each master lease-purchase agreement, and any subsequent
1517 amendments, shall include such terms and conditions as the State
1518 Bond Commission shall determine to be appropriate and in the
1519 public interest, and may include any covenants deemed necessary or
1520 desirable to protect the interests of the lessor, including, but
1521 not limited to, provisions setting forth the interest rate (or
1522 method for computing interest rates) for financing pursuant to
1523 such agreement, covenants concerning application of payments and
1524 funds held in the Master Lease-Purchase Program Fund, covenants to
1525 maintain casualty insurance with respect to equipment subject to
1526 the master lease-purchase agreement (and all state agencies are
1527 specifically authorized to purchase any insurance required by a
1528 master lease-purchase agreement) and covenants precluding or



1529 limiting the right of the lessee or user to acquire equipment
1530 within a specified time (not to exceed five (5) years) after
1531 cancellation on the basis of a failure to appropriate funds for
1532 payment of amounts due under a lease-purchase agreement covering
1533 comparable equipment. The State Bond Commission shall transmit
1534 copies of each such master lease-purchase agreement and each such
1535 amendment to the Joint Legislative Budget Committee. To the
1536 extent provided in any master lease-purchase agreement, title to
1537 equipment leased pursuant thereto shall be deemed to be vested in
1538 the state or the user of the equipment (as specified in such
1539 master lease-purchase agreement), subject to default under or
1540 termination of such master lease-purchase agreement.

1541 A master lease-purchase agreement may provide for payment by
1542 the lessor to the lessee of the purchase price of the equipment to
1543 be acquired pursuant thereto prior to the date on which payment is
1544 due to the vendor for such equipment and that the lease payments
1545 by the lessee shall commence as though the equipment had been
1546 provided on the date of payment. If the lessee, or lessee's
1547 escrow agent, has sufficient funds for payment of equipment
1548 purchases prior to payment due date to vendor of equipment, such
1549 funds shall be held or utilized on an as needed basis for payment
1550 of equipment purchases either by the State Treasurer (in which
1551 event the master lease-purchase agreement may include provisions
1552 concerning the holding of such funds, the creation of a security
1553 interest for the benefit of the lessor in such funds until
1554 disbursed and other appropriate provisions approved by the Bond
1555 Commission) or by a corporate trustee selected by the Department
1556 of Finance and Administration (in which event the Department of
1557 Finance and Administration shall have the authority to enter into
1558 an agreement with such a corporate trustee containing terms and
1559 conditions approved by the bond commission). Earnings on any
1560 amount paid by the lessor prior to the acquisition of the
1561 equipment may be used to make lease payments under the master



1562 lease-purchase agreement or applied to pay costs and expenses
1563 incurred in connection with such lease-purchase agreement. In
1564 such event, the equipment use agreements with the user agency may
1565 provide for lease payments to commence upon the date of payment by
1566 the lessor and may also provide for a credit against such payments
1567 to the extent that investment receipts from investment of the
1568 purchase price are to be used to make lease-purchase payments.

1569 (6) The annual rate of interest paid under any
1570 lease-purchase agreement authorized under this section shall not
1571 exceed the maximum interest rate to maturity on general obligation
1572 indebtedness permitted under Section 75-17-101.

1573 (7) The Department of Finance and Administration shall
1574 furnish the equipment to the various agencies, also known as the
1575 user, pursuant to an equipment-use agreement developed by the
1576 Department of Finance and Administration. Such agreements shall
1577 require that all monthly payments due from such agency be paid,
1578 transferred or allocated into the Master Lease-Purchase Program
1579 Fund pursuant to a schedule established by the Department of
1580 Finance and Administration. In the event such sums are not paid
1581 by the defined payment period, the Executive Director of the
1582 Department of Finance and Administration shall issue a requisition
1583 for a warrant to draw such amount as may be due from any funds
1584 appropriated for the use of the agency which has failed to make
1585 the payment as agreed.

1586 (8) All master lease-purchase agreements executed under the
1587 authority of this section shall contain the following annual
1588 allocation dependency clause or an annual allocation dependency
1589 clause which is substantially equivalent thereto: "The
1590 continuation of each equipment schedule to this agreement is
1591 contingent in whole or in part upon the appropriation of funds by
1592 the Legislature to make the lease-purchase payments required under
1593 such equipment schedule. If the Legislature fails to appropriate
1594 sufficient funds to provide for the continuation of the



1595 lease-purchase payments under any such equipment schedule, then
1596 the obligations of the lessee and of the agency to make such
1597 lease-purchase payments and the corresponding provisions of any
1598 such equipment schedule to this agreement shall terminate on the
1599 last day of the fiscal year for which appropriations were made."

1600 (9) The maximum lease term for any equipment acquired under
1601 the master lease-purchase program shall not exceed the useful life
1602 of such equipment as determined according to the upper limit of
1603 the asset depreciation range (ADR) guidelines for the Class Life
1604 Asset Depreciation Range System established by the Internal
1605 Revenue Service pursuant to the United States Internal Revenue
1606 Code and regulations thereunder as in effect on December 31, 1980,
1607 or comparable depreciation guidelines with respect to any
1608 equipment not covered by ADR guidelines. The Department of
1609 Finance and Administration shall be deemed to have met the
1610 requirements of this subsection if the term of a master
1611 lease-purchase agreement does not exceed the weighted average
1612 useful life of all equipment covered by such agreement and the
1613 schedules thereto as determined by the Department of Finance and
1614 Administration. For purposes of this subsection (9), the "term of
1615 a master lease-purchase agreement" shall be the weighted average
1616 maturity of all principal payments to be made under such master
1617 lease-purchase agreement and all schedules thereto.

1618 (10) Interest paid on any master lease-purchase agreement
1619 under this section shall be exempt from State of Mississippi
1620 income taxation. All equipment, and the purchase thereof by any
1621 lessor, acquired under the master lease-purchase program and all
1622 lease-purchase payments with respect thereto shall be exempt from
1623 all Mississippi sales, use and ad valorem taxes.

1624 (11) The Governor, in his annual executive budget to the
1625 Legislature, shall recommend appropriations sufficient to provide
1626 funds to pay all amounts due and payable during the applicable



1627 fiscal year under master lease-purchase agreements entered into
1628 pursuant to this section.

1629 (12) Any master lease-purchase agreement reciting in
1630 substance that such agreement has been entered into pursuant to
1631 this section shall be conclusively deemed to have been entered
1632 into in accordance with all of the provisions and conditions set
1633 forth in this section. Any defect or irregularity arising with
1634 respect to procedures applicable to the acquisition of any
1635 equipment shall not invalidate or otherwise limit the obligation
1636 of the Department of Finance and Administration, or the state or
1637 any agency of the state, under any master lease-purchase agreement
1638 or any equipment-use agreement.

1639 (13) There shall be maintained by the Department of Finance
1640 and Administration with respect to each master lease-purchase
1641 agreement an itemized statement of the cash price, interest rates,
1642 interest costs, commissions, debt service schedules and all other
1643 costs and expenses paid by the state incident to the
1644 lease-purchase of equipment under such agreement.

1645 (14) Lease-purchase agreements entered into by the board of
1646 trustees of any state institution of higher learning pursuant to
1647 the authority of Section 37-101-413 or by any other agency which
1648 has specific statutory authority other than pursuant to Section
1649 31-7-13(e) to acquire equipment by lease-purchase shall not be
1650 made pursuant to the master lease-purchase program under this
1651 section, unless the board * * * or such other agency elects to
1652 participate as to part or all of its lease-purchase acquisitions
1653 in the master lease-purchase program pursuant to this section.

1654 (15) The Department of Finance and Administration may
1655 develop a master lease-purchase program for school districts and,
1656 pursuant to that program, may execute on behalf of the school
1657 districts master lease-purchase agreements for equipment to be
1658 used by the school districts. The form and structure of this
1659 program shall be substantially the same as set forth in this



1660 section for the master lease-purchase program for state agencies.
1661 If sums due from a school district under the master lease-purchase
1662 program are not paid by the expiration of the defined payment
1663 period, the Executive Director of the Department of Finance and
1664 Administration may withhold such amount that is due from the
1665 school district's minimum education or adequate education program
1666 fund allotments.

1667 **SECTION 31.** Section 37-3-2, Mississippi Code of 1972, is
1668 amended as follows:

1669 37-3-2. (1) There is established within the State
1670 Department of Education the Commission on Teacher and
1671 Administrator Education, Certification and Licensure and
1672 Development. It shall be the purpose and duty of the commission
1673 to make recommendations to the State Board of Education regarding
1674 standards for the certification and licensure and continuing
1675 professional development of those who teach or perform tasks of an
1676 educational nature in the public schools of Mississippi.

1677 (2) The commission shall be composed of fifteen (15)
1678 qualified members. The membership of the commission shall be
1679 composed of the following members to be appointed, three (3) from
1680 each congressional district: four (4) classroom teachers; three
1681 (3) school administrators; one (1) representative of schools of
1682 education of institutions of higher learning located within the
1683 state to be recommended by the Commissioner of Higher Education;
1684 one (1) representative from the schools of education of
1685 independent institutions of higher learning to be recommended by
1686 the Board of the Mississippi Association of Independent Colleges;
1687 one (1) representative from public community and junior colleges
1688 located within the state to be recommended by the State Board for
1689 Community and Junior Colleges; one (1) local school board member;
1690 and four (4) lay persons. All appointments shall be made by the
1691 State Board of Education after consultation with the State
1692 Superintendent of Public Education. The first appointments by the



1693 State Board of Education shall be made as follows: five (5)
1694 members shall be appointed for a term of one (1) year; five (5)
1695 members shall be appointed for a term of two (2) years; and five
1696 (5) members shall be appointed for a term of three (3) years.
1697 Thereafter, all members shall be appointed for a term of four (4)
1698 years.

1699 (3) The State Board of Education when making appointments
1700 shall designate a chairman. The commission shall meet at least
1701 once every two (2) months or more often if needed. Members of the
1702 commission shall be compensated at a rate of per diem as
1703 authorized by Section 25-3-69 and be reimbursed for actual and
1704 necessary expenses as authorized by Section 25-3-41.

1705 (4) An appropriate staff member of the State Department of
1706 Education shall be designated and assigned by the State
1707 Superintendent of Public Education to serve as executive secretary
1708 and coordinator for the commission. No less than two (2) other
1709 appropriate staff members of the State Department of Education
1710 shall be designated and assigned by the State Superintendent of
1711 Public Education to serve on the staff of the commission.

1712 (5) It shall be the duty of the commission to:

1713 (a) Set standards and criteria, subject to the approval
1714 of the State Board of Education, for all educator preparation
1715 programs in the state;

1716 (b) Recommend to the State Board of Education each year
1717 approval or disapproval of each educator preparation program in
1718 the state;

1719 (c) Establish, subject to the approval of the State
1720 Board of Education, standards for initial teacher certification
1721 and licensure in all fields;

1722 (d) Establish, subject to the approval of the State
1723 Board of Education, standards for the renewal of teacher licenses
1724 in all fields;



1725 (e) Review and evaluate objective measures of teacher
1726 performance, such as test scores, which may form part of the
1727 licensure process, and to make recommendations for their use;

1728 (f) Review all existing requirements for certification
1729 and licensure;

1730 (g) Consult with groups whose work may be affected by
1731 the commission's decisions;

1732 (h) Prepare reports from time to time on current
1733 practices and issues in the general area of teacher education and
1734 certification and licensure;

1735 (i) Hold hearings concerning standards for teachers'
1736 and administrators' education and certification and licensure with
1737 approval of the State Board of Education;

1738 (j) Hire expert consultants with approval of the State
1739 Board of Education;

1740 (k) Set up ad hoc committees to advise on specific
1741 areas; and

1742 (l) Perform such other functions as may fall within
1743 their general charge and which may be delegated to them by the
1744 State Board of Education.

1745 (6) (a) **Standard License - Approved Program Route.** An
1746 educator entering the school system of Mississippi for the first
1747 time and meeting all requirements as established by the State
1748 Board of Education shall be granted a standard five-year license.
1749 Persons who possess two (2) years of classroom experience as an
1750 assistant teacher or who have taught for one (1) year in an
1751 accredited public or private school shall be allowed to fulfill
1752 student teaching requirements under the supervision of a qualified
1753 participating teacher approved by an accredited college of
1754 education. The local school district in which the assistant
1755 teacher is employed shall compensate such assistant teachers at
1756 the required salary level during the period of time such
1757 individual is completing student teaching requirements.



1758 Applicants for a standard license shall submit to the department:
1759 (i) An application on a department form;
1760 (ii) An official transcript of completion of a
1761 teacher education program or a bachelor of science degree with
1762 child development emphasis from a program accredited by the
1763 American Association of Family and Consumer Sciences (AAFCS)
1764 approved by the department or a nationally accredited program,
1765 subject to the following: Licensure to teach in Mississippi
1766 prekindergarten through kindergarten classrooms shall require
1767 completion of a teacher education program or a bachelor of science
1768 degree with child development emphasis from a program accredited
1769 by the American Association of Family and Consumer Sciences
1770 (AAFCS). Licensure to teach in Mississippi kindergarten, for
1771 those applicants who have completed a teacher education program,
1772 and in Grade 1 through Grade 4 shall require the completion of an
1773 interdisciplinary program of studies. Licenses for Grades 4
1774 through 8 shall require the completion of an interdisciplinary
1775 program of studies with two (2) or more areas of concentration.
1776 Licensure to teach in Mississippi Grades 7 through 12 shall
1777 require a major in an academic field other than education, or a
1778 combination of disciplines other than education. Students
1779 preparing to teach a subject shall complete a major in the
1780 respective subject discipline. All applicants for standard
1781 licensure shall demonstrate that such person's college preparation
1782 in those fields was in accordance with the standards set forth by
1783 the National Council for Accreditation of Teacher Education
1784 (NCATE) or the National Association of State Directors of Teacher
1785 Education and Certification (NASDTEC) or, for those applicants who
1786 have a bachelor of science degree with child development emphasis,
1787 the American Association of Family and Consumer Sciences (AAFCS);
1788 (iii) A copy of test scores evidencing
1789 satisfactory completion of nationally administered examinations of



1790 achievement, such as the Educational Testing Service's teacher
1791 testing examinations; and

1792 (iv) Any other document required by the State
1793 Board of Education.

1794 (b) **Standard License - Alternate Teaching Route.**

1795 Applicants for a standard license-alternate teaching route shall
1796 submit to the department:

1797 (i) An application on a department form;

1798 (ii) An official transcript evidencing a bachelors
1799 degree from an accredited institution of higher learning;

1800 (iii) A copy of test scores evidencing
1801 satisfactory completion of an examination of achievement specified
1802 by the commission and approved by the State Board of Education;

1803 (iv) An official transcript evidencing appropriate
1804 credit hours or a copy of test scores evidencing successful
1805 completion of tests as required by the State Board of Education;

1806 and

1807 (v) Any other document required by the State Board
1808 of Education.

1809 A Standard License-Approved Program Route and a Standard
1810 License-Alternate Teaching Route shall be issued for a five-year
1811 period, and may be renewed. Recognizing teaching as a profession,
1812 a hiring preference shall be granted to persons holding a Standard
1813 License-Approved Program Route or Standard License-Alternate
1814 Teaching Route over persons holding any other license.

1815 (c) **Special License - Expert Citizen.** In order to
1816 allow a school district to offer specialized or technical courses,
1817 the State Department of Education, in accordance with rules and
1818 regulations established by the State Board of Education, may grant
1819 a one-year expert citizen-teacher license to local business or
1820 other professional personnel to teach in a public school or
1821 nonpublic school accredited or approved by the state. Such person
1822 may begin teaching upon his employment by the local school board



1823 and licensure by the Mississippi Department of Education. The
1824 board shall adopt rules and regulations to administer the expert
1825 citizen-teacher license. A special license-expert citizen may be
1826 renewed in accordance with the established rules and regulations
1827 of the State Department of Education.

1828 (d) **Special License - Nonrenewable.** The State Board of
1829 Education is authorized to establish rules and regulations to
1830 allow those educators not meeting requirements in subsection
1831 (6) (a), (b) or (c) to be licensed for a period of not more than
1832 three (3) years, except by special approval of the State Board of
1833 Education.

1834 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
1835 person may teach for a maximum of three (3) periods per teaching
1836 day in a public school or a nonpublic school accredited/approved
1837 by the state. Such person shall submit to the department a
1838 transcript or record of his education and experience which
1839 substantiates his preparation for the subject to be taught and
1840 shall meet other qualifications specified by the commission and
1841 approved by the State Board of Education. In no case shall any
1842 local school board hire nonlicensed personnel as authorized under
1843 this paragraph in excess of five percent (5%) of the total number
1844 of licensed personnel in any single school.

1845 (f) In the event any school district meets Level 4 or 5
1846 accreditation standards, the State Board of Education, in its
1847 discretion, may exempt such school district from any restrictions
1848 in paragraph (e) relating to the employment of nonlicensed
1849 teaching personnel.

1850 (7) **Administrator License.** The State Board of Education is
1851 authorized to establish rules and regulations and to administer
1852 the licensure process of the school administrators in the State of
1853 Mississippi. There will be four (4) categories of administrator
1854 licensure with exceptions only through special approval of the
1855 State Board of Education.



1856 (a) **Administrator License - Nonpracticing.** Those
1857 educators holding administrative endorsement but have no
1858 administrative experience or not serving in an administrative
1859 position on January 15, 1997.

1860 (b) **Administrator License - Entry Level.** Those
1861 educators holding administrative endorsement and having met the
1862 department's qualifications to be eligible for employment in a
1863 Mississippi school district. Administrator license - entry level
1864 shall be issued for a five-year period and shall be nonrenewable.

1865 (c) **Standard Administrator License - Career Level.** An
1866 administrator who has met all the requirements of the department
1867 for standard administrator licensure.

1868 (d) **Administrator License - Alternate Route.** The board
1869 may establish an alternate route for licensing administrative
1870 personnel. Such alternate route for administrative licensure
1871 shall be available for persons holding, but not limited to, a
1872 master of business administration degree, a master of public
1873 administration degree or a master of public planning and policy
1874 degree from an accredited college or university, with five (5)
1875 years of administrative or supervisory experience. Successful
1876 completion of the requirements of alternate route licensure for
1877 administrators shall qualify the person for a standard
1878 administrator license.

1879 Beginning with the 1997-1998 school year, individuals seeking
1880 school administrator licensure under paragraph (b), (c) or (d)
1881 shall successfully complete a training program and an assessment
1882 process prescribed by the State Board of Education. Applicants
1883 seeking school administrator licensure prior to June 30, 1997, and
1884 completing all requirements for provisional or standard
1885 administrator certification and who have never practiced, shall be
1886 exempt from taking the Mississippi Assessment Battery Phase I.
1887 Applicants seeking school administrator licensure during the
1888 period beginning July 1, 1997, through June 30, 1998, shall



1889 participate in the Mississippi Assessment Battery, and upon
1890 request of the applicant, the department shall reimburse the
1891 applicant for the cost of the assessment process required. After
1892 June 30, 1998, all applicants for school administrator licensure
1893 shall meet all requirements prescribed by the department under
1894 paragraph (b), (c) or (d), and the cost of the assessment process
1895 required shall be paid by the applicant.

1896 (8) **Reciprocity.** (a) The department shall grant a standard
1897 license to any individual who possesses a valid standard license
1898 from another state and has a minimum of two (2) years of full-time
1899 teaching or administrator experience.

1900 (b) The department shall grant a nonrenewable special
1901 license to any individual who possesses a credential which is less
1902 than a standard license or certification from another state, or
1903 who possesses a standard license from another state but has less
1904 than two (2) years of full-time teaching or administration
1905 experience. Such special license shall be valid for the current
1906 school year plus one (1) additional school year to expire on June
1907 30 of the second year, not to exceed a total period of twenty-four
1908 (24) months, during which time the applicant shall be required to
1909 complete the requirements for a standard license in Mississippi.

1910 (9) **Renewal and Reinstatement of Licenses.** The State Board
1911 of Education is authorized to establish rules and regulations for
1912 the renewal and reinstatement of educator and administrator
1913 licenses. Effective May 15, 1997, the valid standard license held
1914 by an educator shall be extended five (5) years beyond the
1915 expiration date of the license in order to afford the educator
1916 adequate time to fulfill new renewal requirements established
1917 pursuant to this subsection. An educator completing a master of
1918 education, educational specialist or doctor of education degree in
1919 May 1997 for the purpose of upgrading the educator's license to a
1920 higher class shall be given this extension of five (5) years plus
1921 five (5) additional years for completion of a higher degree.



1922 (10) All controversies involving the issuance, revocation,
1923 suspension or any change whatsoever in the licensure of an
1924 educator required to hold a license shall be initially heard in a
1925 hearing de novo, by the commission or by a subcommittee
1926 established by the commission and composed of commission members
1927 for the purpose of holding hearings. Any complaint seeking the
1928 denial of issuance, revocation or suspension of a license shall be
1929 by sworn affidavit filed with the Commission of Teacher and
1930 Administrator Education, Certification and Licensure and
1931 Development. The decision thereon by the commission or its
1932 subcommittee shall be final, unless the aggrieved party shall
1933 appeal to the State Board of Education, within ten (10) days, of
1934 the decision of the committee or its subcommittee. An appeal to
1935 the State Board of Education shall be on the record previously
1936 made before the commission or its subcommittee unless otherwise
1937 provided by rules and regulations adopted by the board. The State
1938 Board of Education in its authority may reverse, or remand with
1939 instructions, the decision of the committee or its subcommittee.
1940 The decision of the State Board of Education shall be final.

1941 (11) The State Board of Education, acting through the
1942 commission, may deny an application for any teacher or
1943 administrator license for one or more of the following:

1944 (a) Lack of qualifications which are prescribed by law
1945 or regulations adopted by the State Board of Education;

1946 (b) The applicant has a physical, emotional or mental
1947 disability that renders the applicant unfit to perform the duties
1948 authorized by the license, as certified by a licensed psychologist
1949 or psychiatrist;

1950 (c) The applicant is actively addicted to or actively
1951 dependent on alcohol or other habit-forming drugs or is a habitual
1952 user of narcotics, barbiturates, amphetamines, hallucinogens, or
1953 other drugs having similar effect, at the time of application for
1954 a license;



1955 (d) Revocation of an applicant's certificate or license
1956 by another state;

1957 (e) Fraud or deceit committed by the applicant in
1958 securing or attempting to secure such certification and license;

1959 (f) Failing or refusing to furnish reasonable evidence
1960 of identification;

1961 (g) The applicant has been convicted, has pled guilty
1962 or entered a plea of nolo contendere to a felony, as defined by
1963 federal or state law; or

1964 (h) The applicant has been convicted, has pled guilty
1965 or entered a plea of nolo contendere to a sex offense as defined
1966 by federal or state law.

1967 (12) The State Board of Education, acting on the
1968 recommendation of the commission, may revoke or suspend any
1969 teacher or administrator license for specified periods of time for
1970 one or more of the following:

1971 (a) Breach of contract or abandonment of employment may
1972 result in the suspension of the license for one (1) school year as
1973 provided in Section 37-9-57;

1974 (b) Obtaining a license by fraudulent means shall
1975 result in immediate suspension and continued suspension for one
1976 (1) year after correction is made;

1977 (c) Suspension or revocation of a certificate or
1978 license by another state shall result in immediate suspension or
1979 revocation and shall continue until records in the prior state
1980 have been cleared;

1981 (d) The license holder has been convicted, has pled
1982 guilty or entered a plea of nolo contendere to a felony, as
1983 defined by federal or state law;

1984 (e) The license holder has been convicted, has pled
1985 guilty or entered a plea of nolo contendere to a sex offense, as
1986 defined by federal or state law; or



1987 (f) The license holder knowingly and willfully
1988 committing any of the acts affecting validity of mandatory uniform
1989 test results as provided in Section 37-16-4(1).

1990 (13) (a) Dismissal or suspension of a licensed employee by
1991 a local school board pursuant to Section 37-9-59 may result in the
1992 suspension or revocation of a license for a length of time which
1993 shall be determined by the commission and based upon the severity
1994 of the offense.

1995 (b) Any offense committed or attempted in any other
1996 state shall result in the same penalty as if committed or
1997 attempted in this state.

1998 (c) A person may voluntarily surrender a license. The
1999 surrender of such license may result in the commission
2000 recommending any of the above penalties without the necessity of a
2001 hearing. However, any such license which has voluntarily been
2002 surrendered by a licensed employee may be reinstated by a
2003 unanimous vote of all members of the commission.

2004 (14) A person whose license has been suspended on any
2005 grounds except criminal grounds may petition for reinstatement of
2006 the license after one (1) year from the date of suspension, or
2007 after one-half (1/2) of the suspended time has lapsed, whichever
2008 is greater. A license suspended on the criminal grounds may be
2009 reinstated upon petition to the commission filed after expiration
2010 of the sentence and parole or probationary period imposed upon
2011 conviction. A revoked license may be reinstated upon satisfactory
2012 showing of evidence of rehabilitation. The commission shall
2013 require all who petition for reinstatement to furnish evidence
2014 satisfactory to the commission of good character, good mental,
2015 emotional and physical health and such other evidence as the
2016 commission may deem necessary to establish the petitioner's
2017 rehabilitation and fitness to perform the duties authorized by the
2018 license.



2019 (15) Reporting procedures and hearing procedures for dealing
2020 with infractions under this section shall be promulgated by the
2021 commission, subject to the approval of the State Board of
2022 Education. The revocation or suspension of a license shall be
2023 effected at the time indicated on the notice of suspension or
2024 revocation. The commission shall immediately notify the
2025 superintendent of the school district or school board where the
2026 teacher or administrator is employed of any disciplinary action
2027 and also notify the teacher or administrator of such revocation or
2028 suspension and shall maintain records of action taken. The State
2029 Board of Education may reverse or remand with instructions any
2030 decision of the commission regarding a petition for reinstatement
2031 of a license, and any such decision of the State Board of
2032 Education shall be final.

2033 (16) An appeal from the action of the State Board of
2034 Education in denying an application, revoking or suspending a
2035 license or otherwise disciplining any person under the provisions
2036 of this section, shall be filed in the Chancery Court of the First
2037 Judicial District of Hinds County on the record made, including a
2038 verbatim transcript of the testimony at the hearing. The appeal
2039 shall be filed within thirty (30) days after notification of the
2040 action of the board is mailed or served and the proceedings in
2041 chancery court shall be conducted as other matters coming before
2042 the court. The appeal shall be perfected upon filing notice of
2043 the appeal and by the prepayment of all costs, including the cost
2044 of preparation of the record of the proceedings by the State Board
2045 of Education, and the filing of a bond in the sum of Two Hundred
2046 Dollars (\$200.00) conditioned that if the action of the board be
2047 affirmed by the chancery court, the applicant or license holder
2048 shall pay the costs of the appeal and the action of the chancery
2049 court.

2050 (17) All such programs, rules, regulations, standards and
2051 criteria recommended or authorized by the commission shall become



2052 effective upon approval by the State Board of Education as
2053 designated by appropriate orders entered upon the minutes thereof.

2054 (18) The granting of a license shall not be deemed a
2055 property right nor a guarantee of employment in any public school
2056 district. A license is a privilege indicating minimal eligibility
2057 for teaching in the public schools of Mississippi. This section
2058 shall in no way alter or abridge the authority of local school
2059 districts to require greater qualifications or standards of
2060 performance as a prerequisite of initial or continued employment
2061 in such districts.

2062 (19) In addition to the reasons specified in subsections
2063 (12) and (13) of this section, the board shall be authorized to
2064 suspend the license of any licensee for being out of compliance
2065 with an order for support, as defined in Section 93-11-153. The
2066 procedure for suspension of a license for being out of compliance
2067 with an order for support, and the procedure for the reissuance or
2068 reinstatement of a license suspended for that purpose, and the
2069 payment of any fees for the reissuance or reinstatement of a
2070 license suspended for that purpose, shall be governed by Section
2071 93-11-157 or 93-11-163, as the case may be. Actions taken by the
2072 board in suspending a license when required by Section 93-11-157
2073 or 93-11-163 are not actions from which an appeal may be taken
2074 under this section. Any appeal of a license suspension that is
2075 required by Section 93-11-157 or 93-11-163 shall be taken in
2076 accordance with the appeal procedure specified in Section
2077 93-11-157 or 93-11-163, as the case may be, rather than the
2078 procedure specified in this section. If there is any conflict
2079 between any provision of Section 93-11-157 or 93-11-163 and any
2080 provision of this chapter, the provisions of Section 93-11-157 or
2081 93-11-163, as the case may be, shall control.

2082 **SECTION 32.** Section 37-4-4, Mississippi Code of 1972, is
2083 amended as follows:



2084 37-4-4. The Commissioner of Higher Education, or his
2085 designee, * * * shall attend all regular meetings of the State
2086 Board for Community and Junior Colleges. The commissioner shall
2087 have no jurisdiction or vote on any matter within the jurisdiction
2088 of the board. The Commissioner of Higher Education and any
2089 designee who is a state employee shall receive no per diem for
2090 attending meetings of the board, but shall be entitled to actual
2091 and necessary expense reimbursement and mileage for attending
2092 meetings at locations other than Jackson, Mississippi. * * *

2093 **SECTION 33.** Section 37-9-77, Mississippi Code of 1972, is
2094 amended as follows:

2095 37-9-77. (1) There is established the Mississippi School
2096 Administrator Sabbatical Program which shall be available to
2097 licensed teachers employed in Mississippi school districts for not
2098 less than three (3) years, for the purpose of allowing such
2099 teachers to become local school district administrators under the
2100 conditions set forth in this section. The State Board of
2101 Education, in coordination with the board of trustees of each
2102 state institution of higher learning offering administrator course
2103 work and training, shall develop guidelines for the program.
2104 Application shall be made to the State Department of Education for
2105 the Mississippi School Administrator Sabbatical Program by
2106 qualified teachers meeting the criteria for a department-approved
2107 administration program and who have been recommended by the local
2108 school board. Administration programs that are eligible for the
2109 administrator sabbatical program shall be limited to those that
2110 have been approved by the department by the January 1 preceding
2111 the date of admission to the program. Admission into the program
2112 shall authorize the applicant to take university course work and
2113 training leading to an administrator's license.

2114 (2) The salaries of the teachers approved for participation
2115 in the administrator sabbatical program shall be paid by the
2116 employing school district from nonminimum education program funds.



2117 However, the State Department of Education shall reimburse the
2118 employing school districts for the cost of the salaries and paid
2119 fringe benefits of teachers participating in the administrator
2120 sabbatical program for one (1) contract year. Reimbursement shall
2121 be made in accordance with the then current minimum education
2122 program salary schedule under Section 37-19-7, except that the
2123 maximum amount of the reimbursement from state funds shall not
2124 exceed the minimum education program salary for a teacher holding
2125 a Class A license and having five (5) years' experience. The
2126 local school district shall be responsible for that portion of a
2127 participating teacher's salary attributable to the local
2128 supplement and for any portion of the teacher's salary that
2129 exceeds the maximum amount allowed for reimbursement from state
2130 funds as provided in this subsection, and the school board may not
2131 reduce the local supplement payable to that teacher. Any
2132 reimbursements made by the State Department of Education to local
2133 school districts under this section shall be subject to available
2134 appropriations and may be made only to school districts determined
2135 by the State Board of Education as being in need of
2136 administrators.

2137 (3) Such teachers participating in the program on a
2138 full-time basis shall continue to receive teaching experience and
2139 shall receive the salary prescribed in Section 37-19-7, including
2140 the annual experience increments. Such participants shall be
2141 fully eligible to continue participation in the Public Employees
2142 Retirement System and the Public School Employees Health Insurance
2143 Plan during the time they are in the program on a full-time basis.

2144 (4) As a condition for participation in the School
2145 Administrator Sabbatical Program, such teachers shall agree to
2146 employment as administrators in the sponsoring school district for
2147 not less than five (5) years following completion of administrator
2148 licensure requirements. Any person failing to comply with this
2149 employment commitment in any required school year, unless the



2150 commitment is deferred as provided in subsection (5) of this
2151 section, shall immediately be in breach of contract and become
2152 liable to the State Department of Education for that amount of his
2153 salary and paid fringe benefits paid by the state while the
2154 teacher was on sabbatical, less twenty percent (20%) of the amount
2155 of his salary and paid fringe benefits paid by the state for each
2156 year that the person was employed as an administrator following
2157 completion of the administrator licensure requirements. In
2158 addition, the person shall become liable to the local school
2159 district for any portion of his salary and paid fringe benefits
2160 paid by the local school district while the teacher was on
2161 sabbatical that is attributable to the local salary supplement or
2162 is attributable to the amount that exceeds the maximum amount
2163 allowed for reimbursement from state funds as provided in
2164 subsection (2) of this section, less twenty percent (20%) of the
2165 amount of his salary and paid fringe benefits paid by the school
2166 district for each year that the person was employed as an
2167 administrator following completion of the administrator licensure
2168 requirements. Interest on the amount due shall accrue at the
2169 current Stafford Loan rate at the time the breach occurs. If the
2170 claim for repayment of such salary and fringe benefits is placed
2171 in the hands of an attorney for collection after default, then the
2172 obligor shall be liable for an additional amount equal to a
2173 reasonable attorney's fee.

2174 (5) If there is not an administrator position immediately
2175 available in the sponsoring school district after a person has
2176 completed the administrator licensure requirements, or if the
2177 administrator position in the sponsoring school district in which
2178 the person is employed is no longer needed before the completion
2179 of the five-year employment commitment, the local school board
2180 shall defer any part of the employment commitment that has not
2181 been met until such time as an administrator position becomes
2182 available in the sponsoring school district. If such a deferral



2183 is made, the sponsoring school district shall employ the person as
2184 a teacher in the school district during the period of deferral,
2185 unless the person desires to be released from employment by the
2186 sponsoring school district and the district agrees to release the
2187 person from employment. If the sponsoring school district
2188 releases a person from employment, that person may be employed as
2189 an administrator in another school district in the state that is
2190 in need of administrators as determined by the State Board of
2191 Education, and that employment for the other school district shall
2192 be applied to any remaining portion of the five-year employment
2193 commitment required under this section. Nothing in this
2194 subsection shall prevent a school district from not renewing the
2195 person's contract before the end of the five-year employment
2196 commitment in accordance with the School Employment Procedures Law
2197 (Section 37-9-101 et seq.). However, if the person is not
2198 employed as an administrator by another school district after
2199 being released by the sponsoring school district, or after his
2200 contract was not renewed by the sponsoring school district, he
2201 shall be liable for repayment of the amount of his salary and
2202 fringe benefits as provided in subsection (4) of this section.

2203 (6) All funds received by the State Department of Education
2204 from the repayment of salary and fringe benefits paid by the state
2205 from program participants shall be deposited in the Mississippi
2206 Critical Teacher Shortage Fund.

2207 (7) This section shall stand repealed from and after July 1,
2208 2003.

2209 **SECTION 34.** Section 37-9-213, Mississippi Code of 1972, is
2210 amended as follows:

2211 37-9-213. The Mississippi Teacher Center shall be
2212 responsible for the regular and ongoing evaluation of the
2213 beginning teacher support program and may contract for such
2214 evaluation. The evaluation shall include, but not be limited to,
2215 assessments of the following:



2216 (a) A survey and follow-up of all eligible mentor
2217 teachers and beginning teachers and appropriate district
2218 officials, to assess satisfaction with and the effectiveness of
2219 the beginning teacher support program;

2220 (b) The amount and quality of the contact time between
2221 mentor teachers and beginning teachers;

2222 (c) The effectiveness of workshops and other training
2223 required under Sections 37-9-201 through 37-9-211;

2224 (d) The effectiveness of the mentor program in
2225 enhancing the professional development and retention of new
2226 teachers in the district;

2227 (e) The desirability of extending this assistance
2228 program to students participating in graduate level teacher
2229 preparation programs similar to those which have been proposed by
2230 the boards of trustees of state institutions of higher learning
2231 offering such programs; and

2232 (f) The desirability of extending this assistance
2233 program to all probationary teachers.

2234 **SECTION 35.** Section 37-11-17, Mississippi Code of 1972, is
2235 amended as follows:

2236 37-11-17. (1) The State Board of Education, the board of
2237 trustees of each state institution of higher learning, the State
2238 Board for Community and Junior Colleges, the boards of trustees of
2239 the several junior colleges, the county boards of education, the
2240 governing authorities of any county, municipal or other public
2241 school districts, such other boards set up by law for any
2242 educational institution, school, college or university, or their
2243 authorized representative, or the State Health Officer or his
2244 authorized representative, may require any teacher, supervisor,
2245 janitor or other employee of the school to submit to a thorough
2246 physical examination, deemed advisable to determine whether he has
2247 any infectious or communicable disease.



2248 (2) The State Board of Education may develop a program to
2249 accomplish the identification of public school students with
2250 abnormal spinal curvature. No state funds shall be expended for
2251 the purposes of implementing this subsection. Such program shall:

2252 (a) Provide that an adequate number of school personnel
2253 in each district be instructed by qualified medical experts in the
2254 proper examination of students for abnormal spinal curvatures;

2255 (b) Provide that all public school students who are at
2256 least ten (10) years old be screened at least every two (2) years
2257 but at least in the fourth, sixth, eighth and tenth grades or at
2258 such other times as may be recommended by medical experts on a per
2259 case basis;

2260 (c) Provide that students identified as having abnormal
2261 spinal curvatures or potential for abnormal spinal curvatures be
2262 referred to the county health officer or to the student's personal
2263 physician or chiropractor with notice of the evaluation; and

2264 (d) Provide for notification of the parent or guardian
2265 of any student identified under this program and for the supplying
2266 to such parent or guardian information on the condition and
2267 resources available for the correction or treatment of such
2268 condition. However, the requirement for screening shall not apply
2269 to a child whose parent or guardian objects thereto on grounds
2270 that the requirement conflicts with his conscientiously held
2271 religious beliefs.

2272 **SECTION 36.** Section 37-11-29, Mississippi Code of 1972, is
2273 amended as follows:

2274 37-11-29. (1) Any principal, teacher or other school
2275 employee who has knowledge of any unlawful activity which occurred
2276 on educational property or during a school related activity or
2277 which may have occurred shall report such activity to the
2278 superintendent of the school district or his designee who shall
2279 notify the appropriate law enforcement officials as required by
2280 this section. In the event of an emergency or if the



2281 superintendent or his designee is unavailable, any principal may
2282 make a report required under this subsection.

2283 (2) Whenever any person who shall be an enrolled student in
2284 any school or educational institution in this state supported in
2285 whole or in part by public funds, or who shall be an enrolled
2286 student in any private school or educational institution, is
2287 arrested for, and lawfully charged with, the commission of any
2288 crime and convicted upon the charge for which he was arrested, or
2289 convicted of any crime charged against him after his arrest and
2290 before trial, the office or law enforcement department of which
2291 the arresting officer is a member, and the justice court judge and
2292 any circuit judge or court before whom such student is tried upon
2293 said charge or charges, shall make or cause to be made a report
2294 thereof to the superintendent or the president or chancellor, as
2295 the case may be, of the school district or other educational
2296 institution in which such student is enrolled.

2297 If the charge upon which such student was arrested, or any
2298 other charges preferred against him are dismissed or nol prossed,
2299 or if upon trial he is either convicted or acquitted of such
2300 charge or charges, same shall be reported to said respective
2301 superintendent or president, or chancellor, as the case may
2302 be. * * *

2303 Said report shall be made within one (1) week after the
2304 arrest of such student and within one (1) week after any charge
2305 placed against him is dismissed or nol prossed, and within one (1)
2306 week after he shall have pled guilty, been convicted, or have been
2307 acquitted by trial upon any charge placed against him. This
2308 section shall not apply to ordinary traffic violations involving a
2309 penalty of less than Fifty Dollars (\$50.00) and costs.

2310 (3) When the superintendent or his designee has a reasonable
2311 belief that an act has occurred on educational property or during
2312 a school related activity involving any of the offenses set forth
2313 in subsection (6) of this section, the superintendent or his



2314 designee shall immediately report the act to the appropriate local
2315 law enforcement agency. For purposes of this subsection, "school
2316 property" shall include any public school building, bus, public
2317 school campus, grounds, recreational area or athletic field in the
2318 charge of the superintendent. The State Board of Education shall
2319 prescribe a form for making reports required under this
2320 subsection. Any superintendent or his designee who fails to make
2321 a report required by this section shall be subject to the
2322 penalties provided in Section 37-11-15.

2323 (4) The law enforcement authority shall immediately dispatch
2324 an officer to the educational institution and with probable cause
2325 the officer is authorized to make an arrest if necessary as
2326 provided in Section 99-3-7.

2327 (5) Any superintendent, principal, teacher or other school
2328 personnel participating in the making of a required report
2329 pursuant to this section or participating in any judicial
2330 proceeding resulting therefrom shall be presumed to be acting in
2331 good faith. Any person reporting in good faith shall be immune
2332 from any civil liability that might otherwise be incurred or
2333 imposed.

2334 (6) For purposes of this section, "unlawful activity" means
2335 any of the following:

2336 (a) Possession or use of a deadly weapon, as defined in
2337 Section 97-37-1;

2338 (b) Possession, sale or use of any controlled
2339 substance;

2340 (c) Aggravated assault, as defined in Section 97-3-7;

2341 (d) Simple assault, as defined in Section 97-3-7, upon
2342 any school employee;

2343 (e) Rape, as defined under Mississippi law;

2344 (f) Sexual battery, as defined under Mississippi law;

2345 (g) Murder, as defined under Mississippi law;

2346 (h) Kidnapping, as defined under Mississippi law; or



2347 (i) Fondling, touching, handling, etc., a child for
2348 lustful purposes, as defined in Section 97-5-23.

2349 **SECTION 37.** Section 37-26-9, Mississippi Code of 1972, is
2350 amended as follows:

2351 37-26-9. (1) It shall be the duty of the clerk of any court
2352 to promptly collect the costs imposed pursuant to the provisions
2353 of Section 37-26-3. In all cases the clerk shall monthly deposit
2354 all such costs so collected with the State Treasurer either
2355 directly or by other appropriate procedures. All such deposits
2356 shall be clearly marked for the State Court Education Fund and the
2357 State Prosecutor Education Fund. Upon receipt of such deposits,
2358 the State Treasurer shall credit seventy-five percent (75%) of any
2359 amounts so deposited to the State Court Education Fund created
2360 pursuant to subsection (2) of this section, and shall credit the
2361 remaining twenty-five percent (25%) of any amounts so deposited to
2362 the State Prosecutor Education Fund created pursuant to subsection
2363 (3) of this section.

2364 (2) Such assessments as are collected under Section 99-19-73
2365 shall be deposited in a special fund hereby created in the State
2366 Treasury and designated the "State Court Education Fund." Monies
2367 deposited in such fund shall be expended by the board of trustees
2368 of each state institution of higher learning as authorized and
2369 appropriated by the Legislature to defray the cost of providing:
2370 (i) education and training for the courts of Mississippi and
2371 related personnel; (ii) technical assistance for the courts of
2372 Mississippi and related personnel; and (iii) current and accurate
2373 information for the Mississippi Legislature pertaining to the
2374 needs of the courts of Mississippi and related personnel.

2375 (3) Such assessments as are collected under Section 99-19-73
2376 shall be deposited in a special fund hereby created in the State
2377 Treasury and designated the "State Prosecutor Education Fund."
2378 Monies deposited in such fund shall be expended by the Attorney
2379 General of the State of Mississippi as authorized and appropriated



2380 by the Legislature to defray the cost of providing: (i) education
2381 and training for district attorneys, county prosecuting attorneys
2382 and municipal prosecuting attorneys; (ii) technical assistance for
2383 district attorneys, county prosecuting attorneys and municipal
2384 prosecuting attorneys; and (iii) current and accurate information
2385 for the Mississippi Legislature pertaining to the needs of
2386 district attorneys, county prosecuting attorneys and municipal
2387 prosecuting attorneys.

2388 (4) A supplemental fund is hereby created in the State
2389 Treasury and designated the State Court Constituents Fund. Monies
2390 deposited in such fund shall be for the education and training of
2391 judges and related court personnel other than those specified in
2392 Section 37-26-1(b). In addition to any other fees or costs now or
2393 as may hereafter be provided by law, there is hereby charged in
2394 all civil cases in the chancery, circuit, county, justice and
2395 municipal courts of this state a supplemental court education and
2396 training cost in the amount of Fifty Cents (50¢), except in
2397 justice court cases where the amount sued for is less than Fifteen
2398 Dollars (\$15.00); and in all criminal cases in the circuit,
2399 county, justice and municipal courts of this state, except in
2400 cases where the fine is less than Ten Dollars (\$10.00). Such
2401 costs shall be charged and collected as provided by Sections
2402 37-26-3 and 37-26-5.

2403 After the transfer to the State Prosecutor Education Fund of
2404 twenty-five percent (25%) of the money provided for in subsection
2405 (1) of this section, there shall then be transferred into the
2406 State Court Education Fund the money on deposit in the State Court
2407 Constituents Fund.

2408 (5) A special fund is created in the State Treasury and
2409 designated the "State Court Security Systems Fund." Monies
2410 deposited in such fund shall be expended for general courtroom
2411 security as well as the maintenance and operation of security
2412 surveillance and detection devices for the courtrooms of each



2413 court of the State of Mississippi specified in Section 37-26-1(2).
2414 The Administrative Office of Courts shall conduct a study to
2415 assess and determine the security needs of the courts and is
2416 authorized to expend monies in the fund for the purposes of the
2417 fund as authorized and appropriated by the Legislature.

2418 **SECTION 38.** Section 37-61-33, Mississippi Code of 1972, is
2419 amended as follows:

2420 37-61-33. (1) There is created within the State Treasury a
2421 special fund to be designated the "Education Enhancement Fund"
2422 into which shall be deposited all the revenues collected pursuant
2423 to Sections 27-65-75(7) and (8) and 27-67-31(a) and (b).

