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To: Sel Cmte on Fiscal Stability

## HOUSE BILL NO. 1583

1 AN ACT TO REQUIRE CERTAIN EFFICIENCIES IN THE ADMINISTRATION  
 2 OF STATE GOVERNMENT; TO AMEND SECTION 25-9-127, MISSISSIPPI CODE  
 3 OF 1972, TO PROVIDE THAT FOR A PERIOD OF ONE YEAR, THE PERSONNEL  
 4 ACTIONS OF CERTAIN EXECUTIVE AGENCIES SHALL BE EXEMPT FROM CERTAIN  
 5 STATE PERSONNEL BOARD PROCEDURES; TO AMEND SECTIONS 41-29-107,  
 6 41-29-108, 41-29-111 AND 45-1-2, MISSISSIPPI CODE OF 1972, TO  
 7 ASSIGN THE COMMISSIONER OF PUBLIC SAFETY SUCH POWERS AND DUTIES  
 8 DEEMED NECESSARY TO CARRY OUT THE LAWFUL FUNCTIONS OF THE  
 9 MISSISSIPPI BUREAU OF NARCOTICS, TO PROVIDE FOR THE APPOINTMENT OF  
 10 THE DIRECTOR OF THE BUREAU, TO PROVIDE THAT FUNDS APPROPRIATED TO  
 11 THE DEPARTMENT OF PUBLIC SAFETY FOR THE USE OF THE BUREAU SHALL BE  
 12 BUDGETED AND MAINTAINED BY THE DEPARTMENT; TO AMEND SECTION 1,  
 13 CHAPTER 520, LAWS OF 1972, IN CONFORMITY THERETO; TO AMEND  
 14 SECTIONS 37-101-15 AND 37-4-3, MISSISSIPPI CODE OF 1972, TO DIRECT  
 15 THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING AND  
 16 THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES TO CONDUCT A  
 17 JOINT STUDY TO DETERMINE OPPORTUNITIES FOR COST SAVINGS THROUGH  
 18 CENTRALIZATION OR COORDINATION OF ADMINISTRATIVE SERVICES, AND TO  
 19 REPORT SUCH FINDINGS TO THE LEGISLATURE NOT LATER THAN OCTOBER 1,  
 20 2004, WITH SAID REPORT TO INCLUDE COST SAVINGS TO BE REALIZED  
 21 ANNUALLY; TO AMEND SECTIONS 41-4-7 AND 41-4-21, MISSISSIPPI CODE  
 22 OF 1972, TO DIRECT THE MISSISSIPPI DEPARTMENT OF MENTAL HEALTH TO  
 23 MAINTAIN A CENTRAL ADMINISTRATIVE OFFICE FOR SUPPORT SERVICES; TO  
 24 PROVIDE THAT INTEREST EARNED ON THE STATE HIGHWAY FUND MAINTAINED  
 25 AND ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION  
 26 SHALL BE CREDITED TO THE STATE GENERAL FUND; TO AMEND SECTION  
 27 65-11-35, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO  
 28 ESTABLISH AN OFFICE OF ADMINISTRATIVE SERVICES WITHIN THE  
 29 DEPARTMENT OF FINANCE AND ADMINISTRATION TO ASSIST SPECIAL FUND  
 30 AGENCIES IN FINANCIAL AND BUDGETING MATTERS; TO AUTHORIZE AN  
 31 ASSESSMENT ON PARTICIPATING AGENCIES; TO ESTABLISH AN OFFICE OF  
 32 ADMINISTRATIVE SERVICES REVOLVING FUND; TO SPECIFY THOSE AGENCIES  
 33 WHICH ARE TO UTILIZE THE SERVICES OF THE OFFICE OF ADMINISTRATIVE  
 34 SERVICES; TO AMEND SECTION 27-104-103, MISSISSIPPI CODE OF 1972,  
 35 IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

37 **SECTION 1.** Section 25-9-127, Mississippi Code of 1972, is  
 38 amended as follows:

39 25-9-127. (1) No employee of any department, agency or  
 40 institution who is included under this chapter or hereafter  
 41 included under its authority, and who is subject to the rules and  
 42 regulations prescribed by the state personnel system may be  
 43 dismissed or otherwise adversely affected as to compensation or

44 employment status except for inefficiency or other good cause, and  
45 after written notice and hearing within the department, agency or  
46 institution as shall be specified in the rules and regulations of  
47 the State Personnel Board complying with due process of law; and  
48 any employee who has by written notice of dismissal or action  
49 adversely affecting his compensation or employment status shall,  
50 on hearing and on any appeal of any decision made in such action,  
51 be required to furnish evidence that the reasons stated in the  
52 notice of dismissal or action adversely affecting his compensation  
53 or employment status are not true or are not sufficient grounds  
54 for the action taken; \* \* \* however, \* \* \* this provision shall  
55 not apply (a) to persons separated from any department, agency or  
56 institution due to curtailment of funds or reduction in staff when  
57 such separation is in accordance with rules and regulations of the  
58 state personnel system; (b) during the probationary period of  
59 state service of twelve (12) months; and (c) to an executive  
60 officer of any state agency who serves at the will and pleasure of  
61 the Governor, board, commission or other appointing authority.

62 (2) The operation of a state-owned motor vehicle without a  
63 valid Mississippi driver's license by an employee of any  
64 department, agency or institution that is included under this  
65 chapter and that is subject to the rules and regulations of the  
66 state personnel system shall constitute good cause for dismissal  
67 of such person from employment.

68 (3) Beginning July 1, 1999, every male between the ages of  
69 eighteen (18) and twenty-six (26) who is required to register  
70 under the federal Military Selective Service Act, 50 USCS App.  
71 453, and who is an employee of the state shall not be promoted to  
72 any higher position of employment with the state until he submits  
73 to the person, commission, board or agency by which he is employed  
74 satisfactory documentation of his compliance with the draft  
75 registration requirements of the Military Selective Service Act.  
76 The documentation shall include a signed affirmation under penalty

77 of perjury that the male employee has complied with the  
78 requirements of the federal selective service act.

79 (4) For a period of one (1) year after the effective date of  
80 this act, the provisions of Section 25-9-127(1) shall not apply to  
81 the personnel actions of the following executive agencies:

82 (a) Division of Medicaid, Office of the Governor;

83 (b) Mississippi Department of Corrections;

84 (c) Mississippi Department of Finance and  
85 Administration;

86 (d) Mississippi Department of Human Services;

87 (e) Mississippi Department of Public Safety and the  
88 Mississippi Bureau of Narcotics;

89 (f) Mississippi Emergency Management Agency;

90 (g) Mississippi Development Authority;

91 (h) Mississippi Department of Environmental Quality;

92 (i) Mississippi Employment Security Commission and its  
93 successor agency the Department of Employment Security, Office of  
94 the Governor.

95 All new employees in the executive agencies named above shall  
96 meet criteria of the State Personnel Board as presently exists for  
97 employment.

98 **SECTION 2.** Section 41-29-107, Mississippi Code of 1972, is  
99 amended as follows:

100 41-29-107. (1) From and after July 1, 2004, the  
101 Commissioner of Public Safety may assign to the appropriate  
102 offices such powers and duties deemed appropriate to carry out the  
103 lawful functions of the Mississippi Bureau of Narcotics.

104 (2) There is \* \* \* created within the Mississippi Department  
105 of Public Safety an office to be known as the Mississippi Bureau  
106 of Narcotics \* \* \*. The office shall have \* \* \* a director who  
107 shall be appointed by the Governor with the advice and consent of  
108 the Senate.

109       (3) Any funds, property or PINS that are appropriated to or  
110 otherwise received by the bureau, or appropriated to, transferred  
111 to or otherwise received by the Department of Public Safety for  
112 the use of the bureau, shall be budgeted and maintained by the  
113 department as funds of the department. Personnel occupying PINS  
114 transferred from the Mississippi Bureau of Narcotics to the  
115 Mississippi Department of Public Safety shall serve on a  
116 probationary basis for the twelve (12) months following transfer.

