Chapter No. 402
13/HR07/R1452
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HOUSE BILL NO. 373

Originated in House _____ Clerk

HOUSE BILL NO. 373

AN ACT TO AMEND SECTION 37-101-292, MISSISSIPPI CODE OF 1972, TO REVISE FROM A PAID EDUCATIONAL LEAVE PROGRAM TO A STIPEND PROGRAM FOR CONTRACTUAL SERVICES EMPLOYEES THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION PROGRAM FOR UNDERGRADUATE AND GRADUATE CIVIL ENGINEERING STUDENTS WHO AGREE TO WORK AS A CIVIL ENGINEER AT THE DEPARTMENT FOR A CERTAIN AMOUNT OF TIME; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-101-292, Mississippi Code of 1972, is amended as follows:

37-101-292. (1) Within the limits of the funds available to the Mississippi * * * Transportation Commission for such purpose, the Executive Director of the Mississippi Department of Transportation may * * * pay a stipend to contractual services employees for educational expenses such as tuition, books and related fees to pursue junior or senior undergraduate level year coursework toward a bachelor's degree in civil engineering or graduate level coursework toward a master's degree in civil engineering to those applicants deemed qualified. It is the intent of the Legislature that such an educational * * * program

shall be used * * * as a method of encouraging recruitment of well-qualified civil engineers for employment with the Mississippi Department of Transportation.

(2) (a) In order to be eligible for * * * this program an undergraduate participant must:

(i) Have successfully obtained a minimum of fifty-eight (58) semester hours toward a bachelor of science in civil engineering from a state institution of higher learning that has been fully accredited by the Accreditation Board of Engineering and Technology;

(ii) Have achieved a minimum grade point average of 2.75 on a 4.0 scale on the previously obtained semester hours toward a bachelor of science in civil engineering; and

(* * *iii) Agree to work as a civil engineer at the Mississippi Department of Transportation for a period of time equivalent to the period of time for which the applicant receives * * * a stipend for educational expenses calculated to the nearest whole month * * *.

(b) In order to be eligible for this program a graduate participant must:

(i) Have obtained a bachelor of science in civil engineering from a state institution of higher learning that has been fully accredited by the Accreditation Board of Engineering and Technology;

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(ii) Have met the regular admission standards and been accepted into a master of science in civil engineering program at a state institution of higher learning that has been fully accredited by the Accreditation Board of Engineering and Technology;

(iii) Have submitted a proposed graduate program thesis project for review by the Department of Transportation; and

(iv) Agree to work as a civil engineer at the Mississippi Department of Transportation for a period of time equivalent to the period of time for which the applicant receives a stipend for educational expenses calculated to the nearest whole month.

(3) (a) * * * Each participant shall enter into a contract with the Mississippi * * * Transportation Commission, which shall be deemed a contract with the State of Mississippi, agreeing to the terms and conditions upon which the * * * stipend shall be granted to him. The contract shall include such terms and provisions necessary to carry out the full purpose and intent of this section. The form of such contract shall be prepared and approved by the Attorney General of this state, and shall be signed by the Executive Director of the Mississippi Department of Transportation and the recipient. If the recipient is a minor, his minority disabilities shall be removed by a chancery court of competent jurisdiction before the contract is signed.

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(b) The Mississippi * * * Transportation Commission may cancel any contract made between it and any * * * participant upon such cause being deemed sufficient by the executive director.

(c) The Mississippi * * * Transportation Commission is vested with full and complete authority and power to sue in its own name any recipient for any balance due the state on any such uncompleted contract, which suit shall be filed and handled by the Attorney General of the state. The Mississippi * * * Transportation Commission may contract with a collection agency or banking institution, subject to approval by the Attorney General, for collection of any balance due the state from any recipient. The State of Mississippi, the Mississippi Transportation Commission and the Mississippi Department of Transportation and its employees are immune from any suit brought in law or equity for actions taken by the collection agency or banking institution incidental to or arising from their performance under the contract. The Mississippi * * * Transportation Commission * * * may negotiate for the payment of a sum that is less than full payment in order to satisfy any balance the recipient owes the state, if necessary or advisable * * * .

(* * *d) Notice of pending default status shall be mailed to the recipient at the last known address * * * prior to commencing a lawsuit.

(* * *e) The sponsoring agency shall conduct a hearing of pending default status, make a final determination, and issue an Order of Default, if appropriate.

(* * *f) Recipients may appear either personally or by counsel, or both, and produce and cross-examine witnesses or evidence in the recipient's behalf. The procedure of the hearing shall not be bound by the Mississippi Rules of Civil Procedure and Evidence.

* * *

(* * *g) Appeals from a finding of default by the sponsoring agency shall be to the Circuit Court of Hinds County.

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(* * *h) Rules and regulations governing * * * this program and other applicable matters * * * may be promulgated by the sponsoring agency.

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SECTION 2. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES
February 7, 2013

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 7, 2013

PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

GOVERNOR

3/20/13
2:50pm