2424 (2) Of the amount deposited into the Education Enhancement
2425 Fund, Sixteen Million Dollars (\$16,000,000.00) shall be
2426 appropriated each fiscal year to the State Department of Education
2427 to be distributed to all school districts. Such money shall be
2428 distributed to all school districts in the proportion that the
2429 average daily attendance of each school district bears to the
2430 average daily attendance of all school districts within the state
2431 for the following purposes:

2432 (a) Purchasing, erecting, repairing, equipping,
2433 remodeling and enlarging school buildings and related facilities,
2434 including gymnasiums, auditoriums, lunchrooms, vocational training
2435 buildings, libraries, teachers' homes, school barns,
2436 transportation vehicles (which shall include new and used
2437 transportation vehicles) and garages for transportation vehicles,
2438 and purchasing land therefor.

2439 (b) Establishing and equipping school athletic fields
2440 and necessary facilities connected therewith, and purchasing land
2441 therefor.

2442 (c) Providing necessary water, light, heating, air
2443 conditioning and sewerage facilities for school buildings, and
2444 purchasing land therefor.



2445 (d) As a pledge to pay all or a portion of the debt
2446 service on debt issued by the school district under Sections
2447 37-59-1 through 37-59-45, 37-59-101 through 37-59-115, 37-7-351
2448 through 37-7-359, 37-41-89 through 37-41-99, 37-7-301, 37-7-302
2449 and 37-41-81, or debt issued by boards of supervisors for
2450 agricultural high schools pursuant to Section 37-27-65, if such
2451 pledge is accomplished pursuant to a written contract or
2452 resolution approved and spread upon the minutes of an official
2453 meeting of the district's school board or board of supervisors.
2454 The annual grant to such district in any subsequent year during
2455 the term of the resolution or contract shall not be reduced below
2456 an amount equal to the district's grant amount for the year in
2457 which the contract or resolution was adopted. The intent of this
2458 provision is to allow school districts to irrevocably pledge a
2459 certain, constant stream of revenue as security for long-term
2460 obligations issued under the code sections enumerated in this
2461 paragraph or as otherwise allowed by law. It is the intent of the
2462 Legislature that the provisions of this paragraph shall be
2463 cumulative and supplemental to any existing funding programs or
2464 other authority conferred upon school districts or school boards.
2465 Debt of a district secured by a pledge of sales tax revenue
2466 pursuant to this paragraph shall not be subject to any debt
2467 limitation contained in the foregoing enumerated code sections.

2468 (3) The remainder of the money deposited into the Education
2469 Enhancement Fund shall be appropriated as follows:

2470 (a) To the State Department of Education as follows:

2471 (i) Sixteen and sixty-one one-hundredths percent
2472 (16.61%) to the cost of the adequate education program determined
2473 under Section 37-151-7;

2474 (ii) Seven and ninety-seven one-hundredths percent
2475 (7.97%) to assist the funding of transportation operations and
2476 maintenance pursuant to Section 37-19-23; and



2477 (iii) Nine and sixty-one one-hundredths percent
2478 (9.61%) for classroom supplies, instructional materials and
2479 equipment, including computers and computer software, to be
2480 distributed to all school districts in the proportion that the
2481 average daily attendance of each school district bears to the
2482 average daily attendance of all school districts within the state.
2483 It is the intent of the Legislature that all classroom teachers
2484 shall be involved in the development of a spending plan that
2485 addresses individual classroom needs and supports the overall
2486 goals of the school regarding supplies, instructional materials,
2487 equipment, computers or computer software under the provisions of
2488 this subparagraph, including the type, quantity and quality of
2489 such supplies, materials and equipment. This plan shall be
2490 submitted to the school principal for approval. School districts
2491 need not fully expend the funds received under this subparagraph
2492 in the year in which they are received, but such funds may be
2493 carried forward for expenditure in any succeeding school year;

2494 (b) Twenty-two and nine one-hundredths percent (22.09%)
2495 to the various boards of trustees of the state institutions of
2496 higher learning for the purpose of supporting the institutions of
2497 higher learning; and

2498 (c) Fourteen and forty-one one-hundredths percent
2499 (14.41%) to the State Board for Community and Junior Colleges for
2500 the purpose of providing support to community and junior colleges.

2501 (4) The amount remaining in the Education Enhancement Fund
2502 after funds are distributed as provided in subsections (2) and (3)
2503 of this section shall be disbursed as follows:

2504 (a) Twenty-five Million Dollars (\$25,000,000.00) shall
2505 be deposited into the Working Cash-Stabilization Reserve Fund
2506 created pursuant to Section 27-103-203(1), until the balance in
2507 such fund reaches the maximum balance of seven and one-half
2508 percent (7-1/2%) of the General Fund appropriations in the
2509 appropriate fiscal year. After the maximum balance in the Working



2510 Cash-Stabilization Reserve Fund is reached, such money shall
2511 remain in the Education Enhancement Fund to be appropriated in the
2512 manner provided for in paragraph (b) of this section.

2513 (b) The remainder shall be appropriated for other
2514 educational needs.

2515 (5) None of the funds appropriated pursuant to subsection
2516 (3)(a) of this section shall be used to reduce the state's general
2517 fund appropriation for the categories listed in an amount below
2518 the following amounts:

2519 (a) For subsection (3)(a)(ii) of this section
2520 Thirty-six Million Seven Hundred Thousand Dollars
2521 (\$36,700,000.00);

2522 (b) For the aggregate of minimum program allotments in
2523 the 1997 fiscal year, formerly provided for in Chapter 19, Title
2524 37, Mississippi Code of 1972, as amended, excluding those funds
2525 for transportation as provided for in subsection (5)(a) in this
2526 section.

2527 **SECTION 39.** Section 37-65-7, Mississippi Code of 1972, is
2528 amended as follows:

2529 37-65-7. The board of trustees of any such school district,
2530 agricultural high school district or agricultural high school and
2531 junior college district, and the board of trustees of any state
2532 institution of higher learning, respectively, as the case may be,
2533 may, in their discretion, pay all or any part of the salary of all
2534 superintendents, principals, teachers and other employees during
2535 or for the period when any of the said schools, agricultural high
2536 schools, agricultural high schools and junior colleges, or
2537 institutions of higher learning are closed in accordance with the
2538 terms of this article, and funds shall be drawn from the same
2539 source or sources as such funds would be drawn to pay such items
2540 if the schools, agricultural high schools, agricultural high
2541 schools and junior colleges, or institutions of higher learning
2542 had not been closed.



2543 **SECTION 40.** Section 37-101-2, Mississippi Code of 1972, is
2544 amended as follows:

2545 37-101-2. There is hereby established * * * a Welfare Policy
2546 Institute at a campus location to be designated by the
2547 Commissioner of Higher Education. The purpose of the institute
2548 shall be to research and gather empirical information regarding
2549 the social and welfare programs authorized under Sections 43-49-1
2550 through 43-49-15, 43-13-115, 43-17-1, 43-17-5, 43-1-8, 43-1-10,
2551 43-1-30 and 37-101-2 and to write grant proposals regarding the
2552 policy implications of such program.

2553 **SECTION 41.** Section 37-101-16, Mississippi Code of 1972, is
2554 amended as follows:

2555 37-101-16. The board of trustees of each state institution
2556 of higher learning shall develop a system of manpower management
2557 which shall be implemented in the institution under the control of
2558 the particular board. The manpower management system shall be so
2559 designed to insure accurate and rapid reporting of all manpower
2560 positions within each institution by job classification to include
2561 position number and title, grade, salary and fringe benefits, name
2562 of incumbent, social security number and date of hire.

2563 **SECTION 42.** Section 37-101-19, Mississippi Code of 1972, is
2564 amended as follows:

2565 37-101-19. The Board of Trustees of the University of
2566 Southern Mississippi is hereby authorized and empowered to
2567 establish and maintain a marine research laboratory on lands
2568 belonging to the State of Mississippi, said lands being a part of
2569 the Magnolia State Park in Jackson County, Mississippi, and to be
2570 assigned for the use of such laboratory by the Mississippi
2571 Department of Marine Resources.

2572 The marine research laboratory may, in the discretion of the
2573 board of trustees * * *, be operated by the Mississippi Academy of
2574 Science, Inc., under the supervision and control of the board of
2575 trustees * * *.



2576 The board of trustees * * * is hereby authorized and
2577 empowered to expend annually out of its regular appropriation for
2578 the support and maintenance of the University of Southern
2579 Mississippi a sum not exceeding Five Thousand Dollars (\$5,000.00)
2580 for the support and maintenance of the marine research laboratory.

2581 **SECTION 43.** Section 37-101-21, Mississippi Code of 1972, is
2582 amended as follows:

2583 37-101-21. A body politic and corporate is hereby created
2584 under the name of Gulf Coast Research Laboratory, to have
2585 perpetual succession, with powers to contract and be contracted
2586 with; to receive and acquire, by any legal method, property of any
2587 description, necessary or convenient for its operation, and to
2588 hold, employ, use and convey the same; to adopt and use a
2589 corporate seal; and to adopt by-laws, rules and regulations for
2590 the government of the same, its employees, officials, agents, and
2591 members.

2592 The object and purposes of the Gulf Coast Research Laboratory
2593 shall be to promote the study and knowledge of science including
2594 the natural resources of the State of Mississippi and to provide
2595 for the dissemination of research findings and specimens from the
2596 Gulf Coast area.

2597 The Gulf Coast Research Laboratory shall be under the control
2598 and supervision of the Board of Trustees of the University of
2599 Southern Mississippi, and the powers of said laboratory shall be
2600 vested in and its duties performed by said board.

2601 The laboratory shall be located at some appropriate place
2602 within the state and on the Gulf of Mexico to be determined by the
2603 board of trustees * * *.

2604 It shall be the duty of the board of trustees * * * to
2605 appoint or elect a director for said laboratory, determine the
2606 number of instructors, assistants and other employees and fix
2607 their compensation, and in cooperation with the Mississippi
2608 Academy of Science, prescribe rules, regulations, and policies



2609 governing the operation of the institution, qualifications of
2610 instructors and employees and for the admission of students, and
2611 for the direction of research programs.

2612 **SECTION 44.** Section 37-101-23, Mississippi Code of 1972, is
2613 amended as follows:

2614 37-101-23. (1) The Mississippi Small Farm Development
2615 Center, which shall be referred to in this section as the SFDC, is
2616 established under the management and control of the Board of
2617 Trustees of * * * Alcorn State University and shall be under the
2618 direction of the president of the university subject to the
2619 governance of the board of trustees. The president shall appoint
2620 a director of the SFDC who shall recommend to the president
2621 necessary professional and administrative staff of the center, all
2622 subject to the approval of the board of trustees.

2623 (2) It shall be the function and duty of the SFDC to:

2624 (a) Develop a system to deliver management and
2625 technical assistance to small farms utilizing the resources of
2626 local, state and federal government programs, various segments of
2627 the private sector, and universities and colleges throughout the
2628 state;

2629 (b) Make management and technical assistance available
2630 to small farms by linking together with the above resources;

2631 (c) Research and develop small farm opportunities for
2632 new or alternative crops;

2633 (d) Develop a clearinghouse for the collection and
2634 dissemination of agricultural and economic data; and

2635 (e) Assist small farms in developing more efficient
2636 marketing and distribution channels, including foreign trade
2637 marketing.

2638 **SECTION 45.** Section 37-101-27, Mississippi Code of 1972, is
2639 amended as follows:

2640 37-101-27. (1) There is created within the Working
2641 Cash-Stabilization Reserve Fund in the State Treasury a trust to



2642 be known as the Ayers Endowment Trust, which shall be used as
2643 provided in this section. On July 1, 1997, Fifteen Million
2644 Dollars (\$15,000,000.00) in the Working Cash-Stabilization Reserve
2645 Fund shall be set aside and placed in the Ayers Endowment Trust.

2646 (2) The principal of the Ayers Endowment Trust shall remain
2647 inviolate within the Working Cash-Stabilization Reserve Fund, and
2648 shall be invested in the same manner as the remainder of the
2649 Working Cash-Stabilization Reserve Fund.

2650 (3) The interest and income earned from the investment of
2651 the principal of the Ayers Endowment Trust shall be appropriated
2652 by the Legislature to the Boards of Trustees of * * * Jackson
2653 State University, Alcorn State University and Mississippi Valley
2654 State University, the historically black institutions of higher
2655 learning in Mississippi, with one-third (1/3) of the amount of the
2656 interest and income earned being allocated for the benefit of each
2657 of those universities. The money allotted for each university
2658 shall be used for continuing educational enhancement and racial
2659 diversity, including recruitment of white students and
2660 scholarships for white applicants.

2661 (4) The creation of the Ayers Endowment Trust and the
2662 appropriation of the interest and income for the purposes
2663 specified in this section shall be to comply with the order of the
2664 United States District Court in the case of Ayers v. Fordice, 879
2665 F.Supp. 1419 (N.D. Miss. 1995), with regard to Jackson State
2666 University and Alcorn State University, and to provide Mississippi
2667 Valley State University with an equal amount of funding for the
2668 same purposes as for the other historically black institutions of
2669 higher learning.

2670 (5) If the United States District Court for the Northern
2671 District of Mississippi approves and directs the implementation of
2672 a settlement agreement in the case of Ayers v. Musgrove (Civil
2673 Action No. 4:75CV9-B-D, in the United States District Court for
2674 the Northern District of Mississippi), and if the agreement



2675 becomes final and effective according to its terms (including, but
2676 not limited to, the exhaustion of all rights of appeal) before the
2677 first day of the 2002 Regular Session of the Legislature, there
2678 shall be created in the State Treasury a fund to be known as the
2679 Ayers Settlement Fund. Monies deposited into the Ayers Settlement
2680 Fund under Section 27-103-203(2) shall be appropriated by the
2681 Legislature to the Boards of Trustees of * * * Jackson State
2682 University, Alcorn State University and Mississippi Valley State
2683 University for the purpose of establishing a public endowment for
2684 each in compliance with the settlement agreement.

2685 (6) If the Ayers Settlement Fund is created under subsection
2686 (5) of this section, subsection (1) through (4) of this section
2687 shall be repealed when the Ayers Endowment Trust reaches Zero
2688 Dollars (\$0.00) in accordance with Section 27-103-203(3).

2689 **SECTION 46.** Section 37-101-29, Mississippi Code of 1972, is
2690 amended as follows:

2691 37-101-29. Each institution of higher learning with a
2692 teacher education program approved by the State Board of Education
2693 shall prepare and submit to the State Board of Education * * * an
2694 annual performance report on the institution's teacher education
2695 program. The report shall include the following information:

- 2696 (a) Teacher enrollment data;
- 2697 (b) Professional education faculty data;
- 2698 (c) Characteristics of students receiving initial
2699 licensure;
- 2700 (d) Number and percentage of program completers scoring
2701 at or above the proficiency level on the prescribed teacher
2702 education exit tests;
- 2703 (e) Satisfaction rate of employers and graduates;
- 2704 (f) Follow-up profiles of graduates of the teacher
2705 education program; and
- 2706 (g) Any other information required by the State Board
2707 of Education. Before requiring any other information, the State



2708 Board of Education shall conduct collaborative planning activities
2709 with the Mississippi Association of Colleges of Teacher
2710 Education * * *.

2711 The State Department of Education, in collaboration with the
2712 Mississippi Association of Colleges of Teacher Education * * *,
2713 shall prepare a common form for the preparation and submission of
2714 the annual performance reports. The State Department of Education
2715 shall establish the date by which such reports must be submitted
2716 to the board. No later than sixty (60) days after the deadline
2717 date established for the submission of reports, the department
2718 shall submit a compilation of all annual performance reports
2719 received from the state institutions of higher learning to the
2720 Chairmen of the Education Committees of the House of
2721 Representatives and the Senate.

2722 **SECTION 47.** Section 37-101-31, Mississippi Code of 1972, is
2723 amended as follows:

2724 37-101-31. In addition to the powers vested in the board of
2725 trustees of each state institution of higher learning by Section
2726 213-A, Mississippi Constitution of 1890 and by this chapter, each
2727 board is hereby authorized to establish a reserve fund to receive
2728 funds from state, federal or private sources for the purpose of
2729 guaranteeing payment of loans obtained by college or university
2730 students from public or private lenders or banking institutions.
2731 The boards are authorized and empowered to do and perform all the
2732 necessary and requisite acts and deeds necessary to carry out the
2733 provisions of this section.

2734 **SECTION 48.** Section 37-101-41, Mississippi Code of 1972, is
2735 amended as follows:

2736 37-101-41. The board of trustees of each state institution
2737 of higher learning is hereby authorized and empowered to lease to
2738 private individuals or corporations, for a term not exceeding
2739 thirty-one (31) years, any land at * * * Mississippi State
2740 University of Agriculture and Applied Science, Jackson State



2741 University, Mississippi Valley State University, Alcorn State
2742 University, University of Southern Mississippi, Mississippi
2743 University for Women and Delta State University, for the purpose
2744 of erecting housing and dormitory facilities thereon for active
2745 faculty and students. Said housing facilities shall be
2746 constructed thereon by private financing, and shall be leased back
2747 to said board for use by the concerned state-supported institution
2748 of higher learning. The lease shall contain a provision
2749 permitting said board to purchase the building located thereon for
2750 the sum of One Dollar (\$1.00) after payment by said board of all
2751 sums of money due under said lease.

2752 **SECTION 49.** Section 37-101-43, Mississippi Code of 1972, is
2753 amended as follows:

2754 37-101-43. Prior to entering into or awarding any such lease
2755 contract under the provisions of Section 37-101-41, the board of
2756 trustees of a state institution of higher learning shall cause the
2757 interested state-supported institution upon which a facility is
2758 proposed to be constructed to select and submit three architects
2759 to the board. Thereupon, the board shall approve and employ an
2760 architect, who shall be paid by said interested institution from
2761 any funds available to said interested institution. Said
2762 architect, under the direction of said interested institution,
2763 shall prepare complete plans and specifications for the facility
2764 desired to be constructed on the leased property.

2765 Upon completion of said plans and specifications and the
2766 approval thereof by said board, and before entering into any lease
2767 contract, said (3) consecutive weeks and not less than twenty-one
2768 (21) days in at least one (1) newspaper having a general
2769 circulation in the county in which the interested institution is
2770 located and in one newspaper with a general statewide circulation,
2771 a notice inviting bids or proposals for the leasing, construction
2772 and leasing back of said land and constructed facility, said
2773 facility to be constructed in accordance with said plans and



2774 specifications. Said notice shall distinctly state the thing to
2775 be done, and invite sealed proposals, to be filed with said board,
2776 to do the thing to be done. Said notice shall contain the
2777 following specific provisions, together with such others as said
2778 board in its discretion deems appropriate, to wit: bids shall be
2779 accompanied by a bid security evidenced by a certified or
2780 cashier's check or bid-bond payable to said board in a sum of not
2781 less than five percent (5%) of the gross construction cost of the
2782 facility to be constructed as estimated by said board and the bids
2783 shall contain proof satisfactory to the board of interim and
2784 permanent financing. The board shall state in the notice when
2785 construction shall commence. The bid shall contain the proposed
2786 contractor's certificate of responsibility number and bidder's
2787 license. In all cases, before the notice shall be published, the
2788 plans and specifications shall be filed with said board and also
2789 in the office of the president of the interested institution,
2790 there to remain.

2791 The board shall award the lease contract to the lowest and
2792 best bidder, who will comply with the terms imposed by said
2793 contract documents. At the time of the awarding of the lease
2794 contract the successful bidder shall enter into bond with
2795 sufficient sureties, to be approved by the board, in such penalty
2796 as may be fixed by the board, but in no case to be less than the
2797 estimated gross construction cost of the facility to be
2798 constructed as estimated by said board, conditioned for the
2799 prompt, proper and efficient performance of the contract. The
2800 bond shall be made by an authorized corporate surety bonding
2801 company. The said bid security herein provided for shall be
2802 forfeited if the successful bidder fails to enter into lease
2803 contract and commence construction within the time limitation set
2804 forth in the notice. At such time, and simultaneously with the
2805 signing of said contract, the successful bidder shall deposit a
2806 sum of money, in cash or certified or cashier's check, not less



2807 than the bid security previously deposited as bid security to
2808 reimburse the interested institution for all sums expended by it
2809 for architectural services and other expenditures of the board and
2810 interested institution connected with the bidden lease contract,
2811 of which such other anticipated expenditures notice is to be given
2812 to bidder in said notice. The bid security posted by an
2813 unsuccessful bidder shall be refunded to him.

2814 **SECTION 50.** Section 37-101-61, Mississippi Code of 1972, is
2815 amended as follows:

2816 37-101-61. Whenever the board of trustees of a state
2817 institution of higher learning of the State of Mississippi shall
2818 by a proper resolution declare the necessity of the formation of
2819 nonprofit corporations for the purpose of acquiring or
2820 constructing facilities for the institution of higher learning
2821 under the jurisdiction and control of said board, any number of
2822 natural persons, not less than three (3), who are residents of the
2823 State of Mississippi, may file with the Secretary of State of this
2824 state an application in writing for authority to incorporate a
2825 public nonprofit corporation, known as an "educational building
2826 corporation." If it shall be made to appear that each of said
2827 persons is a duly qualified resident of this state, then the
2828 persons filing such application shall be authorized, subject to
2829 the prior approval by said board of the form of the articles of
2830 incorporation and bylaws thereof, to proceed to form such
2831 corporation as provided by the general law of this state with
2832 respect to corporations organized not for profit except as
2833 hereinafter provided. The Secretary of State, upon receipt of
2834 such application, shall forthwith issue a certificate of
2835 incorporation.

2836 **SECTION 51.** Section 37-101-63, Mississippi Code of 1972, is
2837 amended as follows:

2838 37-101-63. Each corporation formed under the provisions of
2839 Section 37-101-61 shall have the following powers, together with



2840 all powers incidental thereto or necessary to the discharge
2841 thereof in corporate form: to have succession by its corporate
2842 name for the duration of time (which may be in perpetuity)
2843 specified in its certificate of incorporation; to sue and be sued
2844 and to defend suits against it; to make use of a corporate seal
2845 and to alter it at pleasure; to acquire, whether by purchase,
2846 construction or gift, facilities for the institution of higher
2847 learning and land therefor; to equip, maintain, enlarge or improve
2848 such facilities; to lease under such terms and conditions as its
2849 board of directors may deem advisable and as shall not conflict
2850 with the provisions of Sections 37-101-61 through 37-101-71 to the
2851 board of trustees of the state institution of higher learning or
2852 to such other entity as may be approved by such board subject to
2853 prior approval by said board of each issue of bonds; to issue its
2854 bonds for the purpose of defraying the cost of acquiring,
2855 constructing, maintaining, enlarging, improving or equipping any
2856 of such facilities or land in the manner provided in Section
2857 37-101-65; to secure the payment of such bonds through the pledge
2858 of and lien on such revenues or other sources of income, including
2859 lease payments, entering into trust agreements, and the making of
2860 such covenants as are provided in Section 37-101-101; to refund
2861 bonds previously issued; to enter into contracts and agreements or
2862 do any act necessary for or incidental to the performance of its
2863 duties and the execution of its powers under Sections 37-101-61
2864 through 37-101-71; to accept gifts from any source whatsoever; to
2865 appoint and employ such officers and agents, including attorneys,
2866 as its business may require; and to provide for such insurance as
2867 its board of directors may deem advisable.

2868 **SECTION 52.** Section 37-101-71, Mississippi Code of 1972, is
2869 amended as follows:

2870 37-101-71. The board of trustees of each state institution
2871 of higher learning * * * is hereby authorized and empowered, in
2872 its discretion, to pass proper resolutions declaring the necessity



2873 of the formation of nonprofit educational building corporations,
2874 as set forth in Section 37-101-61, and to lease facilities from
2875 said corporations in the manner provided by law.

2876 When the principal of and the interest on any bonds of an
2877 educational building corporation payable from the revenues derived
2878 from the operation of facilities owned by such corporation shall
2879 have been paid in full, then such facilities shall thereupon
2880 become the property of the board of trustees of the state
2881 institution of higher learning and title to the facilities shall
2882 thereupon immediately vest in the State of Mississippi.

2883 **SECTION 53.** Section 37-101-91, Mississippi Code of 1972, is
2884 amended as follows:

2885 37-101-91. The board of trustees of each state institution
2886 of higher learning is hereby authorized and empowered to contract
2887 with and borrow money from the United States of America, or any
2888 department, instrumentality, or agency thereof, as may be
2889 designated or created to make loans and grants, or from private
2890 lenders, at an overall rate of interest to maturity not to exceed
2891 that allowed in Section 75-17-103, for the purpose of acquiring
2892 land for, and erecting, repairing, remodeling, maintaining, adding
2893 to, extending, improving, equipping, or acquiring dormitories,
2894 dwellings, apartments, athletic stadium, gymnasiums, student union
2895 buildings, student service centers, athletic fields, swimming
2896 pools, parking facilities, cafeterias, dining halls, and/or other
2897 revenue producing facilities, to be located at or near the
2898 campuses of the University of Mississippi, Mississippi State
2899 University of Agriculture and Applied Science, Mississippi
2900 University for Women, Alcorn State University, University of
2901 Southern Mississippi, Delta State University, Jackson State
2902 University, Mississippi Valley State University, and Gulf Coast
2903 Research Laboratory.

2904 In agreements or commitments by or between the aforesaid
2905 boards of trustees and private lenders and/or the U.S. Department



2906 of Housing and Urban Development to make loans or grants for the
2907 construction of dormitories in which bonds are to be issued under
2908 the provisions of Sections 37-101-91 through 37-101-103, and in
2909 which part or all of the principal and/or interest on said bonds
2910 is to be paid or guaranteed by the U.S. Department of Housing and
2911 Urban Development, said bonds shall bear a net interest rate not
2912 in excess of that allowed in Section 75-17-103.

2913 Notwithstanding the foregoing provisions of this section,
2914 bonds referred to hereinabove may be issued pursuant to the
2915 supplemental powers and authorizations conferred by the provisions
2916 of the Registered Bond Act, being Sections 31-21-1 through
2917 31-21-7.

2918 **SECTION 54.** Section 37-101-93, Mississippi Code of 1972, is
2919 amended as follows:

2920 37-101-93. Bonds issued for the purposes enumerated in
2921 Section 37-101-91 shall be authorized by resolution of the board
2922 of trustees of the state institution of higher learning involved.
2923 Said resolution shall positively show the said land, to be
2924 acquired, if any, and the said dormitories, dwellings, apartments,
2925 athletic stadiums, gymnasiums, student union buildings, student
2926 service centers, athletic fields, swimming pools and the like, to
2927 be erected, repaired, remodeled, maintained, added to, extended,
2928 improved, equipped or acquired, together with equipment therefor.
2929 A majority vote of all the members of the board of trustees shall
2930 be necessary to the passage of said resolution, and all votes on
2931 such resolutions shall be by yea and nay vote, duly recorded on
2932 the minutes of the proceedings of the board.

2933 The bonds may be issued in one or more series, may bear such
2934 date or dates, may be in such denomination or denominations, may
2935 mature at such time or times, not exceeding forty (40) years from
2936 the respective dates thereof, may mature in such amount or
2937 amounts, may bear interest at such rate or rates, not exceeding
2938 that allowed in Section 75-17-103, payable semiannually, may be in



2939 such forms, either coupon or registered, may carry such
2940 registration privileges, may be executed in such manner, may be
2941 payable in such medium of payment, at such place or places, and
2942 may be subject to such term of redemption, with or without
2943 premium, as such resolution or other resolutions may provide. The
2944 bonds may be sold at a private sale, at not less than par and
2945 accrued interest, without advertising the same at competitive
2946 bidding. The bonds shall be fully negotiable within the meaning
2947 and for all purposes of the Uniform Commercial Code.

2948 Notwithstanding any other provision of law, in any resolution
2949 authorizing bonds hereunder, including refunding bonds, the board
2950 of trustees may provide for the initial issuance of one or more
2951 bonds (hereinafter sometimes collectively called "bond"), may make
2952 such provision for installment payments of the principal amount of
2953 any such bond as it may consider desirable, and may provide for
2954 the making of any such bond registerable as to principal or as to
2955 both principal and interest and, where interest accruing thereon
2956 is not represented by interest coupons, for the endorsing of
2957 payments of interest on such bond. The board may further make
2958 provision in any such resolution for the manner and circumstances
2959 in and under which any such bond may in the future, at the request
2960 of the holder thereof, be converted into bonds of smaller
2961 denominations, which bonds of small denominations may in turn be
2962 either coupon bonds or bonds registerable as to principal or
2963 principal and interest.

2964 **SECTION 55.** Section 37-101-95, Mississippi Code of 1972, is
2965 amended as follows:

2966 37-101-95. Bonds issued for the purposes enumerated in
2967 Section 37-101-91 may be refunded, in whole or in part:

2968 (a) When any such bonds have by their terms become due
2969 and payable and there are not sufficient sums in the fund
2970 established for their payment to pay such bonds and the interest
2971 thereon;



2972 (b) When any such bonds are by their terms callable for
2973 payment and redemption in advance of their date of maturity and
2974 shall have been duly called for payment and redemption;

2975 (c) When any such bonds are voluntarily surrendered by
2976 the holder or holders thereof in exchange for refunding bonds; or

2977 (d) When, in connection with the issuance of any
2978 additional bonds under Sections 37-101-91 through 37-101-103 for
2979 the purpose of financing any additional authorized construction,
2980 the board of trustees of the state institution of higher learning
2981 shall determine to combine such new issue of bonds with any issue
2982 or issues of bonds of the same institution of higher learning of
2983 the State of Mississippi then outstanding for the purpose of
2984 unifying such indebtedness and utilizing the income and revenues
2985 derived from all projects or facilities operated at such
2986 institution to the payment of such indebtedness, and the board of
2987 trustees shall determine that such outstanding bonds are by their
2988 terms then callable for redemption or are obtainable by and
2989 through the voluntary surrender thereof by the holder or holders
2990 thereof.

2991 For the purpose of refunding any bonds, including refunding
2992 bonds, the board of trustees may make and issue refunding bonds in
2993 such amount as may be necessary to pay off and redeem bonds to be
2994 refunded together with unpaid and past due interest thereon and
2995 any premium which may be due under the terms of such bonds,
2996 together also with the cost of issuing and refunding bonds, and
2997 may sell the same in like manner as provided in Section 37-101-97
2998 for the initial issuance of bonds. With the proceeds of any such
2999 refunding bonds, the board shall pay off, redeem, and cancel such
3000 old bonds and coupons as may have matured or such bonds as may
3001 have been called for payment and redemption together with the past
3002 due interest and the premium, if any, due thereon; such bonds may
3003 be issued and delivered in exchange for a like par value amount of
3004 bonds to refund which the refunding bonds were issued. No



3005 refunding bonds issued hereunder shall be payable in more than
3006 forty (40) years from the date thereof or shall bear interest at a
3007 rate in excess of the rate of interest authorized in Section
3008 75-17-103 for the bonds being refunded.

3009 Such refunding bonds shall be payable from the same sources
3010 as were pledged to the payment of the bonds refunded thereby and,
3011 in the discretion of the board of trustees, may be payable from
3012 any other sources which may be pledged to the payment of revenue
3013 bonds issued under Sections 37-101-91 through 37-101-103. Bonds
3014 of two (2) or more issues of any institution of higher learning of
3015 the State of Mississippi may be refunded by a single issue of
3016 refunding bonds.

3017 Notwithstanding the foregoing provisions of this section,
3018 bonds referred to hereinabove may be issued pursuant to the
3019 supplemental powers and authorizations conferred by the provisions
3020 of the Registered Bond Act, being Sections 31-21-1 through
3021 31-21-7.

3022 **SECTION 56.** Section 37-101-101, Mississippi Code of 1972, is
3023 amended as follows:

3024 37-101-101. The board of trustees of each state institution
3025 of higher learning in connection with the issuance of the bonds
3026 for the purposes enumerated in Section 37-101-91, or in order to
3027 secure the payment of such bonds and interest thereon, shall have
3028 power by resolutions:

3029 (a) To fix and maintain (1) fees, rentals, and other
3030 charges to be paid by students, faculty members and others using
3031 or being served by any dormitories, dwellings, apartments,
3032 athletic stadiums, gymnasiums, student union buildings, student
3033 service centers, athletic fields, swimming pools, or other
3034 projects or facilities, erected, repaired, remodeled, maintained,
3035 added to, extended, improved, or acquired under the authority of
3036 Section 37-101-91; (2) fees, rentals and other charges to be paid
3037 by students, faculty members, and others using or being served by



3038 any other dormitories, dwellings, apartments, athletic stadiums,
3039 gymnasiums, student union buildings, student service centers,
3040 athletic fields, swimming pools, or other projects or facilities
3041 at any institution which so issues bonds, which fees, rentals and
3042 other charges to be paid by students, faculty members, and others
3043 using or being served by such other dormitories, dwellings,
3044 apartments, athletic stadiums, gymnasiums, student union
3045 buildings, student service centers, athletic fields, swimming
3046 pools, or other projects or facilities, shall be the same as those
3047 applicable to the dormitories, dwellings, apartments, athletic
3048 stadiums, gymnasiums, student union buildings, student service
3049 centers, athletic fields, swimming pools, or other projects or
3050 facilities referred to in the preceding subdivision (1); however,
3051 in fixing such fees, rentals and other charges, there may be
3052 allowed reasonable differentials based on the condition, type,
3053 location and relative convenience of the dormitories, dwellings,
3054 apartments, athletic stadiums, gymnasiums, student union
3055 buildings, student service centers, athletic fields, swimming
3056 pools, or other projects or facilities in question, but such
3057 differentials shall be uniform as to all such students or faculty
3058 members and others similarly accommodated;

3059 (b) To provide that bonds so issued shall be secured by
3060 a first, exclusive and closed lien on, and shall be payable from,
3061 all or any part of the income and revenues derived from fees,
3062 rentals and other charges to be paid by students, faculty members
3063 or others using or being served by any dormitories, dwellings,
3064 apartments, athletic stadiums, gymnasiums, student union
3065 buildings, student service centers, athletic fields, swimming
3066 pools, or other projects or facilities operated at any such
3067 institution, and erected, repaired, remodeled, maintained, added
3068 to, extended, improved or acquired under Section 37-101-91, or any
3069 other law, or otherwise, and not theretofore so pledged;



3070 (c) To pledge and assign to, or in trust for the
3071 benefit of the holder or holders of any bond or bonds, coupon or
3072 coupons so issued, an amount of the income and revenues derived
3073 from such fees, rentals and other charges to be paid by students,
3074 faculty members, or others using or being served by any
3075 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3076 student union buildings, student service centers, athletic fields,
3077 swimming pools, or other projects or facilities operated at any
3078 such institution, and erected, repaired, remodeled, maintained,
3079 added to, extended, improved or acquired under Section 37-101-91,
3080 or any other law, or otherwise, and not theretofore so pledged,
3081 which rentals, fees and charges imposed and pledged pursuant to
3082 the terms of this section shall be sufficient to pay when due the
3083 bonds so issued and interest thereon, to create and maintain a
3084 reasonable reserve therefor and to operate and maintain the
3085 project so constructed, and to create and at all times maintain an
3086 adequate reserve for contingencies and for major repairs and
3087 replacements;

3088 (d) To covenant with or for the benefit of the holder
3089 or holders of any bond or bonds, coupon or coupons so issued to
3090 erect, repair, remodel, maintain, add to, extend, improve or
3091 acquire any dormitories, dwellings, apartments, athletic stadiums,
3092 gymnasiums, student union buildings, student service centers,
3093 athletic fields, swimming pools, or other projects or facilities,
3094 that so long as any of said bonds or coupons shall remain
3095 outstanding and unpaid, such institution shall fix, maintain and
3096 collect, in such installments as may be agreed upon, an amount of
3097 fees, rentals or other charges from students, faculty members, and
3098 others using or being served by any dormitories, dwellings,
3099 apartments, athletic stadiums, gymnasiums, student union
3100 buildings, student service centers, athletic fields, swimming
3101 pools, or other projects or facilities operated at any such
3102 institution and erected, repaired, remodeled, maintained, added



3103 to, extended, improved or acquired under Section 37-101-91, or any
3104 other law, or otherwise, which shall be sufficient to pay when due
3105 any bond or bonds, coupons or coupons so issued, and to create and
3106 maintain a reasonable reserve therefor, and to pay the cost of
3107 operation and maintenance of such dormitories, dwellings,
3108 apartments, athletic stadiums, gymnasiums, student union
3109 buildings, student service centers, athletic fields, swimming
3110 pools, or other projects or facilities, including a sum sufficient
3111 to pay the cost of insuring such dormitories, dwellings,
3112 apartments, athletic stadiums, gymnasiums, student union
3113 buildings, student service centers, athletic fields, swimming
3114 pools, or other projects or facilities against loss or damage by
3115 fire and windstorm or other calamities, in such sum as may be
3116 acceptable to the purchaser or purchasers of such bonds. The
3117 rentals, fees and other charges shall at all times be sufficient
3118 to maintain an adequate bond sinking fund to provide for the
3119 payment of interest on and principal of the bonds as and when they
3120 accrue and mature, to create a reasonable reserve therein and to
3121 pay the cost of operation and maintenance and insurance as herein
3122 provided and to create and at all times maintain an adequate
3123 reserve for contingencies and for major repairs and replacements;

3124 (e) To make and enforce and agree to make and enforce
3125 parietal rules that shall insure the use of any such dormitory,
3126 dwelling, apartment, athletic stadium, gymnasium, student union
3127 building, student service center, athletic field, swimming pool,
3128 or other project or facility by all students in attendance at such
3129 institution, and faculty members thereof, to the maximum extent to
3130 which such dormitories, dwellings, apartments, athletic stadiums,
3131 gymnasiums, student union buildings, student service centers,
3132 athletic fields, swimming pools, or other projects or facilities
3133 are capable of serving same, so long as it does not interfere with
3134 any existing contract;



3135 (f) To covenant that as long as any of the bonds so
3136 issued shall remain outstanding and unpaid, it will not, except
3137 upon such terms and conditions as may be determined by the
3138 resolution issuing such bonds, (1) voluntarily create, or cause to
3139 be created, any debt, lien, pledge, assignment, encumbrance, or
3140 other charge having priority to or being on a parity with the lien
3141 of the bonds so issued upon any of the income and revenues derived
3142 from fees, rentals and other charges to be paid by students,
3143 faculty members and others using or being served by any
3144 dormitories, dwellings, apartments, athletic stadiums, gymnasiums,
3145 student union buildings, student service centers, athletic fields,
3146 swimming pools, or other projects or facilities operated at any
3147 such institution and erected, repaired, remodeled, maintained,
3148 added to, extended, improved or acquired under Section 37-101-91,
3149 or any other law, or otherwise, or (2) convey or otherwise
3150 alienate any such dormitories, dwellings, apartments, athletic
3151 stadiums, gymnasiums, student union buildings, student service
3152 centers, athletic fields, swimming pools, or other projects or
3153 facilities, or the real estate upon which the same shall be
3154 located, except at a price sufficient to pay all the bonds then
3155 outstanding payable from the revenues derived therefrom and
3156 interest accrued on such bonds, and then only in accordance with
3157 any agreements with the holder or holders of such bonds, or (3)
3158 mortgage or otherwise voluntarily create, or cause to be created,
3159 any encumbrance on any such dormitory, dwelling, apartment,
3160 athletic stadium, gymnasium, student union building, student
3161 service center, athletic field, swimming pool, or other project or
3162 facility, or the real estate upon which it shall be located;

3163 (g) To covenant as to the proceedings by which the
3164 terms of any contract with a holder or holders of such bonds may
3165 be amended or rescinded, the amount or percentage of bonds the
3166 holder or holders of which must consent thereto and the manner in
3167 which such consent may be given;



3168 (h) To vest in a trustee or trustees the right to
3169 receive all or any part of the income and revenue and proceeds of
3170 insurance pledged and assigned to, or for the benefit of, the
3171 holder or holders of such bonds, and to hold, apply and dispose of
3172 the same and the right to enforce any covenant made to secure or
3173 pay or in relation to such bonds;

3174 (i) To authorize the chairman and the secretary of said
3175 board to execute and deliver, in the name of the institution for
3176 which such bonds are being issued, a trust agreement or agreements
3177 which may set forth the powers and duties of such trustee or
3178 trustees, and limiting the liabilities thereof, and describing
3179 what occurrences shall constitute events of default and
3180 prescribing the terms and conditions upon which such trustee or
3181 trustees or the holder or holders of bonds of any specified amount
3182 or percentage of such bonds may exercise such right and enforce
3183 any and all such covenants and resort to any such remedies as may
3184 be appropriate; and

3185 (j) To vest in a trustee or trustees or the holder or
3186 holders of any specified amount or percentage of bonds the right
3187 to apply to any court of competent jurisdiction for and have
3188 granted the appointment of a receiver or receivers of the income
3189 and revenue pledged and assigned to or for the benefit of the
3190 holder or holders of such bonds, which receiver or receivers may
3191 have and be granted such powers and duties as are usually granted
3192 under the laws of the State of Mississippi to a receiver or
3193 receivers appointed in connection with the foreclosure of a
3194 mortgage made by a private corporation.

3195 **SECTION 57.** Section 37-101-103, Mississippi Code of 1972, is
3196 amended as follows:

3197 37-101-103. No monies derived from the sale of bonds of any
3198 institution or otherwise borrowed or received by such institution
3199 under Sections 37-101-91 through 37-101-103, or from the fees,
3200 rentals, and charges received and collected for the use of any



3201 project constructed, repaired, remodeled, maintained, added to,
3202 extended, improved, or acquired under authority of said sections,
3203 shall be required to be paid into the State Treasury, but shall,
3204 except as herein otherwise provided, be deposited by the Treasurer
3205 or other fiscal officer of the institution in a separate bank
3206 account or accounts in such bank or banks or trust company or
3207 trust companies as may be designated by the board of trustees of
3208 the state institution of higher learning. All deposits of such
3209 monies shall, if required by the board, be secured by obligations
3210 of the United States of America or of the State of Mississippi, of
3211 a market value equal at all times to the amount of the deposit,
3212 and all banks and all trust companies are hereby authorized to
3213 give such security. Such money may be disbursed as may be
3214 directed by the board and in accordance with the terms of any
3215 agreements with the holder or holders of any bonds. This section
3216 shall be construed as limiting the power of said board to agree in
3217 connection with issuance of any such bonds as to the custody and
3218 disposition of the monies received from the sale of such bonds or
3219 the income and revenues pledged and assigned to or in trust for
3220 the benefit of the holder or holders thereof.

3221 It is specifically provided, however, notwithstanding any
3222 other provision of this section, that when any project financed by
3223 the proceeds of revenue bonds issued hereunder shall be supervised
3224 by the State Building Commission and the said State Building
3225 Commission shall execute and enter into construction contracts
3226 with respect thereto, the board of trustees of each state
3227 institution of higher learning shall have the power and authority
3228 to pay into the State Treasury in a special account for said
3229 project an amount from the proceeds of the sale of the bonds which
3230 shall be sufficient to pay all such construction contracts and all
3231 fees and expenses incidental thereto, including any amount, plus
3232 interest thereon, which may have been borrowed for interim
3233 financing of said project. The amount so paid into such special



3234 account shall be expended by the State Building Commission in the
3235 manner provided by law in payment of the amounts due under such
3236 construction contracts, and fees and expenses incidental thereto,
3237 and in repayment of money, if any, borrowed for interim financing,
3238 plus interest thereon. If, at the conclusion of the project, any
3239 sum should remain in said special account it shall be repaid to
3240 the institution entitled thereto to be handled in accordance with
3241 the terms of the agreement with the holder or holders of the
3242 bonds.

3243 Notwithstanding any other provisions of this section, such
3244 reports as may be required by the State Auditor of Public Accounts
3245 shall be made to him by the institutions of higher learning in the
3246 manner and at the times he may prescribe, so that his records may
3247 reflect full and complete information relative thereto.

3248 **SECTION 58.** Section 37-101-121, Mississippi Code of 1972, is
3249 amended as follows:

3250 37-101-121. The board of trustees of each state institution
3251 of higher learning is hereby authorized and empowered, in its
3252 discretion, and with the consent and approval of the State
3253 Building Commission, to invest any funds derived or made available
3254 for the purpose of constructing, erecting, repairing, remodeling
3255 or equipping dormitories and other housing facilities under
3256 projects approved and sanctioned by the Home and Housing Finance
3257 Agency of the United States of America, whether said funds be
3258 derived from the proceeds of bonds issued under the provisions of
3259 Sections 37-101-91 through 37-101-103, or from money borrowed for
3260 the interim financing of any such project, or from any other
3261 sources, in short-term bonds or other direct obligations of the
3262 United States of America. However, no such funds shall be so
3263 invested except the amount of such funds which is in excess of the
3264 sums which will be required for expenditure in financing the
3265 construction of said projects during the succeeding ninety (90)
3266 days. In all cases, the bonds or other obligations in which such



3267 funds are invested shall mature or be redeemable prior to the time
3268 the funds so invested will be needed for expenditure in financing
3269 the construction of said projects.

3270 The board * * *, with the consent and approval of the State
3271 Building Commission, may, by order or resolution spread upon its
3272 minutes, authorize and empower any member or members of said board
3273 of trustees, or any officers or employees thereof, or any other
3274 person or persons, to make investments of such funds from time to
3275 time as they shall be available for investment under the
3276 provisions of this section. Any such member or members or
3277 officers or employees, or other person or persons, when so
3278 authorized by such order or resolution, shall have the power and
3279 authority to make such investments of such funds, to make
3280 purchases of such bonds or other obligations, to execute all
3281 necessary instruments in connection therewith, and to take such
3282 other action as may be necessary to effectuate the investment of
3283 such funds.

3284 **SECTION 59.** Section 37-101-123, Mississippi Code of 1972, is
3285 amended as follows:

3286 37-101-123. When any such bonds or other direct obligations
3287 of the United States of America shall have been purchased with
3288 such excess funds as is provided for in Section 37-101-121, such
3289 bonds or other obligations may be sold or surrendered for
3290 redemption at any time by order or resolution adopted by the board
3291 of trustees of the state institution of higher learning, and
3292 approved by the State Building Commission. Any member or members
3293 thereof or any officers or employees thereof, or any other person
3294 or persons, when authorized by such order or resolution, shall
3295 have the power and authority to sell said bonds or other
3296 obligations or to surrender same for redemption and to execute all
3297 instruments and take such other action as may be necessary to
3298 effectuate the sale or redemption thereof. When such bonds or
3299 other obligations shall be sold or redeemed, the proceeds thereof,



3300 including the accrued interest thereon, shall be paid into the
3301 proper fund and shall in all respects be dealt with and expended
3302 for the purpose for which said funds were originally derived or
3303 made available.