117       (4) The Commissioner of Public Safety is empowered to employ  
118 or appoint necessary agents. The Commissioner of Public Safety  
119 may also employ such secretarial, clerical and administrative  
120 personnel, including a duly licensed attorney, as necessary for  
121 the operation of the bureau, and shall have such quarters,  
122 equipment and facilities as needed. The salary and qualifications  
123 of the attorney authorized by this section shall be fixed by the  
124 director, but the salary shall not exceed the salary authorized  
125 for an assistant attorney general who performs similar duties.

126       (5) The director and agents so appointed shall be citizens  
127 of the United States and of the State of Mississippi, and of good  
128 moral character. The agents shall be not less than twenty-one  
129 (21) nor shall have attained the age of thirty-six (36) years of  
130 age at the time of such appointment. In addition thereto, those  
131 appointed shall have satisfactorily completed at least two (2)  
132 years of college studies. However, two (2) years of satisfactory  
133 service as a law enforcement officer and the completion of the  
134 prescribed course of study at a school operated by the Drug  
135 Enforcement Administration or the United States Justice Department  
136 shall satisfy one (1) year of such college studies, and four (4)  
137 years of satisfactory service as a law enforcement officer and the  
138 completion of the prescribed course of study at such federal  
139 bureau school as stated heretofore shall fully satisfy the two (2)  
140 years of college requirement. The director shall also be required  
141 to complete a prescribed course of study at a school operated by

142 the Drug Enforcement Administration or the United States Justice  
143 Department.

144 \* \* \*

145 (6) The Commissioner of Public Safety may assign members of  
146 the Mississippi Highway Safety Patrol, regardless of age, to the  
147 bureau \* \* \*; however, when any highway patrolman or other  
148 employee, agent or official of the Mississippi Department of  
149 Public Safety is assigned to duty with, or is employed by, the  
150 bureau, he shall not be subject to assignment or transfer to any  
151 other office or department within the Mississippi Department of  
152 Public Safety except by the Commissioner of Public Safety. Any  
153 highway patrolman assigned to duty with the bureau shall retain  
154 his status as a highway patrolman, but shall be under the  
155 supervision of the director. For purposes of compensation and  
156 seniority within the Highway Safety Patrol and for purposes of  
157 retirement under the Mississippi Highway Safety Patrol Retirement  
158 System, highway patrolmen assigned to the bureau will be credited  
159 as if performing duty with the Highway Safety Patrol. The  
160 Commissioner of Public Safety may assign employees of the Highway  
161 Safety Patrol to the Mississippi Bureau of Narcotics and also  
162 assign agents of the bureau to the Highway Patrol; however,  
163 employees so assigned meet all established requirements for duty.

164 (7) The Commissioner of Public Safety may enter into  
165 contracts or agreements with the State Board of Health for  
166 purposes of recruitment and screening of applicants through the  
167 merit system.

168 (8) The Commissioner of Public Safety may enter into  
169 agreements with bureaus or departments of other states or of the  
170 United States for the exchange or temporary assignment of agents  
171 for special undercover assignments and for performance of specific  
172 duties.

173 (9) The Commissioner of Public Safety is hereby authorized  
174 to assign agents of the bureau to such duty and to request and

175 accept agents from such other bureaus or departments for such  
176 duty.

177 (10) In transferring the responsibilities of the Mississippi  
178 Bureau of Narcotics to the Department of Public Safety, the  
179 commissioner and the director shall develop and implement written  
180 security precautions which shall be observed by all affected  
181 employees. The commissioner and the director of the bureau shall  
182 review, modify and approve the plan before the effective date of  
183 the merger of responsibilities required in this section.

184 **SECTION 3.** Section 41-29-108, Mississippi Code of 1972, is  
185 amended as follows:

186 41-29-108. (1) The Commissioner of Public Safety is \* \* \*  
187 authorized to accept vehicles which may be available from the  
188 federal government for use in enforcement of this article. The  
189 commissioner is further authorized to expend reasonable funds from  
190 any funds appropriated for the bureau for the delivery, repair and  
191 maintenance of such automobiles.

192 (2) The commissioner is further authorized to rent or lease  
193 motor vehicles for undercover missions. Such vehicles shall be  
194 used only on specified missions and not as additions to the  
195 regularly authorized and budgeted vehicles of the bureau.

196 **SECTION 4.** Section 41-29-111, Mississippi Code of 1972, is  
197 amended as follows:

198 41-29-111. The Commissioner of Public Safety shall  
199 administer this article and shall work in conjunction and  
200 cooperation with the State Board of Pharmacy, county and municipal  
201 law enforcement agencies, the district and county attorneys, the  
202 Office of the Attorney General and the Mississippi Highway Safety  
203 Patrol. The State Board of Health shall work with the bureau in  
204 an advisory capacity and shall be responsible for recommending to  
205 the Legislature the appropriate schedule for all substances to be  
206 scheduled or rescheduled in Sections 41-29-113 through 41-29-121.

207 In making a recommendation regarding a substance, the board shall  
208 consider the following:

- 209 (a) (1) The actual or relative potential for abuse;  
210 (2) The scientific evidence of its pharmacological  
211 effect, if known;  
212 (3) The state of current scientific knowledge  
213 regarding the substance;  
214 (4) The history and current pattern of abuse;  
215 (5) The scope, duration and significance of abuse;  
216 (6) The risk to the public health;  
217 (7) The potential of the substance to produce  
218 psychic or physiological dependence liability; and  
219 (8) Whether the substance is an immediate  
220 precursor of a substance already controlled under this article.

221 (b) After considering the factors enumerated in  
222 paragraph (a), the board shall make findings with respect thereto  
223 and issue a recommendation to control the substance if it finds  
224 the substance has a potential for abuse.

225 (c) If the board designates a substance as an immediate  
226 precursor, substances which are precursors of the controlled  
227 precursor shall not be recommended for control solely because they  
228 are precursors of the controlled precursor.

229 (d) If any substance is designated, rescheduled, or  
230 deleted as a controlled substance under federal law and notice  
231 thereof is given to the board, it shall recommend the control of  
232 the substance under this article at the next session of the  
233 Legislature.

234 (e) Authority to control under this article does not  
235 extend to distilled spirits, wine, malt beverages, or tobacco as  
236 those terms are defined or used in the Local Option Alcoholic  
237 Beverage Control Law, being Sections 67-1-1 through 67-1-91, and  
238 the Tobacco Tax Law of 1934, being Sections 27-69-1 through  
239 27-69-77. It is the intent of the Legislature of the State of

240 Mississippi that the bureau shall concentrate its efforts and  
241 resources on the enforcement of the Uniform Controlled Substances  
242 Law with respect to illicit narcotic and drug traffic in the  
243 state.

244 The controlled substances listed in the schedules in Sections  
245 41-29-113 through 41-29-121 are included by whatever official,  
246 common, usual, chemical or trade name designated.

247 (f) The board shall recommend the exclusion of any  
248 nonnarcotic substance from a schedule if such substance may, under  
249 the Federal Food, Drug and Cosmetic Act and the laws of this  
250 state, be lawfully sold over the counter without a prescription.

251 **SECTION 5.** Section 45-1-2, Mississippi Code of 1972, is  
252 amended as follows:

253 45-1-2. (1) The Executive Director of the Department of  
254 Public Safety shall be the Commissioner of Public Safety.