3304 **SECTION 60.** Section 37-101-125, Mississippi Code of 1972, is
3305 amended as follows:

3306 37-101-125. Orders or resolutions of the board of trustees
3307 of any state institution of higher learning authorizing the
3308 investment of funds or the sale and redemption of bonds and other
3309 obligations purchased therewith under the provisions of Sections
3310 37-101-121 and 37-101-123, may be in general terms and may confer
3311 continuing authority upon the person or persons authorized to act.
3312 It shall not be necessary that separate resolutions or orders be
3313 passed and adopted with reference to each transaction.

3314 **SECTION 61.** Section 37-101-141, Mississippi Code of 1972, is
3315 amended as follows:

3316 37-101-141. The board of trustees of each state institution
3317 of higher learning is hereby authorized and empowered, in its
3318 discretion, to sell and dispose of the timber, trees, dead wood
3319 and stumps standing, growing and being upon the lands granted to
3320 the State of Mississippi for the use and benefit of the University
3321 of Mississippi by an act of Congress of the United States approved
3322 June 20, 1894, and upon the lands granted to the State of
3323 Mississippi for the use and benefit of Mississippi University for
3324 Women by an act of Congress of the United States approved March 2,
3325 1895, and upon the lands granted to the State of Mississippi for
3326 the use and benefit of Mississippi State University of Agriculture
3327 and Applied Science, and Alcorn State University by an act of
3328 Congress of the United States approved February 20, 1895, whenever
3329 the sale or disposition of such timber shall be to the best
3330 advantage of the institutions named herein. Such timber shall be
3331 sold and disposed of under the direction and specifications of the



3332 State Forestry Commission in accordance with sound and efficient
3333 principles of forestry management and conservation.

3334 **SECTION 62.** Section 37-101-143, Mississippi Code of 1972, is
3335 amended as follows:

3336 37-101-143. The board of trustees of each state institution
3337 of higher learning named in Section 37-101-141 is also authorized
3338 and empowered to lease those lands referred to in Section
3339 37-101-141, or any part thereof, for oil, gas and mineral
3340 development, or for any other purpose, for such consideration,
3341 upon such terms and conditions as the board of trustees shall deem
3342 proper, and for the best advantage of the respective institutions.
3343 Any such oil, gas or mineral lease shall not be for a primary term
3344 of more than six (6) years and so long thereafter as oil, gas or
3345 other minerals are produced from said lands. The royalties
3346 reserved in such lease or leases shall be not less than the
3347 following:

3348 (a) On oil, one-eighth (1/8) part produced and saved
3349 from said land;

3350 (b) On gas, including casinghead gas, or other gaseous
3351 substances, produced from said land and sold or used off the
3352 premises, or for the extraction of gasoline or other products
3353 therefrom, the market value at the well of one-eighth (1/8) of the
3354 gas so sold or used; and

3355 (c) On all other minerals mined and marketed,
3356 one-eighth (1/8) part in kind or value at the well or mine except
3357 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3358 ton.

3359 **SECTION 63.** Section 37-101-145, Mississippi Code of 1972, is
3360 amended as follows:

3361 37-101-145. Before any timber, trees, dead wood, or stumps,
3362 standing, growing or being upon lands shall be sold from said
3363 lands as is authorized in Section 37-101-141, and before any lands
3364 shall be leased for oil, gas and mineral purposes, or other



3365 purposes as is authorized in Section 37-101-143, the board of
3366 trustees of the involved state institution of higher learning
3367 shall advertise its intention to do so by publication in a
3368 newspaper in the City of Jackson, and also in a newspaper
3369 published in each county where such lands are situated, such
3370 notice to be published once a week for three (3) consecutive weeks
3371 preceding such sale or lease, and by posting one (1) notice at the
3372 courthouse in the county or counties where the lands are situated.
3373 In any county having no paper published therein, the publication
3374 shall be placed in some paper having a general circulation in said
3375 county. Said board shall sell or lease at public auction, or by
3376 sealed bids, at the place designated in said notices, to the
3377 highest and best bidder for cash. The board shall have the right
3378 to reject any or all of such bids.

3379 **SECTION 64.** Section 37-101-147, Mississippi Code of 1972, is
3380 amended as follows:

3381 37-101-147. All leases and conveyances of timber, trees,
3382 dead wood and stumps, and all oil, gas and mineral leases, or
3383 leases for other purposes, provided for in Sections 37-101-141 and
3384 37-101-143, shall be executed by the president of the board of
3385 trustees of * * * the University of Mississippi, Mississippi
3386 University for Women, Mississippi State University of Agriculture
3387 and Applied Science and Alcorn State University, as the case may
3388 be. The corporate seal of the proper institution shall be affixed
3389 to all conveyances and leases of the lands held for the use and
3390 benefit of such institutions. In all such cases such conveyances
3391 and leases shall be executed only upon the order or resolution of
3392 the board of trustees of the state institution of higher learning
3393 in the manner and method hereinbefore set forth.

3394 **SECTION 65.** Section 37-101-149, Mississippi Code of 1972, is
3395 amended as follows:

3396 37-101-149. The proceeds derived or received from all sales
3397 of timber, trees, dead wood, and stumps, and from all oil, gas and



3398 mineral leases, or leases for other purposes, provided for in
3399 Sections 37-101-141 and 37-101-143, including but not limited to
3400 rentals, bonuses, royalties, and delay rentals, shall be deposited
3401 in such special funds as the * * * board of trustees of the
3402 involved state institution of higher learning may designate for
3403 the use and benefit of the institution owning or having the use
3404 and benefit of the land from which such money was derived. Such
3405 money, after all expenditures for maintenance, operation, and
3406 improvements necessary for effective and scientific management of
3407 said resources shall have been deducted, shall be used and
3408 expended under the supervision of said board of trustees for the
3409 erection and construction of permanent improvements on the
3410 campuses of such institution, or for the repair of permanent
3411 improvements existing on said campuses. It is the purpose of this
3412 section that the funds received from lands held for the use of
3413 each of the respective institutions shall be kept in a special
3414 fund for the use and benefit of the institution having the use and
3415 benefit of the land from which such funds were derived, and that
3416 such funds shall be expended only for the purposes hereinabove set
3417 forth.

3418 Notwithstanding any other provisions of this section, such
3419 reports as may be required by the State Auditor of Public Accounts
3420 shall be made to him by the institutions of higher learning in the
3421 manner and at the times he may prescribe, so that his records may
3422 reflect full and complete information relative thereto.

3423 **SECTION 66.** Section 37-101-153, Mississippi Code of 1972, is
3424 amended as follows:

3425 37-101-153. The board of trustees of each state institution
3426 of higher learning is hereby authorized and empowered, in its
3427 discretion, to lease any lands, or any part thereof, belonging
3428 to * * * said institution, for oil, gas and mineral development,
3429 upon such terms, conditions and considerations as said board of
3430 trustees shall deem proper and for the best interest of the



3431 institution * * *. Any such oil, gas or mineral lease shall be
3432 for a primary term of not more than six (6) years and so long
3433 thereafter as oil, gas or other mineral is produced from said
3434 land. The royalty reserved in such lease or leases shall not be
3435 less than the following:

3436 (a) On oil, one-eighth (1/8) part produced and saved
3437 from said land;

3438 (b) On gas, including casinghead gas, or other gaseous
3439 substances, produced from said land and sold or used off the
3440 premises, or for the extraction of gasoline or other products
3441 therefrom the market value at the well of one-eighth (1/8) of the
3442 gas so sold or used; and

3443 (c) On all other minerals mined and marketed,
3444 one-eighth (1/8) part in kind or value at the well or mine except
3445 sulphur on which the royalty shall be Two Dollars (\$2.00) per long
3446 ton.

3447 **SECTION 67.** Section 37-101-155, Mississippi Code of 1972, is
3448 amended as follows:

3449 37-101-155. Before any of the land named in Section
3450 37-101-153, shall be leased for oil, gas and mineral purposes, the
3451 board of trustees of the involved state institution of higher
3452 learning shall give notice of its intention by publishing a notice
3453 in some newspaper in the City of Jackson and also a newspaper
3454 published in the county or counties where such lands are situated,
3455 giving the time and place that said board will receive bids. Said
3456 notice shall be published once each week for three (3) consecutive
3457 weeks. Said board at said time and place will receive sealed bids
3458 for such lease or leases, and will consider the highest and best
3459 bid that is the most advantageous to the institution * * *. The
3460 board shall have the right to reject any or all such bids.

3461 **SECTION 68.** Section 37-101-157, Mississippi Code of 1972, is
3462 amended as follows:



3463 37-101-157. All oil, gas and mineral leases provided for in
3464 Section 37-101-153, shall be executed by the president of the
3465 board of trustees of the involved state institution of higher
3466 learning * * * on behalf of the institution owning or having the
3467 use of such lands, as the case may be. The corporate seal of the
3468 institution owning or having benefit of such land shall be affixed
3469 to all leases. In all such cases such leases shall be executed
3470 only upon order or resolution of the board of trustees of the
3471 state institutions of higher learning in the manner hereinbefore
3472 set forth.

3473 **SECTION 69.** Section 37-101-159, Mississippi Code of 1972, is
3474 amended as follows:

3475 37-101-159. The consideration and proceeds derived or
3476 received from all oil, gas and mineral leases provided for in
3477 Section 37-101-153, including, but not limited to bonuses,
3478 rentals, royalties and delay rentals, shall be paid to the board
3479 of trustees of the state institution of higher learning for the
3480 use and benefit of the institution owning or having the use and
3481 benefit of the land from which said money was derived. All such
3482 money or funds shall be allocated to or used for the benefit of
3483 such institution * * *.

3484 **SECTION 70.** Section 37-101-181, Mississippi Code of 1972, is
3485 amended as follows:

3486 37-101-181. Any member of the faculties of Alcorn State
3487 University, Jackson State University, and Mississippi Valley State
3488 University shall be eligible for leave of absence to pursue
3489 advanced academic training so as to elevate the scholastic
3490 qualifications of the faculties of these above-mentioned colleges,
3491 in line with the requirements of the several accrediting agencies.

3492 In order to provide for the above leaves the board of
3493 trustees of those state institutions of higher learning shall have
3494 power to adopt rules and regulations regarding such leave. In no
3495 instance shall leave be granted unless there is a contract



3496 providing for continued service, after expiration of the leave, in
3497 the college where the faculty member is employed.

3498 The board of trustees * * * is hereby authorized to make
3499 payment of salary, or such part of salary as may be decided, of
3500 such faculty members who are under contract for academic leaves.

3501 **SECTION 71.** Section 37-101-183, Mississippi Code of 1972, is
3502 amended as follows:

3503 37-101-183. Any members of the faculty of the state
3504 institutions of higher learning of the State of Mississippi shall
3505 be eligible for sabbatical leaves, for the purpose of professional
3506 improvement, for not more than two (2) semesters immediately
3507 following any twelve (12) or more consecutive semesters of active
3508 service in the institutions of higher learning of this state where
3509 such faculty member is employed or for not more than one (1)
3510 semester immediately following any six (6) or more consecutive
3511 semesters of such service. Absence on sick leave shall not be
3512 deemed to interrupt the active service herein provided for.

3513 Applications for sabbatical leave shall be made to the board
3514 of trustees of the state institution of higher learning, with the
3515 approval of the chancellor or the president of the institution of
3516 higher learning. Approval or disapproval of the applications for
3517 sabbatical leave shall be made on the basis of regulations
3518 prescribed by the board * * *.

3519 Any person who is granted a sabbatical leave and who fails to
3520 comply with the provisions of such leave as approved by the state
3521 institution of higher learning may have his or her leave
3522 terminated by the board * * *.

3523 No person on sabbatical leave can be denied any regular
3524 increment of increase in salary because of absence on sabbatical
3525 leave.

3526 Service on sabbatical leave shall count as active service for
3527 the purpose of retirement and contributions to the retirement fund
3528 shall be continued.



3529 In order to provide for the above leaves the board of
3530 trustees of each state institution of higher learning shall have
3531 power to adopt rules and regulations regarding such leave. In no
3532 instance shall leave be granted unless there is a contract
3533 providing for continued service, after expiration of the leave, in
3534 the college where the faculty member is employed.

3535 Every person on sabbatical leave shall enjoy all the rights
3536 and privileges pertaining to his or her employment in the
3537 institution of higher learning in which such person is employed,
3538 which such person would have enjoyed if in active service during
3539 such leave in the position from which such leave was taken.

3540 Each person granted sabbatical leave may receive and be paid
3541 compensation up to the rate of fifty percent (50%) of such
3542 person's annual salary.

3543 Compensation payable to persons on sabbatical leave shall be
3544 paid at the same time and in the same manner salaries of the other
3545 members of the faculty are paid.

3546 **SECTION 72.** Section 37-101-185, Mississippi Code of 1972, is
3547 amended as follows:

3548 37-101-185. The board of trustees of each state institution
3549 of higher learning is hereby authorized to cooperate with the
3550 state building commission, in the discretion of both agencies, in
3551 the employment of technical and professional personnel for
3552 supervising the planning and constructing or repairs of physical
3553 plant facilities located on the campuses of the several
3554 institutions of higher learning. Upon determination by the state
3555 building commission as to the proportionate amount due from the
3556 board of trustees for salaries and other expenses of such
3557 employees, said board is authorized and empowered to pay over to
3558 the state building commission such sums from funds available to
3559 the board * * * for such purposes.

3560 **SECTION 73.** Section 37-101-221, Mississippi Code of 1972, is
3561 amended as follows:



3562 37-101-221. The Commissioner of Higher Education may provide
3563 instruction in graduate and professional schools for qualified
3564 students, who are residents of Mississippi, in institutions
3565 outside the state boundaries, when such instruction is not
3566 available for them in the regularly supported Mississippi
3567 institutions of higher learning. The commissioner shall, by * * *
3568 rules and regulations, determine the qualifications of such
3569 students as may be aided by this section, and the decision by the
3570 commissioner as to the qualifications of such students shall be
3571 final. The commissioner shall provide such graduate and
3572 professional instruction, within the limits of the funds available
3573 for this purpose, at a cost to students, not exceeding the cost,
3574 as estimated by the commissioner, of such instruction, if it were
3575 available at a state supported institution of higher learning in
3576 the State of Mississippi.

3577 **SECTION 74.** Section 37-101-283, Mississippi Code of 1972, is
3578 amended as follows:

3579 37-101-283. Each male applicant for any scholarship or loan
3580 funded in whole or in part by this state, whether granted by the
3581 Commissioner of Higher Education, the board of trustees of a state
3582 institution of higher learning, the Post-Secondary Education
3583 Financial Assistance Board, or otherwise granted by any
3584 state-supported college or university, and whether to be used at a
3585 state-supported institution of higher learning or at a private
3586 institution, shall within six (6) months after he attains the age
3587 of eighteen (18) years submit to the person, commission, board or
3588 agency in which his application for scholarship or loan is or has
3589 been made satisfactory evidence of his compliance with the draft
3590 registration requirements of the Military Selective Service Act.
3591 Such evidence shall consist of a copy of the draft registration
3592 acknowledgment letter received from the Selective Service System
3593 by the scholarship or loan applicant or holder. If an applicant
3594 for or holder of any such scholarship or loan fails to submit a



3595 copy of his draft registration acknowledgment letter in the manner
3596 and within the time allowed therefor, any pending application of
3597 such person for the award, grant or renewal of any such
3598 scholarship or loan shall be denied, and any such scholarship or
3599 loan currently held by such person shall be revoked to the extent
3600 that no further payments under that scholarship or loan may be
3601 made to him or on his behalf. The person, commission, board or
3602 agency to which an application for the award, grant or renewal of
3603 such scholarship or loan is made, or by or through which any such
3604 scholarship or loan is administered or issued shall notify the
3605 applicant or holder and the chief executive officer of any
3606 institution at which a holder of a scholarship or loan so revoked
3607 is enrolled of its action, and upon request of the scholarship or
3608 loan applicant or holder shall afford him the opportunity, either
3609 in person, in writing or by counsel of his choice to present
3610 evidence against such action.

3611 **SECTION 75.** Section 37-101-303, Mississippi Code of 1972, is
3612 amended as follows:

3613 37-101-303. Before the issuance of any of the bonds herein
3614 authorized, the board of trustees of each state institution of
3615 higher learning shall forward to the State Bond Commission its
3616 recommendation declaring the necessity for the issuance of general
3617 obligation bonds as authorized by Sections 37-101-301 through
3618 37-101-331 for the purpose of erecting, repairing, constructing,
3619 remodeling, adding to or improving capital facilities for
3620 institutions of higher learning. The State Bond Commission shall
3621 have the power and is hereby authorized, upon receipt of the
3622 aforesaid recommendations, at one time or from time to time, to
3623 declare the necessity for issuance of negotiable general
3624 obligation bonds of the State of Mississippi in an aggregate
3625 amount not to exceed Forty Million Dollars (\$40,000,000.00) to
3626 provide funds for the purposes hereinabove set forth and to issue
3627 and sell bonds in the amount specified.



3628 Out of the total amount of bonds authorized to be issued,
3629 funds shall be allocated among the institutions of higher learning
3630 as follows:

| | | |
|------|--|-----------------|
| 3631 | Alcorn State University..... | \$ 4,416,000.00 |
| 3632 | Delta State University..... | 1,882,000.00 |
| 3633 | Jackson State University..... | 2,396,000.00 |
| 3634 | Mississippi State University..... | 9,810,000.00 |
| 3635 | Mississippi University for Women..... | 1,909,000.00 |
| 3636 | Mississippi Valley State University..... | 1,775,000.00 |
| 3637 | University of Mississippi..... | 6,086,000.00 |
| 3638 | University of Southern Mississippi..... | 5,971,000.00 |
| 3639 | University of Southern Mississippi - | |
| 3640 | Gulf Park Campus..... | 309,000.00 |
| 3641 | University Medical Center..... | 3,465,000.00 |
| 3642 | Gulf Coast Research Laboratory..... | 260,000.00 |
| 3643 | Education and Research Center..... | 475,000.00 |
| 3644 | Division of Agriculture, Forestry and | |
| 3645 | Veterinary Medicine..... | 1,246,000.00 |

3646 * * *

3647 **SECTION 76.** Section 37-101-305, Mississippi Code of 1972, is
3648 amended as follows:

3649 37-101-305. Upon receipt of a certified copy of a resolution
3650 of the board of trustees of a state institution of higher learning
3651 declaring the necessity for the issuance of any part or all of the
3652 bonds authorized by Sections 37-101-301 et seq., the State Bond
3653 Commission is hereby authorized and empowered to sell and issue
3654 general obligation bonds of the State of Mississippi in the
3655 principal amount requested, not to exceed an aggregate principal
3656 amount of Forty Million Dollars (\$40,000,000.00) for the purposes
3657 hereinabove set forth. The State Bond Commission is authorized
3658 and empowered to pay the costs that are incident to the sale,
3659 issuance and delivery of the bonds authorized under Sections



3660 37-101-301 et seq. from the proceeds derived from the sale of such
3661 bonds.

3662 **SECTION 77.** Section 37-101-351, Mississippi Code of 1972, is
3663 amended as follows:

3664 37-101-351. The board of trustees of each state institution
3665 of higher learning is hereby authorized to establish an executive
3666 institute which shall be responsible for providing advanced
3667 training and assessment for public sector executives, elected
3668 officials, state board and commission members, and officers and
3669 employees of local government entities of the State of
3670 Mississippi.

3671 **SECTION 78.** Section 37-102-1, Mississippi Code of 1972, is
3672 amended as follows:

3673 37-102-1. The board of trustees of each state institution of
3674 higher learning may establish off-campus instructional programs
3675 for existing universities. However, the board * * * shall not
3676 establish off-campus instructional programs if in its opinion such
3677 action is not in the best interest of quality education for the
3678 State of Mississippi and the university system.

3679 Students at any off-campus program site may, in the
3680 discretion of the board * * *, be permitted to register for
3681 full-time course loads.

3682 Attendance at an off-campus site shall fulfill the residency
3683 requirements as if the student had attended class on the parent
3684 campus of the university, and there shall be no difference in the
3685 standards for work nor quality weight of a degree earned in the
3686 off-campus program from that earned at the parent institution.

3687 **SECTION 79.** Section 37-102-3, Mississippi Code of 1972, is
3688 amended as follows:

3689 37-102-3. The boards of trustees of the state institutions
3690 of higher learning shall not permit the public universities to
3691 offer courses for college credit at the lower undergraduate level
3692 at an off-campus site unless approved by the State Board for



3693 Community and Junior Colleges. The Commissioner of Higher
3694 Education, in cooperation with the State Board for Community and
3695 Junior Colleges, shall study the need and advisability of offering
3696 (a) courses for college credit at the lower undergraduate level,
3697 and (b) advanced centers for technology partnerships for
3698 industrial training and professional development for credit and
3699 noncredit courses, at the following off-campus sites by four-year
3700 public state institutions of higher learning: the Mississippi
3701 Gulf Coast counties; Greenville, Mississippi; Columbus,
3702 Mississippi; McComb, Mississippi; Hattiesburg, Mississippi;
3703 Meridian, Mississippi; Laurel, Mississippi; and any other proposed
3704 area of the state. Any such study shall take into account the
3705 ongoing programs of the community and junior colleges in the State
3706 of Mississippi when a board authorizes off-campus programs created
3707 under this chapter. It is the intent of the Legislature to meet
3708 the educational needs of students who do not have ready access to
3709 the educational opportunities that they desire. It is the further
3710 intent of this chapter that university off-campus programs
3711 established hereunder will in no way usurp the responsibilities of
3712 the public junior colleges of the State of Mississippi. The
3713 Commissioner of Higher Education shall establish such rules and
3714 regulations as it deems necessary and proper to carry out the
3715 purposes and intent of this chapter.

3716 **SECTION 80.** Section 37-102-5, Mississippi Code of 1972, is
3717 amended as follows:

3718 37-102-5. The board of trustees of each state institution of
3719 higher learning may designate * * * off-campus sites. However,
3720 off-campus sites shall be located in such a manner as to make the
3721 services of the institutions of higher learning available to the
3722 people of Mississippi without unnecessary program duplication in
3723 the same geographic area.

3724 **SECTION 81.** Section 37-102-7, Mississippi Code of 1972, is
3725 amended as follows:



3726 37-102-7. The board of trustees of each state institution of
3727 higher learning shall submit to the Legislature budget requests
3728 with off-campus programs being an identified part of the
3729 total * * * budget request for the university by being a separate
3730 item within the budget request * * *. Said budget request shall
3731 include a statement of all actual or estimated receipts and
3732 disbursements for such off-campus programs and such other
3733 information as may be required by the Legislative Budget Office.

3734 **SECTION 82.** Section 37-102-13, Mississippi Code of 1972, is
3735 amended as follows:

3736 37-102-13. The board of trustees of each state institution
3737 of higher learning shall take into account the ongoing programs of
3738 the private colleges in the State of Mississippi when authorizing
3739 off-campus programs created under this chapter. It is the intent
3740 of this chapter to meet the educational needs of students who do
3741 not have ready access to the educational opportunities that they
3742 desire.

3743 **SECTION 83.** Section 37-102-15, Mississippi Code of 1972, is
3744 amended as follows:

3745 37-102-15. (1) The board of trustees of each state
3746 institution of higher learning and the Bureau of Buildings,
3747 Grounds and Real Property Management shall not make any
3748 expenditure for capital improvements for off-campus sites unless
3749 specifically authorized by the Mississippi Legislature. However,
3750 this shall not preclude such capital improvements from being made
3751 by county or municipal governments locally or regionally involved.

3752 (2) The Board of Trustees of Mississippi State University
3753 and the Bureau of Buildings, Grounds and Real Property Management
3754 is specifically authorized to expend any funds available to it
3755 from private sources, from the proceeds of the sale of any
3756 property and improvements currently on the site of Mississippi
3757 State University off-campus instructional program at Meridian and
3758 from the proceeds of funds designated to the Mississippi State



3759 University system for "repair, renovation and new construction" in
3760 Chapter 2, Section 2, General Laws, First Extraordinary Session of
3761 1989, for the construction, equipping and furnishing and new
3762 building, and/or for the repair, renovation, equipping and
3763 furnishing of any existing building at the Mississippi State
3764 University off-campus instructional program site at Meridian,
3765 Mississippi. The board * * * is hereby authorized to receive and
3766 expend matching funds from the local, county and municipal
3767 governments for such construction, equipping, furnishing, repair
3768 or renovation.

3769 **SECTION 84.** Section 37-103-1, Mississippi Code of 1972, is
3770 amended as follows:

3771 37-103-1. The board of trustees of each junior college in
3772 this state, the board of trustees of each state institution of
3773 higher learning, and the administrative authorities of each
3774 institution governed by said boards, in ascertaining and
3775 determining the legal residence of and tuition to be charged any
3776 student applying for admission to such institutions shall be
3777 governed by the definitions and conditions set forth in Sections
3778 37-103-1 through 37-103-23.

3779 **SECTION 85.** Section 37-103-9, Mississippi Code of 1972, is
3780 amended as follows:

3781 37-103-9. Children of parents who are members of the faculty
3782 or staff of any institution under the jurisdiction of the board of
3783 trustees of any junior college * * * or of any state institution
3784 of higher learning in this state may be classified as residents
3785 for the purpose of attendance at the institution where their
3786 parents are faculty or staff members.

3787 **SECTION 86.** Section 37-103-25, Mississippi Code of 1972, is
3788 amended as follows:

3789 37-103-25. The board of trustees of each state institution
3790 of higher learning and the boards of trustees of the junior
3791 colleges are hereby authorized to prescribe the amount of fees to



3792 be paid by students attending the several state-supported
3793 institutions of higher learning and junior colleges of the State
3794 of Mississippi. In prescribing the rates to be paid by residents
3795 of other states, the total fees shall not be less than the average
3796 cost per student from appropriated funds.

3797 **SECTION 87.** Section 37-103-29, Mississippi Code of 1972, is
3798 amended as follows:

3799 37-103-29. Nothing in this chapter shall be construed to
3800 provide that the board of trustees of any state institution of
3801 higher learning or the board of trustees of any junior college is
3802 required to consider for admission the application of a
3803 nonresident.

3804 **SECTION 88.** Section 37-104-5, Mississippi Code of 1972, is
3805 amended as follows:

3806 37-104-5. As used in this chapter, the following words and
3807 terms shall have the following meanings:

3808 (a) "Authority" means the members of the State Bond
3809 Commission, which is composed of the Governor, the Attorney
3810 General, and the State Treasurer, under Section 31-17-1, acting as
3811 the Educational Facilities Authority for Private, Nonprofit
3812 Institutions of Higher Learning.

3813 (b) "Private institution of higher learning" means a
3814 nonprofit university, college or junior college within the State
3815 of Mississippi, authorized by law to provide a program of
3816 education beyond the high school level, which is not under the
3817 jurisdiction of a board of trustees of a state institution of
3818 higher learning or the State Board for Community and Junior
3819 Colleges, and which is accredited by the Southern Association of
3820 Colleges and Schools.

3821 (c) "Educational facility" means any facility or
3822 structure, including, but not limited to, a housing or dormitory
3823 facility, academic building, library, laboratory, research
3824 facility, classroom, athletic facility, health care facility,



3825 maintenance, storage or utility facility, student union building,
3826 administration building, and parking facility, and any other
3827 facility or structure related thereto, which is essential, useful
3828 or convenient for the instruction of students, the conducting of
3829 research or the operation and conduct of a private institution of
3830 higher learning, and the land underlying said facility or
3831 structure, but shall not include any facility or structure used or
3832 to be used for sectarian instruction or as a place of religious
3833 worship nor any facility which is used or to be used primarily in
3834 connection with any part of the program of a school or department
3835 of divinity for any religious denomination or sect.

3836 (d) "Educational facility project" means the
3837 construction, enlargement, repair, improvement, alteration,
3838 remodeling, reconstruction, equipping or acquisition of an
3839 educational facility.

3840 (e) "Cost of the educational facility project" means
3841 the cost of construction, enlargement, repair, improvement,
3842 alteration, remodeling, reconstruction, equipping or acquisition
3843 of an educational facility; the cost of all lands, properties,
3844 rights-of-way, easements, franchises and interests acquired, used
3845 for or in connection with the educational facility; the cost of
3846 demolishing or removing buildings or structures on land so
3847 acquired, including the cost of acquiring any lands to which such
3848 buildings or structures may be moved; the cost of all machinery
3849 and equipment; financing charges, interest prior to and during
3850 construction, enlargement, repair, improvement, alteration,
3851 remodeling, reconstruction, or equipping of the said educational
3852 facility and for one (1) year after completion of said
3853 construction, enlargement, repair, improvement, alteration,
3854 remodeling, reconstruction, equipping or acquisition; the cost of
3855 engineering, architectural, financial and legal services; the cost
3856 of all plans, surveys and specifications; studies, estimates of
3857 cost and of revenues, and other expenses necessary or incident to



3858 determining the feasibility or practicability of the project;
3859 administrative expenses; the cost of such other expenses as may be
3860 necessary or incident to the financing herein authorized of the
3861 construction, enlargement, repair, improvement, alteration,
3862 remodeling, reconstruction, equipping or acquisition of any
3863 educational facility and the placing of said project in operation.
3864 Any obligations or expenses incurred for any of the foregoing
3865 purposes shall be regarded as a cost of the educational facility
3866 project and may be paid or reimbursed as such out of the proceeds
3867 of revenue bonds issued under the provisions of this chapter for
3868 such educational facility project.

3869 (f) "Participating private institution of higher
3870 learning" means a private institution of higher learning which,
3871 pursuant to the provisions of this chapter, undertakes an
3872 educational facility project, and the financing thereof, or
3873 undertakes the refinancing of an educational facility project.

3874 (g) "Revenue bonds" means revenue bonds issued by the
3875 Authority, under the provisions of this chapter, to finance or
3876 refinance an educational facility project at a participating
3877 private institution of higher learning and payable from monies
3878 received by the Authority from the participating private
3879 institution of higher learning pursuant to the bond loan agreement
3880 as defined herein.

3881 (h) "Bond loan agreement" means an agreement between
3882 the participating private institution of higher learning and the
3883 Authority for the purposes of: (i) establishing the terms for the
3884 payment of the revenue bonds by the participating private
3885 institution of higher learning; (ii) establishing the collateral
3886 of the participating private institution of higher learning which
3887 the parties determine to be necessary to secure the payment of the
3888 revenue bonds; (iii) establishing the terms for the payment by the
3889 Authority to the participating private institution of higher
3890 learning of the proceeds from the sale of the revenue bonds for



3891 the payment of the costs of the educational facilities project by
3892 the participating private institution of higher learning; and (iv)
3893 setting forth all other matters relating to the revenue bonds.

3894 **SECTION 89.** Section 37-105-1, Mississippi Code of 1972, is
3895 amended as follows:

3896 37-105-1. The board of trustees of each state institution of
3897 higher learning is hereby authorized and empowered to enact
3898 traffic rules and regulations for the control, direction, parking
3899 and general regulation of traffic and automobiles on the campus
3900 and streets of the state institution of higher learning under the
3901 supervision of such board.

3902 Any rules and regulations promulgated hereunder shall become
3903 effective only after notice of the enactment of same has been
3904 published in three (3) consecutive weekly issues of the college
3905 newspaper and in a newspaper published and having general
3906 circulation in the county or municipality where the institution to
3907 which same pertain is located; such notice shall state where the
3908 full text of such rules and regulations may be found on file. In
3909 addition, such rules and regulations shall be posted on five (5)
3910 bulletin boards at each such institution for a period of four (4)
3911 weeks after their promulgation.

3912 **SECTION 90.** Section 37-105-7, Mississippi Code of 1972, is
3913 amended as follows:

3914 37-105-7. The board of trustees of each state institution of
3915 higher learning is hereby authorized and empowered to prevent or
3916 regulate the running at large of animals of all kinds on the
3917 campus and the streets of the state institution of higher learning
3918 under the supervision of such board, and to cause such animals as
3919 may be running at large to be impounded and a charge made against
3920 the owner to discharge the cost and expenses of keeping the same.
3921 If the owner of any such animal does not pay such cost within the
3922 time prescribed by the board * * *, such impounded animal may be



3923 sold to discharge the cost and expense of impounding and selling
3924 the same.

3925 If the owner of any such animal does not pay such cost within
3926 the time prescribed by the board * * * and if such impounded
3927 animal cannot be sold to discharge the cost and expense of
3928 impounding and selling the same, such impounded animal may be sold
3929 or donated to research organizations.

3930 **SECTION 91.** Section 37-105-9, Mississippi Code of 1972, is
3931 amended as follows:

3932 37-105-9. Any act which, if committed within the limits of a
3933 city, town or village, or in any public place, would be a
3934 violation of the general laws of this state, shall be criminal and
3935 punishable if done on the campus, grounds or roads of any of the
3936 state institutions of higher learning. The peace officers duly
3937 appointed by the board of trustees of each state institution of
3938 higher learning are vested with the powers and subjected to the
3939 duties of a constable for the purpose of preventing and punishing
3940 all violations of law on university or college grounds, and for
3941 preserving order and decorum thereon.

3942 **SECTION 92.** Section 37-106-5, Mississippi Code of 1972, is
3943 amended as follows:

3944 37-106-5. For purposes of this chapter, the following words
3945 shall be defined as follows unless the context requires otherwise:

3946 (a) "Eligible applicant or eligible student" means an
3947 individual who is a bona fide resident of Mississippi or an
3948 out-of-state student who is enrolled or accepted for attendance at
3949 an approved institution located in Mississippi in a course of
3950 study including at least six (6) semester hours or the full-time
3951 equivalent thereof.

3952 (b) "Approved institution" means an institution of
3953 higher learning, public or private, which is accredited by the
3954 Southern Association of Colleges and Secondary Schools, or its
3955 equivalent or a business, vocational, technical or other



3956 specialized school recognized and approved by the Post-secondary
3957 Education Financial Assistance Board.

3958 (c) "Board" means the Post-secondary Education
3959 Financial Assistance Board created by Section 37-106-9 authorized
3960 and empowered to administer the provisions of this chapter.

3961 (d) "Fund" means the Post-secondary Education
3962 Assistance Fund created by Section 37-106-13.

3963 (e) "Financial need" means anticipated expenses of an
3964 eligible student while attending an approved institution which
3965 cannot reasonably be met by said student or by the parents thereof
3966 as shall be determined according to the criteria established by
3967 the rules and regulations of the board. Financial need shall be
3968 reevaluated and redetermined at least annually.

3969 (f) "Agency" means the board of trustees of each state
3970 institution of higher learning.

3971 (g) "Commissioner" means the Commissioner of Higher
3972 Education.

3973 **SECTION 93.** Section 37-106-9, Mississippi Code of 1972, is
3974 amended as follows:

3975 37-106-9. (1) There is hereby created the Post-secondary
3976 Education Financial Assistance Board which shall consist of the
3977 following three (3) members: the Commissioner of Higher
3978 Education; one (1) person to be appointed by the State Board for
3979 Community and Junior Colleges for an initial period of three (3)
3980 years; and one (1) person to be appointed by the Governor for an
3981 initial period of two (2) years. All subsequent appointments
3982 shall be for a period of four (4) years. Vacancies shall be
3983 filled for the length of the unexpired term only. The board shall
3984 elect from its membership a chairman.

3985 (2) The agency shall designate one (1) member of its staff
3986 to serve as director, to administer the provisions of this
3987 financial assistance program. The director shall be assigned by



3988 the agency sufficient staff, professional and clerical, funds and
3989 quarters to administer this program.

3990 (3) The director:

3991 (a) Subject to the review of the board, shall have the
3992 power of final approval of any application submitted;

3993 (b) Subject to the approval of the board and the
3994 agency, shall have authority to promulgate the necessary rules and
3995 regulations for effective administration of this chapter,
3996 including the method of making application for assistance
3997 authorized by this chapter.

3998 **SECTION 94.** Section 37-106-35, Mississippi Code of 1972, is
3999 amended as follows:

4000 37-106-35. (1) There is established the assistant teacher
4001 scholarship program for the purpose of assisting eligible
4002 assistant teachers to become certificated teachers through the
4003 awarding of financial scholarships and to attract and retain
4004 qualified teachers for those geographical areas of the state and
4005 academic subject areas in which there exist a critical shortage of
4006 teachers. The scholarship program shall be implemented and
4007 administered by the Commissioner of Higher Education and is
4008 subject to the availability of funds appropriated specifically
4009 therefor by the Legislature.

4010 (2) Under the assistant teacher scholarship program,
4011 qualified assistant teachers may be awarded financial assistance
4012 in an amount that is equal to the actual cost of three (3)
4013 three-hour academic courses per year. However, no assistant
4014 teacher may receive assistance through the program for more than
4015 fifteen (15) three-hour academic courses. An assistant teacher
4016 scholarship shall not be based upon an applicant's eligibility for
4017 financial aid, and the receipt of any other scholarship or
4018 financial assistance shall not affect an assistant teacher's
4019 eligibility under the program.



4020 (3) In order to qualify for an assistant teacher
4021 scholarship, an applicant must satisfy the following requirements:

4022 (a) The applicant must be employed full-time as an
4023 assistant teacher with a local school district;

4024 (b) The applicant must be accepted for enrollment at a
4025 baccalaureate degree-granting institution of higher learning in
4026 the State of Mississippi which is accredited by the Southern
4027 Association of Colleges and Schools and approved by the
4028 Mississippi Commission on College Accreditation or at any
4029 accredited nonprofit community or junior college in the state;

4030 (c) The assistant teacher must maintain a minimum
4031 cumulative grade point average of 2.5 calculated on a 4.0 scale
4032 for all courses funded through the assistant teacher scholarship
4033 program; and

4034 (d) The assistant teacher must have expressed in
4035 writing a present intention to teach in a critical teacher
4036 shortage geographic or academic subject area.

4037 (4) The Commissioner of Higher Education shall develop a
4038 system that provides for the payment of scholarship funds directly
4039 to the educational institution at which a recipient of an
4040 assistant teacher scholarship is enrolled.

4041 (5) At the beginning of the school year next succeeding the
4042 date on which a person who has received an assistant teacher
4043 scholarship obtains a baccalaureate degree, that person shall
4044 begin to render service as a certificated teacher in a school
4045 district or academic subject area, or both, designated by the
4046 State Board of Education. The State Board of Education shall
4047 establish the duration of teaching service due for recipients of
4048 scholarships based upon the number of academic hours funded
4049 through the assistant teacher scholarship program. Any person
4050 failing to meet teaching requirements shall be liable for the
4051 amount of the corresponding scholarship received, plus interest
4052 accruing at the current Stafford Loan rate.



4053 **SECTION 95.** Section 37-107-7, Mississippi Code of 1972, is
4054 amended as follows:

4055 37-107-7. Any applicant qualified and desiring a scholarship
4056 under the provisions of this chapter shall apply in writing to the
4057 Commissioner of Higher Education. Said Commissioner of Higher
4058 Education shall make inquiries into each such application and
4059 shall make such investigation as * * * proper to establish and
4060 validate all claims before a scholarship is granted.

4061 **SECTION 96.** Section 37-107-9, Mississippi Code of 1972, is
4062 amended as follows:

4063 37-107-9. The cost of the scholarship program established
4064 under the provisions of this chapter will be administered by the
4065 Commissioner of Higher Education, and necessary allowances for
4066 scholarships granted shall be included in the annual budget of the
4067 Office of the Commissioner for Higher Education.

4068 **SECTION 97.** Section 37-108-3, Mississippi Code of 1972, is
4069 amended as follows:

4070 37-108-3. Any applicant qualified and desiring a scholarship
4071 under this chapter shall apply in writing to the Commissioner of
4072 Higher Education. Said Commissioner of Higher Education shall
4073 make inquiries into each such application and shall make such
4074 investigation as * * * proper to establish and validate all claims
4075 made under this chapter before a scholarship is granted.

4076 **SECTION 98.** Section 37-108-5, Mississippi Code of 1972, is
4077 amended as follows:

4078 37-108-5. The cost of this scholarship program will be
4079 administered by the Commissioner of Higher Education, and
4080 necessary allowances for scholarships granted shall be included in
4081 the annual budget of the office of the commissioner.

4082 **SECTION 99.** Section 37-110-1, Mississippi Code of 1972, is
4083 amended as follows:

4084 37-110-1. There is hereby established an intern educational
4085 program to be designated as the Mississippi Public Management



4086 Graduate Intern Program to be administered by the Commissioner of
4087 Higher Education through a program coordinator. The program shall
4088 consist of not more than thirty-six (36) positions in the general
4089 fields of public management, program analysis and public
4090 administration. Said positions shall not be included in the
4091 number of employees allowed by law within a particular state
4092 agency. Graduate intern students shall be temporarily assigned by
4093 the program coordinator to specific state or local agencies and
4094 offices, including offices of the Legislature. Each participating
4095 agency or office shall not employ more than four (4) graduate
4096 intern students per year. To qualify for the program, a student
4097 must (a) be enrolled as a graduate student in a state university
4098 masters program in one (1) of the following: public
4099 administration, public policy and administration, and criminal
4100 justice administration, and (b) have committed himself to a field
4101 of graduate study directly related to a state or local government
4102 public managerial position.

4103 **SECTION 100.** Section 37-110-3, Mississippi Code of 1972, is
4104 amended as follows:

4105 37-110-3. (1) There is hereby created the Mississippi
4106 Intern Public Management Education Council to consist of the
4107 following members: The chairmen of the various departments of
4108 Mississippi institutions of higher learning which offer graduate
4109 programs in one of the following: public administration, public
4110 policy and administration, and criminal justice administration.
4111 The council shall elect from its membership a chairman which shall
4112 be a rotating, one-year appointment. The council shall meet at
4113 the place and time designated by the chairman at least twice but
4114 no more than six (6) times per year.

4115 (2) The council shall adopt, amend and repeal such rules and
4116 regulations as it deems necessary to establish standards and
4117 ensure the orderly execution of the objectives of the intern
4118 educational program, not inconsistent with the provisions of this



4119 chapter. Such regulations shall be submitted to the Commissioner
4120 of Higher Education for implementation by the program coordinator.
4121 The council shall review and evaluate the program on a yearly
4122 basis and submit its findings to the program coordinator.

4123 **SECTION 101.** Section 37-110-5, Mississippi Code of 1972, is
4124 amended as follows:

4125 37-110-5. (1) There is hereby created the position of
4126 program coordinator who shall be the chief administrative officer
4127 of the Mississippi Public Management Graduate Intern Program. The
4128 program coordinator shall be appointed by and be an employee of
4129 the Commissioner of Higher Education.

4130 (2) The program coordinator shall administer the policies of
4131 the council and supervise and direct all technical activities of
4132 the program. The coordinator shall select students to participate
4133 in the program based upon the nominees of the participating state
4134 institutions of higher learning. No participating university
4135 shall be allotted less than three (3) intern students per year
4136 unless said university nominates less than three (3) students.
4137 The coordinator shall place the intern students in state or local
4138 agencies which agree in writing to participate in the program.

4139 (3) The program coordinator shall prepare and deliver to the
4140 Legislature and to the Governor an annual report describing the
4141 operation and progress of the Mississippi Public Management
4142 Graduate Intern Program, including a detailed statement of
4143 expenditures and any recommendations the board may have.

4144 **SECTION 102.** Section 37-111-3, Mississippi Code of 1972, is
4145 amended as follows:

4146 37-111-3. No society of the character designated in Section
4147 37-111-1 shall be organized without first having made written
4148 application to the faculty of the institution concerned, which
4149 application shall be signed by each of the proposed membership. A
4150 majority vote of the faculty present at a regular meeting shall
4151 suffice to approve or reject such application. The board of



4152 trustees of each state institution of higher learning may
4153 determine who constitutes the members of the faculty having
4154 jurisdiction of student activities.

4155 **SECTION 103.** Section 37-111-7, Mississippi Code of 1972, is
4156 amended as follows:

4157 37-111-7. Organizations of the character designated in
4158 Section 37-111-1 shall be permitted to hold their regular meetings
4159 for academic, social or business purposes in such places as the
4160 authorities may agree upon. Such organizations shall not be
4161 permitted to purchase, lease, or as an organization live within a
4162 domicile especially set apart for their purpose at any time,
4163 except under such regulations as shall be prescribed by the board
4164 of trustees of each state institution of higher learning.

4165 **SECTION 104.** Section 37-111-9, Mississippi Code of 1972, is
4166 amended as follows:

4167 37-111-9. The board of trustees of each state institution of
4168 higher learning is hereby authorized and empowered, in its
4169 discretion, to lease to social fraternities, sororities, or other
4170 social organizations, upon such conditions as it may prescribe,
4171 for a term not exceeding ninety-nine (99) years, any land at the
4172 state-supported institution of higher learning for the purpose of
4173 erecting fraternity houses, sorority houses, or other facilities
4174 for recreation thereon.

4175 **SECTION 105.** Section 37-111-11, Mississippi Code of 1972, is
4176 amended as follows:

4177 37-111-11. The members of organizations of the character
4178 designated in Section 37-111-1, shall be amenable to the same
4179 rules and regulations as any and all other students in the
4180 institution. In the event that the members of such an
4181 organization become guilty of continued violation of the rules and
4182 of infractions of discipline, the board of trustees of the state
4183 institution of higher learning shall have the authority to
4184 dissolve such society and prohibit further meetings or its



4185 continuation as an organization. A failure to comply with the
4186 requirements of the trustees shall be a cause for suspension or
4187 expulsion from the institution as the faculty of the same may
4188 elect.

4189 **SECTION 106.** Section 37-113-7, Mississippi Code of 1972, is
4190 amended as follows:

4191 37-113-7. (1) The Board of Trustees of Mississippi State
4192 University is hereby authorized, in its discretion, to acquire by
4193 purchase, gift, or otherwise, any real property required by and
4194 for the use of the university * * *, and said university is
4195 authorized to hold, use and operate such real property in
4196 conducting its authorized and necessary program of work. This
4197 section is designed to make it possible for said university and
4198 its subdivisions to acquire, hold and operate real property needed
4199 in its program of operations without the benefit of state funds
4200 specifically appropriated for the purchase of such properties.
4201 Such properties shall be acquired or purchased on the
4202 recommendation of the Director of the Mississippi Agricultural and
4203 Forestry Experimental Station made to the president of said
4204 university and approved by the board of trustees of the
4205 institution.

4206 (2) The Board of Trustees of Mississippi State University is
4207 hereby authorized, in its discretion, to sell any such real
4208 property purchased or otherwise acquired under the authority of
4209 subsection (1) for the use of the university * * * or its
4210 subdivisions when such property is not needed in the university's
4211 programs of operations. Such properties shall be sold on the
4212 recommendation of the Director of the Mississippi Agricultural and
4213 Forestry Experimental Station made to the president of the
4214 university and approved by the board * * *. The proceeds from the
4215 sale of such properties may be used to purchase other real
4216 properties for the use of the university under the provisions of
4217 subsection (1), or may be retained by the university for its



4218 operations. Consideration for the sale of real property hereunder
4219 shall not be less than the fair market price thereof as determined
4220 by a professional property appraiser selected and approved by the
4221 State Building Commission. Said appraisal shall be filed with the
4222 State Building Commission at least thirty (30) days prior to the
4223 proposed sale of said property. Appraisal fees shall be shared
4224 equally by the university and the purchaser.

4225 (3) The Board of Trustees of Mississippi State University is
4226 hereby authorized and empowered to sell the following described
4227 property owned by the university * * * in Oktibbeha County,
4228 Mississippi, to-wit:

4229 Commence at the Northeast corner of the Southeast
4230 Quarter of Section 15, Township 19 North, Range 15 East,
4231 Oktibbeha County, Mississippi and use as the point of
4232 beginning. Thence run West along the North boundary of
4233 the South Half of Section 15 a distance of 3,997 feet to
4234 the East right-of-way of Macon-Aberdeen Road; thence run
4235 South along said right-of-way a distance of 20 feet;
4236 thence run East a distance of 800 feet; thence run South
4237 78 degrees 41' East a distance of 102 feet; thence run
4238 East a distance of 410 feet; thence run South a distance
4239 of 1,107 feet; thence run East a distance of 2,687 feet
4240 to the East boundary of Section 15; thence run North
4241 along said East boundary of Section 15 a distance of
4242 1,147 feet to the point of beginning. Being 71.56 acres
4243 located in the East Three Quarter of the South Half of
4244 Section 15, Township 19 North, Range 15 East, Oktibbeha
4245 County, Mississippi.

4246 The proceeds from the sale of said property shall be used by
4247 the board * * * to purchase other real property adjacent or in
4248 close proximity to the Mississippi State University of Agriculture
4249 and Applied Science, or its subdivisions, suitable for use in the
4250 university's programs of operation. Consideration for the sale



4251 and purchase of said property shall be for the fair market price
4252 thereof as determined by a professional property appraiser
4253 selected and approved by the State Building Commission. Said
4254 appraisals shall be filed with the State Building Commission at
4255 least thirty (30) days prior to the proposed sale or purchase of
4256 said property. Appraisal fees shall be shared equally by the
4257 university and the purchaser in the case of the sale herein
4258 authorized, and by the university and the seller(s) in the case of
4259 the purchase herein authorized.

4260 (4) The Board of Trustees of Mississippi State University is
4261 hereby authorized and empowered to sell the following described
4262 property owned by the university * * * in George County,
4263 Mississippi, to-wit:

4264 The South West Quarter of the North West Quarter of
4265 Section Twenty, in Township One South of Range Six West,
4266 of the St. Stephens Meridian, Mississippi, containing
4267 Forty and Thirty One Hundredths of an acre.

4268 The proceeds from the sale of said property shall be used by
4269 the board * * * to purchase other real property adjacent or in
4270 close proximity to the Mississippi State University of Agriculture
4271 and Applied Science, or its subdivisions, suitable for use in the
4272 university's programs of operation. Consideration for the sale
4273 and purchase of said property shall be for the fair market price
4274 thereof as determined by a professional property appraiser
4275 selected and approved by the State Building Commission. Said
4276 appraisals shall be filed with the State Building Commission at
4277 least thirty (30) days prior to the proposed sale or purchase of
4278 said property. Appraisal fees shall be shared equally by the
4279 university and the purchaser in the case of the sale herein
4280 authorized, and by the university and the seller(s) in the case of
4281 the purchase herein authorized.

4282 (5) The Board of Trustees of Mississippi State University is
4283 hereby authorized and empowered to sell the following described



4284 property owned by the university * * * in Lauderdale County,
4285 Mississippi, to-wit:

4286 The Northeast Quarter of the Northeast Quarter of
4287 Section 2, in Township 6, Range 16 East, plus applicable
4288 easements and mineral rights thereto.

4289 The proceeds from the sale of said property shall be used by
4290 the board * * * to purchase other real property adjacent or in
4291 close proximity to the Mississippi State University of Agriculture
4292 and Applied Science, or its subdivisions, suitable for use in the
4293 university's programs of operation. Consideration for the sale
4294 and purchase of said property shall be for the fair market price
4295 thereof as determined by a professional property appraiser
4296 selected and approved by the State Building Commission. Said
4297 appraisals shall be filed with the State Building Commission at
4298 least thirty (30) days prior to the proposed sale or purchase of
4299 said property. Appraisal fees shall be shared equally by the
4300 university and the purchaser in the case of the sale herein
4301 authorized, and by the university and the seller(s) in the case of
4302 the purchase herein authorized.

4303 (6) When any property is sold by the Board of Trustees of
4304 Mississippi State University pursuant to this section, the board
4305 shall retain for the university any mineral rights which the board
4306 or the university has in such land.

4307 **SECTION 107.** Section 37-113-17, Mississippi Code of 1972, is
4308 amended as follows:

4309 37-113-17. The money received by this state, under act of
4310 Congress, entitled "An act to establish agricultural experimental
4311 stations, etc.," approved March 2, 1887, and the provisions of
4312 which were accepted by this state, by act approved January 31,
4313 1888, and assigned to the Mississippi State University of
4314 Agriculture and Applied Science, shall be expended under its
4315 direction. The Agricultural and Forestry Experimental Station for
4316 this state is established at and with said university, and the



4317 Board of Trustees of Mississippi State University shall have full
4318 control thereof.

4319 **SECTION 108.** Section 37-113-19, Mississippi Code of 1972, is
4320 amended as follows:

4321 37-113-19. The State of Mississippi by its Legislature
4322 assents to and accepts the provisions and requirements of an act
4323 entitled "An act to provide for the further development of
4324 agricultural extension work between the agricultural colleges in
4325 the several states receiving the benefits of the act entitled 'An
4326 act donating public lands of the several counties and territories
4327 which may provide colleges for the benefit of agriculture and the
4328 mechanical arts,' approved July 2, 1862, and all acts
4329 supplementary thereto, and the United States Department of
4330 Agriculture," approved by the President on the 22nd day of May,
4331 1928. The Board of Trustees of Mississippi State University, on
4332 behalf of the Mississippi State University of Agriculture and
4333 Applied Science, is authorized and empowered to receive the grants
4334 of money appropriated under said act and to organize and conduct
4335 agricultural extension work, which shall be carried on in
4336 connection with the said university in accordance with the terms
4337 and conditions expressed in the said act of Congress.

4338 **SECTION 109.** Section 37-113-21, Mississippi Code of 1972, is
4339 amended as follows:

4340 37-113-21. (1) Agriculture is the primary industry of
4341 Mississippi and it is to the interest of said state agriculture
4342 that research in the fields of livestock products, pastures and
4343 forage crops, poultry, herd and flock management, horticulture,
4344 farm mechanization, soil conservation, forestry, disease and
4345 insect and parasite control, the testing of plants and livestock
4346 under different conditions, farm enterprises for different sized
4347 farms under different soil and climatic conditions and market
4348 locations, and other important phases of Mississippi's



4349 agricultural economy, be expanded in the manner provided for in
4350 this section.

4351 (2) There is hereby authorized a branch experiment station
4352 to be known as the Brown Loam Branch Experiment Station, which is
4353 to be located on a part of that tract of land owned by the State
4354 of Mississippi and formerly operated as the Oakley Penitentiary
4355 and known as the Oakley Training School, same to be selected in
4356 accordance with Laws, 1954, Chapter 159, Section 3, and used as an
4357 agricultural experiment station. This property is to be supplied
4358 with necessary buildings, equipment, and other facilities; and
4359 title to such Oakley Penitentiary Farm, now known as the Oakley
4360 Training School, is to be transferred to the board of trustees of
4361 state institutions of higher learning for the use of the
4362 Mississippi Agricultural and Forestry Experimental Station as the
4363 site of, and to be used for said Brown Loam Branch Experiment
4364 Station in accordance with Laws, 1954, Chapter 159, Section 3.

4365 There is hereby authorized a branch experiment station to be
4366 known as the Coastal Plain Branch Experiment Station to be located
4367 on a suitable tract of approximately nine hundred (900) acres to
4368 be purchased in the upper coastal plain or short leaf pine area of
4369 East Central Mississippi and to be supplied with necessary
4370 buildings, equipment, and other facilities.

4371 The enlargement of the Holly Springs Branch Experiment
4372 Station, hereafter to be known as the North Mississippi Branch
4373 Experiment Station, is hereby authorized, by the purchase of
4374 approximately five hundred (500) acres of additional land adjacent
4375 to or in the vicinity of either of the two (2) farms now operated
4376 by said branch stations, and by the provision of the necessary
4377 buildings, equipment, and other facilities, and the sale as,
4378 hereinafter provided, of that farm of said branch station which is
4379 not adjacent to the additional land to be purchased.

4380 There is hereby authorized the reactivation of the former
4381 McNeil Branch Experiment Station to be operated as a part of the



4382 South Mississippi Branch Experiment Station at Poplarville, and to
4383 be supplied with necessary buildings, equipment, and other
4384 facilities.

4385 There is hereby authorized a branch experiment station to be
4386 known as the Black Belt Branch Experiment Station to be located on
4387 a suitable tract of approximately six hundred forty (640) acres of
4388 land to be purchased in Noxubee County, Mississippi, and to be
4389 supplied with the necessary buildings, equipment, and other
4390 facilities.

4391 There is hereby authorized a branch experiment station to be
4392 known as the Northeast Mississippi Branch Experiment Station to be
4393 located on a suitable tract of approximately two hundred (200)
4394 acres of land to be purchased in Lee County, Mississippi. Said
4395 station shall be primarily devoted to the development of the dairy
4396 industry and shall be supplied with necessary buildings,
4397 equipment, and other facilities.

4398 There is hereby authorized the expansion of the office and
4399 laboratory building at the Delta Branch Experiment Station at
4400 Stoneville and of the office and laboratory and dwellings for
4401 station workers at the Truck Crops Branch Experiment Station at
4402 Crystal Springs.

4403 (3) The governing authorities of any municipality, town, or
4404 county in the state may, in their discretion, donate land, money
4405 or other property to the Board of Trustees of Mississippi State
4406 University in furtherance of the purposes of this section.

4407 For the purpose of securing funds to carry out this
4408 subsection, the governing authorities of such municipality, town,
4409 or county are hereby authorized and empowered, in their
4410 discretion, to issue bonds or negotiate notes for the purpose of
4411 acquiring by purchase, gift, or lease real estate for the purpose
4412 herein authorized. Such issuance of bonds or notes shall be
4413 issued in an amount not to exceed the limitation now or hereafter
4414 imposed by law on counties, municipalities and towns, and shall be



4415 issued in all respects including interest rate, maturities and
4416 other details as is now or may hereafter be provided by general
4417 law regulating the issuance of bond or notes by the governing
4418 authorities of such municipality, town, or county.

4419 (4) Any person, firm or corporation may contribute or donate
4420 real or other property to the board of trustees of state
4421 institutions of higher learning in furtherance of the purpose of
4422 this section.

4423 (5) The Board of Trustees of Mississippi State University is
4424 hereby authorized, upon recommendation of the Director of the
4425 Agricultural and Forestry Experimental Station at the * * *
4426 university * * *, which recommendation is approved by and
4427 transmitted to said board by the president of said university, to
4428 carry out the provisions of this section with particular reference
4429 to the establishment, reactivation, expansion, and the
4430 discontinuance of branch stations as herein provided, to receive
4431 and accept title to any land or property or money herein
4432 authorized, to buy or sell and dispose of any real or personal
4433 property herein authorized, to make available for carrying into
4434 effect the provisions of this section all money received from such
4435 sale or sales, and to do any and all things necessary to
4436 effectuate the purposes of this section. One-half (1/2) interest
4437 in and to all oil, gas and other minerals shall be retained under
4438 any lands sold hereunder.

4439 (6) A gift of One Hundred Thousand Dollars (\$100,000.00),
4440 authorized by the General Education Board of the Rockefeller
4441 Foundation for the development of agricultural research, with
4442 particular reference to expanding the branch experiment stations
4443 and conditioned upon a general program of expansion substantially,
4444 as herein provided, is hereby accepted. The Director of the
4445 Agricultural and Forestry Experimental Station at the Mississippi
4446 State University of Agriculture and Applied Science is authorized
4447 and instructed to control and expend such fund in the same manner



4448 as other funds appropriated to carry out the provisions of this
4449 section.

4450 (7) The experiment station in Clay County, Mississippi,
4451 shall not be affected by this section.

4452 **SECTION 110.** Section 37-113-23, Mississippi Code of 1972, is
4453 amended as follows:

4454 37-113-23. (1) There is hereby authorized a branch
4455 experiment station, to be known as the "Pontotoc Ridge-Flatwoods
4456 Soil Experiment Station," to be located on a suitable tract of
4457 approximately six hundred (600) acres of land in Pontotoc County,
4458 Mississippi, the site of which is to be selected by the Director
4459 of the Agricultural and Forestry Experimental Station at the
4460 Mississippi State University of Agriculture and Applied Science.
4461 Said acreage shall be divided equally, as nearly as practicable,
4462 between the Pontotoc Ridge and Flatwoods soil types, for the
4463 purpose of experimentation with said two types of soil in
4464 forestry, pasture-improvement, horticulture, soil conservation,
4465 truck crops, forage crops, poultry, disease and insect control and
4466 general farm products. The said experiment station shall be
4467 supplied with the necessary buildings, equipment, and other
4468 facilities.

4469 (2) The purpose of this section is to provide for increased
4470 efficiency in agriculture research for the farmers in the Pontotoc
4471 Ridge and Flatwoods soil types, who have been denied this service
4472 for all these years. Said branch experiment station shall serve
4473 the following named counties, to-wit: The Pontotoc Ridge soil
4474 begins at the Tennessee line and traverses the counties of Alcorn,
4475 Prentiss, Union, Pontotoc, Chickasaw and Clay. The Flatwoods soil
4476 which joins the Pontotoc Ridge soil on the west, begins at the
4477 Tennessee line and traverses the counties of Tippah, Benton,
4478 Union, Pontotoc, Calhoun, Chickasaw, Webster, Clay, Choctaw,
4479 Oktibbeha, Winston, Neshoba, Kemper and Lauderdale County or other
4480 counties applicable to these conditions.



4481 (3) The governing authorities of any municipality, town, or
4482 county in the state, or any person, firm or corporation may
4483 contribute or donate land, money or other property to the Board of
4484 Trustees of Mississippi State University in furtherance of the
4485 purpose of this section.

4486 (4) The Board of Trustees of Mississippi State University is
4487 hereby authorized, upon the recommendation of the Director of the
4488 Agricultural and Forestry Experimental Station at the
4489 university * * *, which recommendation is approved by and
4490 transmitted to said board by the president of said university, to
4491 establish said Pontotoc Ridge-Flatwoods soil experiment station,
4492 to receive and accept title to any land or money or property
4493 herein authorized or to be authorized, made available or to be
4494 made available by the State Legislature, to purchase land, let
4495 contracts for the construction of necessary buildings, to equip
4496 same, and to further equip said experiment station with farm
4497 equipment and any and all other equipment, and to do all things
4498 necessary to effectuate the purposes of this section.

4499 **SECTION 111.** Section 37-113-25, Mississippi Code of 1972, is
4500 amended as follows:

4501 37-113-25. The Board of Trustees of Mississippi State
4502 University is hereby authorized to establish and maintain a system
4503 of retirement for the employees of the Agricultural and Forestry
4504 Experimental Station and Extension Service, out of any federal
4505 funds available under the provisions of the act of Congress,
4506 approved March 4, 1940, and out of contributions made by the
4507 employees of such experimental station and extension service.

4508 In the establishment of such special retirement system, the
4509 board of trustees * * * shall have full authority to make all
4510 needful rules and regulations, to carry into effect the provisions
4511 of this section.

4512 **SECTION 112.** Section 37-113-28, Mississippi Code of 1972, is
4513 amended as follows:



4514 37-113-28. Neither the Board of Trustees of Mississippi
4515 State University, nor any person acting on behalf thereof, shall
4516 lease or rent hunting rights on any land located in Washington
4517 County, Mississippi, under the jurisdiction, ownership or
4518 trusteeship of the Mississippi Agriculture and Forestry Experiment
4519 Station, Delta Branch at Stoneville, but shall allow the public to
4520 hunt on such lands in accordance with the rules, regulations and
4521 permits as shall be adopted by the Delta Branch Experiment
4522 Station. The Department of Wildlife, Fisheries and Parks shall
4523 assist in the enforcement of such rules, regulations and permits
4524 as adopted by the Delta Branch Experiment Station, as well as
4525 enforcing the general hunting statutes of the State of
4526 Mississippi.

4527 **SECTION 113.** Section 37-113-29, Mississippi Code of 1972, is
4528 amended as follows:

4529 37-113-29. The Agricultural Extension Service of the
4530 Mississippi State University of Agriculture and Applied Science,
4531 by and with the approval and consent of the president of said
4532 university and the board of trustees of the university, is hereby
4533 authorized and empowered to create, establish, equip and maintain
4534 a 4-H Club demonstration camp on a designated area on Sardis Lake
4535 in Panola County, Mississippi, on lands belonging to the federal
4536 government and leased to the agricultural extension service for
4537 such purpose.

4538 It shall be the duty and responsibility of the agricultural
4539 extension service of said university to direct and supervise the
4540 utilization of this facility in carrying out the purposes of this
4541 section. When not in use by the agricultural extension service
4542 for the purpose herein provided, this facility may be rented to
4543 other organizations for educational and recreational use only.
4544 Any money derived from such rental shall be used by the
4545 agricultural extension service by and with the approval of the
4546 president of said university and the board * * *, for maintaining



4547 and further improving such facilities for use of the 4-H Clubs in
4548 Mississippi.

4549 The purpose of this section is to authorize the agricultural
4550 extension service of said university, by and with the approval and
4551 consent of the president of said university and the board * * *,
4552 to establish, equip and maintain this 4-H Club demonstration camp
4553 for the purpose of teaching these Mississippi boys and girls
4554 standards of better farm and home making, the importance of and
4555 the methods of conservation of our natural resources, and the
4556 development of character and leadership and training for
4557 citizenship. To accomplish such purposes, the agricultural
4558 extension service, by and with the approval and consent of the
4559 president of said university and the board * * *, is authorized
4560 and empowered to do such things as may be necessary, and to
4561 prescribe such rules and regulations as it may deem proper to
4562 carry out and put into effect the intent and purpose of this
4563 section.

4564 **SECTION 114.** Section 37-113-31, Mississippi Code of 1972, is
4565 amended as follows:

4566 37-113-31. The Agricultural Extension Service of the
4567 Mississippi State University of Agriculture and Applied Science,
4568 by and with the approval and consent of the president of said
4569 university and the Board of Trustees of Mississippi State
4570 University, is hereby authorized and empowered to create,
4571 establish, equip and maintain a 4-H Club demonstration camp
4572 for * * * 4-H Club members, located on a designated area in
4573 Madison County, Mississippi, on lands belonging to the State of
4574 Mississippi.

4575 It shall be the duty and responsibility of the agricultural
4576 extension service of said university to direct and supervise the
4577 utilization of this facility in carrying out the purposes of this
4578 section. When not in use by the agricultural extension service
4579 for the purpose herein provided, this facility may be rented to



4580 other * * * organizations for educational and recreational use
4581 only. Any money derived from such rental shall be used by the
4582 agricultural extension service by and with the approval of the
4583 president of said university and the board * * *, for maintaining
4584 and further improving such facilities for use of the 4-H Clubs of
4585 Mississippi.

4586 The purpose of this section is to authorize the Agricultural
4587 Extension Service of Mississippi by and with the approval and
4588 consent of the president of said university and the board * * *,
4589 to establish, equip and maintain this 4-H Club demonstration camp
4590 for the purpose of teaching * * * boys and girls of Mississippi
4591 standards of better farm and home making, the importance of and
4592 the methods of conservation of our natural resources, and the
4593 development of character and leadership and training for
4594 citizenship. To accomplish such purposes, the agricultural
4595 extension service, by, and with the approval and consent of the
4596 president of said university and the board * * *, is authorized
4597 and empowered to do such things as may be necessary, and to
4598 prescribe such rules and regulations as it may deem proper, to
4599 carry out and put into effect the intent and purpose of this
4600 section.

4601 **SECTION 115.** Section 37-113-33, Mississippi Code of 1972, is
4602 amended as follows:

4603 37-113-33. The Board of Trustees of Mississippi State
4604 University is hereby authorized and empowered to purchase, breed,
4605 maintain, manage, show and sell foundation herds of beef cattle,
4606 sheep and hogs at the Mississippi State University of Agriculture
4607 and Applied Science. The said board is further authorized to
4608 establish necessary facilities, to employ and maintain necessary
4609 personnel, and to take any other action necessary to carry out
4610 this program.

4611 The purpose of this program is to provide a means for the
4612 broadening, balancing, and rounding-out of courses in animal



4613 husbandry for the training of animal husbandry students in
4614 livestock breeding, feeding, fitting, showing, judging, buying and
4615 selling, and to establish and maintain a source of foundation seed
4616 stock.

4617 Selected animals purchased, or produced, under this program
4618 may be sold only at public auctions sponsored by breed
4619 associations, after approval of the board * * *. The proceeds
4620 accruing from the sales of such animals, from show premium money,
4621 or from any other source, shall revert to, and be used for the
4622 maintenance of the revolving fund, when established by law, to
4623 carry out this program.

4624 This is a remedial statute and shall be liberally construed
4625 to accomplish its purpose.

4626 **SECTION 116.** Section 37-113-41, Mississippi Code of 1972, is
4627 amended as follows:

4628 37-113-41. The Board of Trustees of Mississippi State
4629 University is hereby authorized to establish a fund to be known as
4630 the J. C. Hardy Memorial Fund.

4631 The fund herein authorized shall be raised and supplemented
4632 by donations, gifts, legacies, and otherwise. Under the
4633 supervision of said board of trustees, said fund or the proceeds
4634 therefrom shall be used to assist sons of low-income Mississippi
4635 citizens to meet their educational expenses at the Mississippi
4636 State University of Agriculture and Applied Science.

4637 **SECTION 117.** Section 37-113-43, Mississippi Code of 1972, is
4638 amended as follows:

4639 37-113-43. Any county of this state now or hereafter having
4640 a population of more than one hundred thousand (100,000) according
4641 to the latest available census, and in which there is located a
4642 municipality of one hundred thousand (100,000) or more, acting by
4643 and through its board of supervisors, is hereby authorized and
4644 empowered to contribute the sum of One Million Dollars
4645 (\$1,000,000.00) toward the construction, erection and equipping of



4646 educational facilities to be utilized by Mississippi State
4647 University of Agriculture and Applied Science within such county,
4648 by the Board of Trustees of Mississippi State University.

4649 **SECTION 118.** Section 37-113-45, Mississippi Code of 1972, is
4650 amended as follows:

4651 37-113-45. Any such county as is provided for in Section
4652 37-113-43 is hereby authorized and empowered to issue and sell its
4653 bonds, notes or other evidences of indebtedness for the purpose of
4654 providing funds with which to make the contribution or donation
4655 authorized under the provisions of said section. Such bonds,
4656 notes or other evidences of indebtedness shall not be issued in an
4657 amount which will exceed the limit of indebtedness of said county
4658 as such limit is prescribed by Sections 19-9-1 through 19-9-31.
4659 Before issuing any such bonds, notes or other evidences of
4660 indebtedness, the board of supervisors acting for such county
4661 shall adopt a resolution declaring its intention to issue the
4662 same, stating the amount and purpose thereof and fixing the date
4663 upon which an election will be held on the proposition. Notice of
4664 such election shall be given by publication of such resolution
4665 once a week for at least three (3) consecutive weeks in at least
4666 one newspaper published in said county. The first publication of
4667 such notice shall be made not less than twenty-one (21) days prior
4668 to the date fixed in such resolution for the holding of said
4669 election as aforesaid and the last publication shall be made not
4670 more than seven (7) days prior to such date. At such election all
4671 qualified electors of said county may vote and the ballots used
4672 shall have printed thereon a brief statement of the amount and
4673 purpose of the bonds, notes or other evidences of indebtedness
4674 proposed to be issued and the voter shall vote by placing a cross
4675 (x) or check (☉) opposite his choice on the proposition. The
4676 bonds, notes or other evidences of indebtedness authorized herein
4677 shall not be issued unless authorized by the affirmative vote of a
4678 majority of the qualified voters of said county who vote on the



4679 proposition at such election. Such election shall be conducted
4680 and the returns thereof made, canvassed, and declared as nearly as
4681 may be in like manner as is now or may hereafter be provided by
4682 law in the case of general elections in counties. In the event
4683 that the question of the issuance of such bonds, notes or other
4684 evidences of indebtedness be not authorized at such election, such
4685 question shall not again be submitted to a vote until the
4686 expiration of a period of six (6) months, from and after the date
4687 of such election.

4688 Such bonds, notes or other evidences of indebtedness shall
4689 bear such date or dates, shall be of such denomination or
4690 denominations, shall be payable at such place or places, shall
4691 bear such rate or rates of interest and shall mature in such
4692 amounts and at such times as may be provided and directed by the
4693 board of supervisors of said county. Such bonds shall bear
4694 interest at a rate or rates not exceeding six percent (6%) per
4695 annum and shall mature in not more than twenty-five (25) years
4696 from the date thereof and shall be sold for not less than par and
4697 accrued interest.

4698 Any bonds authorized to be issued at an election as provided
4699 for in this section shall be issued by such county, acting by and
4700 through its board of supervisors, at such times and in such
4701 amounts as shall be provided for by resolution of the Board of
4702 Trustees of Mississippi State University.

4703 All bonds, notes or other evidences of indebtedness issued
4704 hereunder shall be secured by a pledge of the full faith, credit
4705 and resources of such county. There shall annually be levied upon
4706 all taxable property within said county an ad valorem tax in
4707 addition to all other taxes, sufficient to provide for the payment
4708 of the principal of and the interest on said bonds, notes or other
4709 evidences of indebtedness as the same respectively mature and
4710 accrue.



4711 **SECTION 119.** Section 37-113-47, Mississippi Code of 1972, is
4712 amended as follows:

4713 37-113-47. The proceeds of any contribution made by any
4714 county under the provisions of Section 37-113-43, including the
4715 proceeds from the sale of any bonds issued for such purposes,
4716 shall be paid by the board of supervisors of such county into the
4717 State Treasury into a special fund to the credit of the Board of
4718 Trustees of Mississippi State University, and shall thereafter be
4719 utilized and expended by said board * * * in the construction,
4720 erection and equipping of educational facilities in such county to
4721 be utilized by the Mississippi State University of Agriculture and
4722 Applied Science.

4723 **SECTION 120.** Section 37-113-51, Mississippi Code of 1972, is
4724 amended as follows:

4725 37-113-51. The Board of Trustees of Mississippi State
4726 University is hereby authorized and directed to establish a
4727 college of veterinary medicine at Mississippi State University at
4728 Starkville, Mississippi.

4729 **SECTION 121.** Section 37-115-33, Mississippi Code of 1972, is
4730 amended as follows:

4731 37-115-33. The State Building Commission in the development
4732 of the architectural facilities of the medical center and hospital
4733 facilities is hereby authorized, empowered and directed to erect
4734 and equip adequate facilities for the training of nurses under
4735 such rules and regulations as may be promulgated by the Board of
4736 Trustees of the University of Mississippi.

4737 **SECTION 122.** Section 37-115-35, Mississippi Code of 1972, is
4738 amended as follows:

4739 37-115-35. The Board of Trustees of the University of
4740 Mississippi is hereby authorized and empowered to establish a fund
4741 to be known as "The Fielding L. Wright Memorial Health Fund,"
4742 which fund shall be administered by said board.



4743 The corpus of "The Fielding L. Wright Memorial Health Fund"
4744 shall consist of any monies appropriated to it by the State
4745 Legislature and any funds received by donation, gift, legacy, or
4746 otherwise, the said board of trustees being hereby specifically
4747 authorized and empowered to accept such funds. All funds received
4748 by said board of trustees shall be invested in the following
4749 classes of securities, preference being in the order listed:

4750 (a) Bonds, notes, certificates, and other valid
4751 obligations of the State of Mississippi, or any county or city of
4752 the State of Mississippi, or of any school district bonds of the
4753 State of Mississippi;

4754 (b) Bonds, notes, certificates, and other valid
4755 obligations of the United States;

4756 (c) Bonds, notes, debentures and other securities
4757 issued by any federal instrumentality and fully guaranteed by the
4758 United States; or

4759 (d) Interest-bearing bonds or notes which are general
4760 obligations of any other state in the United States or of any city
4761 or county therein, provided that any such city or county had a
4762 population as shown by the federal census next preceding such
4763 investment of not less than twenty-five thousand (25,000)
4764 inhabitants, and provided that any such state, city or county has
4765 not defaulted for a period longer than thirty (30) days in the
4766 payment of principal or interest on any of its general obligation
4767 indebtedness during a period of ten (10) calendar years
4768 immediately preceding such investment.

4769 All interest derived from investments and any gains from the
4770 sale or exchange of investments shall be expended by the staff of
4771 the University Medical Center, under the supervision of the
4772 Director of the University Medical Center, for medical research in
4773 behalf of The Fielding L. Wright Memorial Health Fund.

4774 **SECTION 123.** Section 37-115-51, Mississippi Code of 1972, is
4775 amended as follows:



4776 37-115-51. The Legislature hereby finds that there is great
4777 need of additional and better trained nurses in Mississippi and
4778 the purpose of this section is to meet that need to the extent
4779 herein provided.

4780 The Board of Trustees of the University of Mississippi is
4781 hereby authorized and directed to establish a school of nursing at
4782 the University of Mississippi under the jurisdiction of the dean
4783 of the school of medicine or such other authority as said board of
4784 trustees may determine, and other regularly constituted
4785 administrative authorities of the university.

4786 Said board of trustees shall provide for such school, such
4787 buildings and equipment, and such teaching staff and other
4788 personnel as may be deemed appropriate for the establishment and
4789 operation of such school of nursing and for the performance of the
4790 other functions herein provided for, all of which shall, however,
4791 be done within the appropriations made for such purposes.

4792 Such school of nursing shall, under the direction and
4793 supervision of the dean of the school of medicine and the other
4794 regularly constituted administrative authorities of the university
4795 and of said board of trustees and under curricula to be prescribed
4796 by said board, and beginning each of its functions at such time as
4797 may be determined by said board, carry on a teaching course,
4798 looking to the conferring of bachelor's or master's degrees in
4799 nursing.

4800 Such school of nursing shall under the same direction,
4801 supervision, control and conditions as set forth in the fourth
4802 paragraph hereof, have authority, in its discretion, to arrange
4803 and contract with hospitals, hospital schools of nursing or other
4804 similar institutions, for students in the school of nursing to
4805 take clinical training and practice in such institutions. It
4806 shall have the further authority to contract with hospitals,
4807 hospital schools of nursing or other similar institutions with
4808 respect to providing to any such institution instructors or



4809 instruction services from the university school of nursing upon
4810 full or part time basis and upon such basis of compensation or
4811 reimbursement of costs as may be deemed reasonable and proper in
4812 view of the public interests involved.

4813 Under the same supervision, direction, control and conditions
4814 as are set forth in the fourth paragraph hereof, said school of
4815 nursing shall also administer such scholarship programs in nursing
4816 education and such activities with respect to recruitment of
4817 nursing students and counseling work with such students and
4818 prospective students as may be provided for by the Legislature
4819 from time to time.

4820 **SECTION 124.** Section 37-115-69, Mississippi Code of 1972, is
4821 amended as follows:

4822 37-115-69. Any county of this state now or hereafter having
4823 a population of more than one hundred thousand (100,000) according
4824 to the latest available census, and in which there is located a
4825 municipality of one hundred thousand (100,000) or more, acting by
4826 and through its board of supervisors, is hereby authorized and
4827 empowered to contribute the sum of One Million Dollars
4828 (\$1,000,000.00) toward the construction, erection and equipping of
4829 educational facilities to be utilized by the University of
4830 Mississippi within such county, by the Board of Trustees of the
4831 University of Mississippi.

4832 **SECTION 125.** Section 37-115-71, Mississippi Code of 1972, is
4833 amended as follows:

4834 37-115-71. Any such county as is provided for in Section
4835 37-115-69 is hereby authorized and empowered to issue and sell its
4836 bonds, notes or other evidences of indebtedness for the purpose of
4837 providing funds with which to make the contribution or donation
4838 authorized under the provisions of said section. Such bonds,
4839 notes or other evidences of indebtedness shall not be issued in an
4840 amount which will exceed the limit of indebtedness of said county
4841 as such limit is prescribed by Sections 19-9-1 through 19-9-31.



4842 Before issuing any such bonds, notes or other evidences of
4843 indebtedness, the board of supervisors acting for such county
4844 shall adopt a resolution declaring its intention to issue the
4845 same, stating the amount and purpose thereof and fixing the date
4846 upon which an election will be held on the proposition. Notice of
4847 such election shall be given by publication of such resolution
4848 once a week for at least three (3) consecutive weeks in at least
4849 one (1) newspaper published in said county. The first publication
4850 of such notice shall be made not less than twenty-one (21) days
4851 prior to the date fixed in such resolution for the holding of said
4852 election as aforesaid and the last publication shall be made not
4853 more than seven (7) days prior to such date. At such election all
4854 qualified electors of said county may vote and the ballots used
4855 shall have printed thereon a brief statement of the amount and
4856 purpose of the bonds, notes or other evidences of indebtedness
4857 proposed to be issued and the voter shall vote by placing a cross
4858 (x) or check (☐) opposite his choice on the proposition. The
4859 bonds, notes or other evidences of indebtedness authorized herein
4860 shall not be issued unless authorized by the affirmative vote of a
4861 majority of the qualified voters of said county who vote on the
4862 proposition at such election.

4863 Such election shall be conducted and the returns thereof
4864 made, canvassed, and declared as nearly as may be in like manner
4865 as is now or may hereafter be provided by law in the case of
4866 general elections in counties. In the event that the question of
4867 the issuance of such bonds, notes or other evidences of
4868 indebtedness be not authorized at such election, such question
4869 shall not again be submitted to a vote until the expiration of a
4870 period of six months, from and after the date of such election.

4871 Such bonds, notes or other evidences of indebtedness shall
4872 bear such date or dates, shall be of such denomination or
4873 denominations, shall be payable at such place or places, shall
4874 bear such rate or rates of interest and shall mature in such



4875 amounts and at such times as may be provided and directed by the
4876 board of supervisors of said county. Such bonds shall bear
4877 interest at a rate or rates not exceeding six percent (6%) per
4878 annum and shall mature in not more than twenty-five (25) years
4879 from the date thereof and shall be sold for not less than par and
4880 accrued interest.

4881 Any bonds authorized to be issued at an election as provided
4882 for in this section shall be issued by such county, acting by and
4883 through its board of supervisors, at such times and in such
4884 amounts as shall be provided for by resolution of the Board of
4885 Trustees of the University of Mississippi.

4886 All bonds, notes or other evidences of indebtedness issued
4887 hereunder shall be secured by a pledge of the full faith, credit
4888 and resources of such county. There shall annually be levied upon
4889 all taxable property within said county an ad valorem tax in
4890 addition to all other taxes, sufficient to provide for the payment
4891 of the principal of and the interest on said bonds, notes or other
4892 evidences of indebtedness as the same respectively mature and
4893 accrue.

4894 **SECTION 126.** Section 37-115-73, Mississippi Code of 1972, is
4895 amended as follows:

4896 37-115-73. The proceeds of any contribution made by any
4897 county under the provisions of Section 37-115-69, including the
4898 proceeds from the sale of any bonds issued for such purposes,
4899 shall be paid by the board of supervisors of such county into the
4900 State Treasury into a special fund to the credit of the Board of
4901 Trustees of the University of Mississippi, and shall thereafter be
4902 utilized and expended by said board of trustees * * * in the
4903 construction, erection and equipping of educational facilities in
4904 such county to be utilized by the University of Mississippi.

4905 **SECTION 127.** Section 37-115-101, Mississippi Code of 1972,
4906 is amended as follows:



4907 37-115-101. The Board of Trustees of the University of
4908 Mississippi is hereby directed and authorized to establish a
4909 school of dentistry at the University of Mississippi Medical
4910 Center in Jackson.

4911 **SECTION 128.** Section 37-115-105, Mississippi Code of 1972,
4912 is amended as follows:

4913 37-115-105. The school of dentistry created and authorized
4914 by Sections 37-115-101 through 37-115-111 shall be in operation
4915 within three (3) years from the date the Legislature makes funds
4916 available for the construction of a building to house said school;
4917 provided, however, that no staff may be employed and no
4918 construction may begin until One Million Two Hundred Fifty
4919 Thousand Dollars (\$1,250,000.00) from the City of Jackson and One
4920 Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) from
4921 Hinds County has been deposited in the State Treasury for use by
4922 the building commission in construction and furnishing of the
4923 dental school. The Board of Trustees of the University of
4924 Mississippi is authorized and directed to take any and all
4925 necessary and proper actions for the implementation of this
4926 section.

4927 **SECTION 129.** Section 37-115-107, Mississippi Code of 1972,
4928 is amended as follows:

4929 37-115-107. It shall be the duty of the Board of Trustees of
4930 the University of Mississippi to elect or appoint a dean of this
4931 school; to determine and provide for an adequate faculty, staff
4932 and other employees; to fix and provide for the compensation of
4933 said faculty, staff and employees; to provide an adequate physical
4934 plant for this school; to prescribe the courses of study and
4935 research compatible with the objects and purposes hereinabove set
4936 forth; and to do and accomplish all other related functions
4937 consistent with the implementation of Sections 37-115-101 through
4938 37-115-111.



4939 **SECTION 130.** Section 37-115-109, Mississippi Code of 1972,
4940 is amended as follows:

4941 37-115-109. The Board of Trustees of the University of
4942 Mississippi is directed, empowered and authorized to take
4943 necessary and proper actions to assure that the School of
4944 Dentistry of the University of Mississippi Medical Center, as
4945 hereby established, acquires and maintains recognition and
4946 accreditation in local, regional and national accreditation
4947 associations at least at the level of its counterparts in the
4948 southeastern region of the United States and on a level with the
4949 other professional schools of this state.

4950 **SECTION 131.** Section 37-119-3, Mississippi Code of 1972, is
4951 amended as follows:

4952 37-119-3. The principal object of the University of Southern
4953 Mississippi shall be to qualify teachers for the public schools of
4954 this state, by imparting instruction in the art and practice of
4955 teaching in all branches of study which pertain to a common school
4956 education, and such other studies as the Board of Trustees of the
4957 University of Southern Mississippi may from time to time
4958 prescribe.

4959 **SECTION 132.** Section 37-119-7, Mississippi Code of 1972, is
4960 amended as follows:

4961 37-119-7. The University of Southern Mississippi (herein
4962 sometimes referred to as the "university") is authorized and
4963 empowered to require the State Building Commission to issue bonds
4964 in an amount not exceeding the sum of Seven Hundred Fifty Thousand
4965 Dollars (\$750,000.00), bearing interest at a rate not exceeding
4966 six percent (6%) per annum, for the purpose of and to be expended
4967 in extending, adding to and improving the athletic stadium on its
4968 campus; to impose student athletic fees; to impose charges, in
4969 addition to and distinguished from the established price of
4970 admission, upon persons, other than students, for the privilege of
4971 attending events held in such stadium, which such charges shall be



4972 exempt from any amusement tax now levied and collected in the
4973 State of Mississippi, and to immediately commence, prior to the
4974 issuance and sale of the bonds herein authorized and to continue,
4975 the collection of such charges; and to apply to the satisfaction
4976 and retirement, as and when due, of the principal of and interest
4977 on such bonds, said athletic fees and said charges, and also,
4978 rental income from the dormitory facilities now in the stadium,
4979 and income, not otherwise appropriated or allocated, from any
4980 other sources. Such bonds shall be authorized by the Board of
4981 Trustees of the University of Southern Mississippi in the manner
4982 now provided by Sections 37-101-91 through 37-101-103, and all of
4983 the provisions of said sections (except as herein otherwise
4984 provided and as are not in conflict with the provisions hereof)
4985 shall be applicable to the authorization and issuance of such
4986 bonds. Reference in Sections 37-101-95, 37-101-101, to
4987 "dormitories, dwellings or apartments" shall be understood to
4988 apply also to all other projects authorized to be financed under
4989 the provisions of Section 37-101-99.

4990 Upon request of the university, acting through its president
4991 and financial secretary, authorization having been first obtained
4992 from the Board of Trustees * * *, the State Building Commission
4993 shall issue and sell bonds of the university at not less than par
4994 and accrued interest in the manner provided by Section 21-27-45,
4995 for the sale of bonds of municipalities issued thereunder and upon
4996 terms and at interest rates, not to exceed the maximum therein
4997 authorized, to be fixed by the State Building Commission. The
4998 State Building Commission is hereby authorized to supervise the
4999 contracting for, and the erection of, all buildings erected,
5000 extended, added to, or improved under the provisions of this
5001 section. The board of trustees * * * is hereby authorized and
5002 empowered to specify the nature of such extensions, additions,
5003 improvements or new construction, and shall approve the plans and
5004 specifications therefor prior to the letting of any new contract



5005 for any such work. All contracts let under the supervision of the
5006 State Building Commission shall be let as provided by law for
5007 other contracts let by said commission.

5008 The board of trustees * * *, in the resolution authorizing
5009 such bonds, may provide for the imposition of such student
5010 athletic fees, such charges for the privilege of attending events
5011 held in such stadium (as hereinabove distinguished from the price
5012 of admission), such rental charges for use of the dormitories
5013 facilities now in the stadium and for application to the
5014 retirement of such bonds of such other sources of income, not
5015 otherwise appropriated or allocated, as it may consider desirable.
5016 Said board may provide for the collection and the allocation of
5017 such fees and charges. Such fees and charges or other income
5018 shall always be in such amounts as will assure the prompt payment
5019 of principal of and interest on such bonds and the carrying out of
5020 all of the covenants and agreements contained in such resolution
5021 authorizing such bonds.

5022 All bonds so issued shall constitute negotiable instruments
5023 within the meaning of the Uniform Commercial Code of Mississippi.

5024 Any bonds authorized under authority of this section may be
5025 validated in the Chancery Court of First Judicial District, Hinds
5026 County, in the manner and with the force and effect now or
5027 hereafter provided by general law for the validation of municipal
5028 bonds.

5029 This section, without reference to any other statute or law
5030 of Mississippi other than the portions of Sections 37-101-91
5031 through 37-101-103, not in conflict herewith, and Section
5032 31-19-25, shall constitute full authority for the extension,
5033 adding to and improvement of the aforesaid stadium and the
5034 authorization and issuance of bonds hereunder and no other
5035 provisions of the statutes pertinent thereto, except as herein
5036 expressly provided, shall be construed as applying to any
5037 proceedings had hereunder or any acts done pursuant hereto.



5038 **SECTION 133.** Section 37-123-3, Mississippi Code of 1972, is
5039 amended as follows:

5040 37-123-3. The principal object of the Delta State University
5041 shall be to qualify teachers for the public schools of this state,
5042 by imparting instruction in the art and practice of teaching in
5043 all branches of study which pertain to a common school education,
5044 and such other studies as the Board of Trustees of Delta State
5045 University may from time to time prescribe.

5046 **SECTION 134.** Section 37-125-3, Mississippi Code of 1972, is
5047 amended as follows:

5048 37-125-3. The object of the Jackson State University shall
5049 be to qualify teachers for the public schools of this state by
5050 giving instruction in the art and practice of teaching in all
5051 branches of study which pertain to industrial training, health,
5052 and rural and elementary education, and such other studies as the
5053 Board of Trustees of Jackson State University, in cooperation with
5054 the State Department of Education, may, from time to time,
5055 prescribe.

5056 **SECTION 135.** Section 37-125-7, Mississippi Code of 1972, is
5057 amended as follows:

5058 37-125-7. The executive head of the Jackson State University
5059 shall be held as the professional adviser of the Board of Trustees
5060 of Jackson State University on all matters pertaining to the
5061 inside arrangements of buildings, selection of faculty, and course
5062 of study. He shall have the immediate supervision and management
5063 of the university in all its departments, subject however, to the
5064 general supervision, management, and direction of the board of
5065 trustees * * *.

5066 **SECTION 136.** Section 37-127-3, Mississippi Code of 1972, is
5067 amended as follows:

5068 37-127-3. The object of the Mississippi Valley State
5069 University shall be to train teachers for teaching in the public
5070 schools of this state by giving instruction in the art and



5071 practice of teaching in the elementary and high school grades and
5072 in all branches of study which pertain to industrial training,
5073 health, and rural and elementary education, and to provide
5074 instruction and training in such other subjects as the Board of
5075 Trustees of Mississippi Valley State University, in cooperation
5076 with the State Department of Education, may, from time to time,
5077 prescribe. It shall also be the object of the university to
5078 establish and conduct schools, classes or courses, for preparing,
5079 equipping and training citizens of the State of Mississippi for
5080 employment in gainful occupations, in trade, industrial and
5081 distributive pursuits whether such students are qualified by
5082 educational requirements or not.