255 (2) The Commissioner of Public Safety shall establish the  
256 organizational structure of the Department of Public Safety which  
257 shall include the creation of any units necessary to implement the  
258 duties assigned to the department and consistent with specific  
259 requirements of law, including, but not limited to:

260 (a) Office of Public Safety Planning;

261 (b) Office of Medical Examiner;

262 (c) Office of Mississippi Highway Safety Patrol;

263 (d) Office of Crime Laboratories;

264 (e) Office of Law Enforcement Officers' Training  
265 Academy;

266 (f) Office of Support Services; and

267 (g) The Office of Narcotics, known as the Mississippi  
268 Bureau of Narcotics \* \* \*.

269 (3) The department shall be headed by a commissioner who  
270 shall be appointed by and serve at the pleasure of the Governor.  
271 The appointment of the commissioner shall be made with the advice  
272 and consent of the Senate. The commissioner may assign to the



273 appropriate offices such powers and duties as deemed appropriate  
274 to carry out the department's lawful functions.

275 (4) The commissioner of the department shall appoint heads  
276 of offices, who shall serve at the pleasure of the commissioner.  
277 The commissioner shall have the authority to organize the offices  
278 established by subsection (2) of this section as deemed  
279 appropriate to carry out the responsibilities of the department.  
280 The organization charts of the department shall be presented  
281 annually with the budget request of the Governor for review by the  
282 Legislature.

283 (5) The commissioner of the department shall appoint, from  
284 within the Department of Public Safety, a statewide safety  
285 training officer who shall serve at the pleasure of the  
286 commissioner and whose duty it shall be to perform public training  
287 for both law enforcement and private persons throughout the state  
288 concerning proper emergency response to the mentally ill,  
289 terroristic threats or acts, domestic conflict, other conflict  
290 resolution, and such other matters as the commissioner may direct.

291 **SECTION 6.** Section 1, Chapter 520, Laws of 1972, is amended  
292 as follows:

293 Section 1. (a) The Mississippi Bureau of Drug Enforcement  
294 shall henceforth be designated as an office known as the  
295 Mississippi Bureau of Narcotics within the Department of Public  
296 Safety.

297 (b) The Mississippi Bureau of Drug Enforcement as created by  
298 Chapter 521, Section 3, Laws of 1971, being Section 6831-53,  
299 Mississippi Code of 1942, is \* \* \* transferred from the State  
300 Board of Health to the Mississippi Department of Public Safety;  
301 all personnel, records, property, equipment and all funds  
302 allocated the Bureau of Drug Enforcement are \* \* \* transferred to  
303 and placed under the supervision of the Mississippi Bureau of  
304 Narcotics of the Department of Public Safety. \* \* \*

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

307           37-101-15. (a) The Board of Trustees of State Institutions  
308 of Higher Learning shall succeed to and continue to exercise  
309 control of all records, books, papers, equipment, and supplies,  
310 and all lands, buildings, and other real and personal property  
311 belonging to or assigned to the use and benefit of the board of  
312 trustees formerly supervising and controlling the institutions of  
313 higher learning named in Section 37-101-1. The board shall have  
314 and exercise control of the use, distribution and disbursement of  
315 all funds, appropriations and taxes, now and hereafter in  
316 possession, levied and collected, received, or appropriated for  
317 the use, benefit, support, and maintenance or capital outlay  
318 expenditures of the institutions of higher learning, including the  
319 authorization of employees to sign vouchers for the disbursement  
320 of funds for the various institutions, except where otherwise  
321 specifically provided by law.

322           (b) The board shall have general supervision of the affairs  
323 of all the institutions of higher learning, including the  
324 departments and the schools thereof. The board shall have the  
325 power in its discretion to determine who shall be privileged to  
326 enter, to remain in, or to graduate therefrom. The board shall  
327 have general supervision of the conduct of libraries and  
328 laboratories, the care of dormitories, buildings, and grounds; the  
329 business methods and arrangement of accounts and records; the  
330 organization of the administrative plan of each institution; and  
331 all other matters incident to the proper functioning of the  
332 institutions. The board shall have the authority to establish  
333 minimum standards of achievement as a prerequisite for entrance  
334 into any of the institutions under its jurisdiction, which  
335 standards need not be uniform between the various institutions and  
336 which may be based upon such criteria as the board may establish.

337 (c) The board shall exercise all the powers and prerogatives  
338 conferred upon it under the laws establishing and providing for  
339 the operation of the several institutions herein specified. The  
340 board shall adopt such bylaws and regulations from time to time as  
341 it deems expedient for the proper supervision and control of the  
342 several institutions of higher learning, insofar as such bylaws  
343 and regulations are not repugnant to the Constitution and laws,  
344 and not inconsistent with the object for which these institutions  
345 were established. The board shall have power and authority to  
346 prescribe rules and regulations for policing the campuses and all  
347 buildings of the respective institutions, to authorize the arrest  
348 of all persons violating on any campus any criminal law of the  
349 state, and to have such law violators turned over to the civil  
350 authorities.

351 (d) For all institutions specified herein, the board shall  
352 provide a uniform system of recording and of accounting approved  
353 by the State Department of Audit. The board shall annually  
354 prepare, or cause to be prepared, a budget for each institution of  
355 higher learning for the succeeding year which must be prepared and  
356 in readiness for at least thirty (30) days before the convening of  
357 the regular session of the Legislature. All relationships and  
358 negotiations between the State Legislature and its various  
359 committees and the institutions named herein shall be carried on  
360 through the board of trustees. No official, employee or agent  
361 representing any of the separate institutions shall appear before  
362 the Legislature or any committee thereof except upon the written  
363 order of the board or upon the request of the Legislature or a  
364 committee thereof.

365 (e) For all institutions specified herein, the board shall  
366 prepare an annual report to the Legislature setting forth the  
367 disbursements of all monies appropriated to the respective  
368 institutions. Each report to the Legislature shall show how the  
369 money appropriated to the several institutions has been expended,

370 beginning and ending with the fiscal years of the institutions,  
371 showing the name of each teacher, officer, and employee, and the  
372 salary paid each, and an itemized statement of each and every item  
373 of receipts and expenditures. Each report must be balanced, and  
374 must begin with the former balance. If any property belonging to  
375 the state or the institution is used for profit, the reports shall  
376 show the expense incurred in managing the property and the amount  
377 received therefrom. The reports shall also show a summary of the  
378 gross receipts and gross disbursements for each year and shall  
379 show the money on hand at the beginning of the fiscal period of  
380 the institution next preceding each session of the Legislature and  
381 the necessary amount of expense to be incurred from said date to  
382 January 1 following. The board shall keep the annual expenditures  
383 of each institution herein mentioned within the income derived  
384 from legislative appropriations and other sources, but in case of  
385 emergency arising from acts of providence, epidemics, fire or  
386 storm with the written approval of the Governor and by written  
387 consent of a majority of the Senators and of the Representatives  
388 it may exceed the income. The board shall require a surety bond  
389 in a surety company authorized to do business in this state, of  
390 every employee who is the custodian of funds belonging to one or  
391 more of the institutions mentioned herein, which bond shall be in  
392 a sum to be fixed by the board in an amount that will properly  
393 safeguard the said funds, the premium for which shall be paid out  
394 of the funds appropriated for said institutions.

395 (f) The board shall have the power and authority to elect  
396 the heads of the various institutions of higher learning and to  
397 contract with all deans, professors, and other members of the  
398 teaching staff, and all administrative employees of said  
399 institutions for a term of not exceeding four (4) years. The  
400 board shall have the power and authority to terminate any such  
401 contract at any time for malfeasance, inefficiency, or  
402 contumacious conduct, but never for political reasons. It shall

403 be the policy of the board to permit the executive head of each  
404 institution to nominate for election by the board all subordinate  
405 employees of the institution over which he presides. It shall be  
406 the policy of the board to elect all officials for a definite  
407 tenure of service and to reelect during the period of satisfactory  
408 service. The board shall have the power to make any adjustments  
409 it thinks necessary between the various departments and schools of  
410 any institution or between the different institutions.