5083 **SECTION 137.** Section 37-127-5, Mississippi Code of 1972, is
5084 amended as follows:

5085 37-127-5. The Mississippi Valley State University shall be
5086 located at some appropriate place in the Delta section of the
5087 state, to be determined by the Board of Trustees of Mississippi
5088 Valley State University.

5089 **SECTION 138.** Section 37-127-7, Mississippi Code of 1972, is
5090 amended as follows:

5091 37-127-7. The President of the Mississippi Valley State
5092 University shall be held as the professional adviser of the Board
5093 of Trustees of Mississippi Valley State University of all matters
5094 pertaining to the inside arrangements of buildings, selection of
5095 faculty, and course of study. He shall have the immediate
5096 supervision and management of the university in all its
5097 departments, subject however, to the general supervision,
5098 management, and direction of the board of trustees * * *.

5099 **SECTION 139.** Section 37-129-1, Mississippi Code of 1972, is
5100 amended as follows:

5101 37-129-1. In addition to all other powers and duties now
5102 vested by law in the Commissioner of Higher Education, said
5103 commissioner is hereby empowered and required to:



5104 (a) Establish by rules and regulations and promulgate
5105 uniform standards for accreditation of schools of nursing in the
5106 State of Mississippi (1) insofar as concerns the eligibility of
5107 graduates of such schools to take the examination prescribed by
5108 law to become registered nurses authorized to practice the
5109 profession of nursing as registered nurses in Mississippi, and (2)
5110 insofar as concerns student nurses attending such schools being
5111 eligible to participate in any student nurse scholarship program
5112 or other program of assistance now existing or hereafter
5113 established by legislative enactment;

5114 (b) Issue to such schools of nursing upon an annual
5115 basis certificates of accreditation as may be proper under such
5116 standards;

5117 (c) Administer any scholarship program or other program
5118 of assistance heretofore or hereafter established by legislative
5119 enactment for the benefit of students attending accredited schools
5120 of nursing in this state;

5121 (d) Administer any other funds available or which may
5122 be made available for the promotion of nursing education in the
5123 state, with the exception of nursing faculty supplement funds to
5124 the public junior colleges, which funds shall be appropriated to
5125 and administered by the Division of Junior Colleges of the State
5126 Department of Education;

5127 (e) Adopt rules and regulations to provide that a nurse
5128 in training may, during the two-year period in an approved
5129 hospital, be allowed to transfer at any time with full credit
5130 after six (6) months in training, to any other hospital of her
5131 choice at which there is a vacancy; suitable provision shall be
5132 made to protect her against coercion or intimidation concerning
5133 such a contemplated transfer.

5134 In addition to other powers now vested by law in the
5135 Commissioner of Higher Education, said commissioner is hereby
5136 empowered to establish and maintain a nurse-midwifery education



5137 program that meets the accreditation standards of the American
5138 College of Nurse-Midwives at a public state institution of higher
5139 learning * * *.

5140 In order to implement subsection (d) above, the commissioner
5141 is hereby authorized and directed to arrange and contract with
5142 hospitals, senior colleges and hospital schools of nursing for the
5143 financial support of programs of nursing education. The
5144 commissioner is further authorized to adopt such terms for
5145 contracts, and such rules and regulations for reimbursing
5146 contracting agencies for costs of instruction in schools of
5147 nursing as may be feasible in accordance with appropriations made
5148 by the Legislature for this purpose. However, no reimbursement
5149 may be made to contracting agencies in excess of the actual cost
5150 of instruction in the schools of nursing.

5151 No provision of this section shall be construed to authorize
5152 any department, agency, officer or employee of the State of
5153 Mississippi to exercise any controls over the admissions policy of
5154 any private educational institution offering a baccalaureate
5155 degree in nursing.

5156 **SECTION 140.** Section 37-131-1, Mississippi Code of 1972, is
5157 amended as follows:

5158 37-131-1. The president or executive head of any
5159 state-supported institution of higher learning of the State of
5160 Mississippi, subject to the approval of the board of trustees of
5161 that state institution of higher learning, is hereby authorized
5162 and empowered to establish, operate, maintain, and conduct
5163 teachers demonstration and practice schools in connection with the
5164 operation of such institution of higher learning. The president
5165 or executive head of any such institution, subject to the approval
5166 of the board of trustees of that state institution of higher
5167 learning, shall have full power and authority to regulate and
5168 conduct the affairs of such schools and to establish rules and
5169 regulations for their government.



5170 **SECTION 141.** Section 37-131-3, Mississippi Code of 1972, is
5171 amended as follows:

5172 37-131-3. The president or executive head of any institution
5173 of higher learning which has established a demonstration or
5174 practice school, subject to the approval of the board of trustees
5175 of that state institution of higher learning, shall have the power
5176 and authority to enter into contracts and agreements with the
5177 board of trustees of any school district providing for the
5178 attendance of pupils, or one or more, or parts of, grades, from
5179 the educable children of such school district at such
5180 demonstration or practice school. The board of trustees of any
5181 school district is hereby authorized and empowered to enter into
5182 contracts and agreements with the president or executive head of
5183 an institution of higher learning for such purpose. All such
5184 contracts shall be upon such terms and conditions as may be agreed
5185 upon by and between the president or executive head of the
5186 institution of higher learning and the board of trustees of the
5187 school district involved.

5188 **SECTION 142.** Section 37-131-9, Mississippi Code of 1972, is
5189 amended as follows:

5190 37-131-9. In addition to the amounts paid to the
5191 demonstration or practice school from minimum education program
5192 funds, as provided in Section 37-131-7, the board of trustees of
5193 the school district involved may contract with the said
5194 demonstration or practice school for the payment of additional
5195 amounts thereto to defray expenses over and above those defrayed
5196 by minimum education program funds, which additional amounts shall
5197 be paid from any funds available to the school district other than
5198 minimum education program funds, whether produced by a
5199 supplemental district tax levy or otherwise.

5200 If the total funds paid to the demonstration or practice
5201 school by the school district are inadequate to defray the cost
5202 and expense of maintaining and operating such demonstration or



5203 practice school then the president or executive head of the
5204 institution may, subject to the approval of the board of trustees
5205 of that state institution of higher learning, require the payment
5206 of additional fees or tuition in an amount to be fixed by the
5207 president or executive head of the institution, subject to the
5208 approval of the board of trustees * * *, which amount shall be
5209 paid by and collected from the student or his parents.

5210 Boards of trustees of school districts involved may designate
5211 an area within the jurisdiction of the board as an attendance
5212 center as provided by law, and may require students in such area
5213 to attend demonstration or practice schools, subject to a
5214 satisfactory contract between the school board and the president
5215 or executive head of the institution operating the demonstration
5216 or practice school. In such event, all fees and tuition must be
5217 borne by the school district and in no case shall the child or the
5218 parents of the child assigned to such demonstration or practice
5219 school be required to pay any fees or tuition.

5220 The president or executive head of the institution, subject
5221 to the approval of the board of trustees of that state institution
5222 of higher learning, may also fix the amount of fees and tuition to
5223 be paid by students desiring to attend such demonstration or
5224 practice school in cases where there is no contract with the board
5225 of trustees of the school district in which the students reside
5226 therefor.

5227 All funds received by an institution, under the provisions of
5228 this section, shall be deposited in a special fund and shall be
5229 used and expended solely for the purpose of defraying and paying
5230 the cost and expense of operating, maintaining and conducting such
5231 teachers demonstration and practice school. Such funds may be
5232 supplemented by and used in connection with any other funds
5233 available to the institutions for such purpose whether made
5234 available by legislative appropriation or otherwise.



5235 **SECTION 143.** Section 37-131-13, Mississippi Code of 1972, is
5236 amended as follows:

5237 37-131-13. In order to carry into effect the right and
5238 authority granted in Sections 37-131-1 through 37-131-11,
5239 authorizing demonstration and practice schools in connection with
5240 major state institutions of higher learning, the board of trustees
5241 of each state institution of higher learning is hereby authorized
5242 to accept by donations, grants, cooperative agreements or
5243 otherwise, such sums of money as may be deemed necessary for the
5244 construction and maintenance of such demonstration and practice
5245 schools from whatever sources available, including agencies of the
5246 federal, state and county governments, the city of Starkville,
5247 Mississippi, private individuals, benevolent institutions or
5248 organizations, or any other available and legal source or sources.

5249 **SECTION 144.** Section 37-131-15, Mississippi Code of 1972, is
5250 amended as follows:

5251 37-131-15. Oktibbeha County, Mississippi, the Starkville
5252 Municipal Separate School District, and any one or more of the
5253 consolidated or separate school districts in Oktibbeha County,
5254 Mississippi, are hereby authorized to cooperate with the Board of
5255 Trustees of Mississippi State University by establishing,
5256 constructing, maintaining and operating a teachers demonstration
5257 or practice school.

5258 The Board of Trustees of Mississippi State University is
5259 hereby authorized to act as sponsor with respect to any funds that
5260 may be secured for the construction, maintenance, and operation of
5261 such teachers demonstration or practice school from any agency or
5262 subdivision of the federal, state, Oktibbeha County, City of
5263 Starkville, or school district, or from private individuals,
5264 benevolent institutions or organizations, or any other available
5265 and legal source or sources.

5266 **SECTION 145.** Section 37-133-5, Mississippi Code of 1972, is
5267 amended as follows:



5268 37-133-5. In addition to all other powers and duties now
5269 vested by law in the board of trustees of each state institution
5270 of higher learning of the State of Mississippi, each board is
5271 hereby empowered and required to permit the establishment of
5272 technical institutes, as branches within the framework of the
5273 existing state institutions of higher learning, that have an
5274 ongoing program in the areas concerned, adequately staffed and
5275 equipped to offer a curriculum designed and intended to
5276 immediately initiate training (extending beyond the junior college
5277 level) in the field of vocational, scientific, engineering,
5278 technical, and aerospace education and the necessary supporting
5279 studies, so that the demands of heavy and aerospace industry and
5280 installations for skilled engineering technicians may be satisfied
5281 and maintained. The * * * curriculum of any technical institute
5282 established under the provisions of the Mississippi Technical
5283 Institute Law of 1964 shall be complementary and supplementary to
5284 public junior college curriculums so that the full advantage of
5285 the educational resources of the State of Mississippi may be
5286 realized. The * * * establishment of such technical institutes
5287 shall be permitted anywhere within the State of Mississippi, in
5288 the areas of most urgent need, on any land or facility presently,
5289 or hereafter, under the jurisdiction and control of a board of
5290 trustees of a state institution of higher learning and on such
5291 terms and conditions as shall seem appropriate. The State
5292 Building Commission shall, at its discretion, provide new
5293 buildings, facilities, and necessary repairs, renovations and
5294 remodeling of any facility designated by a board of trustees of a
5295 state institution of higher learning as a technical institute from
5296 funds made available for such purposes.

5297 **SECTION 146.** Section 37-133-7, Mississippi Code of 1972, is
5298 amended as follows:

5299 37-133-7. There is hereby created in the State Treasury a
5300 special fund to be known as the "Technical Institute Fund." All



5301 sums of money received by the board of trustees of each state
5302 institution of higher learning to carry out the provisions of the
5303 Mississippi Technical Institute Law of 1964 shall be maintained in
5304 a separate account for the respective university in said special
5305 fund. All expenditures therefrom shall be for the purposes of
5306 carrying out the intents and purposes of said law, including the
5307 payment of salaries for qualified instructors as well as the
5308 equipping and staffing of the institute. Such expenditures shall
5309 be paid therefrom by the State Treasurer on warrant of the Auditor
5310 of Public Accounts. Said Auditor shall issue his warrant upon
5311 requisition signed by the proper person, officer or officers, as
5312 authorized by law. Each board is authorized to accept gifts,
5313 bequests of money, or other property, real or personal, to be used
5314 for the purpose of establishing or maintaining any technical
5315 institute which may be authorized under the provisions of said law
5316 and in accordance with the law of the State of Mississippi.

5317 **SECTION 147.** Section 37-133-9, Mississippi Code of 1972, is
5318 amended as follows:

5319 37-133-9. It shall be the duty of the board of trustees of
5320 each state institution of higher learning to make periodic fiscal
5321 reports to the State Fiscal Management Board and the Legislative
5322 Budget Office, and to otherwise comply with the budget and
5323 accounting laws of the State of Mississippi.

5324 **SECTION 148.** Section 37-138-7, Mississippi Code of 1972, is
5325 amended as follows:

5326 37-138-7. The commission is authorized and directed to adopt
5327 regulations for certification of contractors, inspectors,
5328 management planners, project designers, air monitors, supervisors
5329 and workers. The regulations shall include an accreditation plan
5330 which shall be equivalent to paragraphs 1 through 3 of the Model
5331 Plan. The accreditation plan shall be no more stringent than the
5332 Model Plan, except as provided herein. The regulations and
5333 accreditation plan shall include the requirements for all training



5334 courses for accreditation of contractors, inspectors, management
5335 planners, project designers, air monitors, supervisors and
5336 workers. All regulations promulgated by the commission pursuant
5337 to this chapter shall not be effective until November 1, 1990. By
5338 October 1, 1989, the Commissioner of Higher Education shall
5339 designate a university which may offer all training courses set
5340 forth in the regulations and accreditation plan and such
5341 university may charge reasonable fees to offset costs of the
5342 courses offered. The commission shall not approve any training
5343 courses offered in Mississippi other than those courses offered at
5344 the designated university and those certified abatement worker
5345 courses that have received Environmental Protection Agency
5346 approval pursuant to Section III of Appendix C to Title 40, Part
5347 763, Subpart E, of the Code of Federal Regulations.

5348 **SECTION 149.** Section 37-139-7, Mississippi Code of 1972, is
5349 amended as follows:

5350 37-139-7. The board shall be authorized to solicit and
5351 utilize the staff of the State Department of Education, staff of
5352 the board of trustees of any state institution of higher learning
5353 and other state agencies as required for the implementation of
5354 this chapter. In addition, the board shall be authorized to
5355 contract or enter into agreements with other agencies and/or
5356 private research centers that it may deem necessary to carry out
5357 its duties and functions.

5358 **SECTION 150.** Section 37-140-5, Mississippi Code of 1972, is
5359 amended as follows:

5360 37-140-5. (1) The school shall be governed by the State
5361 Board of Education. The board shall develop a plan relating to
5362 the opening, operation and funding of the school to be presented
5363 to the Legislature during the 2000 Regular Session. The plan
5364 shall include an equitable and reasonable plan for student
5365 recruitment without regard to race, creed or color.



5366 (2) The State Superintendent of Public Education shall
5367 appoint an advisory panel to assist the board in developing the
5368 plan relating to the school. The advisory panel shall consist of
5369 the following twelve (12) appointed or designated members:

5370 (a) Three (3) licensed school teachers or
5371 administrators, one (1) to be appointed from each of the three (3)
5372 Mississippi Supreme Court Districts;

5373 (b) Three (3) citizens or professionals representing
5374 the areas of dance, creative writing, literature, music, theater
5375 arts or visual arts, one (1) to be appointed from each of the
5376 three (3) Mississippi Supreme Court Districts;

5377 (c) Three (3) citizens knowledgeable in business,
5378 personnel management or public administration, with at least three
5379 (3) years' actual experience therein, one (1) to be appointed from
5380 each of the three (3) Mississippi Supreme Court Districts;

5381 (d) One (1) member shall be a representative of the
5382 Mississippi Arts Commission to be designated by the commission,
5383 one (1) member shall be a representative of the Mississippi
5384 Humanities Council to be designated by the council, and one (1)
5385 member shall be a representative of a state institution of higher
5386 learning in Mississippi which offers degrees in visual, fine and
5387 performing arts, to be designated by the Commissioner of Higher
5388 Education.

5389 Appointments to the advisory panel shall be made within
5390 ninety (90) days of April 23, 1999. The advisory panel shall meet
5391 upon the call of the State Superintendent of Public Education and
5392 shall organize for business by selecting a chairman and vice
5393 chairman/secretary for keeping records of the panel. Members of
5394 the advisory panel shall receive no compensation but may be
5395 reimbursed for necessary expenses and mileage for attending
5396 meetings and necessary business of the panel, in the amount
5397 authorized for state employees under Section 25-3-41.



5398 (3) The board may utilize the staff of the State Department
5399 of Education and other state agencies as may be required for the
5400 implementation of this chapter. The department may employ any
5401 personnel deemed necessary by the board for assisting in the
5402 development and implementation of the plan relating to the
5403 opening, operation and funding of the school. The board also may
5404 contract or enter into agreements with other agencies or private
5405 entities which it deems necessary to carry out its duties and
5406 functions relating to the opening and operation of the school.

5407 (4) To the extent possible, the board shall enter into
5408 agreements with the Board of Trustees of the Brookhaven Municipal
5409 Separate School District for the dual enrollment of students for
5410 the purpose of teaching academic courses to students attending the
5411 school, and the local school board shall be fully authorized to
5412 offer any such courses to students attending the school. The
5413 State Board of Education may develop and issue necessary
5414 regulations for the coordination of such courses for these
5415 students, the preparation and transfer of transcripts, and the
5416 reimbursement of any costs incurred by the school district for
5417 providing such services.

5418 (5) The board may enter into agreements with public school
5419 districts to authorize students enrolled in such school districts
5420 to participate in the fine arts programs at the school to the
5421 extent that adequate space is available. The parent or guardian
5422 of any student participating in fine arts programs at the school
5423 under this subsection shall be responsible for transporting the
5424 student to and from the school.

5425 **SECTION 151.** Section 37-141-3, Mississippi Code of 1972, is
5426 amended as follows:

5427 37-141-3. (1) There is hereby created the University
5428 Research Center, as an agency of the State of Mississippi,
5429 hereinafter referred to as the "center," which shall have full



5430 authority to contract and to be contracted with. The Commissioner
5431 of Higher Education shall serve as the director for the center.

5432 (2) The center shall be under the direction and management
5433 of the Commissioner of Higher Education. The commissioner shall,
5434 in his discretion, obtain fidelity bonds and determine who and
5435 what should be covered thereby and the amount of such bonds.

5436 (3) The Commissioner of Higher Education * * * shall appoint
5437 and employ such staff and employees as he deems necessary to carry
5438 out the objectives and purposes of this chapter and Section
5439 57-63-17 and may establish the organizational structure of the
5440 center, which shall include the creation of any divisions
5441 necessary to implement the duties assigned to the center. It is
5442 specifically provided that the commissioner establish such units
5443 within the center as he deems necessary to include but not limited
5444 to areas of economic analysis, economic forecasting, long range
5445 economic development planning, research, grants, services and
5446 university and agency coordination and reporting.

5447 * * *

5448 (4) The Commissioner of Higher Education shall use savings
5449 realized through personnel attrition and other economies created
5450 by the reorganization effected in Senate Bill No. 2925, 1988
5451 Regular Session [Laws, 1988, Chapter 518], to establish a special
5452 account in the University Research Center out of which funds may
5453 be expended to conduct priority research projects by contracting
5454 with universities, agencies and individuals.

5455 **SECTION 152.** Section 37-141-5, Mississippi Code of 1972, is
5456 amended as follows:

5457 37-141-5. The main office building of the University
5458 Research Center and the Mississippi Development Authority in the
5459 City of Jackson shall be known and designated as the Paul B.
5460 Johnson, Jr. Building. The Commissioner of Higher Education and
5461 the Governor's Office of General Services shall coordinate and
5462 cooperate to effect the relocation of the Mississippi Development



5463 Authority to the Paul B. Johnson, Jr. Building and any other
5464 related agency relocations necessary to accomplish the requirement
5465 of this section if such relocation is feasible. If such
5466 relocation of the Mississippi Development Authority to the Paul B.
5467 Johnson, Jr. Building is not feasible because of space
5468 limitations, the Governor's Office of General Services shall
5469 coordinate the relocation of such authority to some other location
5470 and shall, if possible, secure the amount of space necessary to
5471 also place the University Research Center in the same location
5472 with the authority.

5473 The Office of General Services shall provide proper signs to
5474 be placed on the building in accordance with this section.

5475 **SECTION 153.** Section 37-141-13, Mississippi Code of 1972, is
5476 amended as follows:

5477 37-141-13. (1) The Commissioner of Higher Education shall
5478 have responsibility for the administration of the center. By so
5479 designating the commissioner as administrator for the center, the
5480 Legislature hereby expresses its intent that the center shall have
5481 a relationship of close cooperation and coordination with the
5482 several universities but that the center shall not be under the
5483 control or influence of any single institution. * * *

5484 Academically eligible center staff may hold appointment to
5485 faculties of state universities and university faculty members may
5486 be assigned to the center.

5487 (2) The Mississippi Development Authority, being the
5488 economic development agency for the state, shall advise on the
5489 programs and projects of the center focused upon economic
5490 development.

5491 (3) The center may advise the various agencies and
5492 departments of state government regarding internal research needs
5493 and programs and shall assist in the establishment of such
5494 programs where needed. These programs shall be coordinated by the
5495 center in order to minimize duplication of effort, to maximize



5496 utilization of data and equipment and to standardize procedures
5497 for the more efficient pursuit of research.

5498 (4) Communities, counties, special-purpose districts,
5499 multicounty area development groupings and other such
5500 organizations may call upon the center for informational services.
5501 Specific research projects may be undertaken by the center for
5502 such organizations on a contract basis.

5503 (5) The center may provide advice and counsel, consistent
5504 with its duties and responsibilities, to the private business
5505 community. Consultation and information may also be made
5506 available to other segments of the private business community.
5507 Advice and assistance for the establishment of research programs
5508 within business organizations may be provided by the center.
5509 Specific research projects may be undertaken by the center for
5510 private business on a contract basis. The center may solicit and
5511 accept grants and other financial aid or support from private
5512 sources.

5513 **SECTION 154.** Section 37-141-15, Mississippi Code of 1972, is
5514 amended as follows:

5515 37-141-15. With the approval of the Commissioner of Higher
5516 Education, the center may establish and staff branch operations at
5517 various universities within the state.

5518 **SECTION 155.** Section 37-141-17, Mississippi Code of 1972, is
5519 amended as follows:

5520 37-141-17. The center, on behalf of the Commissioner of
5521 Higher Education, shall prepare an annual report of economic
5522 development activities of those agencies and institutions subject
5523 to the commissioner. The report shall describe:

5524 (a) Economic development efforts and accomplishments of
5525 the University Research Center, each university, and each
5526 institute.



5527 (b) Efforts and accomplishments of the center in
5528 coordinating economic development activities among the
5529 universities.

5530 (c) Recommendations of the center for coordination and
5531 utilization of university resources in economic development, for
5532 university-based initiatives in economic development, and for
5533 funding related to economic development and plans of the
5534 universities.

5535 (d) Assistance rendered to the Mississippi Development
5536 Authority by the center and each university.

5537 (e) Activities and accomplishments of staff assigned to
5538 planning and development districts pursuant to Section 37-141-19.

5539 (f) Any other information which the center wishes to
5540 present.

5541 The annual report shall be submitted to the Governor and the
5542 Joint Legislative Budget Committee not later than July 1 of each
5543 year.

5544 **SECTION 156.** Section 37-141-19, Mississippi Code of 1972, is
5545 amended as follows:

5546 37-141-19. The board of trustees of each state institution
5547 of higher learning shall require that the president of the
5548 university under its jurisdiction designate, at the level of vice
5549 president, a person responsible for economic development
5550 activities at the university. The person so designated shall be
5551 the primary contact at each university for the center in carrying
5552 out its responsibilities related to coordinating, assisting,
5553 monitoring and reporting on economic development activities at the
5554 universities.

5555 **SECTION 157.** Section 37-141-21, Mississippi Code of 1972, is
5556 amended as follows:

5557 37-141-21. (1) The director of the center, subject to the
5558 approval of the Commissioner of Higher Education, shall fix the
5559 salaries and wages of employees of the center, shall reimburse



5560 employees for actual expenses incurred in the performance of their
5561 duties, and may approve receipt by employees of additional income
5562 payments from grants, fellowships and other sources.

5563 (2) The director of the center, upon approval of the
5564 commissioner, may contract with universities and colleges, with
5565 individuals and with public or private research organizations for
5566 their services and, under the same approval, may contract for
5567 performance by the center of services to governmental subdivisions
5568 of the state, to United States government departments and
5569 agencies, to area development organizations, to trade associations
5570 and other similar groups of public or private nature, and to
5571 private business enterprises, and may set fees for such services.
5572 Upon approval of the commissioner, the center may establish intern
5573 programs to provide experience that supplements the education of
5574 students enrolled in state institutions of higher learning.

5575 (3) Expenditures by and for the center and its branches
5576 shall be paid by the State Treasurer out of the funds appropriated
5577 to carry out the provisions of this chapter, upon warrant issued
5578 by the State Fiscal Management Board; and such board shall issue
5579 its warrant upon requisition signed by the director of the center,
5580 in the manner provided by law. Full and complete accounting shall
5581 be kept and made by the center for all funds received and expended
5582 by it. Representatives of the office of the State Auditor
5583 annually shall audit the expenditures of funds received by the
5584 center from all sources, and the auditor shall make a complete and
5585 detailed report of such audit to the Legislature.

5586 **SECTION 158.** Section 37-143-3, Mississippi Code of 1972, is
5587 amended as follows:

5588 37-143-3. The Legislature makes the following findings of
5589 fact and declarations of purpose: By legislative enactment, five
5590 (5) loan or scholarship programs have been created wherein
5591 Mississippi residents are granted scholarships in certain
5592 professional fields in return for their contractual obligation to



5593 perform services in such professions under a variety of
5594 requirements of location, duration, manner and mode of service,
5595 and institution in which performed. Such loan or scholarship
5596 programs provide variously for different degrees of recourse in
5597 the event that the recipient's contract is not fulfilled, but
5598 shall provide in every case that the scholarship convert to a loan
5599 which must be repaid at interest and, in some of the programs,
5600 require the payment of penalties also. In addition to the
5601 foregoing described loan or scholarship programs, a State of
5602 Mississippi fund-financed loan program was created in the
5603 Postsecondary Education Financial Assistance Law of 1975. The
5604 purposes and needs, for which the Postsecondary Education
5605 Financial Assistance Law was enacted, have now been almost
5606 entirely supplanted by the provisions of the federal laws
5607 providing for guaranteed student loans. The Legislature further
5608 finds, that as a result of the restrictive and punitive provisions
5609 contained in the loan or scholarship programs in existence prior
5610 to this chapter, there are low levels of utilization of such
5611 programs. The Legislature further finds that such programs being
5612 enacted at various times and for various specialized purposes have
5613 inconsistencies in the provisions for their administration, which
5614 should be made consistent, uniform and regular. The Legislature
5615 further finds that because of the low use of the Postsecondary
5616 Education Financial Assistance Law, there are sums of monies
5617 dedicated for use in student loans or scholarships which could be
5618 utilized in the improved scholarship or loan programs created by
5619 this chapter. The Legislature finds and declares that such older
5620 existing revolving funds should be collapsed and consolidated into
5621 a single revolving fund in support of the loan or scholarship
5622 programs authorized herein. The Legislature further finds and
5623 declares that there is a need for the creation of additional
5624 scholarship programs for the purpose of encouraging eligible
5625 Mississippi residents to enter into professional schools, and



5626 that, in particular, there should be programs to encourage the
5627 participation of minorities in graduate professional programs in
5628 the institutions of this state, and that the Commissioner of
5629 Higher Education should be granted the power and authority to
5630 create and implement such new loan or scholarship programs as the
5631 need may arise. And the Legislature further finds and declares
5632 that there is a need to create an ability within the office of the
5633 commissioner to fashion new and innovative systems for the
5634 financing of loan or scholarship programs by combining the use of
5635 private sector loans for education and guaranteed student loans
5636 with scholarship repayment programs promulgated by the board, and
5637 that the board should be granted authority to devise and develop
5638 such innovative systems to obtain the most efficient use of state
5639 funds to encourage entry and service in certain professional
5640 fields.

5641 **SECTION 159.** Section 37-143-5, Mississippi Code of 1972, is
5642 amended as follows:

5643 37-143-5. (1) There is hereby created the medical loan or
5644 scholarship program. The purpose of such program shall be to
5645 enable eligible applicants who desire to become physicians to
5646 obtain a medical education in the University of Mississippi School
5647 of Medicine, which will qualify them to become licensed,
5648 practicing physicians and surgeons.

5649 (2) The Board of Trustees of the University of Mississippi
5650 shall establish, by rule and regulation, the maximum annual award
5651 which may be made under this program at an amount not to exceed
5652 the cost of tuition and other expenses, and shall establish the
5653 maximum number of awards which may be made not to exceed the
5654 length of time required to complete the degree requirements and
5655 internship or residency.

5656 (3) Loans made to applicants under this program may be made
5657 under similar terms and conditions as then current provisions of
5658 the Federal Guaranteed Student Loan Program, or its successor, as



5659 to the repayment of principal and interest. Such loans shall be
5660 eligible for deferment during attendance as a full-time student in
5661 an approved course of training. No interest shall accrue on such
5662 loan during the time the recipient is in such attendance. Such
5663 loans may be eligible for other deferments for such other causes
5664 as may be established by the board by rule and regulations not
5665 inconsistent with the foregoing.

5666 (4) Loans made to applicants shall be made and based upon
5667 the following options for repayment or conversion to interest-free
5668 scholarships:

5669 (a) Payment in full of principal and interest must be
5670 made in sixty (60) or less equal monthly installments, commencing
5671 one (1) month after graduation and internship or residency, or
5672 termination of attendance as a full-time student;

5673 (b) In lieu of payment in full of both principal and
5674 interest, a loan recipient may elect to repay by entry into public
5675 health work at a state health institution as defined in Section
5676 37-143-13(2), or community health centers that are grantees under
5677 Section 330 of the United States Public Health Service Act.
5678 Repayment under this option shall convert loan to scholarship, and
5679 discharge the same, on the basis of one (1) year's service for one
5680 (1) year's loan amount, or the appropriate proportion of the total
5681 outstanding balance of principal and interest, all as shall be
5682 established by rule and regulation of the board of trustees. If
5683 at any time prior to the repayment in full of the total obligation
5684 the recipient abandons or abrogates repayment by this option, the
5685 provisions of Section 37-143-5(d) shall apply;

5686 (c) In lieu of payment in full of both principal and
5687 interest, a loan recipient may elect to repay by entry into the
5688 practice of medicine in a primary health care field in an area
5689 outside of a metropolitan statistical area, as defined and
5690 established by the United States Census Bureau, and within a
5691 region ranking between 1 and 54, inclusively, on the Relative



5692 Needs Index of Five Factors for Primary Care Physicians, as
5693 annually determined by the State Board of Health, for a period of
5694 five (5) years. Repayment under this option shall convert loan to
5695 scholarship, and discharge the same on the basis of one (1) year's
5696 service for one (1) year's loan amount, or the appropriate
5697 proportion of the total outstanding balance of principal and
5698 interest, all as shall be established by rule and regulation of
5699 the board of trustees. If at any time prior to the repayment in
5700 full of the total obligation the recipient abandons or abrogates
5701 repayment by this option, the provisions of Section 37-143-5(4) (d)
5702 shall apply;

5703 (d) In the event of abandonment or abrogation of the
5704 options for repayment as provided for in Section 37-143-5(4) (b)
5705 and (c), the remaining balance of unpaid or undischarged principal
5706 and interest shall become due and payable over the remaining
5707 period of time as if the option provided for in Section
5708 37-143-5(4) (a) had been elected upon graduation and internship or
5709 residency.

5710 (5) The board * * * shall establish such rules and
5711 regulations as it deems necessary and proper to carry out the
5712 purposes and intent of this section.

5713 **SECTION 160.** Section 37-143-6, Mississippi Code of 1972, is
5714 amended as follows:

5715 37-143-6. (1) There is established a medical education
5716 scholarship and loan repayment program, which shall be
5717 administered by the Board of Trustees of the University of
5718 Mississippi. Each year, the program shall provide a certain
5719 number of eligible applicants, if the applicant meets the
5720 conditions upon which the scholarship or loan repayment is
5721 granted, with: (a) a full scholarship to obtain a medical
5722 education at the University of Mississippi School of Medicine at
5723 no cost to the recipient; or (b) funds for repaying state and
5724 federal medical education loans.



5725 (2) The program shall provide scholarships or loan
5726 repayments to up to twenty (20) new recipients each year, of which
5727 no more than ten (10) may be recipients of loan repayments. The
5728 program shall be funded from monies appropriated from the Health
5729 Care Expendable Fund established under Section 43-13-407. The
5730 amounts that may be expended annually for scholarships and loan
5731 repayments under the program shall not exceed the following: Five
5732 Hundred Thousand Dollars (\$500,000.00) in fiscal year 2001; One
5733 Million Dollars (\$1,000,000.00) in fiscal year 2002; One Million
5734 Five Hundred Thousand Dollars (\$1,500,000.00) in fiscal year 2003;
5735 and Two Million Dollars (\$2,000,000.00) in fiscal year 2004 and in
5736 any later fiscal year.

5737 (3) A scholarship awarded under this program shall be in an
5738 amount that will pay the full cost of attendance, as defined by
5739 federal law and regulation, at the University of Mississippi
5740 School of Medicine for the entire time necessary for the recipient
5741 to complete the requirements for a medical degree. The actual
5742 amount of the scholarship shall be determined by the Office of
5743 Financial Aid of the University of Mississippi Medical Center but
5744 shall not exceed Twenty-five Thousand Dollars (\$25,000.00) per
5745 year for any recipient.

5746 (4) Before being granted a scholarship, each applicant shall
5747 enter into a contract with the board of trustees, which shall be
5748 deemed a contract with the State of Mississippi, agreeing to the
5749 terms and conditions upon which the scholarship will be granted.
5750 In order to receive a scholarship under the program, the recipient
5751 must agree in the contract to practice family medicine for a
5752 period of not less than ten (10) years after completion of his or
5753 her residency in an area of the state that is a critical needs
5754 area for primary medical care at the time of the recipient's entry
5755 into medical practice. The determination and designation of the
5756 areas of the state that are critical needs areas for primary
5757 medical care in which scholarship recipients may practice shall be



5758 made by a committee to be known as the Medical Care Critical Needs
5759 Committee, which shall be composed of the following persons: the
5760 Vice Chancellor for Health Affairs of the University of
5761 Mississippi Medical Center, who shall be chairman of the
5762 committee; the Executive Director of the State Department of
5763 Health; the Executive Director of the Division of Medicaid; the
5764 President of the Mississippi State Medical Association or his
5765 designee; the President of the Mississippi State Hospital
5766 Association or his designee; the President of the Mississippi
5767 Academy of Family Physicians; and the Executive Director of the
5768 Mississippi Primary Health Care Association. The committee shall
5769 meet at least once annually to determine and designate the areas
5770 of the state that are critical needs areas for primary medical
5771 care in which scholarship recipients may practice family medicine
5772 in order to fulfill their contractual obligation.

5773 (5) (a) Beginning on July 1, 2001, the Board of Trustees of
5774 the University of Mississippi may use any funds available under
5775 the medical education scholarship and loan repayment program for
5776 repaying state and federal medical education loans made to
5777 licensed family medicine physicians who agree to practice family
5778 medicine for a period of not less than eight (8) years in an area
5779 of the state that is a critical needs area for primary medical
5780 care, as designated by the Medical Care Critical Needs Committee.
5781 The board of trustees shall use such funds to apply for and
5782 receive federal matching funds from the National Health Service
5783 Corps to assist in the repayment of qualified educational loans
5784 for primary health care clinicians who agree to practice in a
5785 critical needs area for primary medical care. In order to receive
5786 a state loan repayment under this section, an applicant must enter
5787 into a contract with the board of trustees, which shall be deemed
5788 a contract with the State of Mississippi, agreeing to the terms
5789 and conditions upon which the loan repayment will be granted. The
5790 contract must include all conditions specified under subsection



5791 (4) for scholarship recipients; however, for a loan repayment, the
5792 minimum period of service required in an area of the state that is
5793 a critical needs area for primary medical care at the time the
5794 contract is executed is eight (8) years. The contract also must
5795 specify the total amount of the loan repayment and a schedule for
5796 making payments to the recipient, based upon the recommendation of
5797 the Medical Care Critical Needs Committee.

5798 (b) The board of trustees shall give priority in
5799 awarding loan repayments to family medicine physicians according
5800 to the following:

5801 (i) University of Mississippi School of Medicine
5802 graduates or persons who have completed successfully a full
5803 three-year family medicine residency training program in the State
5804 of Mississippi;

5805 (ii) Persons who were born in Mississippi who have
5806 completed training in a certified family medicine residency
5807 program outside the State of Mississippi; and

5808 (iii) Physicians who are practicing outside the
5809 State of Mississippi who received training at a medical school
5810 outside the state and who are board certified in family practice.

5811 (c) The Medical Care Critical Needs Committee shall
5812 meet at least once annually to determine and designate the areas
5813 of the state that are critical needs areas for primary medical
5814 care in which loan repayment recipients may practice family
5815 medicine and other primary care health professional disciplines in
5816 order to fulfill their contractual obligation. The committee also
5817 shall determine the priority of additional primary health care
5818 clinicians who are eligible to participate in the state loan
5819 repayment program using any National Health Service Corps matching
5820 funds or other funds excluding funds appropriated by the
5821 Legislature.

5822 (6) If a scholarship recipient leaves the University of
5823 Mississippi School of Medicine before graduation, or leaves his or



5824 her residency before completion, or fails to practice family
5825 medicine for a period of ten (10) years in a critical needs area
5826 for primary medical care as designated by the Medical Care
5827 Critical Needs Committee under subsection (4) of this section, the
5828 full amount that the recipient received under the scholarship
5829 shall be due and payable within ninety (90) days, together with
5830 interest. If a loan repayment recipient fails to practice family
5831 medicine for a period of eight (8) years in a critical needs area
5832 for primary medical care as designated by the Medical Care
5833 Critical Needs Committee under subsection (5)(c) of this section,
5834 the full amount that the recipient received for loan repayments
5835 shall be due and payable within ninety (90) days, together with
5836 interest. The amount of interest due shall be equal to the annual
5837 rate of return on the Health Care Trust Fund established under
5838 Section 43-13-405 for each year from the time the recipient
5839 received the scholarship or loan repayment money until the time
5840 the scholarship or loan repayment money is repaid. The board of
5841 trustees may bring suit against any scholarship or loan repayment
5842 recipient to recover the amount due to the state under this
5843 section for the recipient's failure to comply with the conditions
5844 upon which the scholarship or loan repayment was granted, as
5845 provided in this section and in the contract between the recipient
5846 and the board of trustees. The board of trustees is authorized to
5847 postpone or forgive the repayment of all or part of the amount
5848 that a recipient received under the scholarship or for loan
5849 repayments and the interest that would otherwise be due under this
5850 subsection if the recipient's failure to comply with the
5851 conditions upon which the scholarship or loan repayment was
5852 granted was due to circumstances beyond the recipient's control
5853 that caused the recipient to be physically unable to comply with
5854 those conditions, such as suffering a severe illness, injury or
5855 other disabling condition.



5856 (7) The board of trustees shall establish such rules and
5857 regulations, based upon recommendations submitted by the Medical
5858 Care Critical Needs Committee, which it deems necessary and proper
5859 to carry out the purposes and intent of this section.

5860 **SECTION 161.** Section 37-143-7, Mississippi Code of 1972, is
5861 amended as follows:

5862 37-143-7. (1) There is hereby created the dental loan or
5863 scholarship program. The purpose of such program shall be to
5864 enable eligible applicants who desire to become dentists to obtain
5865 a standard four-year education in the study of dentistry in the
5866 University of Mississippi School of Dentistry, which will qualify
5867 them to become licensed, practicing dentists.

5868 (2) The Board of Trustees of the University of Mississippi
5869 shall establish, by rule and regulation, the maximum annual award
5870 which may be made under this program at an amount not to exceed
5871 the cost of tuition and other expenses, and shall establish the
5872 maximum number of awards, which may be made not to exceed the
5873 length of time required to complete the degree requirements.

5874 (3) Loans made to applicants under this program may be made
5875 under similar terms and conditions as then current provisions of
5876 the Federal Guaranteed Student Loan Program, or its successor, as
5877 to the repayment of principal and interest. Such loans shall be
5878 eligible for deferment during attendance as a full-time student in
5879 an approved course of training. No interest shall accrue on such
5880 loan during the time the recipient is in such attendance. Such
5881 loans may be eligible for other deferments for such other causes
5882 as may be established by the board by rule and regulations not
5883 inconsistent with the foregoing.

5884 (4) Loans made to applicants shall be made and based upon
5885 the following options for repayment or conversion to interest-free
5886 scholarships:

5887 (a) Payment in full of principal and interest must be
5888 made in sixty (60) or less equal monthly installments, commencing



5889 one (1) month after graduation or termination of attendance as a
5890 full-time student;

5891 (b) In lieu of payment in full of both principal and
5892 interest, a loan recipient may elect to repay by entry into public
5893 health work at a state health institution as defined in Section
5894 37-143-13(2), or community health centers that are grantees under
5895 Section 330 of the United States Public Health Service Act.

5896 Repayment under this option shall convert loan to scholarship, and
5897 discharge the same, on the basis of one (1) year's service for one
5898 (1) year's loan amount, or the appropriate proportion of the total
5899 outstanding balance of principal and interest, all as shall be
5900 established by rule and regulation of the board of trustees. If
5901 at any time prior to the discharge in full of the total obligation
5902 the recipient abandons or abrogates repayment by this option, the
5903 provisions of Section 37-143-7(4) (d) shall apply;

5904 (c) In lieu of payment in full of both principal and
5905 interest, a loan recipient may elect to repay by entry into the
5906 practice of dentistry in an area outside of a metropolitan
5907 statistical area, as defined and established by the United States
5908 Census Bureau, and within a region ranking between 1 and 54,
5909 inclusively, on the Relative Needs Index of Four Factors for
5910 Dentists, as annually determined by the State Board of Health, for
5911 a period of five (5) years. Repayment under this option shall
5912 convert loan to scholarship and discharge the same on the basis of
5913 one (1) year's service for one (1) year's loan amount, or the
5914 appropriate proportion of the total outstanding balance of
5915 principal and interest, all as shall be established by rule and
5916 regulation of the board of trustees. If at any time prior to the
5917 repayment in full of the total obligation the recipient abandons
5918 or abrogates repayment by this option, the provisions of Section
5919 37-143-7(4) (d) shall apply;

5920 (d) In the event of abandonment or abrogation of the
5921 options for repayment as provided for in Section 37-143-7(4) (b)



5922 and (c), the remaining balance of unpaid or undischarged principal
5923 and interest shall become due and payable over the remaining
5924 period of time as if the option provided for in Section
5925 37-143-7(4) (a) had been elected upon graduation.

5926 (5) The board * * * shall establish such rules and
5927 regulations as it deems necessary and proper to carry out the
5928 purposes and intent of this section.

5929 **SECTION 162.** Section 37-143-9, Mississippi Code of 1972, is
5930 amended as follows:

5931 37-143-9. There is created a program for advanced study in
5932 nursing. Scholarships are established and shall be allocated to
5933 students who: (a) have graduated from an accredited high school
5934 and from a school of nursing and are licensed registered nurses in
5935 Mississippi; and (b) are approved by the Commissioner of Higher
5936 Education; and (c) enter into contract with the commissioner,
5937 obligating themselves to pursue to completion the course of study
5938 agreed upon, and immediately following the completion of such
5939 work, to spend a period of time, equal to the period of study
5940 provided under the scholarship, in teaching nursing at any
5941 accredited school of nursing in Mississippi, approved by the
5942 commissioner, or in performing other work in the interest of
5943 public health in the state, to be approved by the commissioner.
5944 Such period of service, after completion of study under a
5945 scholarship, shall in no event be less than one (1) year.

5946 In addition to a scholarship, any such student may be
5947 allocated a loan not to exceed One Thousand Dollars (\$1,000.00)
5948 per month for each month of full-time study in a graduate nursing
5949 program. The repayment of the principal and interest of such
5950 loans shall be eligible for deferment during attendance as a
5951 full-time student in an approved program for advanced study in an
5952 accredited school of nursing. For any student who receives this
5953 loan, the student's contract with the commissioner shall obligate
5954 the student, immediately following completion of the course of



5955 study, to repay the loan by teaching nursing for not less than two
5956 (2) years at any accredited school of nursing in Mississippi
5957 approved by the commissioner. Such teaching service shall convert
5958 the loan to an interest-free scholarship, and discharge the same,
5959 on the basis of two (2) years of service for one-year's loan
5960 amount, or the appropriate proportion of the total outstanding
5961 balance of principal and interest, all as established by rule and
5962 regulation of the commissioner. Any such student who fails to
5963 complete all of the teaching service obligation shall be liable to
5964 the commissioner for the remaining balance of the principal and
5965 interest that remains undischarged.

5966 The commissioner shall establish such rules and regulations
5967 as it deems necessary and proper to carry out the purposes and
5968 intent of this section.

5969 **SECTION 163.** Section 37-143-11, Mississippi Code of 1972, is
5970 amended as follows:

5971 37-143-11. (1) It is the intention of the Legislature to
5972 attract and retain qualified teachers by awarding incentive loans
5973 to persons declaring an intention to serve in the teaching field
5974 and who actually render service to the state while possessing an
5975 appropriate teaching license.

5976 (2) There is established the "William F. Winter Teacher
5977 Scholar Loan Program."

5978 (3) To the extent of appropriations available, students who
5979 are enrolled in any baccalaureate degree-granting institution of
5980 higher learning in the State of Mississippi accredited by the
5981 Southern Association of Colleges and Schools and approved by the
5982 Mississippi Commission on College Accreditation, or any accredited
5983 nonprofit community or junior college, and who have expressed in
5984 writing a present intention to teach in Mississippi, shall be
5985 eligible for student loans to be applied to the costs of their
5986 college education. Persons who have been admitted to a teacher



5987 education program as approved by the State Board of Education
5988 shall also qualify for loans at approved institutions.

5989 (4) A freshman establishing initial eligibility shall be
5990 eligible for a maximum of four (4) annual loans and a senior shall
5991 be eligible for one (1) annual loan.

5992 (5) The maximum annual loan shall be set by the Commissioner
5993 of Higher Education at an amount not to exceed the cost of
5994 attendance at any baccalaureate degree-granting institution of
5995 higher learning in the State of Mississippi. However, it is the
5996 intent of the Legislature that the maximum annual loan amounts
5997 under the William F. Winter Teacher Scholar Loan Program shall not
5998 be of such amounts that would compete with the Critical Needs
5999 Teacher Scholarship Program.

6000 (6) The loans of persons who actually render service as
6001 licensed teachers in a public school in Mississippi for a major
6002 portion of the school day for at least seventy-eight (78) school
6003 days during each of eight (8) school semesters of the ten (10)
6004 immediately after obtaining a baccalaureate degree, shall be
6005 converted to interest-free scholarships. Conversion shall be
6006 based on two (2) semesters of service for each year a loan was
6007 received, and the Commissioner of Higher Education shall not
6008 authorize the conversion of loans into interest-free scholarships
6009 at any other ratio, except as follows: Participants in the
6010 William F. Winter Teacher Scholar Loan Program may have their
6011 loans converted into interest-free scholarships at the same ratio
6012 as under the Critical Needs Teacher Scholarship Program if they
6013 render service as a licensed teacher in a public school district
6014 in a geographical area of the state where there is a critical
6015 shortage of teachers, as designated by the State Board of
6016 Education.

6017 (7) Persons failing to complete an appropriate program of
6018 study shall immediately become liable to the Commissioner of
6019 Higher Education for the sum of all outstanding loans, except in



6020 the case of a deferral of debt for cause by the board, after which
6021 period of deferral, study may be resumed. Persons failing to meet
6022 teaching requirements in any required semester shall immediately
6023 be in breach of contract and become liable to the board for the
6024 amount of the corresponding loan received, with interest accruing
6025 at the current Stafford Loan rate at the time the breach occurs,
6026 except in the case of a deferral of debt for cause by the
6027 commissioner, after which period of deferral, teaching duties
6028 required hereunder will be resumed. If the claim for payment of
6029 such loan is placed in the hands of an attorney for collection
6030 after default, then the obligor shall be liable for an additional
6031 amount equal to a reasonable attorney's fee.

6032 (8) A loan made pursuant to this section shall not be
6033 voidable by reason of the age of the borrower at the time of
6034 receiving the loan.

6035 (9) Failure to repay any loan and interest that becomes due
6036 shall be cause for the revocation of a person's teaching license
6037 by the State Department of Education.

6038 (10) All monies repaid to the Commissioner of Higher
6039 Education hereunder shall be added to the appropriations made for
6040 purposes of this section, and those appropriations shall not
6041 lapse.

6042 (11) The Commissioner of Higher Education with the
6043 concurrence of the State Board of Education shall jointly
6044 promulgate regulations necessary for the proper administration of
6045 this section.

6046 (12) If insufficient funds are available for requested loans
6047 to a qualified student during any fiscal year, the commissioner
6048 shall make pro rata reductions in the loans made to qualifying
6049 applicants. Priority consideration shall be given to persons
6050 receiving previous loans and participating in the program.

6051 (13) The commissioner shall make an annual report to the
6052 Legislature. Each report shall contain a complete enumeration of



6053 the * * * loans or scholarships granted, names of persons to whom
6054 granted and the institutions attended by those receiving the same,
6055 the teaching location of applicants who have received their
6056 education and become licensed teachers within this state as a
6057 result of the loans and/or scholarships. The commissioner shall
6058 make a full report and account of receipts and expenditures for
6059 salaries and expenses incurred under the provisions of this
6060 section. The commissioner shall, upon his records and any
6061 published reports, distinguish between those recipients who have
6062 breached their contracts but with the commissioner's permission
6063 who have paid their financial obligations in full, and those
6064 recipients who have breached their contracts and remain
6065 financially indebted to the state.

6066 **SECTION 164.** Section 37-143-15, Mississippi Code of 1972, is
6067 amended as follows:

6068 37-143-15. The Commissioner of Higher Education is
6069 authorized and empowered to establish loan or scholarship programs
6070 of like character, operation and purpose to the foregoing
6071 enumerated programs to encourage the participation of eligible
6072 worthy persons in courses of instruction in the public
6073 institutions of higher learning, and in furtherance of such power
6074 and authority is authorized: to adopt and implement rules and
6075 regulations declaring and describing the goals and objectives of
6076 such loan or scholarship programs; to establish the eligibility
6077 requirements for entry into such program and required for
6078 continuing participation for succeeding years; to determine the
6079 maximum amount to be made available to recipients; to delineate
6080 the terms and conditions of contracts with recipients and
6081 establish the service requirements for such contracts, if any; to
6082 enter into contracts pertaining to such programs with recipients;
6083 to enter into loan agreements and other contracts with financial
6084 institutions or other providers of loan monies for scholarship or
6085 loan participants; and to allocate and utilize such funds as may



6086 be necessary for the operation of such loan or scholarship
6087 programs from the annual appropriation for student financial aid.
6088 In issuing rules and regulations governing the administration of
6089 the Graduate Teacher Summer Scholarship (GTS) Program, the
6090 commissioner shall provide that certified teachers at the Columbia
6091 or Oakley Training Schools under the jurisdiction of the
6092 Department of Human Services shall be fully eligible to
6093 participate in said program.

6094 **SECTION 165.** Section 37-143-19, Mississippi Code of 1972, is
6095 amended as follows:

6096 37-143-19. The Commissioner of Higher Education is
6097 authorized to establish a consolidated revolving loan fund for the
6098 purpose of providing monies for the operation of all loan or
6099 scholarship programs authorized * * * by this chapter, and to the
6100 Postsecondary Education Financial Assistance Board by the
6101 provisions of Chapter 106 of Title 37, Mississippi Code of 1972,
6102 and for the purpose of providing monies for the operation of such
6103 other loan programs as may be deemed appropriate and authorized by
6104 the commissioner from time to time for the furtherance of
6105 education of eligible applicants. The commissioner shall be
6106 charged with the duty of directing the dispensing of such funds in
6107 a manner so as to best effectuate the purpose of this chapter.
6108 Any monies collected in the form of repayment of loans, both
6109 principal and interest, shall be deposited in this fund. The
6110 commissioner is authorized to maintain such revolving fund in an
6111 official state depository and, in accordance with Section
6112 27-105-21, Mississippi Code of 1972, shall invest such funds, less
6113 the amount required for current operation, at interest as required
6114 by said section. All interest earned on such investments shall
6115 likewise be deposited in said fund. From such revolving fund, the
6116 commissioner shall provide the Postsecondary Education Financial
6117 Assistance Board such sums as shall be required to fulfill its
6118 role as lender of last resort to the Guarantee Student Loan



6119 program. The assets of the Postsecondary Education Financial
6120 Assistance Board, including cash and loans on hand, shall not
6121 exceed Five Hundred Thousand Dollars (\$500,000.00), and repayments
6122 of principal and interest and all other revenue * * * shall be
6123 deposited in the fund created hereby.

6124 From and after * * * July 1, 1991, the sums maintained in the
6125 respective revolving funds being repealed by Chapter 547, Laws,
6126 1991, or other revolving funds being maintained by the
6127 commissioner shall become and constitute the monies of the
6128 consolidated revolving fund created by this section, wherever such
6129 funds may be physically located. The commissioner is hereby
6130 authorized to transfer said funds to an official state depository,
6131 as aforesaid.

6132 **SECTION 166.** Section 37-143-21, Mississippi Code of 1972, is
6133 amended as follows:

6134 37-143-21. The board of trustees of each state institution
6135 of higher learning shall make an annual report to the Legislature.
6136 Each said report shall contain a complete summary of the board's
6137 activities, loans or scholarships granted, names of persons to
6138 whom granted, institutions attended by those receiving same, and
6139 the location of loan recipients who have contracted to repay loan
6140 or scholarship through approved service in their profession. The
6141 board shall make a full report and account of the receipts and
6142 expenditures for salaries and expenses incurred under the
6143 provisions of this chapter. The board shall, upon its records and
6144 any published reports, distinguish between those recipients who
6145 have breached their contracts, but with the board's permission who
6146 have paid their financial obligations in full, and those
6147 recipients who have breached their contracts and remain
6148 financially indebted to the state.

6149 **SECTION 167.** Section 37-145-3, Mississippi Code of 1972, is
6150 amended as follows:

6151 37-145-3. As used in this chapter:



6152 (a) "Company" means the Mississippi Business Finance
6153 Corporation established pursuant to Section 57-10-167.

6154 (b) "Board of trustees" means the board of trustees of
6155 each state institution of higher learning.

6156 (c) "Guaranty Agency" means the Mississippi Guarantee
6157 Student Loan Agency * * *.

6158 **SECTION 168.** Section 37-147-5, Mississippi Code of 1972, is
6159 amended as follows:

6160 37-147-5. The following words shall have the meaning
6161 ascribed herein unless the context clearly requires otherwise:

6162 (a) "Act" means the Mississippi University Research
6163 Authority Act;

6164 (b) "Authority" means the entity created pursuant to
6165 this act;

6166 (c) "Board" means the board of trustees of each state
6167 institution of higher learning;

6168 (d) "Technological innovations" means research,
6169 development, prototype assembly, manufacture, patenting,
6170 licensing, marketing and sale of inventions, ideas, practices,
6171 applications, processes, machines, technology and related property
6172 rights of all kinds; and

6173 (e) "University" means a Mississippi educational
6174 institution established pursuant to the provisions of Section 213A
6175 of the 1890 Constitution of the State of Mississippi.

6176 (f) "Intellectual property" means any formula, pattern,
6177 compilation, program, device, method, technique or process created
6178 primarily as a result of the research effort of an employee or
6179 employees of an institution of higher learning of the State of
6180 Mississippi.

6181 **SECTION 169.** Section 37-147-15, Mississippi Code of 1972, is
6182 amended as follows:

6183 37-147-15. (1) With the approval of the Commissioner of
6184 Higher Education, any university may form, pursuant to the



6185 provisions of the Mississippi Nonprofit Corporation Act or the
6186 Mississippi Business Corporation Act, one or more research
6187 corporations, separate and apart from the state and the
6188 university, to promote, develop and administer enterprises arising
6189 from research or technological innovations in order to take
6190 advantage of opportunities of scientific, educational and economic
6191 development.

6192 (2) Each such corporation shall be governed by, and all of
6193 the functions, powers and duties of it shall be exercised by, a
6194 board of directors appointed by the president of the university.
6195 Members of the board of directors may include the president of the
6196 university, officers and employees of the university, and other
6197 persons selected by the president of the university. Officers and
6198 employees of the university may have ownership or financial
6199 interests in such corporations.

6200 (3) The board of directors of each such corporation shall
6201 adopt bylaws, in accordance with the provisions of the Mississippi
6202 Nonprofit Corporation Act or the Mississippi Business Corporation
6203 Act, as appropriate, governing the conduct of the corporation in
6204 the performance of its duties under its charter and this act.

6205 **SECTION 170.** Section 37-149-1, Mississippi Code of 1972, is
6206 amended as follows:

6207 37-149-1. (1) There is established within the State
6208 Department of Education, the Mississippi Teacher Center for the
6209 purpose of insuring that the children of our state are taught by
6210 quality professionals. The center shall serve as an interagency
6211 center focused on teacher recruitment, enhanced training and
6212 initial instructional support.

6213 (2) The center shall have a staff which shall consist of one
6214 (1) director, one (1) administrative assistant and professional
6215 teacher recruiters. A steering committee shall be established
6216 which shall consist of one (1) member from each of the following:
6217 the Office of the Commissioner of Higher Education, the State



6218 Board for Community and Junior Colleges, the State Board of
6219 Education, the Board of the Mississippi Association of Independent
6220 Colleges, the Board of the Mississippi Association of Colleges of
6221 Teacher Education, trustees of the local school boards, teachers
6222 and the private sector. The members of the steering committee
6223 shall be appointed by the State Superintendent with the approval
6224 of the board. The steering committee shall direct the work and
6225 establish policies for the purpose of operating the center.

6226 (3) The center shall provide leadership for the following
6227 initiatives:

6228 (a) The initiation and monitoring of high school
6229 programs for teacher recruitment;

6230 (b) The initiation and monitoring of college level
6231 programs for teacher recruitment;

6232 (c) The establishment of a Beginning Teacher/Mentoring
6233 program, as authorized in Sections 37-9-201 through 37-9-213;

6234 (d) The sponsorship of a teacher renewal institute;

6235 (e) The continuation of the Teacher Corps program;

6236 (f) The enhancement of the William Winter Scholarship
6237 program;

6238 (g) Research for the development of professional
6239 teaching standards;

6240 (h) Provide additional scholarships for any targeted
6241 populations needing potential teachers; and

6242 (i) Provide assistance to local school districts in
6243 identifying and locating specific teacher needs.

6244 **SECTION 171.** Section 37-155-9, Mississippi Code of 1972, is
6245 amended as follows:

6246 37-155-9. In addition to the powers granted by any other
6247 provision of this chapter, the board of directors shall have the
6248 powers necessary or convenient to carry out the purposes and
6249 provisions of this chapter, the purposes and objectives of the
6250 trust fund and the powers delegated by any other law of the state



6251 or any executive order thereof, including, but not limited to, the
6252 following express powers:

6253 (a) To adopt and amend bylaws;

6254 (b) To adopt such rules and regulations as are
6255 necessary to implement the provisions of this chapter;

6256 (c) To invest any funds of the trust fund in any
6257 instrument, obligation, security or property that constitutes
6258 legal investments for public funds in the state and to name and
6259 use depositories for its investments and holdings;

6260 (d) To execute contracts and other necessary
6261 instruments;

6262 (e) To impose reasonable requirements for residency for
6263 beneficiaries at the time of purchase of the contract;

6264 (f) To impose reasonable limits on the number of
6265 contract participants in the trust fund at any given period of
6266 time;

6267 (g) To contract for necessary goods and services, to
6268 employ necessary personnel, and to engage the services of
6269 consultants for administrative and technical assistance in
6270 carrying out the responsibilities of the trust fund;

6271 (h) To solicit and accept gifts, including
6272 bequeathments or other testamentary gifts made by will, trust or
6273 other disposition, grants, loans and other aids from any personal
6274 source or to participate in any other way in any federal, state or
6275 local governmental programs in carrying out the purposes of this
6276 chapter. Any gifts made to the board under this subsection shall
6277 be deductible from taxable income of the state in the tax year;

6278 (i) To define the terms and conditions under which
6279 payments may be withdrawn or refunded from the trust fund,
6280 including, but not limited to, the amount paid in and an
6281 additional amount in the nature of interest at a rate that
6282 corresponds, at a minimum, to the prevailing interest rates for
6283 savings accounts provided by banks and savings and loan



6284 associations and impose reasonable charges for such withdrawal or
6285 refund;

6286 (j) To ensure applicability to private and out-of-state
6287 tuitions:

6288 (i) Under the program, a state purchaser may enter
6289 into a prepaid tuition contract with the board under which the
6290 purchaser agrees to attend a public institution of higher
6291 education in Mississippi;

6292 (ii) If the beneficiary of a plan described by
6293 Section 37-155-11 enrolls in any in-state or out-of-state
6294 regionally accredited private four- or two-year college or an
6295 out-of-state regionally accredited, state-supported, nonprofit
6296 four- or two-year college or university, the board shall pay to
6297 the institution an amount up to, but not greater than, the tuition
6298 and required fees that the board would have paid had the
6299 beneficiary enrolled in an institution of higher education covered
6300 by the plan selected in the prepaid tuition contract. The
6301 beneficiary is responsible for paying a private institution or an
6302 out-of-state public institution the amount by which the tuition
6303 and required fees of the institution exceed the tuition and
6304 required fees paid by the board;

6305 (k) To impose reasonable time limits on the use of the
6306 tuition benefits provided by the program;

6307 (l) To provide for the receipt of contributions to the
6308 trust fund in lump sums or installment payments;

6309 (m) To adopt an official seal and rules;

6310 (n) To sue and be sued;

6311 (o) To establish agreements or other transactions with
6312 federal, state and local agencies, including state universities
6313 and community colleges;

6314 (p) To appear in its own behalf before boards,
6315 commissions or other governmental agencies;



6316 (q) To segregate contributions and payments to the fund
6317 into various accounts and funds;

6318 (r) To require and collect administrative fees and
6319 charges in connection with any transaction and impose reasonable
6320 penalties, including default, for delinquent payments or for
6321 entering into an advance payment contract on a fraudulent basis;

6322 (s) To procure insurance against any loss in connection
6323 with the property, assets and activities of the fund or the board;

6324 (t) To require that purchasers of advance payment
6325 contracts verify, under oath, any requests for contract
6326 conversions, substitutions, transfers, cancellations, refund
6327 requests or contract changes of any nature;

6328 (u) To administer the fund in a manner that is
6329 sufficiently actuarially sound to meet the obligations of the
6330 program. The board shall annually evaluate or cause to be
6331 evaluated the actuarial soundness of the fund. If the board
6332 perceives a need for additional assets in order to preserve
6333 actuarial soundness, the board may adjust the terms of subsequent
6334 advance payment contracts to ensure such soundness;

6335 (v) To establish a comprehensive investment plan for
6336 the purposes of this section. The comprehensive investment plan
6337 shall specify the investment policies to be utilized by the board
6338 in its administration of the fund. The board may authorize
6339 investments in:

6340 (i) Bonds, notes, certificates and other valid
6341 general obligations of the State of Mississippi, or of any county,
6342 or of any city, or of any supervisors district of any county of
6343 the State of Mississippi, or of any school district bonds of the
6344 State of Mississippi; notes or certificates of indebtedness issued
6345 by the Veterans' Home Purchase Board of Mississippi, provided such
6346 notes or certificates of indebtedness are secured by the pledge of
6347 collateral equal to two hundred percent (200%) of the amount of
6348 the loan, which collateral is also guaranteed at least for fifty



6349 percent (50%) of the face value by the United States government,
6350 and provided that not more than five percent (5%) of the total
6351 investment holdings of the system shall be in Veterans' Home
6352 Purchase Board notes or certificates at any time; real estate
6353 mortgage loans one hundred percent (100%) insured by the Federal
6354 Housing Administration on single family homes located in the State
6355 of Mississippi, where monthly collections and all servicing
6356 matters are handled by Federal Housing Administration approved
6357 mortgagees authorized to make such loans in the State of
6358 Mississippi;

6359 (ii) State of Mississippi highway bonds;

6360 (iii) Funds may be deposited in federally insured
6361 institutions domiciled in the State of Mississippi or a custodial
6362 bank which appears on the State of Mississippi Treasury
6363 Department's approved depository list and/or safekeeper list;

6364 (iv) Corporate bonds of investment grade as rated
6365 by Standard & Poor's or by Moody's Investment Service, with bonds
6366 rated BAA/BBB not to exceed five percent (5%) of the book value of
6367 the total fixed income investments; or corporate short-term
6368 obligations of corporations or of wholly owned subsidiaries of
6369 corporations, whose short-term obligations are rated A-3 or better
6370 by Standard and Poor's or rated P-3 or better by Moody's
6371 Investment Service;

6372 (v) Bonds of the Tennessee Valley Authority;

6373 (vi) Bonds, notes, certificates and other valid
6374 obligations of the United States, and other valid obligations of
6375 any federal instrumentality that issues securities under authority
6376 of an act of Congress and are exempt from registration with the
6377 Securities and Exchange Commission;

6378 (vii) Bonds, notes, debentures and other
6379 securities issued by any federal instrumentality and fully
6380 guaranteed by the United States. Direct obligations issued by the
6381 United States of America shall be deemed to include securities of,



6382 or other interests in, any open-end or closed-end management type
6383 investment company or investment trust registered under the
6384 provisions of 15 USCS Section 80(a)-1 et seq., provided that the
6385 portfolio of such investment company or investment trust is
6386 limited to direct obligations issued by the United States of
6387 America, United States government agencies, United States
6388 government instrumentalities or United States government sponsored
6389 enterprises, and to repurchase agreements fully collateralized by
6390 direct obligations of the United States of America, United States
6391 government agencies, United States government instrumentalities or
6392 United States government sponsored enterprises, and the investment
6393 company or investment trust takes delivery of such collateral for
6394 the repurchase agreement, either directly or through an authorized
6395 custodian. The State Treasurer and the Executive Director of the
6396 Department of Finance and Administration shall review and approve
6397 the investment companies and investment trusts in which funds may
6398 be invested;

6399 (viii) Interest-bearing bonds or notes which are
6400 general obligations of any other state in the United States or of
6401 any city or county therein, provided such city or county had a
6402 population as shown by the federal census next preceding such
6403 investment of not less than twenty-five thousand (25,000)
6404 inhabitants and provided that such state, city or county has not
6405 defaulted for a period longer than thirty (30) days in the payment
6406 of principal or interest on any of its general obligation
6407 indebtedness during a period of ten (10) calendar years
6408 immediately preceding such investment;

6409 (ix) Shares of stocks, common and/or preferred, of
6410 corporations created by or existing under the laws of the United
6411 States or any state, district or territory thereof; provided:

6412 (A) The maximum investments in stocks shall
6413 not exceed fifty percent (50%) of the book value of the total
6414 investment fund of the system;



6415 (B) The stock of such corporation shall:
6416 1. Be listed on a national stock
6417 exchange, or
6418 2. Be traded in the over-the-counter
6419 market, provided price quotations for such over-the-counter stocks
6420 are quoted by the National Association of Securities Dealers
6421 Automated Quotation System (NASDAQ);

6422 (C) The outstanding shares of such
6423 corporation shall have a total market value of not less than Fifty
6424 Million Dollars (\$50,000,000.00);

6425 (D) The amount of investment in any one (1)
6426 corporation shall not exceed three percent (3%) of the book value
6427 of the assets of the system; and

6428 (E) The shares of any one (1) corporation
6429 owned by the system shall not exceed five percent (5%) of that
6430 corporation's outstanding stock;

6431 (x) Bonds rated Single A or better, stocks and
6432 convertible securities of established non-United States companies,
6433 which companies are listed on only primary national stock
6434 exchanges of foreign nations; and in foreign government securities
6435 rated Single A or better by a recognized rating agency; provided
6436 that the total book value of investments under this paragraph
6437 shall at no time exceed twenty percent (20%) of the total book
6438 value of all investments of the system. The board may take
6439 requisite action to effectuate or hedge such transactions through
6440 foreign banks, including the purchase and sale, transfer, exchange
6441 or otherwise disposal of, and generally deal in foreign exchange
6442 through the use of foreign currency, interbank forward contracts,
6443 futures contracts, options contracts, swaps and other related
6444 derivative instruments, notwithstanding any other provisions of
6445 this chapter to the contrary;

6446 (xi) Covered call and put options on securities
6447 traded on one or more of the regulated exchanges;



6448 (xii) Institutional investment trusts managed by a
6449 corporate trustee or by a Securities and Exchange Commission
6450 registered investment advisory firm retained as an investment
6451 manager by the board of directors, and institutional class shares
6452 of investment companies and unit investment trusts registered
6453 under the Investment Company Act of 1940 where such funds or
6454 shares are comprised of common or preferred stocks, bonds, money
6455 market instruments or other investments authorized under this
6456 section. Any investment manager or managers approved by the board
6457 of directors shall invest such funds or shares as a fiduciary;

6458 (xiii) Pooled or commingled real estate funds or
6459 real estate securities managed by a corporate trustee or by a
6460 Securities and Exchange Commission registered investment advisory
6461 firm retained as an investment manager by the board of directors.
6462 Such investment in commingled funds or shares shall be held in
6463 trust; provided that the total book value of investments under
6464 this paragraph shall at no time exceed five percent (5%) of the
6465 total book value of all investments of the system. Any investment
6466 manager approved by the board of directors shall invest such
6467 commingled funds or shares as a fiduciary;

6468 (w) All investments shall be acquired by the board at
6469 prices not exceeding the prevailing market values for such
6470 securities;

6471 (x) Any limitations herein set forth shall be
6472 applicable only at the time of purchase and shall not require the
6473 liquidation of any investment at any time. All investments shall
6474 be clearly marked to indicate ownership by the system and to the
6475 extent possible shall be registered in the name of the system;

6476 (y) Subject to the above terms, conditions, limitations
6477 and restrictions, the board shall have power to sell, assign,
6478 transfer and dispose of any of the securities and investments of
6479 the system, provided that the sale, assignment or transfer has the
6480 majority approval of the entire board. The board may employ or



6481 contract with investment managers, evaluation services or other
6482 such services as determined by the board to be necessary for the
6483 effective and efficient operation of the system;

6484 (z) Except as otherwise provided herein, no trustee and
6485 no employee of the board shall have any direct or indirect
6486 interest in the income, gains or profits of any investment made by
6487 the board, nor shall any such person receive any pay or emolument
6488 for his services in connection with any investment made by the
6489 board. No trustee or employee of the board shall become an
6490 endorser or surety, or in any manner an obligor for money loaned
6491 by or borrowed from the system;

6492 (aa) All interest derived from investments and any
6493 gains from the sale or exchange of investments shall be credited
6494 by the board to the account of the system;

6495 (bb) To delegate responsibility for administration of
6496 the comprehensive investment plan to a consultant the board
6497 determines to be qualified. Such consultant shall be compensated
6498 by the board. Directly or through such consultant, the board may
6499 contract to provide such services as may be a part of the
6500 comprehensive investment plan or as may be deemed necessary or
6501 proper by the board or such consultant, including, but not limited
6502 to, providing consolidated billing, individual and collective
6503 record keeping and accounting, and asset purchase, control and
6504 safekeeping;

6505 (cc) To annually prepare or cause to be prepared a
6506 report setting forth in appropriate detail an accounting of the
6507 fund and a description of the financial condition of the program
6508 at the close of each fiscal year. Such report shall be submitted
6509 to the Governor, the Lieutenant Governor, the President of the
6510 Senate, the Speaker of the House of Representatives, the
6511 Commissioner of Higher Education, the State Board for Community
6512 and Junior Colleges and the State Board of Education on or before
6513 March 31 each year. In addition, the board shall make the report



6514 available to purchasers of advance payment contracts. The board
6515 shall provide to the Commissioner of Higher Education and the
6516 State Board for Community and Junior Colleges by March 31 each
6517 year complete advance payment contract sales information including
6518 projected postsecondary enrollments of beneficiaries. The
6519 accounts of the fund shall be subject to annual audits by the
6520 State Auditor or his designee;

6521 (dd) To solicit proposals for the marketing of the
6522 Mississippi Prepaid Affordable College Tuition Program. The
6523 entity designated pursuant to this paragraph shall serve as a
6524 centralized marketing agent for the program and shall solely be
6525 responsible for the marketing of the program. Any materials
6526 produced for the purpose of marketing the programs shall be
6527 submitted to the board for review. No such materials shall be
6528 made available to the public before the materials are approved by
6529 the board. Any educational institution may distribute marketing
6530 materials produced for the program; however, all such materials
6531 shall have been approved by the board prior to distribution.
6532 Neither the state nor the board shall be liable for
6533 misrepresentation of the program by a marketing agent; and

6534 (ee) To establish other policies, procedures and
6535 criteria necessary to implement and administer the provisions of
6536 this chapter.

6537 For efficient and effective administration of the program and
6538 trust fund, the board may authorize the State of Mississippi
6539 Treasury Department and/or the State Treasurer to carry out any or
6540 all of the powers and duties enumerated above.

6541 **SECTION 172.** Section 37-157-1, Mississippi Code of 1972, is
6542 amended as follows:

6543 37-157-1. (1) The tuition at any institution of higher
6544 education in the state shall be paid by the state on behalf of any
6545 student who enrolls in such a school to pursue an academic



6546 undergraduate degree, who applies for the payment thereof, and who
6547 meets all of the following qualifications:

6548 (a) Actual residence in Mississippi during the
6549 twenty-four (24) months immediately preceding university
6550 enrollment. For the purposes of this paragraph, residency shall
6551 be demonstrated by proof of the following as required by the
6552 administering agency:

6553 (i) If registered to vote, being registered in
6554 Mississippi.

6555 (ii) If licensed to drive a motor vehicle, being
6556 in possession of a Mississippi driver's license.

6557 (iii) If owning a motor vehicle located within
6558 Mississippi, being in possession of Mississippi registration for
6559 that vehicle.

6560 (iv) If earning an income, having filed a
6561 Mississippi state income tax return and having complied with state
6562 income tax laws and regulations.

6563 (b) Having a parent or guardian who is a domiciliary of
6564 Mississippi.

6565 (c) Graduation from high school within the two (2)
6566 years preceding the application with a minimum cumulative grade
6567 point average of 2.5 calculated on a 4.0 scale.

6568 (d) Successful completion of seventeen and one-half
6569 (17-1/2) units of high school course work (Grade 9 level or
6570 higher) which constitutes a core curriculum and meets standards
6571 for admission to the desired college or university. The core
6572 curriculum is defined as follows:

6573 (i) English I, II, III and IV (four (4) units).

6574 (ii) Algebra I and II (two (2) units).

6575 (iii) Geometry, Trigonometry, Calculus or
6576 comparable Advanced Mathematics (one (1) unit).

6577 (iv) Biology (one (1) unit).

6578 (v) Chemistry (one (1) unit).



6579 (vi) Earth Science, Environmental Science,
6580 Physical Science, Biology II, Chemistry II or Physics (one (1)
6581 unit).

6582 (vii) American History (one (1) unit).

6583 (viii) World History, World Cultures, Western
6584 Civilization or World Geography (one (1) unit).

6585 (ix) Civics and/or Economics (one (1) unit).

6586 (x) Fine Arts Survey (one (1) unit; or substitute
6587 two (2) units of performance courses in music, dance or theater;
6588 or substitute two (2) units of studio art courses).

6589 (xi) Foreign Language (two (2) units in a single
6590 language).

6591 (xii) Computer Science, Computer Literacy or Data
6592 Processing (one-half (1/2) unit).

6593 (xiii) Electives from the above (one (1) unit).

6594 (e) Having a composite score on the American College
6595 Test of at least twenty (20) on the 1989 version or an equivalent
6596 concordant value on an enhanced version of such test.

6597 (f) Having no criminal record, except for misdemeanor
6598 traffic violations.

6599 (g) Being in financial need.

6600 (2) For purposes of this section:

6601 (a) "Institution of higher education" shall mean any of
6602 the following institutions of higher learning or community or
6603 junior colleges located in Mississippi: Alcorn State University,
6604 Delta State University, Jackson State University, Mississippi
6605 State University, Mississippi University for Women, Mississippi
6606 Valley State University, University of Mississippi, University of
6607 Southern Mississippi, Coahoma Community College, Copiah-Lincoln
6608 Community College, East Central Community College, East
6609 Mississippi Community College, Hinds Community College, Holmes
6610 Community College, Itawamba Community College, Jones County Junior
6611 College, Meridian Community College, Mississippi Delta Community



6612 College, Mississippi Gulf Coast Community College, Northeast
6613 Mississippi Community College, Northwest Mississippi Community
6614 College, Pearl River Community College, Southwest Mississippi
6615 Community College, Belhaven College, Blue Mountain College,
6616 Millsaps College, Mississippi College, Rust College, Tougaloo
6617 College, William Carey College, Mary Holmes College, Magnolia
6618 Bible College and Wood College.

6619 (b) "Tuition" shall mean the semester or trimester or
6620 term charges and all required fees imposed by an institution of
6621 higher education as a condition of enrollment by all students.
6622 However, for a two-year nonpublic institution of higher education
6623 defined in paragraph (a), the tuition payments shall not exceed
6624 the average charges and fees required by all of the two-year
6625 public institutions of higher education defined in paragraph (a),
6626 and for a four-year nonpublic institution of higher education
6627 defined in paragraph (a), the tuition payments shall not exceed
6628 the average charges and fees required by all of the four-year
6629 public institutions of higher education defined in paragraph (a).

6630 (3) The tuition at any institution of higher education in
6631 the state shall be paid by the state on behalf of any student who
6632 enrolls in such a school to pursue an academic undergraduate or
6633 associate degree, who applies for the payment thereof, and who
6634 meets the qualifications enumerated in paragraphs (a), (b), (f)
6635 and (g) of subsection (1) but who fails to meet one (1) of the
6636 particular requirements established by paragraph (c), (d) or (e)
6637 of subsection (1) by an amount of ten percent (10%) or less.

6638 (4) To maintain continued state payment of tuition, once
6639 enrolled in an institution of higher education, a student shall
6640 meet all of the following requirements:

6641 (a) Make steady academic progress toward a degree,
6642 earning not less than the minimum number of hours of credit
6643 required for full-time standing in each academic period requiring
6644 such enrollment;



6645 (b) Maintain continuous enrollment for not less than
6646 two (2) semesters or three (3) quarters in each successive
6647 academic year, unless granted an exception for cause by the
6648 administering agency;

6649 (c) Have a cumulative grade point average of at least
6650 2.5 calculated on a 4.0 scale at the end of the first academic
6651 year and thereafter maintain such a cumulative grade point average
6652 as evaluated at the end of each academic year;

6653 (d) Have no criminal record, except for misdemeanor
6654 traffic violations; and

6655 (e) Be found to be in financial need.

6656 (5) The provisions of this chapter shall be administered by
6657 the Commissioner of Higher Education in conjunction with the State
6658 Board for Community and Junior Colleges. The board may provide by
6659 rule for all matters necessary for the implementation of this
6660 chapter.

6661 (6) By rule, the board shall provide for:

6662 (a) A mechanism for informing all students of the
6663 availability of the assistance provided pursuant to this chapter
6664 early enough in their schooling that a salutary motivational
6665 effect is possible.

6666 (b) Applications, forms, financial audit procedures,
6667 eligibility and other program audit procedures and other matters
6668 related to efficient operation.

6669 (c) A procedure for waiver through the 1996-1997
6670 academic year of the program eligibility requirement for
6671 successful completion of a specified core curriculum upon proper
6672 documentation by the applicant that failure to comply with such
6673 requirement is due solely to the fact that the required course or
6674 courses were not available to the applicant at the school
6675 attended.

6676 (7) An applicant shall be found to be in financial need if:



6677 (a) The family has one (1) child under the age of
6678 twenty-one (21), and the two-year average annual adjusted gross
6679 income of the family is less than Thirty-six Thousand Five Hundred
6680 Dollars (\$36,500.00); or

6681 (b) The family has a two-year average annual adjusted
6682 gross income of less than Thirty-six Thousand Five Hundred Dollars
6683 (\$36,500.00) plus Five Thousand Dollars (\$5,000.00) for each
6684 additional child under the age of twenty-one (21).

6685 The two-year average annual adjusted gross income of the
6686 family shall be verified by Internal Revenue Service returns or by
6687 certified affidavits in cases of income that cannot be verified by
6688 such returns.

6689 As used in this subsection, the term "family" for an
6690 unemancipated applicant means the applicant, the applicant's
6691 parents, and other children under age twenty-one (21) of the
6692 applicant's parents. The term "family" for an emancipated
6693 applicant means the applicant, an applicant's spouse, and any
6694 children under age twenty-one (21) of the applicant and spouse.

6695 (8) An appropriation of funds may annually be made to the
6696 board sufficient to cover, in addition to any other available
6697 funds, the costs of tuition required to be paid, both initial and
6698 continuing, for the coming academic year. All such payments shall
6699 be made directly to the institution to which such tuition is due
6700 after notice to the school that the state shall pay the tuition of
6701 a student and after notice from the school that the student has
6702 actually enrolled.

6703 (9) The board may seek, accept and expend funds from any
6704 source, including private business, industry, foundations and
6705 other groups as well as any federal or other governmental funding
6706 available for this purpose.

6707 (10) No student shall receive a grant pursuant to this
6708 chapter in an amount greater than the tuition charged by the



6709 school. The student must apply for a federal grant prior to
6710 receiving state funds.

6711 **SECTION 173.** Section 37-157-3, Mississippi Code of 1972, is
6712 amended as follows:

6713 37-157-3. There is hereby created in the State Treasury a
6714 special trust fund to be known as the Student Tuition Assistance
6715 Trust Fund. The trust fund shall consist of all monies designated
6716 by the Legislature for deposit therein and any gift, donation,
6717 bequest, trust, grant, endowment, transfer of money or securities,
6718 or any other monies from any source whatsoever, designated for
6719 deposit in the trust fund.

6720 The principal of the trust fund shall remain inviolate and
6721 shall be invested by the State Treasurer in the same manner as
6722 provided by Section 27-105-33, Mississippi Code of 1972, for the
6723 investment of excess state funds. Interest and income derived
6724 from investment of the principal of the trust fund shall be
6725 appropriated by the Legislature to the Commissioner of Higher
6726 Education for expenditure as provided in this chapter.

6727 **SECTION 174.** Section 37-159-3, Mississippi Code of 1972, is
6728 amended as follows:

6729 37-159-3. (1) There is established the "Critical Needs
6730 Teacher Scholarship Program," the purpose of which is to attract
6731 qualified teachers to those geographical areas of the state where
6732 there exists a critical shortage of teachers by awarding full
6733 scholarships to persons declaring an intention to serve in the
6734 teaching field who actually render service to the state while
6735 possessing an appropriate teaching license.

6736 (2) Any individual who is enrolled in or accepted for
6737 enrollment at a baccalaureate degree-granting institution of
6738 higher learning whose teacher education program is approved by the
6739 State Board of Education or at an accredited, nonprofit community
6740 or junior college in the State of Mississippi who expresses in
6741 writing an intention to teach in a geographical area of the state



6742 in which there exists a critical shortage of teachers, as
6743 designated by the State Board of Education, shall be eligible for
6744 a financial scholarship to be applied toward the costs of the
6745 individual's college education. The annual amount of the award
6746 shall be equal to the total cost for tuition, room and meals,
6747 books, materials and fees at the college or university in which
6748 the student is enrolled, not to exceed an amount equal to the
6749 highest total cost of tuition, room and meals, books, materials
6750 and fees assessed by a state institution of higher learning during
6751 that school year. Awards made to nonresidents of the state shall
6752 not include any amount assessed by the college or university for
6753 out-of-state tuition.

6754 (3) Awards granted under the Critical Needs Teacher
6755 Scholarship Program shall be available to both full-time and
6756 part-time students. Students enrolling on a full-time basis may
6757 receive a maximum of four (4) annual awards. The maximum number
6758 of awards that may be made to students attending school on a
6759 part-time basis, and the maximum time period for part-time
6760 students to complete the number of academic hours necessary to
6761 obtain a baccalaureate degree in education, shall be established
6762 by rules and regulations jointly promulgated by the Commissioner
6763 of Higher Education and the State Board of Education. Critical
6764 Needs Teacher Scholarships shall not be based upon an applicant's
6765 eligibility for financial aid.

6766 (4) Except in those cases where employment positions may not
6767 be available upon completion of licensure requirements, at the
6768 beginning of the first school year in which a recipient of a
6769 Critical Needs Teacher Scholarship is eligible for employment as a
6770 licensed teacher, that person shall begin to render service as a
6771 licensed teacher in a public school district in a geographical
6772 area of the state where there is a critical shortage of teachers,
6773 as approved by the State Board of Education. Any person who
6774 received four (4) annual awards, or the equivalent of four (4)



6775 annual awards, shall render three (3) years' service as a licensed
6776 teacher. Any person who received fewer than four (4) annual
6777 awards, or the equivalent of four (4) annual awards, shall render
6778 one (1) year's service as a licensed teacher for each year that
6779 the person received a full-time student scholarship, or for the
6780 number of academic hours equivalent to one (1) school year, as
6781 determined by the Commissioner of Higher Education, which a
6782 part-time student received a scholarship.

6783 (5) Any person failing to complete a program of study which
6784 will enable that person to become a licensed teacher shall become
6785 liable immediately to the Commissioner of Higher Education for the
6786 sum of all Critical Needs Teacher Scholarship awards made to that
6787 person, plus interest accruing at the current Stafford Loan rate
6788 at the time the person abrogates his participation in the program.
6789 Any person failing to complete his teaching obligation, as
6790 required under subsection (4) of this section, shall become liable
6791 immediately to the commissioner for the sum of all scholarship
6792 awards made to that person less the corresponding amount of any
6793 awards for which service has been rendered, plus interest accruing
6794 at the current Stafford Loan rate at the time the person
6795 discontinues his service, except in the case of a deferral of debt
6796 for cause by the State Board of Education when there is no
6797 employment position immediately available upon a teacher's
6798 completion of licensure requirements. After the period of such
6799 deferral, such person shall begin or resume teaching duties as
6800 required under subsection (4) or shall become liable to the
6801 commissioner under this subsection. If a claim for payment under
6802 this subsection is placed in the hands of an attorney for
6803 collection, the obligor shall be liable for an additional amount
6804 equal to a reasonable attorney's fee.

6805 (6) The obligations made by the recipient of a Critical
6806 Needs Teacher Scholarship award shall not be voidable by reason of
6807 the age of the student at the time of receiving the scholarship.



6808 (7) The Commissioner of Higher Education and the State Board
6809 of Education shall jointly promulgate rules and regulations
6810 necessary for the proper administration of the Critical Needs
6811 Teacher Scholarship Program. The commissioner shall be the
6812 administrator of the program.

6813 (8) If insufficient funds are available to fully fund
6814 scholarship awards to all eligible students, the commissioner
6815 shall make the awards to first-time students on a first-come,
6816 first-served basis; however, priority consideration shall be given
6817 to persons previously receiving awards under the Critical Needs
6818 Teacher Scholarship Program.

6819 (9) All funds received by the Commissioner of Higher
6820 Education from the repayment of scholarship awards by program
6821 participants shall be deposited in the Mississippi Critical
6822 Teacher Shortage Fund.

6823 **SECTION 175.** Section 37-159-15, Mississippi Code of 1972, is
6824 amended as follows:

6825 37-159-15. The State Department of Education and the
6826 Commissioner of Higher Education shall jointly prepare an annual
6827 report for the Legislature, to be submitted by December 1 of each
6828 year beginning in 1998, which shall assess the impact of the
6829 teacher recruitment incentive programs authorized under House Bill
6830 No. 609, 1998 Regular Session [Laws, 1998, Chapter 544], on the
6831 employment of licensed teachers in critical teacher shortage
6832 areas. The report shall include, at a minimum, the numbers of
6833 persons who have participated in each of the programs each year,
6834 and the numbers of persons who have participated in the programs
6835 who have rendered service as teachers in critical teacher shortage
6836 areas each year by school district.

6837 **SECTION 176.** Section 41-13-15, Mississippi Code of 1972, is
6838 amended as follows:

6839 41-13-15. (1) Any county and/or any political or judicial
6840 subdivision of a county and/or any municipality of the State of



6841 Mississippi, acting individually or jointly, may acquire and hold
6842 real estate for a community hospital either recognized and/or
6843 licensed as such by either the State of Mississippi or the United
6844 States government, and may, after complying with applicable health
6845 planning and licensure statutes, construct a community hospital
6846 thereon and/or appropriate funds according to the provisions of
6847 this chapter for the construction, remodeling, maintaining,
6848 equipping, furnishing and expansion of such facilities by the
6849 board of trustees upon such real estate.

6850 (2) Where joint ownership of a community hospital is
6851 involved, the owners are hereby authorized to contract with each
6852 other for determining the pro rata ownership of such community
6853 hospital, the proportionate cost of maintenance and operation, and
6854 the proportionate financing that each will contribute to the
6855 community hospital.

6856 (3) The owners may likewise contract with each other, or on
6857 behalf of any subordinate political or judicial subdivision, or
6858 with the board of trustees of a community hospital, and/or any
6859 agency of the State of Mississippi or the United States
6860 government, for necessary purposes related to the establishment,
6861 operation or maintenance of community hospitals and related
6862 programs wherever located, and may either accept from, sell or
6863 contribute to the other entities, monies, personal property or
6864 existing health facilities. The owners or the board of trustees
6865 may also receive monies, property or any other valuables of any
6866 kind through gifts, donations, devises or other recognized means
6867 from any source for the purpose of hospital use.

6868 (4) Owners and boards of trustees, acting jointly or
6869 severally, may acquire and hold real estate for offices for
6870 physicians and other health care practitioners and related health
6871 care or support facilities, provided that any contract for the
6872 purchase of real property must be ratified by the owner, and may
6873 thereon construct and equip, maintain and remodel or expand such



6874 offices and related facilities, and the board of trustees may
6875 lease same to members of the hospital staff or others at a rate
6876 deemed to be in the best interest of the community hospital.

6877 (5) If any political or judicial subdivision of a county is
6878 obligated hereunder, the boundaries of such district shall not be
6879 altered in such a manner as to relieve any portion thereof of its
6880 obligation hereunder.

6881 (6) Owners may convey to any other owner any or all
6882 property, real or personal, comprising any existing community
6883 hospital, including related facilities, wherever located, owned by
6884 such conveying owner. Such conveyance shall be upon such terms
6885 and conditions as may be agreed upon and may make such provisions
6886 for transfers of operating funds and/or for the assumption of
6887 liabilities of the community hospital as may be deemed appropriate
6888 by the respective owners.

6889 (7) (a) Except as provided for in subsection (11) of this
6890 section, owners may lease all or part of the property, real or
6891 personal, comprising a community hospital, including any related
6892 facilities, wherever located, and/or assets of such community
6893 hospital, to any individual, partnership or corporation, whether
6894 operating on a nonprofit basis or on a profit basis, or to the
6895 board of trustees of such community hospital or any other owner or
6896 board of trustees, subject to the applicable provisions of
6897 subsections (8), (9) and (10) of this section. The term of such
6898 lease shall not exceed fifty (50) years. Such lease shall be
6899 conditioned upon (i) the leased facility continuing to operate in
6900 a manner safeguarding community health interests; (ii) the
6901 proceeds from the lease being first applied against such bonds,
6902 notes or other evidence of indebtedness as are issued pursuant to
6903 Section 41-13-19 as and when they are due, provided that the terms
6904 of the lease shall cover any indebtedness pursuant to Section
6905 41-13-19; and (iii) any surplus proceeds from the lease being
6906 deposited in the general fund of the owner, which proceeds may be



6907 used for any lawful purpose. Such lease shall be subject to the
6908 express approval of the board of trustees of the community
6909 hospital, except in the case where the board of trustees of the
6910 community hospital will be the lessee. However, owners may not
6911 lease any community hospital to the University of Mississippi
6912 Medical Center unless first the University of Mississippi Medical
6913 Center has obtained authority to lease such hospital under
6914 specific terms and conditions from the Board of Trustees of the
6915 University of Mississippi.