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

414 (h) The board shall have the power to contract, on a  
415 shared-savings, lease or lease-purchase basis, for energy  
416 efficiency services and/or equipment as prescribed in Section  
417 31-7-14, not to exceed ten (10) years.

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

424 (j) The Board of Trustees of State Institutions of Higher  
425 Learning shall conduct a joint study with the State Board for  
426 Community and Junior Colleges to determine opportunities for cost  
427 savings, which shall include, but not be limited to, duplication  
428 of services and other administrative functions that could be  
429 centralized, eliminated or improved to produce savings. It is the  
430 intention of the Legislature that the cost savings resulting from  
431 implementation of the findings of this study shall be redirected  
432 from administrative expenses to instruction and research programs  
433 in fiscal year 2005. A report of the joint study, its findings  
434 and implementation plan shall be provided to the Chairman of the  
435 Senate Appropriations Committee, Chairman of the House

436 Appropriations Committee, Chairman of the Senate Universities and  
437 Colleges Committee, Chairman of the House Universities and  
438 Colleges Committee and the State Fiscal Officer not later than  
439 October 1, 2004, and annually thereafter as deemed necessary. The  
440 report shall identify savings that shall be realized between the  
441 Board of Trustees of State Institutions of Higher Learning and the  
442 State Board for Community and Junior Colleges annually.

443       **SECTION 8.** Section 37-4-3, Mississippi Code of 1972, is  
444 amended as follows:

445       37-4-3. (1) From and after July 1, 1986, there shall be a  
446 State Board for Community and Junior Colleges which shall receive  
447 and distribute funds appropriated by the Legislature for the use  
448 of the public community and junior colleges and funds from federal  
449 and other sources that are transmitted through the state  
450 governmental organization for use by said colleges. This board  
451 shall provide general coordination of the public community and  
452 junior colleges, assemble reports and such other duties as may be  
453 prescribed by law.

454       (2) The board shall consist of ten (10) members of which  
455 none shall be an elected official and none shall be engaged in the  
456 educational profession. The Governor shall appoint two (2)  
457 members from the First Mississippi Congressional District, one (1)  
458 who shall serve an initial term of two (2) years and one (1) who  
459 shall serve an initial term of five (5) years; two (2) members  
460 from the Second Mississippi Congressional District, one (1) who  
461 shall serve an initial term of five (5) years and one (1) who  
462 shall serve an initial term of three (3) years; and two (2)  
463 members from the Third Mississippi Congressional District, one (1)  
464 who shall serve an initial term of four (4) years and one (1) who  
465 shall serve an initial term of two (2) years; two (2) members from  
466 the Fourth Mississippi Congressional District, one (1) who shall  
467 serve an initial term of three (3) years and one (1) who shall  
468 serve an initial term of four (4) years; and two (2) members from

469 the Fifth Mississippi Congressional District, one (1) who shall  
470 serve an initial term of five (5) years and one (1) who shall  
471 serve an initial term of two (2) years. All subsequent  
472 appointments shall be for a term of six (6) years and continue  
473 until their successors are appointed and qualify. An appointment  
474 to fill a vacancy which arises for reasons other than by  
475 expiration of a term of office shall be for the unexpired term  
476 only. No two (2) appointees shall reside in the same junior  
477 college district. All members shall be appointed with the advice  
478 and consent of the Senate.

479 (3) There shall be a chairman and vice chairman of the  
480 board, elected by and from the membership of the board; and the  
481 chairman shall be the presiding officer of the board. The board  
482 shall adopt rules and regulations governing times and places for  
483 meetings and governing the manner of conducting its business.

484 (4) The members of the board shall receive no annual salary,  
485 but shall receive per diem compensation as authorized by Section  
486 25-3-69, for each day devoted to the discharge of official board  
487 duties and shall be entitled to reimbursement for all actual and  
488 necessary expenses incurred in the discharge of their duties,  
489 including mileage as authorized by Section 25-3-41.

490 (5) The board shall name a director for the state system of  
491 public junior and community colleges, who shall serve at the  
492 pleasure of the board. Such director shall be the chief executive  
493 officer of the board, give direction to the board staff, carry out  
494 the policies set forth by the board, and work with the presidents  
495 of the several community and junior colleges to assist them in  
496 carrying out the mandates of the several boards of trustees and in  
497 functioning within the state system and policies established by  
498 the State Board for Community and Junior Colleges. The State  
499 Board for Community and Junior Colleges shall set the salary of  
500 the Director of the State System of Community and Junior Colleges.

501 The Legislature shall provide adequate funds for the State Board  
502 for Community and Junior Colleges, its activities and its staff.

503 (6) The powers and duties of the State Board for Community  
504 and Junior Colleges shall be:

505 (a) To authorize disbursements of state appropriated  
506 funds to community and junior colleges through orders in the  
507 minutes of the board.

508 (b) To make studies of the needs of the state as they  
509 relate to the mission of the community and junior colleges.

510 (c) To approve new, changes to and deletions of  
511 vocational and technical programs to the various colleges.

512 (d) To require community and junior colleges to supply  
513 such information as the board may request and compile, publish and  
514 make available such reports based thereon as the board may deem  
515 advisable.

516 (e) To approve proposed new attendance centers (campus  
517 locations) as the local boards of trustees should determine to be  
518 in the best interest of the district. Provided, however, that no  
519 new community/junior college branch campus shall be approved  
520 without an authorizing act of the Legislature.

521 (f) To serve as the state approving agency for federal  
522 funds for proposed contracts to borrow money for the purpose of  
523 acquiring land, erecting, repairing, etc. dormitories, dwellings  
524 or apartments for students and/or faculty, such loans to be paid  
525 from revenue produced by such facilities as requested by local  
526 boards of trustees.

527 (g) To approve applications from community and junior  
528 colleges for state funds for vocational-technical education  
529 facilities.

530 (h) To approve any university branch campus offering  
531 lower undergraduate level courses for credit.

532 (i) To appoint members to the Post-Secondary  
533 Educational Assistance Board.



534           (j) To appoint members to the Authority for Educational  
535 Television.

536           (k) To contract with other boards, commissions,  
537 governmental entities, foundations, corporations or individuals  
538 for programs, services, grants and awards when such are needed for  
539 the operation and development of the state public community and  
540 junior college system.

541           (l) To fix standards for community and junior colleges  
542 to qualify for appropriations, and qualifications for community  
543 and junior college teachers.

544           (m) To have sign-off approval on the State Plan for  
545 Vocational Education which is developed in cooperation with  
546 appropriate units of the State Department of Education.

547           (n) To approve or disapprove of any proposed inclusion  
548 within municipal corporate limits of state-owned buildings and  
549 grounds of any community college or junior college and to approve  
550 or disapprove of land use development, zoning requirements,  
551 building codes and delivery of governmental services applicable to  
552 state-owned buildings and grounds of any community college or  
553 junior college. Any agreement by a local board of trustees of a  
554 community college or junior college to annexation of state-owned  
555 property or other conditions described in this paragraph shall be  
556 void unless approved by the board and by the board of supervisors  
557 of the county in which the state-owned property is located.

558           (o) To conduct a joint study with the Board of Trustees  
559 of State Institutions of Higher Learning to determine  
560 opportunities for cost savings, which shall include, but not be  
561 limited to, duplication of services and other administrative  
562 functions that could be centralized, eliminated or improved to  
563 produce savings. It is the intention of the Legislature that the  
564 cost savings resulting from implementation of the findings of this  
565 study shall be redirected from administrative expenses to  
566 instruction and research programs in fiscal year 2005. A report

567 of the joint study, its findings and implementation plan shall be  
568 provided to the Chairman of the Senate Appropriations Committee,  
569 Chairman of the House Appropriations Committee, Chairman of the  
570 Senate Universities and Colleges Committee, Chairman of the House  
571 Universities and Colleges Committee and the State Fiscal Officer  
572 not later than October 1, 2004, and annually thereafter as deemed  
573 necessary. The report shall identify savings that shall be  
574 realized between the Board of Trustees of State Institutions of  
575 Higher Learning and the State Board for Community and Junior  
576 Colleges annually.