6916 If the owner wishes to lease a community hospital without an
6917 option to sell it and the approval of the board of trustees of the
6918 community hospital is required but is not given within thirty (30)
6919 days of the request for its approval by the owner, then the owner
6920 may enter such lease as described herein on the following
6921 conditions: A resolution by the owner describing its intention to
6922 enter such lease shall be published once a week for at least three
6923 (3) consecutive weeks in at least one (1) newspaper published in
6924 the county or city, as the case may be, or if none be so
6925 published, in a newspaper having a general circulation therein.
6926 The first publication of such notice shall be made not less than
6927 twenty-one (21) days prior to the date fixed in such resolution
6928 for the lease of the community hospital and the last publication
6929 shall be made not more than seven (7) days prior to such date.
6930 If, on or prior to the date fixed in such resolution for the lease
6931 of the community hospital, there shall be filed with the clerk of
6932 the owner a petition signed by twenty percent (20%) or fifteen
6933 hundred (1500), whichever is less, of the qualified voters of such
6934 owner, requesting that an election be called and held on the
6935 question of the lease of the community hospital, then it shall be
6936 the duty of the owner to call and provide for the holding of an
6937 election as petitioned for. In such case, no such lease shall be
6938 entered into unless authorized by the affirmative vote of the
6939 majority of the qualified voters of such owner who vote on the



6940 proposition at such election. Notice of such election shall be
6941 given by publication in like manner as hereinabove provided for
6942 the publication of the initial resolution. Such election shall be
6943 conducted and the return thereof made, canvassed and declared as
6944 nearly as may be in like manner as is now or may hereafter be
6945 provided by law in the case of general elections in such owner.
6946 If, on or prior to the date fixed in the owner's resolution for
6947 the lease of the community hospital, no such petition as described
6948 above is filed with the clerk of the owner, then the owner may
6949 proceed with the lease subject to the other requirements of this
6950 section. Subject to the above conditions, the lease agreement
6951 shall be upon such terms and conditions as may be agreed upon and
6952 may make such provision for transfers of tangible and intangible
6953 personal property and operating funds and/or for the assumption of
6954 liabilities of the community hospital and for such lease payments,
6955 all as may be deemed appropriate by the owners.

6956 (b) Owners may sell and convey all or part of the
6957 property, real or personal, comprising a community hospital,
6958 including any related facilities, wherever located, and/or assets
6959 of such community hospital, to any individual, partnership or
6960 corporation, whether operating on a nonprofit basis or on a profit
6961 basis, or to the board of trustees of such community hospital or
6962 any other owner or board of trustees, subject to the applicable
6963 provisions of subsections (8) and (10) of this section. Such sale
6964 and conveyance shall be upon such terms and conditions as may be
6965 agreed upon by the owner and the purchaser that are consistent
6966 with the requirements of this section, and the parties may make
6967 such provisions for the transfer of operating funds or for the
6968 assumption of liabilities of the facility, or both, as they deem
6969 appropriate. However, such sale and conveyance shall be
6970 conditioned upon (i) the facility continuing to operate in a
6971 manner safeguarding community health interests; (ii) the proceeds
6972 from such sale being first applied against such bonds, notes or



6973 other evidence of indebtedness as are issued pursuant to Section
6974 41-13-19 as and when they are due, provided that the terms of the
6975 sale shall cover any indebtedness pursuant to Section 41-13-19;
6976 and (iii) any surplus proceeds from the sale being deposited in
6977 the general fund of the owner, which proceeds may be used for any
6978 lawful purpose. However, owners may not sell or convey any
6979 community hospital to the University of Mississippi Medical Center
6980 unless first the University of Mississippi Medical Center has
6981 obtained authority to purchase such hospital under specific terms
6982 and conditions from the Board of Trustees of the University of
6983 Mississippi.

6984 (8) Whenever any owner decides that it may be in its best
6985 interests to sell or lease a community hospital as provided for
6986 under subsection (7) of this section, the owner shall first
6987 contract with a certified public accounting firm, a law firm or
6988 competent professional health care or management consultants to
6989 review the current operating condition of the community hospital.
6990 The review shall consist of, at minimum, the following:

6991 (a) A review of the community's inpatient facility
6992 needs based on current workload, historical trends and
6993 projections, based on demographic data, of future needs.

6994 (b) A review of the competitive market for services,
6995 including other hospitals which serve the same area, the services
6996 provided and the market perception of the competitive hospitals.

6997 (c) A review of the hospital's strengths relative to
6998 the competition and its capacity to compete in light of projected
6999 trends and competition.

7000 (d) An analysis of the hospital's options, including
7001 service mix and pricing strategies. If the study concludes that a
7002 sale or lease should occur, the study shall include an analysis of
7003 which option would be best for the community and how much revenues
7004 should be derived from the lease or sale.



7005 (9) After the review and analysis under subsection (8) of
7006 this section, an owner may choose to sell or lease the community
7007 hospital. If an owner chooses to sell such hospital or lease the
7008 hospital with an option to sell it, the owner shall follow the
7009 procedure specified in subsection (10) of this section. If an
7010 owner chooses to lease the hospital without an option to sell it,
7011 it shall first spread upon its minutes why such a lease is in the
7012 best interests of the persons living in the area served by the
7013 facility to be leased, and it shall make public any and all
7014 findings and recommendations made in the review required under
7015 proposals for the lease, which shall state clearly the minimum
7016 required terms of all respondents and the evaluation process that
7017 will be used when the owner reviews the proposals. The owner
7018 shall lease to the respondent submitting the highest and best
7019 proposal. In no case may the owner deviate from the process
7020 provided for in the request for proposals.

7021 (10) If an owner wishes to sell such community hospital or
7022 lease the hospital with an option to sell it, the owner first
7023 shall conduct a public hearing on the issue of the proposed sale
7024 or lease with an option to sell the hospital. Notice of the date,
7025 time, location and purpose of the public hearing shall be
7026 published once a week for at least three (3) consecutive weeks in
7027 at least one (1) newspaper published in the county or city, as the
7028 case may be, or if none be so published, in a newspaper having a
7029 general circulation therein. The first publication of the notice
7030 shall be made not less than twenty-one (21) days before the date
7031 of the public hearing and the last publication shall be made not
7032 more than seven (7) days before that date. If, after the public
7033 hearing, the owner chooses to sell or lease with an option to sell
7034 the hospital, the owner shall adopt a resolution describing its
7035 intention to sell or lease with an option to sell the hospital,
7036 which shall include the owner's reasons why such a sale or lease
7037 is in the best interests of the persons living in the area served



7038 by the facility to be sold or leased. The owner then shall
7039 publish a copy of the resolution; the requirements for proposals
7040 for the sale or lease with an option to sell the hospital, which
7041 shall state clearly the minimum required terms of all respondents
7042 and the evaluation process that will be used when the owner
7043 reviews the proposals; and the date proposed by the owner for the
7044 sale or lease with an option to sell the hospital. Such
7045 publication shall be made once a week for at least three (3)
7046 consecutive weeks in at least one (1) newspaper published in the
7047 county or city, as the case may be, or if none be so published, in
7048 a newspaper having a general circulation therein. The first
7049 publication of the notice shall be made not less than twenty-one
7050 (21) days before the date proposed for the sale or lease with an
7051 option to sell the hospital and the last publication shall be made
7052 not more than seven (7) days before that date. If, on or before
7053 the date proposed for the sale or lease of the hospital, there is
7054 filed with the clerk of the owner a petition signed by twenty
7055 percent (20%) or fifteen hundred (1500), whichever is less, of the
7056 qualified voters of the owner, requesting that an election be
7057 called and held on the question of the sale or lease with an
7058 option to sell the hospital, then it shall be the duty of the
7059 owner to call and provide for the holding of an election as
7060 petitioned for. In that case, no such sale or lease shall be
7061 entered into unless authorized by the affirmative vote of the
7062 majority of the qualified voters of the owner who vote on the
7063 proposition at such election. Notice of the election shall be
7064 given by publication in the same manner as provided for the
7065 publication of the initial resolution. The election shall be
7066 conducted and the return thereof made, canvassed and declared in
7067 the same manner as provided by law in the case of general
7068 elections in the owner. If, on or before the date proposed for
7069 the sale or lease of the hospital, no such petition is filed with
7070 the clerk of the owner, then the owner may sell or lease with an



7071 option to sell the hospital. Such sale or lease shall be made to
7072 the respondent submitting the highest and best proposal. In no
7073 case may the owner deviate from the process provided for in the
7074 request for proposals.

7075 (11) A lessee of a community hospital, under a lease entered
7076 into under the authority of Section 41-13-15, in effect prior to
7077 July 15, 1993, or an affiliate thereof, may extend or renew such
7078 lease whether or not an option to renew or extend the lease is
7079 contained in the lease, for a term not to exceed fifteen (15)
7080 years, conditioned upon (a) the leased facility continuing to
7081 operate in a manner safeguarding community health interest; (b)
7082 proceeds from the lease being first applied against such bonds,
7083 notes or other evidence of indebtedness as are issued pursuant to
7084 Section 41-13-19; (c) surplus proceeds from the lease being used
7085 for health related purposes; (d) subject to the express approval
7086 of the board of trustees of the community hospital; and (e)
7087 subject to the express approval of the owner. If no board of
7088 trustees is then existing, the owner shall have the right to enter
7089 into a lease upon such terms and conditions as agreed upon by the
7090 parties. Any lease entered into under this subsection (11) may
7091 contain an option to purchase the hospital, on such terms as the
7092 parties shall agree.

7093 **SECTION 177.** Section 41-87-5, Mississippi Code of 1972, is
7094 amended as follows:

7095 41-87-5. Unless the context requires otherwise, the
7096 following definitions in this section apply throughout this
7097 chapter:

7098 (a) "Eligible infants and toddlers" or "eligible
7099 children" means children from birth through thirty-six (36) months
7100 of age who need early intervention services because they:

7101 (i) Are experiencing developmental delays as
7102 measured by appropriate diagnostic instruments and procedures in
7103 one or more of the following areas:



- 7104 (A) Cognitive development;
7105 (B) Physical development, including vision or
7106 hearing;
7107 (C) Communication development;
7108 (D) Social or emotional development;
7109 (E) Adaptive development.

7110 (ii) Have a diagnosed physical or mental
7111 condition, as defined in state policy, that has a high probability
7112 of resulting in developmental delay.

7113 (iii) Are at risk of having substantial
7114 developmental delays if early intervention services are not
7115 provided due to conditions as defined in state policy. (This
7116 category may be served at the discretion of the lead agency
7117 contingent upon available resources.)

7118 (b) "Early intervention services" are developmental
7119 services that:

7120 (i) Are provided under public supervision;

7121 (ii) Are provided at no cost except where federal
7122 or state law provides for a system of payments by families,
7123 including a schedule of sliding fees;

7124 (iii) Are designed to meet the developmental needs
7125 of an infant or toddler with a disability in any one or more of
7126 the following areas:

7127 (A) Physical development;

7128 (B) Cognitive development;

7129 (C) Communication development;

7130 (D) Social or emotional development; or

7131 (E) Adaptive development;

7132 (iv) Meet the requirements of Part C of the
7133 Individuals with Disabilities Education Act (IDEA) and the early
7134 intervention standards of the State of Mississippi;

7135 (v) Include, but are not limited to, the following
7136 services:



- 7137 (A) Assistive technology devices and
7138 assistive technology services;
- 7139 (B) Audiology;
- 7140 (C) Family training, counseling and home
7141 visits;
- 7142 (D) Health services necessary to enable a
7143 child to benefit from other early intervention services;
- 7144 (E) Medical services only for diagnostic or
7145 evaluation purposes;
- 7146 (F) Nutrition services;
- 7147 (G) Occupational therapy;
- 7148 (H) Physical therapy;
- 7149 (I) Psychological services;
- 7150 (J) Service coordination (case management);
- 7151 (K) Social work services;
- 7152 (L) Special instruction;
- 7153 (M) Speech-language pathology;
- 7154 (N) Transportation and related costs that are
7155 necessary to enable an infant or toddler and her/his family to
7156 receive early intervention services; and
- 7157 (O) Vision services;
- 7158 (vi) Are provided by qualified personnel as
7159 determined by the state's personnel standards, including:
- 7160 (A) Audiologists;
- 7161 (B) Family therapists;
- 7162 (C) Nurses;
- 7163 (D) Nutritionists;
- 7164 (E) Occupational therapists;
- 7165 (F) Orientation and mobility specialists;
- 7166 (G) Pediatricians and other physicians;
- 7167 (H) Physical therapists;
- 7168 (I) Psychologists;
- 7169 (J) Social workers;



7170 (K) Special educators;
7171 (L) Speech and language pathologists;
7172 (vii) Are provided, to the maximum extent
7173 appropriate, in natural environments, including the home, and
7174 community settings in which children without disabilities would
7175 participate;

7176 (viii) Are provided in conformity with an
7177 individualized family service plan.

7178 (c) "Council" means the State Interagency Coordinating
7179 Council established under Section 41-87-7.

7180 (d) "Lead agency" means the State Department of Health.

7181 (e) "Participating agencies" includes, but is not
7182 limited to, the State Department of Education, the Department of
7183 Human Services, the State Department of Health, the Division of
7184 Medicaid, the State Department of Mental Health, the University
7185 Medical Center, the board of trustees of each state institution of
7186 higher learning and the State Board for Community and Junior
7187 Colleges.

7188 (f) "Local community" means a county either jointly,
7189 severally, or a portion thereof, participating in the provision of
7190 early intervention services.

7191 (g) "Primary service agency" means the agency, whether
7192 a state agency, local agency, local interagency council or service
7193 provider which is designated by the lead agency to serve as the
7194 fiscal and contracting agent for a local community.

7195 (h) "Multidisciplinary team" means a group comprised of
7196 the parent(s) or legal guardian and the service providers, as
7197 appropriate, described in paragraph (b) of this section, who are
7198 assembled for the purposes of:

7199 (i) Assessing the developmental needs of an infant
7200 or toddler;

7201 (ii) Developing the individualized family service
7202 plan; and



7203 (iii) Providing the infant or toddler and his or
7204 her family with the appropriate early intervention services as
7205 detailed in the individualized family service plan.

7206 (i) "Individualized family service plan" means a
7207 written plan designed to address the needs of the infant or
7208 toddler and his or her family as specified under Section 41-87-13.

7209 (j) "Early intervention standards" means those
7210 standards established by any agency or agencies statutorily
7211 designated the responsibility to establish standards for infants
7212 and toddlers with disabilities, in coordination with the council
7213 and in accordance with Part C of IDEA.

7214 (k) "Early intervention system" means the total
7215 collaborative effort in the state that is directed at meeting the
7216 needs of eligible children and their families.

7217 (l) "Parent," for the purpose of early intervention
7218 services, means a parent, a guardian, a person acting as a parent
7219 of a child, foster parent, or an appointed surrogate parent. The
7220 term does not include the state if the child is a ward of the
7221 state where the child has not been placed with individuals to
7222 serve in a parenting capacity, such as foster parents, or when a
7223 surrogate parent has not been appointed. When a child is the ward
7224 of the state, a Department of Human Services representative will
7225 act as parent for purposes of service authorization.

7226 (m) "Policies" means the state statutes, regulations,
7227 Governor's orders, directives by the lead agency, or other written
7228 documents that represent the state's position concerning any
7229 matter covered under this chapter.

7230 (n) "Regulations" means the United States Department of
7231 Education's regulations concerning the governance and
7232 implementation of Part C of IDEA, the Early Intervention Program
7233 for Infants and Toddlers with Disabilities.

7234 **SECTION 178.** Section 43-55-5, Mississippi Code of 1972, is
7235 amended as follows:



7236 43-55-5. (1) Members of the Commission for Volunteer
7237 Service shall be appointed by the Governor. The commission shall
7238 consist of no fewer than fifteen (15) and no more than twenty-five
7239 (25) members.

7240 (2) The commission members shall include as voting members,
7241 except as otherwise indicated, at least one (1) of each of the
7242 following:

7243 (a) An individual with expertise in the educational,
7244 training, and developmental needs of youth, particularly
7245 disadvantaged youth.

7246 (b) An individual with experience in promoting service
7247 and volunteerism among older adults.

7248 (c) A representative of a community-based agency.

7249 (d) The superintendent of the State Department of
7250 Education, or his or her designee.

7251 (e) A representative of local government.

7252 (f) A representative of local labor organizations.

7253 (g) A representative of business.

7254 (h) An individual between the ages of sixteen (16) and
7255 twenty-five (25) who is a participant or supervisor in a program
7256 as defined in Section 101 of Title I, 42 USCS 12511.

7257 (i) A representative of a national service program
7258 described in Section 122(a) of Title I, 42 USCS 12572.

7259 (j) The employee of the corporation designated under
7260 Section 195 of Title I, 42 USCS 12651f, as the representative of
7261 the corporation in this state, as a nonvoting member.

7262 (3) In addition to the members described in subsection (2),
7263 the commission may include as voting members any of the following:

7264 (a) Local educators.

7265 (b) Experts in the delivery of human, educational,
7266 environmental, or public safety services to communities and
7267 persons.

7268 (c) Representative of Native American tribes.



7269 (d) Out-of-school youth or other at-risk youth.

7270 (e) Representatives of entities that receive assistance
7271 under the Domestic Volunteer Service Act of 1973, Public Law
7272 93-113, 87 Stat. 394.

7273 (f) A member of the board of trustees of a state
7274 institution of higher learning, recommended by the Commissioner of
7275 Higher Education.

7276 (4) Not more than twenty-five percent (25%) of the voting
7277 commission members shall be officers or employees of this state.
7278 The Governor may appoint additional officers or employees of state
7279 agencies operating community service, youth service, education,
7280 social service, senior service, and job training programs, as
7281 nonvoting, ex officio members of the commission.

7282 (5) The Governor shall ensure, to the maximum extent
7283 possible, that the commission membership is diverse with respect
7284 to race, ethnicity, age, gender, and disability characteristics.

7285 (6) Except as provided in this subsection, members of the
7286 commission shall serve for staggered three-year terms expiring on
7287 October 1. The members constituting the Mississippi Commission
7288 for Volunteer Service under Executive Order No. 1994-742 on the
7289 day before the effective date of this chapter shall serve on the
7290 commission for the remainder of the terms for which they were
7291 appointed. Of the additional members, the Governor shall appoint
7292 one-third (1/3) of the initial members for a term of one (1) year;
7293 one-third for a term of two (2) years; and one-third (1/3) for a
7294 term of three (3) years. Following expiration of these initial
7295 terms, all appointments shall be for three-year renewable terms.
7296 Members of the commission may not serve more than two (2)
7297 consecutive terms.

7298 (7) A vacancy on the commission shall be filled in the same
7299 manner as the original appointments, and any member so appointed
7300 shall serve during the remainder of the term for which the vacancy



7301 occurred. The vacancy shall not affect the power of the remaining
7302 commission members to execute the duties of the commission.

7303 **SECTION 179.** Section 43-55-23, Mississippi Code of 1972, is
7304 amended as follows:

7305 43-55-23. (1) The institutions of higher learning and the
7306 Office of the Governor shall provide necessary administrative and
7307 staff support services to the State Commission for Volunteer
7308 Service. Additional support services may be provided, including,
7309 but not limited to, the use of office space, furniture and
7310 equipment, motor vehicles, travel and other related services. The
7311 commission shall employ an executive director, who shall be
7312 initially designated by the Governor. The executive director
7313 shall employ such staff as is necessary to carry out the
7314 provisions of this chapter. Future executive directors shall be
7315 selected by the commission.

7316 (2) The commission may procure information and assistance
7317 from the state or any subdivision, municipal corporation, public
7318 officer, or governmental department or agency thereof. All
7319 agencies, officers, and political subdivisions of the state or
7320 municipal corporations shall provide the office with all relevant
7321 information and reasonable assistance on any matters of research
7322 within their knowledge or control.

7323 (3) The commission may apply for, receive, and expend funds,
7324 grants, and services from local, state, or federal government, or
7325 any of their agencies, or any other public or private sources and
7326 is authorized to use funds derived from these sources for purposes
7327 reasonable and necessary to carry out the purposes of this
7328 chapter. The commission also may expend monies, upon
7329 appropriation by the Legislature, from the Mississippi Commission
7330 for Volunteer Service Fund created in Section 43-55-29.

7331 (4) The commission shall submit its budget request through
7332 the Commissioner of Higher Education. Such request shall be



7333 submitted * * * as a separate and distinct request made on behalf
7334 of the commission.

7335 **SECTION 180.** Section 47-5-401, Mississippi Code of 1972, is
7336 amended as follows:

7337 47-5-401. (1) There is hereby authorized, in each county of
7338 the state, a public service work program for state inmates in
7339 custody of the county. Such a program may be established at the
7340 option of the county in accordance with the provisions of Sections
7341 47-5-401 through 47-5-421. The department shall also recommend
7342 rules and regulations concerning the participation of state
7343 inmates in the program.

7344 (2) An inmate shall not be eligible to participate in a work
7345 program established in accordance with the provisions of Sections
7346 47-5-401 through 47-5-421 if he has been convicted of any crime of
7347 violence, including but not limited to murder, aggravated assault,
7348 rape, robbery or armed robbery.

7349 (3) The inmates participating in the work program
7350 established in accordance with the provisions of Sections 47-5-401
7351 through 47-5-421 are restricted to the performance of public
7352 service work for counties, municipalities, the state or nonprofit
7353 charitable organizations, as defined by Section 501(c)(3) of the
7354 Internal Revenue Code of 1986, except that the Department of
7355 Corrections must approve all requests by nonprofit charitable
7356 organizations to use offenders to perform any public service work.
7357 Upon request of the board of trustees of any state institution of
7358 higher learning, or the board of trustees of a county school
7359 district, municipal school district or junior college district,
7360 the inmates may be permitted to perform work for such boards.

7361 **SECTION 181.** Section 47-5-451, Mississippi Code of 1972, is
7362 amended as follows:

7363 47-5-451. (1) There is hereby authorized, in each county of
7364 the state, a public service work program for state inmates in
7365 custody of the county. Such a program may be established at the



7366 option of the county in accordance with the provisions of Sections
7367 47-5-401 through 47-5-421. The department shall also recommend
7368 rules and regulations concerning the participation of state
7369 inmates in the program.

7370 (2) An inmate shall not be eligible to participate in a work
7371 program established in accordance with the provisions of Sections
7372 47-5-401 through 47-5-421, if he has been convicted of any crime
7373 of violence, including but not limited to murder, aggravated
7374 assault, rape, robbery or armed robbery.

7375 (3) The inmates participating in the work program
7376 established in accordance with the provisions of Sections 47-5-401
7377 through 47-5-421, are restricted to the performance of public
7378 service work for counties, municipalities, the state or nonprofit
7379 charitable organizations, as defined by Section 501(c)(3) of the
7380 Internal Revenue Code of 1986, except that the Department of
7381 Corrections must approve all requests by nonprofit charitable
7382 organizations to use offenders to perform any public service work.
7383 Upon request of the board of trustees of any state institution of
7384 higher learning, or the board of trustees of a county school
7385 district, municipal school district or junior college district,
7386 the inmates may be permitted to perform work for such boards.

7387 **SECTION 182.** Section 49-3-5, Mississippi Code of 1972, is
7388 amended as follows:

7389 49-3-5. The Board of Trustees of Mississippi State
7390 University is hereby authorized and directed to establish a
7391 fisheries and wildlife laboratory at Mississippi State University
7392 under the direction of the president and such other administrative
7393 authorities within the university as such board of trustees may
7394 determine.

7395 **SECTION 183.** Section 49-3-7, Mississippi Code of 1972, is
7396 amended as follows:

7397 49-3-7. The Board of Trustees of Mississippi State
7398 University shall provide for such laboratory such buildings,



7399 equipment, personnel, supplies and service as it shall determine
7400 to be necessary for the proper operation and maintenance of such
7401 laboratory, having due regard for the contributory facilities and
7402 programs already existing at Mississippi State University.

7403 **SECTION 184.** Section 49-3-11, Mississippi Code of 1972, is
7404 amended as follows:

7405 49-3-11. In addition to the appropriations made by the
7406 Mississippi Legislature for the operation and support of the
7407 laboratory, the Board of Trustees of Mississippi State University
7408 is authorized and empowered to receive contributions, donations,
7409 gifts and grants of money and/or property, equipment, materials or
7410 manpower from persons, foundations, trust funds, corporations,
7411 organizations, the federal government or any subdivision thereof,
7412 the state government or any subdivision thereof, to be expended by
7413 the board in carrying out the purposes and objectives of this
7414 chapter.

7415 **SECTION 185.** Section 55-23-5, Mississippi Code of 1972, is
7416 amended as follows:

7417 55-23-5. There is hereby created a commission to be known as
7418 "The Mississippi Veterans Memorial Stadium Commission,"
7419 hereinafter sometimes referred to as the commission, which shall
7420 consist of five (5) members as follows:

7421 (a) One (1) member shall be appointed by the Mayor of
7422 the City of Jackson, Mississippi;

7423 (b) One (1) member shall be selected by the
7424 Commissioner of Higher Education from among the membership of the
7425 boards of trustees of the state institutions of higher learning or
7426 shall be some other person designated by the commissioner; and

7427 (c) Two (2) members shall be appointed by the Governor
7428 from the state at large outside of Hinds County, Mississippi, and
7429 one (1) member shall be appointed by the Governor from Hinds
7430 County, Mississippi. The appointee from Hinds County may be



7431 selected from a list of three (3) persons submitted by the Hinds
7432 County Board of Supervisors to the Governor.

7433 Terms of members shall begin on May 1, 1987, as follows: Of
7434 the members appointed by the Governor, one (1) shall serve for a
7435 term of one (1) year, one (1) for a term of two (2) years and one
7436 (1) for a term of three (3) years; the member appointed by the
7437 Mayor of the City of Jackson shall serve for a term of four (4)
7438 years; and the member representing the board of trustees of a
7439 state institution of higher learning shall serve for a term of
7440 five (5) years. Upon the expiration of the foregoing terms,
7441 members shall serve for terms of five (5) years each. The
7442 appointing authority shall fill any vacancy in the above terms by
7443 appointment of a member for the unexpired term. Members shall be
7444 eligible for reappointment. An appointed member serving on the
7445 commission on April 30, 1987, shall be eligible for appointment to
7446 the commission for a term beginning May 1, 1987, of either one
7447 (1), two (2), three (3), four (4) or five (5) years, if such
7448 member is otherwise qualified. One (1) member of the commission
7449 appointed by the Governor shall be a person knowledgeable in
7450 marketing with at least three (3) years actual experience therein
7451 and one (1) member appointed by the Governor shall be a person of
7452 recognized ability in a trade or business with at least five (5)
7453 years actual experience therein. From and after May 1, 1987, the
7454 name of the commission shall be the "Mississippi Veterans Memorial
7455 Stadium Commission" and any references in Sections 55-23-3 through
7456 55-23-11 to the Mississippi Memorial Stadium Commission or
7457 commission shall mean the Mississippi Veterans Memorial Stadium
7458 Commission unless the context clearly indicates a different
7459 meaning. From and after May 1, 1987, the stadium shall be known
7460 as the "Mississippi Veterans Memorial Stadium." The commission is
7461 authorized to accept donations of money, property or services from
7462 any public or private source to accomplish any physical



7463 replacement or alterations of stadium property necessary to
7464 accomplish the renaming of the stadium.

7465 The members of the commission shall serve without
7466 compensation except that members shall be paid their actual and
7467 necessary expenses in connection with the performance of their
7468 duties as members of the commission, including mileage, as
7469 authorized in Section 25-3-41, Mississippi Code of 1972, plus a
7470 per diem as is authorized by Section 25-3-69, Mississippi Code of
7471 1972, while engaged in the performance of their duties. The
7472 expenses, mileage and per diem allowance shall be paid out of the
7473 Mississippi Veterans Memorial Stadium Fund.

7474 The commission shall elect from its membership a chairman who
7475 shall preside over meetings and a vice chairman who shall preside
7476 in the absence of the chairman. Three (3) members of the
7477 commission shall constitute a quorum for the transaction of any
7478 and all business of the commission.

7479 The powers of the commission shall be exercised by a majority
7480 of the members thereof, but it may delegate to one or more of its
7481 members, or to its agents and employees, such powers and duties as
7482 it may deem proper, and may adopt rules and regulations for the
7483 conduct of its business and affairs. The commission shall
7484 contract with a certified public accounting firm to conduct audits
7485 of concession and novelty sales by vendors at the stadium. The
7486 commission shall, as far as is practicable, provide that the cost
7487 of such audits shall be paid by the vendor of such concessions or
7488 novelties, or both.

7489 The commission shall appoint a director who shall have at
7490 least a bachelor's degree from an accredited university or
7491 college. The director shall have the responsibility for insuring
7492 the marketing of tickets to events conducted in the stadium, in
7493 addition to such other duties as the commission may designate.
7494 Before entering upon the duties of his office, the director shall
7495 give bond to the State of Mississippi in the sum of Fifty Thousand



7496 Dollars (\$50,000.00), and said bond shall be conditioned upon the
7497 faithful discharge and performance of his official duty. The
7498 principal and surety on said bond shall be liable thereunder to
7499 the state for double the amount of value of any money or property
7500 which the state may lose, if any, by reason of any wrongful or
7501 criminal act of said director. Said bond, when approved by the
7502 commission, shall be filed with the Secretary of State, and the
7503 premium thereon shall be paid from the Mississippi Veterans
7504 Memorial Stadium Fund.

7505 **SECTION 186.** Section 55-23-9, Mississippi Code of 1972, is
7506 amended as follows:

7507 55-23-9. The commission shall operate the Mississippi
7508 Veterans Memorial Stadium and to that end may employ such agents
7509 and employees as may be required in connection therewith. It may
7510 enter into contracts for the use of the stadium, and fix the
7511 amount of the compensation therefor, and collect the same when
7512 due. The commission may take any action authorized in Section
7513 55-23-8 relating to the Mississippi Veterans Memorial Stadium and
7514 the property described in Section 55-23-8.

7515 All monies and revenues, including the amusement tax imposed
7516 upon the sale of tickets for admission to the stadium, and all
7517 other events on stadium property and all monies arising from other
7518 use of stadium property, including that realized from the sale of
7519 concessions, shall be paid by the commission to the State
7520 Treasurer, to be placed to the credit of a special fund to be
7521 known as the "Mississippi Veterans Memorial Stadium Operating
7522 Fund" and any references in the laws to the "Mississippi Memorial
7523 Stadium Fund" or the "Mississippi Veterans Memorial Stadium Fund"
7524 shall mean the "Mississippi Veterans Memorial Stadium Operating
7525 Fund" unless the context clearly indicates otherwise. Any
7526 interest earned on amounts deposited in the Mississippi Veterans
7527 Memorial Stadium Operating Fund shall be credited to such special
7528 fund. Provided, however, that twenty-five percent (25%) of all



7529 profits realized by the commission from the sale of concessions at
7530 athletic events when Jackson State University is the home team
7531 shall be deposited to the credit of a special auxiliary fund and
7532 authorized for expenditure by the Board of Trustees of Jackson
7533 State University exclusively for the support of intercollegiate
7534 athletics at such university. All expenses incident to the
7535 operation and upkeep of the facilities and property managed by the
7536 commission shall be paid out of the Mississippi Veterans Memorial
7537 Stadium Operating Fund by warrants drawn by the Department of
7538 Finance and Administration, which shall be issued on the
7539 requisition of the commission.

7540 All tickets sold to an event conducted in the Mississippi
7541 Veterans Memorial Stadium shall have printed in an appropriate and
7542 prominent place thereon the words A.C. "Butch" Lambert Field.

7543 **SECTION 187.** Section 55-23-53, Mississippi Code of 1972, is
7544 amended as follows:

7545 55-23-53. * * * The Commissioner of Higher Education shall
7546 develop a proposal to encourage scheduling of football games by
7547 Mississippi universities in the Mississippi Veterans Memorial
7548 Stadium, which scheduling will acknowledge the obligation of such
7549 universities to support the enlarged stadium, the expansion of
7550 which was encouraged by such universities.

7551 **SECTION 188.** Section 57-1-357, Mississippi Code of 1972, is
7552 amended as follows:

7553 57-1-357. The Commissioner of Higher Education is hereby
7554 authorized to support the project by creating institutes and
7555 developing curricula of direct benefit to the enterprise. Upon
7556 notification to DECD by the enterprise that the state has been
7557 selected as the site of the project, the commissioner may
7558 establish and create programs to enhance the project's success.

7559 **SECTION 189.** Section 57-13-22, Mississippi Code of 1972, is
7560 amended as follows:



7561 57-13-22. (1) The Mississippi Research and Development
7562 Center is hereby abolished from and after July 1, 1988. All of
7563 the functions of the center shall be transferred on that date to
7564 the Mississippi Development Authority or to the University
7565 Research Center which is created in Section 37-141-3.

7566 (2) (a) From and after July 1, 1988, the duties and
7567 responsibilities of the Research and Development Center which are
7568 depicted organizationally in the 1989 fiscal year budget request
7569 of the Research and Development Center and which are performed by
7570 the Forecast and Analysis Division, the Administration Division,
7571 the Government Services Division and the Data Services Division
7572 except as provided in subsection 3(b) shall be transferred to the
7573 University Research Center.

7574 (b) From and after July 1, 1988, the duties and
7575 responsibilities of the Research and Development Center not
7576 included in the transfer described in paragraph (a) except as
7577 provided in (3)(c) of this subsection shall be transferred to the
7578 Mississippi Development Authority.

7579 (3) (a) All personnel of the Mississippi Research and
7580 Development Center shall be transferred to the Mississippi
7581 Development Authority or to the University Research Center
7582 according to the transfer of their duties pursuant to this
7583 section.

7584 (b) It is specifically provided that the positions
7585 identified in items (i), (ii) and (iii) below be transferred to
7586 the Mississippi Development Authority unless the Director of the
7587 Research and Development Center and the Executive Director of the
7588 Mississippi Development Authority make mutually agreeable
7589 substitutions:

7590 (i) Position identification numbers 60, 174, 244,
7591 98 and 177 of the Administration Unit shall be transferred June 1,
7592 1988.



7593 (ii) Position identification numbers 156, 27, 194,
7594 23, 307 and 308 of the Data Services Unit shall be transferred
7595 July 1, 1988.

7596 (iii) Position identification numbers 71, 104 and
7597 148 of the Government Services Division shall be transferred July
7598 1, 1988.

7599 (c) It is specifically provided that position
7600 identification numbers 30 and 76 of the Office of the Director of
7601 the Research and Development Center be transferred to the
7602 University Research Center on July 1, 1988.

7603 (d) It is the intention of the Legislature that there
7604 be a reduction in personnel where there is a duplication of effort
7605 as a result of the transfers required by this subsection. The
7606 Mississippi Development Authority in its reorganization pursuant
7607 to this act [Laws, 1988, Chapter 518] may utilize savings realized
7608 from personnel attrition and other economies to reallocate and
7609 reclassify positions within the department, subject to the
7610 approval of the State Personnel Board.

7611 (e) All personnel transferred to the University
7612 Research Center shall become subject to all personnel and
7613 compensation policies of the Commissioner of Higher Education;
7614 however, anyone so transferred shall retain all of the protection
7615 and benefits to which they have been entitled under the state
7616 personnel system.

7617 (4) All records, property, unexpended balances of
7618 appropriations or other funds, and all other resources of the
7619 Mississippi Research and Development Center shall be transferred
7620 to the Mississippi Development Authority or to the University
7621 Research Center, as appropriate, pursuant to the transfer of
7622 duties and responsibilities in subsection (2) of this section.

7623 (5) (a) Each officer or agency subject to the provisions of
7624 this act [Laws, 1988, Chapter 518] shall assist with the fullest
7625 degree of reasonable cooperation any other officer or agency in



7626 carrying out the intent and purpose of this act [Laws, 1988,
7627 Chapter 518].

7628 (b) Each officer or agency subject to the provisions of
7629 this act [Laws, 1988, Chapter 518] is hereby authorized and
7630 empowered to promulgate all necessary rules and regulations not in
7631 conflict with this act [Laws, 1988, Chapter 518] necessary to
7632 accomplish an orderly transition pursuant to this act [Laws, 1988,
7633 Chapter 518].

7634 **SECTION 190.** Section 57-15-3, Mississippi Code of 1972, is
7635 amended as follows:

7636 57-15-3. (1) The Mississippi Commission on Marine
7637 Resources, hereinafter referred to as the "council," shall be the
7638 Mississippi Marine Resources Council, and shall function insofar
7639 as practicable under the provisions of Chapter 15 of Title 49,
7640 Mississippi Code of 1972, in cooperation with the Mississippi
7641 Development Authority and the Board of Trustees of the University
7642 of Southern Mississippi, with particular reference to the Gulf
7643 Coast Research Laboratory, the Universities Marine Center, and the
7644 universities and colleges which are conducting oceanographic
7645 research. The offices of the commission shall be located in
7646 Hancock, Harrison or Jackson Counties.

7647 (2) The words "Mississippi Marine Resources Council,"
7648 wherever they may appear in the laws of the State of Mississippi,
7649 shall be construed to mean the Mississippi Commission on Marine
7650 Resources.

7651 **SECTION 191.** Section 57-15-9, Mississippi Code of 1972, is
7652 amended as follows:

7653 57-15-9. The council, exercising its duties and
7654 responsibilities, shall also act in an advisory capacity to the
7655 Governor and all related state agencies, including the Board of
7656 Trustees of the University of Southern Mississippi, the Gulf Coast
7657 Research Laboratory and the Universities Marine Center which are
7658 conducting oceanographic research. All state boards and agencies



7659 engaged in activities in the field of marine resources and
7660 technology shall utilize this commission as a clearinghouse on all
7661 present and future joint federal-state programs whether presently
7662 administered by an existing agency or not; to advise on the best
7663 programs available to the State of Mississippi for the development
7664 of its marine resources, and how to apply for, receive or hold any
7665 and all such authorizations, licenses and grants necessary and
7666 proper therefor; to advise on the utilization of all facilities in
7667 the State of Mississippi for marine research and development, such
7668 as the future maximum utilization of the NASA-Mississippi Test
7669 Facility, but not limiting the provisions of this chapter
7670 exclusively thereto; and to advise on all in-depth studies
7671 necessary to carry out the provisions of this chapter. This
7672 chapter shall not, however, abrogate the authority of the
7673 Mississippi Commission on Marine Resources, the Board of Trustees
7674 of the University of Southern Mississippi or the Gulf Coast
7675 Research Laboratory, the Universities Marine Center, or of the
7676 individual institutions * * * to apply for grants, and to carry
7677 out oceanographic research. Said council is hereby authorized to
7678 receive services, gifts, contributions, property and equipment
7679 from public and private sources to be utilized in the discharge of
7680 the council's functions, all to be done within the purview of this
7681 chapter.

7682 **SECTION 192.** Section 57-18-5, Mississippi Code of 1972, is
7683 amended as follows:

7684 57-18-5. (1) The Board of Trustees of Mississippi State
7685 University is authorized and directed to establish a Forest and
7686 Wildlife Research Center at Mississippi State University. The
7687 center will be an administrative unit within the Division of
7688 Agriculture, Forestry and Veterinary Medicine. The Dean of the
7689 School of Forest Resources shall serve as the director of the
7690 center.



7691 (2) The center shall conduct a program of research relevant
7692 to the efficient management and utilization of the forest,
7693 wildlife and fisheries resources of this state and to the
7694 protection and enhancement of the natural environment associated
7695 with those resources. The center shall disseminate results of
7696 such research programs to the public and to individuals and
7697 organizations for whom such information will be useful. The
7698 center shall conduct research that will encourage the growth and
7699 development of the furniture manufacturing industry and allied
7700 industries in this state and shall work closely with the
7701 Mississippi Cooperative Extension Service, the University Research
7702 Center, the Mississippi Development Authority and other agencies,
7703 both public and private, in the dissemination of its research
7704 findings.

7705 (3) From and after the creation of the Forest and Wildlife
7706 Research Center, the center shall assume all research functions
7707 which are being exercised within the Division of Agriculture,
7708 Forestry and Veterinary Medicine by the Forest Products
7709 Utilization Laboratory, by the Department of Forestry, by the
7710 Department of Wildlife and Fisheries, by the Furniture Research
7711 Unit and, upon the recommendation of the President of Mississippi
7712 State University to the Board of Trustees of Mississippi State
7713 University, by other departments and units of the university.

7714 (4) All records, personnel, property and unexpended balances
7715 of appropriations, allocations or other funds relating to those
7716 research functions which are being assumed by the center shall be
7717 transferred to the center. The transfer of segregated or special
7718 funds shall be made in such a manner that the relation between
7719 program and revenue source is retained.

7720 **SECTION 193.** Section 57-18-7, Mississippi Code of 1972, is
7721 amended as follows:

7722 57-18-7. The Board of Trustees of Mississippi State
7723 University shall provide for the Forest and Wildlife Research



7724 Center such buildings, equipment, personnel, supplies and services
7725 as it shall determine to be necessary for the proper operation and
7726 maintenance of the center, having due regard for the contributory
7727 facilities and programs already existing at Mississippi State
7728 University.

7729 **SECTION 194.** Section 57-18-9, Mississippi Code of 1972, is
7730 amended as follows:

7731 57-18-9. In addition to appropriations made by the
7732 Legislature from the State General Fund, the Forest and Wildlife
7733 Research Center is authorized and empowered, subject to the
7734 approval of the Board of Trustees of Mississippi State University
7735 upon recommendation by the President of Mississippi State
7736 University, to receive contributions, donations, gifts and grants
7737 of money and/or property, equipment, materials and manpower from
7738 persons, foundations, trust funds, corporations, organizations,
7739 and state and federal agencies for use in carrying out the
7740 purposes and objectives of this chapter.

7741 **SECTION 195.** Section 57-19-5, Mississippi Code of 1972, is
7742 amended as follows:

7743 57-19-5. The Board of Trustees of Mississippi State
7744 University is hereby authorized and directed to establish a food
7745 technology program at Mississippi State University of Agriculture
7746 and Applied Science under the direction of the president and such
7747 other administrative authorities within the university as said
7748 board of trustees may determine.

7749 **SECTION 196.** Section 57-19-7, Mississippi Code of 1972, is
7750 amended as follows:

7751 57-19-7. The Board of Trustees of Mississippi State
7752 University shall provide for such food technology laboratory, such
7753 building, pilot processing facilities, personnel, supplies, and
7754 services as it shall determine to be necessary for the proper
7755 operation and maintenance of the food technology program, having
7756 due regard for the contributory facilities and programs already



7757 existing at Mississippi State University of Agriculture and
7758 Applied Science.

7759 **SECTION 197.** Section 57-19-11, Mississippi Code of 1972, is
7760 amended as follows:

7761 57-19-11. In addition to appropriations made by the
7762 Mississippi Legislature for the operation and support of the
7763 laboratory, the Board of Trustees of Mississippi State University
7764 is authorized and empowered to receive contributions, donations,
7765 gifts and grants of money and/or property, equipment, materials or
7766 manpower from persons, foundations, trust funds, corporations,
7767 organizations, the federal government or any subdivision thereof,
7768 the state government or any subdivision thereof, to be expended by
7769 said board in carrying out the purposes and objectives of this
7770 chapter.

7771 **SECTION 198.** Section 57-21-7, Mississippi Code of 1972, is
7772 amended as follows:

7773 57-21-7. The chief executive officer of the laboratory shall
7774 be the State Chemist.

7775 (a) Qualifications: The State Chemist shall be an
7776 individual who has earned the doctor of philosophy degree or its
7777 equivalent in chemistry or biochemistry at a recognized university
7778 or college qualified to grant such degrees. The major field of
7779 his training should be preferably in analytical or organic
7780 chemistry, but other fields of chemistry may be acceptable if the
7781 individual has experience qualifying him otherwise. He should
7782 also have knowledge by training or experience of agricultural,
7783 industrial or health-related fields. The candidate for State
7784 Chemist must be acceptable as a research or teaching faculty
7785 member in the department of chemistry at the university.

7786 (b) Appointment: The State Chemist shall be appointed
7787 by the president of the university, with the advice and consent of
7788 the Senate, for a term of six (6) years; and the said State
7789 Chemist shall serve for said six-year term and until his successor



7790 shall have been appointed and qualified. However, it is provided
7791 that the said State Chemist may be removed from office by the
7792 Board of Trustees of Mississippi State University upon the
7793 demonstration of his inability to serve due to illness,
7794 incompetence, malfeasance in office, dereliction of duty or moral
7795 turpitude. The board of trustees * * * shall fix the annual
7796 salary of the State Chemist, who shall be paid from the budget of
7797 the Mississippi State Chemical Laboratory or from the budget of
7798 the university, or from both, whichever is deemed desirable by the
7799 Board of Trustees of Mississippi State University.

7800 (c) Status: The State Chemist shall simultaneously
7801 hold an appointment as Professor of Chemistry in the Chemistry
7802 Department of the university. He may acquire tenure as a faculty
7803 member in accordance with rules current at the university during
7804 his appointment. The State Chemist may teach or direct research
7805 in the Department of Chemistry as part of his professional duties,
7806 and may serve in other administrative positions as deemed
7807 desirable, with the consent and approval of the president of the
7808 university and the board of trustees. He shall receive
7809 appropriate reimbursement for such services.

7810 (d) Responsibility: The State Chemist shall be
7811 responsible to and shall report to the president of the
7812 university.

7813 (e) Duties: The State Chemist shall:

7814 1. Serve as the chief executive officer and
7815 director of the laboratory.