577       **SECTION 9.** Section 41-4-7, Mississippi Code of 1972, is  
578 amended as follows:

579       41-4-7. The State Board of Mental Health shall have the  
580 following powers and duties:

581           (a) To appoint a full-time Executive Director of the  
582 Department of Mental Health, who shall be employed by the board  
583 and shall serve as executive secretary to the board. The first  
584 director shall be a duly licensed physician with special interest  
585 and competence in psychiatry, and shall possess a minimum of three  
586 (3) years' experience in clinical and administrative psychiatry.  
587 Subsequent directors shall possess at least a master's degree or  
588 its equivalent, and shall possess at least ten (10) years'  
589 administrative experience in the field of mental health. The  
590 salary of the executive director shall be determined by the board;

591           (b) To set up state plans for the purpose of  
592 controlling and treating any and all forms of mental and emotional  
593 illness, alcoholism, drug misuse and developmental disabilities;

594           (c) To supervise, coordinate and establish standards  
595 for all operations and activities of the state related to mental  
596 health and providing mental health services, including, but not  
597 limited to: the requirement that no person be approved for  
598 treatment which is paid for by funds made available through the  
599 department who has not had a treatment plan established as a

600 result of having been seen by a licensed physician or licensed  
601 clinical psychologist and that physician or clinical psychologist  
602 signing these plans stating that he/she has personally evaluated  
603 the client and that the treatment plan is medically necessary. A  
604 physician or clinical psychologist shall recertify each client's  
605 record at least semiannually (except for persons with a diagnosis  
606 of mental retardation/developmental disability which shall be  
607 completed annually), and more often if medically indicated by  
608 physically visiting the client and certifying same in the record.  
609 The board shall have the authority to develop and implement all  
610 standards and plans and shall have the authority to establish  
611 appropriate actions, including financially punitive actions, to  
612 insure enforcement of these established standards, in accordance  
613 with the Administrative Procedures Law (Section 25-43-1 et seq.);

614 (d) To enter into contracts with any other state or  
615 federal agency, or with any private person, organization or group  
616 capable of contracting, if it finds such action to be in the  
617 public interest;

618 (e) To collect reasonable fees for its services;  
619 provided, however, if it is determined that a person receiving  
620 services is unable to pay the total fee, the department shall  
621 collect any amount such person is able to pay;

622 (f) To certify, coordinate and establish minimum  
623 standards and establish minimum required services for regional  
624 mental health and mental retardation commissions and other  
625 community service providers for community or regional programs and  
626 services in mental health, mental retardation, alcoholism, drug  
627 misuse, developmental disabilities, compulsive gambling, addictive  
628 disorders and related programs throughout the state. Such  
629 regional mental health and mental retardation commissions and  
630 other community service providers shall submit an annual  
631 operational plan to the State Department of Mental Health for  
632 approval or disapproval based on the minimum standards and minimum

633 required services established by the department for certification.  
634 If the department finds deficiencies in the plan of any regional  
635 commission or community service provider based on the minimum  
636 standards and minimum required services established for  
637 certification, the department shall give the regional commission  
638 or community service provider a six-month probationary period to  
639 bring its standards and services up to the established minimum  
640 standards and minimum required services. After the six-month  
641 probationary period, if the department determines that the  
642 regional commission or community service provider still does not  
643 meet the minimum standards and minimum required services  
644 established for certification, the department may remove the  
645 certification of the commission or provider. However, the  
646 department shall not mandate a standard or service, or decertify a  
647 regional commission or community service provider for not meeting  
648 a standard or service, if the standard or service does not have  
649 funding appropriated by the Legislature or have a funding source  
650 from the State Department of Mental Health or a local funding  
651 source. The State Board of Mental Health shall promulgate rules  
652 and regulations necessary to implement the provisions of this  
653 paragraph (f), in accordance with the Administrative Procedures  
654 Law (Section 25-43-1 et seq.);

655           (g) To establish and promulgate reasonable minimum  
656 standards for the construction and operation of state and all  
657 Department of Mental Health certified facilities, including  
658 reasonable minimum standards for the admission, diagnosis, care,  
659 treatment, transfer of patients and their records, and also  
660 including reasonable minimum standards for providing day care,  
661 outpatient care, emergency care, inpatient care and follow-up  
662 care, when such care is provided for persons with mental or  
663 emotional illness, mental retardation, alcoholism, drug misuse and  
664 developmental disabilities;

665           (h) To assist community or regional programs consistent  
666 with the purposes of this chapter by making grants and contracts  
667 from available funds;

668           (i) To establish and collect reasonable fees for  
669 necessary inspection services incidental to certification or  
670 compliance;

671           (j) To accept gifts, trusts, bequests, grants,  
672 endowments or transfers of property of any kind;

673           (k) To receive monies coming to it by way of fees for  
674 services or by appropriations;

675           (l) To serve as the single state agency in receiving  
676 and administering any and all funds available from any source for  
677 the purpose of service delivery, training, research and education  
678 in regard to all forms of mental illness, mental retardation,  
679 alcoholism, drug misuse and developmental disabilities, unless  
680 such funds are specifically designated to a particular agency or  
681 institution by the federal government, the Mississippi Legislature  
682 or any other grantor;

683           (m) To establish mental health holding centers for the  
684 purpose of providing short-term emergency mental health treatment,  
685 places for holding persons awaiting commitment proceedings or  
686 awaiting placement in a state mental health facility following  
687 commitment, and for diverting placement in a state mental health  
688 facility. These mental health holding facilities shall be readily  
689 accessible, available statewide, and be in compliance with  
690 emergency services' minimum standards. They shall be  
691 comprehensive and available to triage and make appropriate  
692 clinical disposition, including the capability to access inpatient  
693 services or less restrictive alternatives, as needed, as  
694 determined by medical staff. Such facility shall have medical,  
695 nursing and behavioral services available on a  
696 twenty-four-hour-a-day basis. The board may provide for all or  
697 part of the costs of establishing and operating the holding

698 centers in each district from such funds as may be appropriated to  
699 the board for such use, and may participate in any plan or  
700 agreement with any public or private entity under which the entity  
701 will provide all or part of the costs of establishing and  
702 operating a holding center in any district;

703           (n) To certify/license case managers, mental health  
704 therapists, mental retardation therapists, mental  
705 health/retardation program administrators, addiction counselors  
706 and others as deemed appropriate by the board. Persons already  
707 professionally licensed by another state board or agency are not  
708 required to be certified/licensed under this section by the  
709 Department of Mental Health. The department shall not use  
710 professional titles in its certification/licensure process for  
711 which there is an independent licensing procedure. Such  
712 certification/licensure shall be valid only in the state mental  
713 health system, in programs funded and/or certified by the  
714 Department of Mental Health, and/or in programs certified/licensed  
715 by the State Department of Health that are operated by the state  
716 mental health system serving the mentally ill, mentally retarded,  
717 developmentally disabled or persons with addictions, and shall not  
718 be transferable;

719           (o) To develop formal mental health worker  
720 qualifications for regional mental health and mental retardation  
721 commissions and other community service providers. The State  
722 Personnel Board shall develop and promulgate a recommended salary  
723 scale and career ladder for all regional mental health/retardation  
724 center therapists and case managers who work directly with  
725 clients. The State Personnel Board shall also develop and  
726 promulgate a career ladder for all direct care workers employed by  
727 the State Department of Mental Health;

728           (p) The employees of the department shall be governed  
729 by personnel merit system rules and regulations, the same as other  
730 employees in state services;

731           (q) To establish such rules and regulations as may be  
732 necessary in carrying out the provisions of this chapter,  
733 including the establishment of a formal grievance procedure to  
734 investigate and attempt to resolve consumer complaints;

735           (r) To grant easements for roads, utilities and any  
736 other purpose it finds to be in the public interest;

737           (s) To survey statutory designations, building markers  
738 and the names given to mental health/retardation facilities and  
739 proceedings in order to recommend deletion of obsolete and  
740 offensive terminology relative to the mental health/retardation  
741 system;

742           (t) To ensure an effective case management system  
743 directed at persons who have been discharged from state and  
744 private psychiatric hospitals to ensure their continued well-being  
745 in the community;

746           (u) To develop formal service delivery standards  
747 designed to measure the quality of services delivered to community  
748 clients, as well as the timeliness of services to community  
749 clients provided by regional mental health/retardation commissions  
750 and other community services providers;

751           (v) To establish regional state offices to provide  
752 mental health crisis intervention centers and services available  
753 throughout the state to be utilized on a case-by-case emergency  
754 basis. The regional services director, other staff and delivery  
755 systems shall meet the minimum standards of the Department of  
756 Mental Health;

757           (w) To require performance contracts with community  
758 mental health/mental retardation service providers to contain  
759 performance indicators to measure successful outcomes, including  
760 diversion of persons from inpatient psychiatric hospitals,  
761 rapid/timely response to emergency cases, client satisfaction with  
762 services and other relevant performance measures;

763           (x) To enter into interagency agreements with other  
764 state agencies, school districts and other local entities as  
765 determined necessary by the department to ensure that local mental  
766 health service entities are fulfilling their responsibilities to  
767 the overall state plan for behavioral services;

768           (y) To establish and maintain a toll-free grievance  
769 reporting telephone system for the receipt and referral for  
770 investigation of all complaints by clients of state and community  
771 mental health/retardation facilities;

772           (z) To establish a peer review/quality assurance  
773 evaluation system that assures that appropriate assessment,  
774 diagnosis and treatment is provided according to established  
775 professional criteria and guidelines;

776           (aa) To develop and implement state plans for the  
777 purpose of assisting with the care and treatment of persons with  
778 Alzheimer's disease and other dementia. This plan shall include  
779 education and training of service providers, care-givers in the  
780 home setting and others who deal with persons with Alzheimer's  
781 disease and other dementia, and development of adult day care,  
782 family respite care and counseling programs to assist families who  
783 maintain persons with Alzheimer's disease and other dementia in  
784 the home setting. No agency shall be required to provide any  
785 services under this section until such time as sufficient funds  
786 have been appropriated or otherwise made available by the  
787 Legislature specifically for the purposes of the treatment of  
788 persons with Alzheimer's and other dementia;

789           (bb) Working with the advice and consent of the  
790 administration of Ellisville State School, to enter into  
791 negotiations with the Economic Development Authority of Jones  
792 County for the purpose of negotiating the possible exchange, lease  
793 or sale of lands owned by Ellisville State School to the Economic  
794 Development Authority of Jones County. It is the intent of the  
795 Mississippi Legislature that such negotiations shall ensure that



796 the financial interest of the persons with mental retardation  
797 served by Ellisville State School will be held paramount in the  
798 course of these negotiations. The Legislature also recognizes the  
799 importance of economic development to the citizens of the State of  
800 Mississippi and Jones County, and encourages fairness to the  
801 Economic Development Authority of Jones County. Any negotiations  
802 proposed which would result in the recommendation for exchange,  
803 lease or sale of lands owned by Ellisville State School must have  
804 the approval of the State Board of Mental Health. The State Board  
805 of Mental Health may and has the final authority as to whether or  
806 not these negotiations result in the exchange, lease or sale of  
807 the properties it currently holds in trust for citizens with  
808 mental retardation served at Ellisville State School.

809 If the State Board of Mental Health authorizes the sale of  
810 lands owned by Ellisville State School, as provided for under this  
811 paragraph (bb), the monies derived from the sale shall be placed  
812 into a special fund that is created in the State Treasury to be  
813 known as the "Ellisville State School Client's Trust Fund." The  
814 principal of the trust fund shall remain inviolate and shall never  
815 be expended. Any interest earned on the principal may be expended  
816 solely for the benefits of clients served at Ellisville State  
817 School. The State Treasurer shall invest the monies of the trust  
818 fund in any of the investments authorized for the Mississippi  
819 Prepaid Affordable College Tuition Program under Section 37-155-9,  
820 and those investments shall be subject to the limitations  
821 prescribed by Section 37-155-9. Unexpended amounts remaining in  
822 the trust fund at the end of a fiscal year shall not lapse into  
823 the State General Fund, and any interest earned on amounts in the  
824 trust fund shall be deposited to the credit of the trust fund.  
825 The administration of Ellisville State School may use any interest  
826 earned on the principal of the trust fund, upon appropriation by  
827 the Legislature, as needed for services or facilities by the  
828 clients of Ellisville State School. Ellisville State School shall

829 make known to the Legislature, through the Legislative Budget  
830 Committee and the respective Appropriations Committees of the  
831 House and Senate, its proposed use of interest earned on the  
832 principal of the trust fund for any fiscal year in which it  
833 proposes to make expenditures thereof. The State Treasurer shall  
834 provide Ellisville State School with an annual report on the  
835 Ellisville State School Client's Trust Fund to indicate the total  
836 monies in the trust fund, interest earned during the year,  
837 expenses paid from the trust fund and such other related  
838 information.

839       Nothing in this section shall be construed as applying to or  
840 affecting mental health/retardation services provided by hospitals  
841 as defined in Section 41-9-3(a), and/or their subsidiaries and  
842 divisions, which hospitals, subsidiaries and divisions are  
843 licensed and regulated by the Mississippi State Department of  
844 Health unless such hospitals, subsidiaries or divisions  
845 voluntarily request certification by the Mississippi State  
846 Department of Mental Health.

847       All new programs authorized under this section shall be  
848 subject to the availability of funds appropriated therefor by the  
849 Legislature;

850       (cc) Working with the advice and consent of the  
851 administration of Boswell Regional Center, to enter into  
852 negotiations with the Economic Development Authority of Simpson  
853 County for the purpose of negotiating the possible exchange, lease  
854 or sale of lands owned by Boswell Regional Center to the Economic  
855 Development Authority of Simpson County. It is the intent of the  
856 Mississippi Legislature that such negotiations shall ensure that  
857 the financial interest of the persons with mental retardation  
858 served by Boswell Regional Center will be held paramount in the  
859 course of these negotiations. The Legislature also recognizes the  
860 importance of economic development to the citizens of the State of  
861 Mississippi and Simpson County, and encourages fairness to the

862 Economic Development Authority of Simpson County. Any  
863 negotiations proposed which would result in the recommendation for  
864 exchange, lease or sale of lands owned by Boswell Regional Center  
865 must have the approval of the State Board of Mental Health. The  
866 State Board of Mental Health may and has the final authority as to  
867 whether or not these negotiations result in the exchange, lease or  
868 sale of the properties it currently holds in trust for citizens  
869 with mental retardation served at Boswell Regional Center. In any  
870 such exchange, lease or sale of such lands owned by Boswell  
871 Regional Center, title to all minerals, oil and gas on such lands  
872 shall be reserved, together with the right of ingress and egress  
873 to remove same, whether such provisions be included in the terms  
874 of any such exchange, lease or sale or not.