7816 2. Recommend the appointment, discharge, annual
7817 salaries, duties, and titles of administrative, technical and
7818 support personnel and staff of the laboratory to assist him in
7819 carrying out its authorized functions.

7820 3. Prepare and submit budget requests for the
7821 laboratory to the appropriate agency, subject to approval by the
7822 president of the university and the board of trustees. The State



7823 Chemist shall present such requests before the Legislative Budget
7824 Office and legislative committees. He shall prepare an annual
7825 budget for operation of the laboratory from appropriated or
7826 special funds or other income available, and shall make monthly,
7827 quarterly and other reports of such income and expenditures to the
7828 appropriate agencies as required by law.

7829 4. Maintain an inventory of laboratory equipment
7830 and report it appropriately to the proper agencies as required by
7831 law.

7832 5. Prepare annual or biennial reports and special
7833 reports as needed of laboratory activities, programs and
7834 recommendations. Such reports shall be submitted to governmental
7835 heads and agencies as required by statutes, to the president of
7836 the university, the Board of Trustees of Mississippi State
7837 University, and to the chief executive officer of each agency with
7838 which it cooperates.

7839 6. Serve on such state or national agencies,
7840 commissions, boards, organizations or committees as required by
7841 law.

7842 7. Conduct other business necessary and desirable
7843 for proper discharge of his responsibilities to the university or
7844 as may be stipulated here or elsewhere in the laws of Mississippi.

7845 **SECTION 199.** Section 57-23-5, Mississippi Code of 1972, is
7846 amended as follows:

7847 57-23-5. The Board of Trustees of the University of
7848 Mississippi is hereby authorized and directed to establish a
7849 research institute of pharmaceutical sciences at the University of
7850 Mississippi under the direction of the chancellor and such other
7851 administrative authorities within the university as said board of
7852 trustees may determine.

7853 **SECTION 200.** Section 57-23-7, Mississippi Code of 1972, is
7854 amended as follows:



7855 57-23-7. The Board of Trustees of the University of
7856 Mississippi shall provide for such equipment, personnel, supplies
7857 and services as it shall determine to be necessary for the proper
7858 operation and maintenance of said institute, having due regard for
7859 the contributory facilities and programs already existing at the
7860 University of Mississippi.

7861 **SECTION 201.** Section 57-23-11, Mississippi Code of 1972, is
7862 amended as follows:

7863 57-23-11. In addition to appropriations made by the
7864 Mississippi Legislature for the operation and support of the
7865 institute, the Board of Trustees of the University of Mississippi
7866 is authorized and empowered to receive contributions, donations,
7867 gifts, and grants of money and/or property, equipment, materials
7868 or manpower from persons, foundations, trust funds, corporations,
7869 organizations, and other sources, to be expended by said board in
7870 carrying out the objectives of this chapter.

7871 **SECTION 202.** Section 57-39-105, Mississippi Code of 1972, is
7872 amended as follows:

7873 57-39-105. The Energy Division of the Department of Economic
7874 and Community Development, referred to in Sections 57-39-103
7875 through 57-39-117 as the "division," shall coordinate the
7876 development and implementation of a general energy management
7877 plan. The general energy management plan shall include, but not
7878 be limited to, the following elements:

- 7879 (a) Data gathering requirements;
- 7880 (b) Buildings and facilities energy audit procedures;
- 7881 (c) Uniform data analysis procedures;
- 7882 (d) Employee energy education program procedures;
- 7883 (e) Energy consumption reduction techniques;
- 7884 (f) Training program for agency and institution
7885 personnel and energy coordinators;
- 7886 (g) Guidelines for buildings and facilities managers;



7887 (h) Building retrofit revolving loan fund policies and
7888 procedures;

7889 (i) Program monitoring and evaluation procedures.

7890 The general energy management plan shall also include a
7891 description of actions to reduce consumption of electricity and
7892 nonrenewable energy sources used for heating, cooling,
7893 ventilation, lighting and water heating. The Commissioner of
7894 Higher Education, the Department of Education and the Department
7895 of Finance and Administration shall assist in the preparation of
7896 the general energy management plan. The Department of Finance and
7897 Administration, Bureau of Buildings Division, shall notify the
7898 Energy Division of all renovations and repairs of buildings and
7899 facilities and the planning and design of new buildings and
7900 facilities to ensure that energy efficient equipment is utilized.

7901 **SECTION 203.** Section 57-49-11, Mississippi Code of 1972, is
7902 amended as follows:

7903 57-49-11. The Nuclear Waste Technical Review Committee
7904 hereby created and hereinafter referred to as the "committee"
7905 shall exercise the powers and duties and discharge the
7906 responsibilities enumerated herein.

7907 The committee shall originally consist of eight (8) members,
7908 one (1) of whom shall be the Executive Director of the Department
7909 of Wildlife, Fisheries and Parks, one (1) of whom shall be
7910 Director of the Emergency Management Agency, one (1) of whom shall
7911 be the State Health Officer, one (1) of whom shall be the
7912 Commissioner of Higher Education, one (1) of whom shall be a
7913 chairman of a board of trustees of a state institution of higher
7914 learning, as appointed by the Commissioner of Higher Education,
7915 one (1) of whom shall be the Executive Director of the Department
7916 of Environmental Quality, one (1) of whom shall be the staff
7917 member responsible for the Nuclear Waste Program within the
7918 Department of Environmental Quality who shall serve as secretary
7919 in a nonvoting capacity, and one (1) of whom shall be the



7920 Executive Director of the Mississippi Development Authority. The
7921 chairman shall be elected from among the membership of the
7922 committee.

7923 Committee members shall be permitted to designate substitute
7924 or alternate members to act in their stead, should they be unable
7925 to assume the responsibility of serving on the committee. The
7926 committee, by a majority vote of its membership, may recommend to
7927 the chairman that additional appointments should be made to the
7928 committee from other state agencies and the chairman shall make
7929 such appointments.

7930 The members of the committee shall receive reimbursement for
7931 mileage and actual expenses incurred in the performance of their
7932 duties at the rate authorized by Section 25-3-41. Members of the
7933 committee who are state employees shall be reimbursed for those
7934 expenses incurred which are authorized by Section 25-3-41.

7935 Provided that funding is available under Section 57-49-39,
7936 the members of the committee shall receive per diem compensation
7937 at the rate authorized by Section 25-3-69 for each day spent in
7938 the actual discharge of their duties when attending a meeting of
7939 the committee.

7940 **SECTION 204.** Section 57-55-5, Mississippi Code of 1972, is
7941 amended as follows:

7942 57-55-5. (1) In order to promote the orderly modernization
7943 and simplification of the law of the state and more complete
7944 utilization of the law resources of this state, the Mississippi
7945 Law Research Institute, hereafter referred to as MLRI, is hereby
7946 established as an official advisory law revision, research and
7947 reform agency of the State of Mississippi under the management and
7948 control of the Board of Trustees of the University of Mississippi
7949 as an academic department of the University of Mississippi Law
7950 Center.

7951 (2) The general purpose of the MLRI shall be to promote and
7952 encourage the clarification and simplification of the law of



7953 Mississippi, to improve the administration of justice, and to
7954 carry on scholarly legal research in anticipation of legal
7955 requirements for the efficient utilization and conservation of the
7956 natural resources of the state and the promotion of social,
7957 agricultural, industrial and commercial development. To that end
7958 it shall be the duty of said institute (a) to consider needed
7959 improvements in both substantive and adjective law and to make
7960 recommendations concerning same to the Legislature; (b) to examine
7961 and study the law of Mississippi and Mississippi jurisprudence
7962 with the object of discovering defects and inequities and of
7963 recommending needed reforms; (c) to receive and consider
7964 suggestions from judges, justices, public officials, lawyers and
7965 the public generally as to defects and anachronisms in the law;
7966 (d) to recommend from time to time such changes in the law as it
7967 deems necessary to reform or eliminate antiquated and inequitable
7968 rules of law and to bring the law of the state, both civil and
7969 criminal, into harmony with modern conditions; (e) to perform
7970 research and prepare reports on matters of law in support of the
7971 Legislature; (f) to advise and assist local governments, state
7972 agencies and associations by performing law research and
7973 preparation of related material, such as statutes and ordinances,
7974 reports, manuals, handbooks, codes, and conducting courses of
7975 instruction for the more efficient application of law and
7976 utilization of governmental resources; and (g) to prepare and
7977 publish texts and other scholarly works on law and procedure to
7978 aid in the administration of government within the state. In
7979 addition, the MLRI in cooperation with the Legislature and its
7980 staff shall devise and carry out a plan for continuous and
7981 comprehensive improvement in the utility and quality of the
7982 Mississippi Code. The MLRI shall coordinate its efforts with the
7983 work of the American Law Institute, National Conference of
7984 Commissioners on Uniform State Laws, the law and government



7985 institutes of the several states, and other such organizations in
7986 aid of the mission of said institute.

7987 **SECTION 205.** Section 57-55-7, Mississippi Code of 1972, is
7988 amended as follows:

7989 57-55-7. (1) The Board of Trustees of Mississippi State
7990 University is hereby authorized and directed to establish a
7991 Mississippi Water Resources Research Institute, hereinafter
7992 referred to as the WRRRI, at Mississippi State University under the
7993 direct supervision of the president of the university or a vice
7994 president to be designated by the president.

7995 (2) It shall be the function and duty of the WRRRI to:

7996 (a) Assist state agencies in the development and
7997 maintenance of a state water management plan;

7998 (b) Consult with state and local governmental agencies,
7999 water management districts, water user associations, the
8000 Legislature of the State of Mississippi, and other potential users
8001 in identifying and establishing research, planning, policy, and
8002 management priorities regarding water problems.

8003 (c) Negotiate and administer contracts with local,
8004 regional, state and federal agencies and other universities of the
8005 state for mitigation of priority water and related problems;

8006 (d) Report to the appropriate state agencies each year
8007 on the progress and findings of research projects;

8008 (e) Disseminate new information and facilitate transfer
8009 and application of new technologies as they are developed;

8010 (f) Provide for liaison between Mississippi and funding
8011 agencies as an advocate for Mississippi water research, planning,
8012 policy, and management needs; and

8013 (g) Facilitate and stimulate planning and management
8014 that:

8015 (i) Deals with water policy issues facing the
8016 State of Mississippi;



8017 (ii) Supports state water agencies' missions with
8018 research on problems encountered and expected;

8019 (iii) Provides water planning and management
8020 organizations with tools to increase efficiency and effectiveness
8021 of water planning and management.

8022 (3) The principal administrative officer of the WRRRI shall
8023 be a director, who shall be appointed by the President of
8024 Mississippi State University, with the approval of the board of
8025 trustees * * *. To meet the purposes of the WRRRI, the director
8026 shall develop appropriate policies and procedures (a) for
8027 identification of priority research problems; (b) for
8028 collaborating with local and state governmental agencies, water
8029 user associations, other universities, federal government
8030 agencies, and the Legislature in the formulation of its research
8031 program; (c) for selection of projects to be funded; and (d) for
8032 the dissemination and transfer of information and technology
8033 produced by research.

8034 **SECTION 206.** Section 57-55-9, Mississippi Code of 1972, is
8035 amended as follows:

8036 57-55-9. (1) The Mississippi Mineral Resources Institute,
8037 hereinafter referred to as MMRI, is hereby established. The MMRI
8038 shall be under the management and control of the Board of Trustees
8039 of the University of Mississippi. The principal offices of the
8040 MMRI shall be located at the University of Mississippi. The MMRI
8041 shall be organized to coordinate mining and mineral research,
8042 planning and development with the appropriate disciplines in other
8043 institutions of higher learning and other state, federal and
8044 private agencies concerned with the development and conservation
8045 of the mineral resources of the state.

8046 (2) It shall be the function and duties of the MMRI to:

8047 (a) Conduct basic and applied research for the
8048 development and conservation of mineral resources, including but



8049 not limited to mining, land reclamation and disposal of waste
8050 material;

8051 (b) Assist and support mining and mineral related
8052 research programs at the various institutions of higher learning;

8053 (c) Assist and consult with state and local agencies in
8054 planning the development and conservation of mineral resources;

8055 (d) Maintain liaison with private industry and
8056 appropriate state and local agencies to promote industrial
8057 development and conservation of mineral resources and plan,
8058 initiate and maintain a program of cooperative training between
8059 private industry and the academic and technical institutions of
8060 the state;

8061 (e) Disseminate new information and facilitate transfer
8062 and application of new technologies as they are developed; and

8063 (f) Negotiate and administer contracts with private,
8064 local, regional, state and federal agencies.

8065 **SECTION 207.** Section 57-55-11, Mississippi Code of 1972, is
8066 amended as follows:

8067 57-55-11. (1) The Mississippi Small Business Development
8068 Center, hereinafter referred to as SBDC, is hereby established.
8069 The Board of Trustees of the University of Mississippi is hereby
8070 authorized to establish the Mississippi Small Business Development
8071 Center at the University of Mississippi under the direct
8072 supervision of the chancellor of the university and the dean of
8073 the business school.

8074 (2) It shall be the function and duty of the SBDC to:

8075 (a) Develop a system to deliver management assistance
8076 to the small business community utilizing the resources of local,
8077 state and federal government programs, various segments of the
8078 private sector, and universities and colleges throughout the
8079 state;



8080 (b) Make management and technical assistance available
8081 to small businesses in Mississippi by linking together the above
8082 resources;

8083 (c) Develop small business opportunities for new
8084 start-ups and the expansion of existing businesses;

8085 (d) Develop the economic area served by the SBDC by
8086 providing opportunities for increased productivity through
8087 utilization of modern technology as developed by government, the
8088 university and the private sector;

8089 (e) Develop a clearinghouse for the collection and
8090 dissemination of economic and business data;

8091 (f) Assist businesses in developing more efficient
8092 marketing and distribution channels, including foreign trade
8093 marketing;

8094 (g) Increase opportunities for socially and/or
8095 economically disadvantaged entrepreneurs to enter the mainstream
8096 of our economy through an organized outreach program; and

8097 (h) Increase small business viability so that the small
8098 business client "graduates" from the SBDC.

8099 (3) The principal officer of the SBDC shall be an executive
8100 director who shall be appointed by the Chancellor of the
8101 University of Mississippi, with the approval of the board of
8102 trustees * * *.

8103 **SECTION 208.** Section 57-55-13, Mississippi Code of 1972, is
8104 amended as follows:

8105 57-55-13. (1) The Mississippi Polymer Institute,
8106 hereinafter referred to as the MPI, is hereby established under
8107 the management and control of the Board of Trustees of the
8108 University of Southern Mississippi. The principal offices of the
8109 MPI shall be located at the University of Southern Mississippi and
8110 shall be under the direction of the president and such other
8111 administrative authorities within the university as the board of
8112 trustees may determine.



8113 (2) It shall be the function of the MPI to conduct and
8114 sponsor research of interest to the polymer industries of the
8115 state, and to disseminate research results and other information
8116 of interest to appropriate individuals and research agencies for
8117 whom such knowledge will be helpful, and to the Mississippi
8118 polymer industries by conducting and sponsoring short courses,
8119 seminars and symposia. Said research shall be designed to
8120 increase the utilization of Mississippi raw materials in polymers
8121 and to support the rapidly growing polymer industry. Data from
8122 applications research will be released to appropriate Mississippi
8123 research agencies and industries for appropriate utilization. The
8124 MPI shall be organized to coordinate polymer research, planning
8125 and development with the appropriate disciplines in other
8126 institutions of higher learning and other state, federal and
8127 private agencies concerned with the development of Mississippi's
8128 polymer industry.

8129 **SECTION 209.** Section 57-55-15, Mississippi Code of 1972, is
8130 amended as follows:

8131 57-55-15. (1) The Mississippi Energy Research Center,
8132 hereinafter referred to as the MERC, is hereby established under
8133 the management and control of the Board of Trustees of Mississippi
8134 State University. The MERC shall be a unit of Mississippi State
8135 University under the direct supervision of the president thereof
8136 or a vice president to be designated by the president.

8137 (2) It shall be the purpose of the MERC to develop,
8138 implement and coordinate energy and energy-related research
8139 programs in Mississippi. It shall be the duty of the MERC to:

8140 (a) Conduct basic and applied research related to
8141 energy needs within Mississippi;

8142 (b) Consult with state and local government agencies,
8143 utilities, industry and Legislature and other potential users of
8144 research in identifying and prioritizing energy problems for
8145 research;



8146 (c) Negotiate and administer contracts with other
8147 universities of the state for the conduct of research projects;
8148 (d) Report to the Governor and to the Legislature each
8149 year on the progress and findings of research projects;
8150 (e) Facilitate the transfer and application of new
8151 technologies as they are developed; and
8152 (f) Facilitate and stimulate research that:
8153 (i) Deals with policy issues facing the
8154 Legislature;
8155 (ii) Supports state agencies' missions with
8156 research on problems encountered and expected; and
8157 (iii) Provides energy planning and management
8158 organizations with tools to increase efficiency and effectiveness
8159 of energy planning and management.

8160 (3) The principal administrative officer of the MERC shall
8161 be a director, who shall be appointed by the president with the
8162 approval of the board of trustees * * *. To meet the purposes of
8163 the center, the director shall develop appropriate policies and
8164 procedures (a) for identification of priority research problems;
8165 (b) for collaborating with local and state government agencies,
8166 utilities, industry, other universities, federal government
8167 agencies and the Legislature in the formulation of its research
8168 program; (c) for selection of projects to be funded; and (d) for
8169 the transfer of technology which is produced by the research.

8170 **SECTION 210.** Section 57-55-17, Mississippi Code of 1972, is
8171 amended as follows:

8172 57-55-17. (1) The Mississippi Urban Research Center,
8173 hereinafter referred to as the MURC, is hereby established under
8174 the management and control of the Board of Trustees of Jackson
8175 State University. The principal officers of the MURC shall be
8176 located at Jackson State University and shall be under the
8177 direction of the president of the university subject to the
8178 governance of the board of trustees. The president shall appoint



8179 a director of the MURC who shall recommend to the president
8180 necessary professional and administrative staff of the center, all
8181 subject to the approval of the board of trustees.

8182 (2) It shall be the function of the urban research center to
8183 conduct basic and applied research into urban problems and public
8184 policy and to make available the results of this research to
8185 private groups, public bodies and public officials. They may
8186 offer consultations and general advisory services concerning urban
8187 problems and their solutions. According to the policies of the
8188 board of trustees * * * and with its approval, they may conduct
8189 instructional and training programs for those who are working in
8190 or expect to make careers in urban public service. Such training
8191 programs may be conducted by Jackson State University either in
8192 its own name or by agreement and cooperation with other public and
8193 private organizations. The MURC personnel shall cooperate fully
8194 with the various departments of the state government, with the
8195 colleges and universities of the state, with the University
8196 Research Center, with the Mississippi Development Authority, and
8197 with other research and development agencies in an effort to fully
8198 effectuate the purpose of this section. All state agencies and
8199 departments are hereby authorized and directed to give the MURC
8200 and its personnel their full cooperation in every possible manner.

8201 **SECTION 211.** Section 57-67-5, Mississippi Code of 1972, is
8202 amended as follows:

8203 57-67-5. Words and phrases used in this chapter shall have
8204 meanings as follows, unless the context clearly indicates a
8205 different meaning:

8206 (a) "Act" means the Mississippi Superconducting Super
8207 Collider Act as originally enacted or as hereafter amended.

8208 (b) "Authority" means the Mississippi Superconducting
8209 Super Collider Authority created pursuant to the chapter.



8210 (c) "Bonds" means bonds, interim notes and other
8211 certificates of indebtedness of the authority issued pursuant to
8212 the provisions of Sections 57-67-19 through 57-67-31.

8213 (d) "Facility related to the project" means and
8214 includes any of the following, as the same may pertain to the
8215 project:

8216 (i) Facilities to provide potable and industrial
8217 water supply systems (including cooling lakes) and sewage and
8218 waste disposal systems to the site of the project;

8219 (ii) Airports, airfields and air terminals;

8220 (iii) Rail lines;

8221 (iv) Port facilities on the Tennessee-Tombigbee
8222 Waterway;

8223 (v) Highways, streets and other roadways;

8224 (vi) Public school buildings, classrooms and
8225 instructional facilities, including any functionally related
8226 facilities;

8227 (vii) Parks, outdoor recreation facilities and
8228 athletic facilities; and

8229 (viii) Auditoriums, pavilions, campgrounds, art
8230 centers, cultural centers, folklore centers and other public
8231 facilities.

8232 (e) "Person" means any natural person, corporation,
8233 association, partnership, receiver, trustee, guardian, executor,
8234 administrator, fiduciary, governmental unit, public agency,
8235 political subdivision, or any other group acting as a unit, and
8236 the plural as well as the singular.

8237 (f) "Project" means the superconducting super colliding
8238 particle beam accelerator, known as the Superconducting Super
8239 Collider, proposed to be constructed by the United States
8240 Department of Energy, as described in the Invitation for Proposals
8241 issued by said department, as now or hereafter supplemented or
8242 amended, together with all real property required for



8243 construction, maintenance and operation of the Superconducting
8244 Super Collider, and all buildings, tunneling and other supporting
8245 land and facilities required or useful for construction,
8246 maintenance and operation of the Superconducting Super Collider.

8247 (g) "Project area" means the project site, together
8248 with any area or territory within the state lying within fifty
8249 (50) air miles from any portion of the project site to be conveyed
8250 to the Department of Energy, whether or not such area or territory
8251 be contiguous. "Project site" means the real property to be
8252 conveyed to the United States Department of Energy as set forth in
8253 the application to be filed with the Department of Energy by the
8254 authority.

8255 (h) "Public agency" means and includes:

8256 (i) The state and any department, board,
8257 commission, institution or other agency or instrumentality of the
8258 state, including but not limited to, the board of trustees of each
8259 state institution of higher learning and the State Board of
8260 Education;

8261 (ii) Any city, town, county, political
8262 subdivision, school district or other district created or existing
8263 under the laws of the state or any public agency of any such city,
8264 town, county, political subdivision or district;

8265 (iii) Any department, commission, agency or
8266 instrumentality of the United States of America; and

8267 (iv) Any other state of the United States of
8268 America which may be cooperating with respect to location of the
8269 project within the state, or any agency thereof.

8270 (i) "State" means State of Mississippi.

8271 (j) "State bonds" means general obligation bonds, notes
8272 or other evidences of the State of Mississippi issued under
8273 Section 57-67-15.

8274 **SECTION 212.** Section 57-67-13, Mississippi Code of 1972, is
8275 amended as follows:



8276 57-67-13. (1) The Commissioner of Higher Education is
8277 hereby directed to develop plans for the creation of an Institute
8278 of High Energy Physics. Upon notification to the authority by the
8279 Department of Energy that the state has been selected as the site
8280 of the project, the board of trustees of the state institution of
8281 higher learning selected for the site, not later than one (1) year
8282 thereafter, shall establish and create the institute. Such
8283 institute shall include at least twenty (20) funded faculty
8284 positions and shall include facilities to accommodate faculty and
8285 graduate students.

8286 (2) The Commissioner of Higher Education is hereby directed
8287 to develop plans for the creation of an Institute for Mathematics
8288 and Computing Sciences. Upon notification to the authority by the
8289 Department of Energy that the state has been selected as the site
8290 of the project, the board of trustees of the state institution of
8291 higher learning selected for the site, not later than one (1) year
8292 thereafter, shall establish and create the institute.

8293 (3) The authority is hereby directed to develop plans for
8294 technology transfer activities to ensure private sector conduits
8295 for exchange of information, technology and expertise related to
8296 the project to generate opportunities for commercial development
8297 within the state.

8298 **SECTION 213.** Section 57-75-13, Mississippi Code of 1972, is
8299 amended as follows:

8300 57-75-13. The Commissioner of Higher Education is hereby
8301 authorized to support the project by creating institutes and
8302 developing curricula of direct benefit to the enterprise. Upon
8303 notification to the authority by the enterprise that the state has
8304 been selected as the site of the project, the board of trustees of
8305 the state institution of higher learning that has been selected
8306 for the site may establish and create programs to enhance the
8307 project's success.



8308 **SECTION 214.** Section 61-5-71, Mississippi Code of 1972, is
8309 amended as follows:

8310 61-5-71. It shall be the public policy of this state to
8311 encourage the construction, equipping, maintenance and operation
8312 of adequate transportation facilities, including airports, if
8313 needed, for use of the state university and the state supported
8314 four-year colleges now or hereafter located in the state, as
8315 necessary in the operation and training program of such university
8316 and colleges and desirable for the use of the municipalities and
8317 areas in or near which such airports may be located as well as
8318 being helpful in the economic, industrial and business development
8319 of said counties. It is the intent of Sections 61-5-71 through
8320 61-5-77 to provide means whereby the board of trustees of each
8321 state institution of higher learning, the State Building
8322 Commission and any and all other state agencies which have either
8323 constructed such airport facilities, or contemplate so doing, may
8324 obtain assistance and contributions of funds from any municipality
8325 in or near which any such college may be located and from the
8326 county in which any such airport facilities may be located. It is
8327 also the intent of said sections to authorize such municipalities
8328 and counties to borrow money and issue bonds, under their
8329 respective bond laws, to provide funds for the purpose of aiding
8330 and assisting in the acquisition of sites for such airports,
8331 construction of buildings, construction of runways and extension
8332 of runways and in constructing and equipping all facilities needed
8333 or desirable for such airports.

8334 **SECTION 215.** Section 61-5-73, Mississippi Code of 1972, is
8335 amended as follows:

8336 61-5-73. The boards of supervisors of the several counties
8337 of the state are authorized, in their discretion, to acquire by
8338 condemnation, donation, lease or purchase land to be used as an
8339 airport or landing place for airplanes. They may erect such



8340 buildings thereon as they may deem necessary for such purpose, and
8341 equip and maintain such airport.

8342 The boards of supervisors of the several counties of the
8343 state, wherein the university or other state supported four-year
8344 colleges now or hereafter in existence, are or shall be located,
8345 are authorized, in their discretion, to assist the board of
8346 trustees of the state institution of higher learning located in
8347 that county, the State Building Commission or any other state
8348 agency by contributing county funds to be used in the acquisition
8349 of a site for an airport, erecting suitable buildings, building or
8350 extending runways and equipping, maintaining and operating an
8351 airport, which shall be available for the use of said university
8352 or colleges, as the case may be, and for the general public.

8353 **SECTION 216.** Section 61-5-75, Mississippi Code of 1972, is
8354 amended as follows:

8355 61-5-75. The governing authorities of any municipality are
8356 authorized, in their discretion, to exercise all the powers
8357 conferred on boards of supervisors with reference to acquiring
8358 land to be used as an airport or landing place for airplanes, and
8359 erect suitable buildings thereon, and equip and maintain such
8360 airport. They may acquire airports or landing places already
8361 established. Such airport or landing place may be situated beyond
8362 the limits of such municipality. The governing authorities of a
8363 municipality may lease, or sublease, or contract the maintenance
8364 and operation of, any airport or landing place for airplanes to
8365 the United States of America, or any department or agency thereof,
8366 or to any person, firm, association, or corporation, for the
8367 purpose of training aviators and for other legal purposes. The
8368 county wherein such airport may be situated is hereby authorized
8369 to make such contribution to the cost of acquiring the necessary
8370 land for such airport, the placing of same in suitable condition,
8371 and the equipping and maintenance thereof, as the board of



8372 supervisors of such county and the governing body of such
8373 municipality may mutually agree upon.

8374 The governing authorities of the several municipalities of
8375 the state in or near which the state university or a state
8376 supported four-year college, now or hereafter in existence, are or
8377 shall be located, are authorized, in their discretion, to assist
8378 the board of trustees of the state institution of higher learning
8379 in or near the particular municipality, the State Building
8380 Commission or any other state agency by contributing municipal
8381 funds to be used in the acquisition of a site for an airport,
8382 erecting suitable buildings and building or extending runways,
8383 equipping, maintaining and operating an airport, which shall be
8384 available for the use of said university or colleges, as the case
8385 may be, and for the general public.

8386 Any such municipality which offers assistance in the
8387 acquisition of a site for constructing suitable buildings,
8388 building or extending runways or maintaining and operating such
8389 airports for the university or other state supported colleges, as
8390 the case may be, may or may not be in the county in which the
8391 university or the state supported four-year college is located,
8392 provided the airport is not more than ten (10) miles from said
8393 municipality.

8394 **SECTION 217.** Section 63-11-32, Mississippi Code of 1972, is
8395 amended as follows:

8396 63-11-32. (1) The State Department of Public Safety in
8397 conjunction with the Governor's Highway Safety Program, the State
8398 Board of Health, or any other state agency or institution shall
8399 develop and implement a driver improvement program for persons
8400 identified as first offenders convicted of driving while under the
8401 influence of intoxicating liquor or another substance which had
8402 impaired such person's ability to operate a motor vehicle,
8403 including provision for referral to rehabilitation facilities.



8404 (2) The program shall consist of a minimum of ten (10) hours
8405 of instruction. Each person who participates shall pay a nominal
8406 fee to defray a portion of the cost of the program.

8407 (3) Such assessments as are collected under subsection (2)
8408 of Section 99-19-73 shall be deposited in a special fund hereby
8409 created in the State Treasury and designated the "Mississippi
8410 Alcohol Safety Education Program Fund." Monies deposited in such
8411 fund shall be expended by the boards of trustees of the state
8412 institutions of higher learning as authorized and appropriated by
8413 the Legislature to defray the costs of the Mississippi Alcohol
8414 Safety Education Program operated pursuant to the provisions of
8415 this section. Any revenue in the fund which is not encumbered at
8416 the end of the fiscal year shall lapse to the General Fund.

8417 (4) Such assessments as are collected under subsection (2)
8418 of Section 99-19-73 shall be deposited in a special fund hereby
8419 created in the State Treasury and designated the "Federal-State
8420 Alcohol Program Fund." Monies deposited in such fund shall be
8421 expended by the Department of Public Safety as authorized and
8422 appropriated by the Legislature to defray the costs of alcohol and
8423 traffic safety programs. Any revenue in the fund which is not
8424 encumbered at the end of the fiscal year shall lapse to the
8425 General Fund.

8426 (5) Such assessments as are collected under subsection (2)
8427 of Section 99-19-73 shall be deposited in a special fund hereby
8428 created in the State Treasury and designated the "Mississippi
8429 Crime Laboratory Implied Consent Law Fund." Monies deposited in
8430 such fund shall be expended by the Department of Public Safety as
8431 authorized and appropriated by the Legislature to defray the costs
8432 of equipment replacement and operational support of the
8433 Mississippi Crime Laboratory relating to enforcement of the
8434 Implied Consent Law. Any revenue in the fund which is not
8435 encumbered at the end of the fiscal year shall not lapse to the
8436 General Fund but shall remain in the fund.



8437 **SECTION 218.** Section 69-2-5, Mississippi Code of 1972, is
8438 amended as follows:

8439 69-2-5. (1) The Mississippi Cooperative Extension Service
8440 shall act as a clearinghouse for the dissemination of information
8441 regarding programs and services which may be available to help
8442 those persons and businesses which have been adversely affected by
8443 the present emergency in the agricultural community. The
8444 Cooperative Extension Service shall develop a plan of assistance
8445 which shall identify all programs and services available within
8446 the state which can be of assistance to those affected by the
8447 present emergency. The Department of Agriculture and Commerce,
8448 the Division of Federal-State Programs of the Office of the
8449 Governor, Department of Public Welfare, Department of Mental
8450 Health, State Board of Health, board of trustees of each state
8451 institution of higher learning, State Board for Community and
8452 Junior Colleges, Research and Development Center, Board of
8453 Economic Development, Employment Security Commission, Board of
8454 Vocational and Technical Education, Mississippi Authority for
8455 Educational Television, and other agencies of the state which have
8456 programs and services that can be of assistance to those affected
8457 by the present emergency, shall provide information regarding
8458 their programs and services to the Cooperative Extension Service
8459 for use in the clearinghouse. The types of programs and services
8460 shall include but not be limited to financial counseling, farm and
8461 small business management, employment services, labor market
8462 information, job retraining, vocational and technical training,
8463 food stamp programs, personal counseling, health services, and
8464 free or low cost legal services. The clearinghouse shall provide
8465 a single contact point to provide program information and referral
8466 services to individuals interested or needing services from state
8467 funded assistance programs affecting agriculture, horticulture,
8468 aquaculture and other agribusinesses or related industries. Such
8469 assistance information shall identify all monies available under



8470 the Small Business Financing Act, the Business Investment Act, the
8471 Emerging Crop Fund legislation and any other sources which may be
8472 used singularly or combined, to provide a comprehensive financing
8473 package. The provisions of this section in establishing a single
8474 contact point for information and referral services shall not be
8475 construed to authorize the hiring of additional personnel.

8476 (2) The Cooperative Extension Service may accept monetary or
8477 in-kind contributions, gifts and grants for the establishment or
8478 operation of the clearinghouse.

8479 (3) The Cooperative Extension Service shall establish a
8480 method for the dissemination of information to those who can be
8481 benefited by the existing programs and services of the state.

8482 (4) The Cooperative Extension Service shall file an annual
8483 report with the Governor, Lieutenant Governor and Speaker of the
8484 House of Representatives regarding the efforts which have been
8485 made in the clearinghouse operation. The report shall also
8486 recommend any additional measures, including legislation, which
8487 may be needed or desired in providing programs and benefits to
8488 those affected by the agricultural emergency.

8489 **SECTION 219.** Section 73-15-19, Mississippi Code of 1972, is
8490 amended as follows:

8491 73-15-19. (1) **Registered nurse applicant qualifications.**
8492 Any applicant for a license to practice as a registered nurse
8493 shall submit to the board:

8494 (a) An attested written application on a board of
8495 nursing form;

8496 (b) Written official evidence of completion of a
8497 nursing program approved by the Commissioner of Higher Education,
8498 or one approved by a legal accrediting agency of another state,
8499 territory or possession of the United States, the District of
8500 Columbia, or a foreign country which is satisfactory to this
8501 board;



8502 (c) Evidence of competence in English related to
8503 nursing, provided the first language is not English;

8504 (d) Any other official records required by the board.

8505 The board may, in its discretion, refuse to accept the
8506 application of any person who has been convicted of a criminal
8507 offense under any provision of Title 97 of the Mississippi Code of
8508 1972, as now or hereafter amended, or any provision of this
8509 chapter.

8510 (2) **Licensure by examination.**

8511 (a) Upon the board being satisfied that an applicant
8512 for a license as a registered nurse has met the qualifications set
8513 forth in subsection (1) of this section, the board shall proceed
8514 to examine such applicant in such subjects as the board shall, in
8515 its discretion, determine. The subjects in which applicants shall
8516 be examined shall be in conformity with curricula in schools of
8517 nursing approved by the Commissioner of Higher Education, or one
8518 approved by a legal accrediting agency of another state, territory
8519 or possession of the United States, the District of Columbia, or a
8520 foreign country which is satisfactory to the board.

8521 (b) The applicant shall be required to pass the written
8522 examination as selected by the board.

8523 (c) Upon successful completion of such examination, the
8524 board shall issue to the applicant a license to practice as a
8525 registered nurse.

8526 (d) The board may use any part or all of the state
8527 board test pool examination for registered nurse licensure, its
8528 successor examination, or any other nationally standardized
8529 examination identified by the board in its rules. The passing
8530 score shall be established by the board in its rules.

8531 (3) **Licensure by endorsement.** The board may issue a license
8532 to practice nursing as a registered nurse without examination to
8533 an applicant who has been duly licensed as a registered nurse
8534 under the laws of another state, territory or possession of the



8535 United States, the District of Columbia, or a foreign country if,
8536 in the opinion of the board, the applicant meets the
8537 qualifications required of licensed registered nurses in this
8538 state and has previously achieved the passing score or scores on
8539 the licensing examination required by this state, at the time of
8540 his or her graduation.

8541 (4) **Requirements for rewriting the examination.** The board
8542 shall establish in its rules the requirements for rewriting the
8543 examination for those persons failing the examination on the first
8544 writing or subsequent rewriting.

8545 (5) **Fee.** The applicant applying for a license by
8546 examination or by endorsement to practice as a registered nurse
8547 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
8548 board.

8549 (6) **Temporary permit.**

8550 (a) The board may issue a temporary permit to practice
8551 nursing to a graduate of an approved school of nursing pending the
8552 results of the examination in Mississippi, and to a qualified
8553 applicant from another state, territory or possession of the
8554 United States, or District of Columbia, or pending licensure
8555 procedures as provided for elsewhere in this chapter. The fee
8556 shall not exceed Twenty-five Dollars (\$25.00).

8557 (b) The board may issue a temporary permit for a period
8558 of ninety (90) days to a registered nurse who is currently
8559 licensed in another state, territory or possession of the United
8560 States or the District of Columbia and who is an applicant for
8561 licensure by endorsement. Such permit is not renewable except by
8562 board action.

8563 (c) The board may issue a temporary permit to a
8564 graduate of an approved school of nursing pending the results of
8565 the first licensing examination scheduled after application. Such
8566 permit is not renewable except by board action.



8567 (d) The board may issue a temporary permit for a period
8568 of thirty (30) days to any registered nurse during the time
8569 enrolled in a nursing reorientation program. This time period may
8570 be extended by board action. The fee shall not exceed Twenty-five
8571 Dollars (\$25.00).

8572 (e) The board may adopt such regulations as are
8573 necessary to limit the practice of persons to whom temporary
8574 permits are issued.

8575 (7) **Temporary license.** The board may issue a temporary
8576 license to practice nursing at a youth camp licensed by the State
8577 Board of Health to nonresident registered nurses and retired
8578 resident registered nurses under the provisions of Section
8579 75-48-8.

8580 (8) **Title and abbreviation.** Any person who holds a license
8581 or holds the privilege to practice as a registered nurse in this
8582 state shall have the right to use the title "registered nurse" and
8583 the abbreviation "R.N." No other person shall assume such title
8584 or use such abbreviation, or any words, letters, signs or devices
8585 to indicate that the person using the same is a registered nurse.

8586 (9) **Registered nurses licensed under a previous law.** Any
8587 person holding a license to practice nursing as a registered nurse
8588 issued by this board which is valid on July 1, 1981, shall
8589 thereafter be deemed to be licensed as a registered nurse under
8590 the provisions of this chapter upon payment of the fee provided in
8591 Section 73-15-27.

8592 (10) Each application or filing made under this section
8593 shall include the social security number(s) of the applicant in
8594 accordance with Section 93-11-64.

8595 **SECTION 220.** Section 73-15-33, Mississippi Code of 1972, is
8596 amended as follows:

8597 73-15-33. It is unlawful for any person, including a
8598 corporation or association, to:



8599 (a) Sell, fraudulently obtain or furnish any nursing
8600 diploma, license, renewal of license, or record, or to aid or abet
8601 therein;

8602 (b) Practice nursing as defined by this chapter under
8603 cover of any diploma, license, renewal of license, or record
8604 illegally or fraudulently obtained or signed or issued unlawfully
8605 or under fraudulent representation;

8606 (c) Practice or offer to practice nursing as defined by
8607 this chapter unless duly licensed or privileged to practice under
8608 the provisions of this chapter;

8609 (d) Use any designation by which a person presents to
8610 the public that he or she is a registered nurse or a licensed
8611 practical nurse unless duly licensed or privileged to practice
8612 under the provisions of this chapter;

8613 (e) Practice as a registered nurse or a licensed
8614 practical nurse during the time his or her license or privilege to
8615 practice issued under the provisions of this chapter is under
8616 suspension or revocation;

8617 (f) Conduct a nursing education program for the
8618 preparation of registered nurses, unless the program has been
8619 accredited by the Commission of Higher Education, or conduct a
8620 nursing education program for the preparation of licensed
8621 practical nurses unless the program has been accredited by the
8622 Department of Education through the Division of Vocational
8623 Education;

8624 (g) Willfully employ unlicensed persons or persons not
8625 holding the privilege to practice, to practice as registered
8626 nurses or licensed practical nurses; or

8627 (h) Willfully aid or abet any person who violates any
8628 provisions of this chapter.

8629 Any person, firm or corporation who violates any provisions
8630 of this chapter shall be guilty of a misdemeanor and, upon
8631 conviction thereof, shall be punished by a fine not less than One



8632 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
8633 (\$1,000.00) or by imprisonment in the county jail for not less
8634 than twelve (12) months, or by both such fine and imprisonment.
8635 It shall be necessary to prove, in any prosecution under this
8636 chapter, only a single act prohibited by law, or a single holding
8637 out or an attempt without proving a general course of conduct in
8638 order to constitute a violation. Each violation may constitute a
8639 separate offense. It shall be the duty of the Attorney General to
8640 advise with the board in preparing charges, to assist in
8641 conducting board disciplinary hearings, to provide assistance with
8642 appropriate affidavits and other charges for filing in the
8643 appropriate court, and to assist the county or district attorney
8644 in prosecution, if any.

8645 **SECTION 221.** Section 75-59-1, Mississippi Code of 1972, is
8646 amended as follows:

8647 75-59-1. No person, firm or corporation shall contract to
8648 furnish correspondence courses to persons within the state unless
8649 such person, firm or corporation shall have obtained a permit from
8650 the Office of the Secretary of State, either (a) the State
8651 Department of Education, (b) the State Board for Community and
8652 Junior Colleges, or (c) the Commissioner of Higher Education,
8653 whichever is appropriate, and the Office of the Attorney General.
8654 An application for a permit shall be made on forms furnished by
8655 the Secretary of State, the State Department of Education, the
8656 State Board for Community and Junior Colleges or the Commissioner
8657 of Higher Education, as the case may be, and the Attorney General
8658 and such application shall designate an agent for the service of
8659 summons within the state; shall contain the name and address of
8660 the applicant; the type of courses offered with a brief summary of
8661 the course of studies offered; and one (1) copy of all textbooks
8662 or other teaching aids and training materials which are
8663 incorporated in the course of study shall be filed with said
8664 application. The applicant shall pay the Secretary of State a fee



8665 of Two Hundred Fifty Dollars (\$250.00). The applicant shall file
8666 a bond with his application in the sum of Fifty Thousand Dollars
8667 (\$50,000.00) conditioned to satisfy any judgment rendered by a
8668 court of competent jurisdiction, in favor of any person who has
8669 sustained damages as a result of the breach of a contract of
8670 instruction by the permittee. Such bond shall be executed by the
8671 permittee and a resident surety company qualified to transact
8672 business within the state. Such permit shall be valid for one (1)
8673 year from the date thereof. Suits against the permittee and his
8674 surety may be brought in the county where the plaintiff resides,
8675 or the county where the defendant has his principal place of
8676 business, or where his resident agent resides. This chapter shall
8677 not apply to any business school or business college holding a
8678 current certificate or license issued under the applicable law of
8679 this state. In addition, this chapter shall not apply to
8680 religious instructions offered by a recognized church
8681 denomination; provided, however, that no fee or charge of any kind
8682 whatever may be levied or collected directly or indirectly for
8683 such instructions or certificates issued in connection therewith
8684 or incidental thereto. No person shall be granted a permit unless
8685 he is an individual of good moral character.

8686 **SECTION 222.** Section 75-60-5, Mississippi Code of 1972, is
8687 amended as follows:

8688 75-60-5. The provisions of this chapter do not apply to the
8689 following categories of courses, schools or colleges:

8690 (a) Tuition-free courses or schools conducted by
8691 employers exclusively for their own employees;

8692 (b) Schools, colleges, technical institutes, community
8693 colleges, junior colleges or universities under the jurisdiction
8694 of a board of trustees of a state institution of higher learning
8695 or the State Board for Community and Junior Colleges;



8696 (c) Schools or courses of instruction under the
8697 jurisdiction of the State Board of Cosmetology or State Board of
8698 Barber Examiners;

8699 (d) Courses of instruction required by law to be
8700 approved or licensed, or given by institutions approved or
8701 licensed, by a state board or agency other than the Commission on
8702 Proprietary School and College Registration; however, a school so
8703 approved or licensed may apply to the Commission on Proprietary
8704 School and College Registration for a certificate of registration
8705 to be issued in accordance with the provisions of this chapter;

8706 (e) Correspondence courses;

8707 (f) Nonprofit private schools offering academic credits
8708 at primary or secondary levels, or conducting classes for
8709 exceptional education as defined by regulations of the State
8710 Department of Education;

8711 (g) Private nonprofit colleges and universities or any
8712 private school offering academic credits at primary, secondary or
8713 postsecondary levels;

8714 (h) Courses of instruction conducted by a public school
8715 district or a combination of public school districts;

8716 (i) Courses of instruction conducted outside the United
8717 States;

8718 (j) A school which offers only instruction in subjects
8719 which the Commission on Proprietary School and College
8720 Registration determines are primarily for avocational, personal
8721 improvement or cultural purposes and which does not represent to
8722 the public that its course of study or instruction will or may
8723 produce income for those who take such study or instruction;

8724 (k) Courses conducted primarily on an individual
8725 tutorial basis, where not more than one (1) student is involved at
8726 any one (1) time, except in those instances where the Commission
8727 on Proprietary School and College Registration determines that the
8728 course is for the purpose of preparing for a vocational objective;



8729 (1) Kindergartens or similar programs for preschool-age
8730 children.

8731 **SECTION 223.** The Attorney General of the State of
8732 Mississippi shall submit this act, immediately upon approval by
8733 the Governor, or upon approval by the Legislature subsequent to a
8734 veto, to the Attorney General of the United States or to the
8735 United States District Court for the District of Columbia in
8736 accordance with the provisions of the Voting Rights Act of 1965,
8737 as amended and extended.

8738 **SECTION 224.** This act shall take effect and be in force from
8739 and after either the date it is effectuated under the Voting
8740 Rights Act of 1965, as amended and extended, or the date that
8741 House Concurrent Resolution ___, 2002 Regular Session, takes
8742 effect, whichever is the later date; however, this act shall take
8743 effect and be in force only if it is effectuated under the Voting
8744 Rights Act of 1965, as amended and extended, and only if House
8745 Concurrent Resolution ___, 2002 Regular Session, takes effect by
8746 effectuation under the Voting Rights Act of 1965, as amended and
8747 extended, and by ratification of the electorate at the November
8748 2002 general election.