875       If the State Board of Mental Health authorizes the sale of  
876 lands owned by Boswell Regional Center, as provided for under this  
877 paragraph (cc), the monies derived from the sale shall be placed  
878 into a special fund that is created in the State Treasury to be  
879 known as the "Boswell Regional Center Client's Trust Fund." The  
880 principal of the trust fund shall remain inviolate and shall never  
881 be expended. Any earnings on the principal may be expended solely  
882 for the benefits of clients served at Boswell Regional Center.  
883 The State Treasurer shall invest the monies of the trust fund in  
884 any of the investments authorized for the Mississippi Prepaid  
885 Affordable College Tuition Program under Section 37-155-9, and  
886 those investments shall be subject to the limitations prescribed  
887 by Section 37-155-9. Unexpended amounts remaining in the trust  
888 fund at the end of a fiscal year shall not lapse into the State  
889 General Fund, and any earnings on amounts in the trust fund shall  
890 be deposited to the credit of the trust fund. The administration  
891 of Boswell Regional Center may use any earnings on the principal  
892 of the trust fund, upon appropriation by the Legislature, as  
893 needed for services or facilities by the clients of Boswell  
894 Regional Center. Boswell Regional Center shall make known to the

895 Legislature, through the Legislative Budget Committee and the  
896 respective Appropriations Committees of the House and Senate, its  
897 proposed use of the earnings on the principal of the trust fund  
898 for any fiscal year in which it proposes to make expenditures  
899 thereof. The State Treasurer shall provide Boswell Regional  
900 Center with an annual report on the Boswell Regional Center  
901 Client's Trust Fund to indicate the total monies in the trust  
902 fund, interest and other income earned during the year, expenses  
903 paid from the trust fund and such other related information.

904       Nothing in this section shall be construed as applying to or  
905 affecting mental health/retardation services provided by hospitals  
906 as defined in Section 41-9-3(a), and/or their subsidiaries and  
907 divisions, which hospitals, subsidiaries and divisions are  
908 licensed and regulated by the Mississippi State Department of  
909 Health unless such hospitals, subsidiaries or divisions  
910 voluntarily request certification by the Mississippi State  
911 Department of Mental Health.

912       All new programs authorized under this section shall be  
913 subject to the availability of funds appropriated therefor by the  
914 Legislature;

915       (dd) Notwithstanding any other section of the code, the  
916 Board of Mental Health shall be authorized to fingerprint and  
917 perform a criminal history record check on every employee or  
918 volunteer. Every employee and volunteer shall provide a valid  
919 current social security number and/or driver's license number  
920 which shall be furnished to conduct the criminal history record  
921 check. If no disqualifying record is identified at the state  
922 level, fingerprints shall be forwarded to the Federal Bureau of  
923 Investigation for a national criminal history record check;

924       (ee) The Department of Mental Health shall have the  
925 authority for the development of a consumer friendly single point  
926 of intake and referral system within its service areas for persons  
927 with mental illness, mental retardation, developmental

928 disabilities or alcohol or substance abuse who need assistance  
929 identifying or accessing appropriate services. The department  
930 will develop and implement a comprehensive evaluation procedure  
931 ensuring that, where appropriate, the affected person or their  
932 parent or legal guardian will be involved in the assessment and  
933 planning process. The department, as the point of intake and as  
934 service provider, shall have the authority to determine the  
935 appropriate institutional, hospital or community care setting for  
936 persons who have been diagnosed with mental illness, mental  
937 retardation, developmental disabilities and/or alcohol or  
938 substance abuse, and may provide for the least restrictive  
939 placement if the treating professional believes such a setting is  
940 appropriate, if the person affected or their parent or legal  
941 guardian wants such services, and if the department can do so with  
942 a reasonable modification of the program without creating a  
943 fundamental alteration of the program. The least restrictive  
944 setting could be an institution, hospital or community setting,  
945 based upon the needs of the affected person or their parent or  
946 legal guardian;

947 (ff) To have the sole power and discretion to enter  
948 into, sign, execute and deliver long-term or multiyear leases of  
949 real and personal property to and from other state and federal  
950 agencies;

951 (gg) To establish and maintain a central office that  
952 will provide administrative support for all institutions and  
953 facilities under the control of the department to ensure that  
954 administrative support functions are not duplicated by said  
955 institutions and facilities.

956 **SECTION 10.** Section 41-4-21, Mississippi Code of 1972, is  
957 amended as follows:

958 41-4-21. For the operations of all facilities placed under  
959 the control of the department and for all of its operations, the  
960 board shall adopt a uniform system of reporting and accounting

961 approved by the State Department of Audit, and shall prepare an  
962 annual report to the Legislature setting forth the disbursements  
963 of all monies appropriated and specifying the facilities and  
964 activities upon which funds were expended. The system shall be  
965 maintained and administered at a central location. It shall  
966 prepare annually, or cause to be prepared, a budget for its total  
967 operation for the ensuing fiscal period in the manner and form as  
968 required by the Legislative Budget Office.

969 **SECTION 11.** Any interest earned on the State Highway Fund  
970 maintained and administered by the Mississippi Department of  
971 Transportation shall be credited by the State Treasurer to the  
972 State General Fund. The special fund account included in this  
973 provision is as follows:

974	<b>FUND</b>	<b>FUND NAME</b>
975	3941	DEPT TRANSPORTATION-SUPPORT

976 **SECTION 12.** Section 65-11-35, Mississippi Code of 1972, is  
977 amended as follows:

978 65-11-35. All monies that shall be appropriated for the  
979 purposes of Sections 65-11-1 through 65-11-37 shall be paid into  
980 the State Highway Fund, as shall all other monies that shall be  
981 paid for said purposes as a result of any other law, state or  
982 federal, and all monies which shall accrue from any other source  
983 for such purposes. All expenditures of state funds contemplated  
984 by the aforesaid sections shall be made from such fund, and such  
985 monies shall be paid out by the State Highway Commission, acting  
986 through its director, in the manner and method now provided by  
987 law. Any interest earned on the State Highway Fund shall be  
988 credited by the State Treasurer to the State General Fund.

989 **SECTION 13.** (1) There is created the Office of  
990 Administrative Services within, and under the supervision of, the  
991 Department of Finance and Administration. The office shall have  
992 as Chief Administrative Officer a director, hereinafter referred

993 to as "director," who shall be appointed by the Executive Director  
994 of the Department of Finance and Administration.

995 (2) The director is empowered and authorized to employ or  
996 contract for employment of necessary staff to perform the duties  
997 and responsibilities of the office.

998 (3) The duties of the Office of Administrative Services  
999 shall be to provide, subject to the availability of funds,  
1000 services and resources to state agencies, boards, commissions and  
1001 other institutions as follows:

1002 (a) Full purchasing, accounting, payroll and human  
1003 resource services, including the Statewide Automated Accounting  
1004 System (SAAS) and Statewide Payroll and Human Resource System  
1005 (SPAHRs) processing.

1006 (b) Consulting on financial and management matters.

1007 (c) Budget preparation.

1008 (d) Appropriation and budget monitoring.

1009 (e) Financial planning and analysis.

1010 (f) Reporting to outside entities.

1011 (g) Reporting to management.

1012 (h) Office equipment.

1013 (i) Suitable office space and facilities.

1014 (4) The Office of Administrative Services may, subject to  
1015 funds being appropriated by the Legislature, operate from special  
1016 funds provided from assessments from state agencies, boards,  
1017 commissions and other institutions for which the office provides  
1018 services.

1019 (5) There is created in the State Treasury a revolving fund  
1020 to be known as the Office of Administrative Services Fund. Any  
1021 balance in the fund shall be available to the Office of  
1022 Administrative Services for the purchase of office supplies,  
1023 office services, printing, office equipment, office facilities,  
1024 administrative or management services and related items. Payments  
1025 into the fund shall be made by state agencies, boards, commissions

1026 and other institutions, which have been appropriated funds for the  
1027 purpose of paying for services performed by the Office of  
1028 Administrative Services. That portion of the monies in the fund  
1029 used by the Office of Administrative Services to administer the  
1030 central office management for self-supporting regulatory agencies  
1031 is subject to appropriations by the Legislature. The amount of  
1032 payments by state agencies, boards, commissions and other  
1033 institutions shall not exceed the amounts budgeted to the same for  
1034 such designated purposes. Any money in the fund shall be expended  
1035 only upon authorization of the director. The director shall adopt  
1036 rules and regulations regarding the time and manner in which  
1037 payment shall be made into the fund by state agencies, boards,  
1038 commissions and other institutions to which appropriations are  
1039 made, in accordance with provisions in this section.

1040 (6) Any state agency, board, commission or institution  
1041 occupying offices in the office space under the jurisdiction or  
1042 control of the Office of Administrative Services shall pay, as  
1043 directed by the office into the fund created in this section, a  
1044 rent to be fixed by the office which shall conform to prevailing  
1045 commercial rents in the general area. In the event that the sums  
1046 are not paid as directed by the office, the director may issue a  
1047 requisition for a warrant to draw the amount as may be due, plus a  
1048 penalty of ten percent (10%) of the amount, from any fund  
1049 appropriated for the use of the state agency, board, commission or  
1050 other institution which has failed to pay rent as agreed.

1051 (7) Unless exempted by the Executive Director of the  
1052 Department of Finance and Administration, the following state  
1053 agencies, boards, commissions and other institutions shall utilize  
1054 services provided by the Office of Administrative Services, and  
1055 shall comply with rules and regulations established by the office  
1056 pursuant to this section:

1057 State Board of Agricultural Aviation

1058 State Board of Architecture



1059 State Board of Barber Examiners  
1060 State Board of Chiropractic Examiners  
1061 State Board of Cosmetology  
1062 State Board of Examiners for Licensed Professional Counselors  
1063 State Board of Dental Examiners  
1064 State Board of Engineers and Land Surveyors  
1065 State Board of Funeral Services  
1066 State Board of Massage Therapy  
1067 State Board of Medical Licensure  
1068 State Board of Nursing  
1069 State Board of Nursing Home Administrators  
1070 State Board of Optometry  
1071 State Board of Pharmacy  
1072 State Board of Physical Therapy  
1073 State Board of Psychological Examiners  
1074 State Board of Public Accountancy  
1075 State Board of Public Contractors  
1076 State Board of Real Estate Appraisers, Licensing and  
1077 Certification  
1078 State Board of Registered Professional Geologists  
1079 State Board of Examiners for Social Workers and Marriage and  
1080 Family Therapists  
1081 Mississippi Auctioneer Commission  
1082 Mississippi Athletic Commission  
1083 Mississippi Capital Defense Counsel  
1084 Mississippi Capital Post Conviction Counsel  
1085 Mississippi Motor Vehicle Commission  
1086 Mississippi Real Estate Commission  
1087 Other boards, agencies, commissions and institutions desiring  
1088 to receive services provided by the Office of Administrative  
1089 Services may apply for approval with the Executive Director of the  
1090 Department of Finance and Administration.

1091           (8) The Executive Director of the Department of Finance and  
1092 Administration shall determine cost savings from each state  
1093 agency, board, commission or institution resulting from receiving  
1094 services provided by the Office of Administrative Services, and  
1095 shall provide a report of such savings to the Legislature not  
1096 later than January 31, 2005.

1097           **SECTION 14.** Section 27-104-103, Mississippi Code of 1972, is  
1098 amended as follows:

1099           27-104-103. (1) The Department of Finance and  
1100 Administration shall have the following duties and powers:

1101                   (a) To provide administrative guidance to the various  
1102 departments and agencies of state government;

1103                   (b) To facilitate the expedient delivery of services  
1104 and programs for the benefit of the citizens of the state;

1105                   (c) To analyze and develop efficient management  
1106 practices and assist departments and agencies in implementing  
1107 effective and efficient work management systems;

1108                   (d) To conduct management review of state agencies and  
1109 departments and recommend a management plan to state departments  
1110 and agencies when corrective action is required;

1111                   (e) To, at least annually, report to the Governor and  
1112 the Legislature on programs and actions taken to improve the  
1113 conduct of state operations and to prepare and recommend  
1114 management programs for effective and efficient management of the  
1115 operations of state government;

1116                   (f) To allocate the federal-state programs funds to the  
1117 departments responsible for the delivery of the programs and  
1118 services for which the appropriation was made;

1119                   (g) To coordinate the planning functions of all  
1120 agencies in the executive branch of government and review any and  
1121 all plans which are developed by those agencies and departments;

1122                   (h) To collect and maintain the necessary data on which  
1123 to base budget and policy development issues;

1124 (i) To develop and analyze policy recommendations to  
1125 the Governor;

1126 (j) To develop and manage the executive budget process;

1127 (k) To prepare the executive branch budget  
1128 recommendations;

1129 (l) To review and monitor the expenditures of the  
1130 executive agencies and departments of government;

1131 (m) To manage the state's fiscal affairs;

1132 (n) To administer programs relating to general  
1133 services, public procurement, insurance and the Bond Advisory  
1134 Division;

1135 (o) To administer the state's aircraft operation.

1136 (2) The department shall have the following additional  
1137 powers and duties under Chapter 18 of Title 17:

1138 (a) It shall acquire the site submitted by the  
1139 Mississippi Hazardous Waste Facility Siting Authority and, if  
1140 determined necessary, design, finance, construct and operate a  
1141 state commercial hazardous waste management facility;

1142 (b) It may acquire by deed, purchase, lease, contract,  
1143 gift, devise or otherwise any real or personal property,  
1144 structures, rights-of-way, franchises, easements and other  
1145 interest in land which is necessary and convenient for the  
1146 construction or operation of the state commercial hazardous waste  
1147 management facility, upon such terms and conditions as it deems  
1148 advisable, hold, mortgage, pledge or otherwise encumber the same,  
1149 and lease, sell, convey or otherwise dispose of the same in such a  
1150 manner as may be necessary or advisable to carry out the purposes  
1151 of Chapter 18 of Title 17;

1152 (c) It shall develop and implement, in consultation  
1153 with the Department of Environmental Quality, schedules of user  
1154 fees, franchise fees and other charges, including nonregulatory  
1155 penalties and surcharges applicable to the state commercial  
1156 hazardous waste management facility;

1157 (d) It may employ consultants and contractors to  
1158 provide services including site acquisition, design, construction,  
1159 operation, closure, post-closure and perpetual care of the state  
1160 commercial hazardous waste management facility;

1161 (e) It may apply for and accept loans, grants and gifts  
1162 from any federal or state agency or any political subdivision or  
1163 any private or public organization;

1164 (f) It shall make plans, surveys, studies and  
1165 investigations as may be necessary or desirable with respect to  
1166 the acquisition, development and use of real property and the  
1167 design, construction, operation, closure and long-term care of the  
1168 state commercial hazardous waste management facility;

1169 (g) It shall have the authority to preempt any local  
1170 ordinance or restriction which prohibits or has the effect of  
1171 prohibiting the establishment or operation of the state commercial  
1172 hazardous waste management facility;

1173 (h) It may negotiate any agreement for site  
1174 acquisition, design, construction, operation, closure,  
1175 post-closure and perpetual care of the state commercial hazardous  
1176 waste management facility and may negotiate any agreement with any  
1177 local governmental unit pursuant to Chapter 18 of Title 17;

1178 (i) It may promulgate rules and regulations necessary  
1179 to effectuate the purposes of Chapter 18 of Title 17 not  
1180 inconsistent therewith;

1181 (j) If funds are not appropriated or if the  
1182 appropriated funds are insufficient to carry out the provisions of  
1183 Chapter 18 of Title 17, the department shall expend any funds  
1184 available to it from any source to defray its costs to implement  
1185 Chapter 18 of Title 17 through February 1, 1991;

1186 (k) It may establish an Office of Administrative  
1187 Services (OAS) to provide financial, personnel, budgeting and  
1188 managerial services to other state agencies without sufficient  
1189 resources to provide such services.

1190           **SECTION 15.** This act shall take effect and be in force from  
1191 and after July 1, 2004; provided, however, that Section 1 of this  
1192 act shall take effect and be in force from and after its passage.